Meeting Date: February 15, 2018

To: Chair and members of the Planning Commission

From: Development Services Department

Presentation By: Arnoldo Rodriguez, AICP, Director

Public Hearing: Development Plan 17-01 to construct and operate a four-story, 83 room hotel and a 6,000 square foot convention/banquet hall.

Use Permit 17-08 to exceed the allowed building height limit (for occupied spaces) from 52 feet to 55 feet.

Project Location: The project will be on two parcels located on the south side of Woodward Street approximately 450 feet west of SR 99 (Attachment 1). An approximately 2.1 acre property will accommodate the hotel, conference/banquet hall and hotel parking. An adjoining approximately 0.6 acre property (leased from Caltrans) will accommodate the conference/banquet hall parking. Assessor’s Parcel Numbers 58-041-011 and 58-041-010.

Recommendation: Conduct a public hearing. Following the hearing make the necessary findings and approve:

A. Environmental Assessment (EA) 17-05: A Mitigated Negative Declaration determining that the proposed project will not create any significant environmental impacts;

B. Development Plan (DP) 17-05: For a four-story, 83 room hotel, associated hotel facilities and a 6,000 square foot convention/banquet hall and parking and landscaping on a 2.1 acre property and an adjoining 0.6 acre property leased from Caltrans for additional needed parking; and

C. Use Permit (UP) 17-08: To allow the occupied portion of the building to exceed the 52-foot height limit by three feet.

Project Proposal:
The project consists of the following components:

1. DP 17-01: Would permit a four-story, 83 room hotel and conference/banquet hall with an adjacent 167 parking spaces. The building will be 58,000 square-feet in area, including a 6,000 square foot conference/banquet hall and a lounge/dining area. The project will be located on two parcels. A 2.1 acre parcel that is owned by the applicant will house the hotel and related parking, whereas an adjoining 0.6-acre parcel, owned by the State Department of
Transportation (Caltrans), will be utilized for additional parking to serve the conference/banquet hall. Should the Caltrans property not be available, or in the future becomes unavailable, and alternative parking not be identified, the banquet hall will be required to be converted to hotel rooms or other permitted use that generates only limited parking demands.

2. **UP 17-08**: is a request to exceed the maximum allowed building height of 52 feet. The occupied space is proposed to have a height of 55 feet. There are also four non-occupied segments of the building that will be 67 feet in height.

**Property Description:**

The subject site is relatively flat and vacant. As part of this project, all City services will be extended to the property including water, wastewater, and storm-water drainage. There are several unmaintained trees on the site, but they do not appear to be native nor are they remarkable enough to warrant protecting. Woodward Street is currently the only access to the site. The street is in substandard condition and lacks curbs, gutters, and sidewalks.

Access to the property is limited to Woodward Street, which takes direct access off of SR 99. At the SR 99/Woodward Street intersection, SR 99 is not controlled except a stop sign at Woodward Street. There is a break in the SR 99 median at this location, allowing northbound SR 99 travelers and east-bound Woodward Street travelers to make left turns. This intersection is also very close to the SR 99/20 intersection, which can impact the Woodward Street/SR 99 intersection during peak periods of traffic. A potential second access will be available in the future when Civic Center Boulevard is extended to the property. The timing of that street extension is uncertain.

**General Plan Designation:**

The property is designated as Regional Commercial in the General Plan. The proposed hotel and banquet hall are consistent with that designation.

**Specific Plan Designation:**

There is no specific plan covering this area.

**Zoning Classification:**

The 2.1 acre parcel is zoned General Commercial (C-3), while the adjacent Caltrans parcel is zone C-M (Heavy Commercial-Light Industrial). The hotel is a permitted use in the district.

**Bordering Information:**

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<td><strong>North</strong></td>
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Previous Commission Actions and/or Policies:

Late last year the Planning Commission recommended approval of the rezoning of the 2.1 acre site from the C-M Zone District to the C-3. The City Council subsequently approved the rezoning.

Environmental Determination:

Pursuant to California Environmental Act (CEQA) Article 19, Section 15070 (b)(1) staff prepared an environmental assessment including an Initial Study and Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) for the project.

Based upon the attached environmental assessment (EA-17-05), including the mitigation measures, all potential significant impacts are reduced to less than significant. 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 MND and mitigation monitoring plan for this project. The findings of the mitigated negative declaration are that, with the proposed mitigations for cultural resources, greenhouse gases, and Tribal Cultural Resources, the project will not create any significant impacts on the environment. As a result, the filing of a MND is appropriate in accordance with the provisions of CEQA.

Staff Comments:

Site and Building Design

As the City experiences growth, it is expected that the quality of development do the same. Even though the site is located proximate to the City’s most prominent intersection, it is underutilized. A four-story hotel will be a positive addition to the City and could trigger additional infill development in this largely bypassed area. Overall, this is a well-designed site and building. The amount of landscaping will exceed City standards, as the parking area will be over double the minimum landscape area. There is adequate, but not excessive parking proposed. The building, being four stories and placed efficiently on the property, will be one of the more intensely utilized properties in the City. Regardless, several conditions are included to ensure the continuation of quality design.

The building, like the site, is well designed with a modern looking building. While this look might not be architecturally compatible in the City’s older Central City area, this is an excellent location for this type of building design. The divergent looks in different areas of the City add to the City’s character.

The building’s varying roof line, with a difference of up to 12 feet, adds visual interest. The building also provides multiple finishes including masonry, faux wood, stucco, glass, and wrought iron. The walls are also articulated with several planes, which provide depth and create shadows. The base of the building is also appropriate for the height of the building. Where there is not glass or wood, the masonry base rises a full story in some places. Similar to the site design however, staff had added several conditions, including:

- To add depth to the wall surfaces, most of the upper floor windows should be indented at least three inches. The windows themselves should also be enhanced with more than the standard aluminum windows. Some of the upper windows should also provide enhanced grids.
- The building will have exterior wall lighting that will further enhance its appearance. A
condition is included requiring that wall mounted lights be decorative and of proportional size relative to the building versus light fixtures that are commonly found in a residential application.

- Wall mounted signs above the first floor and the address at the building entry should be backlit.

**Compatibility with Surrounding Uses**

The site is largely surrounded by heavy commercial/light industrial uses. The exception is a newer commercial building that houses multiple tenants that orients towards SR-20 (Colusa Highway) to the north and two single-family homes to the southeast. To the south of the site is the railroad right-of-way that is ultimately planned to become an extension of Civic Center Boulevard which would provide access to the proposed hotel. It is anticipated that some of the surrounding properties, specifically to the north and west, which are owned by Caltrans, will be utilized for a future SR 99/20 interchange. It is expected that the hotel will undoubtedly introduce new traffic on Woodward Street, which may inconvenience some of the existing users which have enjoyed a largely underutilized roadway. However, it is anticipated that some of the existing businesses will benefit from the increased exposure.

Due to the proximity to SR 20 and SR 99, it can be expected that over time this hotel may provide a spark of new vitality and investment to an area that has largely been bypassed by investors. This can serve as a catalyst for the area.

A positive, longer-term benefit of the hotel/convention hall at this location is its proximity to the existing hotel south of this project. Once Civic Center Boulevard is constructed, there will be two hotels that can serve the banquet room. Having rooms available from two nearby hotels adds to the potential for hosting larger events, such as conferences.

The properties owned by Caltrans may also experience renewed interest. However, given that there are no long-term land leases available for said properties, property improvements will likely be minimal.

**Parking**

Providing adequate parking is the greatest concern over this project. At issue is that most of the conference/banquet hall parking will be on Caltrans property. While the applicant and Caltrans have had extensive dialogue, the Caltrans property could at some point become unavailable should Caltrans elect not to lease the 0.6 acre parcel to the hotel. Moreover, the Parking section of the Zoning Regulations provides two methods for calculating parking. Table 2 provides a synopsis.

<table>
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<tr>
<th>Table 2: Parking per the City’s Municipal Code (1)</th>
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<tr>
<td>Dance Halls and exhibition halls... 1 parking space per 100 square feet (sf) used for <strong>assembly</strong>, skating or dancing area.</td>
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<tr>
<td>Churches, stadiums, arenas, assembly halls, clubs, and auditoriums... 1 parking space for each 40 square feet of <strong>assembly</strong> seating area.</td>
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(1) Emphasis added
It should be noted that the City’s Municipal Code does not provide parking standards for uses that are commonly combined, such as a hotel and conference/banquet hall.

As shown above, there is a significant difference between the two parking ordinance categories – 1 space/40 sf vs. 1 space/100 sf. With a 6,000 square foot facility, there is a difference of 90 parking spaces. In fairness to the applicant, they commissioned a parking study by a traffic engineering firm to provide a specific analysis of this project. The parking study is attached to this report (Attachment 3).

The parking study concludes that on a majority of days, the 82 spaces provided by the hotel and the 85 spaces provided on the adjoining Caltrans property will be adequate for the hotel and most hall activities. During occasional peak evening events, when the hotel is full and the hall is at maximum attendance, there will be a shortage of parking spaces. The study states however, that there are alternatives available during those periods, primarily the use of valet parking, but event organizers can also utilize shuttle services from other locations (the nearby mall for example), or the hotel operator minimizing room usage, etc.

The applicant has proposed the use of valet parking during those peak periods. By employing valet parking, an additional 59 spaces become available. There are conditions included that require the applicant to provide valet parking and to utilize other available methods as needed during those very peak periods. The conditions also provide that if parking overflow becomes an issue, the project shall come back to the Planning Commission for additional review.

Another parking concern is that a portion of the parking is controlled by Caltrans. While the interchange is likely many years away, the hotel’s relation to the Caltrans property should be addressed as part of this process. A condition is included that if for any reason the Caltrans property becomes unavailable for parking and the hotel owner has not made other provisions for parking, the project must come back for Planning Commission review. In the most difficult scenario, the hall may have to be converted to rooms or other use(s) that do not generate such parking demands.

**Traffic Impacts**

The roads that will be impacted by the new hotel are Woodward Street, which will directly serve the hotel, and SR 99, which is the only way Woodward Street can be legally accessed. Long term, Civic Center Boulevard will be extended to the south side of the property, adding a second access. Both Caltrans and KD Anderson & Associates, Transportation Engineers were consulted (Attachment 4).

Woodward Street is currently the only legal access to the site. The street is in substandard condition in that it is narrow and lacks curbs, gutters, and sidewalks. In order to accommodate the additional traffic associated with the project, Woodward Street will be improved to accommodate the new traffic. Because it is only a 40-foot wide right-of-way, the street cannot be built to City standards. However, it will be widened and curbs, gutters and sidewalks will be added as right-of-way conditions permit.

Long term, Caltrans will be constructing an interchange at SR 99 and 20, which will more than likely cause the closure of the Woodward Street/SR 99 intersection. Should that occur, an alternate route will be provided, however it is unknown how this will be accomplished at this time.

Until the SR99/20 interchange is constructed, the greatest impact this project will have on traffic will be on the SR 99/Woodward Street intersection. Presently, left turns are permitted for northbound SR 99 traffic onto Woodward Street. During peak hours northbound SR 99 traffic attempting to turn left onto SR 20, will drive through the Woodward Street left turn lane. Due to the lack of collision...
history at this location, Caltrans was not overly concerned with the project’s impacts. Regardless, Caltrans has indicated that should traffic conflicts significantly increase at this intersection, they retain the option of closing the median opening (eliminating left turn movements).

For southbound SR 99 traffic, Caltrans recommends that a right turn lane or taper be constructed along the highway to facilitate right turns onto Woodward Street. This would create overall smoother operations on the highway. There is a condition included that requires this improvement.

**Availability of City Services**

All City services, including water, sewer and storm-water drainage are available to this site.

**Height Limit (Use Permit 17-08)**

The C-3 Zone District has a four-story, 52 foot height limit. At staff’s urging, the applicant is proposing to exceed the 52 foot height limit. This height limit is in place to ensure compatibility with surrounding properties, which in Yuba City are typically one and two story buildings. The extra three feet requested is minimal and not significantly taller than the prescribed height. While the building will be taller in comparison to neighboring buildings, it is attractive and in staff’s opinion, will establish a higher standard for the area.

There are also four non-habitable tower segments that will be 67 feet high. Again, the applicant extended the height at staff’s request to provide greater massing.

**Recommended Action:**

The appropriateness of the proposed Development Plan 17-01 and Use Permit 17-08 have been examined with respect to its consistency with goals and policies of the General Plan and the standards of the C-3 Zone District. The project is compatible with surrounding uses, and it avoids or mitigates potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Therefore, staff recommends that the Planning Commission take the following actions:

A. Adopt the following findings:

1. **Environmental:** After reviewing and considering the mitigated negative declaration prepared for this project along with the proposed mitigation measures, approval of Development Plan 17-01 and Use permit 17-08 for a hotel and conference/banquet hall will not create any significant environmental impacts.

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

   A Notice of Determination will be recorded with the County Recorder.

2. **Development Plan 15-01 and Use Permit 17-08:** Based upon analysis of the Use Permit and Development Plan application, and subject to the applicant’s compliance with the conditions of approval, staff concludes that the following required findings of Section 8-5.7001(c)(1) and 8-5.7003(d) of the Zoning Regulations can be made (the required findings are in italics).
I. The proposal is consistent with the General Plan.

The proposed hotel site is located in a Regional Commercial General Plan designation. The proposed hotel and convention/banquet hall are regional commercial uses that are intended for these areas.

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

Because the 58,000 square foot building is four-stories it fits on this property and the neighboring Caltrans property. The site is being efficiently utilized, as the building is not a standard shape, but instead is shaped to fit the unusual property boundaries. All of the needed parking is provided; the landscaping on the exterior property will be in excess of City requirements.

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

Because the proposed hotel can only be accessed via SR 99, Caltrans has reviewed the project. The issue on SR 99 is primarily over left turn movements at the Woodward Street/SR 99 intersection, as there is a break in the divider median at that location. After review Caltrans has approved the increased traffic at the intersection with the caveat that they can close the opening in the median if it becomes necessary. Caltrans also requested that a turn lane or a taper be constructed for southbound SR 99 traffic, as it will help relieve congestion of southbound through traffic.

Woodward Street, which will directly serve the site, will be improved from its current substandard condition to also be able to accommodate the traffic generated by the hotel and hall.

With these road improvements, the roads will be adequate to carry the traffic generated by the project.

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

The new hotel building will be taller in comparison to neighboring buildings, sans the nearby co-generation facility. As this is not a residential area, the added height should not adversely impact neighboring uses. The taller building and the use itself will, however, bring much needed improvements and activity to an area that has not experienced significant investment in many years. Due to its proximity to the SR 99/20 intersection, it will likely attract attention to the area and potentially spur additional investment. The businesses in the area will gain attention, which is generally considered positive.

V. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious
to property and improvements in the neighborhood or to the general welfare of the City.

The new hotel and infrastructure improvements associated with the project will improve the somewhat blighted property. This could potentially encourage additional improvements to an area that has lacked much in improvement over the years. The project will also improve access to an area that has been neglected due, in part, to poor access. It is anticipated that this project will be an enhancement to the area.

B. Adopt Mitigated Negative Declaration 17-05.

C. Approve Development Plan 17-01 and Use Permit 17-08, subject to the mitigations and conditions provided below.

Attachments:
1. Aerial photo/location map
2. Hotel site plan and building elevations
5. Mitigated Negative Declaration 17-05
6. Mitigation Monitoring Program
Mitigation Measures and Conditions of Project Approval

Contents
Mitigation Measures ............................................................................................................. 10
Planning ............................................................................................................................ 11
Public Works .................................................................................................................... 13
Prior to issuance of Grading Permit .................................................................................. 15
Prior to approval of Improvement Plans .......................................................................... 16
Prior to acceptance of Public Improvements ................................................................... 18
Prior to Certificate of Occupancy .................................................................................... 19
MITIGATION MEASURES

Cultural Mitigation Measures

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

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

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

Greenhouse Gas Mitigation Measure

4. The site grading and construction of the hotel and related facilities shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.
1. The approval is for a 58,000 square foot, 83 room hotel, dining area and bar, parking, and other hotel related ancillary facilities and a 6,000 square foot convention/banquet hall. The hotel and facilities shall be constructed per the plans approved by the Planning Commission, except as provided by the conditions below.

2. Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

3. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this permit, except to the extent such liabilities are caused by actions of the City.

4. Approval of Development Plan 17-01 and Use Permit 17-08 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Development Plan and Use Permit or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City prior to the expiration of the permits.

5. Development Impact Fees. Impact fees shall be paid pursuant to the Yuba City Municipal Code.

6. The three flagpoles near the hotel entrance are approved. The flagpoles shall not be exceed 25 ft. in height.

7. As indicated on the approved site plan, a minimum of 82 parking spaces shall be installed on the hotel property and another 85 spaces on the Caltrans property. If the hotel owner loses the right to utilize the Caltrans property and loses those parking spaces, and another parking location is not found that is of adequate size, shape, and that meets the requirements of the Zoning Regulations for distance from the use, the convention/banquet hall shall cease to be used as such. The applicant shall convert the space to rooms or other permitted use(s) that meet the parking standards, as approved by the Development Services Director. Prior to building permit approval, the owner of the subject property shall execute a “parking covenant”, for the parking discussed above.

8. During peak use periods of the convention/banquet hall in which needed parking will exceed the available on-site parking, the facility operator shall utilize valet parking, closing hotel rooms or other alternative parking methods or locations, to the extent that guests are not forced to park on neighboring properties without the neighboring property owner’s permission. If parking issues become a concern, the project shall be returned to the Planning Commission for further review and consideration. The condition for valet parking shall be recorded in an agreement, in the form of a covenant.

9. Should Woodward St./SR 99 intersection be altered, the applicant shall hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with any alteration. The applicant shall acknowledge that they recognize this possibility in an agreement, in the form of a covenant.
10. Each of the covenants, conditions, and restrictions contained in this Statement shall run with the Subject Property and shall be binding on each successive owner of the Subject Property, his heirs, representatives, successors, and assigns.

11. The refuse enclosure shall have a decorative roof (upper wall area can be open), to screen the view from the hotel upper floors into the garbage bin. The exterior wall finish of the refuse enclosure shall be compatible with the main building finishes, as approved by the Development Services Director.

12. Along the wall/fence near the facility entrance driveway a narrow landscape strip shall be provided along or under the fence for the planting of a vine or other climbing plant that will soften the hardscape transition.

13. To add depth to the hotel’s exterior finish, most of the upper floor windows should be indented a minimum of three inches to provide shadow and depth. The windows themselves should also be enhanced with more than the standard aluminum windows. Some of the upper windows should also be provided with enhanced/enlarged grids, to the satisfaction of the Development Services Director.

14. The building will have some exterior wall lighting that will further enhance its look. Exterior wall lights shall be decorative and of a size proportional to the building, not just lighting that would be on a wall of a residence, as approved by the Development Services Director.

15. The building address at the entry shall be backlit.

16. Signs above the first floor shall be backlit.

17. Each door/opening shall provide a decorative cover to provide refuge from inclement weather.

18. A minimum 50 percent parking lot shading shall be achieved within 15 years.

19. A six foot high, decorative masonry wall (i.e., concrete, masonry block, brick, stucco), with decorative cap shall be provided along the shared property line between the hotel site and the existing single family homes.

20. A bike rack, with a minimum capacity of holding four bikes, shall be provided. Wave racks are not permitted.

21. Bollards, if proposed, shall be decorative.

22. Downspout nozzles shall be decorative.

23. The pedestrian walk from Woodward Street to the hotel shall be separated, with a curb and landscaping from the vehicle entrance.

24. A sample of the faux wood material shall be provided to the City for review and approval.

25. Lights shall be residential/pedestrian in scale and be spaced appropriately for the fixture, type of illumination and pole height shall not exceed 18 feet. A lighting plan required by Article 58 of the Zoning Regulations shall be approved prior to the issuance of building permits.

26. Utility and mechanical equipment (e.g. electric and gas meters, electrical panels, transformers and cable and telephone junction boxes, HVAC units) shall be screened from view with landscaping and/or construction that is compatible with the building design.

27. All mechanical equipment, whether mounted on the roof or the ground, should be screened from public view. Utility meters and equipment should be placed in locations that are not exposed to
view from the street or should be suitably screened. All screening devices are to be compatible with the architecture and color of the adjacent structures.

28. All mechanical and/or switchback electrical shall be screened and shall be integrated into the design of the structure or shall be located indoors.

29. Water meters and/or backflow prevention devices shall provide cages and/or insulation wraps.

30. Future building modifications, including painting, shall be approved by the City.

**PUBLIC WORKS**

31. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.


33. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.

34. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when sustained winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. (Engineering, Building, FRAQMD)

35. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers’ specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. (Engineering, Building, FRAQMD)

36. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.

37. 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. (Engineering, Building, FRAQMD)

38. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site. (Engineering, Building, FRAQMD)

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

40. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. (Engineering, Building, FRAQMD)

41. 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. (Engineering, Building, FRAQMD)

42. Provide temporary traffic control as needed, and/or as deemed appropriate by the Public Works Department and/or CalTrans, during construction to improve traffic flow and to reduce vehicle dust emissions. Effective measures are to enforce vehicle traffic speeds at or below 15 mph and to reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. (Engineering, Building, FRAQMD)

43. 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.

44. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler’s baffles. Failure to do so may result in the issuance of an order to stop work. (Engineering, Building, FRAQMD)

45. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.

46. The Developer’s Superintendent/Representative shall be onsite when contractor is working and be available to the City’s Inspector(s) assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.

47. The Developer’s Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. (Engineering and Building)

48. Any sidewalks within, and adjacent to, the construction area shall be kept clean and remain accessible for American Disability Act compliance. (Engineering and Building)

49. Storage of construction material is not allowed in the travel way. (Engineering and Building)

50. The Developer and/or the Developer’s Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements.
The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer’s Superintendent/Representative, the Contractor, the Design Engineer, the Developer’s safety representative, and the Developer’s SWPPP representative.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

51. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.

52. Project shall comply with the City’s Stormwater Management and Discharge Control Ordinance (Title 4, Chapter 21 of the Yuba City Municipal Code).

53. Project shall comply with the City’s Grading Ordinance (Title 7, Chapter 16 of the Yuba City Municipal Code).

54. Project shall comply with the Model Water Efficient Landscape Ordinance.

55. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.

56. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6” (inches). The use of any type of wood as the retaining wall is not permitted.

57. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation. (Building requirement)

58. Prior to issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The undergrounding shall go from the next post beyond the project frontage, across the frontage and then to the next post beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations. (Building requirement)

59. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 13, "Water Pollution Control," of the Caltrans Standard Specifications for construction of streets and local roads dated 2010, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at http://www.dot.ca.gov/hq/construc/stormwater/. The Contractor shall submit the SWPPP
document within the time lines set forth on the development’s special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City. Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.

**PRIOR TO APPROVAL OF IMPROVEMENT PLANS**

60. 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 improvement plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

61. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403.

62. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.

63. Improvement plans shall be approved by the Yuba City Fire Department.

64. Woodward Street shall be constructed within the existing 40.0 foot wide right-of-way in the following manner:
   a. Along the development frontage construction shall include a 26.0 foot (measured from the existing lip on the north side of Woodward Street) paved road section; and on the south side a 2.5 foot curb & gutter, and a 4.0 foot attached sidewalk, or as determined by the Public Works Director.
   b. From the east property line of the proposed development to the northerly prolongation of the west right-of-way line of West Onstott Frontage Road construction shall include a 24.0 foot (measured from the existing lip on the north side of Woodward Street) paved road section; and on the south side a 2.5 foot curb & gutter, and a 4.0 foot attached sidewalk, or as determined by the Public Works Director.
   c. From the northerly prolongation of the west right-of-way line of West Onstott Frtg Road to SR 99 construction shall include a 24.0 foot paved road section. The re-pavement of this portion of Woodward shall be per CalTrans specifications, or as determined by the Public Works Director.

65. A street light shall be installed on Woodward Street to the satisfaction of the Public Works Director.

66. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
a. Use 3” minimum for residential, 4” minimum for collectors and 5” minimum for arterials, of ‘Type A’ asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)

b. Use a traffic index of 6 for residential streets

c. Use a traffic index of 7 for collector streets

d. Use a traffic index of 10 for arterial streets

e. A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.

67. The development shall comply with any Caltrans requirements along State Route 99.

68. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate.

69. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.

70. The fire suppression system(s) that will be servicing the property shall tie-in directly to the City water main. Hot tap fees shall apply.

71. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.

72. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Community Services Director. (Engineering and Parks)

73. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications when the improvement plans are submitted for the first improvement plan check. (Engineering and Parks)

74. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. (Engineering and Parks)

75. Prior to the approval of the Improvement Plans, the Developer shall submit to the City a drainage plan for any drainage improvements that utilize City facilities for approval by Yuba City Public Works. Developer will need to provide onsite storage capacity of 1,335 cubic feet per acre in addition to determined drainage requirements.

76. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message “Dump No Waste – Drains to River”. If casting cannot be found that fits the City’s standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer’s specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.

77. 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 that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work.”

c. “If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.”

d. “The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans “Manual of Traffic Safety Controls for Construction and Maintenance Work Zones.” The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s).”

e. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

Prior to Acceptance of Public Improvements

78. The property shall provide the funds in the form of cash or enter into a deferred improvement agreement for future improvements associated with the future Civic Center Blvd. adjacent to the proposed development. The improvements shall include, but not be limited to: 24.0 foot wide roadway (centerline of Civic Center Blvd to lip of gutter). 2.5 foot wide curb and gutter, 5.0 foot wide detached sidewalk, fair share of costs of water main, fire hydrants, sewer main, storm drainage facilities, street lights, 6.0 foot wide landscaped parkway strip, 2.5 foot wide landscaped strip behind back of sidewalk, street trees, roadway striping, and roadway signage. Should the property owner enter into a deferred improvement agreement, the terms of the agreement can be satisfied by entering into a future financing mechanism, (such as a Community Facilities District, Zone of Benefit, and/or an Assessment District), acceptable to the City, to finance their proportional costs for the construction of the future Civic Center Blvd.

79. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.

80. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City’s acceptance of the improvements, and at the Public Works Department’s discretion, the storm sewer and sewer mains shall be re-hydroflushed.

81. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical investigation, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic investigation shall be submitted for approval by the Public Works Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.

82. The contractor shall maintain record drawings of the improvements in the City’s right of way 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 (AutoCad version 2007 or newer) and a hard copy to the City.

83. The property shall petition for formation of a Zone of Benefit of the Yuba City landscaping and Lighting Maintenance District for the purpose of maintaining street trees which are to be planted along all streets, maintain the street lights, and maintaining the masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

84. All street lighting shall be dedicated to the City of Yuba City.

85. A 10.0 foot public utility easement shall be provided along the hotel property on Woodward St. and future Civic Center Blvd. Should the hotel site purchase the Caltrans property, immediately to the west of the subject site, a 10.0 foot public utility easement shall be dedicated along Woodward St. and future Civic Center Blvd.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

86. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk, which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
Hotel Site (red) & additional Parking (yellow)
MEMO

To: Simon Gill
From: Ken Anderson, KD Anderson & Associates
Date: September 27, 2017
Re: Woodward Hotel Parking Evaluation

This technical memorandum summarizes KD Anderson & Associates evaluation of the adequacy of parking for the Woodward Hotel project. Our evaluation makes the following assumptions regarding site development and operation based on the attached site plan:

1. 83 guestrooms
2. 5,000 sq. ft. of flexible conference / ballroom / meeting space
3. 1,200-1,500 sq. ft. of dining area / bar area catering to in-house guests
4. 20 employees
5. 170 regular on-site parking spaces

Background Information

The City of Yuba City zoning code does not include requirements for these specific uses in combination. The closest land uses are noted in Table 1, and the sum of the individual code requirements for parking is also noted. Because concurrent demand is not a factor under code, independent analysis of the concurrent parking demands of each use is required.

<table>
<thead>
<tr>
<th>Use</th>
<th>Yuba City Parking Requirements under Zoning Code</th>
<th>Quantity</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motels and hotels</td>
<td>1 space per unit, plus 1 space for each 2 employees, plus as required for associated facilities</td>
<td>83 rooms</td>
<td>83</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20 employees</td>
<td>10</td>
</tr>
<tr>
<td>Churches, stadiums, arenas, assembly halls, clubs and auditoriums</td>
<td>1 parking space for each 4 fixed seats. For uses without fixed seats, 1 space for each 40 sf of assembly seating area</td>
<td>5,000 sf</td>
<td>125</td>
</tr>
<tr>
<td>Restaurant and cocktail lounges</td>
<td>1 space for each 3 seats, plus 1 space for each 50 sf of dance floor or assembly area without fixed seats.</td>
<td>58 seats</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>237</td>
</tr>
</tbody>
</table>

KD Anderson & Associates, Inc.
3853 Taylor Road, Suite G • Loomis, CA 95650 • (916) 660-1555 • Fax (916) 660-1535
Urban Land Institute. I reviewed information regarding shared parking demands in the Urban Land Institute (ULI) publication Shared Parking (2005). This document expands upon the Institute of Transportation Engineers (ITE) publication Parking Generation and includes information regarding the parking needs of conference centers and hotels. The document also suggests how to approach the issue of concurrent parking demands when a portion of the conference attendees stay at the hotel. This approach accounts for seasonal variation in the use of hotels, and the variation in parking demands for all uses that occurs throughout the day.

Capacity Under Uniform Fire Code. The City of Yuba City provided information regarding the maximum number of persons who could be in the conference/ ballroom / meeting space under the Uniform Fire Code (UFC), as noted in Table 2. The project proponents anticipate up to 500 persons using this space.

<table>
<thead>
<tr>
<th>Attendance Type</th>
<th>Occupancy Rate (persons per sf)</th>
<th>Maximum Occupancy (persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concentrated Use – Chairs Only</td>
<td>7.0</td>
<td>714</td>
</tr>
<tr>
<td>Un-Concentrated Table and Chairs</td>
<td>15</td>
<td>333</td>
</tr>
<tr>
<td>Standing</td>
<td>5</td>
<td>1,000</td>
</tr>
</tbody>
</table>

Assessment

We first made an assessment using ULI data and methodology for shared parking to identify the parking demands typically occurring with hotels and conference centers. Under their guidelines “base” estimates are made for the independent peak demand for each use before adjustment factors are applied to reduce that demand to account for time of day, seasonal variation, use of alternative transportation modes and concurrent use.

Unadjusted Parking Demands. Table 3 shows the calculation of the unadjusted parking demands for the Hotel and Conference space based on ULI rates. As shown, the unadjusted parking demand rate applied to conference / banquet facilities is one parking space for each 30 ksf of conference area and 1 space per 10 ksf of bar area.

Summing the individual forecasts, the unadjusted peak parking demands for all uses would total 270 spaces on a weekday and 262 spaces on a weekend.

Adjusted Demands by Time of Day. Table 4 shows how the parking demand will vary over the day as the demands of each use change and after the effects of shared parking are addressed. As a worst case we have based this evaluation on the peak demand month (i.e., June) and assumed
no discount for alternative transportation modes (i.e., all guests arrive by private automobile). We investigated weekday and weekend conditions at 2:00 p.m. when parking demands would be high for adjoining businesses, 6:00 p.m. when conference space use would peak and 10:00 p.m. when hotel parking demand would be greatest.

For the 2:00 p.m. condition the parking demands are reduced from the peak based on relative use of each space at that time and concurrent use of spaces. As shown in our calculations, in the early afternoon both the hotel and conference space use roughly 60% to 65% of the unadjusted peak parking demand. Based on information provided by the project proponent we assumed on weekdays that 60% of the hotel guests would attend the conference (i.e., non-captive adjustment of 40%) and that some of the conference attendees may leave the site at that time (i.e., non-captive adjustment of 90%). These assumptions reflect the understanding that the number of available room is relatively small compared to the overall parking demands of a conference of this size. We have assumed that if the facilities were being well used that it is unlikely that the small restaurant / bar would create its own parking demand, but this use could keep more hotel guests and conference / banquet attendees on site. At 2:00 p.m. the total parking demand is 123 spaces (weekday) to 131 (weekend) spaces.

The parking demands at 6:00 p.m. are greater than in the early afternoon. At that time the conference center generates its theoretical maximum demand, but the hotel demand is less than its peak. The total parking demands for the hotel and conference space reaches 180 to 194 spaces.

Eventually the demand is reduced later in the evening as the conference comes to a close. While the hotel is approaching its peak demand at 10:00 p.m., the conference center is less used. The total at that time ranges from 112 to 117 parking spaces.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit</th>
<th>Quantity</th>
<th>Weekday</th>
<th>Weekday</th>
<th>Weekday</th>
<th>Weekend</th>
<th>Weekend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rate</td>
<td>Unadjusted Spacing</td>
<td>Rate</td>
<td>Unadjusted Spacing</td>
<td>Rate</td>
</tr>
<tr>
<td>Hotel - Business</td>
<td>room</td>
<td>83</td>
<td>1.0</td>
<td>83</td>
<td>-</td>
<td>-</td>
<td>0.90</td>
</tr>
<tr>
<td></td>
<td>employees</td>
<td>20</td>
<td>-</td>
<td>-</td>
<td>0.25</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>Conference Center / Banquet Room</td>
<td>KSF GLA</td>
<td>5.0</td>
<td>1/30 ksf</td>
<td>167</td>
<td>-</td>
<td>-</td>
<td>1/30 ksf</td>
</tr>
<tr>
<td>Restaurant Lounge</td>
<td>KSF GLA</td>
<td>1.5</td>
<td>1/10 ksf</td>
<td>15</td>
<td>-</td>
<td>-</td>
<td>1/10 ksf</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>265</td>
<td>5</td>
<td>257</td>
<td>6</td>
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</tr>
</tbody>
</table>
### TABLE 4
**ADJUSTED CONCURRENT PARKING DEMANDS BASED ON ULI DATA**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Period</th>
<th>Unadjusted Demand</th>
<th>Month</th>
<th>Month Adjustment</th>
<th>Time</th>
<th>Time Adjustment</th>
<th>Non Captive Adjustment</th>
<th>Mode Adjustment</th>
<th>Adjusted Demand</th>
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<tr>
<td>Hotel</td>
<td>weekday</td>
<td>83</td>
<td>June</td>
<td>100%</td>
<td>2:00 p.m.</td>
<td>60%</td>
<td>40%</td>
<td>100%</td>
<td>20</td>
</tr>
<tr>
<td>Conference Center</td>
<td>167</td>
<td>100%</td>
<td></td>
<td>65%</td>
<td>Non Captive</td>
<td>90%</td>
<td>100%</td>
<td>98</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td></td>
<td>15</td>
<td>June</td>
<td>98%</td>
<td></td>
<td>33%</td>
<td>0%</td>
<td>100%</td>
<td>0</td>
</tr>
<tr>
<td>Employees</td>
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<td>100%</td>
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<td></td>
<td></td>
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<td>123</td>
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<tr>
<td>Hotel</td>
<td>weekend</td>
<td>75</td>
<td>June</td>
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<td>2:00 p.m.</td>
<td>60%</td>
<td>40%</td>
<td>100%</td>
<td>18</td>
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<tr>
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<td>Non Captive</td>
<td>100%</td>
<td>100%</td>
<td>109</td>
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<tr>
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<td></td>
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<td>131</td>
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<td>Hotel</td>
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<td>June</td>
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<td>6:00 p.m.</td>
<td>75%</td>
<td>40%</td>
<td>100%</td>
<td>25</td>
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<td>Non Captive</td>
<td>90%</td>
<td>100%</td>
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<tr>
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<td>75</td>
<td>June</td>
<td>100%</td>
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<td>75%</td>
<td>40%</td>
<td>100%</td>
<td>23</td>
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<td>100%</td>
<td>167</td>
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<tr>
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<td>June</td>
<td>100%</td>
<td>10:00 p.m.</td>
<td>95%</td>
<td>40%</td>
<td>100%</td>
<td>32</td>
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<td>Conference Center</td>
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<td>90%</td>
<td>100%</td>
<td>75</td>
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<tr>
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<td>0%</td>
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<td>100%</td>
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</tr>
<tr>
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<td></td>
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<td>117</td>
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</table>
Parking Demand Based on Attendance. It is also possible to estimate the site parking demand based on the number of persons at an event at the site in the conference / banquet space. As indicated in Table 5, a 500 person event would be expected to create a peak demand for 200 parking spaces based on “typical” automobile occupancy rates, or 125 spaces based on the occupancy rate reported for community events in Yuba City.

<table>
<thead>
<tr>
<th>Description</th>
<th>Persons</th>
<th>Qualifier</th>
<th>Average Auto Occupancy</th>
<th>Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banquet</td>
<td>500</td>
<td>Typical national average</td>
<td>2.5</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>500</td>
<td>Local social events</td>
<td>4.0</td>
<td>125</td>
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</table>

These peak parking demands can be substituted for ULI peak parking demand estimates for the conference space. Concurrent parking demands for use of the hotel and conference center / banquet were determined for the three time periods assuming a peak demand of 200 spaces with all attendees arriving by automobile. The number of persons attending a banquet and also staying at the hotel is unlikely to be as great as may occur with a conference, and we have assumed 25% of the hotel guests attend the banquet. The total concurrent parking demands under this scenario are noted in Table 6. A similar comparison has been made assuming the automobile occupancy rate reported for local events and the correspondingly lower parking demand (i.e., 125 spaces), and this information is presented in Table 7.
### TABLE 6
ADJUSTED CONCURRENT PARKING DEMANDS BASED ON PARKING DEMANDS ASSOCIATED WITH CONFERECE SPACE / BANQUET ROOM ATTENDANCE OF 500 AND TYPICAL AUTO OCCUPANCY

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Period</th>
<th>Unadjusted Demand</th>
<th>Month</th>
<th>Month Adjustment</th>
<th>Time</th>
<th>Time Adjustment</th>
<th>Non Captive Adjustment</th>
<th>Mode Adjustment</th>
<th>Adjusted Demand</th>
</tr>
</thead>
<tbody>
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<td>weekday</td>
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<td>60%</td>
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<td>100%</td>
<td>2:00 p.m.</td>
<td>60%</td>
<td>75%</td>
<td>100%</td>
<td>34</td>
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<td>6:00 p.m.</td>
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### TABLE 7
ADJUSTED CONCURRENT PARKING DEMANDS BASED ON PARKING DEMANDS ASSOCIATED WITH CONFERENCE SPACE / BANQUET ROOM ATTENDANCE OF 500 AND LOCAL AUTO OCCUPANCY

<table>
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<th>Month</th>
<th>Month Adjustment</th>
<th>Time</th>
<th>Time Adjustment</th>
<th>Non Captive Adjustment</th>
<th>Mode Adjustment</th>
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</tbody>
</table>
**Assessment – Supply / Demand Balance.** It is important to note that these parking demand forecasts represent a “worst case” approach based on maximum use of the facilities during the peak month, and the demands are likely to be lower at other times of the year. For example, ULI data suggests that the demand adjustments for business hotels can be as low as 67% during off-peak months.

The “balance” between identified parking demands and on-site supply (170 spaces) has been determined, as shown in Table 8. The extent to which the available supply satisfies the calculated demand has been determined under ULI and occupancy criteria.

**Potential Mitigations.** Most hotels with conference space handle events of varying size throughout the year. From the standpoint of marketing it is important to be able to offer to accommodate large numbers of persons even if such events occur infrequently. Most hotels handle occasional peak parking demands that exceed the regular parking supply, and in this case management strategies to accommodate peak demand would be applicable. Potential solutions provided elsewhere include:

*Alternative Transportation Modes / Satellite Parking.* This assessment assumes that all guests and attendees arrive by automobile and all would need to park at the site. In concept it is possible to reduce the project’s on-site parking demand by bringing guest to the site using alternative transportation modes. For example, a hotel shuttle that links the site with the Sacramento Airport may reduce use of the private automobile by guests and reduce parking demand. If 10% of the rooms were occupied by guests who employed an airport shuttle, then the early evening parking demand could be reduced by 5 spaces.

Similarly, satellite parking might be employed during large events to reduce the on-site parking demands created by attendees. Guests would need to be notified of the satellite location, either before the travel to the event or by signing as they arrive. The satellite location would need to be relatively easy for guest to find or a valet service would need to be provided for guest vehicles. Satellite parking that is beyond comfortable walking distance would require a shuttle service between the project and that offsite location.

*On-site Valet Parking.* Many hotels make use of valet parking to increase the on-site parking capacity during special events. Under a valet system it is possible to store vehicles within some of the site’s parking aisles, while some designated spaces would be reserved for hotel guests who still need to travel during events. However, the issue of emergency fire access needs to be addressed as it is not permissible to valet in fire lanes.

The number of additional vehicles that might be valet parked has been identified. Under the current plan there are two parking aisles that are not fire lanes, and the project architects believes that 50 vehicles could be accommodated two abreast in these aisles.
### Table 8: Parking Supply / Demand Balance

<table>
<thead>
<tr>
<th>Method</th>
<th>Time</th>
<th>Day</th>
<th>Demand</th>
<th>Supply</th>
<th>Balance</th>
<th>Valet Parking</th>
<th>Block out 60% of rooms &amp; Airport Shuttle</th>
<th>Balance</th>
<th>Cap attendance</th>
<th>Balance</th>
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<td>+22</td>
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Hotel Room Management. The preceding analysis assumes that some event guests will also be attending the hotel. The hotel operator could elect to further lower the number of spaces needed by hotel guests by blocking out rooms that would not be rented on the day that a major event occurred to anyone who was not attending the event.

Result Balance under ULI rates. With the parking demands suggested under ULI rates for a conference the on-site supply would be adequate in the mid-afternoon and late evening, but the site would be short 24 spaces at 6:00 p.m. On-site valet parking would provide enough additional spaces to yield a positive balance at that time.

Result Balance Based on Attendance. Assuming the automobile occupancy rates reported locally, the site would meet its parking demands in the afternoon and in the evening, but would be slightly deficient at 6:00 p.m. However, valet parking and shuttle to the airport would provide enough additional spaces to meet the demand.

The parking demands for the conference banquet space based on attendance are greater under typical automobile occupancy rates (i.e., 200 peak vehicles), and the supply / demand balance is negative in the mid-afternoon and early evening before becoming positive in the late evening. Under these assumptions mitigation would be needed. Valet parking would help but would not by themselves eliminate the deficiency. The next step might be to block out additional rooms and provide an airport shuttle. If the number of rooms associated with events guests increased from 25% to 60%, then 16 to 22 fewer parking spaces might be needed by hotel guests during the 6:00 p.m. period. The shuttle would also reduce the demand to the level noted in Table 8.

With these measures the site achieves a positive balance under all but one time period. The final mitigation could be to cap attendance. If all other measures were implemented as described, then theoretically max attendance in the range of 498 persons on weekday would deliver a neutral parking balance, and the parking supply would be adequate. Alternatively, it would be possible to combine some level of room blocking with an alternative attendance cap and achieve a neutral parking balance.

Conclusions

The estimated concurrent parking demands of the Hotel and conference space may occasionally exceed the regular on-site parking supply of 170 spaces. This is not unusual for hotels that offer these amenities since it is generally impractical to provide regular parking in a quantity that may only be used a few times each year. A normal “conference / convention” event using all the conference space will require the use of valet parking to keep the total demand on-site.

The parking demand of a banquet type event could depend on attendance and on the automobile occupancy rates achieve by guests. The project proponents would like to be able to host 500
persons. With the auto occupancy rates reported at local community events in Yuba City this crowd can be accommodated using valet parking.

The banquet parking demands could be greater if the automobile occupancy rates normally anticipated for dinner events nationally are achieved (i.e., 2.5 persons per vehicle). Under these conditions demand could exceed the onsite supply even with valet parking. Assuming that an airport shuttle was provided and in addition the hotel operator blocked out 60% of the rooms for event guests, then 498 to 500 persons could be accommodated on a weekday and weekend before the on-site parking supply was exceeded.

Thank you for your attention to this information. Please feel free to call me if you have any questions.
May 10, 2017

Mr. Baljit S. Gill
1815 Turin Drive
Yuba City, CA 95993-1423

RE: WOODARD AVENUE HOTEL PROJECT, YUBA CITY: CALTRANS IMPROVEMENT REQUIREMENTS

Dear Mr. Gill:

As I believe you are aware, the City of Yuba City arranged for a meeting with Caltrans District 3 staff in Marysville to discuss the issues associated with the hotel you propose on Woodard Avenue near its intersection with State Route 99 (SR 99) just south of State Route 20 (SR 20:Colusa Highway). This letter is intended to summarize the topics discussed at the meeting and to provide you with an indication of Caltrans’ suggestions for proceeding with this project.

Participants: The April 5, 2017 meeting was attended by the Caltrans staff who would be involved in evaluating the project’s impacts under the California Environmental Quality Act (CEQA), who would identify applicable mitigation measures for traffic impacts, and who will eventually confirm the design of improvements to the site highway that you may be asked to make under an encroachment permit. Caltrans staff who were familiar with the pending Project Study Report (PSR) for the SR 99 / SR 20 interchange project also attended.

Caltrans: Rick Montre, Eric Royer, Kevin Yount, Adam Hansen, Sung Moon, Ryan Kohagura

City of Yuba City: Diana Langley, Yuba City Director of Public Works, Arnoldo Rodriguez, Community Development Director

Key Issues / Answers:

Is Caltrans aware of a current problem at the SR 99 / Woodward Avenue intersection relating to its proximity to the SR 20 intersection?

Yes, Caltrans was aware that during peak periods the queues of northbound traffic on SR 99 extending back from the signal at SR 20 caused two problems that related to the intersection:

- The queue of traffic turning left sometimes extends back from SR 20 through Woodward Avenue intersection.
At other times the queue of traffic in the northbound through lanes is sometimes so long as to prompt motorists to drive through the turn lane at Woodward Avenue to reach the left turn lanes at SR 20.

However, Caltrans did not indicate that they were aware of a specific collision history at this intersection that would suggest that the access should be closed immediately.

**What is the long term plan for the SR 99 / Woodward Avenue intersection?**

Eventually the SR 99 / SR 20 interchange is going to raise one of the highways over the other and in so doing access to local intersections and adjoining properties will be affected. It is likely that SR 99 will be raised. At that time the Woodward Avenue connection to SR 99 will be closed and properties using Woodward Avenue will be served by new roads, including the southerly extension of Civic Center Blvd to Sunsweet Blvd or Onstott Blvd.

**What is Caltrans initial expectation with regard to the Hotel’s impact to the SR 99 / Woodward Avenue intersection?**

Caltrans anticipates that the hotel project could have some impact to the operation of the intersection. It is possible that more traffic will use the intersection and increase the possibility of conflicts under the “problems” that already occur. However, we discussed the basis for technical analysis of the magnitude of the impact and it was agreed that there wasn’t a reasonable method for quantifying that impact. Thus a “traffic impact analysis” was not needed to quantify the project’s impact if applicable mitigation is included with the project.

**What is Caltrans expectation of reasonable mitigation measures for the project’s impact?**

Caltrans noted that they always retain the option of closing off the median opening if a problem were to occur after the hotel is built and operating. That is the case with any median opening on the state highway, but Caltrans typically works with the local community when that happens.

Caltrans indicated that they had considered the range of possible roadway improvements that might be made that could be commensurate with the project’s impact. The solution that they identified was a southbound right turn lane or taper on SR 99 approaching the Woodward Avenue intersection. While this improvement would not be directly related to the issue of left turn access, the overall operation at this location could be improved by providing some space for right turners to slow outside of the flow of through traffic.

**What are the design requirements for the turn lane or taper?**

Ideally the treatment would extend all the way to SR 99, but Caltrans indicted that due to constraints fulfilling all of the requirements of the Highway Design Manual (HDM) was not required in this case, and they provided examples of other short turn tapers that had been
installed where constraints existed (i.e., SR 49 / Smith Road intersection south of Grass Valley). In this case the most obvious constraints are:

- the large utility pole roughly 70 feet north of Woodward Avenue (photo)
- drainage structures immediately north of the intersection and about 20 feet north of the utility pole.

Caltrans indicated that they would accept a design of a taper that worked around the utility pole and did not extend all the way to SR 99. The taper might be as short as 70 feet.

**What other design requirements would affect the improvements?**

The City would establish the requirements for improving Woodward Avenue itself. In turn, those requirements would blend into the right turn treatment in the area of the curb return at SR 99.

**Would there be any other Caltrans requirements under CEQA that are not related to the impact to the intersection and the design of improvements?**

District 3 may ask for evaluation of the project’s impact on regional Vehicle Miles Traveled (VMT).

Thank you for your attention to this information. I have CC’d Caltrans and the City to ensure that my notes match their recollections. Please feel free to contact me if you have any questions.

Sincerely Yours,

**KD Anderson & Associates, Inc.**

Kenneth D. Anderson, P.E.
President

Attachment: photo

cc: Sean Minard, Diana Langley, Arnoldo Rodriguez, Adam Hansen
Environmental Assessment 17-05
Initial Study and Mitigated Negative Declaration
for the proposed Woodward Street Hotel
Use Permit 17-08 & Development Plan 17-01

Prepared for:
City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:
Denis Cook
Land Use Planning Consultant

February 15, 2018
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# 1. Table of Contents

1. Table of Contents .................................................................................................................. 3
2. Introduction ............................................................................................................................. 6
   2.1. Introduction ......................................................................................................................... 6
   2.2. Regulatory Information ...................................................................................................... 6
   2.3. Document Format .............................................................................................................. 7
   2.4. Purpose of Document ........................................................................................................ 7
   2.5. Intended Uses of this Document ....................................................................................... 8
3. Project Description .................................................................................................................. 9
   3.1. Project Title ....................................................................................................................... 9
   3.2. Lead Agency Name and Address ..................................................................................... 9
   3.3. Contact Person and Phone Number .................................................................................. 9
   3.4. Project Location ............................................................................................................... 9
   3.5. Assessors Parcel Number (APN) ..................................................................................... 9
   3.6. Project Applicant ............................................................................................................... 9
   3.7. Property owner ............................................................................................................... 9
   3.8. General Plan Designation ............................................................................................... 9
   3.9. Zoning .............................................................................................................................. 9
   3.10. Project description ......................................................................................................... 10
   3.11. Surrounding Land Uses & Setting ................................................................................. 10
   3.12. Other Public Agencies Whose Approval May be Required ........................................... 10
   3.13. Project Location ............................................................................................................ 10
   3.15. Evaluation of Environmental Impacts: ......................................................................... 15
4. Environmental Checklist and Impact Evaluation .................................................................... 16
   4.1. Aesthetics ......................................................................................................................... 16
   4.2. Agricultural and Forestry Resources .............................................................................. 20
   4.3. Air Quality ..................................................................................................................... 25
   4.4. Biological Resources ...................................................................................................... 34
   4.5. Cultural Resources .......................................................................................................... 39
   4.6. Geology and Soils .......................................................................................................... 43
   4.7. Greenhouse Gas Emissions ............................................................................................ 49
   4.8. Hazards and Hazardous Materials .................................................................................. 52
   4.9. Hydrology and Water Quality ....................................................................................... 58
<table>
<thead>
<tr>
<th>Section</th>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.10</td>
<td>Land Use and Planning</td>
<td>63</td>
</tr>
<tr>
<td>4.11</td>
<td>Mineral Resources</td>
<td>65</td>
</tr>
<tr>
<td>4.12</td>
<td>Noise</td>
<td>67</td>
</tr>
<tr>
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<td>Recreation</td>
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<tr>
<td>4.16</td>
<td>Transportation/Traffic</td>
<td>82</td>
</tr>
<tr>
<td>4.17</td>
<td>Tribal Cultural Resources</td>
<td>85</td>
</tr>
<tr>
<td>4.18</td>
<td>Utilities and Service Systems</td>
<td>87</td>
</tr>
<tr>
<td>4.19</td>
<td>Mandatory Findings of Significance</td>
<td>91</td>
</tr>
<tr>
<td>5.</td>
<td>Section References and/or Incorporated by Reference</td>
<td>93</td>
</tr>
</tbody>
</table>
List of Tables

Table 1: Bordering Uses .................................................................................................................. 10
Table 2: Screening Levels of Potential Odor Sources ................................................................... 33
Table 3: Noise Levels of Typical Construction .............................................................................. 72
Table 4: Typical Construction Levels ............................................................................................ 73

List of Figures

Figure 1: Location Map .................................................................................................................... 11
Figure 2: Site Plan ............................................................................................................................ 12
Figure 3: Building Elevations .......................................................................................................... 13
Figure 4: Noise Exposure ................................................................................................................. 71
2. Introduction

2.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City), for Development Plan 17-01 for a four-story, 83-room hotel with an adjacent 167 parking spaces. The building will be 58,000 square-feet in size, including a 6,000 square foot conference/banquet facility and a lounge/dining area. Use Permit 17-08 is a request to exceed maximum allowed building height of 52 feet. The occupied space will have a height of 55 feet. There are also four non-occupied segments of the building that will be 67 feet in height (permitted by ordinance). The project will be located on two parcels. A 2.1-acre parcel that is owned by the applicant will contain the hotel and all required hotel parking and landscaping. The adjoining .6-acre parcel, owned by Caltrans, will be utilized for additional parking needed to serve the convention/banquet hall. This Use Permit and Development Plan are considered a project under the California Environmental Quality Act (CEQA), and the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission.

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 Development Plan and Use Permit for a future hotel and provide an environmental assessment for consideration by the Planning Commission. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

2.2. Regulatory Information

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

B. The IS identified potentially significant effects, but:

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

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

2.3. Document Format

This IS/MND contains five chapters, and three technical appendices. 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, Mitigation Monitoring and Reporting Program (MMRP), provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation and Chapter 5, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

2.4. Purpose of Document

The proposed Development Plan provides a review process for medium to large expansions or new projects that for which the anticipated uses are permitted by the zoning district in which the proposal is located. Because of the scale of the proposal, the Planning Commission’s review is needed to assure that the project will be compatible with existing or expected neighboring improvements and that adequate public facilities are available to serve the project. The use permit for the additional height is required to ensure the higher building is appropriate for the area and compatible with neighboring uses.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.
The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

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

2.5. Intended Uses of this Document

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

The Draft IS/ND and associated appendixes will be available for review on the City of Yuba City website at http://www.yubacity.net. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20 day review period will commence on January 26, 2018 and end on February 14, 2018.

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

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

e-mail: @yubacity.net
Phone: 530.822.4606
3. Project Description

3.1. Project Title

Development Plan (DP) No. 17-01 and Use Permit (UP) No. 17-08; Simon Gill is the applicant.

3.2. Lead Agency Name and Address

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

3.3. Contact Person and Phone Number

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

3.4. Project Location

The property is located on the south side of Woodward Street approximately 450 feet west of SR 99 and 390 feet south of SR 20 (See Figure 1). Sole access to the site is off of SR 99 onto Woodward Street.

3.5. Assessors Parcel Number (APN)

APN 58-041-011 and APN 58-041-010

3.6. Project Applicant

Simon Gill
850 Colusa Avenue
Yuba City, CA 95993

3.7. Property owner

Enterprise Realty, Inc.
P.O. Box 244749
Sacramento, CA 95865

3.8. General Plan Designation

The property is designated Regional Commercial. No change is proposed.

3.9. Zoning

General Commercial (C-3) Zone District.
3.10. Project description

Development Plan 17-01: Would permit a four-story, 83 room hotel with an adjacent 167 parking spaces. The building will be 58,000 square-feet in size, which also includes a 6,000 square foot conference/banquet room and a lounge/dining area. The project will be located on two parcels. A 2.1-acre parcel that is owned by the applicant will contain the hotel and all parking and landscaping required for the hotel. An adjoining .6-acre parcel, owned by Caltrans, will be utilized for additional parking needed to serve the conference/banquet hall. Use Permit 17-08 is a request to exceed by three feet the maximum allowed building height of 52 feet. The occupied space will have a height of 55 feet. There are also four non-occupied segments of the building that will be 67 feet in height (permitted by ordinance).

Legal access to the property is limited to Woodward Street, which takes direct access off of SR 99. That ingress and egress access to SR 99 presently permits all turn movements due to a gap in the SR 99 median at this location. A potential second access will be available in the future when Civic Center Boulevard is extended to the property. The timing of that street extension is uncertain.

3.11. Surrounding Land Uses & Setting

<table>
<thead>
<tr>
<th>Table 1: Bordering Uses</th>
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<tbody>
<tr>
<td>North: Various light industrial type businesses.</td>
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<tr>
<td>South: Abandoned rail line (proposed to be a part of the Civic Center Boulevard extension) and a two-story hotel on the opposite side of the right-of-way.</td>
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<tr>
<td>East: Outdoor landscape materials storage and two single-family homes.</td>
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<tr>
<td>West: Metal lumber storage buildings and sheds.</td>
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</tbody>
</table>

3.12. Other Public Agencies Whose Approval May be Required

- California Department of Transportation for an encroachment permit for SR 99 improvements.
- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review

3.13. Project Location

The site is an approximately 2.1 acre parcel and a .6 acre parcel owned by Caltrans located on the south side of Woodward Street approximately 450 feet west of State Route (SR) 99 and approximately 390 feet south of SR 20, as shown in Figure 1.
Proposed Woodward Street Hotel Site
Development Plan 17-01, Use Permit 17-08
Woodward St
1 inch = 200 feet
Figure 2: Site Plan
Figure 3: Building Elevations

EAST FACING ELEVATION

SOUTH FACING ELEVATION

WEST FACING ELEVATION

NORTH FACING ELEVATION
3.14. Environmental Factors Potentially Affected:

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

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

Determination: On the basis of this initial evaluation:

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

/s/ February 15, 2018
Arnoldo Rodriguez, Director

Printed Name/Position
3.15. Evaluation of Environmental Impacts:

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

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

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

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

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

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

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

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

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

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

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

4.1. Aesthetics

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<th>Would the project:</th>
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<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<td>X</td>
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<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees,</td>
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<td>X</td>
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<td>rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c) Substantially degrade the existing visual character or quality of the site</td>
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<td>X</td>
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<tr>
<td>and its surroundings?</td>
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<tr>
<td>d) Create a new source of substantial light or glare, which would adversely</td>
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<td>X</td>
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<tr>
<td>affect day or nighttime views in the area?</td>
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</table>

4.1.1. Environmental Setting/Affected Environment

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

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

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City’s character and place in the Sacramento Valley.
- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

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

### 4.1.2. Federal Regulatory Setting

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

### 4.1.3. State Regulatory Setting

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

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

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

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

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

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

There are no scenic vistas within the vicinity of the proposed Project. Rather, the proposal is located within the urban area. However, the proposed hotel will be four stories in height and the surrounding buildings are generally single or two-story. So the hotel will be visible from SR 99 and will somewhat change the skyline. This is not considered significant, as the building been through an extensive design review process by the City. The building is well-designed and aesthetically pleasing. The building and the site meet all General Plan and City Design Guideline standards. As many of the buildings in the area have not received any exterior beneficial treatment in many years, this project may actually enhance the urban look of the area, as well as provide an example for improvements to neighboring properties. From an aesthetic standpoint the project will not significantly adversely affect neighboring properties. Instead the project will aesthetically improve and may even enhance the neighborhood aesthetics.

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

The property is vacant, previously being cleared of any buildings and vegetation. There are no remaining native trees, landmark type rocks, etc. Moreover, there are no designated scenic resources on the project site. Additional, there is no Officially Designated or Eligible Scenic Highway in the City, according to the State of California Scenic Mapping System.

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

As discussed in a) above, this well designed project may enhance the local aesthetics as some of the area appears somewhat blighted.
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Placing a hotel on the vacant property will create additional lighting. However, the property is located within the urban area for which there already exists significant lighting. The City’s Zoning Regulations requires screening of new lighting to minimize or prevent off-site glare.
4.2. Agricultural and Forestry Resources

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

<table>
<thead>
<tr>
<th>Table 4-2: Agricultural and Forestry Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (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))?</td>
</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
</tr>
<tr>
<td>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?</td>
</tr>
</tbody>
</table>

4.2.1. 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 in an urban area that developed slightly more than 100 years ago. Moreover, the site was previously developed and was cleared sometime ago.

4.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981
Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs’ contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

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

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

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

4.2.3. State Regulatory Setting

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

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

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.
- **Prime Farmland.** Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **Farmland of Statewide Importance.** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **Unique Farmland.** Farmland of lesser quality soils used for the production of the State’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. Farmland of Local Importance. Land of importance to the local agricultural economy as determined by each county’s board of supervisors and a local advisory committee.

- **Grazing Land.** Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen’s Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

- **Urban and Built-up Land.** Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

- **Other Land.** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

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

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

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

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

4.2.4. Impact Assessment/Environmental Consequences:

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

The proposed Project site consists of approximately 2.7 acres located within the urbanized area. The site is surrounded by other commercial/light industrial buildings within the City. This Project will not remove agricultural land from production, nor would it disrupt agricultural cultivation or harvesting activities in the vicinity. There will be no impact.

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

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

c) Conflict with existing zoning for, or cause rezoning of, forest land (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 agricultural area. There are no forests or timberland located on the project site or within the vicinity of the proposed project. There will be no impact on existing zoning of forest land and the proposed Project will not cause the rezoning of forested or timberlands.
d) Result in the loss of forest land or conversion of forest land to non-forest use?

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

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

The proposed Project is within an urbanized area of the City and has not been utilized as farmland for very many years, thus, there is no additional impact on agricultural land. While the underlying soils have agriculture qualities, the area was urbanized many years ago and no longer can be agriculturally utilized due to its location and small size. This property is also not near any viable agricultural properties. There are also no forestlands on the project site or in the vicinity. No properties within the area are within the Williamson Act. For these reasons there should be no significant impacts on agricultural lands from this proposal.
4.3. Air Quality

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

<table>
<thead>
<tr>
<th>Would the project?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

4.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 25 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.
In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

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

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

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

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

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

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

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

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

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

**Toxic Air Contaminants (TACs):** are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.
TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

4.3.2. Federal Regulatory Setting

**Clean Air Act:** The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

4.3.3. State Regulatory Setting

**California Air Resources Board:** The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is 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, SO2, and NO2 by the earliest practical date. The CCAA specifies that
districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

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

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

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

### 4.3.4. Regional Regulatory Setting

**Feather River Air Quality Management District:** 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 tunes 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.
• Developed a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

4.3.5. Impact Assessment/Environmental Consequences:

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

The proposed Project will not conflict with or obstruct the implementation of the air quality management standards. Standards set by FRQAMD, CARB, and Federal agencies relating to the proposed Project will continue to apply. Prior to the initiation of construction a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction. FRAQMD has commented that the proposed project will not conflict with the FRAQMD’s plans and any impacts will be less than significant.

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

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

Construction of the proposed project will generally occur during daylight hours, Monday through Friday, excluding holidays. Project construction will include trenching and excavation on private property for the development of a hotel. The impacted areas will be back-filled. The aforementioned activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants. Project construction activities also represent sources of fugitive dust, which includes PM emissions. The estimated construction period of 7-10 months would generate air pollutant emissions only intermittently within the site, and in the vicinity of the site. As a result, construction is a potential short-term concern, but due to the small area to be impacted so it is not considered a significant impact.

Therefore, the proposed Project’s operational emissions will not result in a significant contribution to the region’s nonattainment status of ozone or PM, and will not violate an air quality standard or contribute substantially to an existing or projected air quality violation.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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

d) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. The only sensitive receptor located adjacent or within 1,000 feet to the proposed Project are two private residences. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD’s Indirect Source Review Guidelines, “Construction activity can results in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment. Best Management Practices (BMPs) that can be used to reduce the impact to sensitive receptors from off-road diesel equipment include:

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

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

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

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

<table>
<thead>
<tr>
<th>Type of Facility (1)</th>
<th>Distance (in miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Treatment Facilities</td>
<td>2</td>
</tr>
<tr>
<td>Wastewater Pumping Facilities</td>
<td>1</td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td>1</td>
</tr>
<tr>
<td>Transfer Station</td>
<td>1</td>
</tr>
<tr>
<td>Composting Facility</td>
<td>2</td>
</tr>
<tr>
<td>Asphalt Batch Plant</td>
<td>2</td>
</tr>
<tr>
<td>Chemical Manufacturing</td>
<td>1</td>
</tr>
<tr>
<td>Fiberglass Manufacturing</td>
<td>1</td>
</tr>
<tr>
<td>Painting/Coating Operations (e.g. auto body shops)</td>
<td>1</td>
</tr>
<tr>
<td>Rendering Plant</td>
<td>5</td>
</tr>
<tr>
<td>Coffee Roaster</td>
<td>1</td>
</tr>
<tr>
<td>Food Processing Facility</td>
<td>1</td>
</tr>
<tr>
<td>Feed Lot/Dairy</td>
<td>1</td>
</tr>
<tr>
<td>Green Waste &amp; Recycling Operations</td>
<td>2</td>
</tr>
<tr>
<td>Metal Smelting Plants</td>
<td>1</td>
</tr>
</tbody>
</table>


The proposed Project does not involve any of the aforementioned facilities, and the system would not generate chemical emissions that would substantially contribute to air quality or create objectionable odors. No significant odor impacts related to the proposed Project’s implementation are anticipated due to the nature and short-term extent of potential sources. Therefore, the operation of the Project will have a less than significant impact associated with the creation of objectionable odors affecting a substantial number of people.
4.4. Biological Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

4.4.1. Environmental Setting/Affected Environment

The vacant site is located in an urbanized area surrounded by other businesses and two residences.

4.4.2. Federal & State Regulatory Setting

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

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

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

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

Waters of the U.S. generally include:

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

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

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

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

4.4.3. Local Regulatory Setting

The following goals and policies from Chapter 3, Street Trees of the City of Yuba City’s Municipal Code are relevant to biological resources goals and policies pertaining to the development of the proposed project:

Section 9-3.05. Removing
(d) Any person who wishes to remove a tree from the planting strip or planting easement abutting his property shall make written application to and obtain a permit from the Director. The Director shall determine whether such tree is required to be retained in order to preserve the intent and purpose of the street tree plan and whether a replacement tree is required. In making his determination, the Director shall consider the inconvenience or hardship which retention of the tree would cause the property owner and consider also the condition, age, desirability of variety, and location of the tree. If the Director finds that the tree may be removed without violating the intent and spirit of the street tree plan, he may authorize the property owner to remove such tree at his own expense and liability. If a permit is granted for removal of a street tree, all removal work shall be completed within sixty (60) calendar days from the date of the issuance of the permit and shall be under the general supervision of, and in accordance with, rules established by the Director. All tree stumps shall be removed completely. All removal permits shall be void after the expiration of sixty (60) calendar days from the date of issuance unless extended by the Director. When a replacement tree is required, the property owner shall supply and plant the tree at his own expense. (§ 1, Ord. 563, eff. December 18, 1968)

Section 9-3.06. Protection
(b) It shall be unlawful for any person to trim, prune, spray, or cut any street tree in a planting strip or planting easement without first obtaining permission form the Director.

Section 9-3.09. Violations
It shall be unlawful for any person to injure or destroy by any means any tree planted or maintained by the City in a planting strip or planting easement, including, but not limited to, the following:

- Damaging, cutting, or carving the bark of any tree;
- Causing or permitting any wire charged with electricity to be attached to any tree;
- Allowing any gaseous, liquid, or solid substance harmful to trees to come in contact with the roots, leaves, bark, or any other part of any tree;
- Constructing a concrete sidewalk or driveway or otherwise filling up the ground around any tree so as to shut off air or water from its roots;
- Piling building materials, equipment, or other substance around any tree;
- Posting any sign, poster, notice, or other object on any tree, tree stake, or guard, or fastening any guy wire, cable, rope, nails, screws, or other device to any tree, tree stake, or guard; or
- Causing or encouraging any fire or burning near or around any tree. (§ 1, Ord. 563, eff. December 18, 1968)

4.4.4. Impact Assessment/Environmental Consequences:

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

There have been no special status species identified within the vicinity. According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this particular species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. This property does not fall within this area, therefore no adverse impacts to special status species will occur as a result of this project. Moreover, General Plan Policies 8.4-I-1 and 8.4-I-2 encourage management and maintenance of sensitive habitat through the promotion of environmentally sensitive project siting and design. Policy 8.4-I-1 requires protection of sensitive habitat areas and special-status species in new development site designs and 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. Policy 8.4-I-2 provides additional requirement to preserve oak trees and other native trees that are of a significant size. Since the Project is in compliance with these polices, the impacts on biological resources will be less than significant.

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

A field inspection determined that riparian habitat is absent from the proposed Project site. The site is within the urban area with no nearby parks or other open spaces. Therefore this urban area is not of significant importance to regional wildlife populations. There would be no impact.
c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

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

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

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

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

No trees or other biological resources that would be protected by local policies or ordinances occur on or near the proposed Project site. Therefore there would be no impacts.

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

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

Table 4-5: Cultural Resources

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

4.5.1. Federal Regulatory Setting

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

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

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

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

4.5.2. State Regulatory Setting

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

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

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

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

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

4.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on “tribal cultural resources” separately from archaeological resources (PRC §
On February 24, 2017, the City supplied the following seven Native American tribes with a project description and map of the proposed project area.

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

In response to the City’s inquiry, Enterprise Rancheria of Maidu Indians indicated that their records failed to locate any known cultural sites within the project boundaries. United Auburn Indian Community of the Auburn Rancheria indicated that there are historic resources in the area. In subsequent communication, it was determined that there are possible artifacts. In order to mitigate any potential impacts, a mitigation measure is included.

4.5.4. Impact Assessment/Environmental Consequences:

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

As there are no buildings on the Project site, there will be no impacts on any historical resources, directly or indirectly destroy unique paleontological resources or site or unique geologic features? The property was originally cleared, graded and built upon many years ago. Because of past ground disturbance, it is unlikely that any paleontological or archaeological artifacts or human remains exist in the area. Therefore there is not expected to be any significant archeological or paleontological resources on these properties. While it is unlikely that any cultural resources remain due to prior property grading, and urbanization over the last 100 years, mitigation measures are provided in case any archaeological artifacts are discovered during the construction process.

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

No formal cemeteries or other places of human internment are known to exist on the proposed Project site. No evidence of human remains at the Project site have been documented, and it is unlikely that buried human remains are present. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, the mitigation measures below shall be implemented to ensure impacts are less than significant:

4.5.5. Cultural Mitigation Measures

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

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

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

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
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</tr>
<tr>
<td>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?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>iv) Landslides?</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>b) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>c) Be located on expansive soil, as defined in the California Building Code creating substantial risks to life or property?</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td></td>
<td>X</td>
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</tbody>
</table>

**4.6.1. Environmental Setting/Affected Environment**

**Topography and Geology:** According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley’s northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.
Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

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

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

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

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

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

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

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

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

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

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and 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.

4.6.2. Federal Regulatory Setting

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

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

4.6.3. State Regulatory Setting

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

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

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

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

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?

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

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and 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, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City’s Sphere of Influence.

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

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?

The proposed Project would be constructed in an urban area that is relatively flat. This could result in the temporary loss of topsoil from construction. However, these soils would be backfilled during construction. Several acres of ground will be disturbed during construction. As part of construction, the applicant would be required to follow Best Management Practices (BMP’s) and provide erosion control measures to protect the topsoil during the construction process. Therefore, impacts are less than significant.

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

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

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

The City requires new development to connect to its sanitary sewer system, so new development will not utilize septic tanks or other alternative wastewater disposal systems.
4.7. **Greenhouse Gas Emissions**

<table>
<thead>
<tr>
<th>Would the project:</th>
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<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

### 4.7.1. Federal Regulatory Setting

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

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

### 4.7.2. State & Local Regulatory Setting

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

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

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

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

### 4.7.3. Impact Assessment/Environmental Consequences:

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

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

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

This proposed hotel will potentially create GHG emissions due to the use of motorized construction equipment and ongoing traffic generated by the project. While the small size of the hotel project will not create significant greenhouse gas emissions on a cumulative scale, possible reasonable reductions should 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 hotel project to incorporate the relevant greenhouse gas reduction measures.
4.7.4. **Greenhouse Mitigation Measure**

1. The site grading and construction of the hotel and related facilities and, to the extent practicable, the ongoing hotel operations shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.
## 4.8. Hazards and Hazardous Materials

### Table 4-8: Hazards and Hazardous Materials

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
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<td>X</td>
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<tr>
<td>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?</td>
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<td>X</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
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<td>X</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
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<td>X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>X</td>
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<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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<td></td>
<td>X</td>
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</tbody>
</table>

### 4.8.1. Federal Regulatory Setting

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

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

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

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

**Countermeasure (SPCC) Plans:** A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.
The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

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

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

4.8.2. State Regulatory Setting

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

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

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

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

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

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

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

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

### 4.8.3. Local Regulatory Setting

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

4.8.4. Impact Assessment/Environmental Consequences:

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

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

The only hazardous materials associated with this project will be those materials associated with construction activities such as solvents, oil and fuel. Provided that legal and proper use and storage is utilized for these materials in accordance with adopted laws, the proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of these 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 proposed hotel site.

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

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

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

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

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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

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

The Yuba City Fire Department and Police Department, serve this area. Neither agency has expressed concern over impacts on any emergency response plans.
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located in an urban area and there are no wildlands on the site or in the immediate area.
### 4.9. Hydrology and Water Quality

**Table 4-9: Hydrology and Water Quality**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

4.9.2. State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The SWRCB 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): A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

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

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

4.9.3. Impact Assessment/Environmental Consequences:

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

Most of the City’s public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. The City provides water quality data to the public through consumer confidence reports.

All storm water runoff associated with new development on this property is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City’s adopted Best Management Practices for new construction.

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 system or storm water drainage system.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

All new development will be connected to the City water system. Very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system, which is only occasionally supplemented with groundwater.

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

The hotel site drains into the existing Gilsizer drainage system, which is managed by the Gilsizer Drainage District. The system is designed to accommodate drainage from urban development for much of Yuba City. As noted above, all new construction must involve use of Best Management Practices.

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

The hotel site drains into the existing Gilsizer drainage system, which is managed by the Gilsizer Drainage District. The system is designed to accommodate drainage from urban development for much of Yuba City. As noted above, all new construction must involve use of Best Management Practices.
e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

The existing drainage system was designed and improved to accommodate storm water drainage from this portion of the City. The drainage facilities within this area were designed with the assumption that these properties will be developed with impermeable surfaces. Therefore, the project will not contribute runoff water that would exceed the capacity of the existing storm-water drainage system or provide substantial additional sources of polluted water.

f) Otherwise substantially degrade water quality?

The proposed project will not substantially degrade water quality. As noted under item a) above, development of the site will be required to meet all local and state standards and will adhere to the General Plan Implementing Policies which includes adherence to City adopted Best Management Practices that ensures that water quality degradation does not occur.

g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

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

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

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

Table 4-10: Land Use and Planning

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

4.10.1. Environmental Setting/Affected Environment

The project will be on underutilized commercial property surrounded by commercial and industrial uses. A portion of the land to be utilized for the project is owned by Caltrans for a future freeway interchange.

4.10.2. Federal Regulatory Setting

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

4.10.3. Local Regulatory Setting

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

4.10.4. Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The project will not physically divide an established community. Instead it is considered infill within the City. The development of the vacant underutilized property is surrounded by commercial and light industrial uses.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The hotel project is consistent with the Regional Commercial General Plan designation and the C-3 Zone District.
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

There are currently no adopted habitat conservation plans or natural community conservations plans within the City limits or the City’s Sphere of Influence.
4.11. Mineral Resources

Table 4-11: Mineral Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

4.11.1. Federal Regulatory Setting

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

4.11.2. State Regulatory Setting

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

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

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

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

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

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

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

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

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

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City’s boundary, and no mineral extraction facilities currently exist in the project area or City vicinity. Additionally, the City is mostly occupied by residential and commercial land uses, which generally are considered incompatible with mineral extraction facilities.
4.12. Noise

Table 4-12: Noise

<table>
<thead>
<tr>
<th>Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.12.1. Environmental Setting/Affected Environment for Noise

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

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

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear’s decreased sensitivity to low and extremely high frequencies instead of the frequency mid-
Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

4.12.2. Environmental Setting/Affected Environment for Groundbourne Vibration

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

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

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

4.12.3. Federal Regulatory Setting

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

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

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

4.12.5. Local Regulatory Setting

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

The following goals and policies from the City of Yuba City General Plan1 are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions, and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.

Implementing Policies

- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
  - Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
  - Increase setbacks for noise sources from adjacent dwellings,
  - Retain fences, walls, and landscaping that serve as noise buffers,
  - Use soundproofing materials and double-glazed windows, and
  - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.

---

9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.

9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing "normally acceptable" noise level standards for these uses.

9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.

9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.

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

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.
### Figure 4: Noise Exposure

<table>
<thead>
<tr>
<th>LAND USE CATEGORY</th>
<th>COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Residential – Low Density Single Family, Duplex, Mobile Home</td>
<td></td>
</tr>
<tr>
<td>Residential – Multi-Family</td>
<td></td>
</tr>
<tr>
<td>Transient Lodging – Motel/Hotel</td>
<td></td>
</tr>
<tr>
<td>Schools, Libraries, Churches, Hospitals, Nursing Homes</td>
<td></td>
</tr>
<tr>
<td>Auditorium, Concert Hall, Amphitheaters</td>
<td></td>
</tr>
<tr>
<td>Sports Arena, Outdoor Spectator Sports</td>
<td></td>
</tr>
<tr>
<td>Playgrounds, Neighborhood Parks</td>
<td></td>
</tr>
<tr>
<td>Golf Courses, Riding Stables, Water Recreation, Cemeteries</td>
<td></td>
</tr>
<tr>
<td>Office Buildings, Business, Commercial and Professional</td>
<td></td>
</tr>
<tr>
<td>Industrial, Manufacturing, Utilities, Agriculture</td>
<td></td>
</tr>
</tbody>
</table>

- 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.

4.12.6. Impact Assessment/Environmental Consequences:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Long-term operation of the proposed hotel will not generate a substantial increase in ambient noise levels. Potential noise sources resulting from implementation of the proposed Project include noise associated with hotel visitors and vehicular trips to the hotel by visitors and employees. Visitors, maintenance, and operation activities are not expected to substantially increase ambient noise levels in the area above existing levels, especially when considering existing nearby light industrial uses and the nearby SR 99 and SR 20 already generate noise.

Construction of the proposed Project would involve temporary noise sources that are anticipated to last up to one year. Typical construction equipment would include backhoe, excavators, loader, crane, grader, dump trucks, compactors, concrete trucks, water truck, tractors and miscellaneous equipment. Construction-related short-term, temporary noise levels will be higher than existing ambient noise levels in the project area today, but will no longer occur after construction is completed.

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

<table>
<thead>
<tr>
<th>Table 3: Noise Levels of Typical Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Equipment (1)</strong></td>
</tr>
<tr>
<td>Dozer or Tractor</td>
</tr>
<tr>
<td>Excavator</td>
</tr>
<tr>
<td>Scraper</td>
</tr>
<tr>
<td>Front End Loader</td>
</tr>
<tr>
<td>Backhoe</td>
</tr>
<tr>
<td>Grader</td>
</tr>
<tr>
<td>Truck</td>
</tr>
</tbody>
</table>

(1)U.S. Environmental Protection Agency. “Noise from Construction Equipment and Operations, Building Equipment and Home Appliances.” Figure IV.H-4, 1971.
(2)Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

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

<table>
<thead>
<tr>
<th>Equipment (1)</th>
<th>VdB at 25 ft²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Bulldozer</td>
<td>58</td>
</tr>
<tr>
<td>Vibratory Roller</td>
<td>94</td>
</tr>
<tr>
<td>Jackhammer</td>
<td>79</td>
</tr>
<tr>
<td>Loaded Trucks</td>
<td>86</td>
</tr>
</tbody>
</table>

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

Vibration levels of construction equipment in Table 4 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to certain hours of the day. 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 and the approximate reduction of 6 VdB for every doubling of distance from the source, the temporary impact to the two residences in the vicinity of the project would be less than significant.

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

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

Increased traffic from new development was anticipated in the Noise Element of the Yuba City General Plan. The Noise Element study was completed with the assumption of build-out of this area by light industrial type uses, which are often as noisy as or noisier than the commercial uses.

The proposed hotel typically is not considered to be large noise generator. There is no nightclub/live music being considered as part of the hotel. Therefore there is not expected to be a significant increase in noise levels.

Upon completion of construction activities, the proposed Project operation would not generate a substantial increase in ambient noise levels. Potential noise sources resulting from implementation of the proposed Project include noise associated with vehicular trips by employees and hotel visitors. However, day to day operation activities are not expected to substantially increase ambient noise levels in the area, especially when considering existing nearby commercial and light industrial uses and SR 99 which is a major north-south regional serving transportation corridor. The impact would be less than significant.
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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

<table>
<thead>
<tr>
<th>Table 4-13: Population and Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.13.1. Environmental Setting/Affected Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed Project is located in an urbanized area the City, and is surrounded by light industrial and commercial uses, and two private residences. Any further new development in the area would likely require demolition of other buildings. Therefore growth will not be induced through extension of services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.13.2. Federal Regulatory Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are no federal regulations, plans, programs or guidelines associated with population or housing that are applicable to the proposed Project.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.13.3. State Regulatory Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2013.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.13.4. Regional Regulatory Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>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).</td>
</tr>
</tbody>
</table>
In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.\(^2\)

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

### 4.13.5. Impact Assessment/Environmental Consequences:

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

There are no residential properties involved with this project, either existing or proposed. The new hotel will not induce new growth, as it is an infill project within the urban area. All infrastructure already exists in the vicinity, including sewer, water, drainage and roads.

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

The proposed project is located on vacant land on private property and will not result in the displacement of any housing or population. There will be no impact.

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

The proposed Project is located on vacant land on private property and will not result in the displacement of any housing or population. There will be no impact.

---


4.14. Public Services

Table 4-14: Public Services

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

4.14.1. Environmental Setting/Affected Environment

Law enforcement for the hotel is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban facilities that may be utilized by customers and employees are provided by Yuba City. The Gilsizer Drainage District provides storm water drainage for the area.

4.14.2. Federal Regulatory Setting

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

4.14.3. State Regulatory Setting

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

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

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

4.14.4. Impact Assessment/Environmental Consequences:

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

Fire Protection: The Yuba City Fire Department provides fire protection services to the site. At the time of development, the Fire Department will review the detailed building plans for compliance with local and state fire codes. As part of this public review process the Fire Department reviewed the application and determined that Woodward Street, with the improvements proposed to be included as part of this project, would be adequate to provide emergency responses. Also, the project will pay all applicable fire related impact fees to support its fair share of the system.

Police Protection: The Yuba City Police Department will provide police services to the site. The Police Department reviewed the proposal and did not express concerns. The project would pay all applicable impact fees to give the Police Department its fair share of funding to support the appropriate law enforcement capabilities.

Schools: The proposed Project itself does not include construction of any residential structures. Regardless, the Project will be required to pay its proportional faire-share of development impact fees, which helps offset any population growth as a result of this project.

Parks: As there is no residential growth associated with this project, it will not impact any existing recreational activities or induce greater population growth, there would be no need for additional park or recreational services or facilities as a result of proposed Project implementation. There would be no impact.

Other Public Facilities: No water treatment plants or other public facilities are located within the immediate vicinity of the proposed hotel. The development of the site with a hotel would require
nominal additional water treatment and wastewater disposal. As the existing infrastructure is designed to accommodate development of this property, impacts to public services and facilities, such as the City of Yuba City Water and Wastewater Treatment Facilities, would be less than significant. The Gilsizer Drainage District already serves this area and can accommodate the additional storm water runoff generated by the additional impermeable surfaces created by the hotel and parking area.
4.15. Recreation

Table 4-15: Recreation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

4.15.1. Environmental Setting/Affected Environment

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

4.15.2. Federal Regulatory Setting

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

4.15.3. State Regulatory Setting

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

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

4.15.4. Local Regulatory Setting

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

4.15.5. Impact Assessment/Environmental Consequences:

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

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

As there is no population growth associated with the proposed Project, construction or expansion of nearby recreational facilities will not be necessary. There will be an on-site exercise facility for customer use. There will be no impact.
## 4.16. Transportation/Traffic

### Table 4-16: Transportation Recreation

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

### 4.16.1. Federal Regulatory Setting

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

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

### 4.16.2. State Regulatory Setting

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

### 4.16.3. Impact Assessment/Environmental Consequences:

**a)** Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**b)** Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Both the Yuba City Public Works Department and Caltrans have reviewed the Project for consistency with local and regional transportation plans and programs and for public safety. Both agencies determined that with the conditions applied to the project for street improvements, the Project would meet all standards. Therefore the impacts on the transportation system will be less than significant.

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

The nearest airport, Sutter County Airport, is approximately 2 miles east of the proposed Project, which is beyond any airport flight paths or safety areas. There will be no impact on air traffic patterns.

**d)** Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
The proposed Project will utilize the existing roadway system. Woodward Street will be widened and improved as to be safe for the expected traffic increase. Caltrans has reviewed the impact that the additional traffic will have on the Woodward Street/SR 99 intersection, concluding that the project does not include any components that would significantly increase hazards due to a design feature (e.g., dangerous intersection) or incompatible uses (e.g., farm equipment). Caltrans also stated that if the intersection is impacted it can close the opening in the median, thus prohibiting left turn movements. As such, no significant adverse impacts will occur as a result of proposed Project implementation.

e) Result in inadequate emergency access?

The Project as been reviewed by both the Yuba City Police and Fire Departments. With the proposed street improvements included in the conditions of approval, both agencies were satisfied with the access to the property. The Woodward Street access will also remain open during the construction of the hotel. Therefore the impacts on access to the site will be less than significant and possibly improved.

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

The proposed Project is served by Woodward Street, which is without curb, gutter and sidewalk. Since the project will improve that street by widening and curb, gutter and sidewalk, the pedestrian and bike access will be improved. The impact will be less than significant.
4.17. Tribal Cultural Resources

Table 4-17: Tribal Cult

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>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:</td>
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<tr>
<td>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
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<td>X</td>
<td></td>
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<tr>
<td>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

4.17.1. Federal Regulatory Setting

Refer to Section 4-5, Cultural Resources, of this document for a discussion of Federal Regulatory Setting.

4.17.2. State Regulatory Setting

Refer to Section 4-5, Cultural Resources, of this document for a discussion of Federal Regulatory Setting.

4.17.3. Impact Assessment/Environmental Consequences:

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

b) Regarding 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 site is currently vacant. Thus, there are no on-site buildings or resources that are eligible for the California Register of Historical Resources.
The City of Yuba City solicited consultation with potentially affected Native American tribes (as applicable) regarding the proposed project in accordance with AB 52.

Given the level of previous disturbance within the project site, it is not expected that any tribal cultural resources would remain. However, construction of the proposed project would require grading and excavation activities and may have the potential to encounter native soils, which may contain undiscovered tribal cultural resources. In the unlikely event resources are discovered during ground disturbing activities, compliance with Mitigation Measures outlined in Section 4.5 of this document, which provides instructions in the event a material of potential cultural significance is uncovered, would reduce potential impacts to a less than significant level.

4.17.4. Tribal Cultural Mitigation

1. Refer to Mitigation Measures outlined in Section 4.5 of this document.
## 4.18. Utilities and Service Systems

<table>
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<tr>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>X</td>
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</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>X</td>
<td></td>
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<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?</td>
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<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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<td></td>
<td></td>
<td>X</td>
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</table>

### 4.18.1. Environmental Setting/Affected Environment

**Wastewater:**

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and 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.

Conveyance capacity needed for wastewater flows from other parts of Yuba City are separate from the interceptor that would serve the BSMP site. In unincorporated areas of the Sphere of Influence (SOI), with limited exceptions, municipal sewage treatment has not been available to county residents. The project site is currently not served by the Yuba City sewer system. Wastewater generated by existing residences on the project site is disposed of through on-site private septic systems. Connection to the Yuba City sewer system is required for new development in the SOI, including the proposed plan.
Water:
The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas annexed into the city limits to be served by the surface water system. The site may be served by to the City’s water system.

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

4.18.2. Federal Regulatory Setting

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

4.18.3. State Regulatory Setting

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

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

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

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

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

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

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

4.18.4. Impact Assessment/Environmental Consequences:

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

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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

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

The City has adequate surface water supply or other water resources to service the proposed hotel. While the project would generate new wastewater, the City’s wastewater treatment plan provides adequate capacity to accommodate the expected demand. Gilsizer Drainage District provides existing storm-water drainage to the area.
f)  **Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?**

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

\[g\]  **Comply with federal, state, and local statutes and regulations related to solid waste?**

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

#### Table 4-18: Mandatory Findings of Significance

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

#### 4.19.1. Impact Assessment/Environmental Consequences:

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

The project site is on a previously disturbed site within an urbanized area. There is little to no plant or animal habitat value. Therefore the addition of a hotel and parking area to the vacant site will not significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project 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.

The project does not create a situation with limited individual but cumulatively considerable impacts that can be considered significant.

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

The proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur temporarily as a result of project construction. However, implementation of best management practices and mitigation measures identified in this IS/MND would ensure that impacts are less than significant. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans. This impact would be reduced to a less than significant level with implementation of mitigation measures.
5. Section References and/or Incorporated by Reference

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


Yuba City, City of. 2016. City of Yuba City Municipal Code. [Link]


South Yuba City annexation “Plan for Services”, prepared by the City of Yuba City for Sutter LAFCo, March 2015.

“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 Toxic Substances Control (DTSC). 2016. EnviroStor. Available at [Link]
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.


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.


<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Responsible Party</th>
<th>Timing</th>
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</table>
| 4.5. Cultural Resources     | 1. In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until a qualified archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The City shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.  
2. If human remains are uncovered, or in any other case where human remains are discovered, the Sutter County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains.  
3. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If a bone appears to be human, California law mandates that the Sutter County Coroner and the Native | Developer, Public Works Dept., Development Services Dept., Developer, General Contractor | During construction phase                                                          |
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<tbody>
<tr>
<td>4.17. Tribal Cultural Resources</td>
<td>Refer to section 4.5 (Cultural Resources)</td>
<td>Developer, Public Works Dept., Development Services Dept., Developer, General Contractor</td>
<td>During construction phase</td>
</tr>
</tbody>
</table>