



**CITY OF YUBA CITY  
PLANNING COMMISSION  
STAFF REPORT**

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**Date:** December 14, 2022  
**To:** Chair and Members of the Planning Commission  
**From:** Development Services Department  
**Presentation by:** Ashley Potočník, Development Liaison

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**Subject:** **Consideration of Planned Development (PD) 17 and Development Plan (DP) 22-04: Nestory Park Self Storage**

**Recommendation:**

- A. Conduct a Public Hearing and make the necessary findings to:
- B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-12 and adopt an Ordinance to approve Planned Development 17; and
- C. Adopt a Resolution contingently approving DP 22-04, Nestory Park Self Storage, subject to the proposed Conditions of Approval and Mitigation Measures, on 4.9-acres, located along the north side of Winship Road (Assessor's Parcel Number(s) 53-500-008 and 53-500-035).

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**Applicant/Owner:** David Flaherty / Nestory Park

**Project Location:** The 4.9-acre property, consisting of two parcels, is located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

**General Plan:** The site is designated in the General Plan as Business, Technology & Light Industrial (B,T,& LI), and self-storage facilities are consistent with that designation.

**Zoning:** Existing: The site is within two zone districts. The western parcel is in a Commercial/Light Industrial (C-M) Zone District, and the eastern parcel is zoned Light Industrial (M-1).

Proposed: The site is proposed to be rezoned to the PD 17 Zone District to modify the existing setback requirements in order to eliminate potential loitering areas and maximize development capacity.

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**Project Description:**

The proposal is a project that includes Planned Development (PD) 17 and Development Plan 22-04, titled Nestory Park Self Storage.

PD 17 is a proposal to rezone the property from the C-M Zone District and M-1 Zone District to a PD 17 Zone District. This individualized zone district allows the modification of uses and standards, and PD 17 proposed a reduction of setbacks and associated landscaping on the front and rear portions of the property. The rear setback is requested to be reduced from a 15-foot-wide landscaped area to zero, with vine type plantings along the masonry type wall. The applicant is coordinating with the adjacent property owner regarding a possible landscape easement on the Regional Housing Authority parcel to the north (APN: 53-470-087), however if an easement is not possible, then the applicant will pursue an alternative landscaping solution along that property line that will be reviewed by the Development Services Director through the Building Permit process. The front setback is proposed to be reduced from 20 feet to 10 feet with an associated reduction in landscape area.

DP 22-04 proposes to construct Nestory Park Self Storage facility on 4.9 acres. The request includes seven buildings that will house approximately 89,785 square feet of indoor self-storage units, approximately 70 outdoor vehicle storage spaces and approximately 127 shipping container spaces. In addition, an office/reception area near the entrance is proposed with seven public parking spaces just outside the entrance gate. No on-site caretaker residence is proposed. No commercial semi-trucks will be allowed in the outdoor vehicle storage area, and the perimeter of the project will include the rear of the self-storage units or walls that will block views of the outdoor storage area and the shipping containers.

**Background:**

This level property is vacant with no history of being built on. Discretionary review is triggered by the rezoning to a PD Zone District that will amend the development standards as outlined above. Self-storage facilities are a permitted use in the M-1 Zone District, but discretionary review is also triggered by its large size (Zoning Regulations Sec. 8-5.7001(d)) requiring Planning Commission approval.

The PD Zone District is intended to provide individualized zoning for projects that do not fit within traditional zone districts. The Zoning Regulations require that a 15-foot-wide landscaped yard (setback) be provided when there is a land use transition between commercial or industrial uses and residential uses. It is intended to provide a visual barrier between what are sometimes incompatible uses. The request is to reduce it to zero, and to reduce the front yard and landscaping from the standard 20 feet wide to 10 feet.

**Analysis:**

***Compatibility with neighboring uses:***

The project is located on the perimeter of an area designated for light industrial uses. Three sides either have or are planned for light-industrial uses. The fourth side, to the north, has multiple-family residences that would face the rear of the proposed facility. Only the north side of the property raises a potential compatibility issue. Adjacent land uses are provided in

Table 1:

<b>Table 1: Bordering Information and Uses</b>			
	<b>General Plan Land Use Classification</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>Project Site</b>	Business, Technology & Light Industrial (BT & LI)	Heavy Commercial/Light Industrial (CM) and Light Industrial (M-1)	The property is vacant.
<b>North</b>	Medium/High Density Residential (MDR)	Multiple-Family Residential (R-3)	Multiple-family residences
<b>East</b>	BT & LI	M-1	Orchard
<b>West</b>	BT & LI	M-1	Commercial condominium buildings housing heavy commercial/light industrial uses.
<b>South</b>	BT & LI	M-1	Orchard

While the ordinance requires a 15-foot-wide landscaped setback be installed to provide a buffer between the light industrial use and the multiple-family residences, the applicant has requested that the property be rezoned to a PD 17 Zone District that amends the development standards to reduce the setback from 15 feet to zero, with vine type plantings along the masonry type wall. For the reasons provided below in the “Rezoning to a Planned Development Zone District” section, due to the nature of the proposed business and local conditions, the proposed self-storage facility with the zero rear yard is not expected to be incompatible with the neighboring multi-family residential.

To further reduce potential compatibility issues there is a condition included that prohibits container stacking.

As such, it is not expected that there will be any compatibility issues with neighboring uses.

***Rezoning to a Planned Development Zone District:***

As provided in the project description, the PD 17 is requested to reduce front and rear yard setbacks in order to make a larger percentage of the property available for the proposed self-storage facility. It reflects the Light Industrial (M-1) Zone District in all respects except for the front and rear yard reductions. The proposed PD 17 Zone District is attached.

The reduction of the rear yard to zero, with vine type plantings along the masonry type wall will likely not cause any issues with the neighboring multifamily parcels for several reasons:

- The small landscape area will consist of vine type plantings to create a vertical garden that will largely diminish the view of the light industrial type of facility.

- The PD zoning, in addition to reducing the setbacks, also limits the use of the property to this approved site plan. This is important as the proposed self-storage facility is typically a low intensity, quiet use, as compared to other types of light industrial projects that could locate on this site. If changes are proposed to the project, they will have to be reviewed via a public process by the Planning Commission.
- For much of the project, there is considerable open space between the nearest multi-family residences and the proposed self-storage facility. Along much of the northern property line, the distance between uses would be well over 100 feet. For the easterly approximately 300 feet of the project, the minimum distance between the uses would be about 80 feet. One problem area, however, is that were the minimum distance between uses is about 80 feet, there is a Housing Authority street that is essentially on or very near the property line. As stated, the applicant is coordinating with the adjacent property owner regarding a landscape easement on the Regional Housing Authority parcel to the north (APN: 53-470-087). The addition of landscaping in this area will serve as a buffer between the street and the masonry wall.

#### ***Airport Land Use Plan:***

The project is located within the boundary of the Sutter County Airport Land Use Plan which provides polices regulating land uses near the airport. Regarding building height, a very small two-story portion of the Project is well below the several imaginary cones that limit height around the airport. It may be possible in future years, however, that the trees planted to landscape the property could grow into one of those zones. This should not be significant as the trees can be topped if needed.

There are also three safety zones around the airport that limit the intensity of uses, the Clear Zone, the Approach and Departure Zone, and the Overflight Zone. The project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. The project is also outside of the Approach and Departure Zone which is a cone shaped area extending beyond the 200-foot Clear Zone for 2,000 feet. The project is within the Overflight Zone, which is the area overflown by aircraft during normal traffic pattern procedures but outside of the Clear Zone and Approach and Departure Zone. This Zone limits intensity of uses, but the proposed Self-Storage facility is permitted as it is a low population density use.

The project is in conformance with the Sutter Airport Land Use Plan and, as such, there is not a potential for significant adverse impacts on the users of the Project nor to airport operations.

#### ***Traffic***

Self-storage facilities are very low traffic generators. There is a potential concern, however, that allowing commercial trucks in the permitted vehicle storage area could impact the non-signalized Garden Highway/ Winship Road intersection. Although commercial truck parking was not proposed by the applicant, there is a standard included in the PD that prohibits commercial truck parking. Thus, traffic generated by this project does not raise noteworthy concerns.



***Building Design:***

The walls and back of buildings along the rear and front of the facility are decorative and also will be completely (rear) or partially (front) covered by landscaping or the views of them interrupted by neighboring light industrial uses (west and east sides). However, the two-story portion of the building near the main entrance does not, in staff opinion, meet a quality design standard. Providing a second story that emphasizes the look of storage unit doors facing the highway does not represent an attractive design. As such, staff recommends that this elevation be improved to add a stronger design element to that upper story. Staff has included a condition that requires an enhanced design that meets this standard be approved by the Development Services Director prior to the issuance of a building permit.

The applicant has also indicated interest in potentially lowering the overall walls and building heights in some areas of the development. This proposed revision is required to be approved by the Development Services Director prior to issuance of a building permit.

***Availability of City services:***

All City services, including water, sewer, and storm-water drainage (a combination of City and the Gilsizer County Drainage District) are available to this site.

**Environmental Determination:**

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this self-storage project. The findings of the mitigated negative declaration are that, with the proposed mitigations for Geology/Soils, Greenhouse Gas Emissions, and Tribal Cultural Resources, the self-storage facility will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included with the project conditions of approval.

**Recommended Actions:**

- A. Following the close of the public hearing, the Planning Commission recommends the following findings:

**Environmental Findings:**

1. The Planning Commission recommends that the City Council find that an environmental assessment/ initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and

interested organizations. 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, based on its independent judgement and analysis the Planning Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.

2. Adoption of the MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The Planning Commission further recommends the City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

#### **Planned Development 17 Findings:**

Yuba City Municipal Code Section 8-5.2706, requires that the City make the following findings to approve a Planned Development (PD) Zone (*the required findings are in italics*).

1. *The proposal is consistent with the General Plan.*

Evidence. Self-storage facilities are considered to be light industrial type uses. They are specially listed as permitted uses in the C-M Zone District, and the C-M Zone District is listed in the Zoning Regulations as being consistent with the Light Industrial General Plan Designation.

2. *The proposal is consistent with the planned surrounding land uses.*

Evidence. Based on the analysis provided earlier in this report, the proposal is also a permitted use on three sides of this project that are also zoned for light industrial uses. Regarding the residentially zoned property to the north, with the buffering provided, this use will also be consistent with that multiple-family use.

3. *There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.*

Evidence. The project will be served by all City services. Regarding streets, self-storage

facilities are low traffic generators and Winship Road level of service is well within the City policy of streets being within Level of Service D. There is also a provision in the PD Zone District that does not allow parking for commercial trucks.

4. *The quality of the development is as good or better than would be accomplished through traditional zoning and design criteria.*

Evidence. While the setbacks and landscaping area is much less than would otherwise be provided per the City landscaping standards, adequate buffering between the self-storage facility and the neighboring multiple-family residences will be adequate, and the street frontage landscaping will be as good as the neighboring light industrial facility.

#### **Development Plan 22-04 Findings:**

Based upon analysis of the Development Plan application and subject to the applicant's compliance with the conditions of approval, the following required findings of Section 8-5.7001(d) of the Zoning Regulations can be made (*the required findings are in italics*).

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

Evidence. If the PD<sub>17</sub> rezoning is approved, the proposed self-storage facility will fit within the 4.90-acre site and meet all City standards. This includes off-street parking, lighting, landscaping, and other City adopted standards. All City services are available to the site, and adequate public access is provided by Colusa Frontage Road.

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

Evidence. The site is served by Winship Road. The City Public Works Department determined that the street would adequately serve the site. With the proposed condition that prohibits commercial truck parking on this project site, the nearest intersection at Garden Highway and Winship Road will not be impacted.

3. *The site design, design of the buildings, and the scale of the project will complement neighboring facilities.*

Evidence. Based on the analysis provided in the staff report, the design of the project combined with the condition added for further review of the two-story portion of the project, adequately addresses the City's desire for quality building design. The project's design and street frontage landscaping will complement the neighboring properties.

4. *The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.*

Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such,

has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

- B.** Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-12 and adopt an Ordinance to approve Planned Development 17; and
- C.** Adopt a Resolution contingently approving DP 22-04, Nestory Park Self Storage, subject to the proposed Conditions of Approval and Mitigation Measures, on 4.9-acres, located along the north side of Winship Road (Assessor's Parcel Number(s) 53-500-008 and 53-500-035).

**Attachments:**

- 1. PC 22-15: Resolution Recommending Approval of PD 17  
Exhibit A: Zoning Map, PD 17
- 2. PC 22-16: Resolution to Contingently Approve DP 22-04  
Exhibit A: Development Plan 22-04  
Exhibit B: Conditions of Approval  
A. PD 17 Zone District
- 3. Location Map
- 4. Environmental Assessment 22-12 and the Mitigation Monitoring Program

## ATTACHMENT 1

**PLANNING COMMISSION RESOLUTION NO. PC 22-15**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPT A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT 22-12 AND PLANNED DEVELOPMENT (PD) 17, NESTORY PARK SELF-STORAGE, LOCATED ALONG THE NORTH SIDE OF WINSHIP ROAD APPROXIMATELY 430 FEET EAST OF THE INTERSECTION OF WINSHIP ROAD AND GARDEN HIGHWAY (ASSESSOR'S PARCEL NUMBERS 53-500-008 AND 53-500-035).**

**WHEREAS** the City received an application for Planned Development (PD) 17 and Development Plan (DP) 22-04 to construct a self-storage facility, outdoor vehicle storage area and shipping container storage area; and

**WHEREAS**, as a result the following entitlements are being considered for approval:

- *Planned Development (PD) 17*
- *Development Plan (DP) 22-04*
- *Environmental Assessment (EA) 22-12*

(collectively "Project"); and

**WHEREAS**, the Planned Development Zone has been requested in order to reduce the setbacks on the property from 15 feet to 18 inches (north side) and landscaping from 15 feet to zero feet and to reduce the front (south side) setback and landscaping from 20 feet to 10 feet; and

**WHEREAS**, this property is within Yuba City's city limits and the property owner wished to enhance development opportunities for the property; and

**WHEREAS** a review of the General Plan and Zoning Regulations determined that the proposed self-storage facility was consistent with the elements of the General Plan and the Zoning Regulations, provided that the PD rezoning is approved; and

**WHEREAS** a review of the Sutter County Airport Land Use Plan determined that the project is consistent with the airport plan; and

**WHEREAS** the analysis of the adequacy of providing reduced setbacks and landscaping indicated that for several reasons the proposed facility would be compatible with neighboring uses; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (SCH No. 2022110562) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

**WHEREAS**, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-12, Planned Development (PD) 17 and Development Plan (DP) 22-04, at which time it received input from City Staff, public comment

portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

**WHEREAS**, after deliberation and consideration of all relevant items, the Planning Commission now desires to recommend the City Council adopt an Ordinance approving Environmental Assessment 22-12 and Planned Development (PD) 17.

**NOW, THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Yuba City resolves and orders as follows:

1. Recitals. The Planning Commission finds that the recitals are true and correct, and incorporates the same herein as set forth in full.

2. CEQA Findings. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that Planned Development (PD) 17 or Development Plan (DP) may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 22-12. Additionally, the Planning Commission recommends that the City Council find and determine as follows:

- a. The Planning Commission recommends that the City Council find that an environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. 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, based on its independent judgement and analysis the Planning Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The Planning Commission further recommends the City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. Planned Development 17 Findings. Yuba City Municipal Code Section 8-5.2706, requires that the City make the following findings to approve a Planned Development (PD) Zone (*the required findings are in italics*).

a. *The proposal is consistent with the General Plan.*

Evidence. Self-storage facilities are considered to be light industrial type uses. They are specially listed as permitted uses in the C-M Zone District, and the C-M Zone District is listed in the Zoning Regulations as being consistent with the Light Industrial General Plan Designation.

b. *The proposal is consistent with the planned surrounding land uses.*

Evidence. Based on the analysis provided earlier in this report, the proposal is also a permitted use on three sides of this project that are also zoned for light industrial uses. Regarding the residentially zoned property to the north, with the buffering provided, this use will also be consistent with that multiple-family use.

c. *There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.*

Evidence. The project will be served by all City services. Regarding streets, self-storage facilities are low traffic generators and Winship Road level of service is well within the City policy of streets being within Level of Service D. There is also a provision in the PD Zone District that does not allow parking for commercial trucks.

d. *The quality of the development is as good or better than would be accomplished through traditional zoning and design criteria.*

Evidence. While the setbacks and landscaping area is much less than would otherwise be provided per the City landscaping standards, adequate buffering between the self-storage facility and the neighboring multiple-family residences will be adequate, and the street frontage landscaping will be as good as the neighboring light industrial facility.

5. Recommendation of Approval of Planned Development 17. The Planning Commission recommends the City Council adopts Planned Development 17, per the attached Exhibit "A" made a part hereof by this reference.

6. Effective Date of Resolution. This Resolution shall become effective immediately.



The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner \_\_\_\_\_ who moved its adoption, which motion was seconded by Commissioner \_\_\_\_\_ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

\_\_\_\_\_  
Michele Blake, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Benjamin Moody, Secretary to the Planning Commission

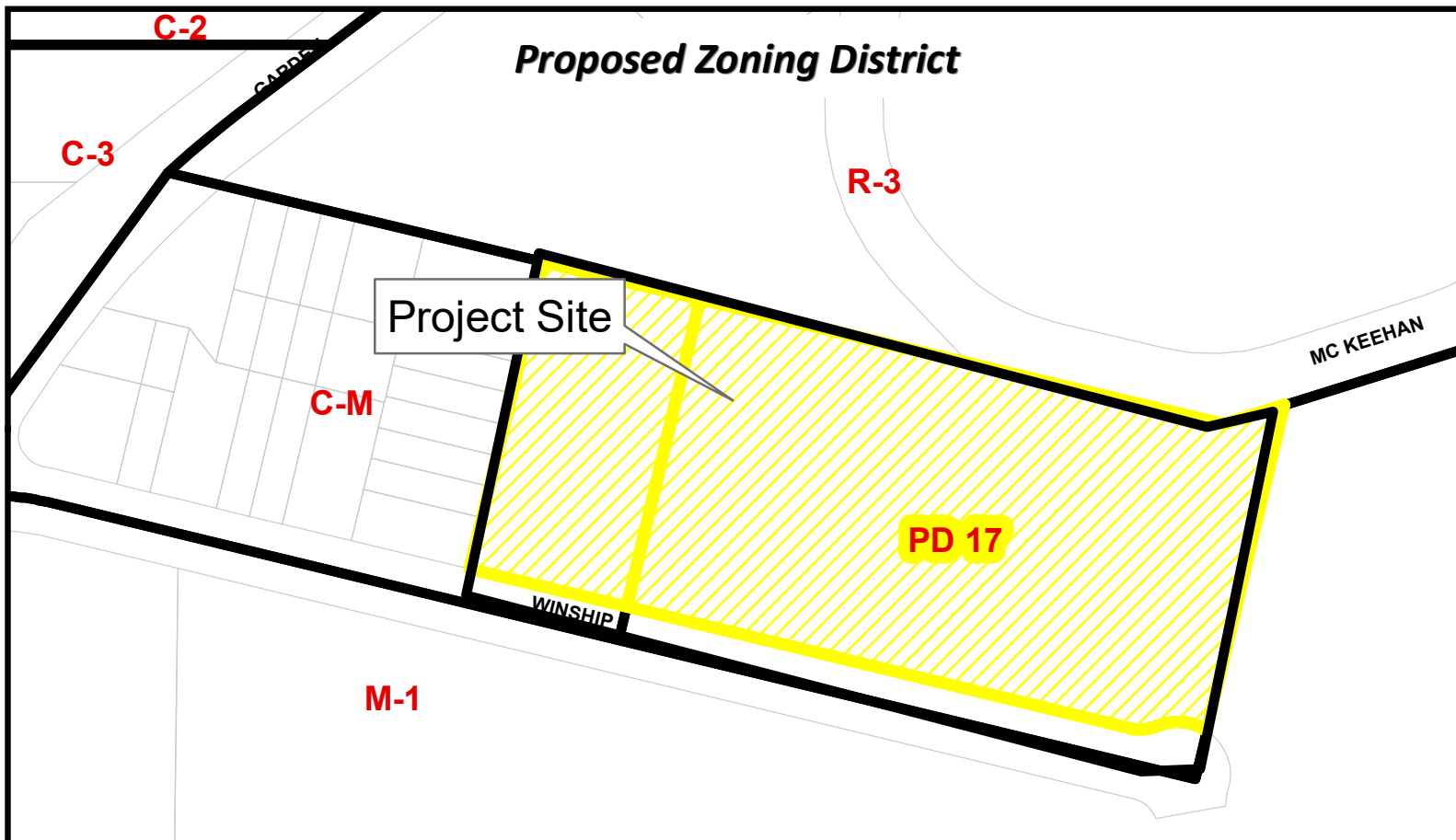
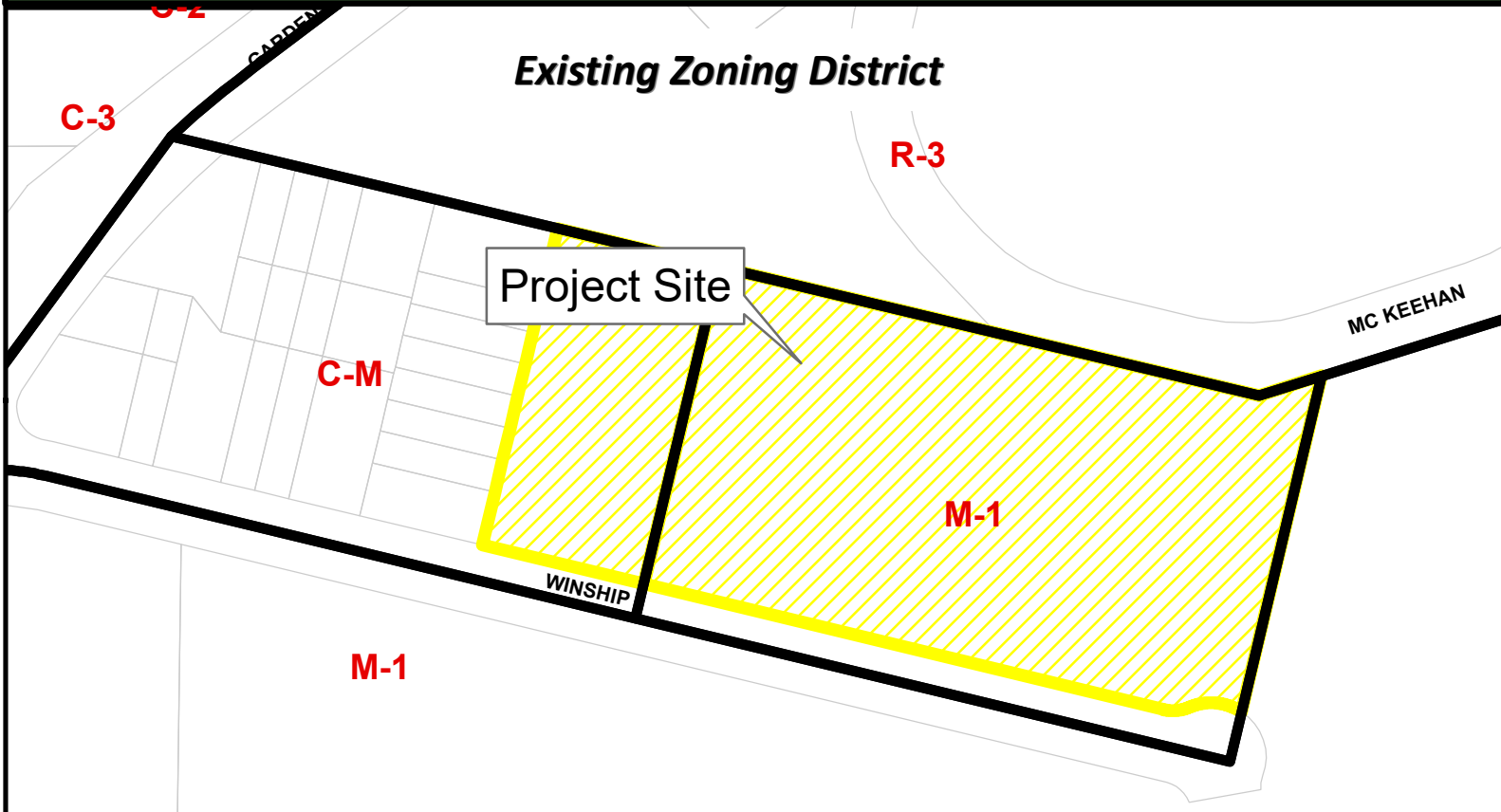
Attachments:

Exhibit A: Planned Development 17 Zoning Map

## EXHIBIT A

# Nestory Park Self Storage

Development Plan 22-04 - Planned Development 17



## ATTACHMENT 2

**PLANNING COMMISSION RESOLUTION NO. PC 22-16**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) CONTINGENTLY APPROVING DEVELOPMENT PLAN 22-04, NESTORY PARK SELF-STORAGE, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, LOCATED ALONG THE NORTH SIDE OF WINSHIP ROAD APPROXIMATELY 430 FEET EAST OF THE INTERSECTION OF WINSHIP ROAD AND GARDEN HIGHWAY (ASSESSOR'S PARCEL NUMBERS 53-500-008 AND 53-500-035).**

**WHEREAS** the City received an application for Development Plan (DP) 22-04 to construct a self-storage facility, outdoor vehicle storage area and shipping container storage area; and

**WHEREAS**, this property is within Yuba City's city limits and the property owner wished to enhance development opportunities for the property; and

**WHEREAS** a review of the General Plan and Zoning Regulations determined that the proposed self-storage facility is consistent with the General Plan and Zoning Regulations with the approval of Planned Development 17; and

**WHEREAS**, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-12, Planned Development (PD) 17 and Development Plan (DP) 22-04, at which time it received input from City Staff, public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

**WHEREAS**, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve DP 22-04 such that no decision of approval of DP 22-04 becomes final and effective until immediately after the City Council adopts the MND (EA 22-12) and adopts Planned Development 17; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that DP 22-04 be set for further consideration and a final decisions by the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Yuba City resolves and orders as follows:

1. Recitals. The Planning Commission finds that the recitals are true and correct, and incorporates the same herein as set forth in full.

2. CEQA Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (MND) to evaluate the environmental effects of the Project, including the development of the Nestory Park Self Storage area. The Planning Commission has fully considered the MND and has concurrently recommended it to the City Council for adoption. The Planning Commission finds that DP 22-04 is consistent with, and have been fully assessed by, the MND, and that DP 22-04 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND.

3. Development Plan Findings. The following are required findings of Section 8-5.7001(C) of the Municipal Code that must be made prior to approving the project (*the required*

*findings are in italics).*

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

Evidence. If the PD<sub>17</sub> rezoning is approved, the proposed self-storage facility will fit within the 4.90-acre site and meet all City standards. This includes off-street parking, lighting, landscaping, and other City adopted standards. All City services are available to the site, and adequate public access is provided by Colusa Frontage Road.

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

Evidence. The site is served by Winship Road. The City Public Works Department determined that the street would adequately serve the site. With the proposed condition that prohibits commercial truck parking on this project site, the nearest intersection at Garden Highway and Winship Road will not be impacted.

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

Evidence. Based on the analysis provided in the staff report, the design of the project combined with the condition added for further review of the two-story portion of the project, adequately addresses the City's desire for quality building design. The project's design and street frontage landscaping will complement the neighboring properties.

- d. *The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.*

Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

4. Recommendation of Approval of Development Plan 22-04. Based on the aforementioned findings, the Planning Commission hereby approves DP 22-04, Nestory Park Self Storage, as shown in Exhibit A, subject to the conditions and mitigation measures as set forth in Exhibit B attached hereto, which approvals are contingent upon the following:

- a. The approval of DP 22-04 shall become final and effective immediately only after the City Council of the City of Yuba City i) adopts the Mitigated Negative Declaration (EA 22-12) and ii) adopts Planned Development 17 (collectively "Council Approvals"). If all

of the Council Approvals are not made within 180 days of the adoption of this Resolution, then DP 22-04 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission hearing, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then DP 22-04 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective 10 days after, and only upon, the Council Approvals including the MND and adoption of Planned Development 17, unless within such 10 days an appeal is filed with the City Clerk in accordance with the provisions of the Yuba City Zoning Ordinance.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner \_\_\_\_\_ who moved its adoption, which motion was seconded by Commissioner \_\_\_\_\_ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

\_\_\_\_\_  
Michele Blake, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: Development Plan 22-04  
Exhibit B: Conditions of Approval

## EXHIBIT A



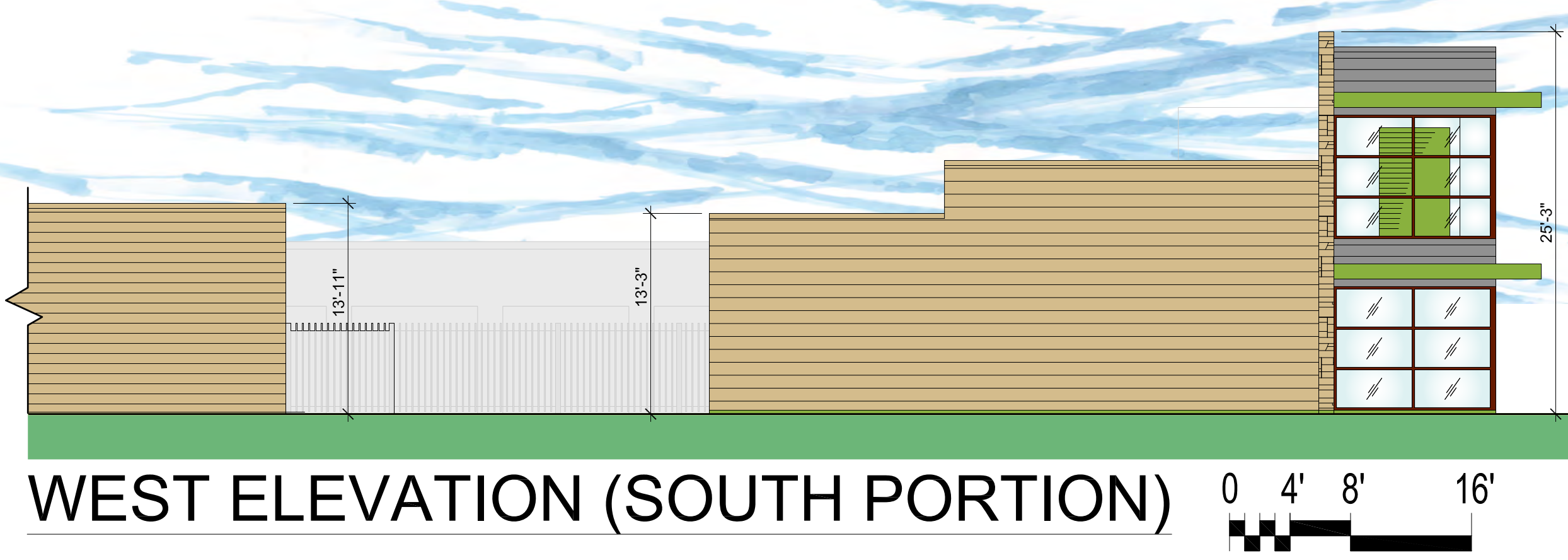
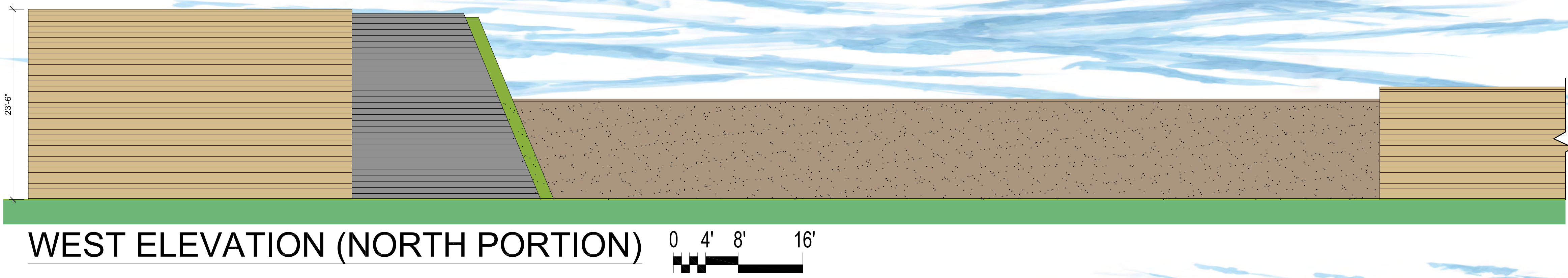
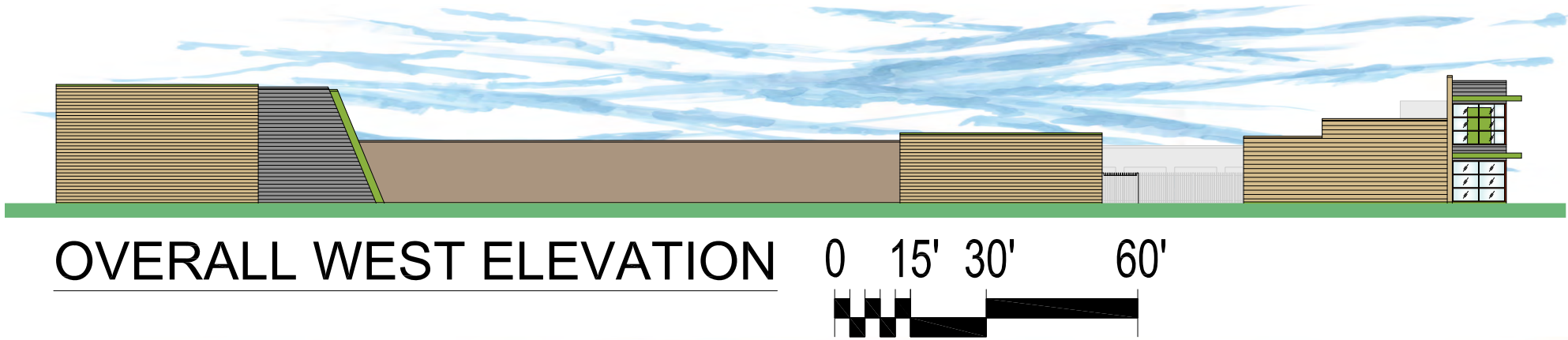
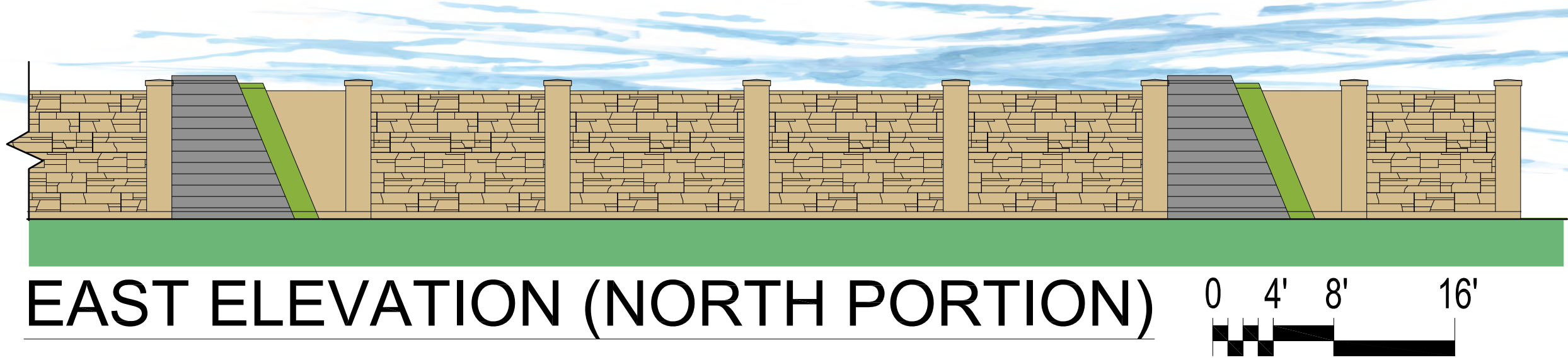
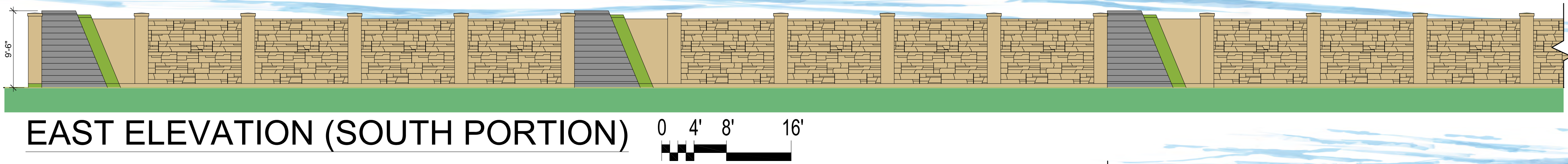
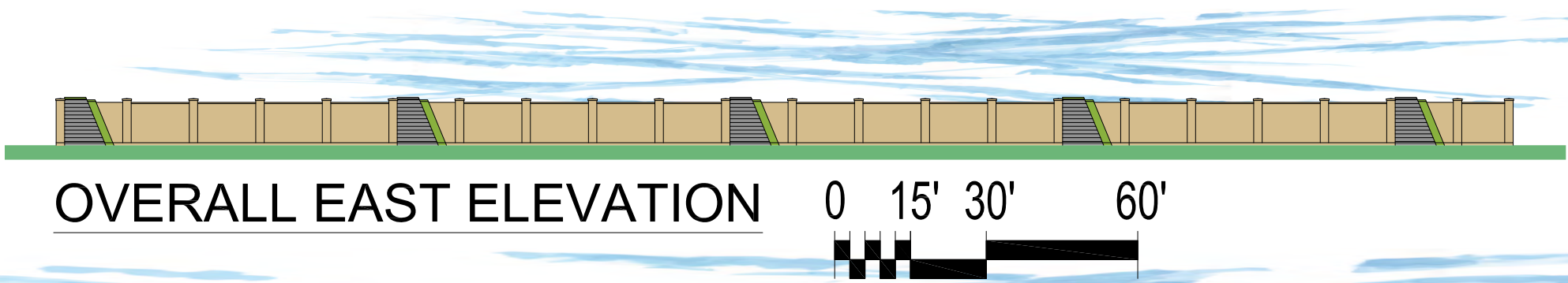






BUILDING ELEVATIONS

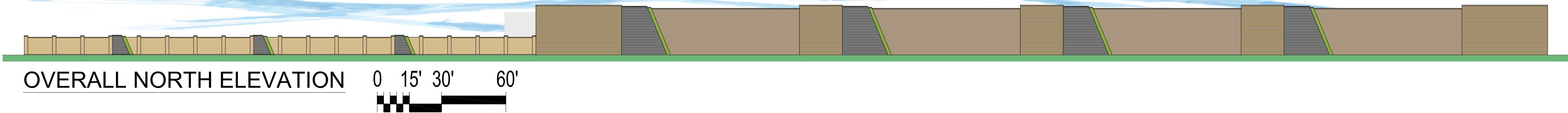
NESTORY PARK SELF-STORAGE  
WINSHIP ROAD  
YUBA CITY, CA  
AUGUST 25, 2022





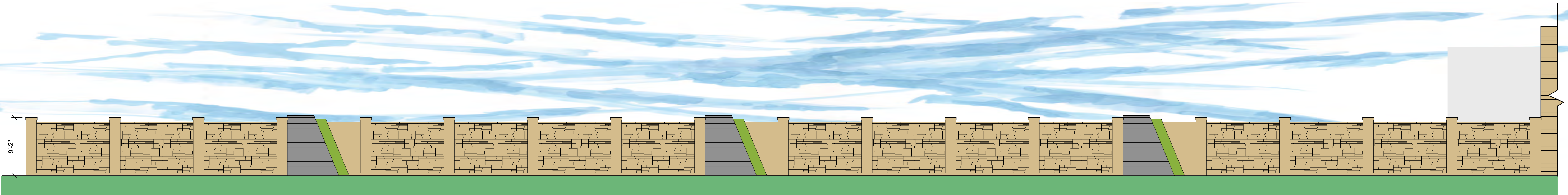
BUILDING ELEVATIONS

NESTORY PARK SELF-STORAGE  
WINSHIP ROAD  
YUBA CITY, CA  
AUGUST 25, 2022



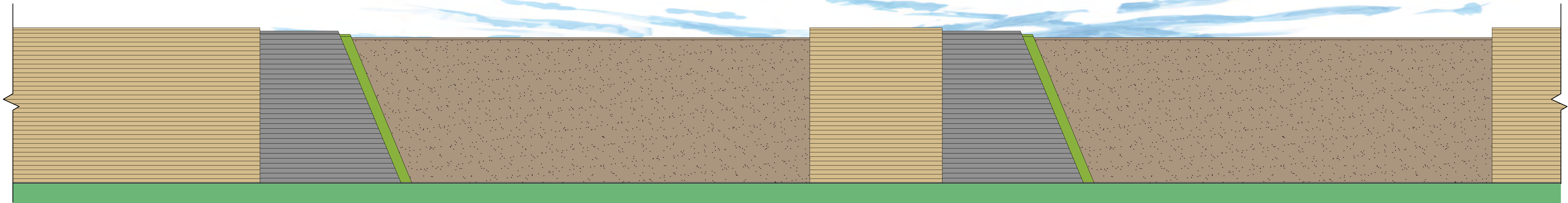
OVERALL NORTH ELEVATION

0 15' 30' 60'



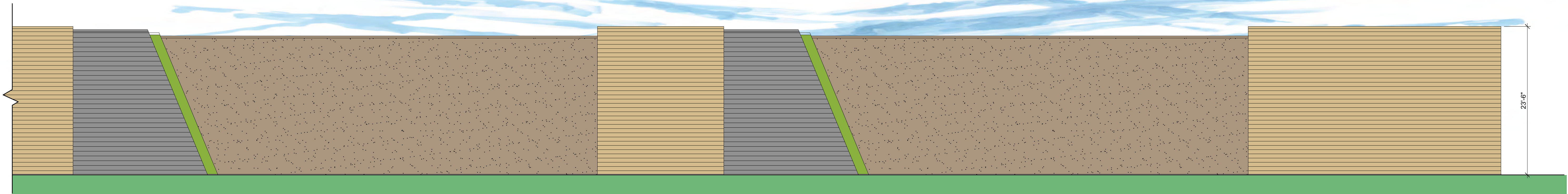
NORTH ELEVATION (EAST PORTION)

0 4' 8' 16'



NORTH ELEVATION (CENTER PORTION)

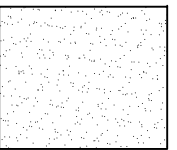
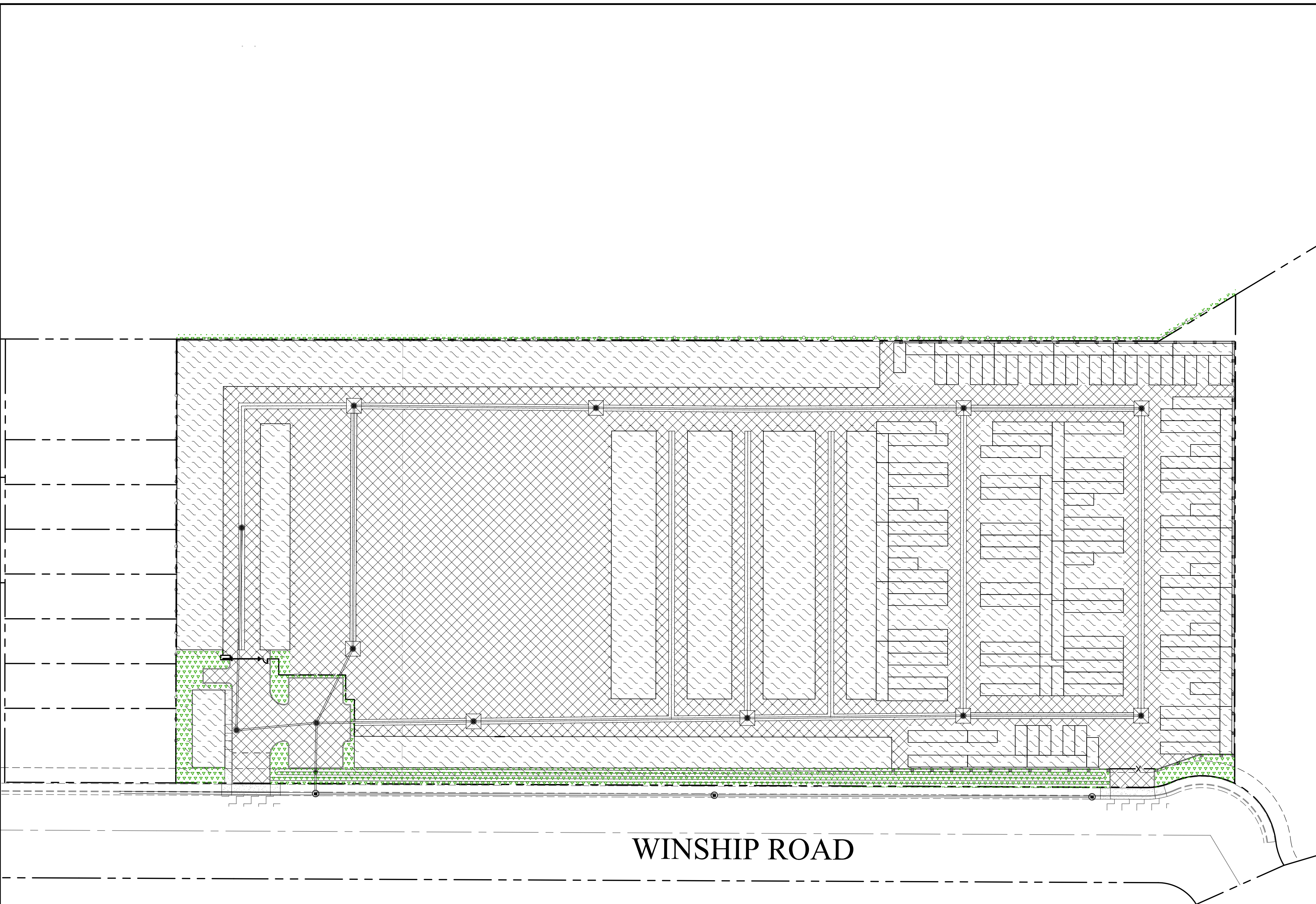
0 4' 8' 16'



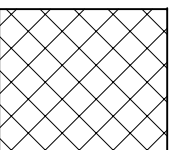
NORTH ELEVATION (WEST PORTION)

0 4' 8' 16'

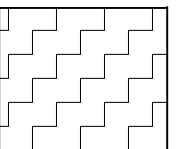




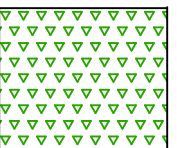
**PORTLAND CEMENT CONCRETE WALKWAYS**  
4" SIDEWALK/FLATWORK ON 2" SAND BEDDING OVER 6" COMPACTED SUBGRADE (95% RELATIVE COMPACTION). (MINIMUM CONCRETE COMPRESSIVE STRENGTH OF 3000 PSI)



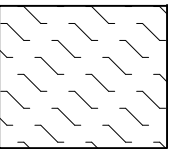
**ASPHALT CONCRETE (AC)**  
1/2" TYPE B 3.5" AC ON 12" CL. 2 A.B. ON 12" COMPACTED SUBGRADE (SECTION AND SUBGRADE TO MIN. 95% RELATIVE COMPACTION) (T.I.=6.5, R-VALUE=20)



**ASPHALT CONCRETE (AC) (CITY RIGHT-OF-WAY)**  
1/2" TYPE A 5" AC ON 18" CL 2 A.B. ON 12" COMPACTED SUBGRADE (95% RELATIVE COMPACTION) (T.I. 10.0, R-VALUE=20)

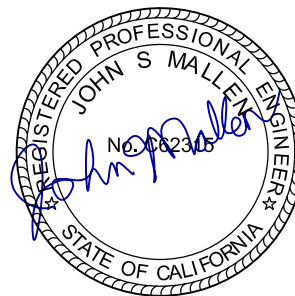
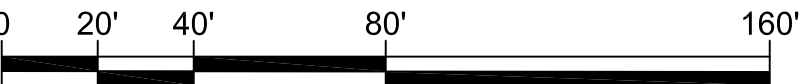
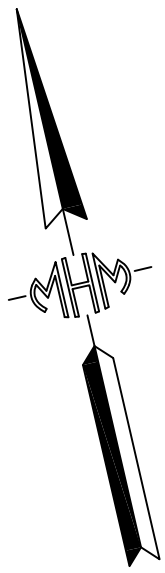


**PLANTERS**  
PREPARE ORIGINAL GROUND SURFACE AS SPECIFIED. PLACE ENGINEERED FILL (NATIVE OR IMPORTED) WHERE NECESSARY TO ACHIEVE SUBGRADE ELEVATIONS. PLACE 8 INCHES OF TOPSOIL (NATIVE OR IMPORTED) TO FINISH GRADES SHOWN.



**BUILDING PAD AREA:**  
BUILDING PADS TO BE CONSTRUCTED ON 4" THICK CONCRETE PAD ON 6" CLASS 2 A.B. OVER 6" COMPACTED SUBGRADE

WINSHIP ROAD



REV.	DATE	BY	APPR.	DESCRIPTION

DESIGNED BY: KAS
DRAWN BY: KAS
CHECKED BY: JSM
JOB NO.: 20-146
FILE NAME: 20146MAST

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



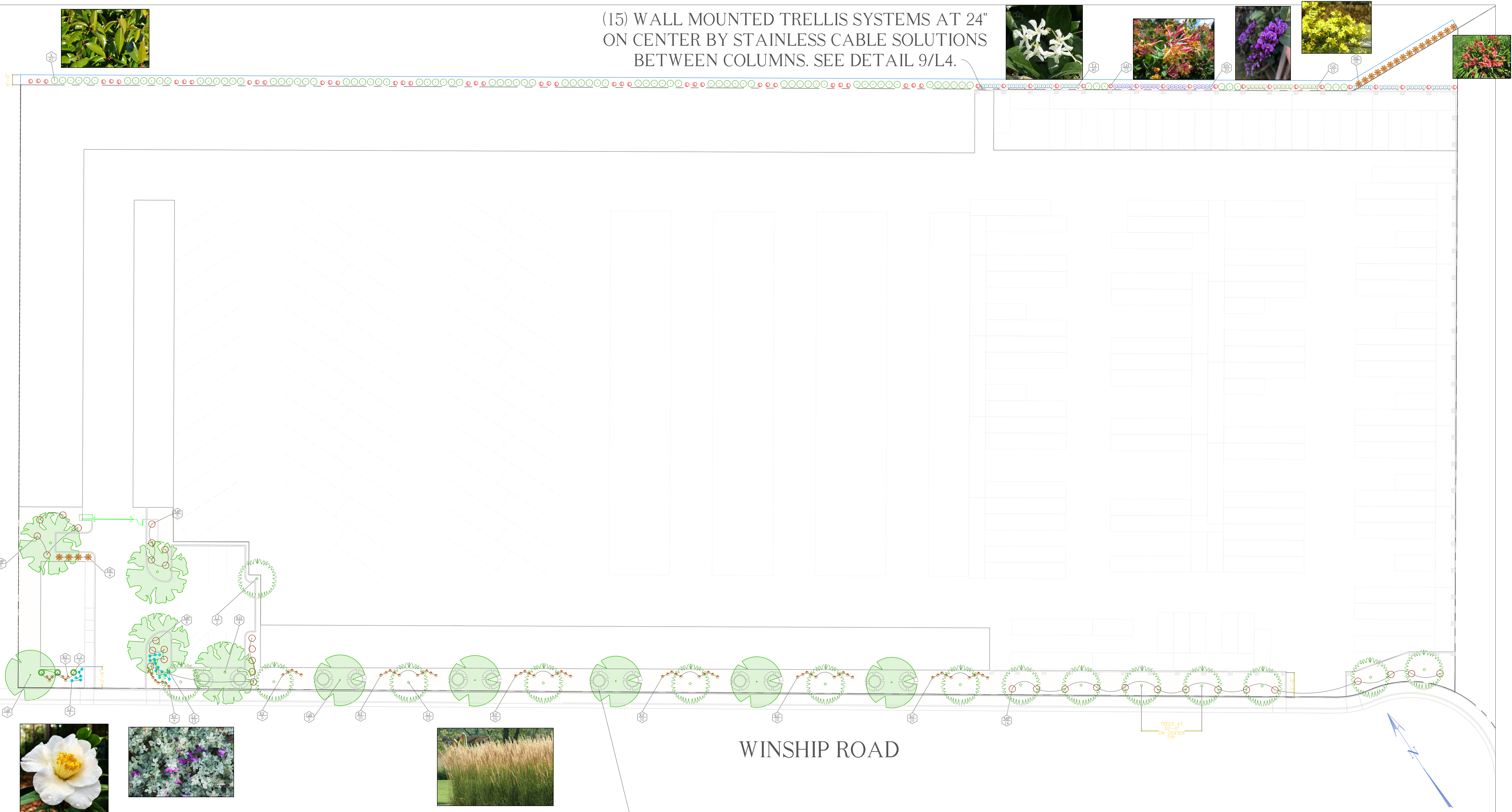
ENGINEERING-SURVEYING  
1204 "E" STREET  
MARYSVILLE, CALIF. 95901-0053  
Ph: (530)742-6485/Fax(530)742-5639

NESTORY PARK  
IMPROVEMENT PLANS FOR  
NEW SELF STORAGE  
WINSHIP ROAD  
APN 53-500-035

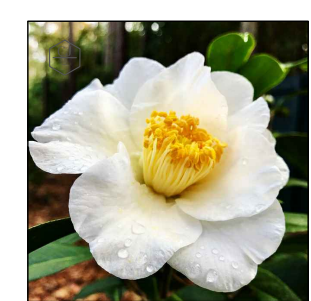
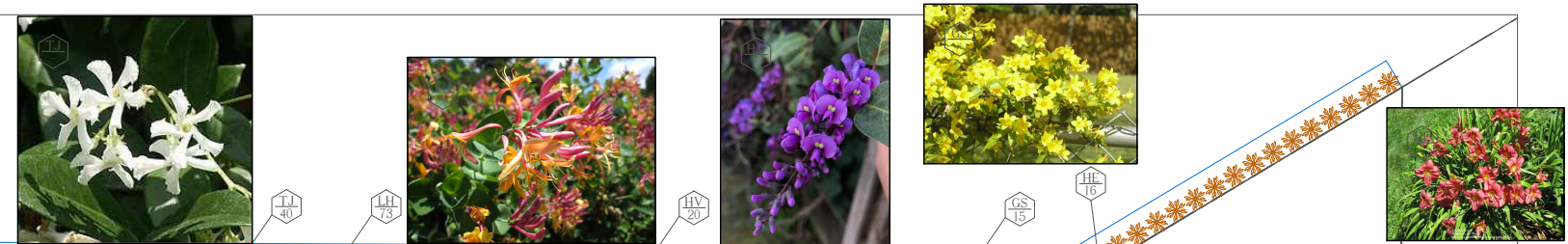
ENGINEERED FILL PLAN



























E-1	
DATE: 08/26/2022	
SHEET 4	SHEETS 9





(15) WALL MOUNTED TRELLIS SYSTEMS AT 24" ON CENTER BY STAINLESS CABLE SOLUTIONS BETWEEN COLUMNS. SEE DETAIL 9/L4.

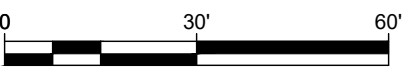
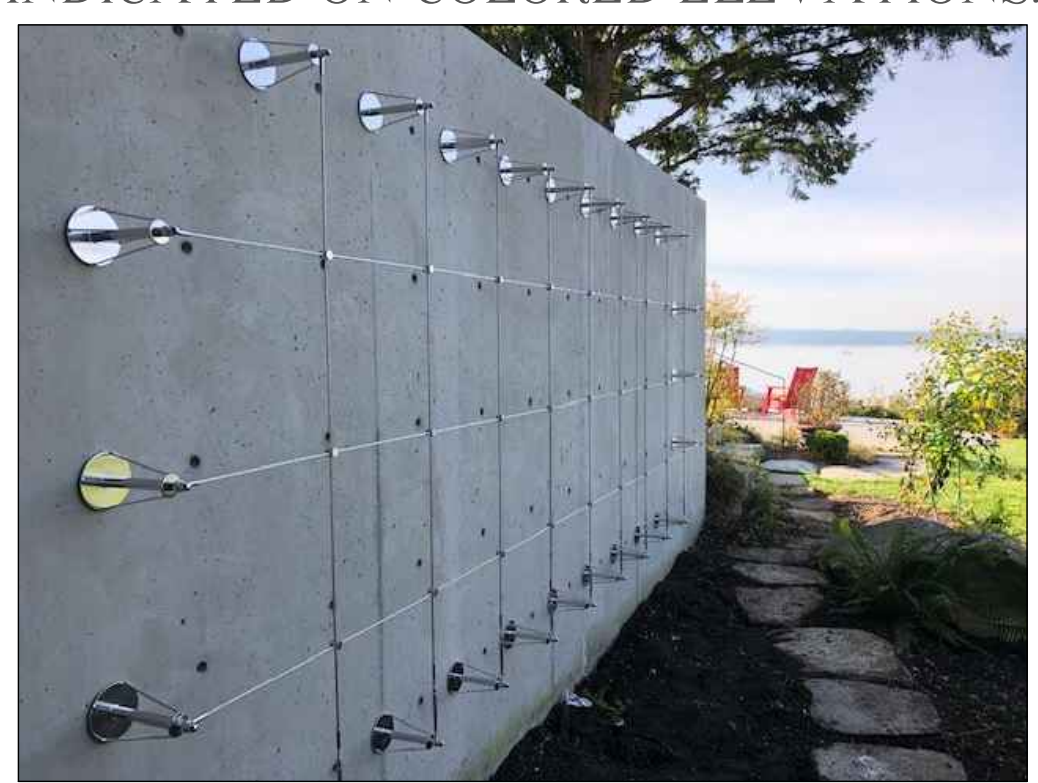


SYMBOL (TREES NTS)		PLANTING LEGEND			
CALLOUT		QTY.	SIZE	DESCRIPTION	COMMON NAME
TREES					
		6	15 GAL	GINKGO BILOBA 'PRINCETON SENTRY'	GINKGO
		15	15 GAL	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
		4	15 GAL	PISTACIA CHINENSIS 'KEITH DAVEY'	CHINESE PISTACHE
SHRUBS, PERENNIALS & GROUNDCOVERS					
		69	1 GAL	CALAMAGROSTIS 'KARL FOERSTER'	KARL FOERSTER GRASS
		4	1 GAL	HEMEROCALLIS 'ROSY CHIPPER'	DAYLILY
		3	5 GAL	CAMELLIA JAPONICA 'SILVER WAVES'	CAMELLIA
		15	5 GAL	GELSEMIUM SEMPERVIRENS	CAROLINA JESSAMINE
		20	5 GAL	HARDENBERGIA VIOLACEA	PURPLE VINE LILAC
		11	5 GAL	LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	TEXAS SAGE
		73	5 GAL	LONICERA HECKROTTII 'GOLDFLAME'	GOLDFLAME HONEYSUCKLER
		31	5 GAL	MYOPORUM PARVIFOLIUM	CREEPING BOOBIALLA
		40	5 GAL	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE
		87	5 GAL	XYLOSMA CONGESTUM	SHINY XYLOSMA



WASAU TILE  
66" ROUND PICNIC TABLE, GRAY

NOTE: ADDITIONAL WALL MOUNTED TRELLIS SYSTEM(S) ON SOUTH WALL WHERE INDICATED ON COLORED ELEVATIONS.



**BOTANICA**  
**LANDSCAPES**

P: (530) 671-1029 CONSTRUCTION • MAINTENANCE • DESIGN  
F: (530) 671-3326 P.O. BOX 569 YUBA CITY, CA 95991  
E: info@botanicanet.net LICENSE No. 409125 DIR No. 1000003139

PLANTING PLAN

SCALE: 1" = 30'

NESTORY PARK  
STORAGE FACILITY

WINSHIP ROAD  
YUBA CITY, CA 95993  
APN: 053-500-024

REVISIONS

1	8-25-2022
2	9-27-2022
3	10-26-2022
4	

DRAWN BY:  
C. TOMEI

DATE: 6/30/2022

APPROVED:

COMMERCIAL

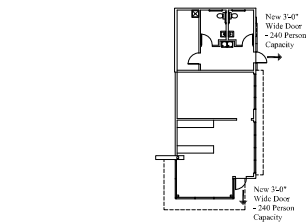
LICENSE:  
409125

L1

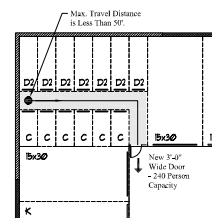
1 OF SHEET 4



## Continued on Sheet A0-2



(1) Scale:  16 Feet



(2) Scale:  $\overline{\hspace{1.5cm}} = 16 \text{ Feet}$

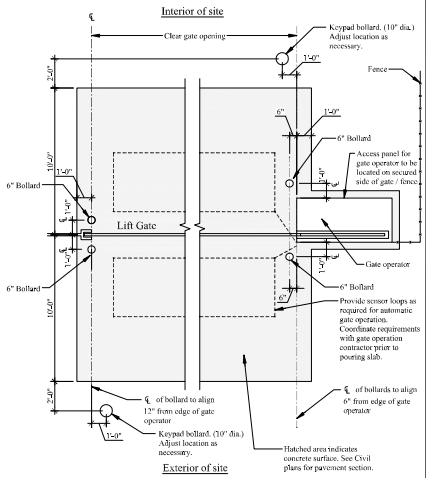
**STATUS SET  
NOT FOR  
CONSTRUCTION  
05/26/22**

[illegible]

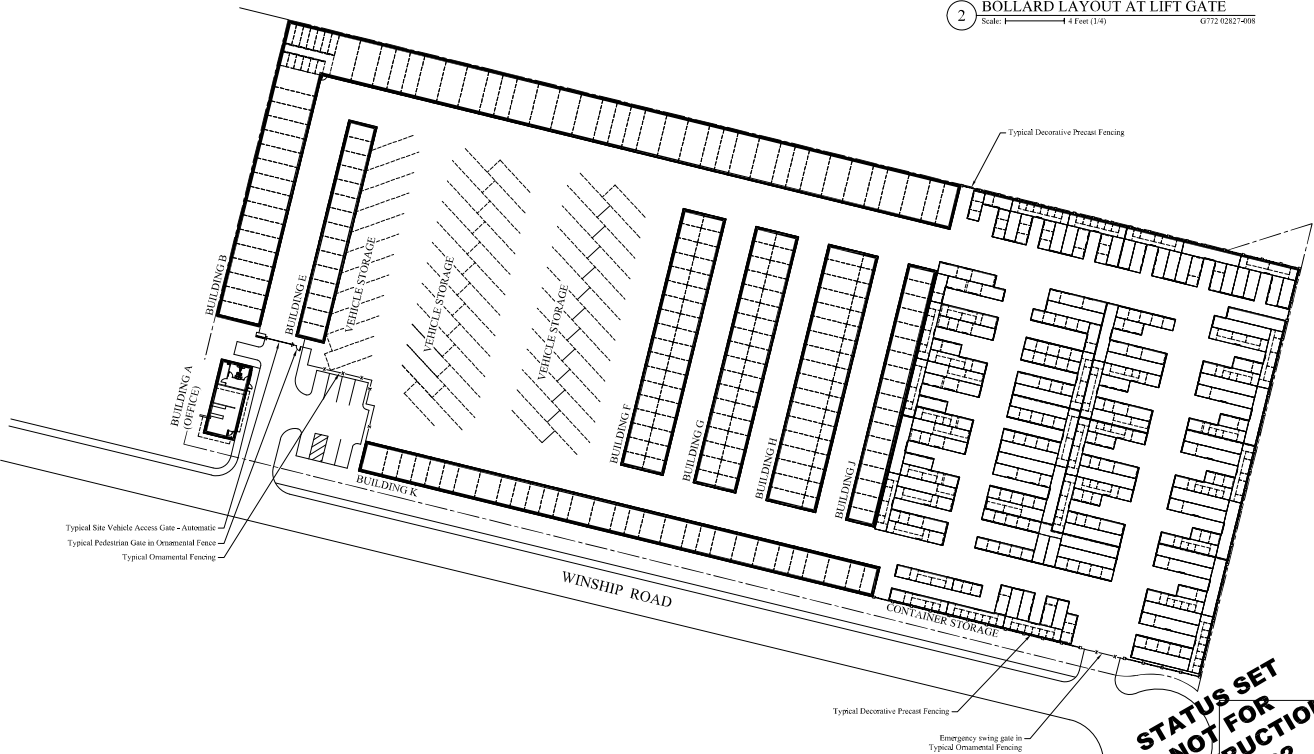
Continued from Sheet A0-1

ARCHITECTURAL  
SITE PLAN NOTES

1. This drawing is provided for architectural site elements and general reference only. Refer to Civil Engineering site plan as prepared by others for locations and elevations of buildings and other civil engineering elements.



**2 BOLLARD LAYOUT AT LIFT GATE**  
Scale: 1" = 4 Feet (1/4") G772 028



1 ARCHITECTURAL SITE PLAN  
Scale: 1" = 40 Feet



**STATUS SET  
NOT FOR  
CONSTRUCTION  
05/26/22**

**GROUNDWORK**  
ARCHITECTS  
PLANNERS  
ENGINEERS

847.641.4151  
team@groundworkllc.com

GROUNDWORK, LTD.  
351 WEST DUNDEE ROAD, SUITE A  
BUFFALO GROVE, ILLINOIS 60089

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[illegible]

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THESE DOCUMENTS IDENTIFY THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE GENERAL CONCEPT OF THE BUILDING AND THE MAJOR ARCHITECTURAL ELEMENTS. AS SUCH, DOCUMENTS THESE UNITS ARE NOT INTENDED TO BE USED TO DESCRIBE THE WORK REQUIRED FOR FULL PERFORMANCE AND/OR COMPLETION OF ALL CONTRACTOR OBLIGATIONS. CONTRACTORS, ON THE BASIS OF THE GENERAL SCOPE OF WORK AND/OR INFORMATION CONTAINED OR DESCRIBED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL INFORMATION FOR THE PROPER DETECTION AND COMPLETION OF THE WORK. THE GENERAL INFORMATION IS NOT INTENDED TO BE USED IN CONNECTION WITH ANY OF THE TRADES WORK AS RELATED TO THE SCOPE OF WORK OR COMPLETION OF THE PROJECT.

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THESE PLANS ARE FOR THE FOLLOWING PURPOSES ONLY, AS INDICATED

☐ REVIEW ONLY  
☐ PERMIT  
☐ BIDDING  
☐ CONSTRUCTION  
☐ \_\_\_\_\_

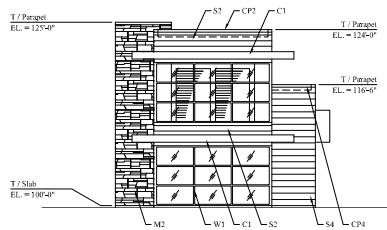
**SELF-STORAGE FACILITY**  
475 WINSHIP ROAD, YUBA CITY, CA 95991

SCALE	AS NOTED
<p align="center"><b>CHITECTURAL SITE PLAN</b></p>	

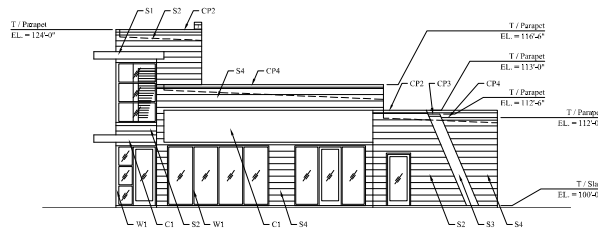
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		JOB NO.
		FF06

AO-2

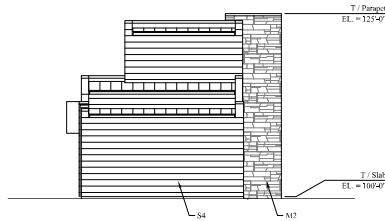




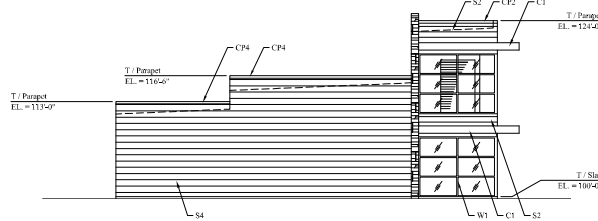
1 BUILDING A SOUTH ELEVATION  
Scale: 1/8" = 1'-0"



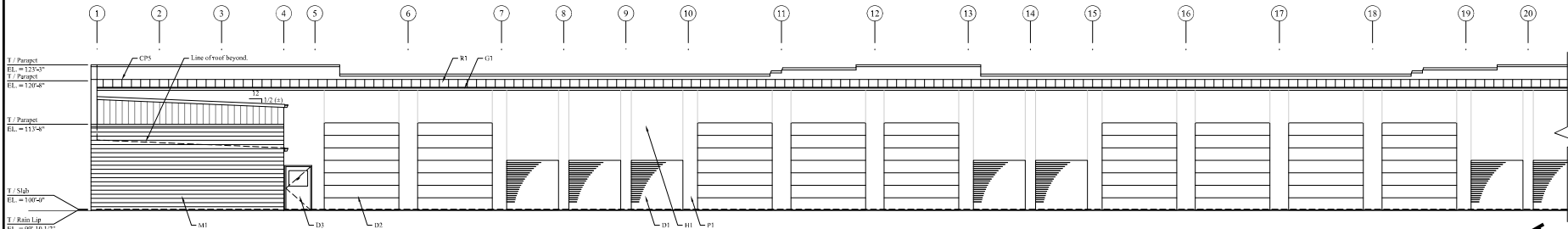
2 BUILDING A EAST ELEVATION  
Scale: 1/8" = 1'-0"



3 BUILDING A NORTH ELEVATION  
Scale: 1/8" = 1'-0"



4 BUILDING A WEST ELEVATION  
Scale: 1/8" = 1'-0"



5 PARTIAL BUILDING B SOUTH ELEVATION (WEST PORTION)  
Scale: 1/8" = 1'-0"

# EXTERIOR MATERIAL / COLOR SCHEDULE

Tag	Element	Color (or Expnt)	Manufacturer	Notes
C1	Coping	Green	TRD	
CP1	Coping (Metal)	Match to S1	TRD	
CP2	Coping (Metal)	Match to S2	TRD	
CP3	Coping (Metal)	Match to S3	TRD	
CP4	Coping (Metal)	Match to S4	TRD	
CP5	Coping (Metal)	Match to M1	TRD	
D1	Door (Overhead)	TRD	Jama	
D2	Door (Overhead)	TRD	Jama	
D3	Door (Sliding)	TRD	-	Frame color to match door color
D51	Doorframe	TRD	-	
G1	Gutter	TRD	-	
H1	Hatch	TRD	TRD	Smooth finish
M1	Masonry	Light Face Block	Bond	
M2	Masonry Mortar	TRD		Verify selection with Owner
P1	Pier	TRD	TRD	Smooth finish
R1	Roof	Galvalume	-	
R2	Roof Ridge	TRD	TRD	
S1	Siding Panels (Non-industrial)	TRD	Mott	
S2	Siding Panels (Non-industrial)	Gray	Mott	
S3	Siding Panels (Non-industrial)	Green	Mott	
S4	Siding Panels (Non-industrial)	TRD	Mott	
S51	Stucco	Tan	TRD	
W1	Window Frame (Overhead)	Brushed Aluminum	Kawneer	

NOTE: Equivalent colors from other Manufacturers are acceptable. Verify final color selections with Owner.

ARCHITECTS  
PLANNERS  
ENGINEERS  
**GROUNDWORK**  
GROUNDWORK, L.L.C.  
301 WEST DANCE ROAD, SUITE A  
DALLAS, TEXAS 75241  
972.446.4411  
info@groundworkllc.com

REVISION /	DATE	BY

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NESTORY PARK SELF-STORAGE  
475 WHISKEY ROAD, YUBA CITY, CA 95991  
FDP YUBA CITY, LLC  
1 BELVEDERE DRIVE  
MILL VALLEY, CA 94941

DATE	SCALE	FILE NAME

STATUS SET  
NOT FOR  
CONSTRUCTION  
07/18/22

A5-0

## EXHIBIT B

**CITY OF YUBA CITY  
CONDITIONS OF APPROVAL  
DEVELOPMENT PLAN 22-04  
DECEMBER 14, 2022**

**NESTORY PARK STORAGE  
APN: 53-500-008, 53-500-035**

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the development plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this development plan shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this development plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this development plan, the zoning ordinance, and all City standards and specifications. This development plan is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is

material to the issuance of this development plan. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised development plan is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the development plan or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the development plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this development plan or subsequent amendments or revisions. These conditions are conditions imposed solely upon the development plan, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this development plan, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this development plan.

### **CONDITIONS OF APPROVAL**

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 22-12 dated November 24, 2022.
3. Approval of Development Plan DP 22-04 shall be null and void without further action if either the project has not been substantially commenced within 2 years of the approval date of the development plan or that a request for an extension of time has been submitted to the City.
4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes).
5. The property shall be developed, used and maintained in accordance with the application, project description and development plan (DP 22-04) except as may be modified in the project conditions or as otherwise approved by the Development Services Director.
6. The development shall comply with Planned Development 17. The specific requirements for PD 17 can be found in Planned Development 17, **Attachment A**.
7. The proposed storage containers shall be secured to foundation in accordance with relevant Building Code requirements, and no stacking of the containers is permitted.
8. All signage to be approved under separate permit as necessary.

## **PUBLIC WORKS**

9. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
11. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports,

concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to assure compliance.

12. Storage of construction material is not allowed in the travel way.
13. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of the Improvement Plans.

#### **PRIOR TO ISSUANCE OF A GRADING PERMIT**

14. The improvement plans for the development of the subject property shall include all measures required to ensure that no increased drainage runoff resulting from the development of the property flow onto the adjacent lands or that the development will not impede the drainage from those properties. The land of this development shall have the same finish grade elevation as the adjacent parcels or are within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.
15. A master grading plan shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.

#### **PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS**

16. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of the Improvement Plans, the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
17. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
18. Drainage improvements shall be designed in accordance with current City and County design standards. The design is to take into consideration existing infrastructure and needed improvements to facilitate drainage to the Gilsizer Slough.
19. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:
  - a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
  - b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume.
  - c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The

storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.

- d. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.
  - e. Detention Basins - A 100-year, 24-hour storm shall be used for sizing any detention basin(s) included in the approved drainage plan detention storage facilities. The detention basin release rate from any such detention basin(s) during a 100-year, 24-hour storm after development must be equal to or lower than the runoff rate from the detention basin's tributary area before development. The Developer can provide a drainage study addressing storm water mitigation through onsite storage (Phase 2 State Water Resources Control Plan – 80% of two-year storm), perforated pipes, and oversizing storm drainage pipes upon approval of the Public Works Director to eliminate need for a detention pond.
  - f. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Gilsizer Drainage District Engineer to be comprehensive, accurate, and adequate.
20. The development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here: [https://www.yubacity.net/city\\_hall/departments/public\\_works/engineering/stormwater\\_management](https://www.yubacity.net/city_hall/departments/public_works/engineering/stormwater_management)
21. All development shall be designed to local, state, and federal flood standards.
22. The street lighting is a public improvement which shall meet the City Standard Details and be included in the Improvement Plans and Specifications for the development when the improvement plans are submitted for the first improvement plan check. Placement of two street lights shall be approved by the Public Works Director.
23. Required Improvement Plan Notes:
- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
  - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
  - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
  - d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the "California Manual of Uniform Traffic Control Devices, latest edition." The

City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."

- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."
- f. "Where an excavation for a trench and/or structure is five (5) feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department, prior to beginning construction."
- g. "Should any field conditions, conflicts, errors, and/or omissions be overlooked during the design review process, or during construction of the development, then any additional work identified during construction shall be implemented by the Developer at the Developer's expense."

## **PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS**

- 24. Prior to backfill, the Developer shall vacuum test all manholes to ensure no leakage will occur.
- 25. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (Civil 3D version 2017 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
- 26. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Maintenance District for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
- 27. All public street lighting shall be dedicated to the City of Yuba City.
- 28. The Post Construction Statement of Responsibility shall be recorded at the Sutter County Records Office.

## **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

- 29. The Developer's Superintendent/Representative shall submit three (3) sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.
- 30. The applicant shall be required to pay all applicable Gilsizer Drainage Fees.

## **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**



31. A Lot Line Adjustment merging the two existing parcels shall be approved by the City and recorded at the Sutter County Records Office. A recorded copy shall be delivered to the City's Development Services Department.
32. The curb and gutter, and lot drainage shall be inspected and approved by the City. Any curb and gutter which is not in accord with City standards or is damaged before or during construction, shall be replaced. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
33. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
34. All street lighting shall be constructed per the Improvement Plans and energized prior to the issuance of any certificate of occupancy or as approved by the Public Works Director.
35. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.
36. The property shall be developed, used and maintained in accordance with the application, project description and development plan except as may be modified in the project conditions.

## MITIGATION MEASURES

Impact	Mitigation Measure	Responsible Party	Timing
3.7 Geology and Soils	<p><b>Paleontological Mitigation Measure 1:</b> This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> <li>1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;</li> <li>2. Assess effects on identified sites;</li> <li>3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;</li> </ol>	Developer, Public Works Dept., Development Services Dept.	During construction phase

	<p>4. Obtain comments from the researchers;</p> <p>5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible.</p> <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>		
3.8. Greenhouse Gases	<b>Greenhouse Gas Mitigation 1:</b> The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	<b>Tribal Cultural Resources Mitigation 1: Post Ground Disturbance</b> A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.	Developer, Public Works Dept., Development Services Dept.	During construction phase

	<p>If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the <b>Unanticipated Discoveries Mitigation Measure 2</b> shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.</p> <p>The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.</p> <p><b>Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries:</b> If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.</p> <p>Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and</p>		
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	<p>request that materials not be permanently curated, unless approved by the Tribe.</p> <p>The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.</p>		
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Attachments:

Attachment A – Planned Development 17

## ATTACHMENT A

## **Planned Development (PD) 17 Zone District**

### **Purpose:**

This zone district provides for permitted use and development standards on 4.90 acres located along the north side of Winship Road, approximately 430 feet east of Garden Highway (Assessor's Parcel Numbers 53-500-008 and 53-500-035).

### **Uses:**

#### Permitted Uses:

The permitted use is limited to the facilities shown in the approved Development Plan (DP 22-04) consisting of approximately 89,785 square feet of indoor self-storage units within six buildings, approximately 70 outdoor RV storage spaces and approximately 127 shipping containers. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks are allowed in the outdoor vehicle storage area.

#### Other Uses:

Any modifications or additions to the permitted uses shall first be required to have an approved Planning Commission Development Plan, as provided in Section 8-5.7001(c) of the Zoning Regulations.

### **Development Standards:**

The development of the property shall be in accordance with the approved Development Plan except nominal modifications that result from more detailed design may be approved by the Development Services Director.

All of the Development Standards of the Light Industrial (M-1) Zone District shall apply except the following:

- The rear (north side) minimum yard shall be zero, provided the development either provided with a landscaping easement on the neighboring property to the north (APN: 53-470-087), as approved in writing by the Regional Housing Authority, or if the landscaping is located on the Project site.
- The front yard (south side) shall be a minimum of ten feet wide, provided it is landscaped as provided in the approved landscape plan.

## ATTACHMENT 3

# Nestory Park Self Storage Map

*Development Plan 22-04 - 465/475 Winship Road*





## ATTACHMENT 4



**Environmental Assessment 22-12  
For Nestory Park Self Storage  
Initial Study and Mitigated Negative Declaration for  
Planned Development<sup>17</sup> rezoning and Development Plan 22-04**

Prepared for:

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

Prepared By:

Denis Cook  
Land Use Planning Consultant

and

City of Yuba City  
Development Services Department  
Planning Division

November 24, 2022

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## **CITY OF YUBA CITY**

Development Services Department  
Planning Division

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

## **Introduction**

### **1.1. Introduction**

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from the proposed Nestory Park Self Storage facility. Development Plan 22-04 is for a proposal to construct a self-storage facility on 4.90 acres that will consist of approximately 89,785 square feet of indoor self-storage units (within six buildings), approximately 70 outdoor RV storage spaces, and approximately 127 shipping container spaces. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks will be allowed in the outdoor vehicle storage area.

Also proposed is to rezone the property from the Heavy Commercial-Light Industrial (C-M) Zone District and Light Industrial (M-1) Zone District to a Planned Development<sup>17</sup> (PD<sub>17</sub>) Zone District in order to allow the reduction of setbacks on the front and rear portions of the property. The rear setback is requested to be reduced from a 15-foot-wide landscaped area to 0, to be replaced with an 18-inch landscape strip with a combination of vines and shrubs planted on the neighboring Regional Housing Authority property. The front setback is proposed to be reduced from a 20-foot-wide landscape area to a 10-foot wide landscape area.

The property is located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

This development plan and rezoning is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission and City Council.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed self-storage facility with reduced front and rear yard setbacks and associated landscape areas, and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

### **1.2. Regulatory Information**

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the

environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- B. The IS identified potentially significant effects, but:
  - 1. 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
  - 2. 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**

The proposed self-storage facility will undergo a public review process by the Planning Commission that will result in a recommendation to the City Council followed by a public review by the City Council which will decide on the project. If approved as proposed, the Project will consist of 89,785 square feet (within six buildings) of indoor self-storage units, approximately 70 outdoor RV storage spaces, and 127 shipping containers. The Planning Commission's and City Council's review is needed to assure that the Project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires

that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

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

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

## **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 [www.yubacity.net/environmental](http://www.yubacity.net/environmental). The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on November 24, 2022 and end on December 14, 2022 at the conclusion of the Planning Commission hearing.

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

City of Yuba City  
Development Services Department  
1201 Civic Center Boulevard  
Yuba City, CA 95993  
e-mail: [developmentservices@yubacity.net](mailto:developmentservices@yubacity.net)  
Phone: (530) 822-4700

## **2. Project Description**

### **2.1. Project Title**

Nestory Park Self-Storage: Planned Development<sub>17</sub> (PD<sub>17</sub>) and Development Plan (DP) 22-04.



## **2.2. Lead Agency Name and Address**

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

## **2.3. Contact Person and Phone Number**

Doug Libby, AICP  
Deputy Development Services Director  
(530) 822-3231  
[developmentservices@yubacity.net](mailto:developmentservices@yubacity.net)

## **2.4. Project Location**

The property is located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

## **2.5. Project Applicant**

Nestory Park  
1 Belvedere Place  
Mill Valley, CA 94941

## **2.6. Property Owner**

Nestory Park  
1 Belvedere Place  
Mill Valley, CA 94941

## **2.7. General Plan Designation**

The General Plan designates the property as Business, Technology & Light Industrial (B, T, & LI). Self-storage units are consistent with that designation.

## **2.8. Zoning**

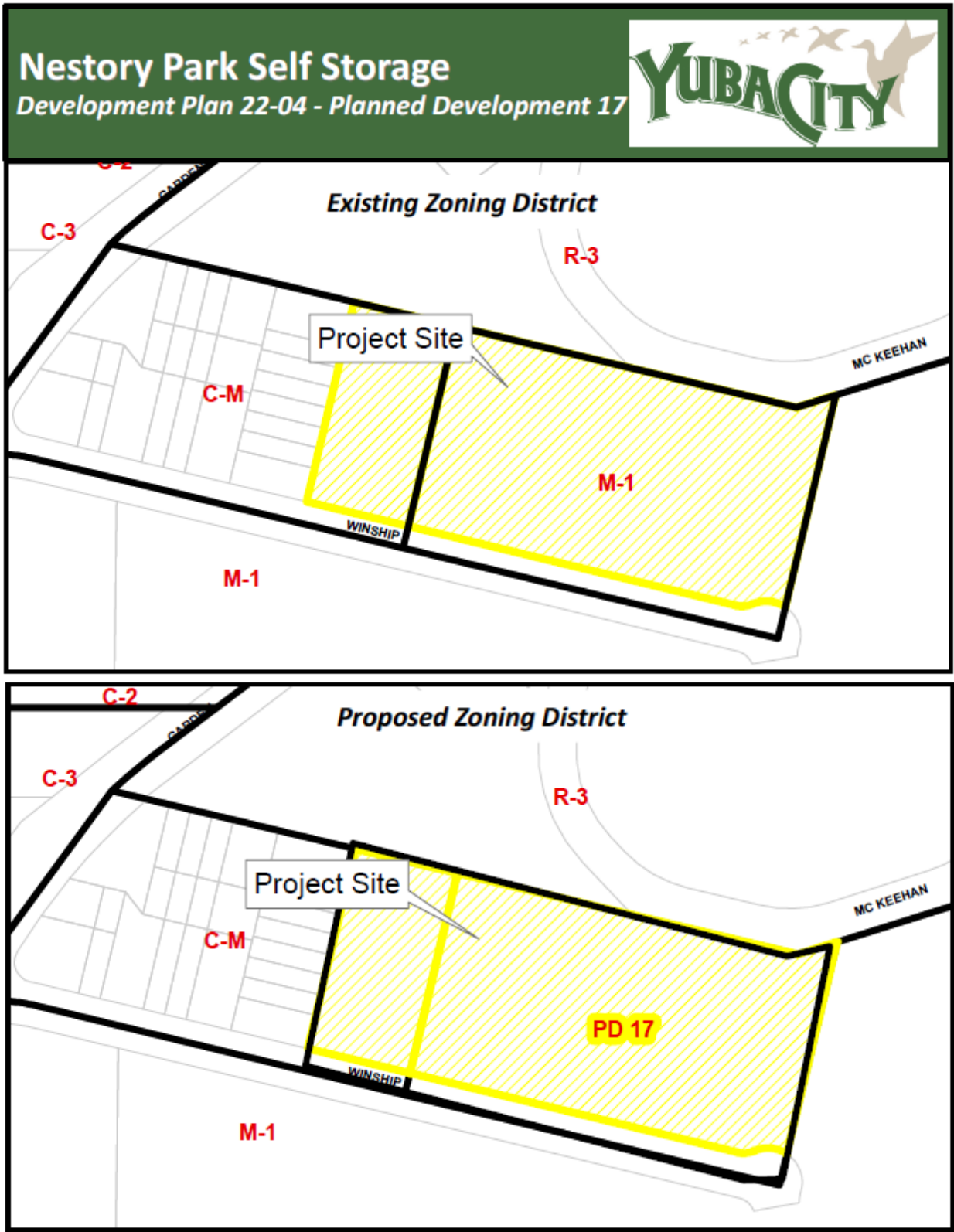
Existing: The site is within two zone districts on two properties. The western parcel is in a Commercial/Light Industrial (C-M) Zone District. The eastern parcel is zoned Light Industrial (M-1). The proposed self-storage facility is a permitted use in both zone districts but due to the project size will be heard by both the Planning Commission and City Council.

Proposed: Planned Development (PD<sub>17</sub>) Zone District that will reduce the landscaped front setback from 20 feet to 10 feet and the rear landscaped setback from 15 feet to 0 feet and associated reduction in landscaping (with an 18-inch-wide landscape strip on the neighboring property).

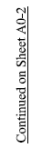
Figure 1: Location Map



Figure 2: PD<sub>17</sub> Rezoning - Existing Zoning map and Proposed Zoning



## CODE MATRIX







## 2.9 Project Description

Nestory Park Self Storage facility. Development Plan 22-04 is for a proposal to construct a self-storage facility on 4.90 acres that will consist of approximately 89,785 square feet of indoor self-storage units (within six buildings), approximately 70 outdoor RV storage spaces, and approximately 127 shipping container spaces. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks will be allowed in the outdoor vehicle storage area.

Also proposed is to rezone the property from the Heavy Commercial-Light Industrial (C-M) Zone District and Light Industrial (M-1) Zone District to a Planned Development<sub>17</sub> (PD<sub>17</sub>) Zone District (a copy of the PD<sub>17</sub> Zone District is provided in appendix B at the rear of this report) in order to allow the reduction of setbacks on the front and rear portions of the property. The rear setback is requested to be reduced from a 15-foot-wide landscaped area to zero to be replaced with an 18-inch landscape strip with a combination of vines and shrubs planted on the neighboring Regional Housing Authority property. The front setback is proposed to be reduced from a 20-foot-wide landscape area to a 10-foot-wide landscape area. The draft PD Zone District is provided in appendix B of this study.

### 2.10. Surrounding Land Uses and Setting

**Setting:** The flat, vacant property is on the perimeter of a light industrial area, with an existing light industrial use along its west side. The east side and south side (across Winship Road) are utilized as an orchard but designated for future light industrial uses. The north side is bordered by multiple-family residential uses.

**TABLE 1: BORDERING USES**

North:	Multiple-family residential uses.
South:	Orchard, but zoned for future light industrial uses
East:	Orchard, but zoned for future light industrial uses
West:	Three Light Industrial buildings utilized by several businesses.

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

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

### 2.12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

All geographically relevant Native American tribes were timely notified of the project, and consultation was not requested.

## 2.13 Environmental Factors Potentially Affected:

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

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

Determination: On the basis of this initial evaluation:

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

**Doug Libby**

Signature

Digitally signed by Doug Libby  
DN: cn=Doug Libby, o=Yuba City, ou=Development  
Services, email=dlibby@yubacity.net, c=US  
Date: 2022.11.23 11:53:42 -08'00'

November 24, 2022

Date

Doug Libby, Deputy Director of Development Services

Printed Name/Position

## 2.9. Evaluation of Environmental Impacts:

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

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

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

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

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

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

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

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

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

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



### 3. Environmental Checklist and Impact Evaluation

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

#### 3.1. Aesthetics

Table 3.1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

##### 3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes comprise the long-range views to the northwest and are visible from much of the City, except in areas where trees or intervening structures block views of the mountain range. The Sutter Buttes located several miles northwest of the project site, are not prominent from this location.

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

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. In this case, however, the Design Guidelines do not currently apply to light industrial uses.

### ***3.1.2. Federal Regulatory Setting***

Federal regulations relating to aesthetics include the 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 view shed of the project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

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

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

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

As there are no officially designated scenic vistas in Yuba City, the Project would therefore have no adverse effect on an official scenic vista. The Project site will generally not be visible from any major roads. Three sides of the property are or will at some point likely be developed with light industrial uses. Due to its location, and that fact that it is primarily single-story construction, the facility should not hamper any views of the Sutter Buttes. As such there is not a potential for any significant impacts on a scenic vista.

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

The site is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees, or buildings. As such, this development plan will have less than significant impacts on aesthetics.

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

The Project is within an urbanized area. The north side of the Project is bordered by a multiple family use. The other sides are bordered or expected in the future to be bordered by light industrial uses. The north side will in part consist of a 9-foot-high decorative precast concrete wall and the remainder will be the rear of the storage buildings which will be approximately 23 feet high. The standard 15-foot-wide landscaped setback is requested to be reduced to a zero setback with shrubbery and vines planted in an 18-inch-wide planting strip along the property line on the neighboring property (for which the applicant has received written permission from the Regional Housing Authority). Allowing time for vegetative growth this hedge will likely block most or all of the view of the self-storage facility from the multi-family residences. As such the aesthetic impact on the neighboring residences should be less than significant.

For the south side of the property, the wall pattern reflects what is proposed along the north side. The proposed PD will reduce the landscaped setback for the front yard from 20 feet to 10 feet that will result in a 10-foot-wide landscape strip with trees planted 30-feet on-center. The south side of the Project will be in line with what would typically be expected on industrially zoned property.

With the PD zoning that reduces normal City setback and landscaping standards, the Project will meet all City standards. Therefore, the design of the project is not expected to have the potential to adversely impact views of the area.

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

The Project is on the northern edge of a light industrial area. To the north of the site the land use transitions to multiple-family residences. There is not expected to be any impacts from this facility's lighting on the neighboring light industrial properties. Concerning the residences along the north property line, the facility's lighting may impact the apartments. But considering the lighting will mostly be limited to what is needed for security purposes, and with an 18-foot height limit, and the fact that the site is within an urban area with extensive street lighting, the facility lighting is not expected to have the potential to create any significant impacts on the neighboring multiple-family residences.

## 3.2. Agricultural and Forestry Resources

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

Table 3.2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

### 3.2.1. Environmental Setting/Affected Environment

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

### 3.2.2. Federal Regulatory Setting

**Farmland Protection Policy Act:** The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was

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

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

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

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

### **3.2.3. State Regulatory Setting**

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

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

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

- **Prime Farmland.** Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance.** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been

used for irrigated agricultural production at some time during the four years prior to the mapping date.

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

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

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



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

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

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

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

The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Urban and Built-Up Land.” The project site is not considered to have Prime Farmland, Farmland of Statewide Importance or Unique Farmland.

The site is well within the boundaries of the Yuba City urban area and has multiple-family uses on one side, a light industrial use on one side and two sides, which currently have orchards on them. Those orchard properties have been designated for many years for urban uses. Because the property is small (4.9 acres) and it has urban uses or planned urban uses on all sides, it is unlikely that the property can be economically farmed. Further, the City and Sutter County General Plans identify this area for urban development, as compared to the vast majority of Sutter County for which agricultural land is protected from urban growth (this was identified in the EIR’s for both the Yuba City and Sutter County General Plans (the EIR for the City General Plan made overriding considerations for the significant impacts on agricultural lands). Therefore, this self-storage facility will not create a significant impact regarding the loss of agricultural land.

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

The property and neighboring properties are currently zoned for non-agricultural uses nor are any of those properties under a Williamson Act contract. This is also an urban infill project. Therefore, this project will not result in the conversion of other agriculturally zoned properties to non-agricultural uses. See discussion above under item 3.2.4.a.

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

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



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

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

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

The proposed self-storage facility is on the perimeter of a light industrially designated area that is served by City services and partially developed with light industrial uses (two sides remain as orchards). A multiple-family use is on the fourth side. While two neighboring properties are currently used for agricultural purposes, they were previously zoned for non-agricultural uses, and are designated by the 2018 Department of Conservation Important Farmland Map for Sutter County for urban uses. Since those properties are already designated for non-agricultural uses, and all City services are available to them, the nearby agricultural uses that would not be further incentivized by this project to develop. There are also no forestlands on the project site or in the vicinity. No properties within the area are within the Williamson Act. Therefore, the impacts on agricultural lands from this proposal will be less than significant.

### 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 (O<sub>3</sub>):** is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO<sub>x</sub>), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

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

**Nitrogen Oxides (NO<sub>x</sub>):** 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 (NO<sub>2</sub>) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NO<sub>x</sub> 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 (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>):** 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 (SO<sub>2</sub>):** 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 (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb).

### ***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 (H<sub>2</sub>S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

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

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

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

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

#### ***3.3.4. Regional Regulatory Setting***

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

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

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

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per

day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

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

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

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

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



District to determine registration and permitting requirements prior to equipment operation at the site.

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

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

Site grading will briefly create equipment exhaust and fugitive dust. The new interior driveway system that will serve the individual self-storage units and vehicle storage area will be paved, which will generate some air pollutants. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from customers driving to and from the facility. Standards set by FRAQMD, CARB, and Federal agencies relating to the proposed Project will apply to this Project. Prior to the initiation of construction, a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction.

Since the developer must prepare an air quality analysis and incorporate all of the resulting conditions into the Project and that a fugitive dust control plan be submitted prior to beginning work, any potential significant environmental impacts should be reduced to less than significant.

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

The Project would result in limited generation of criteria pollutants during its construction and on an ongoing basis from vehicle traffic generated by customers driving to and from the facility. However, the proposed self-storage facility is a low traffic generator and FRAQMD did not comment that the standards would be exceeded by this project to the extent of being cumulatively significant. Therefore, the cumulative impacts are considered to be less than significant.

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

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

There are no sensitive receptors within 1,000 feet of the project. Even so, the Best Management Practices (BMPs) that will be used to reduce the impact from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verified diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the District's Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;

- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

Therefore, the air pollution impacts on sensitive receptors is expected to be less than significant.

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

Construction of the storage units and the ongoing storage of household items and vehicle storage typically do not generate objectionable odors. As such, the impact of the Project creating local offensive odors would be less than significant.

### 3.4. Biological Resources

Table 3.4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on 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
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### **3.4.1. Environmental Setting/Affected Environment**

The 4.9-acre level property is within the Yuba City urbanized area. The site has been previously graded with no native habitat remaining. The site is near light industrial type uses and multiple-family residential use. There are no known on-site or nearby riparian or critical habitat areas.

### **3.4.2. Federal & State Regulatory Setting**

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

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

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

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

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.

- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

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

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

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

### ***3.4.3. Local Regulatory Setting***

The General Plan provides the following policies for the protection of biological resources within the project area:

- 8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
- 8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
- 8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
- 8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
- 8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

- 8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
- 8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

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

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

Response provided in section b) below.

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

There have been no special status species identified on the Project site or within the vicinity of the site. According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in the non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. This property does not fall within this area, and no significant adverse impacts to special status species will occur because of this project.

*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?*

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact on any wetland areas or waterways.

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

The proposed Project would not disturb any waterways, as the nearest waterway is the Feather River to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such there would be no significant impacts on fish or wildlife habitat.

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

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

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

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

### 3.5. 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 formal cemeteries?		X		

#### 3.5.1. Federal Regulatory Setting

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

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

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

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

### **3.5.2. State Regulatory Setting**

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

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

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

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

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

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

### **3.5.3. Native American Consultation**

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

21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

Comments on the Project were requested on August 31, 2022, from the United Auburn Indian Community of the Auburn Rancheria and Miwok Tribe. The United Auburn Indian Tribe responded that they had no comments and that the standard mitigation measures should be applied to the Project.

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

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

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

There are no existing structures on the property. Therefore, the potential significant impacts on any historical resources, directly or indirectly, is less than significant.

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

Response provided in section c) below.

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

The 4.9-acre property that will be developed is vacant. No formal cemeteries or other places of human internment are known to exist on the proposed Project site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, mitigation measures provided in Section 3.18 are provided to ensure impacts are less than significant.

### **3.6 Energy**

Table 3.66: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

### **3.6.1 State Regulatory Setting**

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

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

### **3.6.2. Impact Assessment/Environmental Consequences**

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

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

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

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

Following construction of the self-storage units, the main sources of energy consumption would be ongoing operations and vehicle usage. However, self storage facilities are a low user of energy and the vehicle usage is also low compared to most uses. As such, the Project's 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?*

The Project would be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's 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 expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

#### 3.7.1 Environmental Setting/Affected Environment

**Topography and Geology:** According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain



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

**Seismic Hazards:** Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

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

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

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

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

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

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

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

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

**Expansive Soils:** Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of

absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

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

### **3.7.2 Federal Regulatory Setting**

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

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

### **3.7.3 State Regulatory Setting**

**California Alquist-Priolo Earthquake Fault Zoning Act:** The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of 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 expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

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

- ii. Strong seismic ground shaking?*

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

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

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

*iv. Landslides?*

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

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

The 4.9 acres would be disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Gilsizer drainage system. However, as part of the grading and construction of the self-storage buildings, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are less than significant.

*c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

See d) below.

*d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

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

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

The Project will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

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

Due to prior ground disturbances for agricultural uses it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

**3.7.5 Paleontological Mitigation Measures**

**Paleontological Mitigation Measure 1:** This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700.

Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;
2. Assess effects on identified sites;
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;
4. Obtain comments from the researchers;
5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.

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 CO<sub>2</sub>-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.



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

### **3.8.2 State & Local Regulatory Setting**

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

- **Local Control:** The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

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

### **3.8.3 Impact Assessment/Environmental Consequences:**

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

See response to b) below.

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

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of

human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The proposed construction of these self-storage facilities will create GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction of the facility. Once completed, vehicle traffic generated by auto use to and from the facility will contribute GHG gases. The small amount of traffic generated by the self-storage facilities is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

#### ***3.8.4 Greenhouse Mitigation Measure***

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



### 3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

#### 3.9.1 Federal Regulatory Setting

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

**Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act:** The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation,

transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

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

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

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

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

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

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

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

### 3.9.2 State Regulatory Setting

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

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

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

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

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

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

**State Water Resources Control Board (SWRCB):** The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

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

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

### **3.9.3 Local Regulatory Setting**

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

### **3.9.4 Impact Assessment/Environmental Consequences:**

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

Response provided in section b) below.

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

The only hazardous materials associated with the construction of this self-storage complex will be those materials associated with grading and construction equipment. This typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, the proposed Project will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste generated by the occasional users of the facility that throw away unwanted items. It is

possible an unwanted item could contain a hazardous material. However, assuming proper and legal disposal of those wastes there should not be a significant impact from hazardous materials.

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

There is not a school within one-quarter mile of the Project. Further, assuming proper use of the fuels, solvents, and oil for the grading and paving equipment, there should not be any potential significant impacts. Therefore, assuming proper and legal use and disposal there will be no significant impacts from the waste generated by the self-storage units.

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

The property is not on any listings of sites that are contaminated by hazardous wastes. Therefore, there is not a potential for any impacts from a known hazardous materials site.

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

The Project is located within the boundary of the Sutter County Airport Land Use Plan. The Plan provides polices regulating land uses near the airport. Regarding building height, the very minor portion of the Project that will be two-stories is below the several imaginary cones that limit height around the airport. It may be possible in future years, however, that the trees planted to landscape the property could grow into one of those zones. This should not be significant as the trees can be topped if needed.

There are also three safety zones around the airport that limit uses, the Clear Zone, the Approach and Departure Zone, and the Overflight Zone. The Project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. The Project is also outside of the Approach and Departure Zone which is the area extending beyond the 200-foot Clear Zone for 2,000 feet. The project is within the Overflight Zone, which is the area overflowed by aircraft during normal traffic pattern procedures but outside of the Clear Zone and Approach and Departure Zone. This Zone limits uses, but the proposed self-storage facility is not limited in this zone as it is a low population density use.

Therefore, the proposed project is in conformance with the Sutter Airport Land Use Plan and therefore is not a potential for significant impacts on the users of the Project nor to airport operations.

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

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, there will not be a potential for any significant impacts on emergency response or evacuation plans in the vicinity.

*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 the Yuba City urban area and the urban area is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate vicinity. Accordingly, there will be no significant impacts from potential wildland fires.

### 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 impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

#### 3.10.1 Federal Regulatory Setting

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

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

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

### ***3.10.2 State Regulatory Setting***

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

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

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

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.



- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

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

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

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

### ***3.10.3 Impact Assessment/Environmental Consequences:***

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

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. Due to occasional drought conditions the plant also sometimes utilizes a groundwater well in addition to its surface water supplies. Since the self-storage facility will only receive water through the City system, and wastewater disposal will be via the



City wastewater collection system, it is unlikely that the Project could adversely impact surface or groundwater quality.

All storm water runoff associated with the Project will ultimately drain into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

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

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

Even though the Project will be connected to the City's water system, self-storage facilities are typically not significant water users. While consumption of City water will increase with the Project, very little, if any, groundwater will be utilized, as the City primarily utilizes surface water supplies. Therefore the impacts on groundwater resources will be minimal and will not have the potential to create any significant impacts.

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

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

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

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

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by this development, which will ultimately drain into the Feather River. The Project will be required to connect to the City/Gilsizer County Drainage District collection facilities and pay the appropriate fees to the City and Drainage District for its fair share of improvements and expansion to the existing drainage system. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

*iv) impede or redirect flood flows?*

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not

increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, there is no impact on the high-water flows that occur within the Feather River levee system.

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

This portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any large lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the project site would be subject to inundation by a seiche, tsunami, mudflow, or landslide. Therefore, there is no potential for significant impacts from any of these types of events.

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

As noted above, all new construction is required to utilize Best Management Practices. Assuming all required standards are met, water quality of runoff water from the Project will not create any significant impacts. The City primarily utilizes surface water for its water source so there will be no significant impacts on groundwater.

### 3.11 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 be on an undeveloped 4.9-acre property that is abutted on three sides by existing light industrial uses or properties designated for light industrial type development, and on the fourth side by a multiple-family residential complex.

#### 3.11.2 Federal Regulatory Setting

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

### 3.11.3 Local Regulatory Setting

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

### 3.11.4 Impact Assessment/Environmental Consequences

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

This self-storage project will not physically divide an established community as it is an infill project on the perimeter of a light industrial area. Therefore, there is not a potential to divide an existing community.

#### 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?

In this case the PD Zone District will revise the standards to fit the proposed Project. As such the standards are written for the specific use. In this case it is to reduce the front and rear setbacks, which otherwise would not meet City standards. Since the Project will meet the new PD standards, it does not conflict with any land use policies, and will therefore not create any significant environmental impacts due to conflicts with any regulation.

As the Project is also within the Sutter County Airport Land Use Plan, it must be consistent with the Airport Plan policies and standards. A review of those policies provides that the Project is consistent with the Airport Plan (See analysis in Section 3.9: Hazards and Hazardous Materials, on page 50 of this report).

## 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?*

Response provided in section 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 Yuba City General Plan does not recognize any mineral resource zones within the City limits, and no mineral extraction facilities currently exist within the City. Because of this, the property contains no

known mineral resources and there is little opportunity for mineral resource extraction. As such the Project will have no impact on mineral resources.

### 3.13 Noise

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

#### 3.13.1 Environmental Setting/Affected Environment for Noise

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

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

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

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure,

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

### ***3.13.2 Environmental Setting/Affected Environment for Groundborne Vibration***

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

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

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

### ***3.13.3 Federal Regulatory Setting***

**Federal Vibration Policies:** The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.<sup>97</sup> 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<sup>1</sup> are relevant to noise.

#### **Guiding Policies**

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

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

- 9.1-l-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

**Table 1: Noise Exposure**

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)													
	50		55		60		65		70		75		80	
Residential – Low Density Single Family, Duplex, Mobile Home														
Residential – Multi-Family														
Transient Lodging – Motel/Hotel														
Schools, Libraries, Churches, Hospitals, Nursing Homes														
Auditorium, Concert Hall, Amphitheaters														
Sports Arena, Outdoor Spectator Sports														
Playgrounds, Neighborhood Parks														
Golf Courses, Riding Stables, Water Recreation, Cemeteries														
Office Buildings, Business, Commercial and Professional														
Industrial, Manufacturing, Utilities, Agriculture														
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.													
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.													
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.													
	Clearly Unacceptable: New construction or development generally should not be undertaken.													
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.														



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

### **3.13.6      *Impact Assessment/Environmental Consequences:***

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

A temporary increase in noise will occur during construction of the self-storage facility. Construction will primarily occur during daylight hours, Monday through Saturday. Noise from construction activities would contribute to the noise environment in the immediate project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, that the construction will occur during the less sensitive daylight hours, and distance to the nearest residences, the noise impacts on the nearby residences will not have the potential to generate significant noise impacts.

<b>Table 2: Noise Levels of Typical Construction</b>		
Type of Equipment <sup>(1)</sup>	dBA at 50 ft.	
	Without Feasible Noise Control <sup>(2)</sup>	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
<sup>(1)</sup> US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		
<sup>(2)</sup> Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications		

Short-term noise impacts (and possibly some ground borne vibrations if site compaction is required prior to construction) can be expected resulting from site grading and construction activities. Construction-related noise impacts will be less than significant because adherence to City construction standards is required. These standards limit the hours of operation for construction and use of heavy machinery to daytime hours. Further the construction noise is of limited duration, further limiting any adverse impacts.

*Once constructed the proposed self-storage facility is not expected to be a significant noise generator.*

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

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 3 describes the typical construction equipment vibration levels.

Table 3: Typical Construction Levels	
Equipment <sup>(1)</sup>	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
<sup>(1)</sup> US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the approximate reduction of 6 VdB for every doubling of distance from the source, the temporary impact to any uses in the vicinity of the project would be less than significant.

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

The Project is located within two miles of the Sutter County Airport and is subject to the policies of the Sutter County Airport Land Use Plan. The Sutter ALUC identifies the airport related 65 db (CNEL) contour for which the Project is located outside of its boundary. Further, the Project is not considered to be a noise sensitive use (such as a school), so is not subject to any restrictions due to airport noise. Therefore, there is not a potential for any significant noise impacts from the airport.

### 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 Project will be on an undeveloped 4.9-acre property that is abutted on three sides by existing light industrial uses or properties designated for light industrial type development, and on the fourth side by a multiple-family residential complex.

#### 3.14.2 Federal Regulatory Setting

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

#### 3.14.3 State Regulatory Setting

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

#### 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.<sup>2</sup>

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

### ***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 completion of the proposed Project will result in approximately 90,000 square feet of self-storage units, RV parking and shipping container storage. This is on a property that is surrounded on three sides by other light industrial uses, or property designated for that type of use, and multiple-family uses along its north side. This is essentially an infill project. As such, City services and streets already serve this area. Further, the Project is consistent with the General Plan, which describes the larger overall land use pattern for the City and all of the basic infrastructure needs to support that growth. Therefore, unplanned growth resulting from this Project will not occur and as a result does not have the potential to generate any significant impacts due to unplanned growth.

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

The proposed Project will not result in the demolition of any residences.

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

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

### 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) 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:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

#### 3.15.1 Environmental Setting/Affected Environment

Law enforcement is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City.

#### 3.15.2 Federal Regulatory Setting

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

#### 3.15.3 State Regulatory Setting

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

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

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

#### **3.15.4 Impact Assessment/Environmental Consequences:**

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

**Fire Protection:** The Fire Department reviewed the proposal and did not express concerns. All new development potentially adds to the Fire Department's duties and responsibilities, but the development also pays proportional impact fees intended to offset the cost of additional Fire Department facilities and equipment. As such, the impacts on fire services will be less than significant.

**Police Protection:** The Police Department reviewed the proposal and did not express concerns. All new development potentially adds to the Police Department's duties and responsibilities, but the development also pays proportional impact fees intended to offset the cost of additional Police Department facilities and equipment. As such, the impacts on police services will be less than significant.

**Schools:** Although there are no new residences proposed, the Project will have to pay the Yuba City Unified School District adopted school impact fees that are intended for non-residential development. Therefore, the impact on schools will be less than significant.

**Parks:** There are no new residences proposed by this Project nor will it be a significant employer that could cause the need for more housing. As such, the impact on parks from this project will be less than significant.

**Other Public Facilities:** The project will be connected to the City water system and wastewater collection system. As such, the Project must pay connection fees that are utilized for expansion of the treatment plants. The City also collects impact fees for County services that are provided, such as the library system and justice system.

Accordingly, the project will have a less than significant impact regarding the provision of public services.

## 3.16 Recreation

Table 3.16: Recreation

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

### 3.16.1 Environmental Setting/Affected Environment

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

### 3.16.2 Federal Regulatory Setting

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

### 3.16.3 State Regulatory Setting

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

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

### 3.16.4 Local Regulatory Setting

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

### 3.16.5 Impact Assessment/Environmental Consequences:

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

Since there is no residential development associated with the Project, and also that self-storage facilities generate minimal new employment, the Project will not materially increase the use of the City's park system. Therefore, the impact on the City park system from this Project is less than significant.

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

The Project does not propose to provide any on-site recreational facilities.

## 3.17 Transportation/Traffic

Table 3.17: Transportation Recreation

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

### ***3.17.2. State Regulatory Setting***

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled ...". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

### ***3.17.3. Local Regulatory Setting***

The Yuba City General Plan Transportation Element has policies regulating all mode of transportation and related activities. Specifically, there are Implementing Policies regarding Traffic Levels of Service that are relevant to project review process:

5.2-I-12 Develop and manage the roadway system to obtain LOS D or better for all major roadways and intersections in the City. This policy does not extend to residential streets (i.e., streets with direct driveway access to homes) or bridges across the Feather River nor does the policy apply to state highways and their intersections, where Caltrans policies apply. Exceptions to LOS policy may be allowed by the City Council in areas, such as downtown, where allowing a lower LOS would result in clear public benefits. Specific exceptions granted by the Council shall be added to the list of exceptions below:

- SR 20 (SR 99 to Feather River Bridge) – LOS F is acceptable;
- SR 20 (Feather River Bridge) – LOS F is acceptable;
- Bridge Street (Twin Bridges across the Feather River) – LOS F is acceptable;
- Lincoln Road (New bridge across the Feather River) - LOS F is acceptable.

No new development will be approved unless it can be shown that required level of service can be maintained on the affected roadways.

5.2-I-13 Develop and manage residential streets (i.e., streets with direct driveway access to homes) to limit average daily traffic volumes to 2,500 or less and 85<sup>th</sup> percentile speeds to 25 miles per hour or less.

5.2-I-14 Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic.

*Specific thresholds will be based on location and project type, and exceptions may be granted where traffic studies have been completed for adjacent development.*

5.2-I-15 Improve intersections as needed to maintain LOS standards and safety on major arterials.

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

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

Self-storage facilities are very low generators of vehicle traffic due to having very few employees and also that the users infrequently utilize the facility. Therefore, development of this self-storage facility will generate little traffic and will not conflict with any programs, plans, or ordinances regarding transportation. There is a condition applied to the project prohibiting commercial truck parking so a potential from impacts on the nearby intersection from truck traffic is less than significant.

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

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact.

Following its initial opening when new tenants will be moving materials to the site, the Project will not generate traffic levels in excess of 110 trips per day. Since the Project will not exceed this criterion, the impacts from VMT are anticipated to be less than significant.

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

The Project will be accessed by Winship Road. Since self-storage facilities are very low traffic generators, it is not expected to cause any traffic concerns on this street. However, the nearby unsignalized intersection at Winship Road and Garden Highway could be impacted by this Project if the vehicle storage area is utilized for commercial truck parking. Therefore, there is a recommended condition included with the Project prohibiting commercial trucking within the Project area. The Yuba City Public Works Department has evaluated the proposal and concluded that with this condition, the Project did not significantly impact the intersection.

*d) Result in inadequate emergency access?*

The Fire Department and Police Department have reviewed the project plans and they did not express concerns about emergency access in the area.

### 3.18 Tribal Cultural Resources

Table 3.18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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:				
i) 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	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

#### 3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

#### 3.18.2 State Regulatory Setting

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

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

recognized tribes.

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

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

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

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

### ***3.18.3 Cultural Setting***

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

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

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

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

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

#### ***3.18.4 Summary of Native American Consultation***

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. In response to AB 52, on August 31, 2022, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Miwok Tribe

The United Auburn Indian Community responded that it had no concerns provided the standard mitigations are applied to the Project, which has been done.

#### ***3.18.5 Tribal Cultural Resources within Project Area***

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

#### ***3.18.6 Thresholds of Significance***

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

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

are:

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

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

### ***3.18.7 Impact Assessment/Environmental Consequences:***

*a) 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:*

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

There are no buildings on the property that will be removed as part of this Project. Therefore, there will be no potential significant impacts on any historical resources, directly or indirectly.

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

The UAIC provided that no known TCRs were identified (as defined in Section 21074) within the proposed project area. Given the level of previous disturbance within the Project area, it is not expected that any TCRs would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered TCRs. In the unlikely event resources are discovered during

ground disturbing activities that are associated with Native American culture, compliance with the TCR Mitigation Measures provided below would reduce the potential impacts to a less than significant level.

### ***3.18.8 Tribal Cultural Mitigation Measures***

**Tribal Cultural Resources Mitigation 1: Post Ground Disturbance** A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the **Unanticipated Discoveries Mitigation Measure 2** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.

**Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries:** If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.



### 3.19 Utilities and Service Systems

Table 3.19: Utilities and Service Systems

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

#### 3.19.1 Environmental Setting/Affected Environment

##### Wastewater:

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

##### Water:

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

##### Reuse and Recycling:

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



City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).<sup>4</sup>

### **3.19.2 Federal Regulatory Setting**

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

### **3.19.3 State Regulatory Setting**

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

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

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

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

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

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?*

Response provided in section b) below.

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

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

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

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City. The ongoing expansions of those plants to accommodate growth beyond this Project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by a combination of Yuba City drainage lines and the Gilsizer County Drainage District. This Project has been determined by the respective agencies to be able to accommodate the additional drainage generated by this project. Further, the Project will be responsible

to pay the fees to the Drainage District which mitigates the Project's impacts on the system. Thus, the impacts on the stormwater drainage system will be less than significant.

The connections to nearby electric power facilities, natural gas facilities and telecommunication facilities to this property are provided by private companies, none of which have voiced concerns over the extensions of their services to this Project site. With these considerations the impacts on these types of facilities are expected to be less than significant.

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

The Project, which will generate a low quantity of wastewater, will connect to the City's wastewater treatment system. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

*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.*

Response provided in section e) below.

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

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

### 3.20 Wildfire

Table 3.20: Wildfire

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

#### 3.20.1 Environmental Setting/Affected Environment

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

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

#### 3.20.2 Impact Assessment/ Environmental Consequences

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

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

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

The Project site is in a level urban area that with little, if any, native vegetation remaining, and the greater urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires near the urban area. In light of this, the exposure of new residents to wildfire is less than significant.

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

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

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

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

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

The land was stripped many years ago of native vegetation for agricultural uses and was likely farmed for many years. Therefore, the construction of this self-storage facility will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

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

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

This Project is consistent with the and policies of the General Plan. As such the traffic generated by the Project is within what was anticipated in the General Plan which considered anticipated future growth of the area. The City has adequate water and wastewater capacity, and the Project will be extending those services to the site. Stormwater drainage will also meet all City standards. The City has good development and design standards that will be applied to the Project. The loss of agricultural land is cumulative but based on City and County agricultural protection program, the loss is limited to within the urban areas of the cities which is a minor portion of the entire County. The FRAQMD also did not comment that the Project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but cumulatively considerable.

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

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

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

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

Sutter County Airport Land Use Plan, Adopted by the Sacramento Area Council of Governments (SACOG) Airport Land Use Commission, April 1994.

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

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

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

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

Yuba City, City of. 2016. City of Yuba City Municipal Code.  
[https://www.municode.com/library/ca/yuba\\_city/codes/code\\_of\\_ordinances](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.

Sutter County General Plan.

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

Yuba Sutter Transit Route Map.

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



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

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

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

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

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

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

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

## Appendix A

### **MITIGATION MEASURES AND MONITORING PLAN**

#### **Nestory Park Self Storage**

Initial Study and Mitigated Negative Declaration EA 22-12  
For Rezoning PD<sub>17</sub> and Development Plan 22-04, Nestory  
Park Self Storage

City of Yuba City  
**MITIGATION MEASURES AND MONITORING PLAN**  
**Nestory Park Self-Storage:**  
**Initial Study and Mitigated Negative Declaration EA 22-12**  
**For Rezoning PD<sub>17</sub> and Development Plan 22-04**

Impact	Mitigation Measure	Responsible Party	Timing
3.7 Geology and Soils	<p><b>Paleontological Mitigation Measure 1:</b> This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> <li>1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;</li> <li>2. Assess effects on identified sites;</li> <li>3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;</li> <li>4. Obtain comments from the researchers;</li> <li>5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible.</li> </ol> <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	Developer, Public Works Dept., Development Services Dept.	During construction phase
3.8. Greenhouse Gases	<p><b>Greenhouse Gas Mitigation 1:</b> The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures</p>	Development Services Dept.	Prior to issuance of

	provided in the adopted Yuba City Resource Efficiency Plan.		building permits.
3.18. Tribal Cultural Resources	<p><b>Tribal Cultural Resources Mitigation 1: Post Ground Disturbance</b> A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.</p> <p>If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the <b>Unanticipated Discoveries Mitigation Measure 2</b> shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.</p> <p>The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.</p> <p><b>Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries:</b> If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally</p>	Developer, Public Works Dept., Development Services Dept.	During construction phase

	<p>affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.</p> <p>Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.</p> <p>The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.</p>		
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## Appendix B

### **DRAFT PD<sub>17</sub> ZONE DISTRICT** **Nestory Park Self Storage**

## Planned Development<sub>17</sub> (PD<sub>17</sub>) Zone District

### Purpose:

This zone district provides for permitted use and development standards on 4.90 acres located along the north side of Winship Road, approximately 430 feet east of Garden Highway (Assessor's Parcel Numbers 53-500-008 and 53-500-035).

### Uses:

#### Permitted Uses:

The permitted use is limited to the facilities shown in the approved Development Plan (DP 22-04) as provided in **Exhibit A**, consisting of approximately 89,785 square feet of indoor self-storage units within six buildings, approximately 70 outdoor RV storage spaces and approximately 127 shipping containers. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks are allowed in the outdoor vehicle storage area.

#### Other Uses:

Any modifications or additions to the permitted uses shall first be required to have an approved Planning Commission Development Plan, as provided in Section 8-5.7001(c) of the Zoning Regulations.

### Development Standards:

The development of the property shall be in accordance with the approved Development Plan except nominal modifications that result from more detailed design may be approved by the Development Services Director.

All of the Development Standards of the Light Industrial (M-1) Zone District shall apply except the following:

- The rear (north side) minimum yard shall be zero, provided the development is accompanied by an 18-inch-wide landscape strip located on the neighboring property, as provided in the approved Landscape Plan (**Exhibit B**) and which is used as a landscaped area as also approved in writing by the Regional Housing Authority, or if the landscaping is located on the Project site.
- The front yard (south side) shall be a minimum of ten feet wide, provided it is landscaped as provided in the approved landscape plan.