CITY OF YUBA CITY
STAFF REPORT

Date: November 3, 2020

To: Honorable Mayor & Members of the City Council

From: Development Services Department

Presentation By: Benjamin Moody, Development Services Director

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Summary:

Subject: Change Land Use for a Vacant Parcel at 845 Louise Avenue

Recommendation:

A. Conduct a Public Hearing and after consideration,

B. Adopt a Resolution approving General Plan Amendment 20-01, amending the General Plan land use designation from Regional Commercial to Medium / High Density Residential, and Environmental Assessment 20-04, determining that the proposed project will not create any significant environmental impacts for the project located at 845 Louise Avenue, Assessor Parcel Number: 52-141-036, subject to including the determined Mitigation Measures and making the necessary findings.

C. Introduce an Ordinance that rezones 845 Louise Avenue, APN: 52-141-036, from General Commercial (C3), X - 5c (Combining District) to Multiple-Family Residential (R3), and waive the first reading.

Fiscal Impact: Costs for processing land use entitlements are offset through the payment of established fees.

Purpose:

Change the allowable land use from commercial to high density residential for a 0.83-acre parcel located at 845 Louise Avenue; (APN 52-141-036).

Background:

The applicant proposes a General Plan Amendment and Rezone of a 0.83 acre parcel from a Regional Commercial land use designation to a Medium / High-Density Residential land use designation. The proposed Rezone would change the zoning for the same 0.83-acre parcel from a General Commercial (C-3), X – 5c (Combining District) to Multiple-Family Residence (R-3) zoning district. The density/intensity authorized in the General Plan for Medium / High Density allows for the construction of 12 to 36 units per gross acre. This parcel size would limit the number of units allowed on the 0.83-acre parcel to a maximum of 29 units.

The Development Services Department has not received an application for the development of the multi-family units at this time. However, the applicant has provided an illustrative concept plan, Attachment 4, which shows a total of 24 units to be developed at the site.

Future development would include any subsequent approvals or entitlements necessary to allow for the development of multi-family dwellings on the site.

At the August 26, 2020 Planning Commission meeting, Commissioners voted 6-0 to recommend Council adoption of the proposed project Mitigated Negative Declaration, approval of the General Plan Amendment, and Rezone.

Analysis:

Staff prepared an in-depth analysis relative to the proposed land use and zoning change. An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it was determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020.

The assessment included analysis related to impacts to City services and traffic to ensure no significant impacts would occur. To ensure this, future development will be required to pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs through the participation in an existing Mello-Roos, Community Facilities District (CFD).

With regards to traffic, it was determined that the development of residential units on the site will actually reduce total vehicle trips per day, and vehicle miles traveled, in comparison to the range of commercial development that can occur as currently designated.

Project Findings:

The City Council finds that public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of GPA 20-01 and RZ 20-01.

- General Plan. The City Council further finds that the project is consistent with the General Plan goals and policies, any operative plan, or adopted policy.

- Zoning. The project does not affect the implementation of the General Plan with respect to surrounding properties. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.

- CEQA. The potential impacts of the proposed project have been assessed as required by CEQA as noted above, and have been determined not to be detrimental to the public health, safety, or welfare. Environmental Assessment No. 20-04 was prepared by the City for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The City Council finds that, with all applicable mitigation measures applied to the project, impacts have been reduced to less than significant, and the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects. Therefore, the City Council finds that that the project will not have a significant impact on the environment.

As such, approval of these items would be in the best interest of the City.

Fiscal Impact:

The costs for processing the subject land use entitlements is funded through the payment of required processing fees, flat rate fees that help cover staff costs. Additionally, the ultimate development of the project will be subject to the payment of development impact fees, building permit fees, and added property taxes via increases to the assessed value of the property.

Alternatives:

1. Deny the proposal. Should the project be denied, the plan land use and zoning would remain Regional Commercial.
2. Provide staff with further direction.

Recommendation:

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan. Staff has considered the project's 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.

A. Conduct a Public Hearing and after consideration,

B. Adopt a Resolution approving General Plan Amendment 20-01, amending the General Plan land use designation from Regional Commercial to Medium / High Density Residential, and Environmental Assessment 20-04, determining that the proposed project will not create any significant environmental impacts for the project located at 845 Louise Avenue, Assessor Parcel Number: 52-141-036, subject to including the determined Mitigation Measures and making the necessary findings as outlined in this staff report.

C. Introduce an Ordinance that rezones 845 Louise Avenue, APN: 52-141-036, from General Commercial (C3), X - 5c (Combining District) to Multiple-Family Residential (R3), and waive the first reading.

Attachments:

1. Resolution (General Plan Amendment)
2. Ordinance (Rezone)
3. Aerial Location Map
4. Concept Plan
5. General Plan Amendment Exhibit
6. Rezone Exhibit
7. Planning Commission August 26, 2020 Staff Report
8. Mitigated Negative Declaration
9. Mitigation Monitoring Program

Prepared By:

/s/ Benjamin K. Moody
Benjamin K. Moody
Development Services Director

Submitted By:

/s/ Diana Langley
Diana Langley
Interim City Manager

Reviewed by:

Finance	SM
City Attorney	SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPTING GENERAL PLAN AMENDMENT 20-01 AND ENVIRONMENTAL ASSESSMENT 20-04 FOR THE PROJECT LOCATED AT 845 LOUISE AVE; ASSESSOR PARCEL NUMBER 52-141-036

WHEREAS, General Plan Amendment (GPA) 20-01 has been filed by High Mark Land LLC, with the City of Yuba City (City) to amend the land use designation of the City's General Plan for approximately 0.83 acres located at 845 Louise Avenue (Assessor's Parcel Number 52-141-036) from Regional Commercial land use designation to the Medium / High Density Residential designation as shown on attached Exhibit A; and

WHEREAS, the environmental assessment prepared (EA 20-04) for the proposed GPA and rezone resulted in the preparation of a Mitigated Negative Declaration (MND); and

WHEREAS, on August 26, 2020, the Yuba City Planning Commission conducted a duly noticed public hearing at the City Council Chambers located at 1201 Civic Center Boulevard in consideration of GPA 20-01 and associated MND Environmental Assessment EA 20-04 where they recommended approval of GPA 20-01 and EA 20-04 to the City Council; and

WHEREAS, the City of Yuba City on October 24, 2020, published a legal notice in compliance with State law concerning City Council consideration of this project on November 3, 2020 a public hearing notice was mailed to each property owner within at least 300 feet of the project;

WHEREAS, on November 3, 2020, the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff and the developer; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed; and

WHEREAS, GPA 20-01 will facilitate the construction of affordable multi-family residential units within the City; and

WHEREAS, the City Council has received the recommendation of the Planning Commission, and now desires to approve EA 20-04 and GPA 20-01 for the project.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA. The City Council finds that an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, the Council finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur. The project-specific

mitigation measures included in the project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. Therefore, based on the Environmental Assessment 20-04 and the list of identified mitigation measures, the Council determines the project will not have a significant impact on the environment and adopts a Mitigated Negative Declaration for the project as well as the associated Mitigation Monitoring Program for the project.

3. Findings. The City Council finds that public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of GPA 20-01.

    a. General Plan. The City Council further finds that the project is consistent with the General Plan goals and policies, any operative plan, or adopted policy.

    b. Zoning. The project does not affect the implementation of the General Plan with respect to surrounding properties. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.

    c. CEQA. The potential impacts of the proposed project have been assessed as required by CEQA as noted above, and have been determined not to be detrimental to the public health, safety, or welfare, and will not have a significant impact on the environment.

As such, approval of these items would be in the best interest of the City.

4. Approval of GPA 20-01, Based on the information provided above the City Council of Yuba City adopts General Plan Amendment 20-01, amending the General Plan Land Use Element from the Regional Commercial to the Medium / High-Density Residential designation for approximately 0.83 acres as set forth in Exhibit A.

5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the City Council shall certify to the adoption of the Resolution.

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 3, 2020 by the following vote:

AYES:

NOES:

ABSENT:

_____
Shon Harris, Mayor

ATTEST:

_____
Patricia Buckland, City Clerk

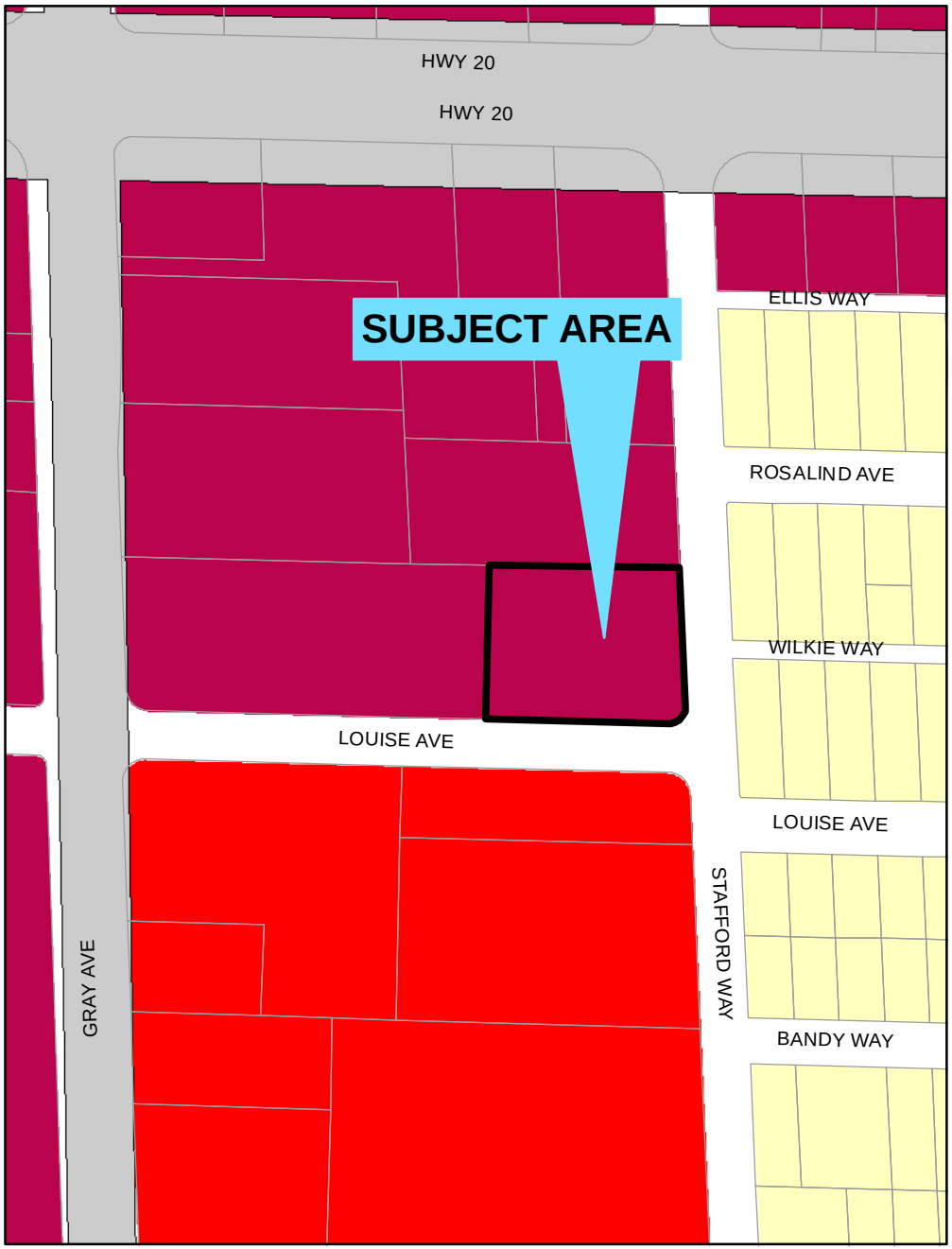
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A

EXISTING



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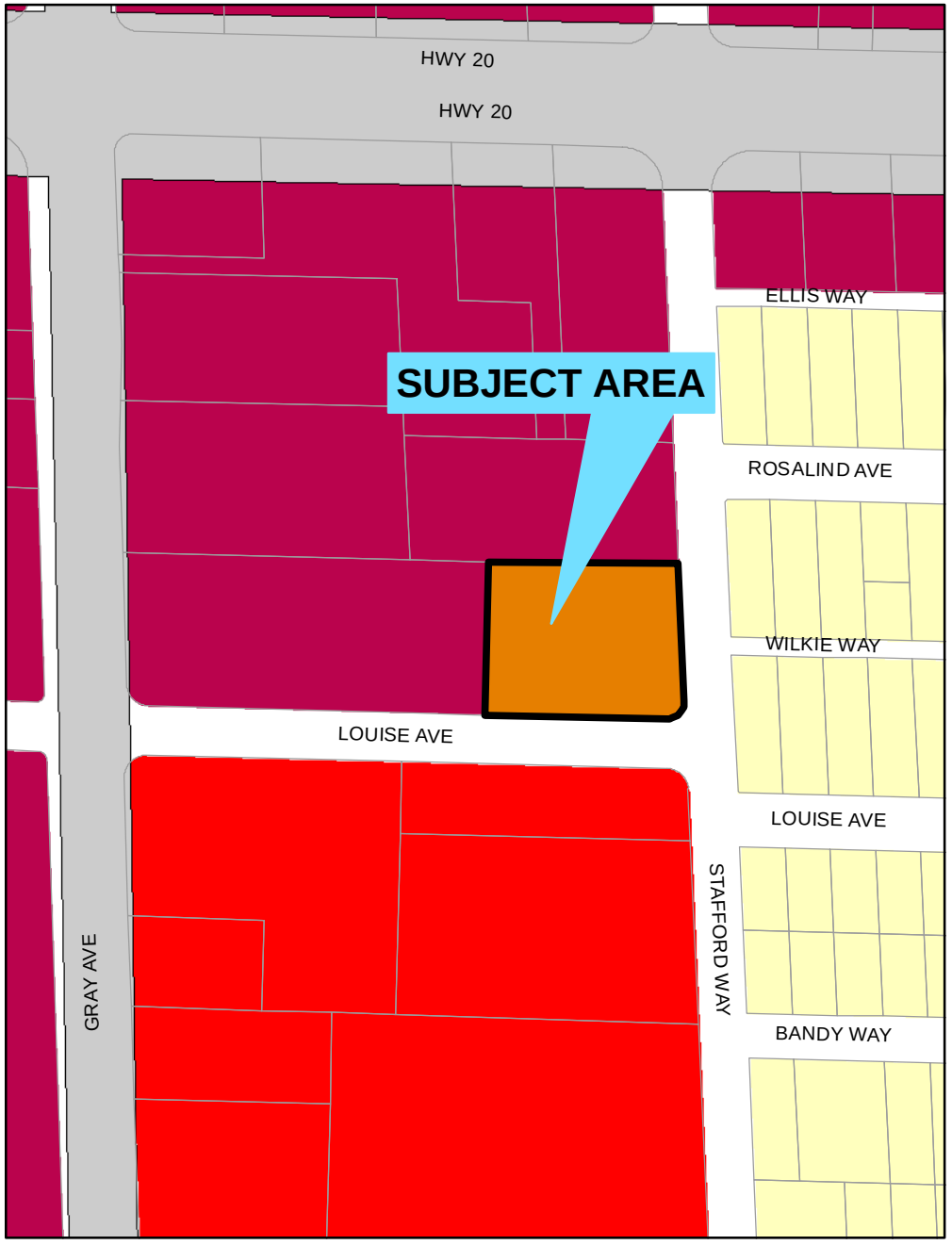


City of Yuba City

General Plan

- Low Density Residential
- Medium/Low Density Residential
- Medium/High Density Residential
- Parks, Recreation & Open Space
- Agricultural/Rural
- HS-High School; EMS-Elementry/Middle School
- Regional Commercial
- Community Commercial
- Neighborhood Commercial
- Office & Office Park
- Business, Technology & Light Industry
- Manufacturing, Processing & Warehousing
- highways
- roads
- Parcels
- Greenways
- Project Site

N

GPA 20-01

ATTACHMENT 2

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE ZONING FROM THE GENERAL COMMERCIAL (C-3), X-5c (COMBINING DISTRICT) ZONE DISTRICT TO THE MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE DISTRICT FOR APPROXIMATELY 0.83 ACRES; 845 LOUISE AVENUE, ASSESSOR PARCEL NUMBER 52-141-036

WHEREAS, Rezone (RZ) 20-01 has been filed by High Mark Land, LLC, to rezone approximately 0.83 acres located at 845 Louise Avenue; Assessor's Parcel Number 52-141-036; from the General Commercial (C-3). X-5c (Combining District) zone to Multiple-Family Residential (R-3) zone; 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 August 26, 2020, to consider RZ 20-01 and related Environmental Assessment (EA) 20-04), and after the conclusion of the public hearing, recommended approval of the application to the City Council; and

WHEREAS, at that same hearing the Planning Commission considered related General Plan Amendment (GPA) 20-01 to amend the subject site from the Regional Commercial designation to the Medium/High Density Residential designation; and

WHEREAS, RZ 20-01 will facilitate affordable, multi-residential unit opportunities in this vicinity; and

WHEREAS, EA 20-04 considering a Mitigated Negative Declaration (MND) prepared for the project, was adopted for the project by the City Council at its November 3, 2020 meeting, which provides mitigation measures to reduce potentially significant impacts to less than significant for the project, and as such all environmental assessments have been completed for the project; and

WHEREAS, the City of Yuba City on October 24 2020, published a legal notice in compliance with State law concerning City Council consideration of this project on November 3, 2020; and on October 23, 2020, a public hearing notice was mailed to each property owner within at least 300 feet of the project; and

WHEREAS, on November 3, 2020, the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff, the City Attorney's office, and the developer; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed and this ordinance introduced; and

WHEREAS, in conjunction with the public hearing the City Council has reviewed and considered EA 20-04 and GPA 20-01; and

WHEREAS, the City Council now desires to approve the zoning for the project by approving RZ 20-01.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. Findings: The City Council further finds as follows:

    a. *California Environmental Quality Act (CEQA)*. The City Council previously prepared and certified an MND for the project. The MND identified rezoning of the project site. The rezoning does not change the environmental assessment of the MND. Further, the MND was adopted on November 3, 2020. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds the RZ 20-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
    b. *General Plan*. The City Council finds that the project would facilitate and guide growth in accordance with the General Plan, as amended, and is consistent with the General Plan goals and policies, any operative plan, or adopted policy. This includes General Plan Policy 3.4-G3, which states: Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas. Implementing Policy 3.4-I-5 states: Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community. As such the project will have a less than significant impact. The project does not affect the implementation of the General Plan with respect to surrounding properties.

        Approval of the RZ 20-01 would assist with the implementation of the Housing Element goals and policies in providing opportunity site for higher density development that would provide necessary housing. The proposed rezone would support the City's efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City's Housing Element of the General Plan. The RHNA is an effort to meet the affordable housing needs of the State California, including the City of Yuba City. This is considered to be in the public's interest.
    c. *Zoning Ordinance*. The proposed project is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare. The project would provide housing, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements.
    d. *Public Health, Safety, and Welfare*. Approval of RZ 20-01 is in the best interest of the City, and is not detrimental to public health, safety, or welfare.

3. Approval of RZ 20-01: The City Council hereby approves RZ 20-01, rezoning approximately 0.83 acres located at 845 Louise Avenue from the General Commercial (C-3).X-5c (Combining District) zone to Multiple-Family Residential (R-3) zone, as set forth in Exhibit A.

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

5. Certification: The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

6. Effective Date of Ordinance: This ordinance shall be in full force and effect thirty (30) days after its passage.

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 Multiple-Family Residential (R-3) zone district.

This ordinance shall be effective 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 November 3, 2020, and passed and adopted at a regular meeting held on the _____th day of _____, 2020.

AYES:

NOES:

ABSENT:

_____
Shon Harris, Mayor

ATTEST:

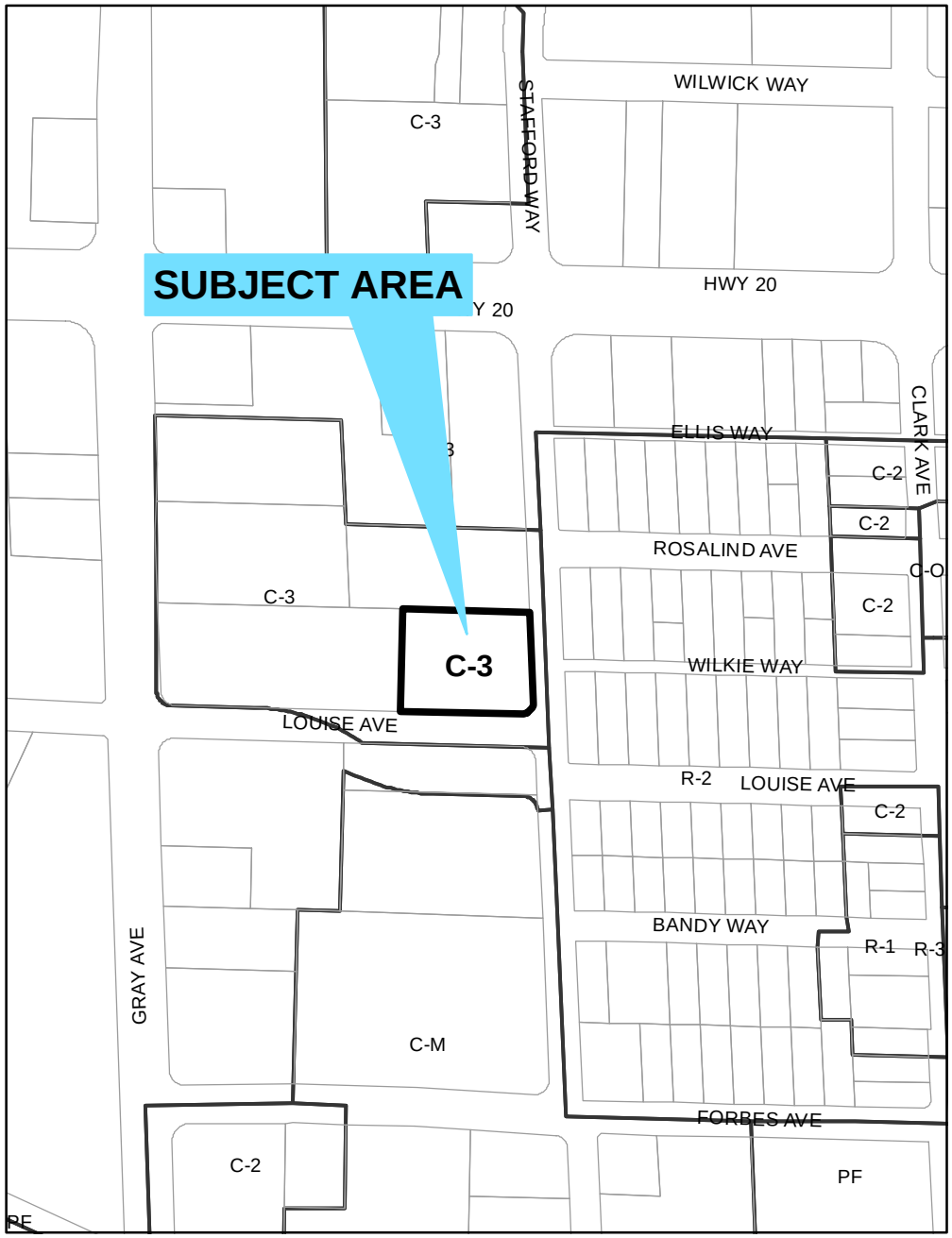
_____
Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A

EXISTING



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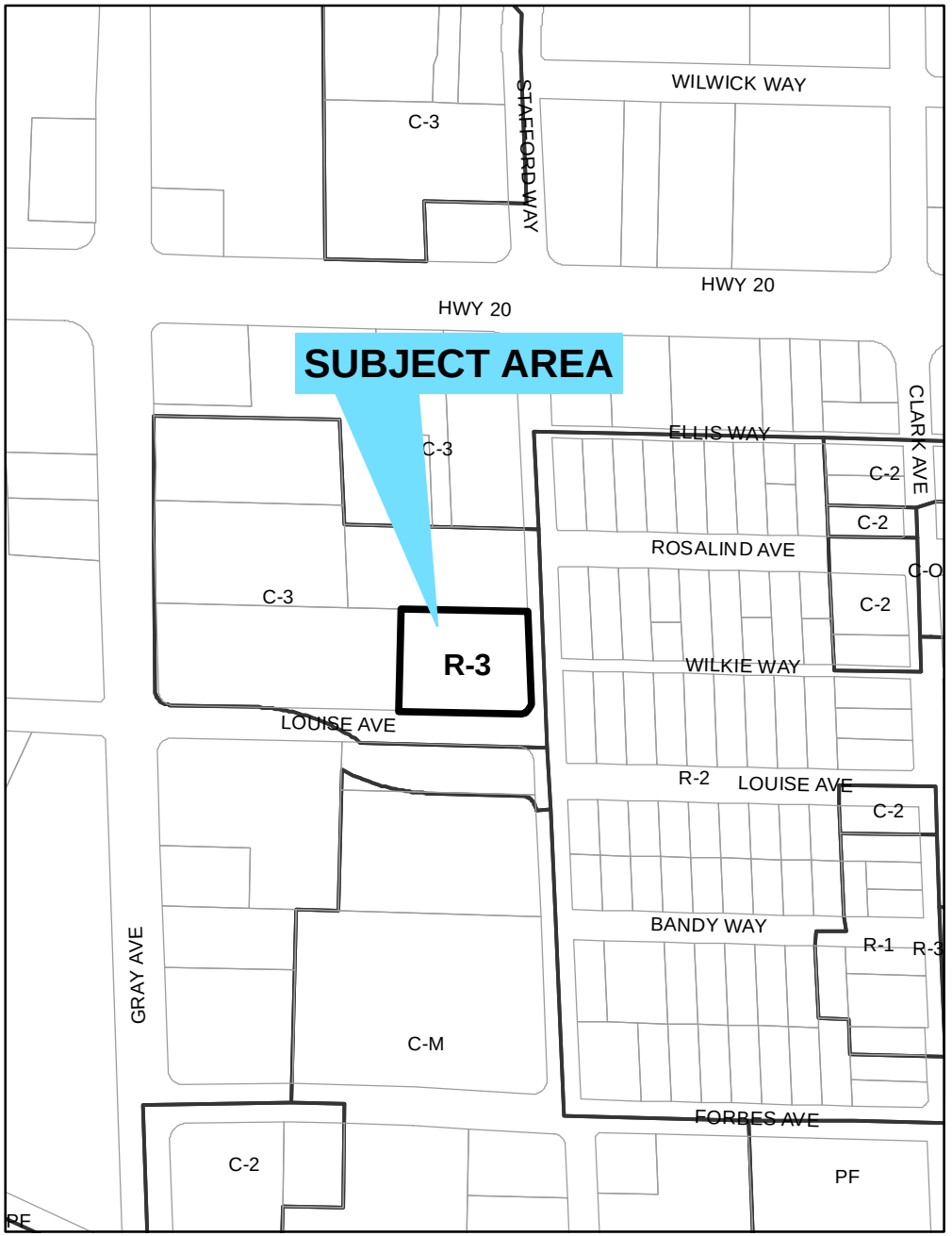


City of Yuba City

Zoning

Project Site

Parcels

N

REZONE 20-01

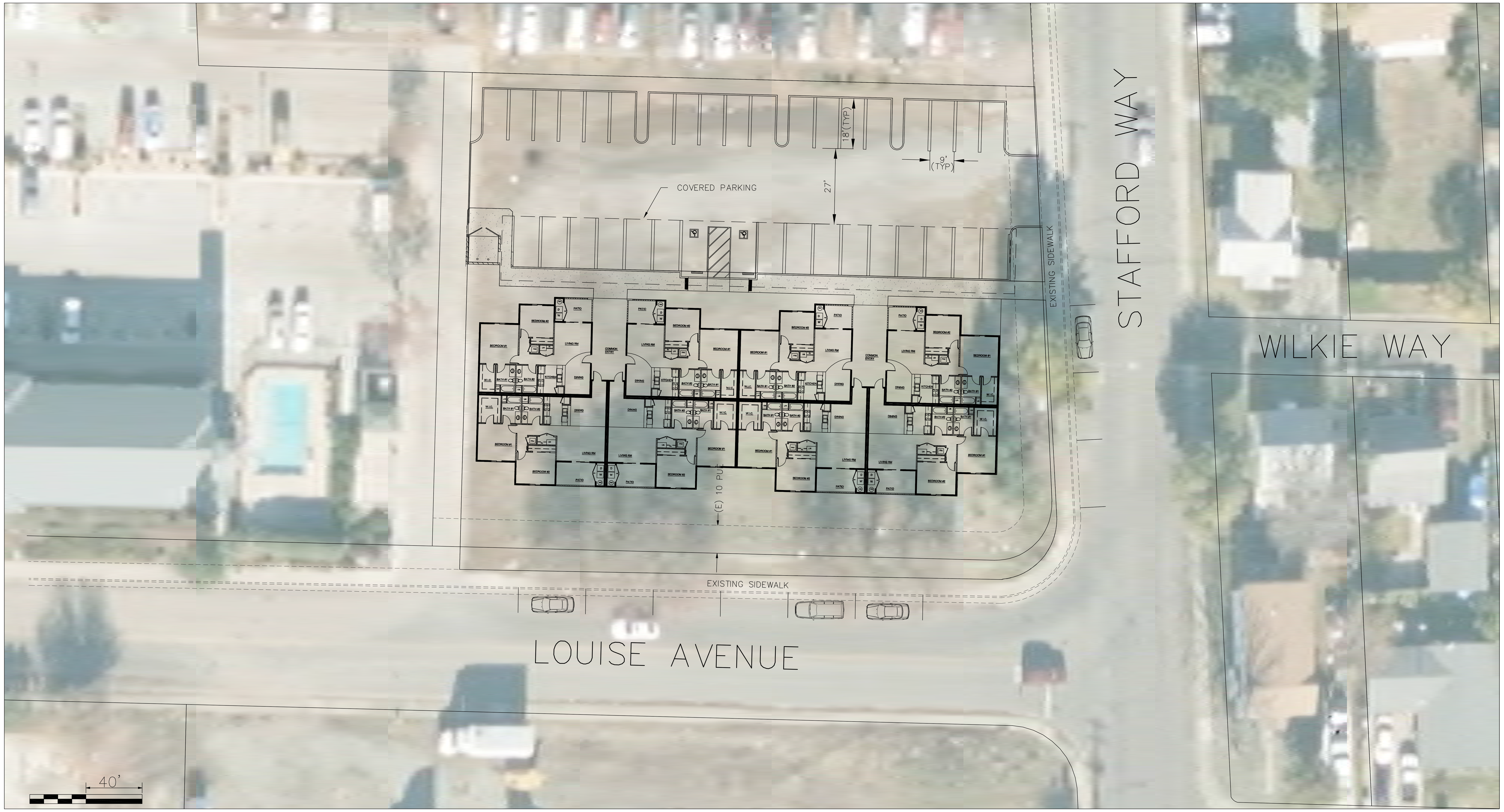
ATTACHMENT 3

General Plan Amendment 20-01, Rezone 20-01
845 Louise Avenue

ATTACHMENT 4

N

1"=40'



SITE INFORMATION

ASSESSOR PARCEL NUMBER: 52-141-038
GROSS AREA 36,346.04 SF (0.83 ACRES)
EXISTING ZONING: C-3
EXISTING GP DESIGNATION: REGIONAL COMMERCIAL
PROPOSED ZONING: R-3
PROPOSED GP DESIGNATION: MEDIUM/HIGH DENSITY RESIDENTIAL

BUILDING INFORMATION

BUILDING D-3 STORY- 24 UNITS:
FOOTPRINT AREA: 11,310 SF
UNITS AREAS:

UNIT 1 2 BRM	-1,228 SF
UNIT 2 2 BRM	-1,122 SF
UNIT 3 3 BRM ALT	-1,360 SF
UNIT 3 1 BRM ALT	-912 SF

OPEN SPACE CALCULATIONS

REQUIRED
24 UNITS X 200 SF/UNIT=4,800 SF

PROVIDED
AREA OF PATIOS:
[(110 SF+78 SF)X2]X3 STORIES=1,128.00 SF
1,128.00X 2 BUILDINGS= 2,256.00 SF
GENERAL OPEN SPACE = 3,560 SF

TOTAL OPEN SPACE PROVIDED (EXCLUDING LANDSCAPED AREA OF FRONT AND STREET SET BACK AREAS) = 5,816 SF

COVERAGE & DENSITY CALCULATIONS

DENSITY
36,346.04 SF (LOT AREA)/24 UNITS= 1,514.42 SF PER UNIT

PROVIDED
APARTMENT FOOTPRINT AREA= 11,310 SF
COVERED PARKING =4,211 SF
TOTAL COVERAGE = 11,310+4,211=15,521 SF
(15,521/36,346.04)X 100%= 42.70% OF LOT AREA

PARKING CALCULATIONS:

REQUIRED
20X1.5(2BRM)+2X1(1BRM)+2X2(3BRM)+3 GUESTS= 39 STALLS
PROVIDED
TOTAL NUMBER OF ON-SITE STALLS PROVIDED=36
TOTAL NUMBER OF OFF-SITE SPACES AVAILABLE= 9
TOTAL PROVIDED 36+9=45

NORTH VALLEY
ENGINEERING & SURVEYING
1547 STARR DRIVE, SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

SITE PLAN

JOB TITLE:

CONSTRUCTION DOCUMENTS FOR:
STAFFORD WAY APARTMENTS
824 LOUISE AVENUE, YUBA CITY, CALIFORNIA, 95993
SITE PLAN

REVISIONS:

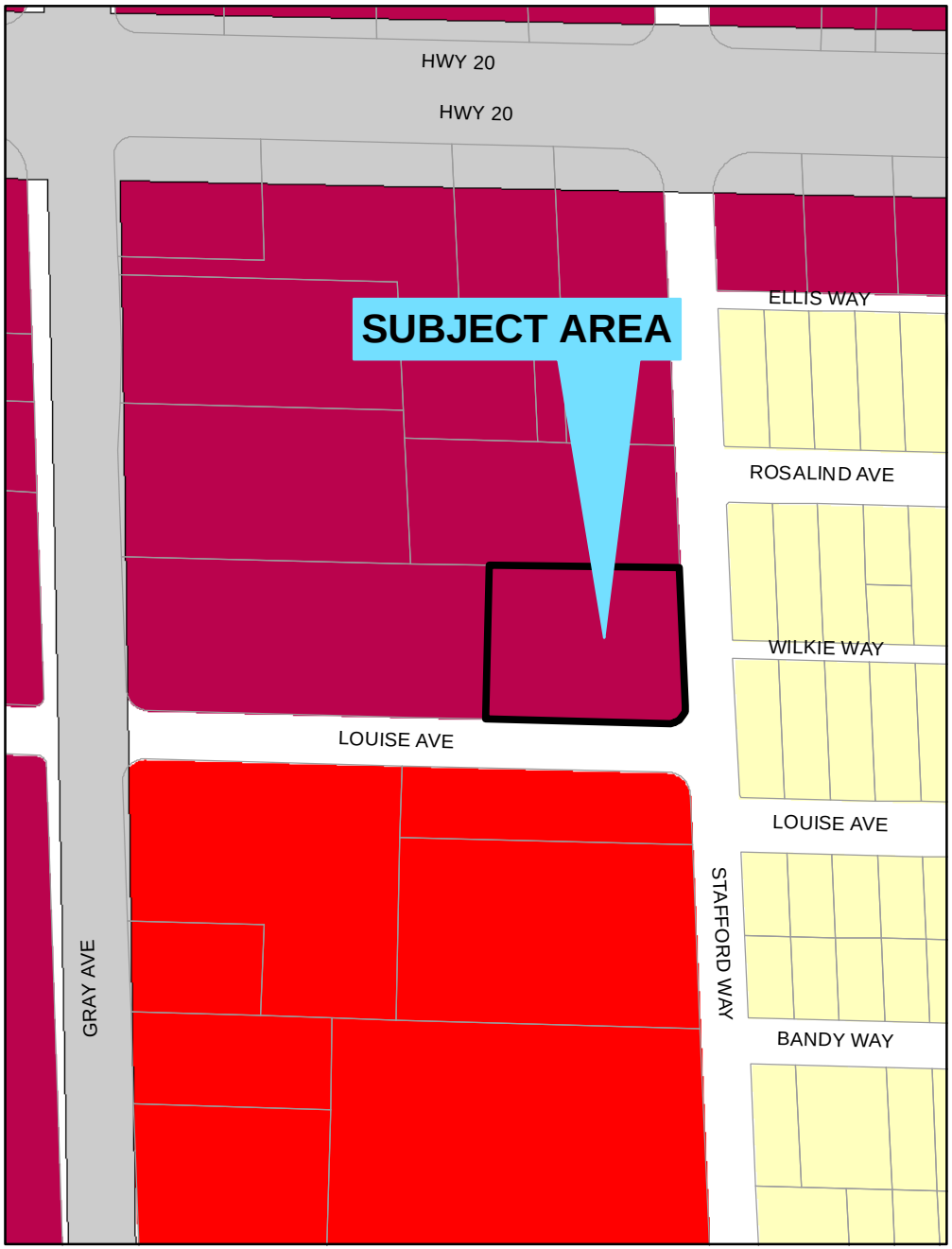
#	DATE	DESCRIPTION

DATE	5 FEB 2020
DRAWN	RCM
JOB NO.	19-1203
SHEET	

SHT#
SP-1

ATTACHMENT 5

EXISTING



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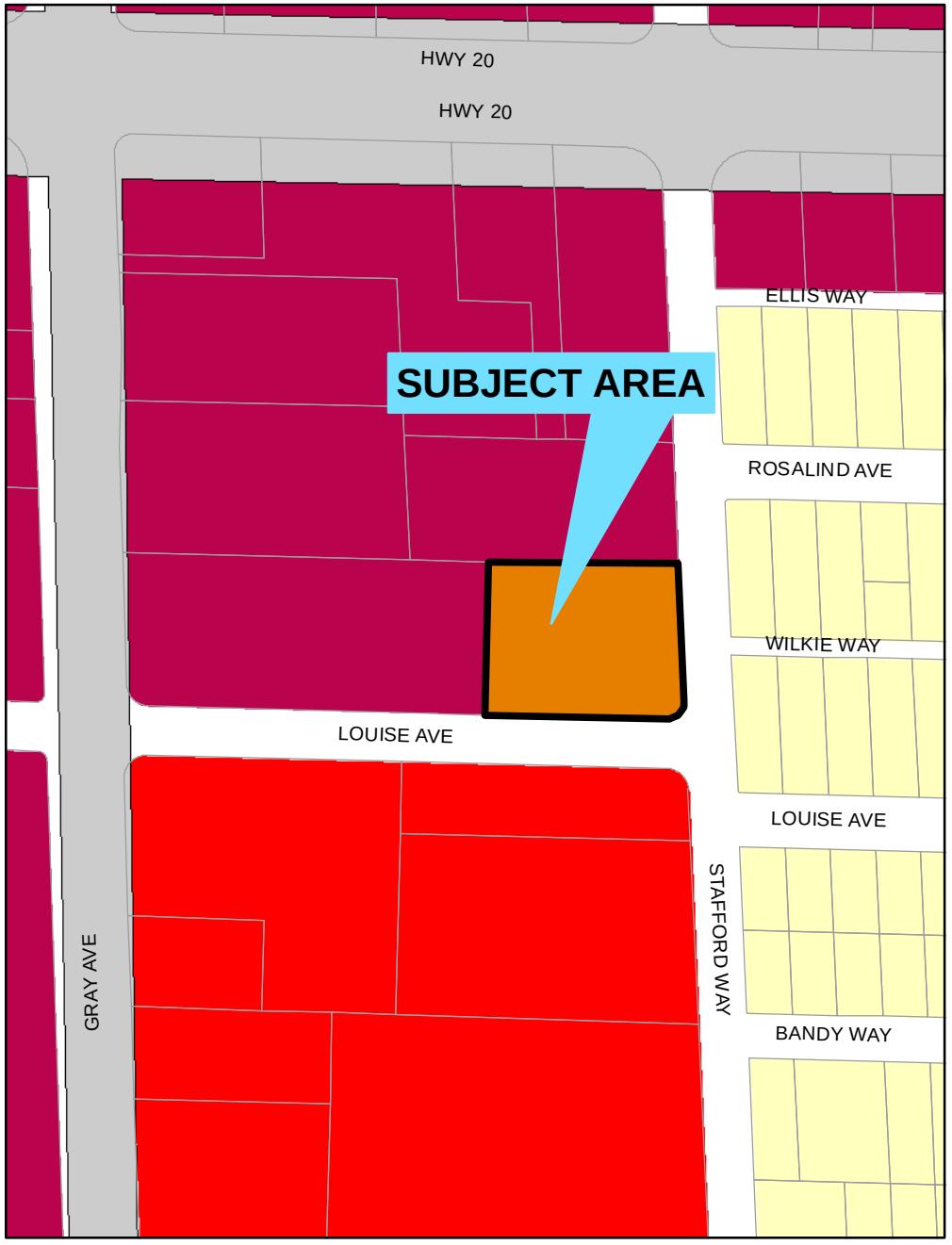


City of Yuba City

General Plan

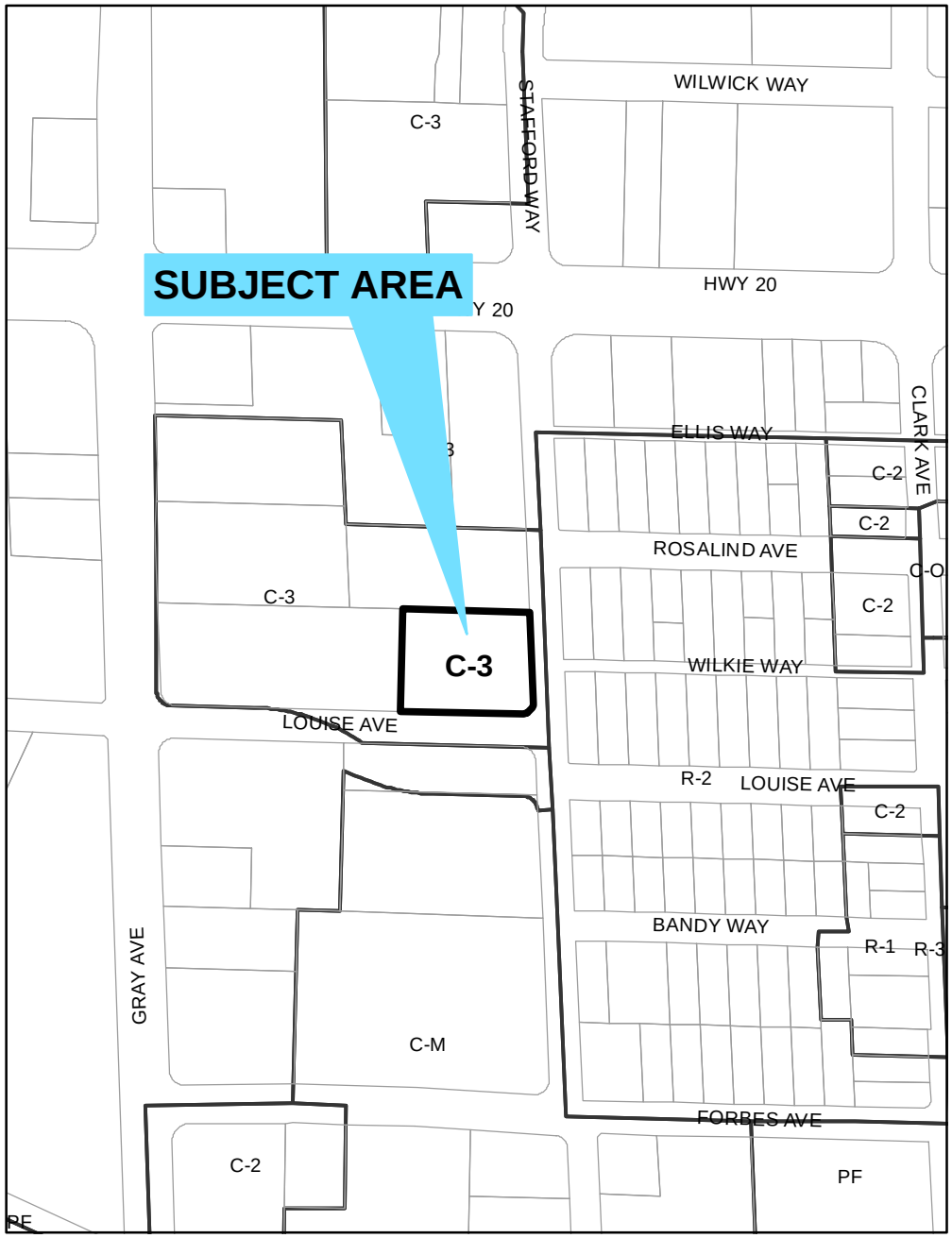
- Low Density Residential
- Medium/Low Density Residential
- Medium/High Density Residential
- Parks, Recreation & Open Space
- Agricultural/Rural
- HS-High School; EMS-Elementry/Middle School
- Regional Commercial
- Community Commercial
- Neighborhood Commercial
- Office & Office Park
- Business, Technology & Light Industry
- Manufacturing, Processing & Warehousing
- highways
- roads
- Parcels
- Greenways
- Project Site

N

GPA 20-01

ATTACHMENT 6

EXISTING



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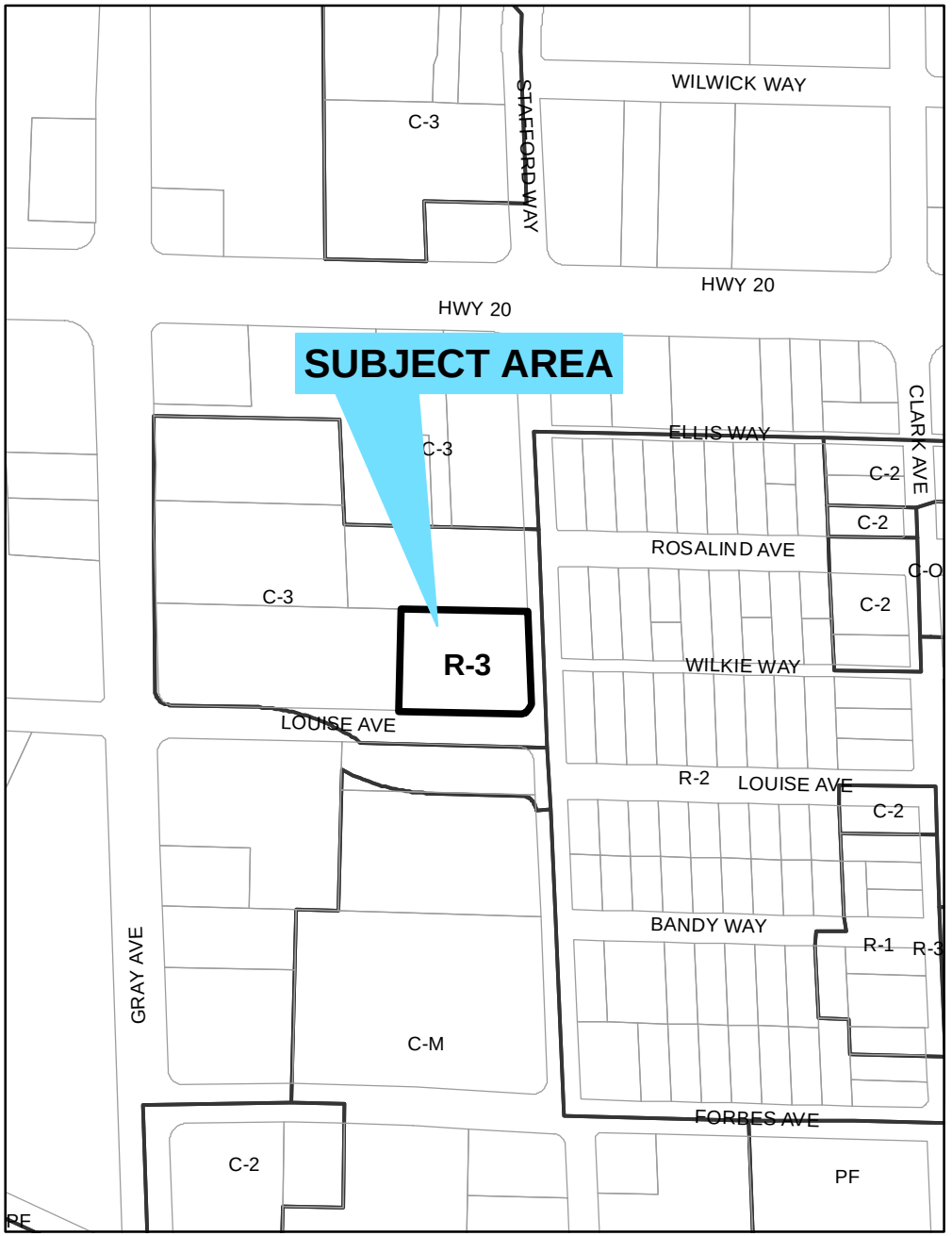

City of Yuba City

Zoning

Project Site

Parcels

N

REZONE 20-01

ATTACHMENT 7

CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Meeting Date: August 26, 2020

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Benjamin Moody, Development Services Director

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Subject: General Plan Amendment, Rezone, and a Mitigated Negative Declaration for a 0.83-acre parcel located at 845 Louise Avenue; (APN 52-141-036)

Recommendation: Conduct a public hearing and make the necessary findings to recommend that the City Council:

1. Approve GPA 20-01, amending the General Plan Land Use Designation of the subject property from Regional Commercial to Medium / High Density Residential.

2. Approve RZ 20-01, rezoning the subject property from General Commercial (C3), X - 5c (Combining District) to Multiple-Family Residential (R3).

3. Adopt the Mitigated Negative Declaration prepared for GPA 20-01 and RZ 20-01 as detailed in the Environmental Assessment (EA) 20-04, dated August 4, 2020, pursuant to the California Environmental Quality Act (CEQA), Section 15070 (b)(1)

Applicant/Owner: High Mark Land, LLC

Project Location: 0.83-acre parcel located at 845 Louise Avenue, north west corner of Stafford way and Louise Avenue; (APN 52-141-036)

Project Number: General Plan Amendment 20-01; Rezone 20-01; Environmental Assessment 20-04

General Plan/Zoning: General Plan: Regional Commercial
Zoning: General Commercial (C-3) X (Overlay Zone)

Project Proposal:

The project proposes a General Plan Amendment (GPA) 20-01 and a Rezone (RZ) 20-01. The proposed General Plan Amendment would convert 0.83 acres from a Regional Commercial land use designation to a Medium / High-Density Residential land use designation. The proposed Rezone would change the zoning for the same 0.83-acre parcel from a General Commercial (C-3), X – 5c (Combining District) to Multiple-Family Residence (R-3) zoning district. The density/intensity authorized in the General Plan allows for the construction of 12 to 36 units per gross acre. This parcel size would limit the number of units allowed on the 0.83-acre parcel to a maximum of 29.

The Development Services Department has not received an application for development of the multi-family units at this time. However, the applicant has provided an illustrative concept plan (Attachment D) which shows a total of 24 units to be developed at the site. Future development would include any subsequent approvals or entitlements necessary to allow for development of multi-family dwellings on the site.

Property Description:

The 0.83-acre site is currently vacant, relatively flat and with no unique topographic features such as rock outcroppings or heritage-type trees.

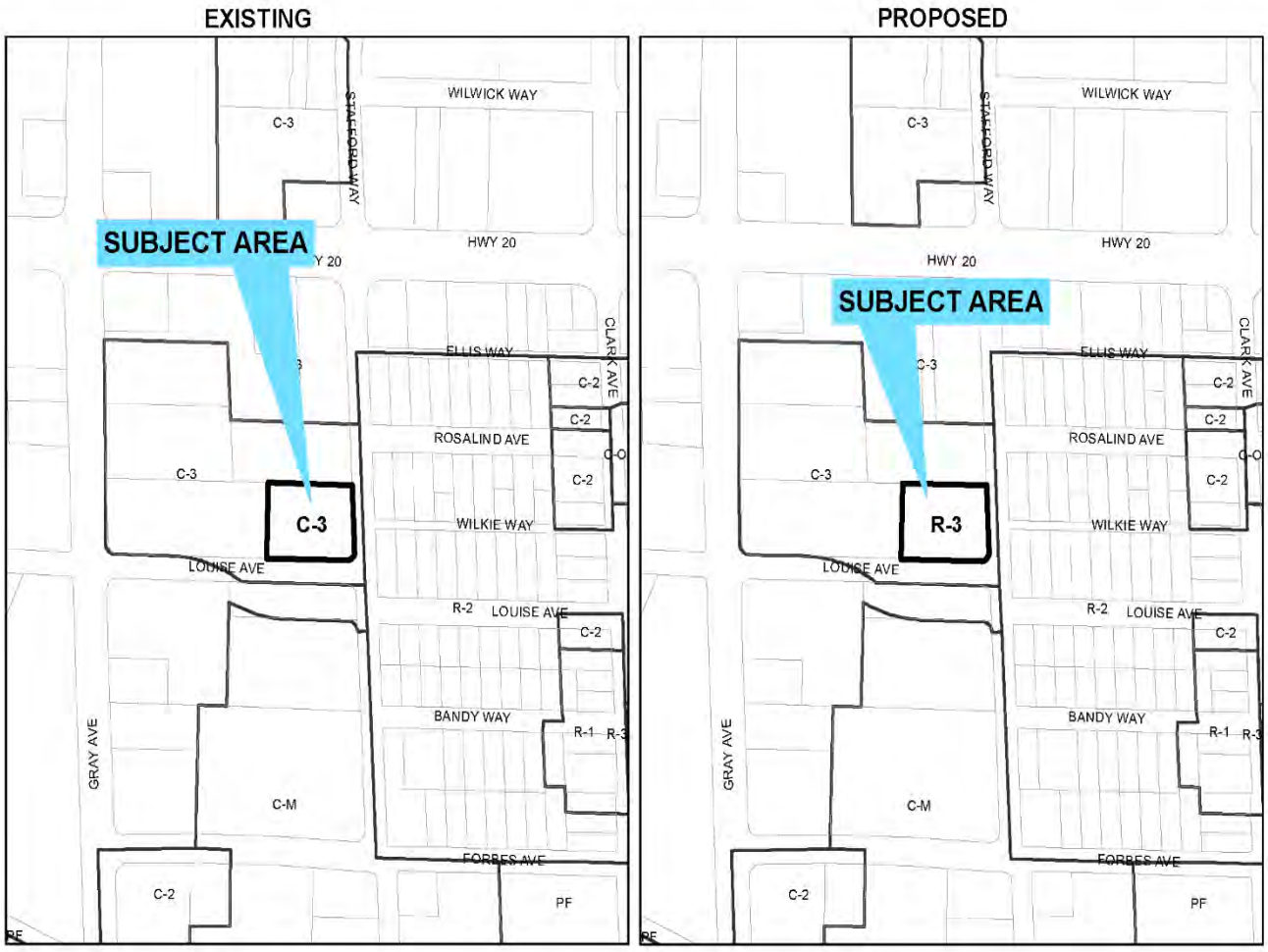
HIGHMARK LAND LLC

General Plan Amendment20-01, Rezone 20-01

1 inch = 200 feet

GENERAL PLAN LAND USE EXISTING/PROPOSED

ZONING
EXISTING/PROPOSED



REZONE 20-01

Adjacent Property Information:

The following table provides the General Plan Land Use and Zoning for adjacent properties:

Table 1: *Project and Bordering Site Information*			
	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	Regional Commercial	C-3, X5c General Commercial	Vacant
North	Regional Commercial	C-3, General Commercial	Parking/99 Cent Store
East	Median/Low Density Residential	R-2 (Two-Family Residence)	Single Family Residential
West	Regional Commercial	C-3, X5c General Commercial	Travel Lodge Motel
South	Community Commercial	C-3 General Commercial C-M Heavy Commercial/Light Industrial	Vacant Land Self-Storage facility

General Plan Land Use Classification:

EXISTING: Regional Commercial; Shopping centers typically anchored by retail outlets with a regional draw, including "big box" retail establishments, department stores, and regional shopping malls. Commercial development along Route 20, including Sam's Club, Home Depot, and the Yuba City Mall are examples of this type of development. Sites are typically 25 to 50 acres (although this size is not a minimum requirement). This category also includes auto-and visitor- oriented commercial uses such as hotels, motels, service stations, restaurants, housing, etc. and sites for automotive sales and services and other commercial uses not described in other categories.

PROPOSED: Medium – High Density Residential; Residential development at densities ranging from 12 to 36 units per gross acre. This density range will accommodate attached homes, two- to four-plexes, apartment buildings, parks, civic and institutional uses appropriate for a residential environment. Developments with apartment buildings - such as those in small, highly landscaped apartment complexes - are at the higher end of the density range. An average density of 24 units per acre is used for buildout projections.

Zoning District Classification:

EXISTING: General Commercial (C3) X-5c (Combining District); This district is intended to provide for the entire range of commercial uses. It is consistent with the Community Commercial and Regional Commercial General Plan designations. The Combining district relates to an expired Development Agreement from the 90's.

PROPOSED: Multiple Family Residence (R3); To provide for the highest density residential uses in appropriate locations, with a level of standards conducive to establishment of a suitable living environment to those living in multiple-family residences. The R-3 District is consistent with the Medium Density Residential and High Density Residential General Plan designations.

Previous Commission Action:

There have been no recent Planning Commission or City Council actions associated with this parcel.

Staff Comments:

General Plan Amendment and Rezone:
The project will not conflict with any land use plan, policy or regulations established by the City of Yuba City. General Plan Policy 3.4-G3 states: "Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas." The following Implementing Policies to Policy 2.4-G3 further support the project's amendment request:

> 3.4-G-2: "Promote a balanced land use program that increases the ability of people to live and work in the city."
>
> 3.4-I-5: "Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community."
>
> 3.4-I-7: "Promote infill development that maintains the scale and character of established neighborhoods."
>
> 3.4-I-8: "Provide for concentrations of activity and mixed-use and pedestrian-oriented development in selected areas."

The proposed GPA and Rezone will further the goals and policies of the City's General Plan with respect to providing housing in an area that provides accessibility to shopping, public services and public transit.

Compatibility with Surrounding Uses:
The surrounding land uses are commercial and single-family residential. Future development of the project site will require review of site development plans, architecture and related

improvement plans. All future development must be consistent with General Plan policies, R-3 Zoning, and City standards.

In addition to the City's General Plan, the City provides Design Guidelines which apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources.

The City has not received an application for development for the project site at this time, however, to ensure all potential impacts were addressed, the project environmental analysis (Mitigated Negative Declaration – MND) assessed the potential impacts of the development of a multi-family complex at the project site at the maximum intensity and density authorized in the R-3 zoning district.

City Services:
The MND analyzed what, if any, impacts to City Services and Traffic would occur with the change to the land use and zoning of the project site. It was determined that there would not be a significant impact due to the change from a commercial to a multi-family designation.

> Services: To ensure no significant impacts to City Services, future development will be required to pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs through the participation in an existing Mello-Roos Community Facilities District (CFD).
>
> Traffic: With regards to traffic, it was determined that the development of residential units on the site will reduce total vehicle trips per day and vehicle miles traveled in comparison to the range of permitted commercial development based on the current General Plan and zoning.

Environmental Determination:

Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it has been determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020. A Mitigated Negative Declaration has been prepared in association with this proposal.

Recommended Action:

Conduct a public hearing, then make the following findings and recommendations to City Council:

Findings:

The proposed project has been examined with respect to its consistency with the goals and

policies of the General Plan and Zoning Code, its compatibility with surrounding uses, and the scope of improvements, all of which have been determined not to have a significant impact on the environment.

A. The Planning Commission finds that, on the basis of the whole record, there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated August 4, 2020. A Mitigated Negative Declaration has been prepared in association with this proposal.

B. The Planning Commission finds the proposed General Plan Amendment (GPA 20-01) and Rezone (RZ 20-01) are consistent with the General Plan, the proposed land use designation is compatible with surrounding properties and uses, and are in the best interest of the City facilitating development of affordable multi-family residential units.

C. The proposed General Plan Amendment and Rezone will not be detrimental to the public health, safety, or general welfare of the City. All project utilities will be provided and public services will be provided by the City.

Council Recommendations

1. Approve GPA 20-01, amending the General Plan Land Use Designation of the subject property from Regional Commercial to Medium / High Density Residential.

2. Approve RZ 20-01, rezoning the subject property from General Commercial (C3), X - 5c (Combining District) to Multiple-Family Residential (R3).

3. Adopt the Mitigated Negative Declaration prepared for GPA 20-01 and RZ 20-01 as detailed in the Environmental Assessment (EA) 20-04, dated August 4, 2020, pursuant to the California Environmental Quality Act (CEQA), Section 15070 (b)(1)

Attachments:

A. Mitigated Negative Declaration
B. Mitigation Monitoring Program
C. Resolution
D. Illustrative Concept Plan

ATTACHMENT A

Environmental Assessment 20-04

Initial Study and Mitigated Negative Declaration for the Stafford Way Apartments (High Mark Land LLC) 845 Louise Avenue which includes: General Plan Amendment 20-01 Rezone 20-01

Prepared for:

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

Prepared By:

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

August 4, 2020

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Table of Contents

CITY OF YUBA CITY
Development Services Department
Planning Division
1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City), for General Plan Amendment (GPA) 20-01 and Rezone (RZ) 20-01. The proposed General Plan Amendment will convert 0.83 acres from a Regional Commercial land use designation to a High-Density Residential land use designation. The proposed Rezone will change the zoning for the same 0.83 acres from a General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district. The project is located at 845 Louise Avenue, Yuba City, CA; Assessor's Parcel Number 52-141-036. The City has not received improvement plans for the project site at the time of writing this environmental document. However, the applicant has offered an illustrative concept plan of what future development of the site could entail if developed with a multi-family complex of 24-units (Attachment A), and to ensure all potential impacts have been addressed, this IS assesses the potential impacts of the development of a multi-family complex at the project site at the maximum intensity and density of 29 units as authorized by the Yuba City General Plan.

This is considered a project under the California Environmental Quality Act (CEQA), and the City has discretionary authority over the project.

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 project for the development of the project. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

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

A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

B. The IS identified potentially significant effects, but:

    a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters, and 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.

1.4. Purpose of Document

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 a 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 Development Services Department has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

1.5. Intended Uses of this Document

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

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

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

City of Yuba City
Attn: Ben Moody
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95991

E-mail: bmoody@yubacity.net
Phone: (530) 822-3231

2. Project Description

2.1. Project Title

General Plan Amendment and Rezone for 845 Louise Avenue (Stafford Way Apartments)

2.2. Lead Agency Name and Address

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

2.3. Contact Person and Phone Number

Benjamin Moody, Director
Development Services Department
(530) 822-3231
bmoody@yubacity.net

2.4. Project Location/Existing Use

The project is located at 845 Louise Avenue; the site is currently vacant.

2.5. Assessor's Parcel Number (APN)

52-141-036

2.6. Project Applicant

High Mark Land LLC
469 Century Park Drive
Yuba City, CA 95991

2.7. Property Owner

High Mark Land LLC
469 Century Park Drive
Yuba City, CA 95991

2.8. General Plan Designation

Regional Commercial

2.9 Zoning

General Commercial (C-3) X (Overlay Zone)

2.10 Project Description

The project proposes a General Plan Amendment (GPA) 20-01 and a Rezone (RZ) 20-01, as well as subsequent development of multi-family residential dwelling potentially up to the maximum density allowed. Although the density/intensity authorized in the R-3 zoning district would allow up to 36 multi-family units, the City's General Plan density/intensity standards for this land use would limit the number of units allowed on the .83-acre parcel to a maximum of 29. (Note: The applicant has provided an illustrative site plan for 24 units to be developed at the site.) The proposed General Plan Amendment will convert 0.83 acres from a Regional Commercial land use designation to a High-Density Residential land use designation. The proposed Rezone will change the zoning for the same 0.83 acres from a General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district. This development would include any subsequent entitlements or approvals such as a Development Plan (including site development plans, architecture and related improvement plans) necessary to allow for development of multi-family dwellings on the site. The project is located at 845 Louise Avenue, Yuba City, CA.; Assessor's Parcel Number 52-141-036.

2.11 Surrounding Land Uses & Setting

Table 1: Bordering Uses	
North:	Regional Commercial – Parking/99 Cent Store
South:	Regional Commercial – Self Storage facility
East:	Low Density Residential- Single Family Residential
West	Regional Commercial – Travel Lodge

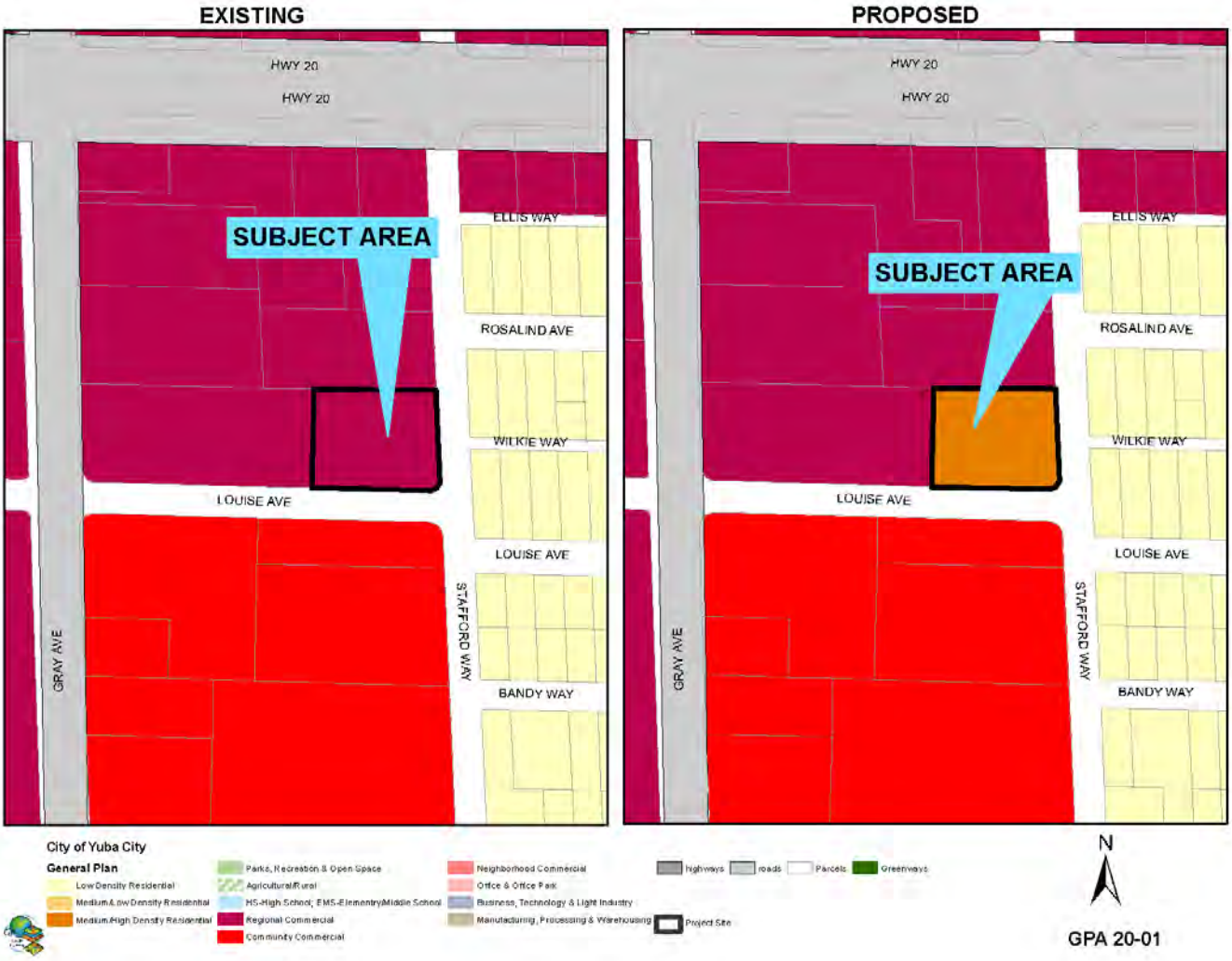
2.13 Other Public Agencies Whose Approval May be Required

None

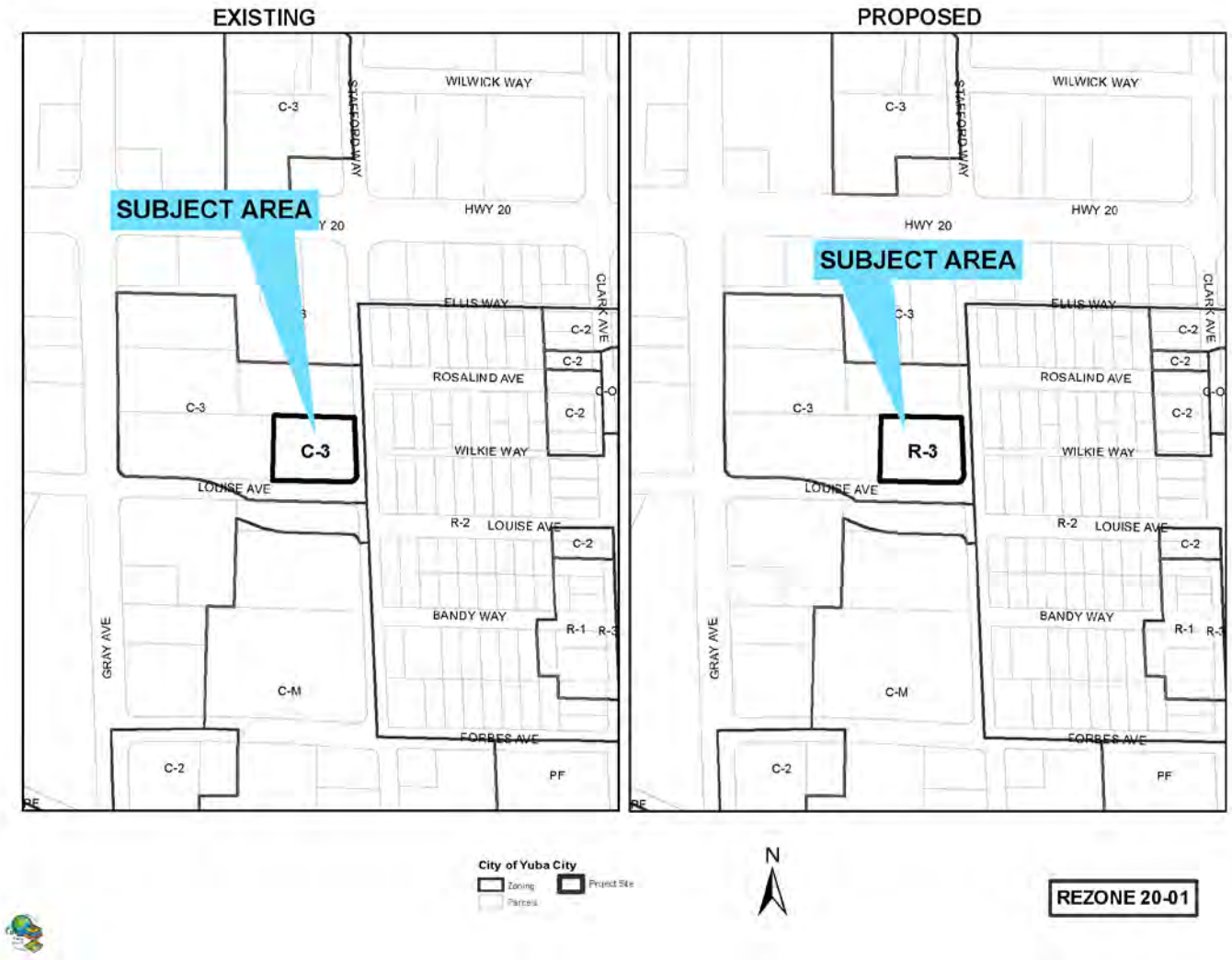
HIGHMARK LAND LLC

General Plan Amendment20-01, Rezone 20-01

1 inch = 200 feet



EXISTING/PROPOSED GENERAL PLAN LAND USE DESIGNATIONS



EXISTING/PROPOSED ZONING DESIGNATIONS

2.14 Environmental Factors Potentially Affected:

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

☐ Aesthetics	☐ Agriculture & Forestry Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☐ Hazzard & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

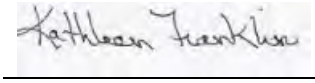
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



August 4, 2020

Signature | Date

Kathleen Franklin, Planning Consultant

Printed Name/Position

2.15 Evaluation of Environmental Impacts:

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

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

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

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

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

Impacts Adequately Addressed. The IS/MND should 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," the IS/MND should 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 is attached, and other sources used, or individuals contacted are cited in the discussion.

3. Environmental Checklist and Impact Evaluation

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

3.1. Aesthetics

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

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of three to five 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 ten 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 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 with apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources.

3.1.2. Federal Regulatory Setting

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

3.1.3. State Regulatory Setting

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

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

California Building Code Title 24 Outdoor Lighting Standards: Requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in.

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

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

3.1.4. Impact Assessment/Environmental Consequences:

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

There are no designated scenic vistas within the vicinity of the proposed project. The proposed change in land use and zoning, from commercial to a multi-family use, would not have the potential to affect any scenic vistas. The project site is surrounded by existing development within an existing urban area, there are no near views of open spaces that will be interrupted.

The Sutter Buttes are more distant and from ground level observation at the project site, they generally are screened by existing development. When development of the site occurs the height of new buildings will be limited by the proposed R-3 zoning, so the impact on the view of the Sutter Buttes will be less than significant.

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

The topography of the project parcel and those parcels surrounding it is flat. There are no rock outcroppings, large trees or historic buildings on the project site nor in the vicinity. Moreover, there is not a designated scenic highway near the site. Therefore, there will be no significant impacts on scenic resources. See additional discussion in item 3.1.4.a, above.

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

The City's 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." In addition to the City's General Plan, the City provides Design Guidelines which apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources. Future development of the site with multi-family residential units, as is proposed by the applicant, would require submittal of a Development Plan application to the City, which would be subject to either staff review (25 units or less) or Planning Commission review (if more than 25 units). This would include detailed review of the site plan, building architecture, landscaping and similar site improvement plans to ensure

consistency with City design standards and policies, ensuring the impact to visual quality of the project area is 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 proposed change in land use designation and zoning will not create new sources of light or glare. Any future development of the parcel would be required to incorporate the regulations of Zoning Code Article 58 – Exterior lighting. Therefore, impacts from new light sources would be less than significant. Lighting plans would be subject to review as part of the future Development Plan application for site development, as discussed in item 1.c, above.

3.2. Agricultural and Forestry Resources

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

Table 3-2: Agricultural and Forestry Resources

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

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley, 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.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures 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, repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

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

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

3.2.3. State Regulatory Setting

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

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

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

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

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

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

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

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

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

3.2.4. Impact Assessment/Environmental Consequences:

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

The 0.83-acre project site is located within the Yuba City urbanized area, surrounded by existing development. As the project area is relatively small, within the urban area, and surrounded by urban uses, there is no impact on agriculture land loss.

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

The proposed project is currently zoned for urban type uses 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 that may have formerly been used for agriculture but developed 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 will be infill within the urbanized downtown area of the City and has not been utilized as farmland for many years. While the underlying soils may have agriculture qualities, the area is urbanized and its viability for agricultural use is not 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 or conversion of forest land that would result from this project.

3.3. Air Quality

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

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

3.3.1. Environmental Setting/Affected Environment

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

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

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north

carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

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

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

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

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

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

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

Nitrogen oxides can also be formed naturally.

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

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary

standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six "criteria" pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is following the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

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

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

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

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county District formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce

emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

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

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

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.
- Exceed the operational screening criteria established by the FRAQMD for new low-rise, multi-family residential development of 160 units.

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

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

Construction Generated Emissions of Criteria Air Pollutants:

The District recommends the following best management practices:

Implement the Fugitive Dust Control Plan.

- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,

- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

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

The proposed land use designation and zoning changes would not obstruct implementation of the applicable air quality plan. However, future construction would involve short-term grading and construction that would generate 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. Should construction occur on the project site project would be required to follow the *FRAQMD Rules & Regulations Statement: New Developm*ent (Attachment B), including a requirement to obtain a Permit to Operate. Also noted is that the project, which is anticipated to result in approximately 24 low-rise, multi-family residential units, is well below the FRAQMD threshold operational screening criteria of 160 units. Therefore, any air quality impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The change in land use designation and zoning would not result in a cumulatively considerable net increase for any criteria pollutants. As discussed in item 3.3.5.a, above, the project is anticipated to ultimately result in the construction and operation of approximately 24 low-rise, multi-family residential units. As such, the project is well below the FRAQMD threshold operational screening criteria of 160 units. Therefore, air quality impacts would be less than FRAQMD thresholds for non-attainment pollutants and operation of the resulting new developments would not exceed the emissions thresholds for criteria pollutants, and would not be expected to result in any significant manner to cumulative air quality impacts for any criteria pollutants, notably with respect to state ozone and PM10 standards. Also see discussion in section 3.8.4, Greenhouse Gas Emissions.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. The sensitive receptor located adjacent or within 1,000 feet to the proposed project is Bridge Street Elementary School as well as some residences. 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". 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-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g. when school is not in session or during non-school hours; or when office building 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.

The FRAQMD has not established a threshold of significance to evaluate the health risk resulting from projects that would locate sensitive receptors near existing non-permitted sources of TACs. In this case, development that could result from the proposed project would result in the limited generation of criteria pollutants during construction and maintenance. Due to the temporary nature of construction, sensitive receptors in the vicinity of the proposed project would not be subjected to long-term exposure to diesel particulate matter. Any exposure of sensitive receptors to pollutant concentrations would be less than significant.

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

The change in land use designation and zoning will not generate objectionable odors. Odors from future development on the multi-family parcel would be anticipated uses within the zoned district in a highly urbanized area. As such, the impact of the project would be less than significant.

3.4. Biological Resources

Table 3-4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

3.4.1. Environmental Setting/Affected Environment

The project parcel is currently vacant however is located within an urbanized area. The General Plan land use designation and zoning are for commercial use with several of the surrounding parcels currently developed.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the

state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

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

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

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

Waters of the U.S. generally include:

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

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

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

issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

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

3.4.3. Local Regulatory Setting

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

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.

8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.

8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities

8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

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

8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

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

Because the 0.83-acre project is surrounded with commercial and residential uses in an urban setting it is unlikely there would be any significant habitat value. There have been no special status species identified within the vicinity. 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, is already currently occupied and developed, and therefore no adverse impacts to special status species are expected to occur as a result of this project.

Raptor species, including the red-tailed hawk and barn owl, may forage within the project vicinity. Large native and non-native trees within the project site are capable of providing nesting habitat for these species, however no nests have been observed on or by the project site to date. There are no wetlands or riparian habitats within the proposed footprint of the development. Accordingly, impacts from the project will be less than significant.

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?

The project 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 state or federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?

The project site, although vacant, is located within a currently developed urban area. No wetlands or federal jurisdictional waters of the U.S. are present within the project area or general vicinity. 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 project site is not located near any waterways; therefore, no migratory fish would be affected. The project does not propose to remove any significant trees that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the project. Therefore, there would be no impact.

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

Should development of the project site occur, existing trees on the perimeter of the parcel would not be subject to protection by local policies or ordinances. No other biological resources that would be protected by local policies or ordinances occur on the site, and as such there would be no impact.

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 project vicinity, therefore there is no impact.

3.5. Cultural Resources

Table 3-5: Cultural Resources

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

3.5.1. Federal Regulatory Setting

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

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

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

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

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is either: 1) 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]); 2) is included in a local register of historical resources, as defined in PRC 5020.1(k); 3) has been identified as significant in an historical resources survey, as defined in PRC 5024.1(g); or 4) is determined to be historically significant by the CEQA lead agency CCR Title 14, § 15064.5(a)]. In making this determination, the CEQA lead agency usually applies the CRHR eligibility criteria.

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; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

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

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or

manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

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

3.5.1. Local Regulatory Setting

City of Yuba City General Plan: The 2004 General Plan, adopted by the City Council on April 8, 2004 by Resolution #04-049, recognizes the rich history of the City in its guiding policy:

8.3-G-1: Identify and preserve the archaeological, paleontological, and historic resources that are found within the Yuba City Planning Area.

Implementing policies include:

8.3-I-1: Encourage the preservation of historic sites, buildings, and structures.

8.3-I-2: Undertake an inventory of historic resources to determine sites or buildings of federal, State, or local historic significance.

The State Office of Historic Preservation has determined that buildings or structures 45 years or older have the potential to be historically significant. Sections 5020-5029 of the State Public Resources Code addresses historic resource assessment and protection. The inventory conducted for the previous General Plan should be updated.

8.3-I-3: Promote the registration of historic sites, buildings, and structures in the National Register of Historic Places, and inclusion in the California Inventory of Historic Resources.

8.3-I-4: Consult with the local Native American community in the cases where new development may result in disturbance to Native American sites.

8.3-I-5: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:

- Requiring a records review for development proposed in areas that are considered archaeologically sensitive;
- Studying the potential effects of development and construction (as required by CEQA);
- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
- Implementing appropriate measures to avoid the identified impacts.

8.3-I-6: In accordance with CEQA and the State Public Resources Code, require the preparation of a resource mitigation plan and monitoring program by a qualified archaeologist in the event that archaeological resources are discovered.

In the event that historical or archaeological resources are accidentally discovered during construction, grading activity in the immediate area should cease and materials and their surroundings shall not be altered or collected. A qualified archaeologist must make an immediate evaluation and avoidance measures or appropriate mitigation should be completed, according to CEQA Guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports that should be used as guidelines.

City of Yuba City Municipal Code: Consistent with guiding policy 8.3-G-1 and implementing policies 8.3-I-1 and 9.3-I-3, Title 8, Chapter 5, Article 37 of the City Code established a Historic Combining District procedure "to implement the historic and archaeological resources policies of the General Plan; to promote the preservation, rehabilitation, restoration, reconstruction, and protection of historic and cultural resources; to encourage and promote public knowledge, understanding, and appreciation of the City's history; to promote appreciation and use of historic resources; to encourage preservation of resources, which may potentially be considered eligible for historic preservation zoning; to promote public awareness of the benefits of preservation; and to encourage public participation in identifying and preserving historic resources, thereby increasing community pride and awareness of the City's cultural and historical heritage." Article 37 provides a process by which a Historic Combining District may be established or abolished, which may or may not coincide with CEQA review.

ELSP: Per California Health and Safety Code Section 7050.5, if human remains are discovered, the County Coroner shall be notified immediately and no further disturbance of the site shall occur until their origin and disposition pursuant to Public Resources Code Section 5097.98 have been made. If the Corner determines that no investigation of the cause of death is required, and if the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission, which, in turn, shall inform the most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any other grave materials.

All proponents of projects involving Native American archaeological, ethnographic or spiritual resources shall hire a qualified archaeologist to perform any required identification or treatment of resources. The archaeologist shall be either certified by the Register of Professional Archaeologists or meet the federal standards, as stated in the Code of Federal Regulations (36 C.F.R. 61)

3.5.2. Environmental Setting/Affected Environment

Cultural Resources: The broad term of "Cultural resource" is used by most regulatory authorities to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties, such as buildings, bridges, and infrastructure; and locations important to Native Americans. As described in Section 3.14 of the EIR for the Yuba City General Plan (2004), the Yuba City area exhibits a diverse array of cultural resources. Throughout history, the Yuba City area has attracted human populations. Archaeological and historical information indicates that as early as 4,000 years ago, Native American groups occupying the area were exploiting the abundant fish, game, waterfowl, and plant resources along the Feather, Yuba, and Sacramento rivers. By the 1800s, early trappers and explorers had visited the area, Spanish land grants had been established, and early emigrant trails had traversed what would later become Sutter County. With the 1849 discovery of gold at Sutter's Mill, the Euro-American population boomed, and concurrently, the Native American population was greatly reduced. Eventually

the mines played out and farming became more lucrative. The Sutter County-Yuba City area became known as one of the richest agricultural regions in the state.

Each of the populations occupying the Yuba City area throughout history have left behind a record of their passing. These "records" are embodied in the cultural and historical landscapes as evidenced by the archaeological remains, historic buildings, traditional customs, tangible artifacts, historical documents, and public records that represent both Native American and non-Native American human occupation. Amore detailed cultural setting and historic context is provided in Section 3.14 of the EIR for the Yuba City General Plan, which provided baseline information upon which this impact assessment was performed.

Paleontological Resources: The recognizable remains of once-living, non-human organisms are referred to as paleontological resources. Identified as fossils, these resources represent a record of history of life on the planet dating back as far as 4 billion years ago. Paleontological resources can include fossilized shells, bones, leaves, tracks, trails, and other fossilized floral or faunal materials. Paleontological resources are not related to human history and are among the resources considered in the CEQA Guidelines.

3.5.3. Impact Assessment/Environmental Consequences:

Cultural Resources: According to the CEQA Guidelines, a project would have a significant impact on cultural resources if it would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5; cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5; or disturb any human remains, including those interred outside of formal cemeteries. The CEQA Guidelines state that a project that causes a substantial adverse change in the significance of a Historical Resource is considered to have a significant effect on the environment unless mitigated.

Impacts to a Historical Resource, as defined by CEQA, 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(b)]. CEQA Historical Resources include resources that are eligible for the NRHP or the CRHR [CCR Title 14, Section 15064.5(a)]. Such resources can be buildings, structures, and facilities from the historic period and prehistoric and historic archaeological sites. Demolition or alteration of eligible buildings, structures, and features to the extent that they would no longer be eligible would result in a significant impact. Whole or partial destruction of eligible archaeological sites would result in a significant impact. In addition to impacts from construction resulting in destruction or physical alteration of an eligible resource, impacts to the integrity of setting (sometimes termed "visual impacts") of eligible buildings and above-ground structures and facilities in the Project area could also result in significant impacts. All potentially significant impacts would occur as a result of construction, not during the use of the constructed project. Only impacts to resources that meet the CEQA definition of a Historical Resource can be considered significant (CEQA guidelines section 15064.5).

3.5.4. Impact Assessment/Environmental Consequences:

a) Would the project cause a substantial adverse change in the significance of a historical pursuant to §15064.5?

There are no known or observed historical resources on the project site, which has been substantially disturbed and developed. As a precaution, implementation of Cultural Resources Mitigation Measure 1 would reduce the impact to less than significant.

b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5?

There are no known or observed archaeological resources on the project site, which has been substantially disturbed. However, there always exists the potential for buried pre-contact archaeological sites in the project area. Implementation of Cultural Resources Mitigation Measure 1 would reduce the impact to less than significant.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No dedicated cemeteries or other places of human internment are known to exist on the proposed Project site. No evidence of human remains at the Project site have been documented, and it is unlikely that buried human remains are present given the previous soil disturbance. However, there still remains the potential for previously unknown sub-surface resources to be present. Implementation of Cultural Resources Mitigation Measure 2 would reduce the impact to less than significant.

On March 30, 2020 the City sent 14-day initial notices to Ione Band of Miwok Indians and United Auburn Indian Community. The 30-day window was supposed to close on April 29, 2020, but it was paused through June 21 due to Executive Order N-54-20. As of April 22, 7 days were remaining in the 30-day response window. This meant that the response window resumed on June 21 and ended on June 28, 2020. The City did not receive any tribal responses for this project. Regardless, in order to mitigate any potential impacts, mitigation measures are included that require the Tribes to be notified of any changes and other mitigations.

3.5.5. Mitigation Measures

Cultural Resources Mitigation Measure 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, ground disturbing activities within 100 feet of the discovery shall be halted or diverted until a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and evaluates the significance of the find. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.

***Cultural Resources Mitigation Monitoring 1*:** The Mitigation Measure #1 above shall be placed as a note on the Demolition and Grading Plans. The construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-5145.**

***Cultural Resources Mitigation Measure 2*:** In the event that evidence of human remains is discovered, or remains that are potentially human, ground disturbing activities within 100 feet of the discovery shall be halted or diverted and immediately reported to the County Coroner (Section 7050.5 of the Health and Safety Code). The construction supervisor shall ensure that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner will notify the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not

be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a re-interment document with the county in which the property is located (AB 2641).

***Culture Resources Mitigation Monitoring 2*:** Mitigation Measure #2 above shall be placed as a note on the Demolition and Grading Plans. If Human Remains are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-4700.**

3.6. Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1. State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

As with air pollutant emissions, the main sources of energy consumption would be construction activities and project operations when development of the site occurs.

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

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

The project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified.

Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary. Project impacts related to energy consumption are considered less than significant.

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

In addition to reducing energy consumption, the proposed sustainability components would be consistent with state and local energy efficiency plans. All components would be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures (see Section 3.8, Greenhouse Gas Emissions). The project would be consistent with applicable state and local plans to increase energy efficiency. Project impacts would be less than significant.

3.7. Geology and Soils

Table 3-7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly 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 direct or indirect 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
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1. Environmental Setting/Affected Environment

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

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury and loss of life, as well as damage to infrastructure networks such as water, power, gas,

communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

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

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

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

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

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

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and

vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

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

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are

specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2. Federal Regulatory Setting

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

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

3.7.3. State Regulatory Setting

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

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

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

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

3.7.4. Impact Assessment/Environmental Consequences:

a) Directly or indirectly cause 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 there is a considerable distance from the City to the closest known active fault zone, 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?

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. All new structures for the Project 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?

The Environmental Impact Report prepared for the General Plan recognizes the flat topography of the Yuba City area. Therefore 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?

When construction of the 0.83-acre project site occurs, there would be further disturbance of the previously graded project site. 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. Because of the size of the project site (less than 1 acre) the applicant would not be subject to the National Pollutant Discharge Elimination System. However, standard conditions of approval for will require that all measures required to ensure that no drainage runoff resulting from the development of the property will flow onto the adjacent

lands. Any future project will be conditioned as noted and will have to use Best Management Practices, which are designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process would be utilized. As such, 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?

See (d) below.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The project site is not located within that area and therefore would 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?

Future development of the project site would be required to connect to the City's wastewater collection system. As such, there will be no impact.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

In response to the City's inquiry, no tribes indicated their wish to initiate consultation under AB 52. Regardless, in order to mitigate any potential impacts, mitigation measures are included that require the Tribe to be notified of any changes and other mitigations.

***Paleontological Resources Mitigation Measure 1*:** Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation.

***Paleontological Mitigation Monitoring 1*:** Mitigation Measure # 1 above shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department @ **530-822-5145.**

Mitigation shall be conducted as follows:

3.7.5. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;

3.7.6. Assess effects on identified sites;

3.7.7. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;

3.7.8. Obtain comments from the researchers;

3.7.9. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of

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

3.8. Greenhouse Gas Emissions

Table 3.8 Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1. Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

3.8.2. State & Local Regulatory Setting

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

- Local Control: The 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 the General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3. Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The change in land use proposed by the project would not generate greenhouse gas emissions that would have a significant impact on the environment. Development of the site will create GHG emissions due to the use of motorized construction equipment and an increase to ongoing auto traffic. However, based on the low number of trips that would be generated due to the size of development (an estimated 29 multi-family units, generating approximately 185 vehicle trips per day) that could occur under regulations of the General Plan and zoning for multi-family use, significant quantities of greenhouse gas emissions would not be created. Accordingly, the project will have less than a significant impact.

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).

Development of this project would potentially create GHG emissions due to the use of motorized construction equipment and ongoing auto traffic generation. Due to the small size of the project site and an estimated 29 multi-family residential units to be developed under separate permit application to the City, as well falling well below the FRAQMD operational air quality threshold of 160 multi-family units,

construction of the project is not expected to create significant quantities greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to future construction 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. With the imposition of this mitigation, impacts will be less than significant.

3.8.4. Greenhouse Mitigation Measure

Findings: Future development of the site as a result of this project would potentially create GHG emissions due to the use of motorized construction equipment and ongoing auto traffic generated by the project. Due to the small size of any potential project it is not expected to create significant quantities of greenhouse gas emissions. However, on a cumulative scale and as a safeguard, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing future development, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures.

***Greenhouse Gas Mitigation Measure 1*:** Pertaining to potential cumulative impacts associated with GHG emissions, any site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9. Hazards and Hazardous Materials

Table 3-9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?				X

3.9.1. Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

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

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

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

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

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

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

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

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

3.9.2. State Regulatory Setting

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

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

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

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

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

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

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

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

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

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

3.9.3. Local Regulatory Setting

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

3.9.4. Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project does not propose the routine transport, use, or disposal of hazardous materials. Therefore, the impact will be less than significant.

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?

There will be no hazardous materials released as a result of the project. The potential presence of hazardous materials would be primarily related to construction and grading equipment such as solvents, oil and fuel. No long-term use of hazardous materials is proposed by the project, and the impact of the project will 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?

There are no schools located within one-quarter mile of the proposed project. Therefore, there will be no impact to a school from hazardous emissions, hazardous materials, substances or waste. Accordingly, the project will have a less than significant impact.

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 project site is not included on the California Department of Toxic Substance Control's Hazardous Waste and Substances Site List. Therefore, the project will have a less than significant impact.

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

The project site is not located within the Sutter County Airport Land Use Plan area. Therefore, the project will have a less than significant impact.

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

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the project may have on any emergency response plans, and the project would not interfere with any such plans. Therefore the impact is less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The project site is located within an urban area and there are no wildlands on the site or in the immediate area. Therefore, no impact from wildland fires is anticipated. **Also see Wildfire, Section 3.20.**

3.10. Hydrology and Water Quality

Table 3-10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:			X	
i) result in substantial erosion or siltation on- or off-site?				
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?				
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
iv) Impede or redirect flood flows				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1. Federal Regulatory Setting

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

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

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

3.10.2. State Regulatory Setting

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

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

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

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.

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

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

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

Sustainable Groundwater Management Act: On September 16, 2014 Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1153 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium-priority.

3.10.3. Impact Assessment/Environmental Consequences:

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

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. Since this project only receives water through the City system, the project would not significantly impact the water quality in the City system. The City provides water quality data to the public through consumer confidence reports.

All storm water runoff associated with new development on this property 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. In addition, the applicant will be required to participate in an existing *Mello-Roos CFD* to address project impacts to drainage, as well as other public facilities. Therefore, the impact will be less than significant with mitigation incorporated below.

3.10.3 a *Mitigation Measure*

Hydrology and Water Quality Mitigation Measure 1: The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This mitigation may be satisfied through participation in an existing Mello-Roos Community Facilities District (CFD), by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district.

Hydrology and Water Quality Mitigation Monitoring 1: The mitigation shall be satisfied prior to issuance of building permits or at a time agreed to between the development and Public Works staff.

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

The project proposes a rezone from General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district as well as associated construction of approximately 24 multi-family residences. R-3 zoned district uses typically consume more water than C-3 zoned district uses. However, the difference between the consumption rates is less than significant. Furthermore, very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system. As such, the project would have a less than significant impact as it would not decrease groundwater supplies or interfere substantially with groundwater recharge.

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

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

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

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

iv) impede or redirect flood flows?

The proposed General Plan amendment and rezoning of the site will not alter existing drainage of the site. As noted above, all new construction must involve use of Best Management Practices. Therefore, there would be no significant impacts from additional storm water drainage from the site cause by construction and use of the site for multi-family residential units. The project does not include the alteration of the course of a stream or river, and will not substantially increase the rate or amount of surface runoff, and will not impeded or redirect flood flows. Therefore, there is a less than significant impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by a seiche or tsunami. 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. Accordingly, there is a less than significant impact.

e) Conflict with, or obstruct implementation of, a water quality control plan or sustainable groundwater management plan?

As previously stated, 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 City does not have an adopted groundwater management plan. Therefore, this project would only receive water through the City system, it is unlikely that there would be any impact to the water quality in the City system. As such, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and the impacts would be less than significant.

3.11. Land Use and Planning

Table 3-11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1. Environmental Setting/Affected Environment

The project will not physically divide an established community. Residential land use and zoning is an appropriate use for the project site which is located at the corner of commercial use and across the street from existing single-family residential uses.

3.11.2. Federal Regulatory Setting

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

3.11.3. Local Regulatory Setting

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

3.11.4. Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The project will not physically divide an established community. The site is surrounded by a variety of uses that are both commercial and residential, and will not have a significant impact on the established community. Accordingly, the impact is less than significant.

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

The project will not conflict with any land use plan, policy or regulations established by the City of Yuba City. The surrounding land uses are commercial and single-family residential. Development of the project will require a Development Plan, which will allow for review of site development plans, architecture and related improvement plans. All future development must be consistent with General Plan policies and R-3 Zoning standards. The applicant has provided a 24-unit illustrative plan which has been assessed and which meets General Plan Policy 3.4-G3, which states: Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas. Implementing Policy 3.4-I-5 states: Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community. As such the project will have a less than significant impact.

3.12. Mineral Resources

Table 3-12: Mineral Resources

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

3.12.1. Federal Regulatory Setting

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

3.12.2. State Regulatory Setting

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

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;

- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

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

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

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

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

3.12.3. Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

See (b), below.

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

The project parcel 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 zones within the City's boundary, and no mineral extraction facilities currently exist within the City. Additionally, the site is centrally located within the urban area surrounded by uses that are generally considered incompatible with mineral extraction facilities. As such, the project will not have an impact on mineral resources.

3.13. Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

3.13.1. Environmental Setting/Affected Environment for Noise

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

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

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

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

3.13.2. Environmental Setting/Affected Environment for Ground Borne 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. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

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

3.13.3. Federal Regulatory Setting

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

3.13.4. State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

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

3.13.5. Local Regulatory Setting

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

The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

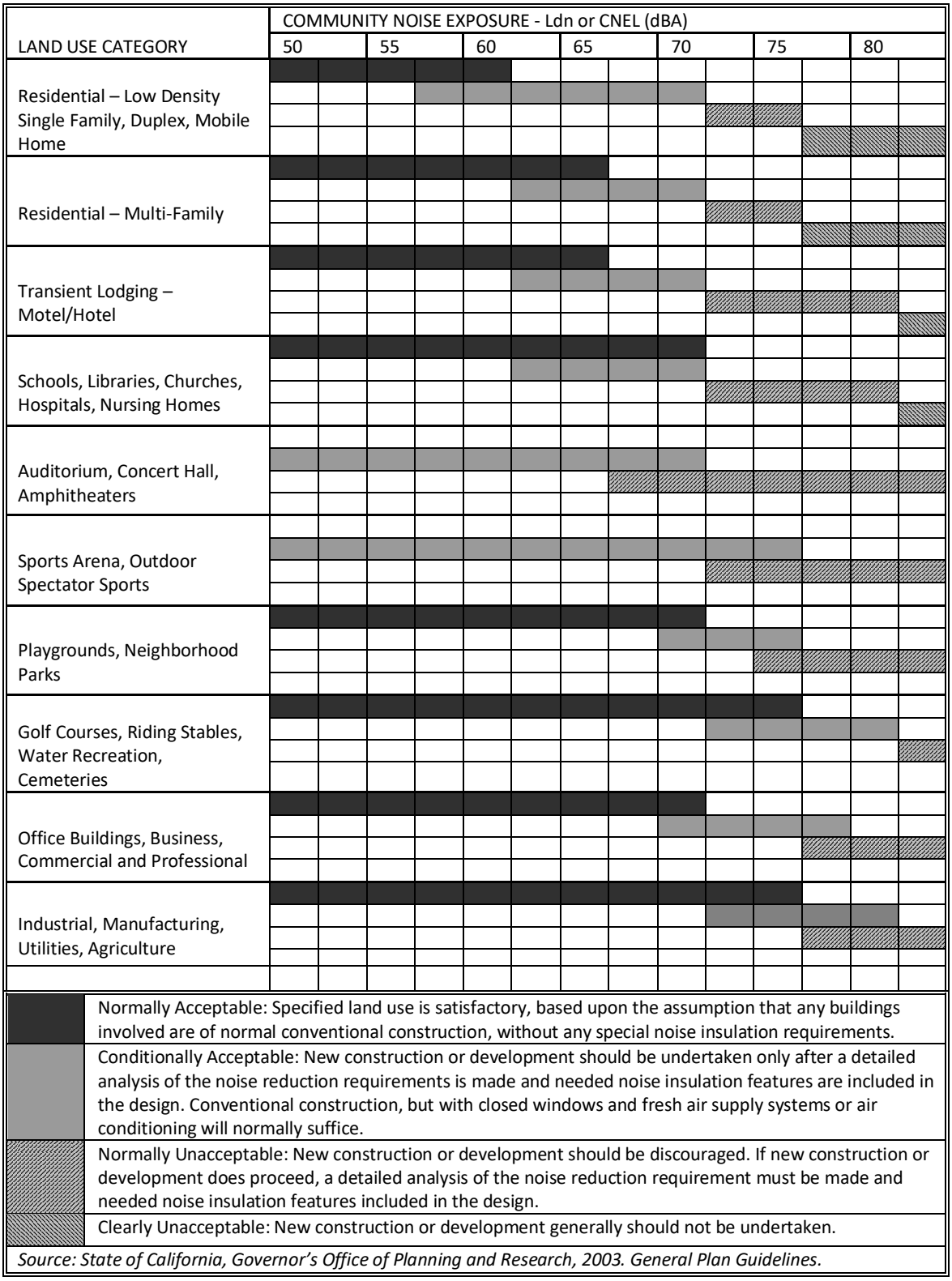
Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,
- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and

- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

[1] City of Yuba, 2004. *City of Yuba General Plan.* April 8, 2004.

Figure 1: Noise Exposure



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

3.13.6. Impact Assessment/Environmental Consequences:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The proposed project will not significantly increase ambient noise levels in the project's vicinity. Development of the Project would result in site disturbance and construction. Construction would involve temporary noise sources that are anticipated to last for a short period. The noise source would include typical grading and paving equipment and miscellaneous equipment.

Activities involved in construction could generate maximum noise levels, as indicated in the below table, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, and the fact that City ordinances limit construction to daylight hours, the effects from this future residential construction and operation of multi-family residential units activity are expected to be less than significant.

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*		

The project is required to comply with City General Plan Noise Element criteria, including a 65-decibel limit for multi-family residential uses. Although impacts of the environment on the project are not required to be assessed, it should be noted that development of the site would likely require construction a masonry wall along project interior lot lines to reduce potential noise impacts to the site from adjoining commercial uses. As such, the project complies with all applicable plans and ordinances, and its impacts would be less than significant.

b) Generation of excessive ground borne vibration or ground borne noise levels?

The proposed project will not generate excessive ground borne or ground borne noise levels in the project's vicinity. Development of the site would result in site disturbance and construction. 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. The table below describes the typical construction equipment vibration levels.

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 temporary impact to any uses in the vicinity of the project would be less than significant. Likewise the use of the site as multi-family residential dwellings would not generate excessive ground borne vibration or ground borne noise levels.

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

The project site is not located within the vicinity of a private airstrip nor does it lie within the Sutter County Airport Land Use Plan in regard to overflight zones. Therefore, there are no airport noise concerns for the project site.

3.14. Population and Housing

Table 3-14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1. Environmental Setting/Affected Environment

The proposed project is located in an urbanized area of the City, and is surrounded by single-family residential and commercial uses. Future development could include up to 24 multi-family residential units. All City services currently serve, and would have the capacity to serve, development and build-out at the density and intensity allowed in the R-3 zoning district.

3.14.2. Federal Regulatory Setting

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

3.14.3. State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following 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.

3.14.4. Regional Regulatory Setting

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

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

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

3.14.5. Impact Assessment/Environmental Consequences:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project proposes a change from commercial land use and zoning to a multi-family use, as well as subsequent development of multi-family residential dwelling potentially up to the maximum authorized in the R-3 zoning district. No development permits have been received by the City at this time, however, there is the possibility of future population growth. The 0.83-acre site would be constricted through General Plan and zoning regulations on the number of multi-family units allowed. Zoning Code Section 8-5.703 allows 1 unit per 1000 square feet of lot area for multi-family housing. Therefore, the maximum number of units allowed would be 29, with an illustrative site plan provided by the applicant indicating 24 units to be developed at the site. City infrastructure would serve the site, including sewer, water, storm water drainage, and roads. This number of units would not be expected to induce substantial, unplanned population growth. Accordingly, there is a less than significant impact.

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

The project site is currently vacant and has a land use/zoning designation for commercial development. No housing currently exists; however, the proposed land use changes and subsequent development would provide additional housing. Therefore, this project will not have any impact on the displacement of people or the need for replacement housing.

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

[2] Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: http://www.sacog.org/about/. Accessed July 25, 2017.

3.15. Public Services

Table 3-15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?		X		
ii) Police protection?		X		
iii) Schools?			X	
iv) Parks?		X		
v) Other public facilities?			X	

3.15.1. Environmental Setting/Affected Environment

Law enforcement serving the project site 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 occupants of the multi-family dwelling units are also provided by Yuba City.

3.15.2. Federal Regulatory Setting

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

3.15.3. State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during

emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

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

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

3.15.4. Impact Assessment/Environmental Consequences:

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

Fire Protection: The Yuba City Fire Department provides fire protection to the project site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Police Protection: The Yuba City Police Department will provide police services to the site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Schools: The Yuba City Unified School District did not comment on the proposed project. Development of residential units at the project site will require payment of applicable fees to ensure impacts on school facilities are less than significant.

Parks: The City's Parks and Recreation Department provides recreational services to this site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Other Public Facilities: As the existing City 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 as there is adequate capacity to serve the project. Accordingly, the project will have a less than significant impact with regard to these items.

3.16. Recreation

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

3.16.1. Environmental Setting/Affected Environment

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

3.16.2. Federal Regulatory Setting

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

3.16.3. State Regulatory Setting

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

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

3.16.4. Local Regulatory Setting

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

3.16.5. Impact Assessment/Environmental Consequences:

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

The project would not generate or otherwise result in a substantial increased demand for recreational facilities. Accordingly, the impact will be less than significant. See "Parks" at 3.16, above.

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?

The project will not significantly impact existing recreational facilities and there is sufficient existing capacity in recreational facilities to accommodate this project and other planned growth in the area. Future development of the multi-family project site, would be limited to no more than 29 units, and is not anticipated to substantially impact the need for recreation beyond that which already exists in this vicinity and therefore is not considered significant.

3.17. Transportation

Table 3-17: Transportation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	

3.17.1. Federal Regulatory Setting

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

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

- 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.

3.17.2. 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".

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed project would not conflict with any plan, ordinance or policy addressing the circulation system, transit, roadway, bicycle or pedestrian facilities. Bicycle parking will be provided as part of any future development plan for multi-family residential units. There is a public transit stop less than ½ mile from the project site. Project plans are required to include detailed access/driveway/sidewalk plans and for connection of the project site multi-family development to City streets. Appropriate frontage improvements are also required for development of the project site.

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

The project would be consistent with the CEQA Guidelines with respect to transportation, and vehicle miles traveled (VMT). The project, a General Plan amendment and rezone changing the site's designation from commercial to high density residential with the potential for development of 29 residential units. Regardless, the development of residential units on the site will reduce total VMT in comparison to the range of permitted commercial development based on the current General Plan and zoning. the maximum of 29 units, will generate fewer vehicle trips and related VMT. For example, a 5,000 sq ft retail store on the project site, permitted by current zoning, would result in approximately 340 vehicle trips per day, compared to only approximately 185 vehicle trips per day for a 29-unit multi-family residential project, based on general Level of Service standards from the Institute of Transportation Engineers. VMT would also be substantially less as a result of fewer vehicle trips per day for a multi-family use (compared to commercial uses), and with commercial uses drawing customers from a wider area for shopping. This impact would therefore be less than significant.

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

The proposed project will not create a need for any new streets; there are no dangerous curves in the vicinity; and, as the site is in an urbanized area, it is anticipated there will be no conflict with uses such as farm equipment.

d) 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. There is adequate emergency access to the site. When a specific develop is proposed at the site, the applicant will be required to submit a Development Plan application to the City, including site and access plans, to ensure appropriate future emergency access is provided on-site. Impacts will be less than significant

3.18. Tribal Cultural Resources

Table 3-18: 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		

3.18.1. 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 Tribal Cultural Resources (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 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.

"Substantial evidence" is defined in Section 21080 of the Public Resources Code as "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." The criteria for inclusion in the California Register of Historical Resources (CRHR) are provided in Section 3.5.

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

Senate Bill 18: SB 18 was signed into law in September 2004 and became effective in March 2005. SB 18 (Burton, Chapter 905, Statutes of 2004) requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in the context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. The process by which consultation must occur in these cases was published by the Governor's Office of Planning and Research through its Tribal Consultation Guidelines: Supplement to General Plan Guidelines (November 14, 2005). The City carried out tribal consultation under SB 18 for this Project, and no tribes have requested consultation or provided information under SB 18. Because SB 18 is not a CEQA requirement, the consultation record is maintained separately by the City.

3.18.1. Environmental Setting/Affected Environment

As previously stated, initial notices were sent to Ione Band of Miwok Indians and United Auburn March 30, 2020. No requests for consultation were received from either tribe.

3.18.2. Impact Assessment/ Environmental Consequences

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. 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 and must take into account the consulting tribe's expert opinion when making this determination.

a) Would the project cause a significant adverse change in the significance of a tribal cultural resource 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)?

As described above, no known TCRs have been identified (as defined in Section 21074) within the project area. Therefore, the project would not cause a significant adverse change in the significance of a TCR that is either listed in, or eligible for listing in, the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). However, while the risk is low, there is still the possibility that

TCRs may be discovered during ground-disturbing activities associated with project construction. If so, this could adversely affect a presently-unknown TCR. This could result in a potentially significant impact, without mitigation. Implementation Cultural Resources Mitigation Measures 1 and 2 would reduce the impact to less than significant.

b) Would the project cause a significant adverse change in the significance of a tribal cultural 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?

As described above, no known TCRs have been identified (as defined in Section 21074) within the project area, and no substantial information has been provided to the City to indicate otherwise. Therefore, the project would not cause a significant adverse change, based on substantial evidence, in the significance of a TCR. However, there is a potential that TCRs may be discovered during ground-disturbing activities associated with project construction. If so, this could adversely affect a presently-unknown TCR. This could result in a potentially significant impact, without mitigation. Implementation of Tribal Cultural Resources Mitigation Measures 1 would reduce the impact to less than significant.

3.18.1. Mitigation Measures

***Tribal Cultural Resources Mitigation Measure 1*:** All operators of ground-disturbing equipment shall be responsible for pausing activity if potentially significant TCRs are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find. A Native American representative from traditionally and culturally affiliated Native American Tribe that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American representatives to ensure that tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to treatment directed by the City.

Tribal Cultural Resources Mitigation Monitoring 1: Mitigation Measure #1 shall be put as a note on all Demolition and Grading Plans. If TCRs are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-5145.**

3.19. Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?		X		
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
f) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
g) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1. Environmental Setting/Affected Environment

Wastewater:

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

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas annex within the city limits to be served by the surface water system. The site is served by 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).[4]

3.19.2. Federal Regulatory Setting

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

3.19.3. State Regulatory Setting

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

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

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

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source

Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

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

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

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

3.19.4. Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project would not result in the relocation or construction of new utility facilities. All new development within Yuba City must pay water and wastewater connection fees which fund that development's share of capital improvements associated with the water and wastewater system. Therefore, the impact on the services mentioned above are less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The City has adequate surface water supply or other groundwater water resources to provide water to the project area, including any additional water demand created by full development of the project site. Accordingly, the impact is less than significant.

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

The project would not substantially affect the capacity of existing wastewater treatment. In addition, the City has excess capacity in its wastewater treatment facility to handle any increased wastewater flows generated by full development of the project site. Therefore, the impact is less than significant.

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

The landfill operated by Recology Yuba-Sutter has adequate landfill capacity for years to come, and the addition of up to 29 additional multi-family dwelling units will not have a significant impact on solid waste generation, require additional infrastructure, or otherwise impair the attainment of solid waste reduction goals. Accordingly, the impact is less than significant.

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

The project would not affect regulations related to solid waste. Transportation and disposal of all waste due to future construction and use of the parcel would be required to comply all applicable federal, state and local statutes and regulations. There would be no significant impact.

3.20. Wildfire

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

3.20.1. Environmental Setting/Affected Environment

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

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

3.20.2. Impact Assessment/ Environmental Consequences

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. Additionally, as discussed in Section 3.17 of this Initial Study, project construction is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Impacts from the project related to emergency response or evacuations would be less than significant.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As noted in Section 3.9 of this Initial Study, the project site is in a predominantly developed, urbanized area. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. As noted in Section 3.7 of this Initial Study, the project site is in a topographically flat area and does not have slopes that would increase wildfire severity. Impacts of the project related to wildland fire hazards would be less than significant.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As previously noted, the project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. Even so, development of the site would not be expected to exacerbate the wildfire risk on the project site, as explained in b) above. As the likelihood of wildfire risk is remote, the project would not require the installation or maintenance of infrastructure associated with wildfire risk. Impacts of the revised project would be less than significant.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As previously noted, the project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. As also noted in Section 3.7 of this Initial Study, the project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the revised project related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

Table 3-21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?		X		
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1. Impact Assessment/Environmental Consequences:

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

The project area is within the Yuba City urbanized area and there is little plant or animal habitat value. The changes to the existing land use and zoning on this 0.83-acre area 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, substantially 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. Mitigation measures CUL 1 and GEO 1 have been incorporated in the Project to reduce all potentially significant impacts to less than significant with mitigation incorporated.

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

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact

of a project is significant and whether the effects of the project are cumulatively considerable. The

assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

The proposed changes to the land use and zoning of the project site, from a commercial use to multi-family use, does not significantly intensify the effects from past, current or probable development. The impacts of intensifying the existing use have been found to be considered 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 will not create substantial adverse effects on human beings, either directly or indirectly. Future construction-related air quality, noise, and hazardous materials exposure impacts that could occur as a result of the project 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.

4. Section References and/or Incorporated by Reference

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

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

Airport Land Use Commission. 2011. Yuba County Airport Land Use Compatibility Plan. Adopted March 17, 2011

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code. https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at http://www.envirostor.dtsc.ca.gov/public/

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

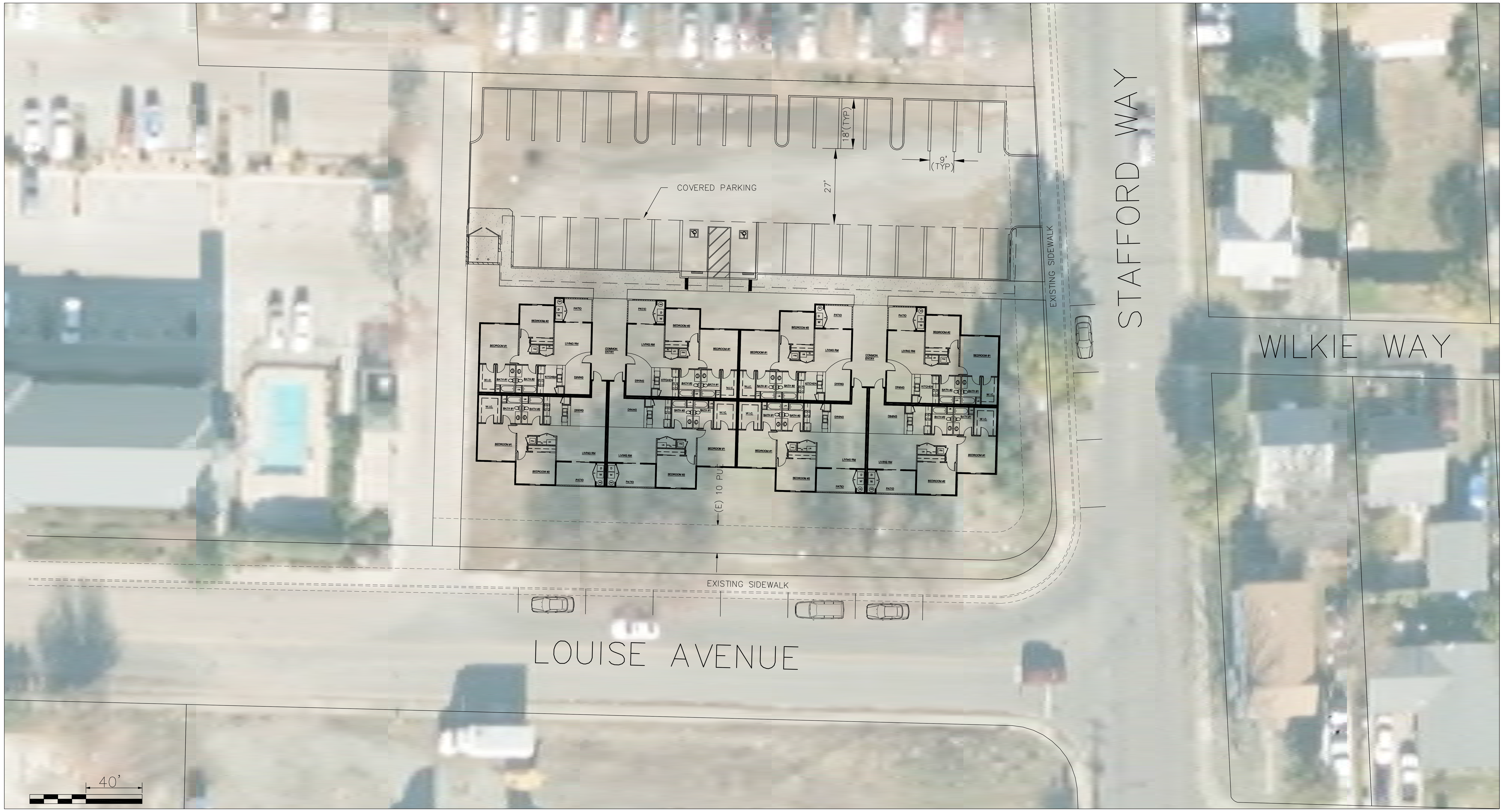
Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

ATTACHMENTS

ATTACHMENT A – ILLUSTRATIVE CONCEPT PLAN
ATTACHMENT B – FRAQMD RULES AND REGULATIONS STATEMENT: NEW DEVELOPMENT

ATTACHMENT A



N

1"=40'

SITE INFORMATION

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GROSS AREA 36,346.04 SF (0.83 ACRES)
EXISTING ZONING: C-3
EXISTING GP DESIGNATION: REGIONAL COMMERCIAL
PROPOSED ZONING: R-3
PROPOSED GP DESIGNATION: MEDIUM/HIGH DENSITY RESIDENTIAL

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UNITS AREAS:

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UNIT 3 3 BRM ALT	-1,360 SF
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24 UNITS X 200 SF/UNIT=4,800 SF

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AREA OF PATIOS:
[(110 SF+78 SF)X2]X3 STORIES=1,128.00 SF
1,128.00X 2 BUILDINGS= 2,256.00 SF
GENERAL OPEN SPACE = 3,560 SF

TOTAL OPEN SPACE PROVIDED (EXCLUDING LANDSCAPED AREA OF FRONT AND STREET SET BACK AREAS) = 5,816 SF

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COVERED PARKING =4,211 SF
TOTAL COVERAGE = 11,310+4,211=15,521 SF
(15,521/36,346.04)X 100%= 42.70% OF LOT AREA

PARKING CALCULATIONS:

REQUIRED
20X1.5(2BRM)+2X1(1BRM)+2X2(3BRM)+3 GUESTS= 39 STALLS
PROVIDED
TOTAL NUMBER OF ON-SITE STALLS PROVIDED=36
TOTAL NUMBER OF OFF-SITE SPACES AVAILABLE= 9
TOTAL PROVIDED 36+9=45

NORTH VALLEY
ENGINEERING & SURVEYING
1547 STARR DRIVE, SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

SITE PLAN

REGISTERED PROFESSIONAL ENGINEER
GEORGE L. MUSALLAM
CIVIL
STATE OF CALIFORNIA

JOB TITLE:

CONSTRUCTION DOCUMENTS FOR:
STAFFORD WAY APARTMENTS
824 LOUISE AVENUE, YUBA CITY, CALIFORNIA, 95993
SITE PLAN

REVISIONS:

#	DATE	DESCRIPTION

DATE	5 FEB 2020
DRAWN	RCM
JOB NO.	19-1203
SHEET	

SHT#
SP-1

FRAQMD Rules & Regulations Statement: New Development

The following statement is recommended as standard condition of approval or construction document language for **all** development projects within Feather River Air Quality Management District (FRAQMD). All projects are subject to FRAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.fraqmd.org or by calling 530-634-7659. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Regulation IV: Stationary Emission Sources Permit System and Registration. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from FRAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or internal combustion engine should contact the FRAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a FRAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to fumigation chambers, gasoline tanks and dispensing, spray booths, and operations that generate airborne particulate emissions.

Rule 3.0: Visible Emissions. A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

Rule 3.15: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 3.16: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 3.17: Wood Burning Devices. This rule requires newly installed wood burning devices meet emission standards. Wood burning fireplaces are prohibited unless they meet emission standards.

Rule 3.23: Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters. This rule requires all newly purchased or installed units 75,000 Btu/hr up to 1 million Btu/hr meet emission limits.

Rule 7.10: Indirect Source Fee. An applicant for a building permit shall pay fees to the FRAQMD based on number of units (residential) or square footage of the building and associated parking (commercial and industrial).

Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

In addition, other State or Federal rules and regulations may be applicable to construction phases of development projects, including:

California Health and Safety Code (HSC) section 41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

HSC section 41701. Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

California Vehicle Code section 23114 regarding transportation of material on roads and highways.

California Code of Regulations Title 13 Chapter 10 section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Limits idling time to 5 minutes for on-road heavy duty diesel trucks.

California Code of Regulations Title 13 Chapter 9 Article 4.8 section 2449: Regulation for In-Use Off-Road Diesel Vehicles. Limits idling time to 5 minutes.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93105: Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93106: Asbestos ATCM for Surfacing Applications.

Asbestos NESHAP. Prior to demolition of existing structures, an asbestos evaluation must be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA
Attn: Asbestos NESHAP Program
75 Hawthorne Street
San Francisco, CA 94105

CARB, Compliance Division
Attn: Asbestos NESHAP Program
P.O. Box 2815
Sacramento, CA 95814

FRAQMD
Attn: Karla Sanders
541 Washington Avenue
Yuba City, CA 95991

ATTACHMENT B

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
STAFFORD WAY APARTMENTS
Initial Study and Mitigated Negative Declaration EA 20-04
General Plan Amendment 20-01 and Rezone 20-01

Impact	Mitigation Measure and Monitoring	Responsible Party	Timing
3.5 Cultural Resources	**Mitigation Measure CUL 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, ground disturbing activities within 100 feet of the discovery shall be halted or diverted until a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and evaluates the significance of the find. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction. **Mitigation Monitoring 1:** The Mitigation Measure #1 above shall be placed as a note on the Demolition and Grading Plans. The construction manager shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**	Developer, Development Services Dept.	Prior to issuance of Demolition and Grading Plans

	Mitigation Measure CUL 2: In the event that evidence of human remains is discovered, or remains that are potentially human, ground disturbing activities within 100 feet of the discovery shall be halted or diverted and immediately reported to the County Coroner (Section 7050.5 of the Health and Safety Code). The construction supervisor shall ensure that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner will notify the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a re-interment document with the county in which the property is located (AB 2641). **Mitigation Monitoring 2:** Mitigation Measure #2 above shall be placed as a note on the Demolition and Grading Plans. If Human		

	Remains are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**		
3.7 Geology and Soils	**Paleontological Resources Mitigation Measure GEO 1:** Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation. **Paleontological Mitigation Monitoring 1:** Mitigation Measure # 1 above shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at **530-822-4700.** **Mitigation shall be conducted as follows:** • Identify and evaluate paleontological resources by intense field survey where impacts are considered high; • Assess effects on identified sites; • Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; • Obtain comments from the researchers; • Comply with researchers' recommendations to	Developer, Development Services Department	During Construction

	address any significant adverse effects where determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.		
3.8 Greenhouse Gas Emissions	**Mitigation Measure GHG 1:** Pertaining to potential cumulative impacts associated with GHG emissions, site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan. **Mitigation Monitoring 1:** Prior to issuance of Grading Permits, Public Works shall determine that the project complies with the GHG Reduction Measures of the Yuba City Resource Efficiency Plan	Developer, Public Works	Prior to issuance of Grading Permits
3.10 Hydrology and Water Quality	**Mitigation Measure HWQ 1:** The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This mitigation may be satisfied through participation in an existing Mello-Roos Community Facilities District (CFD), by payment of cash in an amount agreed to by the City, by another	Developer, Public Works	Prior to issuance of building permits or at a time agreed to between the development and Public Works staff.

	secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district. **Mitigation Monitoring HWQ 1:** The mitigation shall be satisfied prior to issuance of building permits or at a time agreed to between the development and Public Works staff.		
3.18 Tribal Cultural Resources	**Mitigation Measure TCR 1:** All operators of ground-disturbing equipment shall be responsible for pausing activity if potentially significant TCRs are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find. A Native American representative from traditionally and culturally affiliated Native American Tribe that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American representatives to ensure that tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to treatment directed by the City. **Mitigation Monitoring 1:** Mitigation Measure #1 shall be put as a note on all Demolition and Grading Plans. If TCRs are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**	Developer, Development Services Department	Prior to commencement of any demolition or onsite grading; During construction

ATTACHMENT C

RESOLUTION NO. PC20-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVAL OF A MITIGATED NEGATIVE DECLARATION (EA 20-04); ADOPTING AN AMENDMENT TO THE LAND USE ELEMENT OF THE YUBA CITY GENERAL PLAN (GP 20-01) REDESIGNATING 0.83 ACRES FROM THE REGIONAL COMMERCIAL TO THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION; AND AMENDING THE YUBA CITY ZONING MAP FOR 0.83 ACRES FROM GENERAL COMMERCIAL (C3) X OVERLAY TO MULTI-FAMILY RESIDENCE (R3) (RZ 20-01): 845 LOUISE AVE., (APN 52-141-036)

WHEREAS, General Plan Amendment (GPA) 20-01 has been filed by the High Marl LLC., (Applicant) to amend the land use designation of the City's General Plan for approximately 0.83-acres from Regional Commercial to Multi-Family Residential; and

WHEREAS, Rezone (RZ) 20-04 has been filed by High Mark LLC., to rezone approximately 0.83-acres from the General Commercial (C3) Overlay zoning designation to Multi-Family Residence (R3); and

WHEREAS, the environmental assessment prepared (EA 20-04) for the proposed GPA and Rezone resulted in the completion of a Mitigated Negative Declaration (MND) (EA 20-04); and

WHEREAS, on August 26, 2020, the Planning Commission conducted a duly noticed public hearing at the City Council Chambers located at 1201 Civic Center Boulevard on GP 20-01, RZ 20-01 and associated MND Environmental Assessment EA 20-04; and

WHEREAS, GPA 20-01 and RZ 20-01 support production of housing in an area that provides accessibility to shopping, public services and public transit; and

WHEREAS, the Planning Commission found that the proposed General Plan Amendment, and Rezone are in the public interest.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, recommends the following to the City Council:

1. 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. Finds the adoption of the proposed General Plan Amendment and Rezone, as recommended by the Commission, is in the best interest of the City.

3. That the City Council adopt EA 20-04, GPA 20-01, and RZ 20-01 amending the:

   General Plan Land Use Element, for 0.83-acre from the Regional Commercial land use designation to High Density Residential.

   Yuba City Zoning Map for 0.83-acres from General Commercial (C3) X Overlay to Multi-Family Residence (R3).

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning

Commission of the City of Yuba City at a regular meeting thereof held on August 26, 2020 by the following vote:

AYES: NOES: ABSENT:

_____

Dale Eyeler, Planning Commission Chair

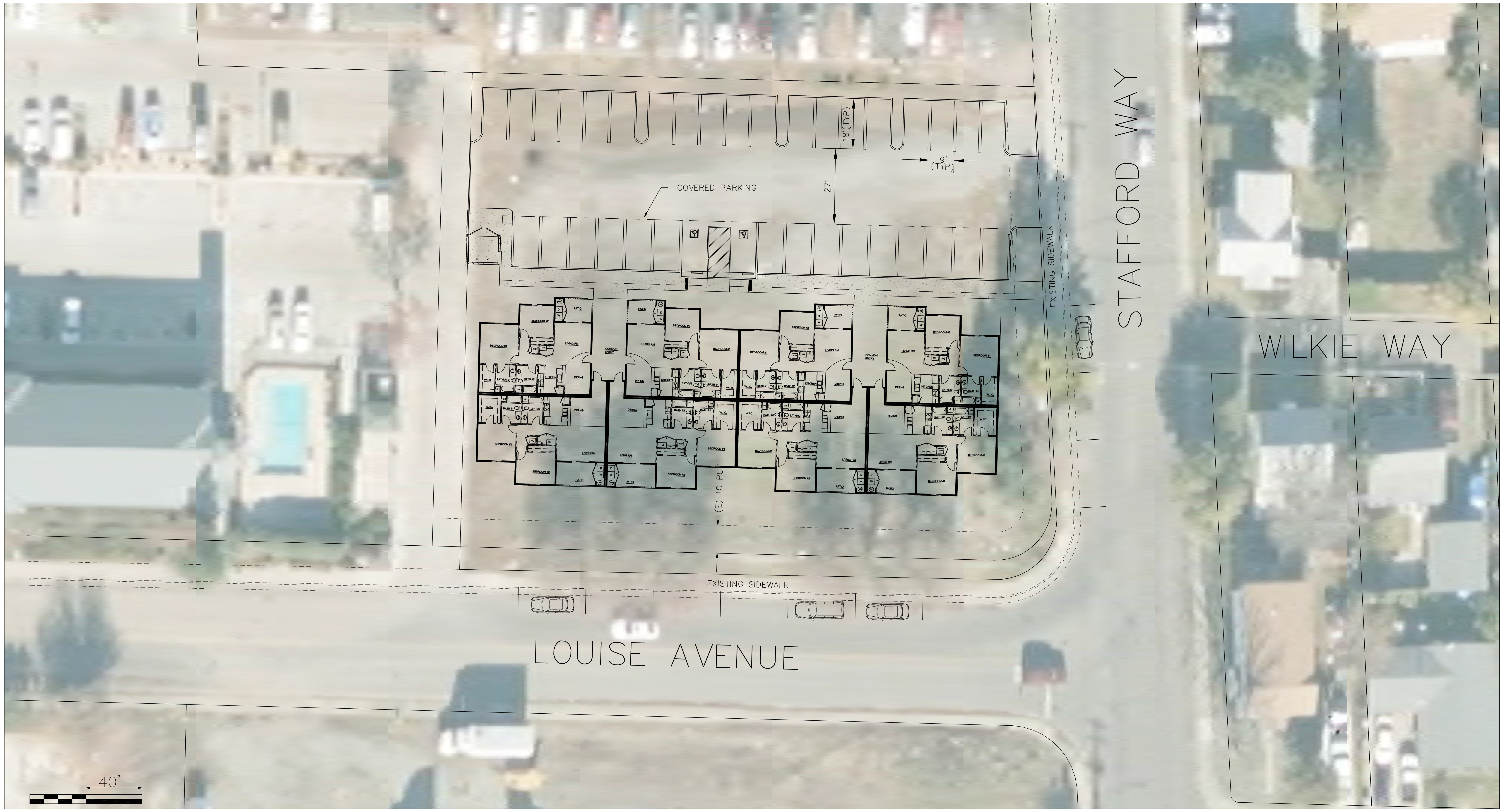
ATTEST:

_____

Benjamin Moody, Secretary to the Planning Commission

ATTACHMENT D

ATTACHMENT D



SITE INFORMATION

ASSESSOR PARCEL NUMBER: 52-141-038
GROSS AREA 36,346.04 SF (0.83 ACRES)
EXISTING ZONING: C-3
EXISTING GP DESIGNATION: REGIONAL COMMERCIAL
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UNIT 2 2 BRM	-1,122 SF
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SITE PLAN

JOB TITLE:
CONSTRUCTION DOCUMENTS FOR:
STAFFORD WAY APARTMENTS
824 LOUISE AVENUE, YUBA CITY, CALIFORNIA, 95993
SITE PLAN

REVISIONS:

#	DATE	DESCRIPTION

DATE	5 FEB 2020
DRAWN	RCM
JOB NO.	19-1203
SHEET	

SHT#
SP-1

ATTACHMENT 8

Environmental Assessment 20-04

Initial Study and Mitigated Negative Declaration for the Stafford Way Apartments (High Mark Land LLC) 845 Louise Avenue which includes: General Plan Amendment 20-01 Rezone 20-01

Prepared for:

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

Prepared By:

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

August 4, 2020

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Table of Contents

CITY OF YUBA CITY
Development Services Department
Planning Division
1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City), for General Plan Amendment (GPA) 20-01 and Rezone (RZ) 20-01. The proposed General Plan Amendment will convert 0.83 acres from a Regional Commercial land use designation to a High-Density Residential land use designation. The proposed Rezone will change the zoning for the same 0.83 acres from a General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district. The project is located at 845 Louise Avenue, Yuba City, CA; Assessor's Parcel Number 52-141-036. The City has not received improvement plans for the project site at the time of writing this environmental document. However, the applicant has offered an illustrative concept plan of what future development of the site could entail if developed with a multi-family complex of 24-units (Attachment A), and to ensure all potential impacts have been addressed, this IS assesses the potential impacts of the development of a multi-family complex at the project site at the maximum intensity and density of 29 units as authorized by the Yuba City General Plan.

This is considered a project under the California Environmental Quality Act (CEQA), and the City has discretionary authority over the project.

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 project for the development of the project. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

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

A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

B. The IS identified potentially significant effects, but:

    a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters, and 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.

1.4. Purpose of Document

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 a 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 Development Services Department has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

1.5. Intended Uses of this Document

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

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

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

City of Yuba City
Attn: Ben Moody
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95991

E-mail: bmoody@yubacity.net
Phone: (530) 822-3231

2. Project Description

2.1. Project Title

General Plan Amendment and Rezone for 845 Louise Avenue (Stafford Way Apartments)

2.2. Lead Agency Name and Address

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

2.3. Contact Person and Phone Number

Benjamin Moody, Director
Development Services Department
(530) 822-3231
bmoody@yubacity.net

2.4. Project Location/Existing Use

The project is located at 845 Louise Avenue; the site is currently vacant.

2.5. Assessor's Parcel Number (APN)

52-141-036

2.6. Project Applicant

High Mark Land LLC
469 Century Park Drive
Yuba City, CA 95991

2.7. Property Owner

High Mark Land LLC
469 Century Park Drive
Yuba City, CA 95991

2.8. General Plan Designation

Regional Commercial

2.9 Zoning

General Commercial (C-3) X (Overlay Zone)

2.10 Project Description

The project proposes a General Plan Amendment (GPA) 20-01 and a Rezone (RZ) 20-01, as well as subsequent development of multi-family residential dwelling potentially up to the maximum density allowed. Although the density/intensity authorized in the R-3 zoning district would allow up to 36 multi-family units, the City's General Plan density/intensity standards for this land use would limit the number of units allowed on the .83-acre parcel to a maximum of 29. (Note: The applicant has provided an illustrative site plan for 24 units to be developed at the site.) The proposed General Plan Amendment will convert 0.83 acres from a Regional Commercial land use designation to a High-Density Residential land use designation. The proposed Rezone will change the zoning for the same 0.83 acres from a General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district. This development would include any subsequent entitlements or approvals such as a Development Plan (including site development plans, architecture and related improvement plans) necessary to allow for development of multi-family dwellings on the site. The project is located at 845 Louise Avenue, Yuba City, CA.; Assessor's Parcel Number 52-141-036.

2.11 Surrounding Land Uses & Setting

Table 1: Bordering Uses	
North:	Regional Commercial – Parking/99 Cent Store
South:	Regional Commercial – Self Storage facility
East:	Low Density Residential- Single Family Residential
West	Regional Commercial – Travel Lodge

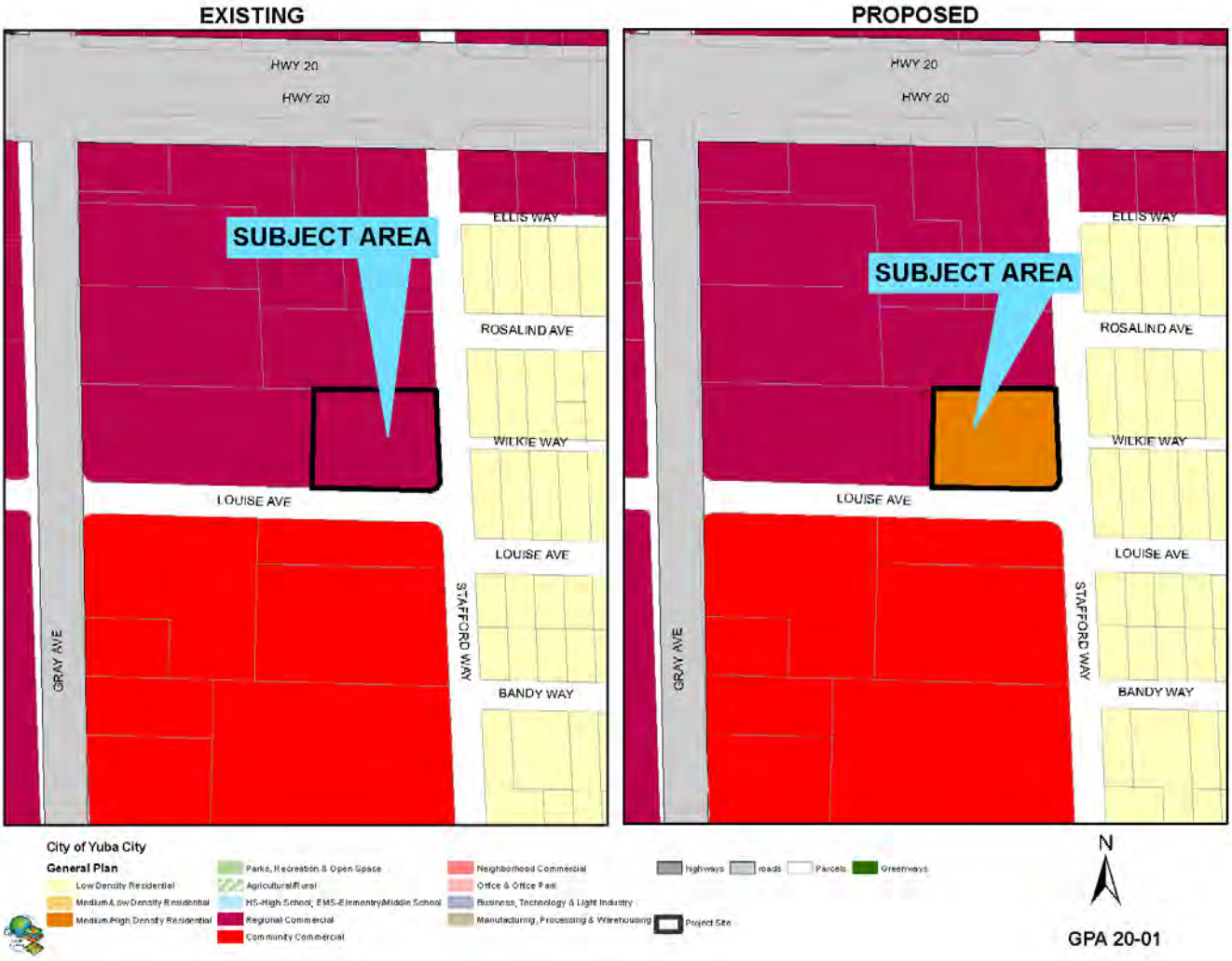
2.13 Other Public Agencies Whose Approval May be Required

None

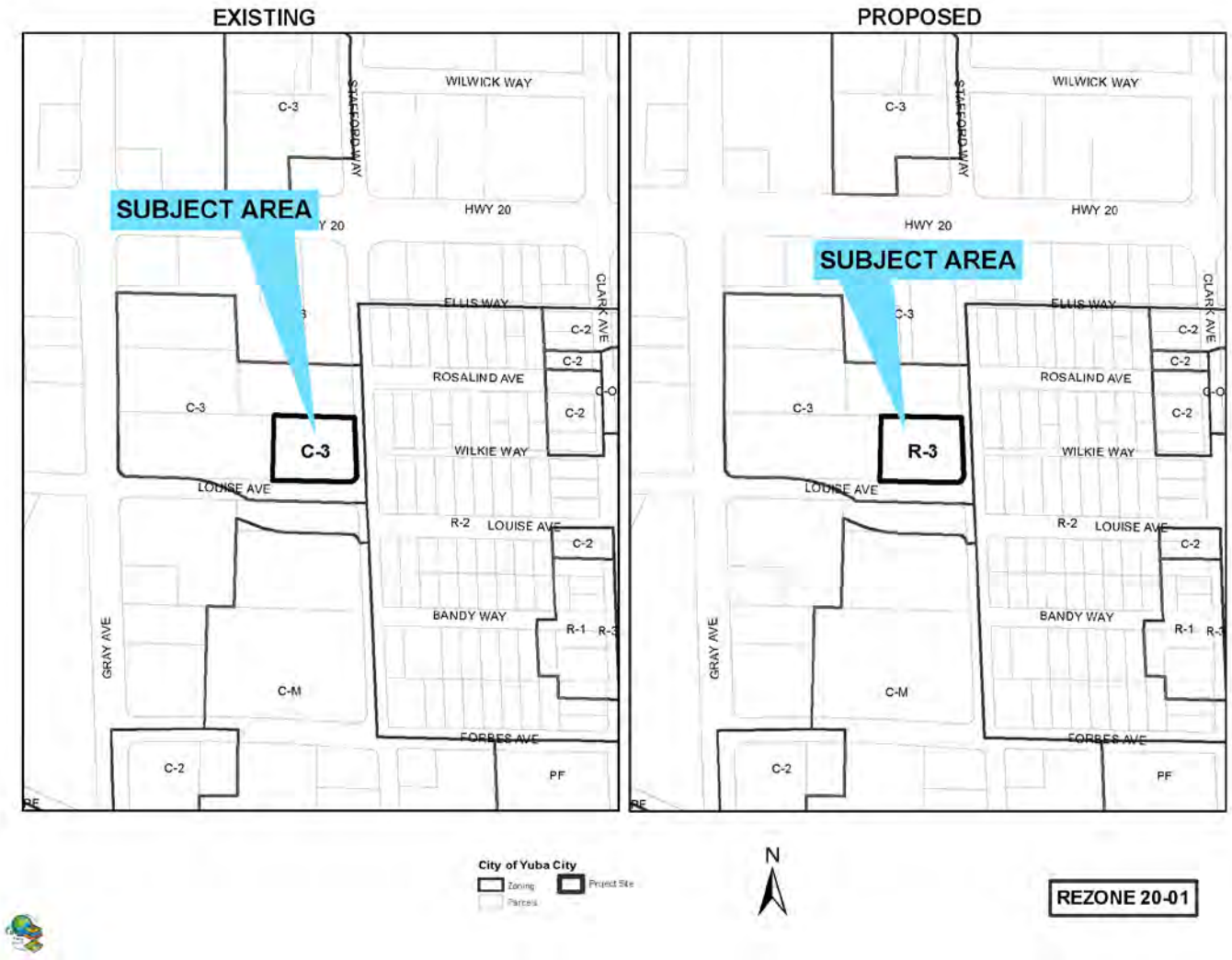
HIGHMARK LAND LLC

General Plan Amendment20-01, Rezone 20-01

1 inch = 200 feet



EXISTING/PROPOSED GENERAL PLAN LAND USE DESIGNATIONS



EXISTING/PROPOSED ZONING DESIGNATIONS

2.14 Environmental Factors Potentially Affected:

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

☐ Aesthetics	☐ Agriculture & Forestry Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☐ Hazzard & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

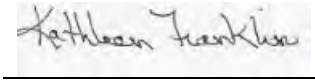
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



August 4, 2020

Signature | Date

Kathleen Franklin, Planning Consultant

Printed Name/Position

2.15 Evaluation of Environmental Impacts:

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

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

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

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

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

Impacts Adequately Addressed. The IS/MND should 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," the IS/MND should 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 is attached, and other sources used, or individuals contacted are cited in the discussion.

3. Environmental Checklist and Impact Evaluation

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

3.1. Aesthetics

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

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of three to five 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 ten 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 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 with apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources.

3.1.2. Federal Regulatory Setting

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

3.1.3. State Regulatory Setting

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

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

California Building Code Title 24 Outdoor Lighting Standards: Requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in.

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

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

3.1.4. Impact Assessment/Environmental Consequences:

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

There are no designated scenic vistas within the vicinity of the proposed project. The proposed change in land use and zoning, from commercial to a multi-family use, would not have the potential to affect any scenic vistas. The project site is surrounded by existing development within an existing urban area, there are no near views of open spaces that will be interrupted.

The Sutter Buttes are more distant and from ground level observation at the project site, they generally are screened by existing development. When development of the site occurs the height of new buildings will be limited by the proposed R-3 zoning, so the impact on the view of the Sutter Buttes will be less than significant.

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

The topography of the project parcel and those parcels surrounding it is flat. There are no rock outcroppings, large trees or historic buildings on the project site nor in the vicinity. Moreover, there is not a designated scenic highway near the site. Therefore, there will be no significant impacts on scenic resources. See additional discussion in item 3.1.4.a, above.

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

The City's 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." In addition to the City's General Plan, the City provides Design Guidelines which apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources. Future development of the site with multi-family residential units, as is proposed by the applicant, would require submittal of a Development Plan application to the City, which would be subject to either staff review (25 units or less) or Planning Commission review (if more than 25 units). This would include detailed review of the site plan, building architecture, landscaping and similar site improvement plans to ensure

consistency with City design standards and policies, ensuring the impact to visual quality of the project area is 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 proposed change in land use designation and zoning will not create new sources of light or glare. Any future development of the parcel would be required to incorporate the regulations of Zoning Code Article 58 – Exterior lighting. Therefore, impacts from new light sources would be less than significant. Lighting plans would be subject to review as part of the future Development Plan application for site development, as discussed in item 1.c, above.

3.2. Agricultural and Forestry Resources

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

Table 3-2: Agricultural and Forestry Resources

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

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley, 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.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures 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, repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

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

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

3.2.3. State Regulatory Setting

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

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

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

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

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

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

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

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

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

3.2.4. Impact Assessment/Environmental Consequences:

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

The 0.83-acre project site is located within the Yuba City urbanized area, surrounded by existing development. As the project area is relatively small, within the urban area, and surrounded by urban uses, there is no impact on agriculture land loss.

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

The proposed project is currently zoned for urban type uses 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 that may have formerly been used for agriculture but developed 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 will be infill within the urbanized downtown area of the City and has not been utilized as farmland for many years. While the underlying soils may have agriculture qualities, the area is urbanized and its viability for agricultural use is not 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 or conversion of forest land that would result from this project.

3.3. Air Quality

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

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

3.3.1. Environmental Setting/Affected Environment

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

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

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north

carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

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

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

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

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

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

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

Nitrogen oxides can also be formed naturally.

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

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary

standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six "criteria" pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is following the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

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

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

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

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county District formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce

emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

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

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

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.
- Exceed the operational screening criteria established by the FRAQMD for new low-rise, multi-family residential development of 160 units.

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

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

Construction Generated Emissions of Criteria Air Pollutants:

The District recommends the following best management practices:

Implement the Fugitive Dust Control Plan.

- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,

- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

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

The proposed land use designation and zoning changes would not obstruct implementation of the applicable air quality plan. However, future construction would involve short-term grading and construction that would generate 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. Should construction occur on the project site project would be required to follow the *FRAQMD Rules & Regulations Statement: New Developm*ent (Attachment B), including a requirement to obtain a Permit to Operate. Also noted is that the project, which is anticipated to result in approximately 24 low-rise, multi-family residential units, is well below the FRAQMD threshold operational screening criteria of 160 units. Therefore, any air quality impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The change in land use designation and zoning would not result in a cumulatively considerable net increase for any criteria pollutants. As discussed in item 3.3.5.a, above, the project is anticipated to ultimately result in the construction and operation of approximately 24 low-rise, multi-family residential units. As such, the project is well below the FRAQMD threshold operational screening criteria of 160 units. Therefore, air quality impacts would be less than FRAQMD thresholds for non-attainment pollutants and operation of the resulting new developments would not exceed the emissions thresholds for criteria pollutants, and would not be expected to result in any significant manner to cumulative air quality impacts for any criteria pollutants, notably with respect to state ozone and PM10 standards. Also see discussion in section 3.8.4, Greenhouse Gas Emissions.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. The sensitive receptor located adjacent or within 1,000 feet to the proposed project is Bridge Street Elementary School as well as some residences. 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". 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-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g. when school is not in session or during non-school hours; or when office building 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.

The FRAQMD has not established a threshold of significance to evaluate the health risk resulting from projects that would locate sensitive receptors near existing non-permitted sources of TACs. In this case, development that could result from the proposed project would result in the limited generation of criteria pollutants during construction and maintenance. Due to the temporary nature of construction, sensitive receptors in the vicinity of the proposed project would not be subjected to long-term exposure to diesel particulate matter. Any exposure of sensitive receptors to pollutant concentrations would be less than significant.

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

The change in land use designation and zoning will not generate objectionable odors. Odors from future development on the multi-family parcel would be anticipated uses within the zoned district in a highly urbanized area. As such, the impact of the project would be less than significant.

3.4. Biological Resources

Table 3-4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

3.4.1. Environmental Setting/Affected Environment

The project parcel is currently vacant however is located within an urbanized area. The General Plan land use designation and zoning are for commercial use with several of the surrounding parcels currently developed.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the

state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

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

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

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

Waters of the U.S. generally include:

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

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

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

issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

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

3.4.3. Local Regulatory Setting

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

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.

8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.

8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities

8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

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

8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

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

Because the 0.83-acre project is surrounded with commercial and residential uses in an urban setting it is unlikely there would be any significant habitat value. There have been no special status species identified within the vicinity. 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, is already currently occupied and developed, and therefore no adverse impacts to special status species are expected to occur as a result of this project.

Raptor species, including the red-tailed hawk and barn owl, may forage within the project vicinity. Large native and non-native trees within the project site are capable of providing nesting habitat for these species, however no nests have been observed on or by the project site to date. There are no wetlands or riparian habitats within the proposed footprint of the development. Accordingly, impacts from the project will be less than significant.

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?

The project 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 state or federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?

The project site, although vacant, is located within a currently developed urban area. No wetlands or federal jurisdictional waters of the U.S. are present within the project area or general vicinity. 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 project site is not located near any waterways; therefore, no migratory fish would be affected. The project does not propose to remove any significant trees that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the project. Therefore, there would be no impact.

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

Should development of the project site occur, existing trees on the perimeter of the parcel would not be subject to protection by local policies or ordinances. No other biological resources that would be protected by local policies or ordinances occur on the site, and as such there would be no impact.

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 project vicinity, therefore there is no impact.

3.5. Cultural Resources

Table 3-5: Cultural Resources

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

3.5.1. Federal Regulatory Setting

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

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

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

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

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is either: 1) 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]); 2) is included in a local register of historical resources, as defined in PRC 5020.1(k); 3) has been identified as significant in an historical resources survey, as defined in PRC 5024.1(g); or 4) is determined to be historically significant by the CEQA lead agency CCR Title 14, § 15064.5(a)]. In making this determination, the CEQA lead agency usually applies the CRHR eligibility criteria.

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; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

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

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or

manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

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

3.5.1. Local Regulatory Setting

City of Yuba City General Plan: The 2004 General Plan, adopted by the City Council on April 8, 2004 by Resolution #04-049, recognizes the rich history of the City in its guiding policy:

8.3-G-1: Identify and preserve the archaeological, paleontological, and historic resources that are found within the Yuba City Planning Area.

Implementing policies include:

8.3-I-1: Encourage the preservation of historic sites, buildings, and structures.

8.3-I-2: Undertake an inventory of historic resources to determine sites or buildings of federal, State, or local historic significance.

The State Office of Historic Preservation has determined that buildings or structures 45 years or older have the potential to be historically significant. Sections 5020-5029 of the State Public Resources Code addresses historic resource assessment and protection. The inventory conducted for the previous General Plan should be updated.

8.3-I-3: Promote the registration of historic sites, buildings, and structures in the National Register of Historic Places, and inclusion in the California Inventory of Historic Resources.

8.3-I-4: Consult with the local Native American community in the cases where new development may result in disturbance to Native American sites.

8.3-I-5: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:

- Requiring a records review for development proposed in areas that are considered archaeologically sensitive;
- Studying the potential effects of development and construction (as required by CEQA);
- Requiring pre-construction surveys and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
- Implementing appropriate measures to avoid the identified impacts.

8.3-I-6: In accordance with CEQA and the State Public Resources Code, require the preparation of a resource mitigation plan and monitoring program by a qualified archaeologist in the event that archaeological resources are discovered.

In the event that historical or archaeological resources are accidentally discovered during construction, grading activity in the immediate area should cease and materials and their surroundings shall not be altered or collected. A qualified archaeologist must make an immediate evaluation and avoidance measures or appropriate mitigation should be completed, according to CEQA Guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports that should be used as guidelines.

City of Yuba City Municipal Code: Consistent with guiding policy 8.3-G-1 and implementing policies 8.3-I-1 and 9.3-I-3, Title 8, Chapter 5, Article 37 of the City Code established a Historic Combining District procedure "to implement the historic and archaeological resources policies of the General Plan; to promote the preservation, rehabilitation, restoration, reconstruction, and protection of historic and cultural resources; to encourage and promote public knowledge, understanding, and appreciation of the City's history; to promote appreciation and use of historic resources; to encourage preservation of resources, which may potentially be considered eligible for historic preservation zoning; to promote public awareness of the benefits of preservation; and to encourage public participation in identifying and preserving historic resources, thereby increasing community pride and awareness of the City's cultural and historical heritage." Article 37 provides a process by which a Historic Combining District may be established or abolished, which may or may not coincide with CEQA review.

ELSP: Per California Health and Safety Code Section 7050.5, if human remains are discovered, the County Coroner shall be notified immediately and no further disturbance of the site shall occur until their origin and disposition pursuant to Public Resources Code Section 5097.98 have been made. If the Corner determines that no investigation of the cause of death is required, and if the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission, which, in turn, shall inform the most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any other grave materials.

All proponents of projects involving Native American archaeological, ethnographic or spiritual resources shall hire a qualified archaeologist to perform any required identification or treatment of resources. The archaeologist shall be either certified by the Register of Professional Archaeologists or meet the federal standards, as stated in the Code of Federal Regulations (36 C.F.R. 61)

3.5.2. Environmental Setting/Affected Environment

Cultural Resources: The broad term of "Cultural resource" is used by most regulatory authorities to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties, such as buildings, bridges, and infrastructure; and locations important to Native Americans. As described in Section 3.14 of the EIR for the Yuba City General Plan (2004), the Yuba City area exhibits a diverse array of cultural resources. Throughout history, the Yuba City area has attracted human populations. Archaeological and historical information indicates that as early as 4,000 years ago, Native American groups occupying the area were exploiting the abundant fish, game, waterfowl, and plant resources along the Feather, Yuba, and Sacramento rivers. By the 1800s, early trappers and explorers had visited the area, Spanish land grants had been established, and early emigrant trails had traversed what would later become Sutter County. With the 1849 discovery of gold at Sutter's Mill, the Euro-American population boomed, and concurrently, the Native American population was greatly reduced. Eventually

the mines played out and farming became more lucrative. The Sutter County-Yuba City area became known as one of the richest agricultural regions in the state.

Each of the populations occupying the Yuba City area throughout history have left behind a record of their passing. These "records" are embodied in the cultural and historical landscapes as evidenced by the archaeological remains, historic buildings, traditional customs, tangible artifacts, historical documents, and public records that represent both Native American and non-Native American human occupation. Amore detailed cultural setting and historic context is provided in Section 3.14 of the EIR for the Yuba City General Plan, which provided baseline information upon which this impact assessment was performed.

Paleontological Resources: The recognizable remains of once-living, non-human organisms are referred to as paleontological resources. Identified as fossils, these resources represent a record of history of life on the planet dating back as far as 4 billion years ago. Paleontological resources can include fossilized shells, bones, leaves, tracks, trails, and other fossilized floral or faunal materials. Paleontological resources are not related to human history and are among the resources considered in the CEQA Guidelines.

3.5.3. Impact Assessment/Environmental Consequences:

Cultural Resources: According to the CEQA Guidelines, a project would have a significant impact on cultural resources if it would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5; cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5; or disturb any human remains, including those interred outside of formal cemeteries. The CEQA Guidelines state that a project that causes a substantial adverse change in the significance of a Historical Resource is considered to have a significant effect on the environment unless mitigated.

Impacts to a Historical Resource, as defined by CEQA, 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(b)]. CEQA Historical Resources include resources that are eligible for the NRHP or the CRHR [CCR Title 14, Section 15064.5(a)]. Such resources can be buildings, structures, and facilities from the historic period and prehistoric and historic archaeological sites. Demolition or alteration of eligible buildings, structures, and features to the extent that they would no longer be eligible would result in a significant impact. Whole or partial destruction of eligible archaeological sites would result in a significant impact. In addition to impacts from construction resulting in destruction or physical alteration of an eligible resource, impacts to the integrity of setting (sometimes termed "visual impacts") of eligible buildings and above-ground structures and facilities in the Project area could also result in significant impacts. All potentially significant impacts would occur as a result of construction, not during the use of the constructed project. Only impacts to resources that meet the CEQA definition of a Historical Resource can be considered significant (CEQA guidelines section 15064.5).

3.5.4. Impact Assessment/Environmental Consequences:

a) Would the project cause a substantial adverse change in the significance of a historical pursuant to §15064.5?

There are no known or observed historical resources on the project site, which has been substantially disturbed and developed. As a precaution, implementation of Cultural Resources Mitigation Measure 1 would reduce the impact to less than significant.

b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5?

There are no known or observed archaeological resources on the project site, which has been substantially disturbed. However, there always exists the potential for buried pre-contact archaeological sites in the project area. Implementation of Cultural Resources Mitigation Measure 1 would reduce the impact to less than significant.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No dedicated cemeteries or other places of human internment are known to exist on the proposed Project site. No evidence of human remains at the Project site have been documented, and it is unlikely that buried human remains are present given the previous soil disturbance. However, there still remains the potential for previously unknown sub-surface resources to be present. Implementation of Cultural Resources Mitigation Measure 2 would reduce the impact to less than significant.

On March 30, 2020 the City sent 14-day initial notices to Ione Band of Miwok Indians and United Auburn Indian Community. The 30-day window was supposed to close on April 29, 2020, but it was paused through June 21 due to Executive Order N-54-20. As of April 22, 7 days were remaining in the 30-day response window. This meant that the response window resumed on June 21 and ended on June 28, 2020. The City did not receive any tribal responses for this project. Regardless, in order to mitigate any potential impacts, mitigation measures are included that require the Tribes to be notified of any changes and other mitigations.

3.5.5. Mitigation Measures

Cultural Resources Mitigation Measure 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, ground disturbing activities within 100 feet of the discovery shall be halted or diverted until a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and evaluates the significance of the find. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.

***Cultural Resources Mitigation Monitoring 1*:** The Mitigation Measure #1 above shall be placed as a note on the Demolition and Grading Plans. The construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-5145.**

***Cultural Resources Mitigation Measure 2*:** In the event that evidence of human remains is discovered, or remains that are potentially human, ground disturbing activities within 100 feet of the discovery shall be halted or diverted and immediately reported to the County Coroner (Section 7050.5 of the Health and Safety Code). The construction supervisor shall ensure that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner will notify the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not

be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a re-interment document with the county in which the property is located (AB 2641).

***Culture Resources Mitigation Monitoring 2*:** Mitigation Measure #2 above shall be placed as a note on the Demolition and Grading Plans. If Human Remains are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-4700.**

3.6. Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1. State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

As with air pollutant emissions, the main sources of energy consumption would be construction activities and project operations when development of the site occurs.

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

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

The project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified.

Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary. Project impacts related to energy consumption are considered less than significant.

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

In addition to reducing energy consumption, the proposed sustainability components would be consistent with state and local energy efficiency plans. All components would be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures (see Section 3.8, Greenhouse Gas Emissions). The project would be consistent with applicable state and local plans to increase energy efficiency. Project impacts would be less than significant.

3.7. Geology and Soils

Table 3-7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly 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 direct or indirect 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
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1. Environmental Setting/Affected Environment

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

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury and loss of life, as well as damage to infrastructure networks such as water, power, gas,

communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

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

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

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

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

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

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and

vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

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

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are

specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2. Federal Regulatory Setting

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

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

3.7.3. State Regulatory Setting

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

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

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

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

3.7.4. Impact Assessment/Environmental Consequences:

a) Directly or indirectly cause 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 there is a considerable distance from the City to the closest known active fault zone, 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?

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. All new structures for the Project 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?

The Environmental Impact Report prepared for the General Plan recognizes the flat topography of the Yuba City area. Therefore 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?

When construction of the 0.83-acre project site occurs, there would be further disturbance of the previously graded project site. 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. Because of the size of the project site (less than 1 acre) the applicant would not be subject to the National Pollutant Discharge Elimination System. However, standard conditions of approval for will require that all measures required to ensure that no drainage runoff resulting from the development of the property will flow onto the adjacent

lands. Any future project will be conditioned as noted and will have to use Best Management Practices, which are designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process would be utilized. As such, 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?

See (d) below.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The project site is not located within that area and therefore would 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?

Future development of the project site would be required to connect to the City's wastewater collection system. As such, there will be no impact.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

In response to the City's inquiry, no tribes indicated their wish to initiate consultation under AB 52. Regardless, in order to mitigate any potential impacts, mitigation measures are included that require the Tribe to be notified of any changes and other mitigations.

***Paleontological Resources Mitigation Measure 1*:** Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation.

***Paleontological Mitigation Monitoring 1*:** Mitigation Measure # 1 above shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department @ **530-822-5145.**

Mitigation shall be conducted as follows:

3.7.5. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;

3.7.6. Assess effects on identified sites;

3.7.7. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;

3.7.8. Obtain comments from the researchers;

3.7.9. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of

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

3.8. Greenhouse Gas Emissions

Table 3.8 Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1. Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

3.8.2. State & Local Regulatory Setting

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

- Local Control: The 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 the General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3. Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The change in land use proposed by the project would not generate greenhouse gas emissions that would have a significant impact on the environment. Development of the site will create GHG emissions due to the use of motorized construction equipment and an increase to ongoing auto traffic. However, based on the low number of trips that would be generated due to the size of development (an estimated 29 multi-family units, generating approximately 185 vehicle trips per day) that could occur under regulations of the General Plan and zoning for multi-family use, significant quantities of greenhouse gas emissions would not be created. Accordingly, the project will have less than a significant impact.

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).

Development of this project would potentially create GHG emissions due to the use of motorized construction equipment and ongoing auto traffic generation. Due to the small size of the project site and an estimated 29 multi-family residential units to be developed under separate permit application to the City, as well falling well below the FRAQMD operational air quality threshold of 160 multi-family units,

construction of the project is not expected to create significant quantities greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to future construction 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. With the imposition of this mitigation, impacts will be less than significant.

3.8.4. Greenhouse Mitigation Measure

Findings: Future development of the site as a result of this project would potentially create GHG emissions due to the use of motorized construction equipment and ongoing auto traffic generated by the project. Due to the small size of any potential project it is not expected to create significant quantities of greenhouse gas emissions. However, on a cumulative scale and as a safeguard, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing future development, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures.

***Greenhouse Gas Mitigation Measure 1*:** Pertaining to potential cumulative impacts associated with GHG emissions, any site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9. Hazards and Hazardous Materials

Table 3-9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?				X

3.9.1. Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

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

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

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

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

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

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

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

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

3.9.2. State Regulatory Setting

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

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

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

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

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

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

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

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

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

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

3.9.3. Local Regulatory Setting

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

3.9.4. Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project does not propose the routine transport, use, or disposal of hazardous materials. Therefore, the impact will be less than significant.

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?

There will be no hazardous materials released as a result of the project. The potential presence of hazardous materials would be primarily related to construction and grading equipment such as solvents, oil and fuel. No long-term use of hazardous materials is proposed by the project, and the impact of the project will 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?

There are no schools located within one-quarter mile of the proposed project. Therefore, there will be no impact to a school from hazardous emissions, hazardous materials, substances or waste. Accordingly, the project will have a less than significant impact.

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 project site is not included on the California Department of Toxic Substance Control's Hazardous Waste and Substances Site List. Therefore, the project will have a less than significant impact.

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

The project site is not located within the Sutter County Airport Land Use Plan area. Therefore, the project will have a less than significant impact.

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

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the project may have on any emergency response plans, and the project would not interfere with any such plans. Therefore the impact is less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The project site is located within an urban area and there are no wildlands on the site or in the immediate area. Therefore, no impact from wildland fires is anticipated. **Also see Wildfire, Section 3.20.**

3.10. Hydrology and Water Quality

Table 3-10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:			X	
i) result in substantial erosion or siltation on- or off-site?				
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?				
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
iv) Impede or redirect flood flows				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1. Federal Regulatory Setting

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

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

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

3.10.2. State Regulatory Setting

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

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

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

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.

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

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

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

Sustainable Groundwater Management Act: On September 16, 2014 Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1153 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium-priority.

3.10.3. Impact Assessment/Environmental Consequences:

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

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. Since this project only receives water through the City system, the project would not significantly impact the water quality in the City system. The City provides water quality data to the public through consumer confidence reports.

All storm water runoff associated with new development on this property 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. In addition, the applicant will be required to participate in an existing *Mello-Roos CFD* to address project impacts to drainage, as well as other public facilities. Therefore, the impact will be less than significant with mitigation incorporated below.

3.10.3 a *Mitigation Measure*

Hydrology and Water Quality Mitigation Measure 1: The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This mitigation may be satisfied through participation in an existing Mello-Roos Community Facilities District (CFD), by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district.

Hydrology and Water Quality Mitigation Monitoring 1: The mitigation shall be satisfied prior to issuance of building permits or at a time agreed to between the development and Public Works staff.

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

The project proposes a rezone from General Commercial (C-3) Overlay Zone (X) zoning district to a Multi-Family Residence (R-3) zoning district as well as associated construction of approximately 24 multi-family residences. R-3 zoned district uses typically consume more water than C-3 zoned district uses. However, the difference between the consumption rates is less than significant. Furthermore, very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system. As such, the project would have a less than significant impact as it would not decrease groundwater supplies or interfere substantially with groundwater recharge.

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

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

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

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

iv) impede or redirect flood flows?

The proposed General Plan amendment and rezoning of the site will not alter existing drainage of the site. As noted above, all new construction must involve use of Best Management Practices. Therefore, there would be no significant impacts from additional storm water drainage from the site cause by construction and use of the site for multi-family residential units. The project does not include the alteration of the course of a stream or river, and will not substantially increase the rate or amount of surface runoff, and will not impeded or redirect flood flows. Therefore, there is a less than significant impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by a seiche or tsunami. 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. Accordingly, there is a less than significant impact.

e) Conflict with, or obstruct implementation of, a water quality control plan or sustainable groundwater management plan?

As previously stated, 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 City does not have an adopted groundwater management plan. Therefore, this project would only receive water through the City system, it is unlikely that there would be any impact to the water quality in the City system. As such, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and the impacts would be less than significant.

3.11. Land Use and Planning

Table 3-11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1. Environmental Setting/Affected Environment

The project will not physically divide an established community. Residential land use and zoning is an appropriate use for the project site which is located at the corner of commercial use and across the street from existing single-family residential uses.

3.11.2. Federal Regulatory Setting

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

3.11.3. Local Regulatory Setting

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

3.11.4. Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The project will not physically divide an established community. The site is surrounded by a variety of uses that are both commercial and residential, and will not have a significant impact on the established community. Accordingly, the impact is less than significant.

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

The project will not conflict with any land use plan, policy or regulations established by the City of Yuba City. The surrounding land uses are commercial and single-family residential. Development of the project will require a Development Plan, which will allow for review of site development plans, architecture and related improvement plans. All future development must be consistent with General Plan policies and R-3 Zoning standards. The applicant has provided a 24-unit illustrative plan which has been assessed and which meets General Plan Policy 3.4-G3, which states: Promote development patterns that maximize residents' accessibility to parks, open space, and shopping areas. Implementing Policy 3.4-I-5 states: Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community. As such the project will have a less than significant impact.

3.12. Mineral Resources

Table 3-12: Mineral Resources

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

3.12.1. Federal Regulatory Setting

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

3.12.2. State Regulatory Setting

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

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;

- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

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

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

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

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

3.12.3. Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

See (b), below.

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

The project parcel 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 zones within the City's boundary, and no mineral extraction facilities currently exist within the City. Additionally, the site is centrally located within the urban area surrounded by uses that are generally considered incompatible with mineral extraction facilities. As such, the project will not have an impact on mineral resources.

3.13. Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

3.13.1. Environmental Setting/Affected Environment for Noise

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

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

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

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

3.13.2. Environmental Setting/Affected Environment for Ground Borne 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. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

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

3.13.3. Federal Regulatory Setting

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

3.13.4. State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

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

3.13.5. Local Regulatory Setting

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

The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

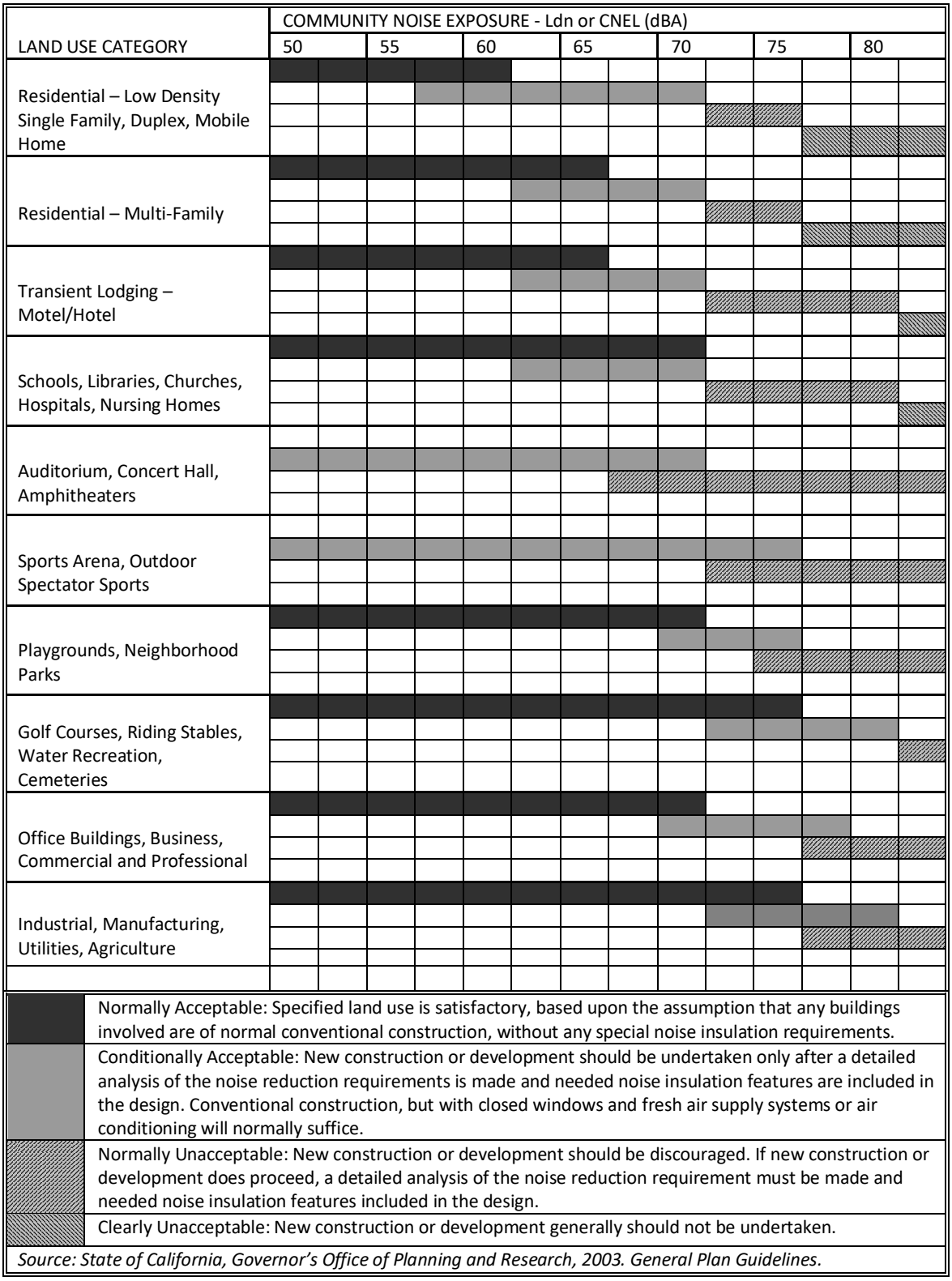
Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,
- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and

- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

[1] City of Yuba, 2004. *City of Yuba General Plan.* April 8, 2004.

Figure 1: Noise Exposure



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

3.13.6. Impact Assessment/Environmental Consequences:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The proposed project will not significantly increase ambient noise levels in the project's vicinity. Development of the Project would result in site disturbance and construction. Construction would involve temporary noise sources that are anticipated to last for a short period. The noise source would include typical grading and paving equipment and miscellaneous equipment.

Activities involved in construction could generate maximum noise levels, as indicated in the below table, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, and the fact that City ordinances limit construction to daylight hours, the effects from this future residential construction and operation of multi-family residential units activity are expected to be less than significant.

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*		

The project is required to comply with City General Plan Noise Element criteria, including a 65-decibel limit for multi-family residential uses. Although impacts of the environment on the project are not required to be assessed, it should be noted that development of the site would likely require construction a masonry wall along project interior lot lines to reduce potential noise impacts to the site from adjoining commercial uses. As such, the project complies with all applicable plans and ordinances, and its impacts would be less than significant.

b) Generation of excessive ground borne vibration or ground borne noise levels?

The proposed project will not generate excessive ground borne or ground borne noise levels in the project's vicinity. Development of the site would result in site disturbance and construction. 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. The table below describes the typical construction equipment vibration levels.

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 temporary impact to any uses in the vicinity of the project would be less than significant. Likewise the use of the site as multi-family residential dwellings would not generate excessive ground borne vibration or ground borne noise levels.

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

The project site is not located within the vicinity of a private airstrip nor does it lie within the Sutter County Airport Land Use Plan in regard to overflight zones. Therefore, there are no airport noise concerns for the project site.

3.14. Population and Housing

Table 3-14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1. Environmental Setting/Affected Environment

The proposed project is located in an urbanized area of the City, and is surrounded by single-family residential and commercial uses. Future development could include up to 24 multi-family residential units. All City services currently serve, and would have the capacity to serve, development and build-out at the density and intensity allowed in the R-3 zoning district.

3.14.2. Federal Regulatory Setting

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

3.14.3. State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following 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.

3.14.4. Regional Regulatory Setting

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

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

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

3.14.5. Impact Assessment/Environmental Consequences:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project proposes a change from commercial land use and zoning to a multi-family use, as well as subsequent development of multi-family residential dwelling potentially up to the maximum authorized in the R-3 zoning district. No development permits have been received by the City at this time, however, there is the possibility of future population growth. The 0.83-acre site would be constricted through General Plan and zoning regulations on the number of multi-family units allowed. Zoning Code Section 8-5.703 allows 1 unit per 1000 square feet of lot area for multi-family housing. Therefore, the maximum number of units allowed would be 29, with an illustrative site plan provided by the applicant indicating 24 units to be developed at the site. City infrastructure would serve the site, including sewer, water, storm water drainage, and roads. This number of units would not be expected to induce substantial, unplanned population growth. Accordingly, there is a less than significant impact.

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

The project site is currently vacant and has a land use/zoning designation for commercial development. No housing currently exists; however, the proposed land use changes and subsequent development would provide additional housing. Therefore, this project will not have any impact on the displacement of people or the need for replacement housing.

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

[2] Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: http://www.sacog.org/about/. Accessed July 25, 2017.

3.15. Public Services

Table 3-15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?		X		
ii) Police protection?		X		
iii) Schools?			X	
iv) Parks?		X		
v) Other public facilities?			X	

3.15.1. Environmental Setting/Affected Environment

Law enforcement serving the project site 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 occupants of the multi-family dwelling units are also provided by Yuba City.

3.15.2. Federal Regulatory Setting

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

3.15.3. State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during

emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

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

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

3.15.4. Impact Assessment/Environmental Consequences:

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

Fire Protection: The Yuba City Fire Department provides fire protection to the project site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Police Protection: The Yuba City Police Department will provide police services to the site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Schools: The Yuba City Unified School District did not comment on the proposed project. Development of residential units at the project site will require payment of applicable fees to ensure impacts on school facilities are less than significant.

Parks: The City's Parks and Recreation Department provides recreational services to this site. (***See Mitigation Under Hydrology and Water Quality, 3.10.3 a.)*** Therefore, the project's impacts are less than significant with mitigation incorporated.

Other Public Facilities: As the existing City 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 as there is adequate capacity to serve the project. Accordingly, the project will have a less than significant impact with regard to these items.

3.16. Recreation

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

3.16.1. Environmental Setting/Affected Environment

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

3.16.2. Federal Regulatory Setting

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

3.16.3. State Regulatory Setting

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

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

3.16.4. Local Regulatory Setting

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

3.16.5. Impact Assessment/Environmental Consequences:

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

The project would not generate or otherwise result in a substantial increased demand for recreational facilities. Accordingly, the impact will be less than significant. See "Parks" at 3.16, above.

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?

The project will not significantly impact existing recreational facilities and there is sufficient existing capacity in recreational facilities to accommodate this project and other planned growth in the area. Future development of the multi-family project site, would be limited to no more than 29 units, and is not anticipated to substantially impact the need for recreation beyond that which already exists in this vicinity and therefore is not considered significant.

3.17. Transportation

Table 3-17: Transportation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	

3.17.1. Federal Regulatory Setting

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

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

- 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.

3.17.2. 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".

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed project would not conflict with any plan, ordinance or policy addressing the circulation system, transit, roadway, bicycle or pedestrian facilities. Bicycle parking will be provided as part of any future development plan for multi-family residential units. There is a public transit stop less than ½ mile from the project site. Project plans are required to include detailed access/driveway/sidewalk plans and for connection of the project site multi-family development to City streets. Appropriate frontage improvements are also required for development of the project site.

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

The project would be consistent with the CEQA Guidelines with respect to transportation, and vehicle miles traveled (VMT). The project, a General Plan amendment and rezone changing the site's designation from commercial to high density residential with the potential for development of 29 residential units. Regardless, the development of residential units on the site will reduce total VMT in comparison to the range of permitted commercial development based on the current General Plan and zoning. the maximum of 29 units, will generate fewer vehicle trips and related VMT. For example, a 5,000 sq ft retail store on the project site, permitted by current zoning, would result in approximately 340 vehicle trips per day, compared to only approximately 185 vehicle trips per day for a 29-unit multi-family residential project, based on general Level of Service standards from the Institute of Transportation Engineers. VMT would also be substantially less as a result of fewer vehicle trips per day for a multi-family use (compared to commercial uses), and with commercial uses drawing customers from a wider area for shopping. This impact would therefore be less than significant.

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

The proposed project will not create a need for any new streets; there are no dangerous curves in the vicinity; and, as the site is in an urbanized area, it is anticipated there will be no conflict with uses such as farm equipment.

d) 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. There is adequate emergency access to the site. When a specific develop is proposed at the site, the applicant will be required to submit a Development Plan application to the City, including site and access plans, to ensure appropriate future emergency access is provided on-site. Impacts will be less than significant

3.18. Tribal Cultural Resources

Table 3-18: 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		

3.18.1. 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 Tribal Cultural Resources (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 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.

"Substantial evidence" is defined in Section 21080 of the Public Resources Code as "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." The criteria for inclusion in the California Register of Historical Resources (CRHR) are provided in Section 3.5.

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

Senate Bill 18: SB 18 was signed into law in September 2004 and became effective in March 2005. SB 18 (Burton, Chapter 905, Statutes of 2004) requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in the context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. The process by which consultation must occur in these cases was published by the Governor's Office of Planning and Research through its Tribal Consultation Guidelines: Supplement to General Plan Guidelines (November 14, 2005). The City carried out tribal consultation under SB 18 for this Project, and no tribes have requested consultation or provided information under SB 18. Because SB 18 is not a CEQA requirement, the consultation record is maintained separately by the City.

3.18.1. Environmental Setting/Affected Environment

As previously stated, initial notices were sent to Ione Band of Miwok Indians and United Auburn March 30, 2020. No requests for consultation were received from either tribe.

3.18.2. Impact Assessment/ Environmental Consequences

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. 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 and must take into account the consulting tribe's expert opinion when making this determination.

a) Would the project cause a significant adverse change in the significance of a tribal cultural resource 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)?

As described above, no known TCRs have been identified (as defined in Section 21074) within the project area. Therefore, the project would not cause a significant adverse change in the significance of a TCR that is either listed in, or eligible for listing in, the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). However, while the risk is low, there is still the possibility that

TCRs may be discovered during ground-disturbing activities associated with project construction. If so, this could adversely affect a presently-unknown TCR. This could result in a potentially significant impact, without mitigation. Implementation Cultural Resources Mitigation Measures 1 and 2 would reduce the impact to less than significant.

b) Would the project cause a significant adverse change in the significance of a tribal cultural 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?

As described above, no known TCRs have been identified (as defined in Section 21074) within the project area, and no substantial information has been provided to the City to indicate otherwise. Therefore, the project would not cause a significant adverse change, based on substantial evidence, in the significance of a TCR. However, there is a potential that TCRs may be discovered during ground-disturbing activities associated with project construction. If so, this could adversely affect a presently-unknown TCR. This could result in a potentially significant impact, without mitigation. Implementation of Tribal Cultural Resources Mitigation Measures 1 would reduce the impact to less than significant.

3.18.1. Mitigation Measures

***Tribal Cultural Resources Mitigation Measure 1*:** All operators of ground-disturbing equipment shall be responsible for pausing activity if potentially significant TCRs are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find. A Native American representative from traditionally and culturally affiliated Native American Tribe that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American representatives to ensure that tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to treatment directed by the City.

Tribal Cultural Resources Mitigation Monitoring 1: Mitigation Measure #1 shall be put as a note on all Demolition and Grading Plans. If TCRs are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately @ **530-822-5145.**

3.19. Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?		X		
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
f) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
g) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1. Environmental Setting/Affected Environment

Wastewater:

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

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas annex within the city limits to be served by the surface water system. The site is served by 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).[4]

3.19.2. Federal Regulatory Setting

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

3.19.3. State Regulatory Setting

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

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

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

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source

Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

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

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

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

3.19.4. Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project would not result in the relocation or construction of new utility facilities. All new development within Yuba City must pay water and wastewater connection fees which fund that development's share of capital improvements associated with the water and wastewater system. Therefore, the impact on the services mentioned above are less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The City has adequate surface water supply or other groundwater water resources to provide water to the project area, including any additional water demand created by full development of the project site. Accordingly, the impact is less than significant.

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

The project would not substantially affect the capacity of existing wastewater treatment. In addition, the City has excess capacity in its wastewater treatment facility to handle any increased wastewater flows generated by full development of the project site. Therefore, the impact is less than significant.

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

The landfill operated by Recology Yuba-Sutter has adequate landfill capacity for years to come, and the addition of up to 29 additional multi-family dwelling units will not have a significant impact on solid waste generation, require additional infrastructure, or otherwise impair the attainment of solid waste reduction goals. Accordingly, the impact is less than significant.

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

The project would not affect regulations related to solid waste. Transportation and disposal of all waste due to future construction and use of the parcel would be required to comply all applicable federal, state and local statutes and regulations. There would be no significant impact.

3.20. Wildfire

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

3.20.1. Environmental Setting/Affected Environment

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

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

3.20.2. Impact Assessment/ Environmental Consequences

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. Additionally, as discussed in Section 3.17 of this Initial Study, project construction is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Impacts from the project related to emergency response or evacuations would be less than significant.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As noted in Section 3.9 of this Initial Study, the project site is in a predominantly developed, urbanized area. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. As noted in Section 3.7 of this Initial Study, the project site is in a topographically flat area and does not have slopes that would increase wildfire severity. Impacts of the project related to wildland fire hazards would be less than significant.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As previously noted, the project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. Even so, development of the site would not be expected to exacerbate the wildfire risk on the project site, as explained in b) above. As the likelihood of wildfire risk is remote, the project would not require the installation or maintenance of infrastructure associated with wildfire risk. Impacts of the revised project would be less than significant.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As previously noted, the project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone. As also noted in Section 3.7 of this Initial Study, the project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the revised project related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

Table 3-21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?		X		
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1. Impact Assessment/Environmental Consequences:

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

The project area is within the Yuba City urbanized area and there is little plant or animal habitat value. The changes to the existing land use and zoning on this 0.83-acre area 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, substantially 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. Mitigation measures CUL 1 and GEO 1 have been incorporated in the Project to reduce all potentially significant impacts to less than significant with mitigation incorporated.

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

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact

of a project is significant and whether the effects of the project are cumulatively considerable. The

assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

The proposed changes to the land use and zoning of the project site, from a commercial use to multi-family use, does not significantly intensify the effects from past, current or probable development. The impacts of intensifying the existing use have been found to be considered 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 will not create substantial adverse effects on human beings, either directly or indirectly. Future construction-related air quality, noise, and hazardous materials exposure impacts that could occur as a result of the project 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.

4. Section References and/or Incorporated by Reference

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

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

Airport Land Use Commission. 2011. Yuba County Airport Land Use Compatibility Plan. Adopted March 17, 2011

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

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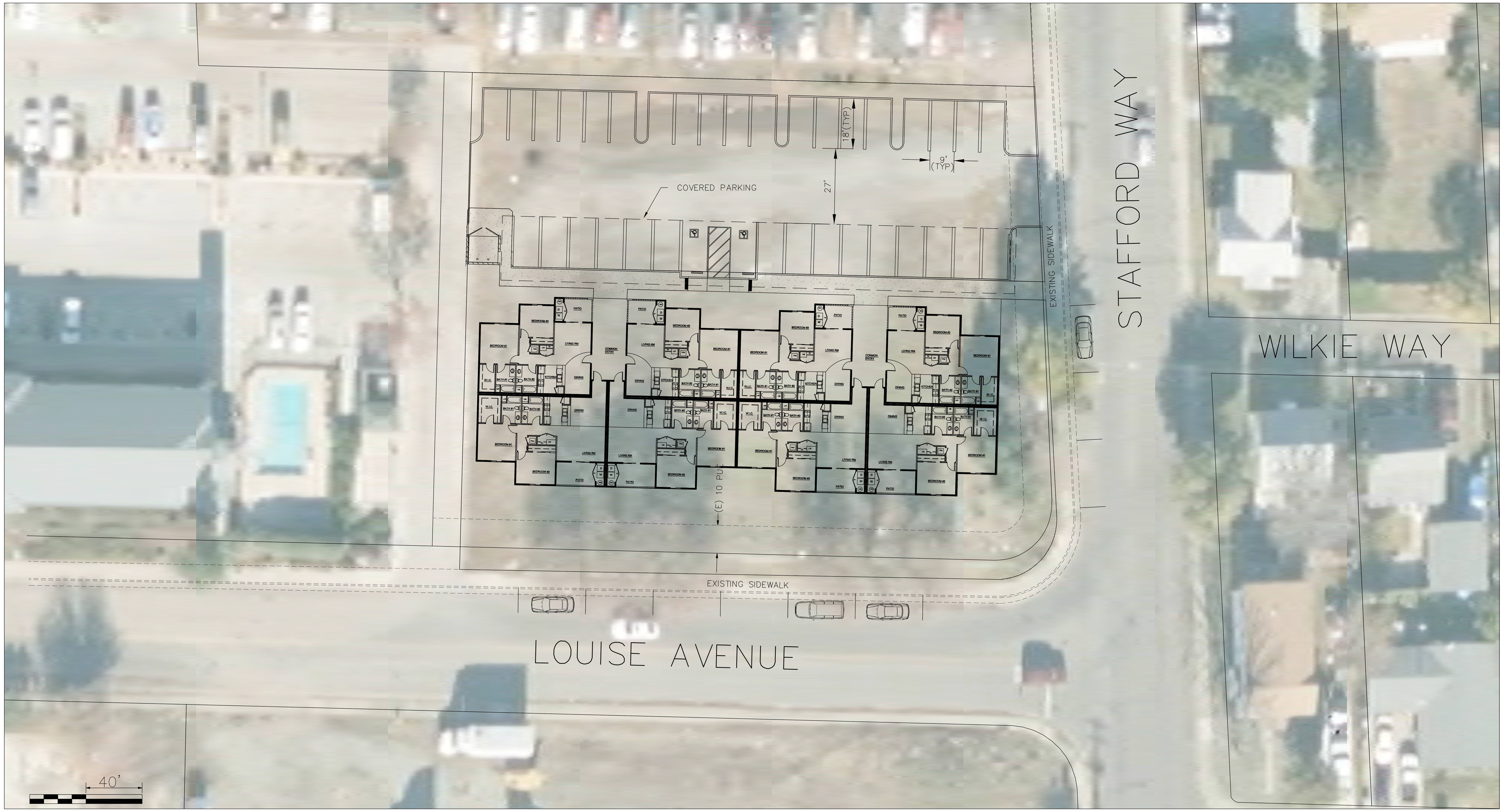
ATTACHMENTS

ATTACHMENT A – ILLUSTRATIVE CONCEPT PLAN
ATTACHMENT B – FRAQMD RULES AND REGULATIONS STATEMENT: NEW DEVELOPMENT

ATTACHMENT A

N

1"=40'



SITE INFORMATION

ASSESSOR PARCEL NUMBER: 52-141-038
GROSS AREA 36,346.04 SF (0.83 ACRES)
EXISTING ZONING: C-3
EXISTING GP DESIGNATION: REGIONAL COMMERCIAL
PROPOSED ZONING: R-3
PROPOSED GP DESIGNATION: MEDIUM/HIGH DENSITY RESIDENTIAL

BUILDING INFORMATION

BUILDING D-3 STORY- 24 UNITS:
FOOTPRINT AREA: 11,310 SF
UNITS AREAS:

UNIT 1 2 BRM	-1,228 SF
UNIT 2 2 BRM	-1,122 SF
UNIT 3 3 BRM ALT	-1,360 SF
UNIT 3 1 BRM ALT	-912 SF

OPEN SPACE CALCULATIONS

REQUIRED
24 UNITS X 200 SF/UNIT=4,800 SF

PROVIDED
AREA OF PATIOS:
[(110 SF+78 SF)X2]X3 STORIES=1,128.00 SF
1,128.00X 2 BUILDINGS= 2,256.00 SF
GENERAL OPEN SPACE = 3,560 SF

TOTAL OPEN SPACE PROVIDED (EXCLUDING LANDSCAPED AREA OF FRONT AND STREET SET BACK AREAS) = 5,816 SF

COVERAGE & DENSITY CALCULATIONS

DENSITY
36,346.04 SF (LOT AREA)/24 UNITS= 1,514.42 SF PER UNIT

PROVIDED
APARTMENT FOOTPRINT AREA= 11,310 SF
COVERED PARKING =4,211 SF
TOTAL COVERAGE = 11,310+4,211=15,521 SF
(15,521/36,346.04)X 100%= 42.70% OF LOT AREA

PARKING CALCULATIONS:

REQUIRED
20X1.5(2BRM)+2X1(1BRM)+2X2(3BRM)+3 GUESTS= 39 STALLS
PROVIDED
TOTAL NUMBER OF ON-SITE STALLS PROVIDED=36
TOTAL NUMBER OF OFF-SITE SPACES AVAILABLE= 9
TOTAL PROVIDED 36+9=45

NORTH VALLEY
ENGINEERING & SURVEYING
1547 STARR DRIVE, SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

SITE PLAN

REGISTERED PROFESSIONAL ENGINEER GEORGE L. MUSALLAM No. CIVIL STATE OF CALIFORNIA

JOB TITLE:

CONSTRUCTION DOCUMENTS FOR:
STAFFORD WAY APARTMENTS
824 LOUISE AVENUE, YUBA CITY, CALIFORNIA, 95993
SITE PLAN

REVISIONS:

#	DATE	DESCRIPTION

DATE	5 FEB 2020
DRAWN	RCM
JOB NO.	19-1203
SHEET	

SHT#
SP-1

FRAQMD Rules & Regulations Statement: New Development

The following statement is recommended as standard condition of approval or construction document language for **all** development projects within Feather River Air Quality Management District (FRAQMD). All projects are subject to FRAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.fraqmd.org or by calling 530-634-7659. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Regulation IV: Stationary Emission Sources Permit System and Registration. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from FRAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or internal combustion engine should contact the FRAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a FRAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to fumigation chambers, gasoline tanks and dispensing, spray booths, and operations that generate airborne particulate emissions.

Rule 3.0: Visible Emissions. A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

Rule 3.15: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 3.16: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 3.17: Wood Burning Devices. This rule requires newly installed wood burning devices meet emission standards. Wood burning fireplaces are prohibited unless they meet emission standards.

Rule 3.23: Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters. This rule requires all newly purchased or installed units 75,000 Btu/hr up to 1 million Btu/hr meet emission limits.

Rule 7.10: Indirect Source Fee. An applicant for a building permit shall pay fees to the FRAQMD based on number of units (residential) or square footage of the building and associated parking (commercial and industrial).

Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

In addition, other State or Federal rules and regulations may be applicable to construction phases of development projects, including:

California Health and Safety Code (HSC) section 41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

HSC section 41701. Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

California Vehicle Code section 23114 regarding transportation of material on roads and highways.

California Code of Regulations Title 13 Chapter 10 section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Limits idling time to 5 minutes for on-road heavy duty diesel trucks.

California Code of Regulations Title 13 Chapter 9 Article 4.8 section 2449: Regulation for In-Use Off-Road Diesel Vehicles. Limits idling time to 5 minutes.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93105: Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93106: Asbestos ATCM for Surfacing Applications.

Asbestos NESHAP. Prior to demolition of existing structures, an asbestos evaluation must be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA
Attn: Asbestos NESHAP Program
75 Hawthorne Street
San Francisco, CA 94105

CARB, Compliance Division
Attn: Asbestos NESHAP Program
P.O. Box 2815
Sacramento, CA 95814

FRAQMD
Attn: Karla Sanders
541 Washington Avenue
Yuba City, CA 95991

ATTACHMENT 9

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
STAFFORD WAY APARTMENTS
Initial Study and Mitigated Negative Declaration EA 20-04
General Plan Amendment 20-01 and Rezone 20-01

Impact	Mitigation Measure and Monitoring	Responsible Party	Timing
3.5 Cultural Resources	**Mitigation Measure CUL 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, ground disturbing activities within 100 feet of the discovery shall be halted or diverted until a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and evaluates the significance of the find. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction. **Mitigation Monitoring 1:** The Mitigation Measure #1 above shall be placed as a note on the Demolition and Grading Plans. The construction manager shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**	Developer, Development Services Dept.	Prior to issuance of Demolition and Grading Plans

	Mitigation Measure CUL 2: In the event that evidence of human remains is discovered, or remains that are potentially human, ground disturbing activities within 100 feet of the discovery shall be halted or diverted and immediately reported to the County Coroner (Section 7050.5 of the Health and Safety Code). The construction supervisor shall ensure that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner will notify the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a re-interment document with the county in which the property is located (AB 2641). **Mitigation Monitoring 2:** Mitigation Measure #2 above shall be placed as a note on the Demolition and Grading Plans. If Human Remains are discovered the construction manager		

	shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**		
3.7 Geology and Soils	**Paleontological Resources Mitigation Measure GEO 1:** Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation. **Paleontological Mitigation Monitoring 1:** Mitigation Measure # 1 above shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at **530-822-4700.** **Mitigation shall be conducted as follows:** • Identify and evaluate paleontological resources by intense field survey where impacts are considered high; • Assess effects on identified sites; • Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; • Obtain comments from the researchers; • Comply with researchers' recommendations to	Developer, Development Services Department	During Construction

	address any significant adverse effects where determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.		
3.8 Greenhouse Gas Emissions	**Mitigation Measure GHG 1:** Pertaining to potential cumulative impacts associated with GHG emissions, site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan. **Mitigation Monitoring 1:** Prior to issuance of Grading Permits, Public Works shall determine that the project complies with the GHG Reduction Measures of the Yuba City Resource Efficiency Plan	Developer, Public Works	Prior to issuance of Grading Permits
3.10 Hydrology and Water Quality	**Mitigation Measure HWQ 1:** The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This mitigation may be satisfied through participation in an existing Mello-Roos Community Facilities District (CFD), by payment of cash in an amount agreed to by the City, by another	Developer, Public Works	Prior to issuance of building permits or at a time agreed to between the development and Public Works staff.

	secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district. **Mitigation Monitoring HWQ 1:** The mitigation shall be satisfied prior to issuance of building permits or at a time agreed to between the development and Public Works staff.		
3.18 Tribal Cultural Resources	**Mitigation Measure TCR 1:** All operators of ground-disturbing equipment shall be responsible for pausing activity if potentially significant TCRs are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find. A Native American representative from traditionally and culturally affiliated Native American Tribe that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist meeting the Secretary of Interior's Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American representatives to ensure that tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to treatment directed by the City. **Mitigation Monitoring 1:** Mitigation Measure #1 shall be put as a note on all Demolition and Grading Plans. If TCRs are discovered the construction manager shall halt all activity and the Development Services Department shall be contacted immediately at **530-822-4700.**	Developer, Development Services Department	Prior to commencement of any demolition or onsite grading; During construction