



Environmental Assessment 22-07

Initial Study and Mitigated Negative Declaration for General Plan Amendment 22-03 and Rezone 22-04: Implementing Policies of the 2021-2029 Housing Element

Prepared for:

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February 2023

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CITY OF YUBA CITY

Development Services Department
Planning Division

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

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts from General Plan Amendment (GPA) 22-03 and Rezone (RZ) 22-04 consisting of 35 parcels (“Project”) to implement the requirements of Program H-C-7 of the 2021-2029 Housing Element that was adopted March 1, 2022. This program established the lower income Regional Housing Needs Allocation (RHNA), in which the City is required to provide land for the development of at least 1,544 lower income residences. The City’s vacant land inventory identified capacity to accommodate only 1,336 dwelling units, resulting in a shortfall of 208 units. This GPA and RZ is intended to add land to the available housing inventory at densities favorable to accommodating the additional 208 lower income housing units.

This General Plan Amendment and Rezoning of 35 parcels, covering 75.89 acres, implements the requirements of the 2021-2029 Housing Element by increasing minimum residential densities to 12 residences per acre for new development. The rezoning will also include an X₂₉ Combining Zone District for three of the 35 parcels, totaling 14.95 acres. This will require new residential construction on these properties to be a minimum of 20 residences per acre.

More specifically:

The Project will **amend the General Plan** Land Use Element by re-designating the 35 parcels from Medium/Low Density Residential (29 parcels), Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel), all to a Medium/High Density Residential (HDR) General Plan Designation.

The Project also **Rezones** some of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-0) Zone District, all of which would be rezoned to a Multiple-Family (R-3) Zone District which is consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, so are not in need of a rezoning. Three of the 35 properties, totaling 14.95, acres will also have an X₂₉ Combining Zone District added to the R-3 Zone District. The X₂₉ Combining Zone District requires new residential development to be a minimum of 20 dwellings per acre (vs. a minimum of 12 dwellings per acre for the other parcels).

No physical development is proposed as part of this application, as this Project is strictly an amendment to the existing General Plan and Zoning.

This GPA/RZ is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The Project requires review and recommendation by the Planning Commission of the City of Yuba City and review and approval by the City Council.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed Project. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

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

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

1.3. Document Format

This IS/MND contains four chapters. Chapter 1, *Introduction*, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, *Project Description*, provides a detailed description of proposed Project objectives and components. Chapter 3, *Impact Analysis*, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit

requirements that would reduce those impacts to a less than significant level. Chapter 4, *List of Preparers*, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

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

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that 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 Development Services Department has analyzed the potential environmental impacts which may be created by this Project, and a mitigated negative declaration has been prepared.

1.5. Intended Uses of this Document

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

The Draft IS/MND and associated appendices will be available for review on the City of Yuba City website at www.yubacity.net/environmental. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, CA 95993). The 30-day review period will commence on February 21, 2023, and end on March 22, 2023 at the conclusion of the Planning Commission hearing.

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

City of Yuba City
Attn: Doug Libby, Deputy Development Services Director
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95991
E-mail: developmentsservices@yubacity.net
Phone: (530) 822-3231

2. Project Description

2.1. Project Title

General Plan Amendment 22-03 and Rezone 22-04 to implement Program H-C-7 of the 2021-2029 Housing Element.

2.2. Lead Agency Name and Address

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

2.3. Contact Person and Phone Number

Doug Libby, Deputy Director of Development Services
Ph: (530) 822-3231
developmentsservices@yubacity.net

2.4. Project Location/Existing Use

The Project includes 35 sites all of which are within the incorporated city limits of Yuba City, have been previously disturbed, and are currently vacant or under-utilized. The parcels are located in four general areas of the City:

Butte House Road corridor – several parcels consisting of approximately 14.6 acres along the north side of Butte House Road between Tharpe Road and Romero Street.

Walton Avenue corridor – These are five infill type properties consisting of about 9.73 acres fronting along Walton Avenue on both sides of Franklin Road.

Regional Housing Authority (RHA) – Twenty-two of the properties consisting of approximately 50.34 acres are located within the properties owned and managed by the Regional Housing Authority located east of Garden Highway along Miles Avenue.

Market Street area – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown.

2.5. Project Applicant

City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993
(530) 822-3231

2.6. Property Owner

Various property owners

2.7. General Plan/Specific Plan Designations

Existing: The properties are in various general plan designations:

Low-Medium Density Residential (MDR): 29 of the 35 parcels (72.32 acres). Approximately 95 percent of the area being considered are currently designated MDR, which provides for a residential density range of 6 to 14 residences per acre.

Low Density Residential (LDR): Three of the parcels (1.35 acres). Approximately 1.8 percent of the area is designated LDR, which provides for a residential density range of 2 to 8 residences per acre.

Office and Office Park (O): Two parcels (1.22 acres). Approximately 1.6 percent of the area is designated O. This designation does not provide for a residential use except when in conjunction with an office development.

Public & Semipublic (P): One parcel (1 acre). Approximately 1.3 percent of the area is designated P. This designation does not provide for residential development.

None of the properties are located within a specific plan.

Proposed:

Medium-High Density Residential (HDR): All 35 properties (75.89 acres) are proposed to be re-designated HDR. This designation provides for a residential density of 12 to 36 residences per acre.

2.8. Zoning

Existing:

One-Family Residence (R-1): Three parcels (1.35 acres). Approximately 2 percent of the area is zoned R-1.

Two-Family Residential (R-2): Six parcels (18 acres). Approximately 23.7 percent of the Project area is zoned R-2.

Multiple-Family Residence (R-3): Twenty-three parcels (54.32 acres). Almost 72 percent of the properties are zoned R-3. These properties do not need rezoning, even though the corresponding general plan designation is being modified.

Office Commercial (C-O): Three parcels (2.22 acres). Approximately 3 percent of the Project area is zoned C-O.

Proposed:

Multiple-Family (R-3): The 12 parcels (21.57 acres) currently zoned R-1, R-2, and C-O are proposed to be rezoned to an R-3 Zone District. The other 23 parcels are already zoned R-3.

and

X₂₉ Combining Zone District: There are three properties (14.95 acres) proposed to have an X₂₉ Combining Zone District added to the R-3 zoning. The X₂₉ District will require any residential development to be built to a minimum of 20 residences/acre, as compared with the standard R-3 zoned properties within the HDR General Plan designation could be developed at a minimum of 12 residences/acre.

2.9. Project Description

General Plan Amendment (GPA) 22-03 and Rezone (RZ) 22-04, involving 35 parcels (“Project”) is proposed to implement the requirements of Program H-C-7 of the 2021-2029 Housing Element that was adopted by the City Council March 1, 2022. This program established the lower income Regional Housing Needs Allocation (RHNA), in which the City is required to provide properly planned and zoned land for at least 1,544 lower income residences. The City’s vacant land inventory identified capacity for existing properly planned and zoned land to accommodate only 1,336 dwelling units, resulting in a shortfall of 208 units. This GPA and RZ is intended to make available adequate land capable of accommodating the additional 208 needed lower income housing units in compliance with RHNA and State Housing law.

This General Plan Amendment and Rezoning of the 35 parcels, covering 75.89 acres, implements the 2021-2029 Housing Element by increasing the minimum residential development densities to 12 residences per acre. The rezoning will also include an X₂₉ Combining Zone District for three of the 35 parcels, totaling 14.95 acres which will require new residential construction to be a minimum of 20 residences per acre. More specifically:

- The Project will amend the General Plan Land Use Element by re-designating the 35 parcels from Medium/Low Density Residential, (29 parcels) Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel), all to a Medium/High Density Residential (HDR) General Plan Designation.
- This Project will rezone some of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-0) Zone District. All are proposed to be rezoned to a Multiple-Family (R-3) Zone District which is consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, and a rezoning is not required. Also, three of the 35 properties, totaling 14.95, acres will have an X₂₉ Combining Zone District added to the R-3 Zone District. The X₂₉ Combining Zone District requires new residential development to be a minimum of 20 residences per acre (vs. a minimum of 12 dwellings per acre for the other HDR designated properties). No physical development is proposed as part of this Project.

The sites are or can be served by City water, sewer, and storm drainage systems.

Figure 1 on the following page along with Table 1 that follows provide the location and detail about the properties involved.

Figure 1: Location Map

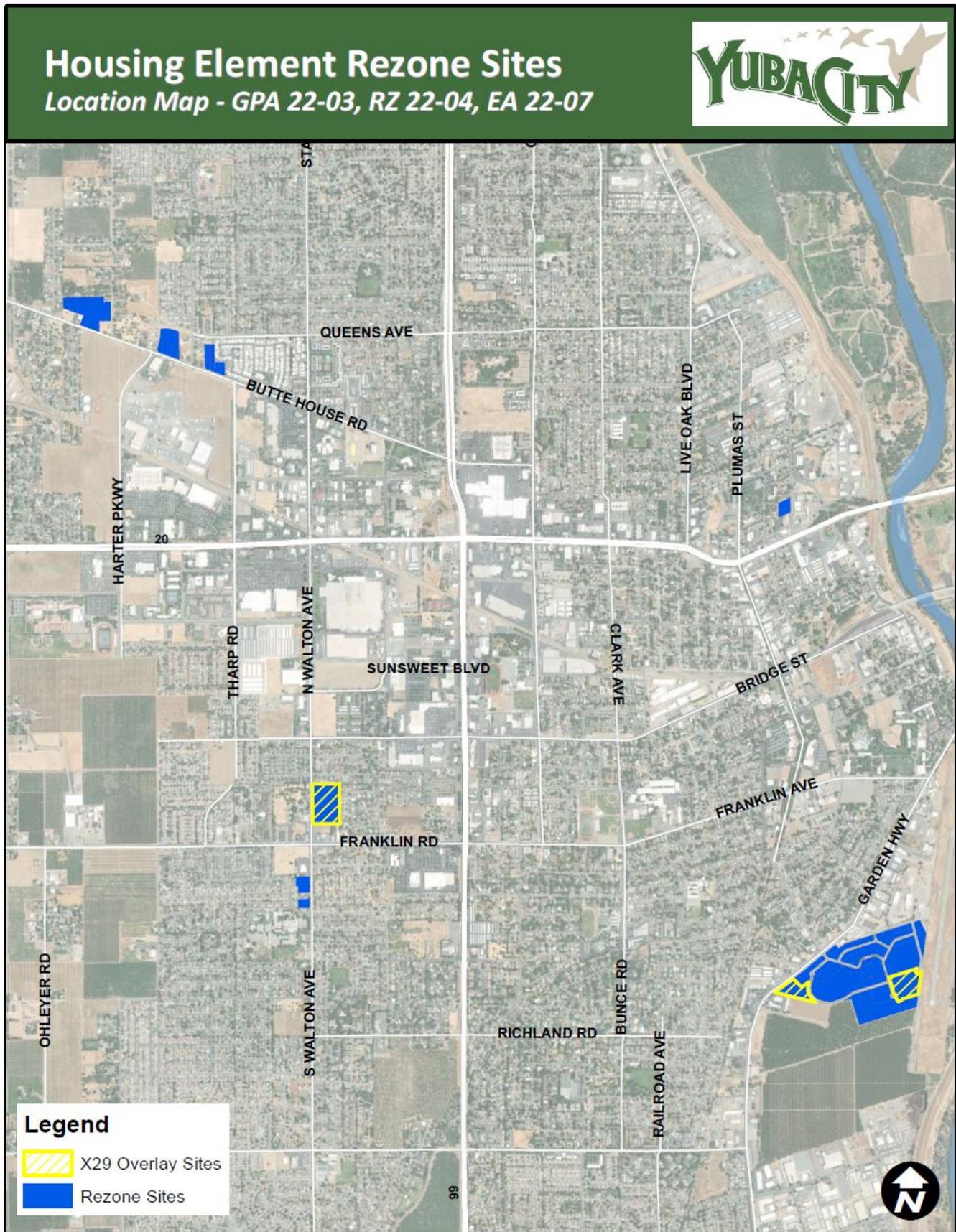


Table 2: Project Site List

Housing Element General Plan Amendment Rezone Sites						
GPA 22-03, RZ 22-04, EA 22-07						
Site	APN	Address	Acreage	Current Zoning	Proposed Zoning	Current General Plan Land Use Designation
1	59-020-017	1835 BUTTE HOUSE RD	0.9	R-2	R-3	Medium-Low Density Residential (MLDR)
2	59-020-015	1851 BUTTE HOUSE RD	0.39	R-2	R-3	Medium-Low Density Residential (MLDR)
3	61-120-004	0 BUTTE HOUSE RD	7.88	R-2 x20	R-3	Medium-Low Density Residential (MLDR)
4	59-530-034	0 BUTTE HOUSE RD	3.98	R-3	R-3	Medium-Low Density Residential (MLDR)
5	59-020-018	1821 BUTTE HOUSE RD	1	R-2	R-3	Medium-Low Density Residential (MLDR)
6	59-020-016	1851 BUTTE HOUSE RD	0.45	R-2	R-3	Medium-Low Density Residential (MLDR)
7	51-393-003	0 MARKET ST	0.48	C-0	R-3	Office and Office Park (O&OP)
8	51-393-002	0 MARKET ST	0.74	C-0	R-3	Office and Office Park (O&OP)
9	57-150-078	247 S WALTON AVE	0.77	R-1	R-3	Low Density Residential (LDR)
10	57-150-004	217 S WALTON AVE	0.47	R-1	R-3	Low Density Residential (LDR)
11	57-150-050	211 S WALTON AVE	1	C-0	R-3	Public and Semi-Public (P&SP)
12	58-120-001	428 N WALTON AVE	7.38	R-2	R-3 X29	Medium-Low Density Residential (MLDR)
13	57-220-065	0 WALTON AVE	0.11	R-1	R-3	Low Density Residential (LDR)
14	53-470-088	0 MILES AVE	1.41	R-3	R-3	Medium-Low Density Residential (MLDR)
15	53-470-079	344 SAMUEL DR	2.05	R-3	R-3	Medium-Low Density Residential (MLDR)
16	53-470-083	0 JAMES LN	2.43	R-3	R-3	Medium-Low Density Residential (MLDR)
17	53-470-087	0 MC KEEHAN	2.86	R-3	R-3 X29	Medium-Low Density Residential (MLDR)
18	53-470-076	448 GARDEN HWY	0.67	R-3	R-3	Medium-Low Density Residential (MLDR)
19	53-470-085	0 MILES AVE	0.2	R-3	R-3	Medium-Low Density Residential (MLDR)
20	53-470-078	363 MILES AVE	3.25	R-3	R-3	Medium-Low Density Residential (MLDR)
21	53-470-077	363 ATWOOD DR	1.55	R-3	R-3	Medium-Low Density Residential (MLDR)
22	53-470-081	0 SAMUEL DR	1.05	R-3	R-3	Medium-Low Density Residential (MLDR)
23	53-470-086	420 MILES AVE	8.21	R-3	R-3	Medium-Low Density Residential (MLDR)
24	53-470-095	0 MILES AVE	0.41	R-3	R-3	Medium-Low Density Residential (MLDR)
25	53-470-082	456 GARDEN HWY	1.91	R-3	R-3	Medium-Low Density Residential (MLDR)
26	53-470-092	380 MC KEEHAN DR	1.88	R-3	R-3	Medium-Low Density Residential (MLDR)
27	53-470-080	334 SAMUEL DR	0.63	R-3	R-3	Medium-Low Density Residential (MLDR)
28	53-470-090	352 BERNARD DR	6.14	R-3	R-3	Medium-Low Density Residential (MLDR)
29	53-470-096	479 BERNARD DR	0.3	R-3	R-3	Medium-Low Density Residential (MLDR)
30	53-470-089	0 BERNARD DR	1.95	R-3	R-3	Medium-Low Density Residential (MLDR)
31	53-470-093	0 MC KEEHAN DR	1.64	R-3	R-3	Medium-Low Density Residential (MLDR)
32	53-470-084	415 MILES AVE	0.37	R-3	R-3	Medium-Low Density Residential (MLDR)
33	53-470-094	479 BERNARD DR	5.19	R-3	R-3	Medium-Low Density Residential (MLDR)
34	53-470-098	470 BERNARD DR	4.71	R-3	R-3 X29	Medium-Low Density Residential (MLDR)
35	53-470-097	470 BERNARD DR	1.53	R-3	R-3	Medium-Low Density Residential (MLDR)
TOTAL ACREAGE			75.89			
TOTAL X29 OVERLAY ACREAGE			14.95			

*X29 District Overlay Zone requires a minimum density of 20 dwelling units per acre.

The City of Yuba City Housing Element currently allows a density range of 12 – 36 dwelling units per acre (DUA) for the Medium/High Density Residential Zone. The Housing Element certified by the State requires that 10.4 acres of land is to be rezoned with a minimum density of 20 DUA. This proposal will include an X-Overlay zone for parcels one and two to account for that requirement.

General Property Characteristics

The proposed sites have been previously disturbed and do not contain any environmental constraints such as riparian habitat, water features, sensitive natural communities, or hazardous materials. The sites have adequate access and roadway segments as well as utility infrastructure necessary to support multi-family development. The areas surrounding the 35 sites contain urban levels of development with low density residential, commercial, office, and light industrial uses that, with proper design of the new residences, are generally compatible with a potential use of multi-family residential. There are existing water, sewer, drainage, and dry utilities to serve future development of the sites.

The 35 properties are generally located within four areas of the City:

Butte House Road corridor – There are several infill parcels consisting of approximately 14.6 acres on the north side of Butte House Road between Tharpe Road and Romero Street. This side of Butte House Road is primarily a residential area that is transitioning between homes on larger lots that were built prior to the area incorporating into the City to larger properties developing into more urban and suburban type development. Butte House Road is designated in the General Plan Circulation Element as a four-lane major arterial, designed to accommodate high traffic volumes from urban development, such as is proposed.

Walton Avenue corridor – These are five infill properties consisting of about 9.73 acres fronting along Walton Avenue on both sides of Franklin Road. This is primarily a single-family residential area with some smaller local commercial uses. The sites all front on Walton Avenue, so impacts on single-family residences are anticipated to be minimal. Walton Avenue is designated as a four-lane major arterial, having capacity to accommodate traffic from urban development. One of the properties (7.38 acres) to be rezoned to the X₂₉ combining Zone District is located within this area.

Regional Housing Authority (RHA) – Twenty-two of the properties, consisting of approximately 50.34 acres, are located within the Regional Housing Authority owned and managed complex. The developed portion of the RHA properties primarily consist of multiple-family development. As such any new multiple-family development would be compatible with the existing uses. Two of the properties (7.57 acres) that will be combined with the X₂₉ Zone District are within this area.

Market Street area – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown. The vacant site is located at the northwest corner of Perkins Way and Market Street. The properties exhibit flat topography that was previously disturbed. Historical aerials indicate the site was previously used as a vehicle and material storage yard.

2.10. Surrounding Land Uses & Setting

Table 2: Bordering Uses - Butte House Road corridor properties

North:	Low Density Single-Family Residential
South:	Vacant/Office
East:	Low Density Single-Family Residential
West:	Low Density Single-Family Residential

Table 3: Bordering Uses - Walton Avenue corridor properties

North:	Quasi-public, Low Density Single-Family Residential
South:	Vacant commercial property and single-family residential
East:	Low Density Single-Family Residential
West:	K-8 school, single-family residential

Table 4: Bordering Uses - Regional Housing Authority properties

North:	Light Industrial
South:	Vacant, Light industrial
East:	Airport
West:	Commercial

Table 5: Bordering Uses -Market Street properties

North:	Office
South:	Office
East:	Light Industrial
West:	Office

2.11. Other Public Agencies Whose Approval May be Required

None.

2.12. Environmental Factors Potentially Affected

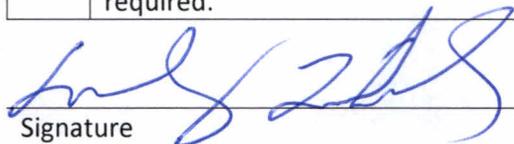
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

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

Determination: On the basis of this initial evaluation:

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



Signature

February 21, 2023

Date

Doug Libby, Deputy Director of Development Services

Printed Name/Position

2.13. Evaluation of Environmental Impacts

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

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

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

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

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

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

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

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

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

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

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

3. Environmental Checklist and Impact Evaluation

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

3.1. Aesthetics

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

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a public 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 City, are visibly prominent throughout and can be seen from multiple locations in 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.

3.1.2. Federal Regulatory Setting

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

3.1.3. State Regulatory Setting

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

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

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

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

3.1.4. Impact Assessment/Environmental Consequences:

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

There are no designated scenic vistas within the vicinity of the Project sites, nor is any new physical development proposed as part of the proposed project. Future development of the housing sites could lead to the construction of several multi-story residential buildings that would have the potential of obscuring views of the horizon from adjacent public views. The aesthetics associated with new development that may result from this Project are expected to be complementary to surrounding uses as

new development must be consistent with the general design goals, policies, and objectives of the City regarding aesthetics.

The Sutter Buttes are more distant and, to some extent, can be seen over existing development from various perspectives from several of the Project parcels. If and when future development occurs, the height of the new buildings will be limited by the R-3 zoning standard of four stories not to exceed 48 feet, however any buildings within 35 feet of an R-1 zone are limited to 40 feet and if within 25 feet buildings are limited to 30 feet in height. Layout and configuration of multi-story residential buildings will determine the extent to which views of these resources would be obscured. Realistic build-out of the parcels will likely be limited to two or three-story residential buildings with surface parking and landscaping improvements throughout the site including amenity areas. This form of development would likely allow partial visibility to the Sutter Buttes to continue with respect to all candidate sites. The likely impact on the view of the Sutter Buttes will be less than significant.

The City's existing adopted design objectives are intended to achieve a cohesive design that would complement existing development both adjacent to the project boundaries, as well as within the Project area itself. These design objectives will be applied during subsequent design review entitlement processing in the form of Development Permits. These reviews will include proposed architectural styles, building massing, and materials. Potential impacts associated with this are anticipated to be less than significant.

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

The sites are not located near a designated state scenic highway. The candidate sites do not contain any scenic resources such as significant trees, rock outcroppings, or historic buildings. The vacant sites contain flat topography and lack any unique scenic resources onsite. Some sites contain some level of tree coverage however none of the sites contain unique, character defining examples that, with removal, would cause damage to a scenic resource.

While some sites contain existing structures, none of them have been determined to be historically significant nor are any of them recognized in the General Plan EIR as historically significant. Therefore, their demolition to accommodate future development envisioned with the proposed GPA/RZ is considered a less than significant impact. Properties in the general vicinity of the proposed sites are mostly developed with residential and commercial/office and light industrial uses. Moreover, there is not a designated scenic highway near the sites. Therefore, there will be a less than significant impact on scenic resources within a state scenic highway.

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

As noted above, the Project is not anticipated to result in degradation of the visual quality or character of the areas in which they are located. New residential development, built consistent with the City's existing adopted development standards of the R-3 Zone District and the Yuba City Design Guidelines, will be compatible in terms of character and scale of surrounding development located along the candidate site street frontages including the Butte House Road, Walton Avenue corridors and the Regional Housing Authority and Market Street properties. Further, no development is currently proposed as part of this Project and any future development is required to comply with the development standards of the R-3

Zone District and Yuba City Design Guidelines. Future development of the vacant or underutilized parcels may even improve the visual quality of the sites from public viewpoints given the infill nature of the sites and the likelihood future development would create a cohesive plan that employs best design practices of building siting, architecture, and landscaping treatments. Therefore, this GPA/RZ will not result in negative visual impacts to any of the sites from public perspectives; and any future development such as high-density residential development is not anticipated to degrade the existing visual quality of public views to the sites. Distant views to the Sutter Buttes will not be adversely impacted and would continue to be preserved resulting in a less than significant impact.

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

Existing adopted City standards are in place to minimize potential impacts with respect to the creation of new light and glare impacts. Future development of multi-family residential on the subject sites will likely include the use of a combination of public street lighting, building and pole mounted onsite private lighting fixtures, or pedestrian level lighting (bollards). Any new public street lighting will be required to be shielded. New onsite lighting associated with new development, including multi-family residential buildings and associated improvements, would be evaluated against the City's adopted development and design standards as part of the building permit process, including use of shielded lighting and limited height of light poles. Such lighting will not be allowed to create a public nuisance to surrounding properties due to light intensities. Further, multi-family residential development within the urban area is not typically a source of heavy light emittance or glare when mixed with neighboring urban uses. All multi-family development is required to establish a solid wall between it and adjacent to single-family residential uses and this will minimize light and glare from autos in parking areas and onsite lighting. Therefore, any impacts from new outdoor lighting are expected to be less than significant with respect to the proposed re-designation of the sites.

3.2. Agricultural and Forestry Resources

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

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

3.2.1. Environmental Setting/Affected Environment

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

3.2.2. Federal Regulatory Setting

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

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

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

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

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

3.2.3. State Regulatory Setting

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

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

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

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

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

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

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

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

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

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

3.2.4. Impact Assessment/Environmental Consequences:

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

The Project properties are located within the Yuba City urbanized area, adjoining a mix of residential, commercial/office, and light industrial development. None of the candidate sites are designated prime or unique farmland or farmland of statewide importance. The proposed rezoning to a R-3 Zone District would still permit agricultural use of the sites. However, based on the small size and urban locations of the candidate sites, future agricultural use of any of the sites is unlikely. The properties have been planned for and designated by the City for urban uses, as provided in the General Plan and for which overriding considerations regarding the loss of agricultural land were previously made in the City’s certification of the General Plan EIR. Therefore, the impact on agriculture land loss is considered a less than significant impact.

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

The candidate sites currently comprise four individual zoning districts and including the R-1, R-2, R-3, and C-O Zone Districts, which are not agricultural zone districts nor are the properties in agricultural use nor are they under Williamson contracts. There also are no nearby properties that are zoned for agricultural use or under a Williamson Act contract. There will therefore be no impact related to agricultural zoning or Williamson Act contracts. See discussion above under item 3.2.4.a. Therefore, any conflicts with agricultural uses or zoning are less than significant, and there is no impact on any properties under a Williamson Act contract.

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

The candidate sites are located in the Sacramento Valley in a relatively flat area for which most of the properties were formerly used for agriculture but designated years ago for urban use. There are no forests or timberlands located on the Project sites or within the vicinity. Even though the Project will redesignate and rezone the land use for more intensive residential development, this action will not impact any existing forestland zoning and the proposed Project will not cause the rezoning of any forestlands.

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

There is no forestland on any of the Project sites nor within the vicinity of the sites; 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?

While the underlying soils of the properties have agriculture qualities, the area has been planned for and designated by the City for urban development as part of the General Plan, and which were previously addressed in the City’s certification of the General Plan EIR. There are no nearby agricultural uses that are anticipated to be adversely impacted by this Project. The Project sites consist of lands surrounded by previously developed residential and commercial uses, or vacant lands planned for urban use. As there is no actual development proposed, the Project does not propose any changes to the existing public infrastructure such as utilities or roadways that would potentially impact any existing agricultural lands. The intended development of multiple-family residential associated with the proposed redesignation and rezoning will not cause any surrounding farmlands or forestlands to be converted. The Project will not impact roadway segments or modify infrastructure that would result in the conversion of these lands in the vicinity of the Project. There are no forestlands on any Project sites or in their vicinity. No properties within the areas are within the Williamson Act. For these reasons, there should be no significant impacts.

3.3. Air Quality

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

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

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The

SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada range, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

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

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

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

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

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

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

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

Nitrogen Oxides (NO_x): 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 NO_x 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 (PM_{2.5}): 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 a MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised of Sutter

and Yuba Counties. Attainment is achieved when monitored ambient air quality data is following the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

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

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

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

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

3.3.4. Regional Regulatory Setting

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

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

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

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

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

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

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

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.

- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

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

Standards set by FRQAMD, CARB, and Federal agencies will apply to the Project. Prior to the initiation of ground disturbance (such as grading) of any future development that may result from this proposed GPA and Rezone, 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's 2010 Screening Criteria for Air Quality Operational Impacts indicates that the threshold for significant daily emissions of criteria pollutants for multi-family residential projects is 25-lbs/day or a project size exceeding 160 units.

This GPA/RZ does not propose physical development on any of the 35 Project parcels. However, it is expected that the subject sites will eventually develop with multiple-family residential uses. Therefore, individual development of multi-family residential units of one or more of the proposed sites could result in a potential significant effect for criteria pollutant emissions. Because of this the mitigation measure provided below shall be implemented to reduce the potential impact of criteria pollutant emissions to a less than significant level.

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

The development of multiple-family housing proximate to other existing residential uses will not likely expose nearby sensitive receptors (adjacent residential) to substantial pollutant concentrations because multiple-family housing typically does not emit significant amounts of said pollutants. But to assure that development of housing does not create significant amounts of criteria pollutants they will be required to receive approval by FRAQMD of a Fugitive Dust Control Plan through the development process. As a result, the impacts for this section are considered less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. The sensitive receptor located adjacent or within 1,000 feet to the proposed Project is Andros Karperos Middle School. The impacts would typically occur during construction of the multiple-family residences, as ongoing residential uses typically do not generate significant pollutants. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment." Best Management Practices (BMPs) will be addressed as a project condition of approval, and used to reduce the potential impacts to sensitive receptors from off-road diesel equipment, and can include:

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

Any development that could result from this GPA/RZ would result in the limited generation of criteria pollutants during construction and maintenance. However, due to the relatively temporary nature of construction, the criteria provided above, and the proposed mitigation measures, sensitive receptors in the vicinity of a development that could result from this GPA/RZ would not be subjected to long-term exposure to diesel particulate matter. As such any exposure of sensitive receptors to pollutant concentrations are expected to be less than significant.

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

The proposed Project will allow high density residential development and other related, compatible uses as defined by the R-3 Zone District. It is not anticipated that any of these uses will create any objectionable odors for surrounding residents. Future proposed development will be reviewed and analyzed for potential odor emissions that would be subject to additional review and mitigation if necessary. As such, the impact of the Project creating local offensive odors would be less than significant.

3.3.6 Air Quality Mitigation Measure

- AQ 1:** For any development project on the Project parcels that would involve excavation, grading, or site preparation that would expose soil, the Developer shall comply with all applicable Rules of the Feather River Air Quality Management District (FRAQMD) and shall include the required FRAQMD Basic Construction Emission Control Practices on all grading or improvement plans.
- AQ 2:** Compliance with FRAQMD standards related to a Fugitive Dust Control Plan and permit requirements relative to the operation of facility heaters, fumigation, and boiler processes shall be adhered to pursuant to established regulations.
- AQ 3:** Prior to individual project entitlement approval for any future development project, each multi-family residential project shall be screened for construction emissions based on the then-current screening criteria established by the FRAQMD.

3.4. Biological Resources

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

3.4.1. Environmental Setting/Affected Environment

The Project sites are located within urbanized areas of the City and are generally vacant or underutilized lands. No demolition is proposed as part of the Project, however future multiple-family development would likely require demolition of remaining structures.

Biological resources were evaluated in the General Plan EIR addressing plant communities, wildlife habitats, and special-status (i.e., rare, threatened, or endangered) species. Wildlife species associated land such as the subject property are, by and large, opportunistic species that have adapted to exploiting resources associated with anthropogenic (human-caused) activities within the local environment. The special-status plant species generated by the CNDDDB, USFWS, and CNPS electronic inventories occur in habitats not present anywhere within the Project sites.

No wetland features or “other waters” of the U.S. were identified within the Project boundaries during reconnaissance-level surveys. A review of aerial photographs of areas not accessible in the field also did not identify any wetland resources. The entire urban area has historically been used for agricultural crop production, and it is unlikely that seasonal wetlands would occur in these areas due to the intensive land use activities and more recent residential development.

Swainson's hawk (*Buteo swainsoni*) is a California Threatened species and federal species of concern found throughout the Central Valley where suitable nesting and foraging habitat is available. Swainson's hawks often nest within, or on the edge of riparian areas adjacent to suitable foraging habitat, as well as in single or stands of trees in agricultural fields. They are open-country birds that forage in large, open grasslands and agricultural fields, especially after the fields have been disked or harvested. Swainson's hawks can forage as much as 10 miles from the nest.

3.4.2. Federal & State Regulatory Setting

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

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

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

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

Waters of the U.S. generally include:

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

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

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

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

3.4.3. Local Regulatory Setting

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

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

assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

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

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

3.4.4. Impact Assessment/Environmental Consequences:

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

All of the proposed sites are surrounded by urban development and contain some improvements or otherwise have had prior site disturbances that have reduced suitability for these species. Some of the properties owned by the Regional Housing Authority have several large trees located on them. Prior to any specific project being constructed a biological inventory of the sites should be conducted with the results incorporated into the project. With that exception, per the General Plan EIR, there are no sensitive habitat or riparian areas located on the Project sites. A less than significant impact would occur with respect to candidate, sensitive, or special status species.

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. As the Project sites do not fall within this area, there would be a less than significant impact to special status species as a result of this project.

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?

See section a) above.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Per the General Plan EIR no wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project sites or in the general vicinity, and development that could result from the proposed Project would not disturb any waterways falling under this category. No impact would occur.

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?

There are no known wildlife movement corridors associated with the Project sites nor resident wildlife populations. Further, the Project sites are located within an urban area and surrounded by existing

residential, commercial/office or light industrial development. This would be a less than significant impact.

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

Section 8.4 (Biological Resources) of the Yuba City General Plan contains guiding measures and implementing policies with regard to biological resources. The Project sites are not located within an area identified in the General Plan as being habitat for special-status species for Hartweg's Golden Sunburst. Other relevant implementing policies identified in the General Plan include the requirement for biological assessment for any proposed development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species and the preservation of oak trees and other native trees that are of a significant size by requiring development to minimize impact to these resources. The sites are not adjacent to any creeks or other sensitive habitat area and no oak trees are present. This would be a less than significant impact.

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

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

3.5. Cultural Resources

Table 3-5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.				X
c) Disturb any human remains, including those interred outside of dedicated cemeteries?				X

3.5.1. Federal Regulatory Setting

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

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

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

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

3.5.2. State Regulatory Setting

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

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

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

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

3.5.3. Native American Consultation

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

Senate Bill 18, which became effective March 2005, requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 encompass the AB 52 review process for purposes of this document.

In response to AB 52, and SB 18 the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria

- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

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

3.5.4 Impact Assessment/Environmental Consequences:

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

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])

A review of aerial photography for the 35 properties indicate that all of the sites have been previously disturbed. Most of the properties are vacant. The exceptions are two residences on a Butte House Road corridor property and on a Walton Avenue property, and several trailers, abandoned vehicles and trash on the easterly Regional Housing Authority properties. None of these appear to have any historical significance nor did the General Plan EIR identify any of them as having historical significance. Therefore, the potential for impacts on any historical resources are less than significant.

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

According to Chapter 8.3 (Historic and Archaeological Resources) of the Yuba City General Plan, the region within which Yuba City lies is part of a valley that was formerly composed of extensive wetlands and broad, shallow lakes. Because of this location and availability of resources, it is believed that different tribes occupied the area on a year-round basis, for about ten thousand years. However, due to siltation of the area over the years, prehistoric sites have been buried at such depths that very little, if any, evidence remains at the surface. Original land clearing and a hundred years of farming have further diminished any likely archaeological sites.

As new development occurs within the Planning Area, there is the potential to uncover archeological sites. But this proposal involves only a general plan amendment and rezoning, with no physical development proposed. As such, this Project will not impact any archeological resources that may exist on any of the 35 parcels included in this review. Therefore, there will be no impact on archeological resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City’s review process of actual development proposals would likely trigger its own CEQA review, including archeological resources, a review of cultural resource impacts will be conducted at the time a development project is proposed.

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

No formal cemeteries or other places of human internment are known to exist on the Project sites. Due to previous site disturbance from various uses, no evidence of human remains at the Project sites 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. But this proposal involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly impact any cultural resources that may exist on any of the 35 parcels included in this review. Therefore, this Project will have no impact any cultural resources.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it would be premature and too speculative at this time to determine what the impacts would be. Since the City’s review process of actual development proposals would likely trigger its own CEQA review, including cultural resources, a review of cultural resource impacts will be conducted at the time a development project is proposed.

3.6. Energy

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

3.6.1 State Regulatory Setting

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

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

3.6.2 Impact Assessment/Environmental Consequences

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

As with air pollutant emissions, the main sources of energy consumption would be construction activities for any development that may occur as a result of this GPA/RZ and ongoing operations from that development.

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

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

The Project would allow future development to occur at a higher density than the current General Plan designations for the properties, therefore, build-out and operation of the Project sites would result in a slightly higher demand for natural gas and electricity to serve future development. However, this increase would represent a minimal increase compared to existing demand and supply. Additional long-term energy usage increases in vehicle transportation fuels would result from an increase in density of development of the sites. However, the anticipated multi-family residential development that would potentially occur in the future would result in nominal increases in fuel usage compared to a slightly lower density product.

The Project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified, as there is no actual development proposed.

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

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

All future high-density residential development that would occur as a result of the GPA and Rezone would be required to be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures (see Section 3.8, Greenhouse Gas Emissions) and all applicable state and local plans to increase energy efficiency. No physical construction is proposed as part of this Project and the future residential development that could result from the Project would not create undue energy consumption with compliance with local and State requirements. A less than significant impact would occur.

3.7. Geology and Soils

Table 3-7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				X

3.7.1. *Environmental Setting/Affected Environment*

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

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

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

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

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

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

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the

Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

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

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

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

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

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

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

3.7.2. Federal Regulatory Setting

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

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

3.7.3. State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of 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.

3.7.4 Impact Assessment/Environmental Consequences:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?*

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because 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. The Project is only a request for a General Plan Amendment and Rezone and does not include a specific development proposal at this time. Therefore, potential impact from an earthquake is considered to be 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 residential structures including new multi-family residential construction will be required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of

people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and City adopted Building Codes reduce the potential impacts to a less than significant level.

iii) Seismic-related ground failure, including liquefaction?

The proposed Project sites are 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, nor at or adjacent to the Project sites due to the flat terrain. There are no circumstances surrounding the Project site that would likely result in a risk of property damage or loss of life due to a landslide event. There would no impact.

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

Per Chapter 9.2 (Seismic and Geologic Hazards) of the Yuba City General Plan, potential erosion within the City is considered minimal as land within the region is general flat, with moderate annual precipitation averages (between 15 -21 inches), and generally low wind velocities. Future development of the Project sites resulting from the proposed GPA/RZ would result in the need for mass grading and site disturbance across the majority of the parcels for the installation of infrastructure, creation of building pads, and proper site drainage. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However, as part of any future construction of the candidate sites, the applicant will be subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. With these standards being met, as applied through standard City conditions of approval that will be attached to any future project specific approval, the impacts would be less than significant.

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

There have not been any identified geological soil units considered to be unstable, or that would become unstable from development that may result of this Project. Even though the Project does not propose any physical development, future development that could result from the Project would be required to submit a geotechnical report as part of the building permit process to verify suitable site conditions for construction of multi-family dwellings and associated structures (amenity building, storage, detached garages, carports). This potential impact is therefore considered to be less than significant.

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

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

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

Future multiple-family development resulting from this GPA/RZ will be required to connect to the City’s wastewater collection system per the established permitting system in place. No septic systems will be utilized. Impacts with respect to this item are considered to be less than significant.

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

Although there have been prior ground disturbances for agriculture and other uses, it is possible that paleontological resources exist on any of these 35 parcels. This Project involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly result in the disturbance of any potential paleontological resource sites that may exist. Therefore, there will be no impacts on paleontological resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it would be premature and too speculative at this time to determine what the impacts would be. Since the City’s review process of actual development proposals would likely trigger its own CEQA review, including paleontological resources, a review of tribal paleontological resource impacts will be conducted at the time a development project is proposed.

3.8. Greenhouse Gas Emissions

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

3.8.1. Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for

GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

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

3.8.2. State & Local Regulatory Setting

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

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

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

3.8.3. Impact Assessment/Environmental Consequences:

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

See response below.

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

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The

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

The construction of multiple-family residences or other uses that could result from this GPA/RZ would create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by auto use will contribute GHG gases. This project involves only a general plan amendment and rezoning. No physical development proposed. As such, this Project will not directly result in the generation of any GHG emissions. As such there will be no impact from increased GHG emissions.

Although actual development projects may result from this action, it is not possible to know which properties and what types and sizes of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including GHG emissions, a review of GHG impacts will be conducted at the time a development project is proposed.

3.9. Hazards and Hazardous Materials

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

3.9.1. Federal Regulatory Setting

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

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

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

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

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

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

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

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

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

3.9.2. State Regulatory Setting

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

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

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

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

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

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in

accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

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

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

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

3.9.3. Local Regulatory Setting

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

3.9.4. Impact Assessment/Environmental Consequences:

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

The Project will allow for increased density of multiple-family residential uses and other uses that could develop on the proposed candidate sites. There will be standard hazardous materials such as gasoline and diesel fuels in use during the development, that may result from this Project. However, existing regulations are in place on several levels (Federal, State, and local) which directly address potential threats associated with this item. Assuming Federal, state, and local regulations are complied with, this potential impact is considered to be less than significant.

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

The presence of hazardous materials anticipated with development that could result from this GPA/RZ are primarily related to construction and grading equipment which includes solvents, oil, and fuel. However, regulations are in place on several levels (Federal, State, and local) which directly address potential threats associated with these materials. Assuming Federal, state, and local regulations are complied with, this potential impact is considered less than significant.

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

Some proposed sites are located within a quarter mile of a school (Andros Karperos Middle School). The proposed Project is a General Plan Amendment and Rezone that will allow higher density residential development to occur on the Project sites, though no specific development project is currently proposed. It is anticipated that future residential development would use household items that could contain hazardous chemicals including, but not limited to, motor oil and/ or diesel fuel, solvents, paint and paint waste, cleaning supplies, car batteries, and pesticides could adversely impact the school. However, the amount of materials used or stored associated with multiple-family construction (primarily fuel, oil and lubricants for equipment use) would be small. Since the use of such materials would be extremely limited and expected to be used according to manufacturers' instructions, the impact on nearby schools will be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

The sites are not on any listings of sites that are contaminated by hazardous wastes, including any wastes that may relate to historic agricultural use. No impact is anticipated.

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 Regional Housing Authority owned properties are located within the boundary of the Sutter County Airport Compatibility Land Use Plan (Sutter County Airport CLUP). The Sutter County Airport CLUP provides polices regulating land uses near the airport. Regarding building height, any multiple-family residential development that may result from this GPA/RZ will be subject to the R-3 Zone District four story, 48-foot height limit which is below the several imaginary cones that limit height around the airport. It may be possible in future years, however, that the trees planted to landscape the property could grow into one of those zones. This should not be significant as the trees can be topped if needed.

There are also three safety zones around the airport that limit uses, the Clear Zone, the Approach and Departure Zone, and the Overflight Zone. The RHA portion of the Project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. It is also outside of the Approach and Departure Zone which is the area extending in a cone pattern beyond the 200-foot Clear Zone for 2,000 feet. The Project is within the Overflight Zone, which is the area overflowed by aircraft during normal traffic pattern procedures but outside of the Clear Zone and Approach and Departure Zone. The Overflight Zone limits the type of acceptable uses, but multiple-family residences are considered to be compatible in the Overflight Zone.

The proposed GPA/RZ is in conformance with the Sutter Airport CLUP and therefore is not a potential for significant impacts on future residents of the multi-family residences nor to airport operations.

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

The Yuba City Fire Department and Police Department currently provided emergency services to the Project sites. The Project would result in a residential density increase that may result from the potential construction of multiple-family residences. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. As such there would be a less than significant impact.

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

The Project sites are located in planned urban areas that are surrounded by a variety of land uses, including residential, commercial/office, and light industrial uses. There are no wildlands on the subject sites or in the immediate vicinity that would result in a potential risk of wildfire. There would be a less than significant impact.

3.10. Hydrology and Water Quality

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

3.10.1. Federal Regulatory Setting

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

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed

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

3.10.2. State Regulatory Setting

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

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

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

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.

- The most prevalent groundwater contaminants affecting California’s community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

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

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

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

3.10.3. Local Regulatory Setting

The City requires demonstration of a viable water supply, storm water treatment planning and drainage controls as part of all new development.

3.10.4. Impact Assessment/Environmental Consequences:

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

Due to the increase in density from lower density residential uses or planned office uses to high density residential development that would result from the Project, it is anticipated that once properties are developed there will be an increase in water consumption. Most of the City’s public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. Due to recent drought conditions, the plant also sometimes utilizes a well in addition

to surface water supplies. The Project will have no impact on the quality of City water, as the expected uses stemming from the GPA/RZ will be connected to the City's wastewater disposal system which are not expected to violate any waste discharge standards.

Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However, as part of future development of the Project sites, the developers will be subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes City adopted Best Management Practices designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. Assuming all necessary permits are acquired, impacts on water quality are anticipated to be less than significant.

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

While water consumption will increase from residential development that could result from the Project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system, resulting in a less than significant impact.

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 in a manner that would:

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

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

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

iv) Impede or redirect flood flows?

No physical development is proposed on the sites as part of this Project. However, future multiple-family development that may result from this action will likely require the extension or enhancement of existing stormwater drainage infrastructure to convey storm water runoff from the sites into the City's storm water drainage system. Future development will be required to meet City standards for underground utility infrastructure.

According to the Federal Emergency Management Agency, the Project sites are outside of the 100- year flood plain. These areas are classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. The west Feather River levee has been improved in recent years due to work completed by the Sutter Buttes Flood Control Agency (SBFCA). Levee improvements have established 200-year flood protection for all sites being considered by this Project. Drainage system improvements from development that may occur as a result of this GPA/RZ will provide stormwater relief to this area. Therefore, development that may result from this GPA/RZ will not result in placement of structures in a floodway or result in redirection of flood flows. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the Project.

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

The City is not in proximity to the ocean or any large lakes, such that a seiche or tsunami is unlikely to happen in or near the City. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the Project area. Thus, it is unlikely that the Project sites would be subject to inundation by a seiche, tsunami, mudflow, or landslide. Additionally, the anticipated multi-family residential development planned for the sites would not contain, store, or otherwise involve any large amounts of potential pollutants. Therefore, the increased risk from the release of pollutants is less than a significant impact.

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

As previously stated, most of the City’s public water supply comes from the Feather River. The water is pumped from the river to the City’s Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. Since the Project sites will only receive water through the City system, it is unlikely that the Project could impact the water quality in the City system. There would be a less than significant impact.

3.11. Land Use and Planning

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

3.11.1. Environmental Setting/Affected Environment

The Project includes 35 parcels located generally in four areas within the City. The sites are infill parcels that are intended for urban development per the Yuba City General Plan. The sites are surrounded by a variety of uses including single-family residential, commercial, and light industrial uses.

3.11.2. Federal Regulatory Setting

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

3.11.3. Local Regulatory Setting

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

3.11.4. Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The Project will not physically divide an established community. The sites are located throughout the City, and are surrounded by a variety of existing uses, including single-family residential, commercial, office, and light industrial. The Project amends land use designations for all 35 parcels to Medium/High Density Residential to allow for high density residential development. Infill development with multi-family residential structures and associated improvements will not divide the community. The development of the sites will improve public roadways and pedestrian connections and will facilitate a higher degree of connectivity within the community. The planned uses are compatible with the surrounding land uses, roadway network, and existing infrastructure serving the sites. Generally speaking, multi-family residential is a compatible land use with adjacent residential and commercial development with appropriate site design considerations implemented with a specific development proposal. The sites would have direct access to public roads and would not require a connection to an existing single-family neighborhood that would impact traffic on a roadway currently experiencing low traffic volumes. The sites are sized to accommodate multi-family development including necessary site improvements such as private driveways, pedestrian connectivity, onsite parking spaces, landscaping, and recreational amenities such as clubhouses, pools, or play equipment. Building orientations of multi-family buildings can also be designed to minimize intrusion to adjacent uses such as height reduction, locating buildings closer to public street frontage, landscape buffering, placement of solid waste enclosures, balconies, and lighting considerations. Additional City review and permitting will be required for any subsequent development proposals for the Project sites to ensure design compatibility with the existing neighboring uses. There would be a less than significant impact.

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

The proposed GPA/RZ is consistent with the guiding goals and policies contained within the City of Yuba City General Plan. The Project supports and forwards the following highlighted goals contained within the General Plan:

- 3.4-I-5:** Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.
- 2.5-G-7:** Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental, and recreational resources, and affordable housing.
- 3.4-I-7:** Promote infill development that maintains the scale and character of established neighborhoods.
- 3.5-G-6:** Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than

surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.

The Project will allow for future development of multi-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development to higher intensity uses such as multiple-family residential.

The proposed GPA/RZ will amend the current land use designations to allow higher density residential development that enables the City to meet the lower income unit requirements as required by Program H-C-7 contained within the adopted the 2021-2029 Housing Element. No development is proposed as part of this Project as it is strictly an amendment to the existing General Plan land use designations and zoning of the sites. The proposed HDR designation and R-3 zoning is compatible with the surrounding residential, commercial, and office uses, and the subject parcels are appropriately situated along major roadways (Butte House Road, Walton Avenue and Garden Highway) that will support the anticipated traffic, pedestrian connectivity, and other infrastructure requirements associated with multiple-family development. While no physical development is proposed as part of this Project, it will result in the long-term construction of additional housing units within the City on the identified sites as envisioned by the General Plan for long term buildout of infill sites. The Project would therefore not conflict with the City’s adopted land use plan or zoning requirements and any related mitigation related to land use, making this impact less than significant.

3.12. Mineral Resources

Table 3-12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1. Federal Regulatory Setting

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

3.12.2. State Regulatory Setting

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

- Production and conservation of minerals is encouraged;

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

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

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

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

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

3.12.3. Impact Assessment/Environmental Consequences:

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

The 35 properties contain no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zones within the Project properties, and no mineral extraction facilities currently exist within the City. Additionally, the site is surrounded by uses that are generally considered incompatible with mineral extraction facilities. There would be no impact.

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?

See a) above.

3.13. Noise

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

3.13.1. Environmental Setting/Affected Environment for Noise

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

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

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

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such

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

3.12.2. Environmental Setting/Affected Environment for Groundborne Vibration

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

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

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

3.12.3. 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. The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.12.4. 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 aid local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached

single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.12.5. Local Regulatory Setting

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 2: Noise Exposure

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)							
	50	55	60	65	70	75	80	
Residential – Low Density Single Family, Duplex, Mobile Home								
Residential – Multi-Family								
Transient Lodging – Motel/Hotel								
Schools, Libraries, Churches, Hospitals, Nursing Homes								
Auditorium, Concert Hall, Amphitheaters								
Sports Arena, Outdoor Spectator Sports								
Playgrounds, Neighborhood Parks								
Golf Courses, Riding Stables, Water Recreation, Cemeteries								
Office Buildings, Business, Commercial and Professional								
Industrial, Manufacturing, Utilities, Agriculture								

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

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 7 describes the typical construction equipment vibration levels.

Table 7: Typical Construction Vibration Levels	
Equipment (1)	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86

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

The Project will allow for future multiple-family development on the Project sites. However, no construction is proposed as part of this Project. The construction noise associated with the development of multi-family residential uses that could result from this action is anticipated to be similar to the construction of a low-density residential subdivision. Vibration levels of construction equipment in Table 7 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the relatively short duration of grading activities associated with the Project, the temporary impact to any uses in the vicinity of the Project would be less than significant.

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

A portion of the Project, some of the properties owned by the Regional Housing Authority, are located within boundary of the Sutter County Airport Compatibility Land Use Plan (Sutter County Airport CLUP) and therefore subject to Sutter County Airport CLUP policies regarding its noise restrictions. The Sutter County Airport Land Use Compatibility Guidelines for Noise provide that multiple-family uses outside of the 65 db (CNEL) are compatible with airport noise. Per the Sutter County Airport CLUP the properties are outside of the airport's 65 db (CNEL) noise level. Because the sites are compatible with Sutter County Airport noise, the impact from airport noise is less than significant.

All of the other sites are outside the boundaries of the Sutter County Airport CLUP. There are no private airports or airfields located within Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazard zones. Therefore, there would be a less than significant impact from airport noise.

3.14. Population and Housing

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

3.14.1. Environmental Setting/Affected Environment

The proposed Project sites are located within the urbanized area of the City and are surrounded by other types of urban uses. The Yuba City General Plan and the implementing zoning regulate the uses and development standards for these properties.

3.14.2. Federal Regulatory Setting

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

3.14.3. State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing Elements are prepared approximately every five years (eight following implementations 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 2022.

3.14.4. Regional Regulatory Setting

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

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years

(Government Code, Section 65580 *et seq.*). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.

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.

3.14.5. Local Regulatory Setting

The City's adopted Housing Element regulates Citywide housing goals and objectives.

3.14.6. Impact Assessment/Environmental Consequences:

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

The Project sites are located within areas that are designated for various types of land uses and are intended by the General Plan to be built out within an urban environment supporting a mix of land uses, including residential development. The adopted Housing Element calls for creation of new housing opportunities to meet projected residential growth in the City as part of the City's Regional Housing Need Allocation. This Project helps to achieve this regional housing goal through designation of 35 parcels for high-density residential development, including densities projected to be over 12 residences/acre, or in some cases, over 20 residences per acre. Assuming that development of the sites complies with City development standards and criteria, as required by law, and utilize the existing roadway and utility infrastructure, the impact from unplanned growth would be considered a less than significant impact.

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

The proposed project will not result in any immediate displacement of substantial numbers of existing people or housing. If approved, development of the proposed sites could involve removal of several existing residences; however, new multiple-family development will significantly increase the density of the site and provide a larger net increase in dwelling units, potentially including lower income units consistent with Program H-C-7 of the Housing Element. Future development could also potentially be designed to retain the existing dwellings on the site, therefore not displacing any residents. As such, only a minimal amount of housing, if any, would be removed, and replaced with ultimately more housing units than exist today. Thus, the impact on the housing supply is considered a less than significant impact.

3.15. Public Services

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

3.15.1. Environmental Setting/Affected Environment

Law enforcement serving the various new uses 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 new residents are also provided by the Yuba City Recreation Department.

3.15.2. Federal Regulatory Setting

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

3.15.3. State Regulatory Setting

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

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

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

3.15.4. Local Regulatory Setting

The General Plan addresses the need for new development to be able to be serviced by the City with all essential services, including Police and Fire, before new development can be approved.

3.15.5. Impact Assessment/Environmental Consequences:

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

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since all new housing development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services are considered a less than significant impact.

Police Protection: The Police Department reviewed the proposal sites and did not express concerns. Since all new housing will pay development impact fees intended to offset the cost of additional police facilities and equipment resulting from this growth, the impacts on police services are considered a less than significant impact.

Schools: New residences will pay the Yuba City Unified School District adopted school impact fee that is intended to provide the new resident's fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools is considered a less than significant impact.

Parks: The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct and equip new City parks. Further, many multiple-family developments provide on-site recreational facilities, further reducing impacts on the public park system. Therefore, the impact on parks from this Project is considered a less than significant impact.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new residential connection to those systems is required to pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects development impact fees for County services that are provided to the new residences, such as the library system and justice system.

Accordingly, the Project will have a less than significant impact with regard to the provision of public services.

3.16. Recreation

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

3.16.1. Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City’s Parks and Recreation Department. This consists of 4 community parks, 15 neighborhood parks, and 3 passive or mini-parks.

3.16.2. Federal Regulatory Setting

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

3.16.3. State Regulatory Setting

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

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

3.16.4. Local Regulatory Setting

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

3.16.5. Impact Assessment/Environmental Consequences:

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

The Project sites are located throughout the City and are often located in near proximity to existing parks. While no physical development is proposed as part of this Project, the proposed General Plan Amendment and Rezone would potentially result in a higher local population density than previously analyzed by the General Plan. This population increase would result in higher use of neighborhood and regional parks or other recreational facilities in the vicinity of the Project sites. The City's development impact fee program requires collection of fees for new residential development and allocates fees to the acquisition and planned development and maintenance of open space/park areas in the City. Further, multiple-family residential development often provides on-site recreational/open space amenities for residents which may partially offset usage of public recreational facilities. Given this system, this potential impact is considered to be less than significant.

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

The Project does not propose physical development of the sites as the Project is strictly an amendment to the existing General Plan land use designations and rezoning to accommodate high density residential development. But multiple-family residential development that could result from this Project often provides on-site recreational/open space amenities for residents which may partially offset usage of public recreational facilities. It would, however, be too speculative to anticipate where and what those recreation facilities may be. Instead, the City individual project review process will make that evaluation on an individual project basis. Given this system, which is already in place, this potential impact from this Project is considered to be less than significant.

3.17. Transportation

Table 3-17: Transportation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1. Federal Regulatory Setting

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

Several federal regulations govern transportation issues. They include:

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

3.17.2. State Regulatory Setting

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in

Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

3.17.3. Local Regulatory Setting

The City's General Plan Circulation Element contains a wide range of policies regulating new residential development, including provision of adequate roadways and circulation systems, provided at developer expense, to ensure safe and adequate vehicular, bicycle and pedestrian access is available.

3.17.4. Impact Assessment/Environmental Consequences:

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

The Project does not include a specific development proposal so it will not directly result in any construction or occupation of any residential units and the resultant generation of vehicle trips.

Therefore, there will be a less than significant impact with regard to conflicts with a program, plan, or policy addressing the circulation system from the proposed General Plan Amendment and Rezone. However, future development of the Project sites will result in construction of multiple-family residences that will result in vehicle trips being generated. When development is proposed the densities could range from 12 to 36 residences per acre. As compared to the existing general plan designations of these properties of which 23 of the 35 parcels are already zoned R-3, and others are zoned for offices, duplexes, etc. the vehicle traffic would likely increase at buildout, but the amount would be too speculative to estimate. But considering that the roadways serving the 35 sites are (1) planned for urban growth, and (2) front on major arterials and major transportation corridors (Butte House Road, Walton Avenue, and Garden Highway), and (3) that all of these roadways are within the General Plan policy Level of Service (LOS) D or better, this GPA/RZ is consistent with General Plan policies.

Regarding conflicts with City adopted programs, street standards for auto, bicycle, pedestrian, and bus activities, future development would be reviewed for compliance with City Standards and conditioned to construct required improvements and/or payment of applicable traffic mitigation fees or fair share of public improvements. The projects would include new driveways connecting to public streets and an internal circulation network that would be reviewed for design adequacy based on the anticipated traffic and parking demands of the specific project design. Additionally, the projects would be reviewed and required to improve public street frontages and other facilities such as pedestrian infrastructure, public transportation improvements, and traffic signals as part of the entitlement review. This review would ensure site design is adequate to serve the projects and handle the anticipated traffic volumes produced from the development. Further, future residential development projects will be conditioned to contribute their fair share to the cost of circulation improvements via the existing citywide traffic impact fees that would be assessed. As such, the proposed re-designation and rezone of the Project sites does not create a conflict with City programs, ordinances, or policies addressing the circulation system.

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

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation

Impacts in CEQA” provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. Although the Project will not directly generate any vehicle trips, multiple-family development that could result will exceed this criterion, so it is not considered any further in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

- Less than 50% of regional average.
- 50-85% of regional average.
- 85-100% of the regional average.
- 115-150% of the regional average.
- More than 150% of the regional average.

Per the SACOG maps for all of the various Project sites, the estimated average vehicle distance traveled is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this Project is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts for VMT from development of the various sites are consistent with CEQA Guidelines Section 15063.4(b) and therefore considered a less than significant impact.

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

The Project sites are primarily located on Butte House Road, Walton Avenue, and Garden Highway, all of which are major arterials designed to accommodate significant amounts of traffic. Both the Public Works Department and the Police Department have reviewed the Project and did not express concerns. The Project does not propose any physical development at this time; however, it has been determined that the existing arterial streets fronting the Project sites or are very nearby will adequately support high-density residential development on each of the Project sites. There are no dangerous curves in the vicinity of any of the sites, and it is anticipated there will be no conflict with uses such as farm equipment. This is considered to be a less than significant impact.

d) Result in inadequate emergency access?

The Fire Department and Police Departments have reviewed the proposed General Plan Amendment and Rezone and did not express concerns about emergency access to the properties with the intended increase in residential density. Roadways will be built to City standards, ensuring emergency vehicle access is available. As such, impacts on emergency access are considered to be less than significant.

3.18. Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

3.18.1 Environmental Setting/Affected Environment

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

3.18.2 Federal Regulatory Setting

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

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

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or

- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

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

3.18.3. State Regulatory Setting

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

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

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

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

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

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

Senate Bill 18: Effective March 2005, this law requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow

consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

3.18.4. Cultural Setting

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

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

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

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

3.18.5. Summary of Native American Consultation

In response to AB 52 and SB 18 the City supplied the following Native American tribes with a project description and map of the proposed Project areas and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

3.18.6. Thresholds of Significance

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

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

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

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

3.18.7. Impact Assessment/Environmental Consequences:

- a) *Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 - i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).*

There are no listings on the California Register of Historical Resources (as defined in Section 21074) within the proposed Project areas. It is not known if there remain sites within the 35 parcels that are part of this Project, but this proposal involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly result in the disturbance of any potential tribal cultural resource sites. Therefore, there will be impacts on Tribal cultural resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including tribal cultural resources, a review of tribal cultural resource impacts will be conducted at the time a development project is proposed.

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

Of the tribes that were contacted by the City, the United Auburn Indian Community responded verifying that no actual construction was permitted under this Project, but if and when any construction did occur, they may request consultation. Of particular concern to the Native American community was the properties owned by the Regional Housing Authority near the Feather River, as that is considered to be a sensitive area. As discussed in Part i) above, the City has a process in place to notify the Tribes of any potential construction activities. If and when a development project is proposed on these properties, this process will be triggered (either by the City discretionary review process or the use of federal or state money, or both).

3.19. Utilities and Service Systems

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

3.19.1. Environmental Setting/Affected Environment

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

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

Reuse and Recycling: Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City’s municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. As of June 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

3.19.2. Federal Regulatory Setting

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

3.19.3. State Regulatory Setting

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

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

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

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

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

issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

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

3.19.4. Local Regulatory Setting

The City's General Plan Public Utilities Element, along with various infrastructure Master Plans, address provision of water and wastewater services within the City.

3.19.5. Impact Assessment/Environmental Consequences:

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

The demand for treated water from developments that may occur as a result of this GPA/RZ is not anticipated by the Public Works Department to exceed the capacity of the water treatment plant and distribution system. In addition, City policies provide for adequate water treatment, storage, and distribution infrastructure for new development. Additionally, new development will pay service connection fees for wastewater and potable water to offset potential impacts to these systems. Finally, existing in-place utility systems of Pacific Gas and Electric Company for electric power and natural gas and telecommunications (AT&T), are sufficient to serve the proposed project because the Project sites are located adjacent to existing in-place infrastructure. As a result, the impact is considered to be less than significant.

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

Water supplies have been determined by the City Public Works Department to be adequate to serve the Project sites in multiple dry year conditions. The City's Urban Water Management Plan identifies adequate supplies to meet anticipated existing and planned demand for multiple years. This potential impact is considered to be less-than-significant impact.

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

The City's Wastewater Treatment Plan has been identified by the City as having adequate capacity to treat wastewater generated by the proposed project. This impact is anticipated to be less than significant.

The additional impermeable surface that will be created by future development associated with the General Plan Amendment and Rezone will generate additional storm water drainage, but not likely more than existing general Plan designations for these properties, since the percentage of impermeable surface generated by either will likely be similar. Future development will be subject to appropriate storm water drainage system impact fees which cover the Project's fair share of the impact on the storm water collection system. This impact would be considered less than significant.

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

As of June 25, 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; Remaining Net Refuse Capacity is 21,297,000 tons; and Remaining Landfill Service Life is 53 years. The impact would be considered less than significant.

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

Transportation and disposal of all waste due to future development of the subject sites would be facilitated in accordance with all applicable federal, state, and local statutes and regulations. There would be a less than significant impact.

3.20. Wildfire

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

3.20.1. Environmental Setting/Affected Environment

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

The California Department of Forestry and Fire Protection’s Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the

following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2. Impact Assessment/ Environmental Consequences

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

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

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

The Project sites are not within a State Responsibility Area and therefore have not been placed in a Fire Hazard Severity Zone. But as noted in Section 3.11 of this Initial Study, the Project sites are within a planned urbanized area, and the urbanized area is surrounded by irrigated agricultural land, which typically is not subject to wildland fire. Impacts of the revised project related to wildland fire hazards are anticipated to be less than significant.

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

No physical development is proposed as part of this Project. Future development that may result will require the installation of expanded or new roadways, and the utilization of existing utilities adjacent to or near the sites. The installation of these facilities is not expected to exacerbate the wildfire risk on any of the Project sites, as explained in b) above. Impacts of the Project would be less than significant.

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

As noted in Section 3.7 of this document, the Project sites are located in a topographically flat area. There are no streams or other channels that cross the sites. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

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

3.21.1. Impact Assessment/Environmental Consequences:

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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 sites are located on previously disturbed areas or have been previously developed with urban uses. All are within the urbanized area. As such there is little plant or animal habitat value as the sites have been disturbed by historical agricultural operations, residential, and commercial uses. There are no wetlands or similar habitat on the Project sites. Therefore, the future anticipated development of the 35 sites 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.

Mitigation is also included addressing potential accidental discovery of Tribal Cultural Resources and for greenhouse gas emissions. With these mitigations, impacts are expected to be less than significant.

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.

Development associated with the Project will generate new traffic with each individual site development. As the Project sites are located on or near major transportation corridors that are within General Plan policy levels of service, traffic from the future multi-family developments will not adversely impact the level of service on streets and intersections in this vicinity. New construction will be required to pay transportation impact fees that offset any impacts the Project may have on City streets. Therefore, there are no significant cumulative traffic impacts.

Pertaining to potential cumulative impacts associated with GHG emissions, the site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan. The additional paving area may create some minor air quality and greenhouse gas, noise, and hazardous material cumulative impacts, however those impacts have been found to be considered less than significant for the Project sites. Additionally, formal development proposals of each of the sites will require additional greenhouse gas screening or modeling to determine any project specific mitigation that may be necessary.

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. For development that may result from this action, construction-related air quality, noise, and hazardous materials exposure impacts would occur for a relatively short period and only be a minor impact during that time period. Therefore, the proposed Project would not have any direct or indirect adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an MND 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sutter County General Plan.

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

Yuba Sutter Transit Route Map.

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

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

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

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

City of Yuba City Wastewater Master Plan.

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

Attachment 1:

MITIGATION MEASURES AND MONITORING PLAN

Implementation of the 2021-2029 Housing Element:

Initial Study and Mitigated Negative Declaration EA 22-07

For General Plan Amendment 22-03 and Rezoning 22-04

City of Yuba City

MITIGATION MEASURES AND MONITORING PLAN

**Implementation of the 2021-2029 Housing Element:
Initial Study and Mitigated Negative Declaration EA 22-07
For General Plan Amendment 22-03 and Rezoning 22-04**

Impact	Mitigation Measure	Implementing Party	Monitoring Party	Timing
3.3 Air Quality	<p>AQ 1: For any development project on the Project parcels that would involve excavation, grading, or site preparation that would expose soil, the Developer shall comply with all applicable Rules of the Feather River Air Quality Management District (FRAQMD) and shall include the required FRAQMD Basic Construction Emission Control Practices on all grading or improvement plans.</p> <p>AQ 2: Compliance with FRAQMD standards related to a Fugitive Dust Control Plan and permit requirements relative to the operation of facility heaters, fumigation, and boiler processes shall be adhered to pursuant to established regulations.</p> <p>AQ 3: Prior to individual project entitlement approval for any future development project, each multi-family residential project shall be screened for construction emissions based on the then-current screening criteria established by the FRAQMD.</p>	Developer	Development Services Department	Prior to issuance of any grading or building permits