AGENDA

SEPTEMBER 20, 2016
REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

5:00 P.M. – CLOSED SESSION: BUTTE ROOM
6:00 P.M. – REGULAR MEETING: COUNCIL CHAMBERS

MAYOR	• John Buckland
VICE MAYOR	• Stanley Cleveland, Jr
COUNCILMEMBER	• Preet Didbal
COUNCILMEMBER	• John Dukes
COUNCILMEMBER	• Kash Gill
CITY MANAGER	• Steven Kroeger
CITY ATTORNEY	• Timothy Hayes

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

If you need assistance in order to attend the City Council meeting, or if you require other accommodations such as signing services or interpreters to make a presentation to the City Council, the City is happy to assist you. Please contact the City offices at (530) 822-4602 at least 72 hours in advance so such aids or services can be arranged.

The Council Chambers are equipped with auxiliary hearing devices so that no prior arrangements need to be made to attend the meeting. ***City Hall TTY: 530-822-4732***

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
SEPTEMBER 20, 2016
5:00 P.M. – CLOSED SESSION
6:00 P.M. – REGULAR MEETING

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Public Comment:

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session. Contact the City Clerk in advance of the closed session either in person at City Hall, by phone, 822-4817, or email, tlocke@yubacity.net, to allow for time for testimony.

Closed Session—Butte Room

A. Annual performance evaluation of City Manager pursuant to Government Code § 54957.

B. Confer with legal counsel regarding existing Workers Compensation Claim of Thomas Mathews pursuant to Government Code § 54956.9(a).

Regular Meeting—Council Chambers

Call to Order

Roll Call: _____Mayor Buckland
_____Vice Mayor Cleveland
_____Councilmember Didbal
_____Councilmember Dukes
_____Councilmember Gill

Invocation

Pledge of Allegiance to the Flag

Presentations & Proclamations

1. Domestic Violence Awareness Month – Casa de Esperanza

2. Emergency Preparedness Month – Fire Department

3. Charles Anderson – Parks and Recreation Commissioner

Public Hearing

4. Office of Traffic Safety Grant, Selective Traffic Enforcement Program

Recommendation**:** Adopt a Resolution authorizing the Chief of Police to accept the 2016/2017 Office of Traffic Safety Grant titled Selective Traffic Enforcement Program in the amount of $90,000 and approve expenditure recommendations. Further, authorize the Finance Director to make budget adjustments as necessary

Bid Opening

5. Garden Highway Improvements – Epley Dr. to Winship Rd. (Award)

Recommendation:

A. Award Contract No. 12-04, Garden Highway Improvements – Epley to Winship to Lamon Construction Co., Inc., of Yuba City, CA in the amount of their total bid of $2,107,149

B. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney

C. Authorize a supplemental appropriation of $250,000 of unallocated Transportation Development Act road funds to account 911153 - Garden Highway Improvements

Ordinance

6. Urban Level Flood Protection (ULOP; Senate Bill 5)

Recommendation: Adopt an Ordinance amending Title 6, Chapter 9 relating to Flood Damage Prevention; Title 8, Chapter 2 relating to Tentative and Vesting Tentative Maps; Chapter 5, Zoning; Chapter 6, Condominium Conversions; Chapter 7 Planned Unit Developments; waiving the second reading

Public Communication

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

7. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak

8. Appearance of Interested Citizens

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council

votes on the motion unless members of the City Council, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

9. Minutes of September 6, 2016

Recommendation: Approve the City Council Meeting Minutes of September 6, 2016

10. Biennial Review of the City of Yuba City Conflict of Interest Code

Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list Designated Positions

11. Proposed City Hall Holiday Closure December 26, 2016 – December 30, 2016

Recommendation: Approve a Resolution authorizing the closure of City Hall and other select offices for the holiday period beginning Monday, December 26, 2016 through Friday, December 30, 2016

General Items

12. Wildewood East Connection to City Water

Recommendation: A. Approve providing water to the Wildewood East Subdivision contingent upon the approval of a State Revolving Fund (SRF) Loan to finance a water line extension project and connection fees, annexation to the City, and Assessment District formation [Subdivision located north of Franklin Road and west of George Washington Boulevard]

B. Authorize the Public Works Director to prepare and submit an application for a State Revolving Fund (SRF) Loan to fund the construction of water lines and connection fees in the Wildewood East Subdivision

13. Bicycle Safety Campaign Grant Application (FRAQMD Grant Application)

Recommendation: Authorize the Public Works Director to submit an application for the funding of a Bicycle Safety Campaign Project for grant funding through the Feather River Air Quality Management District

14. 5th Street Bridge Replacement Project – Authorization to Enter into a High Cost Agreement

Recommendation: A. Authorize the City Manager to enter into a High Cost Agreement with the California Department of Transportation

B. Authorize the Finance Director to utilize citywide pooled cash to cover advancing expenditures to the contractor while awaiting reimbursement from related grant revenues; or

C. Authorize the Finance Director to consult with the City's financial advisors and bond counsel to issue Grant Anticipation Notes to meet cash flow needs

15. 5th Street Bridge Replacement Project – Authorization to Enter into a Lease Agreement with the California State Lands Commission

Recommendation: Authorize the City Manager to enter into a lease agreement with the California State Lands Commission for removal of the existing 5th Street Bridge and construction of the new bridge

16. City Participation on Regional Leadership Committee to address Homelessness

Recommendation: Appoint a Councilmember and an alternate to serve on a Regional Leadership Committee to address Homelessness

Business from the City Council

17. Appointments to City of Yuba City Boards and Commissions

Recommendation: Approve the City Council Screening Committee Recommendations for Appointments

18. League of California Cities Annual Conference Resolutions

Recommendation: Discuss the City of Yuba City's Position on the League of California Cities Proposed Resolution to Make Safety a Top Priority for Transportation Projects

19. City Council Reports

- Councilmember Didbal
- Councilmember Dukes
- Councilmember Gill
- Vice Mayor Cleveland
- Mayor Buckland

Adjournment

Proclamation

of the City Council

HONORING OCTOBER 2016
AS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, domestic violence leaves an imprint of fear and hostility; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference, and social barriers, thereby affecting society as a whole; and

WHEREAS, in the city of Yuba City, adults and children are victims of violence each year; and

WHEREAS, Yuba City Council is committed to restoring the right to freedom from fear in our own homes; and

WHEREAS, Yuba City Council is committed to restoring the right to freedom from fear in our communities: and

WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence and their children who often suffer grave financial, physical, and psychological losses; and

NOW, THEREFORE BE IT RESOLVED, that in recognition of the important work done by domestic violence programs, in cooperation with Casa de Esperanza, I, John Buckland, Mayor of the City of Yuba City and on behalf of the entire City Council, does herby proclaim the month of October 2016 as Domestic Violence Awareness Month. We urge all citizens, agencies, and businesses to **WORK TOGETHER AS A TEAM IN OUR COMMUNITY THROUGH PREVENTION, INTERVENTION AND EDUCATION PROGRAMS,** to eliminate domestic violence and become a violence free community.

Done on this 20th day of September 2016 at the City of Yuba City, County of Sutter, State of California.

Proclamation

of the City Council

EMERGENCY PREPAREDNESS MONTH
September 2016

WHEREAS, the U.S. Department of Homeland Security and the American Red Cross continue to promote a nationwide initiative designed to encourage all Americans to prepare for emergencies in their homes, businesses and schools; and

WHEREAS, this effort brings together the U.S. Department of Homeland Security and a coalition of national, State and local partners in encouraging all Americans to prepare for emergencies; and

WHEREAS, the City of Yuba City participates in this effort to educate the public and to encourage them to prepare for emergencies, spread life-saving information and move the entire community towards a greater state of preparedness; and

WHEREAS, Yuba City-Marysville Urban Area residents and business owners learned many valuable lessons from the flood threat and mass evacuation that occurred in January 1997, and those lessons were only made more poignant nationally by disastrous storms like Katrina and Sandy, and especially the terrorist attacks on September 11, 2001.

WHEREAS, the City of Yuba City recognizes the need for our citizens to be prepared, alert and aware of threats to our community's security and safety; and

WHEREAS, all Yuba City residents and business owners are encouraged to plan for their personal preparedness, strive to meet the challenge of increasing their self-reliance, and recognize the need to provide provisions for their families in case of an emergency through preparing an emergency supply kit, making a family emergency plan, being informed about different threats and getting involved in preparing their communities;

NOW, THEREFORE, BE IT RESOLVED that I, John Buckland, Mayor of the City of Yuba City, do hereby proclaim September of 2016 as **EMERGENCY PREPAREDNESS MONTH** and that residents of the Yuba City Urban Area are encouraged to refer to BE PREPARED YUBA CITY: A Household Emergency Preparedness Guide, that is available online at www.yubacity.net, to assist them in protecting their families, reducing the impact an emergency has on their lives, and to better deal with chaos if an incident occurs near our community.

Done on this 20th day of September 2016 at the City of Yuba City, County of Sutter, State of California.

Proclamation

of the City Council

Charles Anderson

Parks and Recreation Commissioner to the Commission
and to the Citizens of Yuba City

WHEREAS, *Charles Anderson was appointed to the Yuba City Parks and Recreation Commission on January 20, 2009 and has served diligently for nearly eight years through August 3, 2016, serving as Chairperson for the last two years; and*

WHEREAS, *Charles Anderson immediately undertook to learn as much about the job of the Parks and Recreation Commissioner as is possible, and quickly became an important voice on the Commission; and*

WHEREAS, *Charles Anderson informed himself on all issues and fully participated with the Parks and Recreation Commission to make decisions and recommendations in the best interests of all the citizens of Yuba City; and*

WHEREAS, *Charles Anderson assisted the Parks and Recreation Commission and the City of Yuba City with accomplishments such as the Bike Yuba City and "Sharrow" campaign, the ACHEIVE Grant, the Feather River Parkway project, the annual designation of the City of Yuba City as a "Tree City USA", the prohibition of tobacco and electronic-cigarettes in all City parks and within 50 feet of any public entrance into a City owned or leased facility, the Adopt-A-Park program, the Water wise garden at the GAP, an increase of Recreation programs offered and the introduction of no-cost community programs for local youth.*

NOW, THEREFORE, BE IT RESOLVED, *that I, John Buckland, Mayor of the City of Yuba City, on behalf of our entire City Council, hereby commend Charles Anderson for his outstanding dedication to the Parks and Recreation Commission and his full participation in making decisions and recommendations in the best interests of all the citizens of Yuba City, and sincerely urge all residents of the City of Yuba City to join me in recognizing Charles for his contributions to the Yuba City community.*

Done on this 20th day of September, 2016 at the City of Yuba City, County of Sutter, State of California.

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Police Department

Presentation By: Jim Runyen, Traffic Sergeant

Summary

Subject: Office of Traffic Safety Grant, Selective Traffic Enforcement Program

Recommendation: A. Conduct a Public Hearing, and

B. Adopt a resolution authorizing the Chief of Police to accept the 2016/2017 Office of Traffic Safety Grant titled Selective Traffic Enforcement Program in the amount of $90,000 and approve expenditure recommendations. Further, authorize the Finance Director to make budget adjustments as necessary.

Fiscal Impact: $90,000 account 100-43409 (OTS Selective Traffic Enforcement Grant) – No City match required.

Purpose:

To accept a no-match grant from the California Office of Traffic Safety to further the City's traffic safety efforts.

Background:

In January 2016, the Yuba City Police Department submitted a grant titled Selective Traffic Enforcement Program to the California Office of Traffic Safety. In May 2016 the department received notification we were selected to receive funds in the amount of $90,000. No matching funds are required by the City of Yuba City to accept the grant. This grant runs in accordance with the Federal Fiscal year 10/01/16-09/30/17.

Analysis:

For many years the department has had a positive working relationship with the California Office of Traffic Safety. Again this year, we were selected for funding to maintain an aggressive stance towards those individuals who continue to operate a motor vehicle in our community, while he or she is under the influence of alcohol or other drugs. This grant will allow the department to continue to combat impaired drivers in our community. While having an impaired driving portion, this grant also allows for other directed enforcement operations. These operations deploy officers within the City with a primary goal of reducing injury collisions through targeting primary collision factors such as speed and red light enforcement in areas with a high frequency of accidents.

The goals of the grant are to reduce the persons killed and injured in traffic collisions. "Best practice" strategies will be conducted on an overtime basis. The funded strategies include among

other directed enforcement strategies; DUI saturation patrols, speed enforcement, red light, and distracted driver enforcement. These strategies are designed to earn media attention thus enhancing the overall deterrent effect. In addition to overtime costs the grant will cover the cost of three PAS (preliminary alcohol screening) flashlights (up to $4,000) which combine a high intensity flashlight and a dynamic sampling system and a miniature alcohol sensor to analyze ambient air, breath, open containers or enclosed spaces for the presence of alcohol during DUI enforcement. The PAS devices will assist officers to identify intoxicated drivers through a preliminary roadside screening process. The grant will cover the cost of an Impairment Detection Instrument ($4,995) which will record eyes of the test subject during DRE (Drug Recognition Expert) examinations. Additionally, the grant will fund training and certification for one officer to become a Drug Recognition Expert (DRE). DRE personnel enhance the department's ability to investigate and assist in prosecution of DUI drug offenders. DUI arrests have risen sharply in recent years and remains a priority for the police department in reducing alcohol and/ or drug related collision deaths and injuries.

Fiscal Impact:

The City will be reimbursed $90,000 from the California Office of Traffic Safety. No matching funds are required for this grant. Funds will be drawn down through account 2198-61430 ($71,930) for personnel overtime costs, 2198-62801 ($5,575) for travel and training, and 2198-63801 ($12,495) for direct costs associated with the grant.

Alternatives:

Not accept the grant or direct staff to research additional alternatives.

Recommendation:

Adopt a resolution authorizing the Chief of Police to accept the 2016/2017 Office of Traffic Safety grant titled Selective Traffic Enforcement Program in the amount of $90,000 and approve expenditure recommendations. Further, authorize the Finance Director to make budget adjustments as necessary.

Prepared By:

/s/ Jim Runyen
Jim Runyen
Traffic Sergeant

Submitted By:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Department Head	RL
Finance	RB by e-mail
City Attorney	TH by e-mail

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE FY 2016-2017 CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM"

WHEREAS, The Yuba City Council desires to undertake a certain project designated as Selective Traffic Enforcement Program to be funded in part from funds made available through the California Office of Traffic Safety (OTS).

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police of the City of Yuba City is authorized, on its behalf to execute a contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

IT IS AGREED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OTS disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS ALSO AGREED that this award is not subject to local hiring freezes.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Yuba City Council of Yuba City in a meeting thereof held on September 20, 2016, by the following vote:

AYES:

NOES:

ABSENT:

_____

John Buckland, Mayor

ATTEST:

_____

Terrel Locke, Chief Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Benjamin Moody, Deputy Public Works Director – Engineering

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Summary

Subject: Garden Highway Improvements – Epley Dr. to Winship Rd. (Award)

Recommendation:

A. Award Contract No. 12-04, Garden Highway Improvements – Epley to Winship to Lamon Construction Co., Inc. of Yuba City, CA in the amount of their total bid of $2,107,149

B. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney

C. Authorize a supplemental appropriation of $250,000 of unallocated Transportation Development Act road funds to account 911153 - Garden Highway Improvements

Fiscal Impact: $2,475,900 – Account No. 1153 (Garden Highway Improvements)
$2,107,149 – Contract Award Amount
$210,715 – (10%) Construction Contingency
$158,036 – (7.5%) Design, Project Management, Inspection

Purpose:

Improve portions of Garden Highway by awarding the Garden Highway Improvements Project to the lowest, responsible, and responsive bidder.

Background:

On March 15, 2016, City Council approved the plans and specifications for the Garden Highway Improvements Project, and authorized the Public Works Department to advertise for bids.

The project includes installation of curb, gutter, and sidewalk, and reconstruction of the existing roadway between Winship Road and Lincoln Road. Additionally, a storm-drain system between Winship Road and Epley Drive will be installed to provide necessary drainage for the area.

Analysis:

The Garden Highway Improvements Project was advertised for bid, with plans and specifications provided to local builder/contractor exchanges, in August 2016 after receiving federal authorization to proceed. On September 1, 2016, six (6) bids were received and opened in the City Clerk's office. A list of the bids received and the engineer's estimate are shown below.

Company	Bid Amount
Lamon Construction Co., Inc.	$2,107,149
McGuire and Hester	$2,322,570
Knife River Construction, Inc.	$2,324,781
R&R Horn, Inc.	$2,440,263
North Star Construction and Engineering, Inc.	$2,830,302
MKD Construction, Inc.	$3,988,675
Engineer's Estimate	**$1,900,000**

Lamon Construction Co., Inc. of Yuba City, CA is the low, responsive bidder. Contract administration and inspection of the project will be performed by Public Works Department staff, with project construction expected to begin in mid-October.

The Project was designed by Bennett Engineering (Bennett). Bennett prepared the Engineer's Estimate based on many factors, including previous bids received by the City for projects with similar work.

With every project that is formally bid, staff prepares and evaluates a bid summary to determine if the low bidder's bid seems reasonable and determine where the primary differences occur between the engineer's estimate and the low bid. Upon comparison of Lamon Construction's bid of $2,107,149 to the Engineer's Estimate of $1,900,000, the biggest differences are related to traffic control (difference of $89,000) and the storm-drain line and inlets (difference of $186,000).

Staff solicited input from contractors regarding the higher costs for the storm-drain work. Feedback indicated that the project area is potentially in a high sand area that can create backfill issues when digging at the project design depth, and the requirements for night work and associated traffic control combined to add substantial costs for anticipated higher labor and material costs. The majority of the remaining work items were very close to the Engineer's Estimate.

Fiscal Impact:

Approximately $2.23 million is available in the project budget. Should Council elect to award the project, additional funds are recommended to be appropriated to the fund the total project cost which includes the contract amount, construction contingency, and construction management/inspection costs. Funding will be provided through CIP Account 1153 (Garden Highway Improvements), which includes contributions from multiple funding sources – federal Congestion Mitigation and Air Quality (CMAQ), Local Transportation Development Act (TDA) funds, Streets and Road, DIF, CDBG, Water, and Wastewater.

With a total project amount estimated at $2.48 million, staff requests a supplemental appropriation of $250,000 from unallocated Transportation Development Act road funds to account 911153 - Garden Highway Improvements.

The City will be required to advance funding for the entire project cost until the necessary reimbursements have been made from the federal CMAQ ($680K) and CDBG ($460K) funding sources.

Alternatives:

Do not award the contract and reject all bids, or modify the scope as necessary.

Recommendation:

A. Award Contract No. 12-04, Garden Highway Improvements – Epley to Winship to Lamon Construction Co., Inc. of Yuba City, CA in the amount of their total bid of $2,107,149.

B. Authorize the City Manager to execute the contract on behalf of the City, following approval by the City Attorney.

C. Authorize a supplemental appropriation of $250,000 of unallocated Transportation Development Act road funds to account 911153 - Garden Highway Improvements.

Attachments:

1. Vicinity Map
2. Project Cross Section

Prepared by:

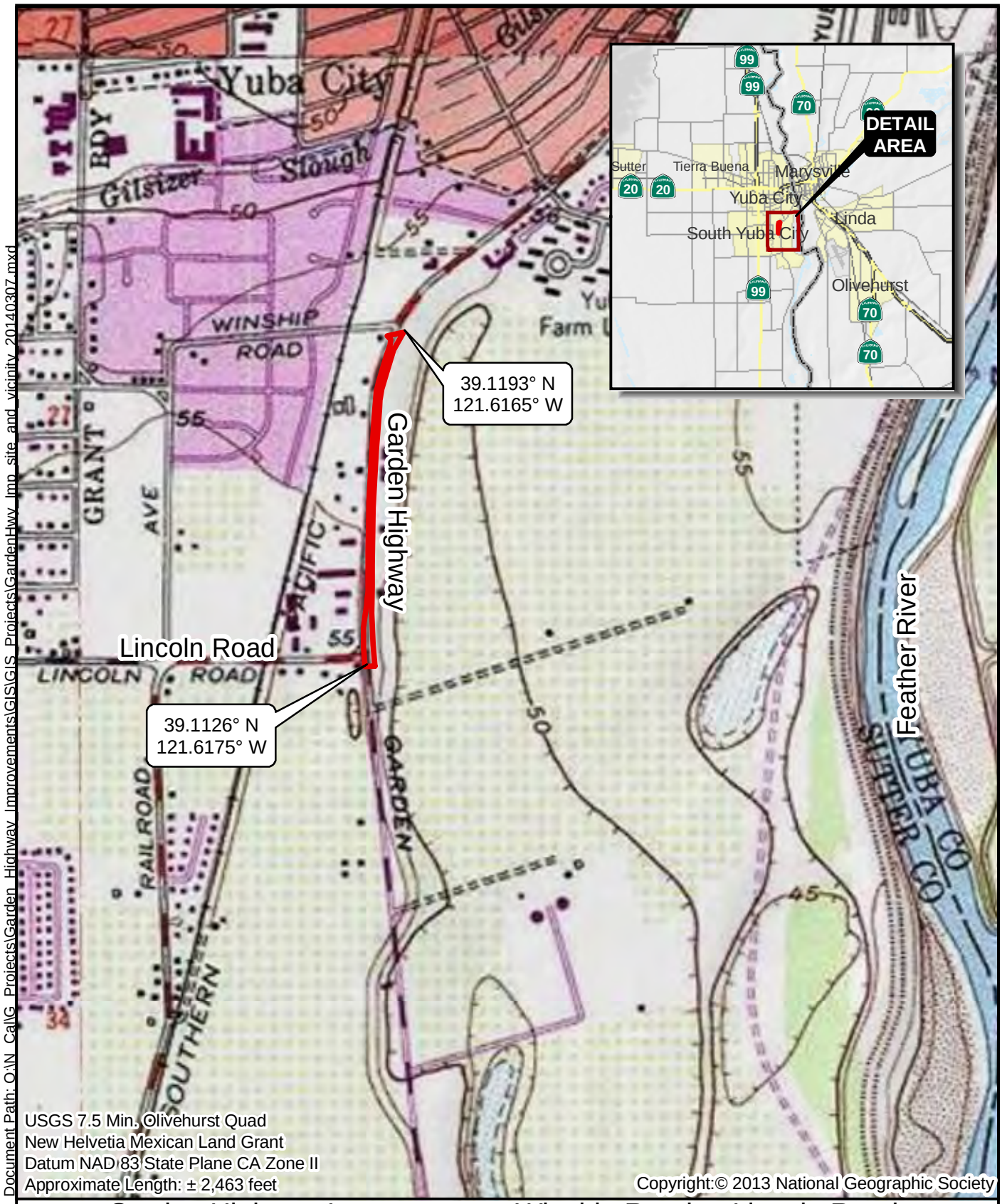
/s/ Ben Moody
Benjamin K. Moody
Deputy P. W. Director - Engineering

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Department Head	DL
Finance	RB
City Attorney	TH by Email



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Garden Highway Improvements Winship Road to Lincoln Road Site and Vicinity

FOOTHILL ASSOCIATES
ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE
© 2014

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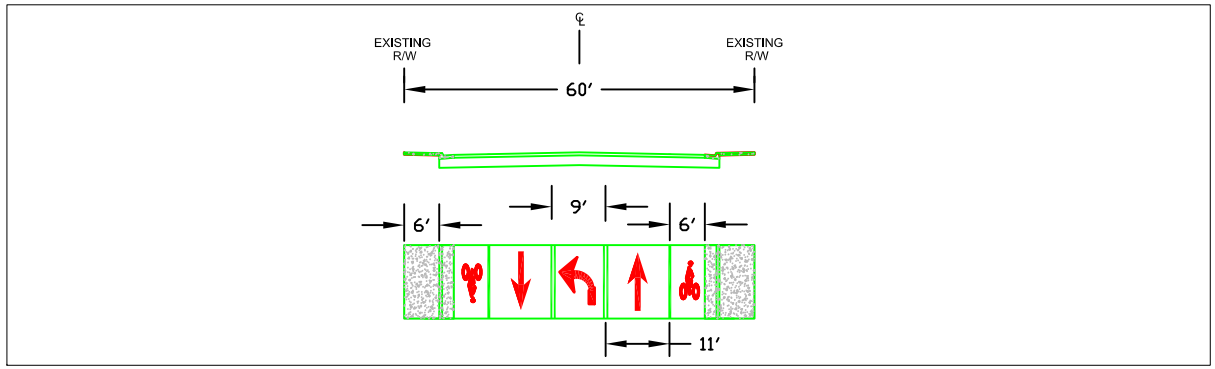

ALTERNATIVE 2 - SACOG GRANT + CONTINUOUS LEFT-TURN LANE

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Development Services Director

Presentation By: Arnoldo Rodriguez, AICP, Development Services Director

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Summary

Subject: Urban Level of Flood Protection (ULOP; Senate Bill 5)

Recommendation: Adopt an Ordinance amending Title 6, Chapter 9 relating to Flood Damage Prevention; Title 8, Chapter 2 relating to Tentative and Vesting Tentative Maps; Chapter 5, Zoning; Chapter 6, Condominium Conversions; Chapter 7 Planned Unit Developments; waiving the second reading

Fiscal Impacts: Future entitlements will be subject to the payment of land use entitlement processing fees, development impact fees, and building permit fees that will cover future costs incurred by the City

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Purpose:

To ensure compliance with the State flood management requirements.

Previous City Council Actions and/or Policies:

At its September 6, 2016 City Council public hearing, the City Council received a report and considered testimony from City staff regarding the proposed ordinance amendment. One community member requested clarification regarding potential flooding in the event of two simultaneous levee breaches. The City Council introduced the ordinance amendment and waived the first reading.

Project Information:

Recognizing flood risk in California and its potential consequences to public safety, economic development, and environmental sustainability, in 2007 the California Legislature enacted six interrelated bills: Senate Bills (SB) 5 and 17 and Assembly Bills (AB) 5, 70, 162, and 156. These flood management bills necessitated changes to the California Government Code sections governing the content of General Plans. The goal of this series of bills is to improve flood management and improve collaboration between local land use planning decisions and flood management practices.
It should be noted that floodplains less than three feet deep from any source are not subject to ULOP findings, which is the vast majority of the City. For those areas that are greater than three feet in depth, as identified in Attachments 2 and 3, ULOP findings would be necessary.

The SB 5 legislation requires that an Urban Level of Flood Protection (ULOP) be provided in specified locations within the Sacramento-San Joaquin Valley. The ULOP is defined as the level of protection

that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources (DWR). SB 5 also requires all cities and counties within the Sacramento-San Joaquin Valley to make findings related to the ULOP standard or the national Federal Emergency Management Agency (FEMA) standard of flood protection before approving certain land use decisions.

More specifically, SB 5 requires all cities and counties within the Sacramento-San Joaquin Valley, including Yuba City, to make findings related to an urban level of flood protection before:

1. Entering into a development agreement for all types of property development.
2. Approving a discretionary permit or other discretionary entitlement for all development projects.
3. Approving a ministerial permit for all projects that would result in construction of a new residence.
4. Approving a tentative map consistent with the Subdivision Map Act for all subdivisions.
5. Approving a Parcel Map, for which a tentative map is not required, consistent with the Subdivision Map Act for all subdivisions.

The SB 5 legislation requires that all cities and counties in the Sacramento-San Joaquin Valley, as defined by California Government Code Section 65007(h), amend their General Plans based on the 2012 Central Valley Flood Protection Plan (CVFPP) and other flood-related data (California Government Code Section 65302.9). In addition, these jurisdictions are required to amend their zoning and other applicable ordinances to be consistent with the General Plan content. SB 1278, passed in 2012, modified the SB 5 compliance schedule for cities and counties to amend their General Plans within 24 months of July 2, 2013, and amend their zoning ordinances 12 months after amending their General Plan. In other words, per Section 65302.9 (a), cities and counties have until July 2, 2015 to amend their General Plans and, per Section 65860.1 (a), until July 2, 2016 to amend their local zoning ordinances, to be consistent with SB 5. However, General Plan amendments were not required to be submitted to any State agency by the July 2, 2015 deadline; therefore the target date for submission of all materials was July 2, 2016.

With that said, it is important to note that SB 5 does not specify any review, approval, or enforcement authority by any State agency. Instead it relies on the due diligence of communities to incorporate flood risk considerations into floodplain management and planning in compliance with the General Plan amendment requirements. The proposed amendments would bring Yuba City into compliance with the SB 5 guidelines.

Planning Commission Action:

On August 10, 2016, the Planning Commission considered the proposed amendments. The Commission, by a 6-0 vote, recommended that the City Council approve the proposed amendments.

Proposed Changes:

In order to comply with SB 5 guidelines, City staff, in concert with industry leaders Atkins and MBK Engineers, assessed applicable General Plan guidelines and the City's Zoning Ordinance. As part of its review, the team determined that numerous changes are required in order to meet the strict application of the guidelines. A summary of amendments to the General Plan were provided in a report to the City Council on September 4, 2016, while amendments to the Yuba

City Municipal Code include new language that would require that findings, specific to potential flooding, be made for certain discretionary permits.

Overall, the goal is to reduce the risk of flood exposure, which occurs primarily through the City's land use planning and zoning authority. Moreover, specific flood protection standards are proposed as part of the Municipal Code, including provisions for zoning that regulate specific development that can take place in floodplains and the conditions under which this would occur.

In sum, it should be noted that much of the City is urbanized, and the areas along the Feather River, Gilsizer Slough, Live Oak Canal, and southwest of the City could be affected by flooding. It is the City's responsibility to maintain and protect public safety, specifically responding to issues of floodplain management and emergency response. Working in concert with the Sutter Butte Flood Control Agency (SBFCA) and Levee Districts (LDs) 1 and 9, the City is actively examining flood risk, strength, and overall soundness of the existing levees to provide ULOP. This proposal is indicative of such efforts.

It should be further noted that the California Department of Water Resources (DWR) is the lead State agency for responding to flood emergencies and coordinating response activities. Sutter County, along with other local agencies, is directly responsible for maintaining and updating emergency action plans and for implementing appropriate emergency response system protocols. DWR also develops and finances enhanced levee operation and maintenance programs, which include post-event identification of erosion and other forms of damage to levees, information collection and dissemination, local emergency response planning, additional forecasting and notification, improvements to the County Alert System, and levee improvements such as the development of all-weather roads on levee crowns to support more effective monitoring.

Environmental Determination:

An environmental assessment (EA 16-04) was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Based upon the attached environmental assessment, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a Negative Declaration (ND) for this project. The findings of the ND are that the Zoning Ordinance amendments will not create any significant impacts. As a result, the filing of a ND is appropriate in accordance with the provisions of CEQA.

Recommendation:

Adopt an ordinance amending Title 6, Chapter 9 relating to Flood Damage Prevention; Title 8, Chapter 2 relating to Tentative and Vesting Tentative Maps; Chapter 5, Zoning; Chapter 6, Condominium Conversions; Chapter 7 Planned Unit Developments; waiving the second reading

Alternatives:

As an alternative, the City Council may delay, modify, or return the project to staff for additional analysis.

Attachments:

1. Figure 9-6 FEMA FIRM Map
2. Figure 9-7 200-year Flooding with a Feather River Breach
3. Figure 9-8 200-year Flooding with a Sutter River Breach
4. Figure 9-9 Dam Inundation Map
5. Municipal Code Text Amendment 16-01 Ordinance
   Text Amendment Attachment
   a. Zoning Ordinance Amendments
6. Negative Declaration

Prepared By:

/s/ Arnoldo Rodriguez
Arnoldo Rodriguez
Development Services Director

Submitted By:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Finance — RB
City Attorney — TH by email

Attachments 1-4, inclusive

1. *Figure 9-6 FEMA FIRM Map*
2. *Figure 9-7 200-year Flooding with a Feather River Breach*
3. *Figure 9-8 200-year Flooding with a Sutter River Breach*
4. *Figure 9-9 Dam Inundation Map*

Attachment 1

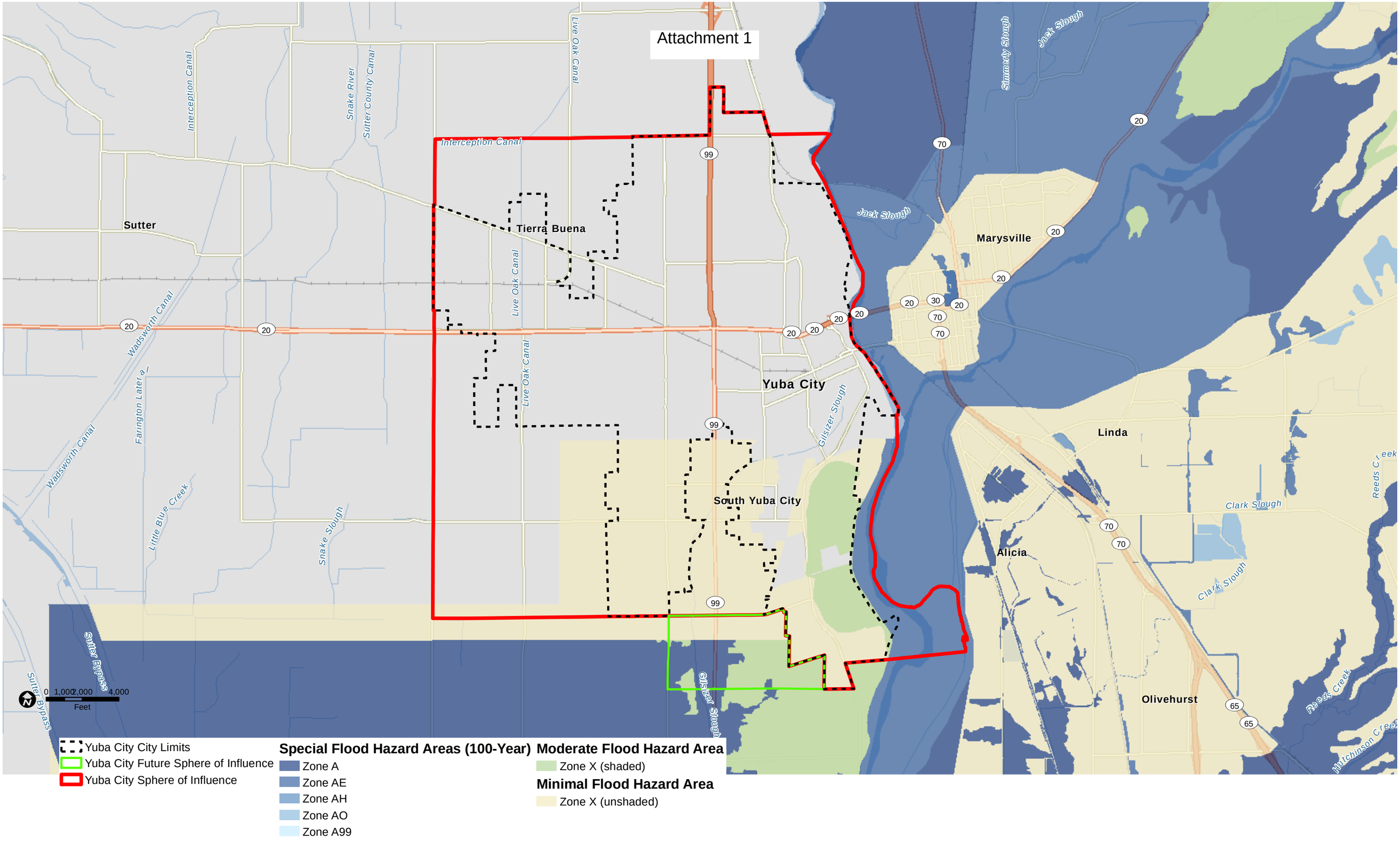


Figure 9-6

FEMA FIRM Map

Attachment 2

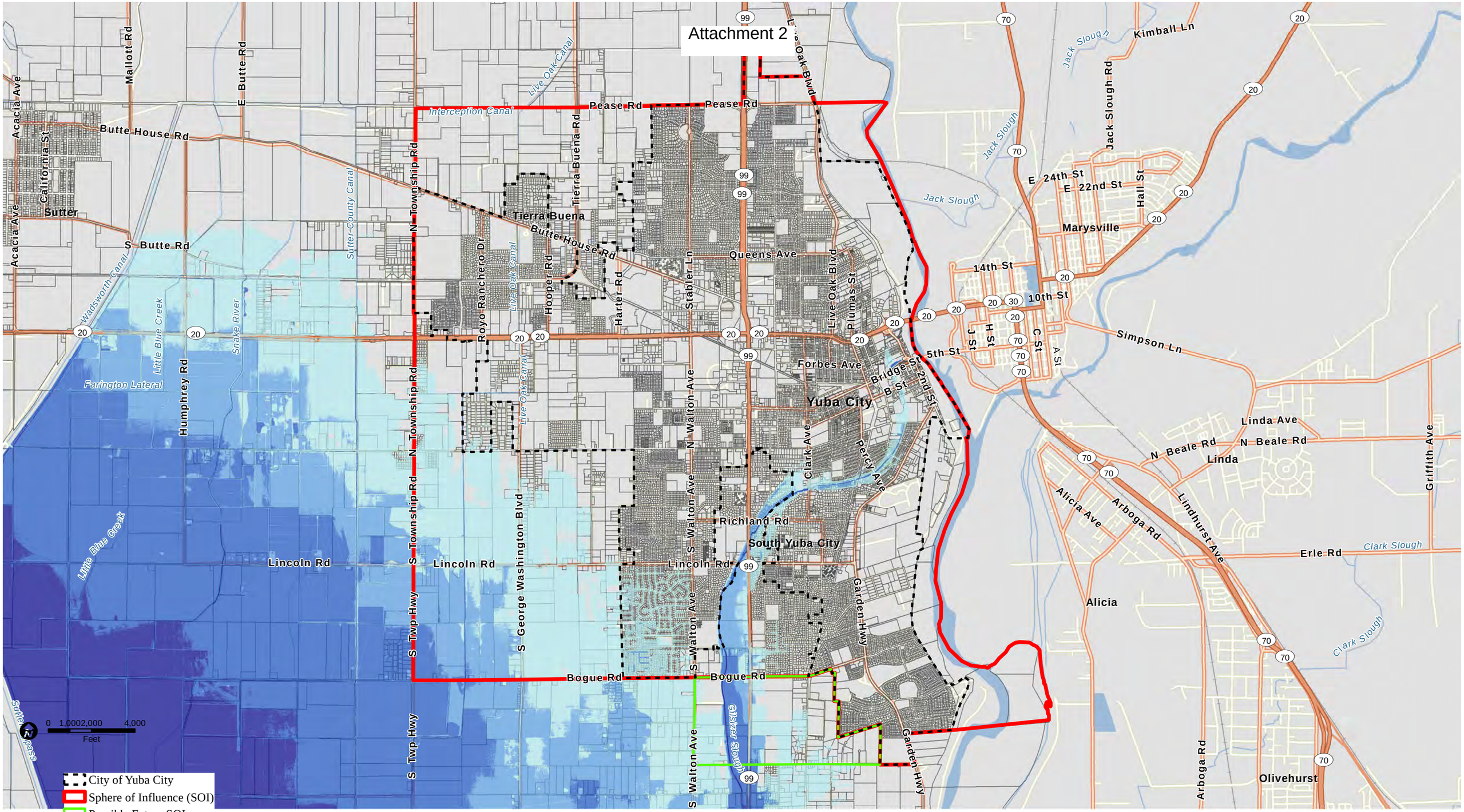


Figure 9-7

200-Year Floodplain (Feather River Breach)

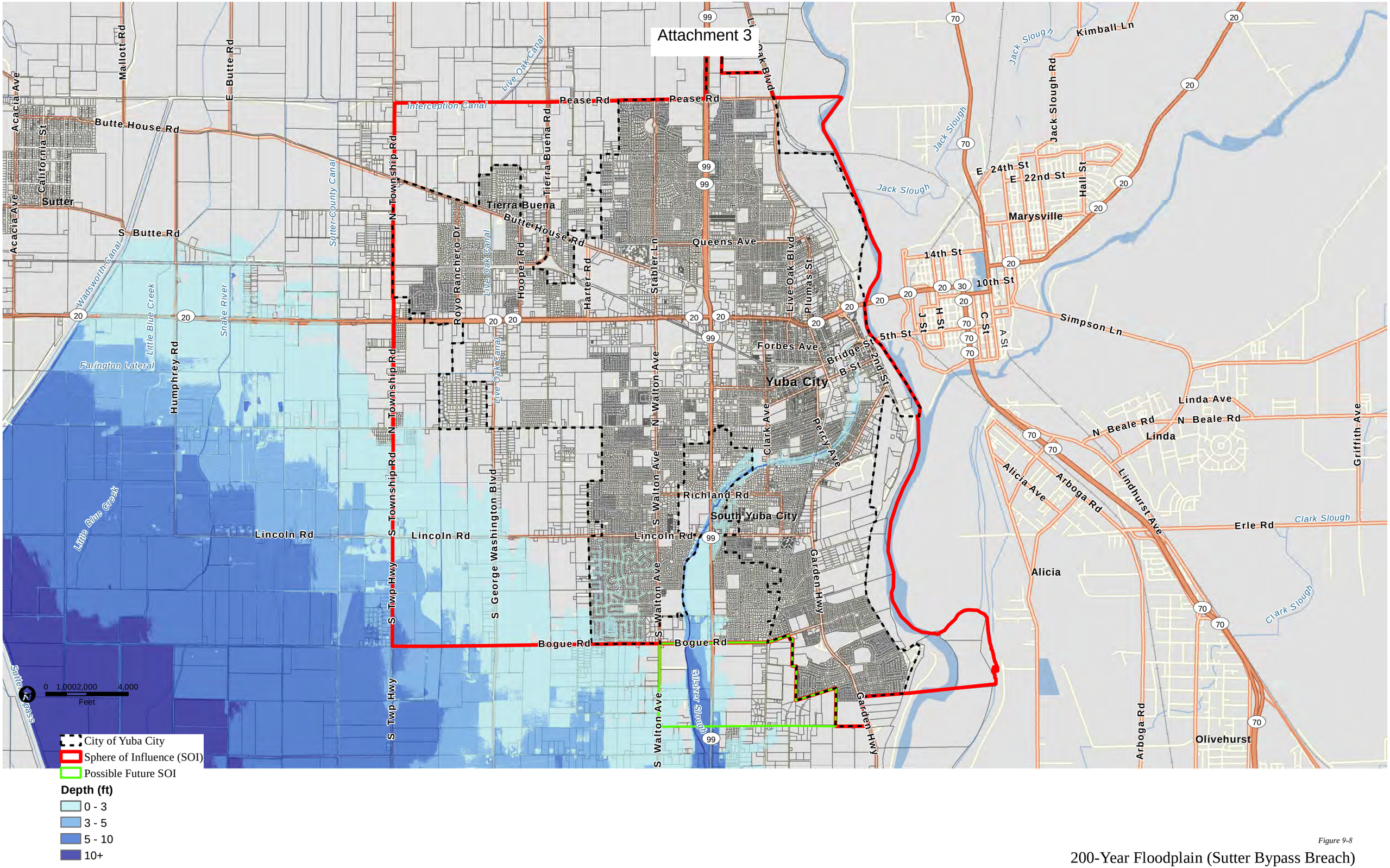
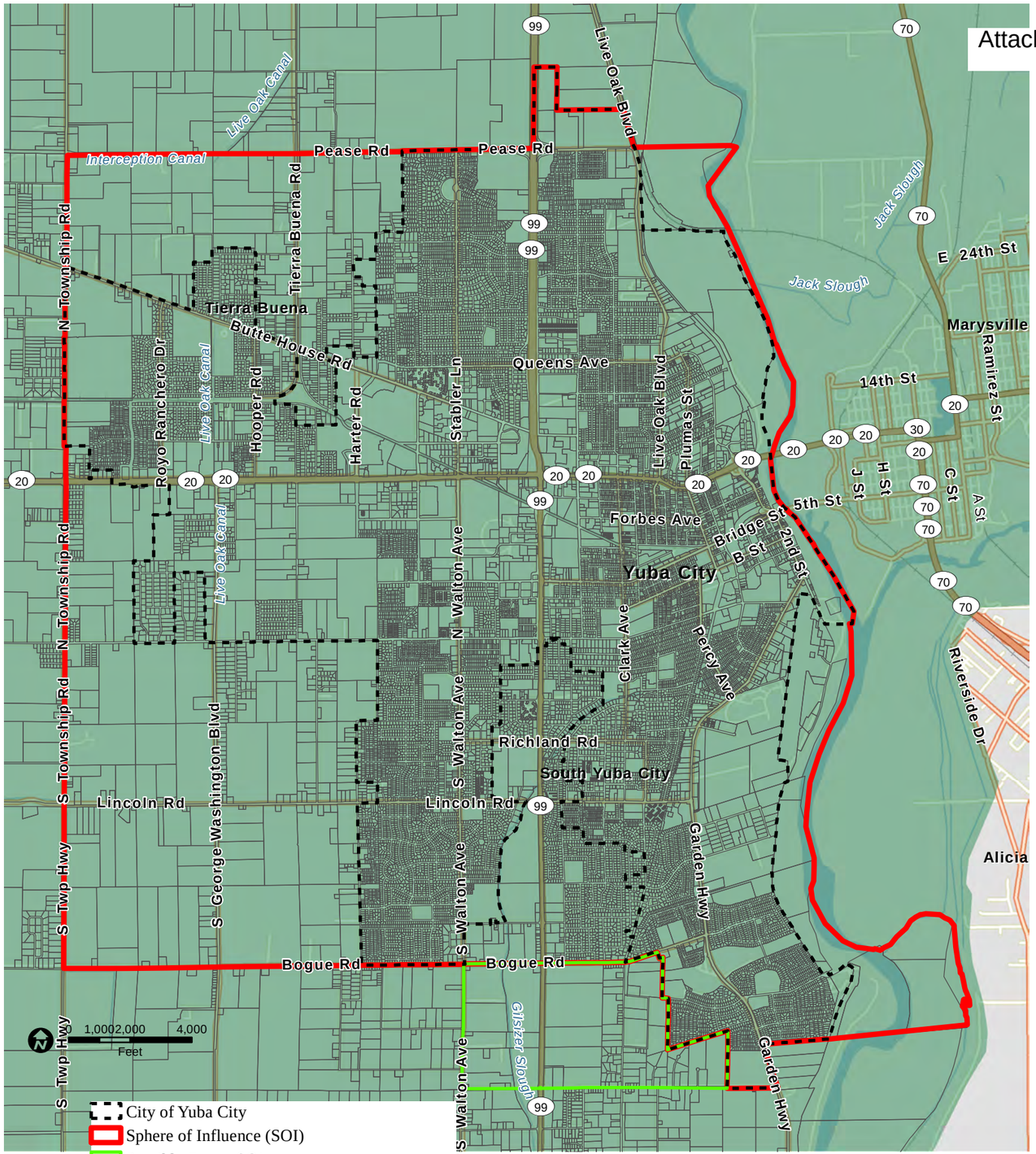


Figure 9-8

200-Year Floodplain (Sutter Bypass Breach)

Attachment 4



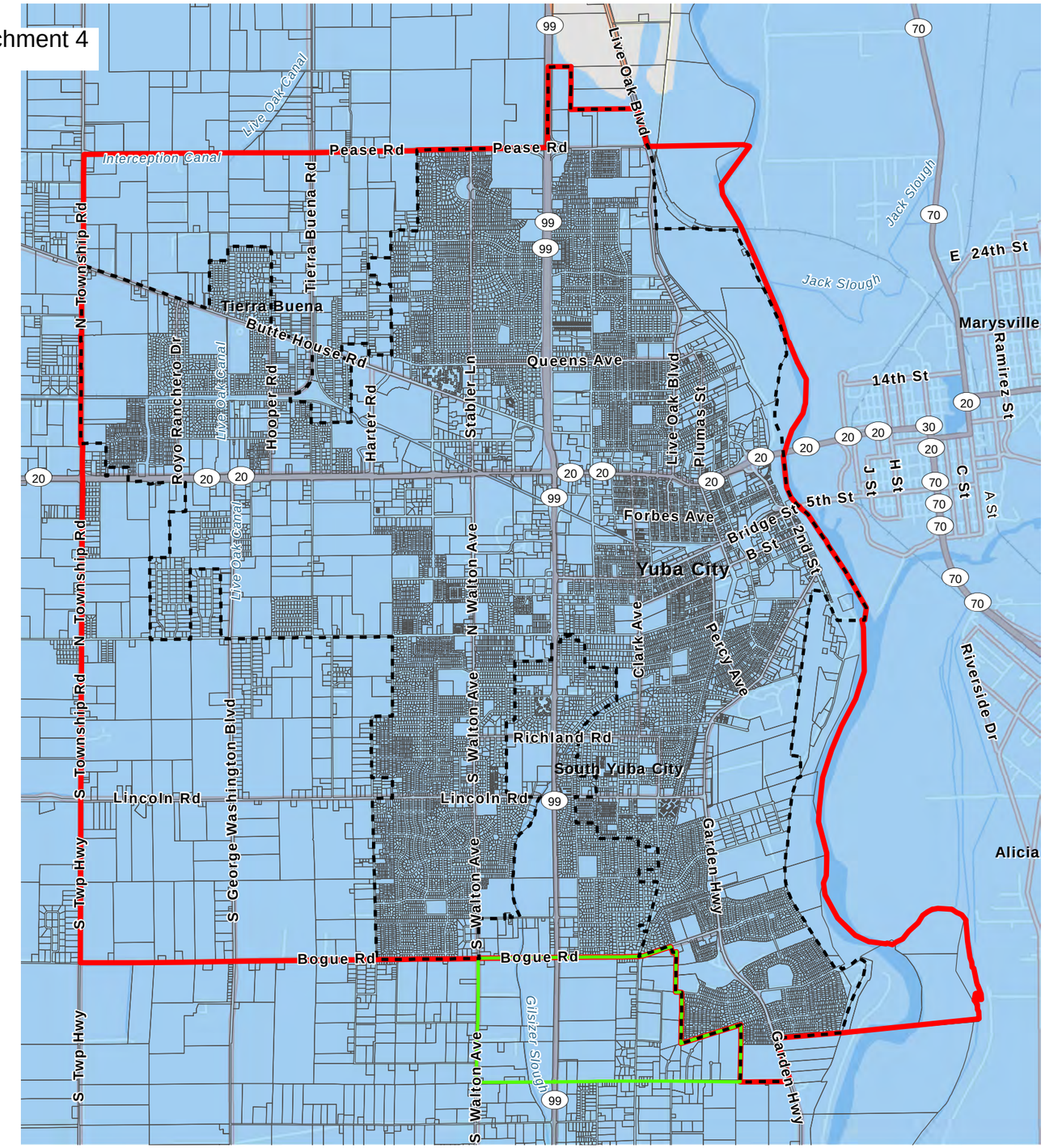


Figure 9-9

Dam Failure Inundation Map

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING TITLE 6, CHAPTER 9 RELATING TO FLOOD DAMAGE PREVENTION; TITLE 8, CHAPTER 2RELATING TO TENTATIVE AND VESTING TENTATIVE MAPS; CHAPTER 5, ZONING; CHAPTER 6, CONDOMINIUM CONVERSIONS; AND CHAPTER 7 PLANNED UNIT DEVELOPMENTS

WHEREAS, Zoning Code Text Amendment No. 16-01 has been filed by the City of Yuba City pertaining to flood hazard protection;

WHEREAS, pursuant to the provisions of Article 72, Chapter 8, of the City of Yuba City Municipal Code, the Planning Commission held a public hearing on the 10th day of August, 2016, to consider Text Amendment No. 16-01 which proposes to amend Title 6, Chapter 9 relating to Flood Damage Prevention; Title 8, Chapter 2 relating to Tentative and Vesting Tentative Maps; Chapter 5, Zoning; Chapter 6, Condominium Conversions; and Chapter 7 Planned Unit Developments, as outlined in Attachment A;

WHEREAS, during said meeting, the Commission recommended to the Council of the City of Yuba City approval of the Text Amendment per Attachment A;

WHEREAS, at the same hearing the Commission considered related General Plan Amendment No. 16-03, which proposes to amend Chapters 3, 8, and 9, the Glossary, and Appendix A of the City's General Plan;

WHEREAS, at that same hearing the Commission considered related Negative Declaration Environmental Assessment No. 16-04;

WHEREAS, the City Council of the City of Yuba City considered said recommendations of the City Planning Commission on the matter of amending the City's General Plan and Municipal Code to address the Urban Level of Protection as required per Senate Bills (SB) 5 and 17 and Assembly Bills (AB) 5, 70, 162, and 156. Collectively, these flood management bills necessitated changes to the California Government Code sections governing the content of General Plans.

WHEREAS, the Council of the City of Yuba City, on the 6TH day of September, 2016, received the recommendation of the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Yuba City seeks to amend the regulations pertaining to flood hazard protection.

Section 2. The City Council of the City of Yuba City does hereby amend the Yuba City Municipal Code as set out in Attachment A.

Section 3. This ordinance shall be effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage, and shall be published as provided by law.

Section 4. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the day of 6th day of September, 2016, and passed and adopted at a regular meeting held on the 20th day of September, 2016.

AYES:

NOES:

ABSENT:

_____

John Buckland, Mayor

ATTEST:

_____

Terrel Locke, Chief Deputy City Clerk

APPROVED AS TO FORM:

_____

Tim Hayes, City Attorney

ATTACHMENT A

Zoning Ordinance Amendments (changes reflected in red)

Section 1. The following sections of the Yuba City Municipal Code are hereby amended to read as follows:

Sec. 6-9.218 - Flood Hazard Zone.

" Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

Sec. 6-9.219~~8~~ - Flood Insurance Rate Map (FLRM).

"Flood Insurance Rate Map (FIRM)" shall mean the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Yuba City. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~219~~220. - Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~220~~221. - Floodplain or flood-prone area.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~221~~222. - Floodplain Administrator.

"Floodplain Administrator" means the individual appointed by the Council to administer and enforce the floodplain management regulations. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~222~~223. - Floodplain management.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplains, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~223~~224. - Floodplain management regulations.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~224~~225. - Floodproofing.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~225~~226. - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one ft. Also referred to as "regulatory floodway." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~226~~227. - Floodway encroachment lines.

"Floodway encroachment lines" means the lines marking the limits of floodways on Federal, State, and local floodplain maps. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~227~~228. - Floodway fringe.

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~228~~229. - Fraud and victimization.

"Fraud and victimization," as related to Article 6, Variance Procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Yuba City will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~229~~230. - Hardship.

"Hardship," as related to Article 6, Variance Procedures, of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~230~~231. - Highest adjacent grade.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~231~~232. - Historic structure.

"Historic structure" means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~232~~233. - Levee.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~233~~234. - Levee system.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~234~~235. - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. (Note: This definition allows attached garages to be built at grade provided it conforms with the requirements of FEMA technical bulletin 7-93 entitled "Wet Floodproofing Requirements." Below grade garages are not allowed as they are considered to be basements.) (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~235~~236. - Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~236~~237. - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~237~~238. - Mean sea level.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's

Flood Insurance Rate Map are referenced. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.239. - Moderate Hazard Area.

"Moderate Hazard Area" means an area in the floodplain subject to a half-percent or greater chance of flooding in any given year. It is shown on a Flood Hazard Boundary Map (FHBM) or Federal Insurance Rate Map (FIRM) as zone B or X (shaded).

Sec. 6-9.~~238~~240. - New construction.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the Council and which includes any subsequent improvements to such structures. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~239~~241. - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Council. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.242. - Non-urban or Not Urbanizing Area.

A non-urban or not urbanizing area is a developed area or an area outside a developed area in which there are fewer than 10,000 residents. Yuba City is an urban area and does not constitute any non-urban or urbanizing area.

Sec. 6-9.~~240~~243. - Obstruction.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may: (a) alter, impede, retard, or change direction and/or velocity of the flow of water; (b) snare or collect debris carried by the flow of water due to its location; or (c) be carried downstream. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~241~~244. - One hundred-year flood.

"One hundred-year flood" or "100-year flood." See "Base flood." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~242~~245. - Public safety and nuisance.

"Public safety and nuisance" as related to Article 6, Variance Procedures, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~243~~246. - Recreational vehicle.

"Recreational vehicle" means a vehicle which is: (a)
Built on a single chassis;
(b) 400 square ft. or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light-duty truck; and
(d) Designed primarily not for use as permanent dwelling but as temporary living quarters for

recreational, camping, travel, or seasonal use. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~244~~247. - Regulatory floodway.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one ft. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~245~~248. - Riverine.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~246~~249. - Sheet flow area.

"Sheet flow area." See "Area of shallow flooding." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~247~~250. - Special flood hazard area (SFHA).

"Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~248~~251. - Start of construction.

"Start of construction" includes substantial improvement and other proposed new development and means the date that a permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~249~~252. - Structure.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~250~~253. - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~251~~254. - Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however,

include either:

(a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9-254. - Urban Area.

An urban area is a developed area in which there are 10,000 residents or more. All lands within the City limits of Yuba City are considered an urban area.

Sec. 6-9-255. - Urban Level of Flood Protection.

"Urban lev el of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources. "Urban level of flood protection" shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection.

Sec. 6-9-256. – Urbanizing Area.

An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years. Yuba City is an urban area and does not consist of any non-urban or urbanizing areas.

Sec. 6-9.~~252~~257. - Variance.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~253~~258. - Violation.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~254~~259. - Water surface elevation.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~255~~260. - Watercourse.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (§ 2, Ord. 002-07, eff. March 28, 2007)

Section 2. Article 6, Chapter 9 of Title 9 of the Yuba City Municipal Code is hereby amended to read as follows:

Article 6 – Floodplain Management Findings.

Sec. 6-9.601 Development agreements.

The City Council shall not approve the execution of a development agreement for property that is located within a flood hazard zone unless the City Council finds, based on substantial evidence in the record, one of the following:

(a) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(b) The city has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(c) The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection by 2025 in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system;

(d) The property in an undetermined risk area has met the urban level of flood protection;

(e) The property is located in an area of potential flooding of 3 feet or less from sources other than local drainage or potential flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection; or

(f) The property is located within a watershed with a contributing area of 10 or fewer square miles, as determined by the City.

Sec. 6-9.602 Permits and entitlements.

The decision-maker, as designated in Title 8, shall not approve a discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or a ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following: (a)

The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(b) The City has imposed conditions on the permit or discretionary entitlement that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(c) The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection by 2025 system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system;

(d) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record;

(e) The property is located in an area of potential flooding of 3 feet or less from sources other than local drainage or potential flooding from local drainage that meets the criteria of the national

Federal Emergency Management Agency standard of flood protection; or

(f) The property is located within a watershed with a contributing area of 10 or fewer square miles, as determined by the City.

Sec. 6-9.603 Maps.

The decision-maker, as designated in the Title 8, shall not approve a tentative map, or a parcel map for which a tentative map is not required, for a subdivision that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following:

(a) The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(b) The City has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

(c) The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection by 2025 in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system;

(d) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record;

(e) The property is located in an area of potential flooding of 3 feet or less from sources other than local drainage or potential flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection; or

(f) The property is located within a watershed with a contributing area of 10 or fewer square miles, as determined by the City.

Sec. 6-9.604 - Construction or development in a Flood Hazard Zone.

The decision-maker specified in Title 8 must make one of the findings in Title 6, Chapter 9, Article 6 prior to approving any of the following for construction or development within a Flood Hazard Zone:

(1) A Development Agreement;

(2) A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building;

(3) A ministerial permit that would result in the construction of a new residence; or

(4) A tentative map, or a parcel map for which a tentative map is not required, for a subdivision.

Section 3. Article 7, Chapter 9 of Title 9 is hereby added to the Yuba City Municipal Code to read as follows:

Article 7~~6~~ – Variance Procedures.

Sec. 6-9.~~601~~701. - Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The variance criteria set forth in this section of the chapter are based on the general principle of zoning

law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long- term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~6~~7602. - Conditions for variances.

(a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles 4 and 5 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Article 2 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation of an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation with the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(e) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Sutter County Recorder and shall be recorded in a manner to the Federal Emergency Management Agency. (§ 2, Ord. 002-07, eff. March 28, 2007)

Sec. 6-9.~~6~~7703. – Appeal Board.

(a) The City Council shall review and decide requests for variances and, in reviewing such variance

applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;
(2) Danger of life and property due to flooding or erosion damage;
(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
(4) Importance of the services provided by the proposed facility to the community;
(5) Necessity to the facility of a waterfront location, where applicable;
(6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
(7) Compatibility of the proposed use with existing and anticipated development;
(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(b) Variances shall only be issued upon a:

(1) Showing of good and sufficient cause;
(2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "public safety and nuisance" as defined in Section 6-9.242, cause fraud and victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 6-9.7~~6~~03(a) through (d) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(b) Upon consideration of the factors of Section 6-9.7~~6~~02(a) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (§ 2, Ord. 002-07, eff. March 28, 2007)

Section 4. The following sections of the Yuba City Municipal Code are hereby amended to read as follows:

Sec. 8-2.609. - Planning Commission action.

The Planning Commission shall take action to approve, conditionally approve or deny a tentative or vesting tentative map within 50 days after the map is filed, unless such time is extended by agreement with the subdivider.

(a) Findings. If the Planning Commission finds that the proposed map complies with the requirements of this chapter, the State Subdivision Map Act, and the zoning laws of the City, it shall approve or conditionally approve the map. The Planning Commission shall deny a tentative or vesting tentative map if it makes any of the following findings:

(1) That the map proposed is not consistent with applicable general and specific plans;
(2) That the design or improvement of the proposed subdivision is not consistent with

applicable General and specific plans or adopted City standards;

(3) That the site is not physically suitable for the proposed density of development;

(4) That the site is not physically suitable for the type of development;

(5) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems; or

(7) OneNone of the findings in section 6-9.601 of the Municipal Code is satisfied; or

(78) That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Planning Commission may approve a map if it finds that alternate easements, for access or use, will be provided and will be substantially equivalent to those previously acquired by the public. The provisions of this subsection shall apply only to easements of record or to easements established by a judgment of a court of competent jurisdiction.

Sec. 8-5.503. - Development standards.

Minimum lot size	5,000 sq. ft., 6,000 sq. ft. for corner lots. Special criteria and exceptions are provided in Article 55.
Minimum lot width	50 ft., except that for cul-de-sac lots it may be 40 ft. if the width is at least 50 ft. at the back of the front yard line.
Maximum percentage of lot coverage	40% for two-story residences and 45% for single story residences, includes all main and accessory buildings, except as provided in Section 8-5.5001(c) and (d).
Maximum building height	2 stories not to exceed 35 ft., except as provided in Article 56.
Minimum yards	Front - 15 ft., except that garage entrances must be 20 ft.
	Interior Side - 5 ft. For any public building, church, school, library, museum, or other similar use, permitted pursuant to the regulations of this district, a minimum distance of 15 ft. from any adjoining lot containing or potentially containing a one-family residence.
	Street Side - 10 ft., except that garage entrances must be 20 ft.
	Rear - 25 ft. or 20% of the total lot depth, whichever is less.
	Exceptions are provided in Article 57.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Public improvements	As provided in Article 62.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.503, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 08-99, eff. July 1, 1999)

Sec. 8-5.603. - Development standards.

Density	The residential density must be within the minimum and maximum density range for the General Plan designation within which the project is located.
Minimum lot size	Two-family residence - 6,000 sq. ft., 7,000 sq. ft. corner lot.
	One-family residence - 3,500 sq. ft., 4,500 sq. ft. corner lot.
	Special criteria and exceptions are provided in Article 55.
Minimum lot width	60 ft., except that for cul-de-sac lots it may be 50 ft. if the width is at least 60 ft. at the back of the front yard line.
Maximum percentage of lot coverage	Two-family residence - 40% for two-story residences, includes all main and accessory buildings.
	One-family residence - 45% for single story residences, includes all main and accessory buildings.
	Except as provided in Section 8-5.5001(c) & (d).
Maximum building height	3 stories not to exceed 35 ft., except as provided in Article 56.
Minimum yards	Front - 15 ft., except that garage entrances must be 20 ft.
	Interior Side - 5 ft. For any public building, church, school, library, museum, or other similar use, permitted pursuant to the regulations of this district, a minimum distance of 15 ft. from the lot line of any adjoining residential lot containing or potentially containing a one-family residence.
	Street Side - 10 ft., except that garage entrances must be 20 ft.
	Rear - 25 ft. or 20% of the total lot depth whichever is less.
	Exceptions are provided in Article 57.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.603, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 08-99, eff. July 1, 1999)

Sec. 8-5.703. - Development standards.

Maximum density	General Plan Designation
	High Density Residential - 1 unit/1,000 sq. ft. lot area.
	Medium Density Residential - 1 unit/ 1,500 sq. ft. lot area.
Minimum lot size	Two-family residence - 10,000 sq. ft.
	Special criteria and exceptions are provided in Article 55.
Minimum lot width	100 ft., except that for cul-de-sac lots it may be 80 ft. if the width is at least 100 ft. at the back of the front yard line.

Maximum percentage of lot coverage	60%, includes all main and accessory buildings, except as provided in Sec. 8-5.5001(c) and (d).
Maximum building height	4 stories not to exceed 48 ft. - except if within 25 ft. of an R-1 District, then 2 stories not to exceed 30 ft., within 35 ft. of an R-1 District, then 3 stories not to exceed 40 ft. and within 45 ft. of an R-1 District, then 4 stories not to exceed 48 ft. - except as provided in Article 56.
Maximum building height	Accessory Buildings - 20 ft.
Minimum yards	Front - 15 ft.
	Interior Side - 5 ft.
	Street Side - 15 ft.
	Rear - 10 ft.
	Exceptions are provided in Article 57.
Minimum distance between buildings	Front to Any Side or Rear - 20 ft.
	All others - 10 ft.

Open space/recreation areas	200 sq. ft./unit.(1)
Walkways	Walkways shall link the residential units with recreational and other internal facilities as well as other residential units.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash Enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(1) a. Open space/recreation area criteria:
To qualify as open space an area must be a minimum of 6 ft. by 10 ft. located between the required front yard, street side yard and rear property line.

b. Areas that may be included are private or common balconies, patios or decks; recreation rooms, roof areas designed to accommodate recreation or leisure activities, swimming pool/spa areas, other types of recreation or leisure area, landscaped areas.

c. Areas that do not qualify are front and street side yards, driveways and parking areas and associated required landscaping, clothes drying areas, walkways between buildings and entryways.

d. At least 20% of the open space/recreation area shall be landscaped, as provided in Section 8-5.6004. (§ 8-5.703, Ord. 010-94, eff. January 5, 1995)

Sec. 8-5.1103. - Development standards.

Minimum lot size	6,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	4 stories not to exceed 52 ft., except as provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.1103, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 06-01, eff. August 16, 2001)

Sec. 8-5.1203. - Development standards.

Maximum district size	3 acres.
Minimum lot size	5,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	2 stories not to exceed 30 ft., except as provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.

Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.1203, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 06-01, eff. August 16, 2001)

Sec. 8-5.1303. - Development standards.

Minimum lot size	5,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	4 stories not to exceed 52 ft., except as provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.1303, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 06-01, eff. August 16, 2001)

Sec. 8-5.1403. - Development standards.

Minimum lot size	5,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	4 stories not to exceed 52 ft., except as provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.

Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.1403, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 06-01, eff. August 16, 2001)

Sec. 8-5.1503. - Development standards.

Minimum lot size	5,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	4 stories not to exceed 52 ft., except as provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.1503, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 07-95, eff. August 31, 1995)

Sec. 8-5.2003. - Development standards.

Minimum lot size	20,000 sq. ft. Special criteria and exceptions are provided in Article 55.
Maximum building height	45 ft., except as provided for in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.

Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.2003, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 08-99, eff. July 1, 1999)

Sec. 8-5.2103. - Development standards.

Minimum lot size	1 acre. Special criteria and exceptions are provided in Article 55.
Maximum building height	60 ft., except as provided for in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot where neighboring uses have front yards, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.2103, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 08-99, eff. July 1, 1999)

Sec. 8-5.2503. - Development standards.

Minimum lot size	10 acres.
Minimum lot width	300 ft.
Maximum building height	3 stories not to exceed 35 ft., except as provided in Article 56.
Minimum yards	Front - 55 ft. from the centerline for any street or road that does not have an established future plan line. On any street for which the future width is established, the front yard shall be 15 ft., except that garages facing a street shall be 20 ft. from the edge of the plan line.
	Interior Side - 5 ft.
	Street Side - 55 ft. from the centerline for any street or road that does not have an established future plan line. On any street on which the future width is established, the yard shall be 15 ft., except that garages facing a street shall be 20 ft. from the edge of the plan line.
	Rear - 25 ft. or 20% of the total lot depth whichever is less.
	Exceptions are provided in Section 8-5.5703.

Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Off-street parking and loading	As provided in Article 61.
Public improvements	As provided in Article 62.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.2503, Ord. 010-94, eff. January 5, 1995)

Sec. 8-5.2602. - Uses.

Uses	Permitted(1)	Use Permit(2)	Specific Standards(3)
Agriculture(~~3~~4)	X		
Any new permanent building associated with a permitted use		X	
Dredging and/or gravel pit		X	
Public facilities(~~3~~4)	X		
Recreational facilities(~~3~~4)	X		

(1) The level of review is determined as provided in Section 8-5.7001.

(2) See Section 8-5.7003 for review process explanation.

(3) Flood standard as provided in Title 6, Article 9, Chapter 6.

(4~~3~~) Provided no new building is involved. (§ 8-5.2602, Ord. 010-94, eff. January 5, 1995)

Sec. 8-5.2803. - Development standards.

Minimum lot size	None.
Minimum lot width	None.
Maximum building height	3 stories not to exceed 39 ft., exceptions are provided in Article 56.
Minimum yards	Front - 10 ft.
	Street Side - 10 ft.
	Interior Side - None, except when abutting a residential district, then 15 ft.
	Rear - None, except when abutting a residential district or for a through lot, then 15 ft.
Exterior lighting	As provided in Article 58.
Fences, walls, hedges and intersection visibility	As provided in Article 59.
Landscaping	As provided in Article 60.
Off-street parking and loading	As provided in Article 61.

Public improvements	As provided in Article 62.
Signs	As provided in Article 63.
Trash enclosures	As provided in Article 64.
Flood Standard	As provided in Title 6, Chapter 9, Article 6.

(§ 8-5.2803, Ord. 010-94, eff. January 5, 1995)

Sec. 8-5.7001. – Permitted uses—Level of review for multiple-family, commercial and industrial uses.

This section specifies the level of review for proposed multiple-family, commercial and industrial uses of land or structures that are listed as "permitted" uses within the district the proposed use is located. The process provides for increasing levels of review based on the size or intensity of a project. For specific construction standards and regulations within Flood Hazard Zones, see Title 6, Chapter 9, Article 9, Flood Damage Prevention, for additional information.

(a) Level of review. To determine the applicable review process, a proposed project shall be compared to the following matrix. When Planning Commission (Section 8-5.7001(c)) or City Council (Section 8-5.7001(d)) development plan review is required by this article and a use permit is also required then the site plan review process shall be used in lieu of the use permit process.

Level of Review Matrix				
		Development Plan Review		
Land Use(1)	Review Criteria	Ministerial	Planning Commission	City Council
Multiple-Family	# of Units	1—25	26—100	101+
Office	Gross floor area (sf)	1—35,000	35,001—100,000	100,001+
Retail & Service Indoor Outdoor	Square footage	1—25,000	25,001—100,000	100,001+
	Square footage	1—35,000	35,001—125,000	125,001+
Industrial Warehouse & Outdoor Storage	Square footage	1—35,000	35,001—100,000	100,001+
	square footage	1—50,000	50,001—150,000	150,001+
Conversion of an Existing Facility to a Different Category of Use	Square footage of usable area	1—35,000	35,001—100,000	100,001+
Conversion of Commercial or Industrial Sites to Same Category of Use	Tenant Improvements	All projects		
Central City Specific Plan		All projects		

(1) Expansion of facilities have the same level of review as a new project (considering expansion area only) provided it has been two years or more between original

completion and beginning of the next expansion. Otherwise the total square footage is figured as cumulatively.

(b) Ministerial development plan review.

(1) Those projects determined to be ministerial shall be reviewed and decided upon by the Planning Director. No public hearing is required for this level of review.

(2) Following receipt of a complete application and review of the application, the Planning Director shall do one of the following.

(i) Approve the application if it is determined that the proposal will comply with all applicable requirements of this chapter and other City standards. Applications for all residential uses are required to satisfy at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code. The term to begin and complete construction for an approved development plan shall be the same as the building permit.

(ii) Deny the application if it is determined that the proposal will not comply with all applicable standards of this chapter and all other City standards.

(iii) Request further information as needed in order to make the determination to approve or deny the application.

(3) Appeals. The decision of the Planning Director may be appealed to the Planning Commission (Section 8-5.7104(a)).

(c) Planning Commission development plan review. This provides a review process for medium to large expansions or new projects that for which the anticipated uses are permitted by the district in which the proposal is located. Because of the scale of the proposal the Planning Commission's review is needed to assure that the project will be compatible with existing or expected neighboring improvements and that adequate public facilities are available to serve the project.

(1) Process. Following acceptance of a complete development plan application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff and recommendation by the Planning Department, the Planning Commission shall conduct a public hearing on the proposal. Procedures contained in Article 71 of this chapter are applicable to the Planning Commission development plan review.

(2) Notice and hearing. Notice of a public hearing shall be given pursuant to Government Code §§ 65090 through 65095.

(3) Determination. Following the close of the public hearing the Planning Commission shall approve, approve with conditions or deny the application within 30 days of the close of the hearing.

(4) Findings for approval. Approval or approval with conditions shall be granted when the following findings can be made, based on information in the record:

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

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

(iii) The site design, design of the buildings and the scale of the project will complement neighboring facilities.

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

(5) Appeals. The decision of the Planning Commission may be appealed to the City Council (Section 8-5.7104(b)).

(d) City Council development plan review. The City Council development plan review process shall be the same as established for the Planning Commission development plan review except that the Planning Commission, following a public hearing, shall make an advisory recommendation to the City Council. Following the Commission's recommendation, the Council shall conduct a public hearing. The development plan shall be decided based on the same findings as required of the Planning Commission. Procedures contained in Article 71 of this chapter are applicable to City Council development plan review. (§ 8-5.7001, Ord. 010-94, eff. January 5, 1995; § 1, Ord. 07-95, eff. August 31, 1995; § 1, Ord. 10-96, eff. December 19, 1996)

Sec. 8-5.7003. - Use permits.

Uses requiring a use permit are those for which their effect on surrounding uses and the environment typically cannot be determined in advance of being proposed for a particular location. This process provides for the review of the location, configuration, design and impacts of the proposed use.

(a) Process. Following acceptance of a complete use permit application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff and recommendation by the Planning Department, the Planning Commission shall conduct a public hearing on the proposal.

(b) Notice and hearing. Notice of a public hearing shall be given pursuant to Government Code §§ 65090 through 65095.

(c) Determination. Following the close of the public hearing the Planning Commission shall approve, approve with conditions or deny the use permit application within 30 days of the close of the hearing.

(d) Findings for approval. Approval or approval with conditions shall only be granted when the following findings can be made, based on information in the record:

(1) The proposal is consistent with the General Plan.

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

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

(4) The site design and the size and design of the buildings will complement neighboring facilities.

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

(6) At least one of the findings in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.

(e) Appeals. The decision of the Planning Commission may be appealed to the City Council (Section 8-5.7104(b)). (§ 8-5.7003, Ord. 010-94, eff. January 5, 1995)

Sec. 8-6.10. - Findings.

The Planning Commission, or the City Council on appeal, shall not approve any application for conversion of rental units unless the planning commission or City Council can find that:

(a) All provisions of this chapter are met.

(b) The project is not detrimental to the health, safety, or general welfare of the community.

(c) The project is consistent with the General Plan Housing Element.

(d) The vacancy rate for rental units of similar size and rental rates is above 5% as determined in January and July by the Planning director, or at any other time as directed by the Planning Commission.

(e) Relocation payments to displaced tenants are provided at a rate of no less than 1½ times the monthly rental of the unit. The developer will actively seek alternative housing for families displaced by conversion.

(f) The relocation program provides for deferred displacement of families with children, elderly tenants, and handicapped tenants.

(g) No rent increase has been made to reduce or eliminate tenancy in preparation for conversion. Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall have not less than 120 days from the date of filing of the final subdivision map or parcel map to find substitute housing and to relocate.

(h) Diverse forms of financing acquisition of the units, including FHA, VA, Cal Vet, conventional, etc., shall be available to allow the best terms to the existing tenants.

(i) At least one of the findings in section Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied. (§ 1, Ord. 836, eff. March 3, 1980)

City of Yuba City

SB 5 General Plan Amendments and Municipal Code Revisions

Draft Initial Study/ Negative Declaration

May 2016

Prepared for:

City of Yuba City
1201 Civic Center Boulevard
Yuba City, California 95993

Prepared by:

1410 Rocky Ridge Drive, Suite 140
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1.0 Introduction

1.1 Purpose and CEQA Process

This Initial Study/ Negative Declaration (IS/ND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City), from the proposed amendments to the City of Yuba City General Plan Land Use Element, Environmental Conservation Element, Public Utilities Element, and Noise and Safety Element (referred to collectively as the "General Plan Amendments") as well as the Municipal Code sections (referred to collectively as the "Municipal Code Revisions"). The General Plan Amendments and Municipal Code revisions are considered a project under the California Environmental Quality Act (CEQA), and the City has discretionary authority over the project. Pursuant to CEQA Guidelines Section 15367, the City is the Lead Agency in the preparation of this IS/ND and any additional environmental documentation required for the General Plan Amendments and Municipal Code Revisions.

This IS/ND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/ND is to determine the potential significant impacts associated with the implementation of the General Plan Amendments and Municipal Code Revisions. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of approvals required for implementation of the General Plan Amendments and Municipal Code Revisions, and details on how to provide input or comment on this IS/ND. Section 2 of this document provides an overview of the General Plan Amendments, and Section 3 includes the environmental checklist and evaluation of potential environmental impacts that may reasonably or foreseeably result from implementation of the General Plan Amendments and Municipal Code Revisions. Appendix A of this document provides the General Plan Amendments; Appendix B of this document provides the Municipal Code Revisions.

1.2 Approvals Required

The City of Yuba City is designated as the Lead Agency for this project. According to Sections 15050 and 15367 of the CEQA Guidelines, responsible agencies are those agencies that have discretionary approval authority over one or more actions required for the development of a proposed project. The proposed General Plan Amendments are a program-level planning document for the City of Yuba City to use moving forward, and the Municipal Code Revisions would implement the General Plan Amendments. As such, neither the General Plan Amendments nor the Municipal Code Revisions contain a specific or proposed land-use development plan, changes to the General Plan Land Use Diagram or changes to the Zoning Map; as such, no responsible agencies are identified at this time. The approval and implementation of the General Plan Amendments and Municipal Code Revisions would not precipitate any subsequent land-use development or redevelopment projects. Unrelated development projects within the City's jurisdiction would be subject to discretionary approval by the City and, depending on the development proposal, other public agencies. Approval of the amendments to the City of Yuba City General Plan Land Use Element, Environmental Conservation Element, Public Utilities Element, and Noise and Safety Element would require action by the Planning Commission and the City Council to adopt the General Plan Amendments and approve the associated CEQA compliance documentation. The Central Valley Flood Protection Board (CVFPB) has review authority of specific components of the General Plan Amendments; however, the CVFPB does not have approval authority over the General Plan Amendments or Municipal Code Revisions.

1.3 Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/ND to contact affected public agencies, organizations, and persons who may have an interest in the proposed project. In reviewing the Draft IS/ND, 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 significant effects of the General Plan Amendments and Municipal Code Revisions (project) would be avoided or mitigated.

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

Comments on the Draft IS/ND must be submitted in writing during the 30-day comment period, which will commence on **May 2, 2016** and end on **June 1, 2016**. Written comments on the Draft IS/ND should be sent to the following address by 5:00 p.m. on **June 1, 2016**:

Arnoldo Rodriguez, Director of Development Services
City of Yuba City Development Services Department
1201 Civic Center Boulevard
Yuba City, California 95993
Fax: (530) 822-4694

Following the close of the public comment period, the City Council will consider this IS/ND and the comments thereto in determining whether to approve the proposed project.

1.4 Incorporated by Reference

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

- Carollo. 2011. *City of Yuba City 2010 Urban Water Management Plan*. June 2011.
- Dyett & Bhatia. 2004. *City of Yuba City General Plan*. Adopted April 8, 2004.
- Yuba City. 2011. Yuba City Bicycle Master Plan. Adopted February 1, 2011.

2.0 Project Description

2.1 Project Location

The City of Yuba City is located in the northeast portion of Sutter County, California, and is bordered to the east by the Feather River. Surrounding cities include Linda and Marysville. The City is approximately 15 square miles and supports a population of 65,000 residents. The major roadways that traverse the City are California State Route 20 (SR 20) and California State Route 99 (SR 99). Figure 1 shows the regional location of the City of Yuba City. Figure 2 shows the local vicinity of the City of Yuba City, including the City's adopted Sphere of Influence.

2.2 Project Background

In 2007, the California Legislature enacted six interrelated bills, including Senate Bills (SB) 5 and 17, and Assembly Bills (AB) 5, 70, 162, and 156. The goal of these bills is to improve flood management and to strengthen the linkage between local land use planning decisions and flood management practices. Together, these flood regulations outline a comprehensive approach to improve flood management at the State and local levels.

The SB 5 legislation requires that an Urban Level of Flood Protection (ULOP) be provided in specific locations in the Sacramento-San Joaquin Valley as defined by California Government Code Section 65007(h). The ULOP is defined as the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Resources (DWR). SB 5 also requires all cities and counties within the Sacramento-San Joaquin Valley, to make findings related to the ULOP standard or the national FEMA standard of flood protection before approving land use decisions.

Assembly Bill 70 (AB 70) was signed into law by the Governor of California in 2007 and the requirements of the bill have since been codified as Water Code 8307. The law states that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project.

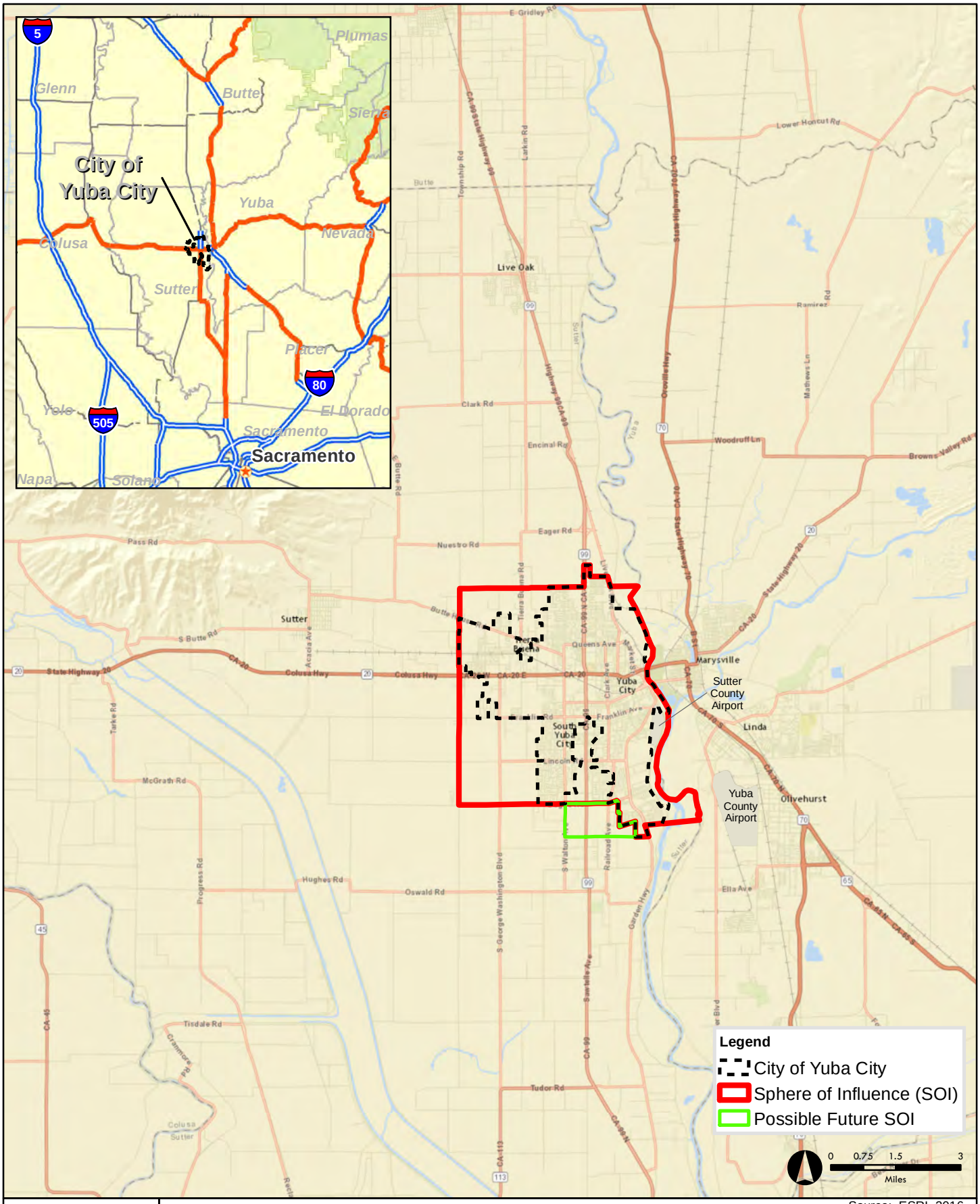
Assembly Bill 156 (AB 156) was signed into law by the Governor of California in 2007 and the requirements of the bill have since been codified as Water Codes 9121(c), 9140, and 9650. The laws state that on or before September 1 of each year after 2010, the department shall provide written notice to each landowner whose property is determined to be entirely or partially within a levee flood protection zone; on or before September 30 of each year, a local agency responsible for the operation and maintenance of a project levee shall prepare and submit to the department, in a format specified by the department, a report of information for inclusion in periodic flood management reports prepared by the department relating to the project levee; and commencing July 1, 2008, the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized on or after July 1, 2008, that protects an area in which more than 1,000 people reside shall be subject to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee, including a charter city or charter county, enter into an agreement to adopt a safety plan within two years. If a city or county is responsible for the operation and maintenance of the project

levee, the governing body shall approve a resolution committing to the preparation of a safety plan within two years.

Assembly Bill 162 (AB 162) was signed into law by the Governor of California on October 7, 2007 and the requirements of the bill have since been codified as Government Code Section 65302. The law states that when a local jurisdiction updates its Housing Element on or after January 1, 2009, a jurisdiction also must:

- Update its Land Use Element to: *Identify and annually review those areas subject to flooding. Consider the location of water and natural resources that are used for the purposes of groundwater recharge and stormwater management.*
- Update its Conservation Element to: *Identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.*
- Update its Safety Element to: *Identify information regarding flood hazards and to establish a set of comprehensive goals, policies, and objectives, and feasible mitigation measures to protect communities from unreasonable risk of flooding.*

In response, the proposed General Plan Amendments would amend the City of Yuba City General Plan Land Use Element, Environmental Conservation Element, Public Utilities Element, and Noise and Safety Element, as well as Title 6 Public Works, Chapter 9 Flood Damage Prevention Ordinance and several chapters within Title 8 Planning and Zoning Code of the City's Municipal Code to bring the City into compliance with SB 5 (as amended by SB 1278 and AB 1965)) and SB 17, as well as AB 5, 70, 156 and162.



Source: ESRI, 2016

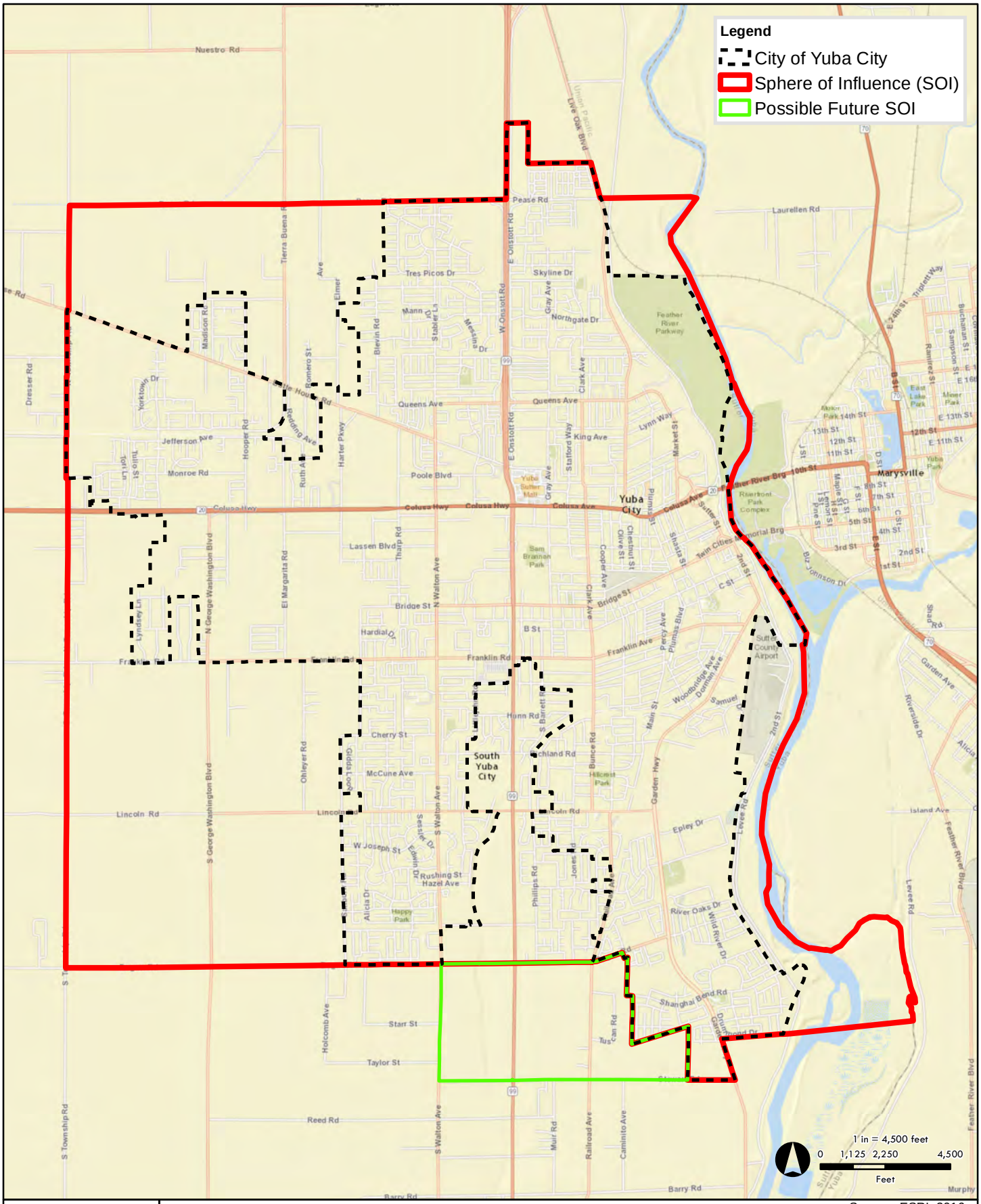
ATKINS

FIGURE 1
General Location Map

100046219

City of Yuba City Draft Initial Study/Negative Declaration

3/9/2016 gool4566 P:\All Employees - Projects (RSVL FILES)\10004+\46219 Yuba City Efficiency Plan\06 Work Product\05 ISMND\GIS\data\Fig1_GeneralLocationMap.mxd



Source: ESRI, 2016

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FIGURE 2
Local Vicinity

100046219

City of Yuba City Draft Initial Study/Negative Declaration

3/9/2016 gool4566 P:\All Employees - Projects (RSVL FILES)\10004+\46219 Yuba City Efficiency Plan\06 Work Product\05 ISMND\GIS\data\Fig2_LocalVicinity.mxd

2.3 Project Components and Objectives

The project consists of General Plan Amendments and Municipal Code Revisions. The proposed General Plan Amendments are a program-level planning document for the City of Yuba City to use moving forward to provide a ULOP, as discussed in Section 2.2. The Municipal Code Revisions would implement the General Plan Amendments. Neither the General Plan Amendments nor the Municipal Code Revisions contain a specific or proposed land-use development plan, changes to the General Plan Land Use Diagram or changes to the Zoning Map; as such approval and implementation of the General Plan Amendments and Municipal Code Revisions would not precipitate any subsequent land-use development or redevelopment projects.

2.3.1 General Plan Amendments

The General Plan Amendments are summarized below within the context of each individual element. The General Plan Amendments are provided as Appendix A.

Land Use Element Update

The draft Land Use Element update includes revisions to Section 3.4 (Pattern of Development, Growth & Expansion). These revisions are intended to provide consistency with the new flood hazard information included in the Safety Element.

Environmental Conservation Element Update

The draft Conservation Element update includes revisions to Section 8.1 (Open Space) and Section 8.5 (Water Quality). These revisions are intended to manage floodplain areas and protect water resources. As required by AB 162, the draft Conservation Element update also includes a new map of areas which can support groundwater recharge.

Noise and Safety Element Update

The draft Noise and Safety Element update includes revisions to Section 9.3 (Drainage, Stormwater, and Flooding) and Section 9.4 (Emergency Response). These revisions are intended to improve flood management and strengthen the linkage between local land use planning decisions and flood management practices. Specifically, new and amended policies require that new development and certain land use entitlements provide 200-year flood protection consistent with the ULOP criteria. New policies also require continued coordination with local, regional, State, and federal agencies to maintain an adequate flood management information base, as well as use of the best available flood hazard information. The draft Noise and Safety Element update also includes required information or references related to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs).

2.3.2 Municipal Code Revisions

The Municipal Code Revisions implement the new and amended General Plan policies. As required under SB 5, findings that certain land use decisions meet the ULOP criteria are required to be made prior to approval. The requirements for floodplain management findings and new definitions have been added to Title 6 Public Works, Chapter 9 Flood Damage Prevention Ordinance and several chapters within Title 8 Planning and Zoning Code of the City's Municipal Code. The Municipal Code Revisions are included in Appendix B.

3.0 Environmental Checklist and Impact Evaluation

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less than Significant with Mitigation Incorporated," as indicated by the checklist on the following pages.

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

Determination: On the basis of this initial evaluation:

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

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

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

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

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

_____ _____

Arnoldo Rodriguez
Development Services Director
City of Yuba City

Date

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?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Would the project:

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. The City of Yuba City's zoning regulations, standard development conditions, and design guidelines address site and building design. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial visual impacts on the physical environment and impacts would 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?

No Impact

State scenic highways are those highways that are either officially designated as State Scenic Highways by the California Department of Transportation (Caltrans) or are eligible for such designation. According to the California Scenic Highway Mapping System, there are no officially designated or eligible highways within the project area (Caltrans, 2011). Therefore, no impact would occur.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction that would substantially degrade the existing visual character or quality of Yuba City. However, potential development projects such as levee improvements and expansion

of flood management infrastructure are included in the General Plan Amendments. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, development resulting from the General Plan Amendments and Municipal Code Revisions would not result in any substantial degradation to the existing visual character or quality of the site. Impacts would be less than significant.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction that would create a new source of light or glare. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial light or glare that would affect day or nighttime views and impacts would be less than significant. In addition, any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts.

3.2 Agriculture 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 (1997), prepared by the California Department of Conservation, as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

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?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Would the project:

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?

Less-than-Significant Impact

The City contains soils designated by the California Department of Conservation (CDC), Division of Land Resources (DLRP), as Prime Farmlands and Farmland of Statewide Importance (CDC DLRP, 2014). These lands are located primarily in the extreme western portion of the City and adjacent to urban development.

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction that would convert farmland to a non-agricultural use. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, implementation of the General Plan Amendments and Municipal Code Revisions would be less than significant.

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

Less-than-Significant Impact

Refer to Section 3.2(a) above, which discusses the General Plan Amendments and Municipal Code Revisions' potential impact on agricultural land. The General Plan Amendments and Municipal Code Revisions would not result in any substantial impacts on agricultural land and impacts would be less than significant.

The City does not contain any land that is subject to a Williamson Act contract, which is designed to retain prime agriculture and open space by providing tax incentives for property owners (CDC DLRP, 2013). Therefore, implementation of the General Plan Amendments and Municipal Code Revisions would not conflict with a Williamson Act contract.

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

No Impact

The City's land cover is designated as "Urban" and "Agriculture" on the Fire and Resource Assessment Program (FRAP) State of California Land Cover Map (California Department of Forestry and Fire Protection [Cal Fire], 2006), which identifies forest land and rangeland coverage in California. This designation does not constitute forest land or timberland. There is no land with existing zoning of forest land or timberland within the City. Therefore, the implementation of the General Plan Amendments and Municipal Code Revisions would not conflict with existing zoning, or cause rezoning of forest land or timberland.

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

No Impact

As discussed in Section 3.2(c) above, there are no areas designated as forest land within the City. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

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?

Less-than-Significant Impact

Refer to Section 3.2(a) and (b), above, which discuss the General Plan Amendments and Municipal Code Revisions' potential to impact farmland or agriculturally zoned land. As identified in these sections, the General Plan Amendments and Municipal Code Revisions would result in a less-than-significant impact

with respect to the loss of farmland or conflict with agriculturally zoned land. As discussed in Section 3.2(c) and (d), above, the City does not have land cover designated as forest land. Therefore, the implementation of the General Plan Amendments and Municipal Code Revisions would not convert forest land to non-forest use.

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.

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?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

The Feather River Air Quality Management District (FRAQMD) is the local agency charged with administering local, State, and federal air quality management programs for Yuba and Sutter Counties. The FRAQMD's jurisdiction is located in Northern California in the Northern Sacramento Valley Air Basin. The major pollutants of concern in the Northern Sacramento Valley are ozone (O_3) and particulate matter (PM). According to the Northern Sacramento Valley Planning Area (NSVPA) 2015 Triennial Air Quality Attainment Plan, Sutter County, in which the City of Yuba City is located, was designated as a nonattainment-transitional district that does not exceed the State ozone standards more than three times at any monitoring location in a single calendar year (Sacramento Valley Air Quality Engineering and Enforcement Professionals [SVAQEEP] 2015).

Would the project:

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any new development or activities that would cause new operational or long-term air pollutants emissions or change current air quality conditions. As discussed in Section 3.3(b), below, the project would not violate air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, the

General Plan Amendments and Municipal Code Revisions would not conflict with or obstruct the NSVPA's Air Quality Plan and would result in a less-than-significant impact.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions would not add any new vehicle trips or otherwise increase VMT. The General Plan Amendments would not change energy sources of the City. The General Plan Amendments include potential development projects such as levee improvements and flood management infrastructure capacity augment. However, those projects would be subject to CEQA screening before constructed, and would not involve extensive use of large internal-combustion equipment that would contribute substantial air emissions. For reference, the FRAQMD's recommended thresholds of significance for construction-generated emissions is 4.5 tons per year of oxides of nitrogen. A preliminary emissions analysis using the CalEEMod emissions model, version 2013.2.2, was conducted to estimate a maximum construction scenario that would still be less than the FRAQMD's recommended thresholds. The analysis indicates that construction using the following equipment parameters would result in less-than-significant emissions generation:

- 8 graders
- 8 rubber-tired dozers
- 7 tractors/loaders/backhoes
- 7 hours of use per equipment per day
- 50 total working days

The analysis scenario involves more equipment at a greater use than would occur to implement development under the General Plan Amendments. Therefore, the impact would be less than significant.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions would not add any new operational vehicle trips or otherwise increase VMT. The project would not change energy sources of the City. The General Plan Amendments include potential development projects such as levee improvements and flood management infrastructure capacity augment. However, those projects would be subject to CEQA screening before constructed, and would not involve extensive use large internal-combustion equipment that would contribute substantial air emissions or contribute to a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. As discussed in Section 3.3(b), above, the project would not violate air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, the impact would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan

Amendments. The General Plan Amendments would not result in new receptors, such as residential or school development, that may be exposed to existing pollutant sources. As discussed in Section 3.3(b), above, the project would not violate air quality standards or contribute substantially to an existing or projected air quality violation. The General Plan Amendments and Municipal Code Revisions would not result in new sources of substantial emissions, or substantially increased emissions. Therefore, the impact would be less than significant.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose strategies or measures that would directly or indirectly result in the creation of objectionable odors. General Plan Amendments include potential construction activities, such as levee improvements; however, those potential activities would not result in substantial generation of objectionable odors. Therefore, the impact would be less than significant.

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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Would the project:

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 Wildlife or U.S. Fish and Wildlife Service?

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any new development or activities. Current General Plan Policies 8.4-I-1 and 8.4-I-2 encourage management and maintenance of

sensitive habitat through the promotion of environmentally sensitive project siting and design. Policy 8.4-I-1 requires protection of sensitive habitat areas and special-status species in new development site designs and assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive-habitat areas, or areas of potential sensitive-status species. Policy 8.4-I-2 provides additional requirement to preserve oak trees and other native trees that are of a significant size. Any projects pursuant to the General Plan Amendments and Municipal Code Revisions would be evaluated for conformance to these policies to ensure that riparian habitat or sensitive natural communities are not adversely affected. Therefore, the impact would be less than significant.

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

Less-than-Significant Impact

Current General Plan policies and implementation programs are consistent with the Feather River Parkway Plan and ensure that riparian habitat and sensitive natural communities are protected. Furthermore, the General Plan Amendments 8.1-G-2 and 8.1-I-3 promote the enhancement of open space features and habitat protection. Any projects pursuant to the General Plan Amendments and Municipal Code Revisions would be evaluated for conformance to these policies to ensure that riparian habitat or sensitive natural communities are not adversely affected. Therefore, the impact would be less than significant.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less-than-Significant Impact

Current General Plan Policies 8.4-I-1 and 8.4-I-2 ensure that wetland resources are managed and maintained through the promotion of environmentally sensitive project siting and design, compliance with Section 404 of the Clean Water Act, prohibiting development within the protection zone along the Feather River, and the provision of a buffer zone for parkway enhancement projects that occur near wetland areas. Policies 8.5-I-3, 8.5-I-6, and 8.5-I-7 reduce construction- and operation-related water quality impacts to waterways and wetlands in the City, especially Feather River, by requiring the implementation and enforcement of appropriate federal, State, and local water quality regulations, and the prohibition of pollutant discharge into waterways, drainages, and groundwater basins. Any projects pursuant to the General Plan Amendments and Municipal Code Revisions would be evaluated for conformance to these policies to ensure that wetlands are not adversely affected and impacts would be less than significant.

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?

Less-than-Significant Impact

A very small portion of the land area in the City is considered natural, and, therefore, provides few suitable habitats for special-status species. Among the most important natural areas for fish and riparian habitat in the City is the Feather River riparian habitat. As such, the City recently began the preparation of a strategic master plan for the 750-acre Feather River corridor. Current General Plan Policy 8.4-I-1 requires

protection of sensitive habitat areas and special-status species in new development site designs and assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive-status species. Additionally, Policy 8.4-I-5 establishes wildlife corridors in conjunction with implementation of the Feather River Parkway Plan to minimize wildlife-urban conflicts. Policy 8.4-I-6 works with the California Department of Fish and Wildlife and other agencies to enhance and preserve fisheries in the Feather River. Implementation of General Plan Policies 8.1-I-1 through 8.1-I-4 further reduce impacts to the movement of native resident or migratory wildlife species through creating open space buffer around the City's urban growth areas, using open space in new development at the edge of the urban growth area to help create greenbelts that delineate the edge of urban areas, implementing open space features in the Feather River Parkway Plan, and encouraging restoration of degraded open space areas in the Feather River Parkway planning area to an environmentally valuable and sustainable condition. And as discussed above, existing General Plan policies ensure that riparian habitat and sensitive natural communities are protected. Therefore, any development pursuant to the General Plan Amendments and Municipal Code Revisions would be evaluated for conformance to these policies to ensure that riparian habitat or sensitive natural communities are not adversely affected. The impact would be less than significant.

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

Less-than-Significant Impact

City municipal code currently provides for the protection of trees. In addition, existing General Plan Policy 8.4-I-2 provides for the conservation of oak trees and other native trees that are of a significant size in the City. Projects that implement the General Plan Amendments would be subject to all applicable federal, State, and regional policies and regulations related to the protection of important biological resources. Specifically, development would be required to comply with the federal Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, California Endangered Species Act, California Fish and Wildlife Code, California Wetlands Conservation Policy, and California Department of Fish and Wildlife Lake or Streambed Alteration Program. Projects would be required to comply with the provisions of each of these federal, State, and regional laws, regulations, or plans and this impact would be less than significant.

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?

No Impact

The Yuba-Sutter Resource Conservation Plan (YSRCP), which is both a federal Habitat Conservation Plan (HCP) and State Natural Communities Conservation Plan (NCCP), is the applicable habitat conservation plan for areas within Yuba and Sutter counties. Development of the YSRCP is still in progress, with only the list of covered species and covered activities identified. However, the current YSRCP Planning Area map shows boundaries that exclude the City and the City's sphere of influence (CDFW, 2016). Therefore, the General Plan Amendments and Municipal Code Revisions would not conflict with a habitat conservation plan. No impact would occur.

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 CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Would the project:

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

Less-than-Significant Impact

Current General Plan Policies 8.3-I-2, 8.3-I-3 and 8.3-I-5 incorporate specific measures to identify, register, protect, and preserve historic resources into the City planning and environmental review processes. These policies require monitoring of ground-disturbing activities in archaeologically and culturally sensitive areas, as well as evaluation by a qualified archaeologist of cultural resources found prior to or during construction and application of appropriate mitigation measures. Implementation of these policies reduce impacts to historic resources to a less-than-significant level by requiring the scientific recovery and evaluation of any historic resources encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost. Therefore, potential impacts to historic resources as a result of implementation of the General Plan Amendments and Municipal Code Revisions would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Less-than-Significant Impact

The City is situated on lands that were likely inhabited by various Native American tribes. Also, there are sites that have historic value. 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 approximately 10,000 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.

Current General Plan Policies 8.3-I-4, 8.3-I-5 and 8.3-I-6 incorporate specific measures to identify, protect, and preserve cultural resources into the City planning and environmental review processes. These policies require monitoring of ground-disturbing activities in archaeologically and culturally sensitive areas, as well as evaluation by a qualified archaeologist of cultural resources found prior to or during construction and application of appropriate mitigation measures, and consultation, as appropriate, with Native American Tribes before resumption of development activities. Implementation of these policies reduce impacts to archaeological resources to a less-than-significant level by requiring the scientific recovery and evaluation of any archaeological resources encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost. Therefore, potential impacts to archaeological and Native American resources as a result of implementation of the General Plan Amendments and Municipal Code Revisions would be less than significant.

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

No Impact

There are no unique paleontological resources or geologic features in the City. Therefore, implementation of the General Plan Amendments and Municipal Code Revisions would result in no impact.

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

Less-than-Significant Impact

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. Disturbing human remains could violate the health code, as well as destroy the resource. Current General Plan Policies 8.3-I-4, 8.3-I-5 and 8.3-I-6 incorporate specific measures to identify, protect, and preserve cultural resources into the City planning and environmental review processes. These policies also require monitoring of ground-disturbing activities in archaeologically and culturally sensitive areas, as well as evaluation by a qualified archaeologist of cultural resources found prior to or during construction, application of appropriate mitigation measures, and consultation, as appropriate, with Native American Tribes before resumption of development activities. These policies provide substantial protection to human burials by protecting and ensuring the appropriate treatment of the archaeological contexts within which these burials would be most likely to be encountered. Therefore, the potential impacts to human remains by any projects pursuant to the General Plan Amendments and Municipal Code Revisions would be reduced to less than significant.

3.6 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Would the project:

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less-than-Significant Impact

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). Because the distance from the City to the closest known active fault zone is large, the potential for General Plan Amendments and Municipal Code Revisions to expose people or structures to substantial adverse effects from fault rupture is low.

In addition, the General Plan Amendments and Municipal Code Revisions would not result in an increased demand for housing and contains no housing component. Therefore, the project would not result in an increase in population that could be exposed to rupture of a known earthquake fault. However, future development under the General Plan Amendments would include potential reconstruction of levees and stormwater and flood management infrastructure expansion. These structures could be affected by effects of fault rupture. Therefore, impacts associated with rupture of a known fault would be less than significant.

ii) Strong seismic ground shaking?

Less-than-Significant Impact

Any potential future development projects under General Plan Amendments and Municipal Code Revisions would be subject to the Uniform Building Code (UBC) and the California Building Code (CBC), therefore the design and construction of the structures would be engineered to withstand the expected ground acceleration that may occur in Yuba City from regional active faults. Proper engineering and adherence to the UBC and CBC guidelines would minimize the risk to life and property from potential ground motion. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact

Liquefaction is a phenomenon where loose, saturated, and relatively uncohesive soil deposits lose strength during strong ground motions. Primary factors controlling the development of liquefaction include intensity and duration of ground accelerations, characteristics of the subsurface soil, *in situ* stress conditions, and depth to groundwater. 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). Therefore, impacts associated with seismic-related ground failure, including liquefaction, would be less than significant.

iv) Landslides?

Less-than-Significant Impact

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). Since the potential for ground shaking is low to moderate and regional topography is relatively flat, it is unlikely that landslides would occur in Yuba City. Therefore, impacts associated with landslides would be less than significant.

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

Less-than-Significant Impact

According to the Yuba City General Plan, the potential erodibility of soil in Yuba City is considered slight, since the topography is generally flat and annual precipitation levels and wind velocities are low (Dyett & Bhatia, 2004). Furthermore, any potential future development projects under General Plan Amendments and Municipal Code Revisions would be subject to the City's General Plan implementation policy (Section 9.2-I-6), which requires erosion control of graded areas with revegetation or other acceptable methods (Dyett & Bhatia, 2004). In addition, the Regional Water Quality Control Board requires Stormwater Pollution Prevention Plans (SWPPP) prior to construction. SWPPPs have extensive erosion control measures to ensure that erosion is limited to the fullest extent feasible. Compliance with the General Plan and construction period SWPPP would ensure a less-than-significant impact.

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

Less-than-Significant Impact

As discussed in Section 3.6 Impacts (a-b), impacts associated with landslides and liquefaction would be less than significant. According to the Yuba City General Plan, subsidence hazard overall is low in Yuba City since the Sacramento and Feather Rivers provide significant groundwater recharge and since most residents do not rely on groundwater for drinking water supply. In addition, there are no natural gas or oil withdrawals in the City (Dyett & Bhatia, 2004). Therefore, the General Plan Amendments and Municipal Code Revisions would have a less-than-significant impact.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?

Less-than-Significant Impact

Expansive soils have the potential to significantly shrink or swell with changes in moisture content. According to the Yuba City General Plan, the extreme southwestern corner of the City is the only area with expansive soils (Dyett & Bhatia, 2004). Any projects that may be developed in this portion of the City under General Plan Amendments and Municipal Code Revisions would be subject to applicable engineering and City building code requirements, which would ensure that they are developed in a way that minimizes the possible effects of expansive soils. Compliance with existing code regulations would ensure a less-than-significant impact.

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

No Impact

The General Plan Amendments do not include policies that would lead to development projects with septic tanks or alternative wastewater systems. In addition, the Municipal Code Revisions do not address or modify requirements on septic tanks or alternative wastewater systems. Therefore, no impact would occur.

3.7 Greenhouse Gas Emissions

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

Would the project:

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction that would generate greenhouse gas emissions either directly or indirectly. However, potential future development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts.

The FRAQMD has not adopted recommended threshold of significance for greenhouse gas emissions. For reference, a preliminary emissions analysis was conducted using CalEEMod to estimate a maximum construction scenario that would still be less than the FRAQMD's recommended thresholds of significance for criteria air pollutants (refer to Section 3.3(b)). The maximum-activity construction scenario that would result in less-than-significant criteria pollutants would also generate approximately 301 metric tons of carbon dioxide equivalents ($MTCO_2e$). The analysis scenario involves more equipment at a greater use than would occur to implement individual potential future development under the General Plan Amendments. Construction-period greenhouse gas emissions from potential future projects would be temporary in nature, limited in scope and duration, and would have a less than significant impact on the environment.

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

No Impact

Significant impacts would occur if the proposed project conflicted with or interfered with implementation of any existing GHG reduction plan that is projected to achieve greenhouse gas reduction targets. The City is in the process of developing a GHG reduction plan (*Draft City of Yuba City Resource Efficiency Plan*); however this plan has not been adopted. Therefore, the primary reduction plan is Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

The General Plan Amendments associated with flooding hazards do not propose any specific development proposals or infrastructure construction that would affect land use and increase population growth and associated vehicle miles traveled, which would interfere with implementation of the MTP/SCS. In addition, any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments would not interfere with implementation of the MTP/SCS. No impact would occur.

3.8 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Would the project:

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions would not result in the routine transport, use, or disposal of hazardous materials. Construction activities associated with levee improvements or stormwater and flood management facilities expansion projects included in the General Plan Amendments may require use of common but potentially hazardous construction materials, including vehicle fuels, paints, cleaning materials, and caustic construction compounds. If incorrectly transported, handled, or disposed of, these substances could pose a potential health risk to construction workers and to the general public. However, the transport and handling of these common, potentially hazardous materials at the project site would occur in accordance with California Occupational Safety and Health Administration (Cal OSHA) guidelines. Further, such materials would be disposed of in accordance with California Department of Toxic Substances Control (DTSC) and County regulations. Adherence to federal, State, and local regulations regarding the use and disposal of hazardous materials and wastes would reduce to a less-than-significant level the potential for impacts to human health and safety and the environment in relation to the handling, disposal, and transport of hazardous construction materials. Therefore, the General Plan Amendments and Municipal Code Revisions would have a less-than-significant impact on this environmental issue.

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?

Less-than-Significant Impact

The General Plan Amendments would likely require potential future construction projects, including levee improvements and reconstruction, and stormwater and flood management facilities expansion. These construction activities may dispose hazardous construction materials, and if they are not properly handled and released into the environment in large enough quantities, these materials could pose a threat to construction workers and public safety. However, demolition and construction activities involving hazardous materials removal are heavily regulated, and construction workers must comply with applicable federal and State safety regulations. Compliance with such regulations would reduce the risk on the surrounding environment and worker health to a less-than-significant impact.

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

Less than Significant Impact

As discussed in Section 3.8 Impacts (a-b), any potential future development projects under the General Plan Amendments and Municipal Code Revisions would be subject to federal, State, and local regulations regarding the use and disposal of hazardous materials and wastes. Therefore, indirect effects associated with potential future projects, including sites within one-quarter mile of an existing or proposed school, would have a less than significant impact due to compliance with such regulations.

d) Be located on a site that 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?

Less-than-Significant Impact

According to the DTSC EnviroStor and California State Water Resources Control Board (SWRCB) GeoTracker databases, there are approximately 160 hazardous materials/waste cleanup and/or permitted sites in City of Yuba City (DTSC, 2016; SWRCB, 2016). Any potential future development projects under General Plan Amendments and Municipal Code Revisions would be subject to environmental review, which would include a search of appropriate databases (i.e., EnviroStor, GeoTracker) to determine whether the proposed site is a listed hazardous materials site and the status of the site (i.e., whether further evaluation or cleanup action is required or if the case has received regulatory closure and no further action is required). If located on a listed hazardous materials site, the proposed project would be required to comply with applicable federal, State, and local regulations related to hazardous materials, which would ensure there would be minimal risk of significant hazard to the public or the environment. Therefore, this impact would be less than significant.

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

Less-than-Significant Impact

The eastern portion of Yuba City is located within the airport influence areas of the Sutter County Airport and Yuba County Airport (Airport Land Use Commission [ALUC], 1994, 2011). The potential future projects under General Plan Amendments include levee improvements and reconstruction, and stormwater and flood management facilities expansion, and these potential projects would not be likely to pose an aviation safety hazard. Moreover, the Comprehensive Land Use Plans (CLUPs) adopted by the Sutter County and Yuba County airports designate safety zones around the airport prohibiting certain types of land uses within the airport safety areas. These safety zones define the areas within which the ALUC guidelines are applied and address safety compatibility planning issues and alternatives. Any projects to be constructed within the planning areas would be required to be reviewed and approved by the Sacramento Area Council of Governments (SACOG), which acts as the ALUC for Sacramento, Sutter, Yolo, and Yuba counties. If any potential future project under the General Plan Amendments is determined to present a safety hazard, appropriate design revisions and/or mitigation measures would be required to reduce this impact to less than significant on a project level and reduce or avoid the safety hazard to the satisfaction of the ALUC. Therefore, there would be no increased safety risk to aircraft or to persons residing or working in the project area as a result of the General Plan Amendments and Municipal Code Revisions.

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

No Impact

There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in a safety hazard associated with a private airstrip. No impact would occur.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. Potential future projects include levee improvements and reconstruction, and stormwater and flood management facilities expansion; so, it is possible that future projects would require temporary road closures during their construction, which could adversely affect evacuation during an emergency event or emergency response. However, these potential future projects would mostly be far from high density residential and commercial areas, and any closures would be short term, and alternate routes would be provided as necessary. It is unlikely that these actions would significantly interfere with adopted emergency response or evacuation plans. Furthermore, all potential future projects would be subject to further CEQA analysis of project-specific impacts. Therefore, this impact would be less than significant.

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

No Impact

According to the Yuba City General Plan, the Yuba City Fire Department (YCFD) provides fire protection and suppression services and responds to structural and wildland fires in the City (Dyett & Bhatia, 2004). As of June 2008, Cal Fire has determined that there are no Very High Fire Hazard Severity Zones in Yuba City or Sutter County (Cal Fire, 2008). Therefore, there would be no impact.

3.9 Hydrology and Water Quality

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

Would the project:

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

Less-than-Significant Impact

General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments. As shown in Section 3.10(b), the General Plan Amendments are consistent with the City's General Plan. Development of projects in the City pursuant to the General Plan Amendments would be subject to General Plan policies, which require new construction to utilize best management practices such as site preparation, grading, and foundation designs for erosion control to prevent sediment runoff into waterways, specifically the Feather River, per Policy 8.5-I-7. Therefore, the impact would be less than significant.

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

Less-than-Significant Impact

General Plan Amendments policies 8.5.I-2 and 8.5-I-3 require new development to preserve areas that provide important groundwater recharge and propose the development of a regional groundwater sustainability plan. Therefore, projects pursuant to the General Plan Amendments and Municipal Code Revisions would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The impact would be less than significant.

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

Less-than-Significant Impact

General Plan Amendment 8.1-G-2 and 8.5-I-2 promote the enhancement of open space feature of the Heather River, including drainages, and require new development to preserve natural drainage areas. Furthermore, current General Plan Policies 8.5-I-7, 9.3-I-3 and 9.3-I-6, require projects to conduct a drainage study and work with Sutter County to establish drainage areas that serve the entire Planning Area for any new development. Compliance with current requirements and implementation of proposed General Plan Amendments and Municipal Code Revisions would reduce any risk of substantial erosion or siltation to less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?

Less-than-Significant Impact

Refer to discussion in Section 3.9(c) above.

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

Less-than-Significant Impact

Refer to discussion in Sections 3.9(a) and (c) above.

f) Otherwise substantially degrade water quality?

Less-than-Significant Impact

Refer to discussion in Section 3.9(a) above.

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

No Impact

General Plan Amendment 8.1-I-5 prohibits new urban development in designated floodplain areas therefore, there would be no impact. The Municipal Code Revisions assist in implementing the General Plan Amendments; therefore, there would be no impact.

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

No Impact

Refer to discussion in Section 3.9(g) above.

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

Less-than-Significant Impact

There are 10 dams located outside Sutter County that could cause significant flooding should failure occur, among which there are six dams that are located on the Feather River and Yuba River. Failure of any one of these dams could cause significant flooding in Yuba City. These dams are under the jurisdiction of the California Department of Water Resources (DWR), Yuba County Water Agency, Pacific Gas & Electric, and the Corps of Engineers. General Plan Amendments 8.1-I-5, 9.3-I-3 and 9.3-I-14 prohibit new urban development in designated floodplain areas and promote levee improvements. Therefore, the General Plan Amendments and Municipal Code Revisions would minimize the effects of flooding to existing and prospective development and impacts would be less than significant.

j) Expose people or structures to inundation by seiche, tsunami, or mudflow?

No Impact

A seiche is the periodic oscillation of a body of water resulting from seismic shaking. The City is not close to any big lakes so seiche is unlikely to happen to the City. A tsunami is a very large ocean wave caused by an underwater earthquake or volcanic eruption. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows are shallow water-saturated landslides that travel rapidly down slopes carrying rocks, brush, and other debris. Landslides are unlikely to happen due to the relatively flat topography. Thus, it is unlikely that Yuba City would be subject to inundation by a seiche, tsunami, or mudflow. Therefore, there is no impact.

3.10 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?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Would the project:

a) Physically divide an established community?

Less Than Significant Impact

The General Plan Amendments requires land uses planning to fully consider flood risks. However, the established communities should be located in identified low flood risk areas, so the General Plan Amendments would be unlikely to change existing land use designations. If any established community is further identified within new high flood risk area, the community may be physically divided, but all the division activities would be subject to further CEQA analysis of project-specific impacts. The Municipal Code Revisions assist in implementing the General Plan Amendments. Therefore, the impacts would be less than significant.

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

Less-than-Significant Impact

The General Plan Amendments are an addition to the Yuba City General Plan to be consistent with SB5 and AB 162 to better identify flood risks and provide a more comprehensive and detailed framework for land-based policy decisions to build a safe City. All of the policies in the City's General Plan were written to maximize efficient use of resources, maintain a high quality of life, enhance job opportunities, promote sustainability, and facilitate access to transportation facilities. Any potential construction activities under the General Plan Amendments would be required to be consistent with General Plan policies to obtain approval. The Municipal Code Revisions assist in implementing the General Plan Amendments. Therefore, the General Plan Amendments and Municipal Code Revisions are consistent with the General Plan and the impact is considered less than significant.

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

No Impact

As discussed in Section 5.4(f), the Yuba-Sutter Resource Conservation Plan (YSRCP) is the applicable habitat conservation plan for areas within Yuba and Sutter counties. Development of the YSRCP is still in progress, with only the list of covered species and covered activities identified. However, the current YSRCP Planning Area map shows boundaries that exclude the City and the City's sphere of influence (CDFW, 2016). Therefore, any potential projects under the General Plan Amendments and Municipal Code Revisions would be located outside of the YSRCP's Planning Area and not subject to YSRCP policies or requirements. As a result, there would be no impact.

3.11 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Would the project:

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?

No Impact

Loss of the availability of mineral resources generally is due to the placement of incompatible land uses, which either directly or indirectly make the resource inaccessible for future extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City's boundary, and no mineral extraction facilities currently exist in the vicinity of the City. Additionally, the City is currently mostly occupied by residential land uses, which generally are considered incompatible with mineral extraction facilities. Therefore, implementation of the General Plan Amendments and Municipal Code Revisions would not result in the loss of availability of a known mineral resource. No impact would occur.

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?

No Impact

Refer to discussion in Section 3.11(a) above.

3.12 Noise

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

Would the project:

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments and may result in a temporary increase in noise during construction. Current General Plan Policy 9.1-I-2 requires a noise study and mitigation for all projects that have noise exposure greater than "normally acceptable" levels. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. The Municipal Code Revisions assist in implementing the General Plan Amendments. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial noise impacts and impacts would be less than significant.

b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments and may result in a temporary increase in vibration during construction. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial vibration impacts and impacts would be less than significant.

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

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments and may result in a temporary increase in noise during construction. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments would not result in any substantial noise impacts and impacts would be less than significant.

d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and expansion of flood management infrastructure are included in the General Plan Amendments and may result in a temporary increase in noise during construction. Current General Plan Policy 9.1-I-2 requires a noise study and mitigation for all projects that have noise exposure greater than "normally acceptable" levels. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial noise impacts and impacts would be less than significant.

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

Less-than-Significant Impact

The eastern portion of Yuba City is located within the airport influence areas of the Sutter County Airport and Yuba County Airport (Airport Land Use Commission [ALUC], 1994, 2011). The General Plan Amendments and Municipal Code Revisions do not propose any specific development proposals or infrastructure construction. However, potential development projects such as levee improvements and

expansion of flood management infrastructure are included in the General Plan Amendments and may result in a temporary increase in noise during construction. Current General Plan Policy 9.1-I-2 requires a noise study and mitigation for all projects that have noise exposure greater than "normally acceptable" levels. Any future development projects pursuant to the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial noise impacts and impacts would be less than significant.

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

No Impact

There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in excessive noise levels associated with a private airstrip. No impact would occur.

3.13 Population and Housing

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

Would the project:

a) Induce substantial 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)?

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

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

No Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development projects or infrastructure construction that would result in an increase in population, housing, or jobs; therefore, the project would not induce substantial growth, increase demand for housing, or displace substantial numbers of people. There would be no impact on population and housing.

3.14 Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental 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?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental 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 public services:

i) Fire protection?

ii) Police protection?

iii) Schools?

iv) Parks?

v) Other public facilities?

No Impact

The General Plan Amendments and Municipal Code Revisions do not propose any specific development projects or infrastructure construction that would change resident population or total jobs in the City. Demand for public services, including all the services above, is based on service population, which is a total of resident population and jobs. Thus, the General Plan Amendments and Municipal Code Revisions would not affect the demand for public services. No impact would occur.

3.15 Recreation

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

Would the project:

a) 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?

No Impact

The General Plan Amendments and Municipal Code Revisions would not include any site-specific designs or proposals, grant any entitlements for development, or change resident population or total jobs in the City. Since demand for parks and recreational facilities is based on population and there would be no population increase as a result of the General Plan Amendments, there would be no need for the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. Therefore, no impact would occur.

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

No Impact

No new recreational facilities or expansion of existing facilities are proposed as part of the General Plan Amendments or Municipal Code Revisions, nor would be warranted or required for implementation of the General Plan Amendments or Municipal Code Revisions. Therefore, no impact would occur.

3.16 Transportation/Traffic

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

Would the project:

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

Less Than Significant Impact

The General Plan Amendments and Municipal Code Revisions would not directly increase traffic in relation to the existing traffic load and capacity of the system. However, the potential future construction activities under the General Plan Amendments, for example levee improvements, may temporarily increase traffic volumes. But these activities would be short term and intermittent, and all future proposed projects

would be subject to further CEQA analysis of project-specific impacts. Therefore, the General Plan Amendments and Municipal Code Revisions would have a less than significant impact.

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

Less Than Significant Impact

Refer to Section 3.16 Impact (a). The General Plan Amendments and Municipal Code Revisions would likely have a temporary and intermittent effect in congestion because of potential construction activities, but the impact would be less than significant.

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

No Impact

The General Plan Amendments and Municipal Code Revisions would not result in changes in air traffic. As such, no impact would occur.

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

No Impact

The General Plan Amendments and Municipal Code Revisions do not include any potential constructions that would substantially increase hazards, nor would it construct incompatible uses. Furthermore, any future development projects under the General Plan Amendments would be subject to all applicable City regulations and requirements, as well as subject to further CEQA analysis of project-specific impacts, which would occur with or without the General Plan Amendments. The City of Yuba City's zoning regulations, standard development conditions, and design guidelines address site and building design. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in any substantial increase in hazards due to design features or incompatible uses. No impact would occur.

e) Result in inadequate emergency access?

Less Than Significant Impact

As discussed above in Section 3.8 Impact (g), the General Plan Amendments and Municipal Code Revisions would likely require potential future construction projects, so it is possible that future projects or actions could require temporary road closures during their construction, which could adversely affect evacuation during an emergency event or emergency response. However, any closures would be short term, and alternate routes would be provided as necessary. It is unlikely that these actions would significantly interfere with adopted emergency response or evacuation plans. Furthermore, all future potential projects would be subject to further CEQA analysis of project-specific impacts. Therefore, this impact would be less than significant.

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

No Impact

Existing and planned bicycle facilities are identified in the Yuba-Sutter Bikeway Master Plan (Fehr & Peers, 1995). The General Plan Amendments and Municipal Code Revisions would not directly have any impacts on transportation facilities. Therefore, the General Plan Amendments and Municipal Code Revisions would not decrease the performance or safety of any alternative transportation facility. No impact would occur.

3.17 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Would the project:

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

No Impact

The General Plan Amendments and Municipal Code Revisions would not include any site-specific designs or proposals, grant any entitlements for development, or change resident population or total jobs in the City. Therefore, the General Plan Amendments and Municipal Code Revisions would not result in additional sources of wastewater. The project would not exceed the wastewater treatment requirements of the Central Valley Regional Water Quality Control Board. No impact would occur.

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

No Impact

Yuba City owns, operates, and maintains a wastewater collection, treatment, and disposal system that provides sewage service for the entire area served by the City water supply, except for those customers utilizing septic tanks (Carollo, 2011). However, the General Plan Amendments and Municipal Code Revisions only focus on flood risk control and do not change the City's current water demand, so would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, no impact would occur.

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

Less-than-Significant Impact

Per General Plan Amendments Policy 9.3-I-16, due to changes in climate, precipitation, or extreme weather event, stormwater and flood management infrastructure expansion may be required. However, those potential projects would require additional CEQA analysis to determine the extent of possible impacts based on project-specific information. The Municipal Code Revisions assist in implementing the General Plan Amendments. Therefore, the General Plan Amendments and Municipal Code Revisions would have a less-than-significant impact.

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

No Impact

The General Plan Amendments and Municipal Code Revisions would not cause an increase in population. Thus, no new water supplies would be required. Therefore, no impact would occur.

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

No Impact

Refer to discussion in Section 3.17 Impact (b) above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact

The General Plan Amendments and Municipal Code Revisions would not result in an increase in population. Thus, a significant increase in solid waste generation is not expected. Therefore, no impact would occur.

g) Comply with federal, State, and local statutes and regulations related to solid waste?

No Impact

The General Plan Amendments and Municipal Code Revisions do not recommend any strategy or measure that does not comply with applicable solid waste regulations. Therefore, no impact would occur.

3.18 Mandatory Findings of Significance

Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
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.)	☐	☐	☒	☐
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Does the project:

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

Less-than-Significant Impact

As discussed in Section 3.4 (Biological Resources), the General Plan Amendments and Municipal Code Revisions would not result in development in areas of sensitive biological habitat, wetlands, or riparian areas, nor would it interfere with wildlife movement. Continued compliance with existing regulations would ensure that future projects would have a less-than-significant impact on plant and wildlife species and their habitat. Furthermore, future projects intended to implement General Plan Amendments would be subject to applicable federal, State, and local regulations that protect such resources. This impact is less than significant

As discussed in Section 3.5 (Cultural Resources), the General Plan Amendments and Municipal Code Revisions would have no direct impact on prehistoric and historic resources. Continued compliance with existing regulations would ensure that the project would have a less-than-significant impact on prehistoric and historic resources. Furthermore, future projects to implement the General Plan Amendments and

Municipal Code Revisions would be subject to further CEQA analysis of project-specific impacts. This impact is less than significant.

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.)

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions would not result in any adverse environmental impacts that are cumulatively considerable. The purpose of the General Plan Amendments is to reduce flood risks and improve community safety, which would have beneficial cumulative environmental effects. All impacts evaluated throughout this initial study are considered to be no impact or less than significant. Therefore, it is unlikely that any impact would substantially contribute to a significant cumulative impact.

c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact

The General Plan Amendments and Municipal Code Revisions would not result in substantial adverse effects on human beings, either directly or indirectly. All impacts evaluated throughout this initial study are considered to be no impact or less than significant. Therefore, it is unlikely that any impact would substantially contribute to a significant adverse effect on human beings.

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5.0 Report Preparers

Atkins

Chryss Meier	Project Manager
Zhe Chen	Environmental Analyst
Sarah Favrot	Environmental Analyst
Jen Sullivan	Editor
Matt Goolsby	GIS

CITY OF YUBA CITY

Written Requests

Members of the public submitting written requests at least 24 hours prior to the meeting will normally be allotted 5 minutes to speak.

Procedure

When requesting to speak, please indicate your name and the topic and mail to:

City of Yuba City
Attn: City Clerk
1201 Civic Center Blvd
Yuba City CA 95993

Or email to:

Terrel Locke, Chief Deputy City Clerk tlocke@yubacity.net

The Mayor will call you to the podium when it is time for you to speak.

CITY OF YUBA CITY

Appearance of Interested Citizens

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements.

Procedure

Complete a Speaker Card located in the lobby and give to the City Clerk. When a matter is announced, wait to be recognized by the Mayor. Comment should begin by providing your name and place of residence. A three-minute limit is requested when addressing Council.

- For Items on the Agenda

Public comments on items on the agenda are taken during Council's consideration of each agenda item. If you wish to speak on any item appearing on the agenda, please note the number of the agenda item about which you wish to speak. If you wish to speak on more than one item, please fill out a separate card for each item.

- Items not listed on the Agenda

Public comments on items not listed on the agenda will be heard during the Public Communication portion of the meeting.

MINUITES (DRAFT)
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
SEPTEMBER 6, 2016
5:00 P.M. – CLOSED SESSION
6:00 P.M. – REGULAR MEETING

Closed Session—Butte Room

A. Annual performance evaluation of City Manager pursuant to Government Code § 54957.

B. Conferred with legal counsel regarding existing Workers Compensation Claim of Thomas Mathews pursuant to Government Code § 54956.9(a).

C. Conferred with real property negotiators Steve Kroeger and Diana Langley pursuant to Government Code § 54956.8 regarding possible purchase of APB 51-630-025, 1190 Pease Road.

Regular Meeting—Council Chambers

The City of Yuba City City Council meeting was called to order by Mayor Buckland at 6:00 p.m.

Roll Call

Present: Councilmembers Cleveland, Didbal, Dukes, Gill and Mayor Buckland

Absent: None

Invocation

Councilmember Dukes gave the invocation.

Pledge of Allegiance to the Flag

Lieutenant Brian Baker led the Pledge of Allegiance.

Presentations & Proclamations

1. Public Safety Report – Police Department

Chief Rob Landon, Assistant Chief Garcia, Commander Tappe, and Sargent Runyen provided the report to Council.

Public Hearing

2. 5th Street Bridge Replacement Project – Resolution of Necessity (Initiation of Eminent Domain Proceedings for Property Acquisition)

Mayor Buckland opened the public Hearing. Hearing no comment, he closed the public hearing.

Councilmember Gill moved to make the following findings: 1) The public interest and necessity require the project; 2) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; 3) The property

sought to be acquired is necessary for the project; and 4) The offer required by Section 7267.2 of the Government Code has been made to the owner of record; and adopt **Resolution No. 16-057** a Resolution of Necessity determining that the public interest and necessity require the acquisition of certain real property identified as Assessor Parcel Nos. 010-156-005 & 010-156-006 (426 J St. & 1000 5th St., Marysville, CA,) for constructing and maintaining a right turn lane and related appurtenances associated with the 5th Street Bridge Replacement Project. Councilmember Dukes seconded the motion the passed with a unanimous vote.

3. Proposed 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG)

Mayor Buckland opened the public hearing; the following person spoke:

Fotine Halikaskopriva, Yuba City

Hearing not further comment, Mayor Buckland closed the public Hearing.

Council member Dukes moved to approve the CAPER and authorize staff to submit it to the U.S. Department of Housing and Urban Development (HUD). Councilmember Gill seconded the motion that passed with a unanimous vote.

4. Urban Level of Protection (ULOP; Senate Bill 5)

Mayor Buckland opened the public hearing; the following person spoke:

Fotine Halikaskopriva, Yuba City

Hearing not further comment, Mayor Buckland closed the public Hearing.

Councilmember Gill moved to:

A. Adopt the Negative Declaration prepared for the proposed General Plan Amendment and Zoning Ordinance Text Amendment, that there will be no significant environmental impacts created [Environmental Assessment 16-04]

B. Adopt **Resolution No. 16-058** amending General Plan text consistent with the State Guidelines that require that General Plans comply with adopted State regulations. [General Plan Amendment 16-03]

C. Introduce an Ordinance amending the Municipal Code related to Flood Damage Protection and required findings for various entitlements, regulations, and waive the first reading.[Zoning Ordinance Amendment 16-01]

Councilmember Didbal seconded the motion that passed with a unanimous vote.

5. Yuba City Resource Efficiency Plan

Mayor Buckland opened the public Hearing. Hearing no comment, he closed the public hearing.

Councilmember Gill moved to: A) adopt the Mitigated Negative Declaration prepared for the proposed General Plan Amendment, that there will be no significant environmental impacts created after implementation of mitigation measures. [Environmental Assessment 16-05]; and B) adopt **Resolution No. 16-059** adding Appendix B, Resource Efficiency Plan to the City's General Plan. [General Plan Amendment 16-04].

Public Communication

6. Written Requests - None

7. Appearance of Interested Citizens – None

Consent Calendar

Councilmember Dukes moved to adopt the Consent Calendar, with the Roll Call correction to the August 9th Minutes. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

8. Minutes of July 26, August 9, and August 16, 2016

Approved the City Council Meeting Minutes of July 26, August 9, and August 16, 2016, with a correction to the August 9th minutes.

9. Instrumentation Technician Job Classification Modification and Salary Adjustment

Adopt **Resolution No.16-060** authorizing the Director of Finance to amend the salary schedule to reflect the creation of the Instrumentation Technician I/II and III job classifications as outlined in the staff report; and adopted **Resolution No. 16-061** authorizing the reclassification of one Instrumentation Technician position to Instrumentation Technician III within the Public Works Department.

General Items

10. 2015 Homeland Security Grant Program

Councilmember Gill moved to: A) accept the award of the 2015 Homeland Security Grant in the amount of $21,563; B) Approve supplemental budget appropriations to the Police Department's revenue account #100-43420 in the amount of $21,563; and C) Approve supplemental budget appropriations to the Police Department's expenditure account # 2193-69201 in the amount of $21,563. Councilmember Didbal seconded the motion that passed with a unanimous vote.

11. Police Recruiting Incentive Program

The following person spoke:

Dena Walker, Yuba City

Councilmember Didbal moved to adopt the Police Recruiting Incentive Program with the following amendment to **Resolution No. 16-062**:

3. New lateral Police Officers shall receive an amount equal to their accumulated sick leave from their previous employer placed in their leave banks, not to exceed 40 hours. The applicant must provide verification of the leave bank amount.

Councilmember Gill seconded the motion that passed with a unanimous vote.

12. Wastewater Rate Methodology for Septic Haulers

Councilmember Dukes moved to adopt **Resolution No. 16-063** approving the revision to Section 6-5.507 of Title 6, Chapter 5, Wastewater Collection and Treatment, of the Yuba City Municipal code with the finding that it is in the best interest of the City to provide the best customer service. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

13. Establish a Pension Rate Stabilization Program and an Other Post-Employment Benefits (OPEB) Pre-Funding

Councilmember Gill moved to: A) Adopt **Resolution No. 16-064** approving the adoption of the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement Services (PARS); B. Adopt the attached Pension Rate Stabilization Program (PRSP) and Other Post Employee Benefits (OPEB) Pre-Funding Policy; and C. Authorize initial contribution of $2,000,000 to the PRSP. Councilmember Didbal seconded the motion that passed with a unanimous vote.

14. Fiscal Year 2016 - 2017 City Council Priorities and Goals Progress Report

Noted and Filed the 2016-2017 City Council Priority and Goals Semi-Annual Progress Report.

Business from the City Council

15. Appointment of Interim City Clerk

Mayor Buckland recused himself from this item due to family being a candidate for City Clerk, and left the dais.

Vice-Mayor Cleveland led the discussion.

The following person spoke:

Pat Miller, Sutter County Tax Payers Association.

A motion was made by Councilmember Gill to appoint Patricia Buckland as Interim City Clerk to complete the term of the former incumbent through November 2016. The motion was seconded by Councilmember Dukes. Vice-Mayor Cleveland and Councilmember Didbal were not in favor.

Vice-Mayor Cleveland requested that the City Attorney provide a letter to the Council regarding possible conflict of interest for the appointing of or the election of a wife of a Councilmember to serve as City Clerk.

Councilmember Dukes amended his motion to appoint City Manager Steve Kroeger as Interim City Clerk to complete the term of the former incumbent through November 2016. Councilmember Gill seconded the motion that passed with a unanimous vote.

Mayor Buckland returned to the dais.

16. City Council Reports

- Councilmember Didbal
- Councilmember Dukes
- Councilmember Gill
- Vice Mayor Cleveland
- Mayor Buckland

Adjournment

Mayor Buckland adjourned the Regular Meeting of the City Council of the City of Yuba City at 8:25 p.m. in honor of the 3,000 civilians, public safety, and military personnel who perished on 9/11/2001.

_____

John Buckland, Mayor

Attest:

_____

Terrel Locke, Chief Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Office of the City Clerk

Presentation By: Terrel Locke, Assistant to the City Manager

Summary

Subject: Biennial Review of the City of Yuba City Conflict of Interest Code

Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions

Fiscal Impact: None

Purpose:

A Conflict of Interest Code informs the public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interest (FPPC Form 700).

Background:

In accordance with Government Code Section 87306.5, local agencies must conduct a biennial review of its Conflict of Interest Code. The Code must contain language that incorporates Fair Political Practices Commission (FPPC) Reg. 18730 or the basic provisions required in Government Code Section 87302. The last review and update was approved by the City Council on September 2, 2014.

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer) are not required to be included in the list of designated positions because persons holding these positions are required to file FPPC Form 700 pursuant to State law.

Analysis:

Staff has reviewed the Conflict of Interest Code and has determined that amendments to the Code are necessary in order to accurately designate all positions that make or participate in the making of governmental decisions. These are decisions that may foreseeably have a material effect on any financial interest. This amendment is due to personnel classification additions or deletions that have been incorporated in the City's annual budget process as well as City-wide organization changes (Appendix A).

Fiscal Impact:

None.

Alternatives:

Do not approve the amended Conflict of Interest Code and ask Staff to provide further review.

Recommendation:

Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

Attachment:

- Yuba City Conflict of Interest Code

Submitted By:

/s/ Terrel Locke
Terrel Locke
Assistant to the City Manager

Reviewed By:

City Manager/City Clerk	SK
City Attorney	TH by email

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE CITY OF YUBA CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et seg.) required state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted regulations (2 Cal. Code of Regs. 18730) which contain the terms of a standard conflict of interest code; and

WHEREAS, after public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

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

That the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Section 18730) and any amendments to the Act are hereby incorporated by reference, and this regulation and the attached Appendix(s) designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the City of Yuba City; and

That designated employees shall file their Form 700 statements with the City Clerk's Office, which will make the statements available to public inspection and reproduction (Gov. Code Section 81008).

That all previously adopted resolutions approving conflict of interest codes are hereby rescinded.

The foregoing Resolution of the City Council of the City of Yuba City was duly and regularly introduced, passed and adopted at a regular meeting thereof held on this 20th day of September 2016, by the following vote:

Ayes:

Noes:

Absent:

_____
John Buckland, Mayor

Attest:

_____
Terrel Locke, Chief Deputy City Clerk

City of Yuba City
Conflict of Interest Code

The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of Section 18730 and any amendments that are duly adopted by the FPPC are hereby incorporated by reference, as the Conflict of Interest Code of the City of Yuba City along with the attached Appendix(s) in which officials and employees are designated and disclosure categories are set forth.

Designated employees shall file annual FPPC Form 700 Statements of Economic Interests with the City of Yuba City and attend required AB1234 Code of Ethics every two years. The City shall make all statements available for public inspection and reproduction, pursuant to Government Section 81008.

Attachments:

- Appendix A: Designated Positions
- Appendix B: Disclosure Categories

City of Yuba City
Conflict of Interest Code
Designated Positions

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest. (Government Code Section 82019)

1) Making a governmental decision means the person:
    a. Votes on a matter
    b. Appoints a person
    c. Obligates or commits his or her agency to any course of action; or
    d. Enters into any contractual agreement on behalf of his or her agency

2) Participating in making of a decision, means the person:
    a. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision
    b. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision

3) Consultant means an individual whom, pursuant to a contract with a state or local government agency makes a governmental decision whether to:
    a. Approve a rate, rule, or regulation
    b. Adopt or enforce a law
    c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, or similar authorization or entitlement
    d. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract
    e. Grant agency approval to a plan, design, report, study, or similar item
    f. Adopt or grant agency approval of policies, standards, or guidelines for the agency or for any subdivision thereof

Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer) are not required to be included in the list of designated positions because persons holding these positions are required to file FPPC Form 700 pursuant to State law.

Officials who manage Investments:

It has been determined that the position listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code Section 87200:

City Treasurer

Department		Position	Disclosure Category
Administration			
		Assistant City Manager	I
		Economic Development Manager	I
		City Clerk	II
		Assistant to the City Manager	IV
Development Services			
	DELETE	~~Community Development Director~~	~~I~~
	ADD	Development Services Director	I
		Planner - Principal	I
		Planner - Senior	I
		Chief Building Official	I
		Plans Examiner	I
		Code Enforcement Officer	I
		Building Inspector I/II	I
		Administrative Analyst I/II	III/IV
Finance			
		Finance Director	I
		Accounting Manager	II
		Customer Service Manager	III/IV
		Administrative Analyst I/II	II
		Information Technology Manager	I
	DELETE	~~Information Technology Supervisor~~	~~II~~
	DELETE	~~Information Technology Analyst~~	~~II~~
	ADD	Senior Information Technology Analyst	II
Fire			
		Fire Chief	I
	ADD	Deputy/Division Fire Chief	II
		Fire Prevention Manager	II
		Fire Safety Inspector	II/III
		Fire Battalion Chief	IV
		Administrative Analyst III	IV
Human Resources		Human Resources Director	I
Community Services			
	DELETE	~~Director of Parks & Recreation~~	I
	ADD	Community Services Director	I
		Recreation Supervisor I/II/III	IV
	ADD	Parks and Grounds Superintendent	II
		Parks Maintenance Supervisor	IV
		Animal Services Manager	II

APPENDIX A

Department		Position	Disclosure Category
Police			
		Police Chief	I
		Assistant Chief	I
		Police Commander	I
		Administrative Manager	II
		Police Lieutenant	II
		Police Sergeant	IV
Public Works			
		Public Works Director	I
		Deputy PW Director - Engineering	II
		Deputy PW Director - Utilities	II
	ADD	Regulatory Compliance Administrator	II
		Engineer - Senior	II
		Project Manager	II
		Deputy Public Works Director - Maintenance	II
		Director of Engineering - SBFCA	II
Boards & Commissions			
		Economic Development Commissioner	I
		Redevelopment Agency Oversight Board	II
Consultants			
		Determined by City Manager (1)	I/II/III/IV
		Redevelopment Attorney	I

(1) Consultants (as defined by FPPC regulation 18700(a)(2)) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

> The City Manager or designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section.

City of Yuba City
Conflict of Interest Code
Disclosure Categories

The following disclosure categories set forth the required contents of disclosure statements for officers and employees holding designated positions. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decisions made or participated in by the designated employee by virtue of the employee's position.

Category I – Full Disclosure

Designated employees assigned to Category I shall report all investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the City of Yuba City or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Category II – Citywide Disclosure: Material & Supplies

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to the City.

Designated employees assigned to Category II shall report:

a) All investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

b) All income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with, the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

Category III – Citywide Disclosure: Construction, Building and Real Property

Designated employees assigned to Category III shall report:

a) Investments in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

b) All income from any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

d) All investment and interests in real property if the property is located within or subject to the jurisdiction of the City of Yuba City.

Category IV - Department Disclosure: Material & Supplies

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to their department/division.

Designated employees assigned to Category IV shall report:

a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

b) Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor and Members of the City Council

From: Human Resources Department

Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: Proposed City Hall Holiday Closure December 26, 2016 – December 30, 2016

Recommendation: Approve a Resolution authorizing the closure of City Hall and other select offices for the holiday period beginning Monday, December 26, 2016 through Friday, December 30, 2016

Fiscal Impact: Minimal savings due to building shutdown.

Purpose:

Approval of the closure of City Hall and other select offices for the holiday period beginning Monday, December 26, 2016 through Friday, December 30, 2016.

Background:

The proposed holiday week begins on Monday, December 26, 2016 and continues through Friday, December 30, 2016. This proposed period of time is referred to as the "Holiday Closure" in this staff report.

The observed Christmas Day holiday (December 26th) and the movement of the observed New Year's Day holiday from January 2nd to December 30th contribute to a shorten week for employees, see below table.

Work week

Sunday Dec. 25	**Monday Dec. 26**	**Tuesday Dec. 27**	**Wednesday Dec. 28**	**Thursday Dec. 29**	**Friday Dec. 30**	*Saturday Dec. 31*	*Sunday Jan. 1*	Monday Jan. 2
Christmas Day	**Dec. 25 Holiday: Closure**	**Closure**	**Closure**	**Dec. 31 Floating Holiday**	**Jan. 1 Holiday: Closure**		*New Year's Day*	City Hall Open

Normally City offices would be closed on December 26th and January 2nd in observation of the Christmas Day and New Year's Day holiday. The recommendation is to move the observed New Year's Day holiday from January 2nd to December 30th in order to close City offices for the week of December 26th. Therefore, the City would be open for business on January 2nd. For the two to three additional Holiday Closure days (depending on when employees utilize their floating

Christmas Eve-New Year's Eve holiday), employees will use vacation, compensation time, administrative leave or the floating holiday bank time.

Historically, the numbers of City Hall routine counter service requests or utility bill payments between Christmas and New Year's Day are low. This Holiday Closure provides a good opportunity for employees to take extra time off before the end of the fiscal year while customer service demands are low.

The Holiday Closure would not impact emergency services. Also, if the City Manager were to declare an emergency (such as a flood) the Holiday Closure would be suspended and employees would be subject to emergency procedures.

Analysis:

The bargaining units, Public Employees' Union, Local 1, First Level Managers, Mid-Managers, and unrepresented Confidentials and Executive Team, have agreed to close City Hall and other select offices during the Holiday Closure.

The Holiday Closure is well advertised to the public to ensure advance and thorough notification. If approved, news releases would be sent out to the local newspapers, radio stations, and news stations. Notices of the closure would be posted at the facilities as well as on the City's website.

Fiscal Impact:

Minimal savings due to building shutdown.

Alternatives:

Do not close City Hall and other offices for the holiday period beginning Monday, December 26, 2016 through Friday, December 30, 2016.

Recommendation:

Approve a Resolution authorizing the closure of City Hall and other select offices for the holiday period beginning Monday, December 26, 2016 through Friday, December 30, 2016

Attachments:

1. Holiday Closure Resolution
2. Holiday Closure Side Letter *(in development)*

Prepared By:

/s/ Natalie Springer
Natalie Springer
Human Resources Director

Submitted By:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Finance RB

City Attorney TH by email

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE HOLIDAY CLOSURE

WHEREAS, the City recognizes the combination of holidays and floating holiday bank time has provided City Hall and other select buildings the opportunity to take time off over the below described holiday period with minimal impact to the public;

WHEREAS, City staff and the affected bargaining units have agreed to close City Hall and other select buildings from Monday, December 26, 2016 through Friday, December 30, 2016;

WHEREAS, the City Hall Holiday Closure has been successful and well received by the public since 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

Approve the attached Side Letter.

Authorize staff to make any necessary clarifying language changes to the language in the side letter as long as the changes do not modify the side letter's substantive terms or past practice.

The forgoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 20th day of September 2016.

AYES:

NOES:

ABSENT:

_____
John Buckland, Mayor

ATTEST:

_____
Terrel Locke, Chief Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Public Works Director

Summary

Subject: Wildewood East Connection to City Water

Recommendation: A. Approve providing water to the Wildewood East Subdivision contingent upon the approval of a State Revolving Fund (SRF) Loan to finance a water line extension project and connection fees, annexation to the City, and Assessment District formation [Subdivision located north of Franklin Road and west of George Washington Boulevard]

B. Authorize the Public Works Director to prepare and submit an application for a State Revolving Fund (SRF) Loan to fund the construction of water lines and connection fees in the Wildewood East Subdivision.

Fiscal Impact: The estimated project cost including connection fees is $2,551,000. Staff time associated with preparing the SRF Loan application is approximately $5,000.

Purpose:

To assist the Wildewood East Subdivision in meeting the State requirement to address hexavalent chromium in their drinking water.

Background:

The Wildewood East Subdivision is located on the north side of Franklin Road, west of George Washington Boulevard (Exhibit A). The community includes 48 lots, each approximately 1 acre in size. The Wildewood East Mutual Water Company (WEMWC) serves water to the subdivision through a private groundwater system, which is subject to regulation by the State Water Resources Control Board Division of Drinking Water (State Water Board). The State Water Board regulates the quality of drinking water in part by setting minimum standards for specific constituents of compounds found in water. In 2014, the State Water Board implemented a regulation that required drinking water to have less than 10 ug/L of Hexavalent Chromium (CR6).

WEMWC tests the water it provides as potable drinking water and has consistently tested above the maximum permitted level for CR6. The State Water Board is requiring that WEMWC become compliant with the CR6 requirements by 2020.

Analysis:

WEMWC hired an engineering consultant to prepare a study to analyze options to gain compliance with the State Water Board's CR6 requirement by 2020. The study evaluated 5 options:

1. Abandon the WEMWC well and have Yuba City provide all domestic and irrigation water.
2. Maintain the WEMWC well for irrigation purposes only and have Yuba City provide domestic water.
3. Maintain the WEMWC well and blend water from Yuba City to reduce CR6 levels.
4. Maintain the existing WEMWC system and treat water with a central water treatment plant.
5. Maintain the existing WEMWC system and treat domestic water at each receiving home.

With Options 1 – 3, annexation to the City of Yuba City would be a requirement of receiving City water.

The WEMWC shareholders, comprised of the majority of the property owners within the subdivision, held a meeting on August 23rd. The shareholders voted and selected to proceed with Option 2, which provides for a new City-maintained water distribution system throughout the subdivision, with domestic water service provided to every home. WEMWC will continue to maintain their well and on-site piping to serve each property for irrigation purposes.

Fiscal Impact:

The estimated cost as determined by WEMWC's consultant for Option 2 is $2,551,000, which equates to $53,100 per connection. The estimate includes connection fees, capital costs to construct the new water distribution system, contingency, engineering costs, annexation costs, and City costs associated with formation of an Assessment District and staff time. With Option 2 providing for connection to City water, the State Water Board requires that the City take the lead on applying for funding for the project as it is considered a consolidation of water systems. Staff has worked with the WEMWC Board of Directors to determine that the best option is for the City to submit a State Revolving Fund (SRF) Loan application to the State to fund the total project cost, including connection fees, and form an Assessment District to receive reimbursement for the SRF Loan.

With Council's approval to provide water to the Wildewood East Subdivision and submit the SRF Loan application for the total project cost, staff will work with the WEMWC Board of Directors on the annexation process, formation of an Assessment District, and preparation of the plans and specifications to construct the project. The estimated timeframe to complete the project and provide water to the subdivision is 18-24 months.

Alternatives:

Do not approve providing water to the Wildewood East Subdivision.

Recommendation:

A. Approve providing water to the Wildewood East Subdivision contingent upon the approval of a State Revolving Fund (SRF) Loan to finance a water line extension project and connection fees, annexation to the City, and Assessment District formation.

B. Authorize the Public Works Director to prepare and submit an application for a State Revolving Fund (SRF) Loan to fund the construction of water lines and connection fees in the Wildewood East Subdivision.

Attachment:
Map – Wildewood East Compliance Plan

Prepared by:

/s/ Diana Langley
Diana Langley
Public Works Director

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Finance RB

City Attorney TH by email

WILDEWOOD EAST COMPLIANCE PLAN

Exhibit A

ALTERNATIVE 2 - YUBA CITY DOMESTIC WATER SERVICE SCHEMATIC

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Benjamin Moody, Deputy Public Works Director - Engineering

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Summary

Subject: Bicycle Safety Campaign (FRAQMD Grant Application)

Recommendation: Authorize the Public Works Director to submit an application for the funding of a Bicycle Safety Campaign Project for grant funding through the Feather River Air Quality Management District

Fiscal Impact: Total Project Estimate - $50,000:
Proposed FRAQMD Grant - $45,000
Staff Time - $5,000

Purpose:

To secure Blue Sky Program grant funds for the promotion of a Citywide bicycle safety campaign.

Background:

Under Feather River Air Quality Management District's Blue Sky Program, proposals are annually solicited for projects that will:

1) Reduce air pollution emission from motor vehicles,

2) Implement transportation control measures, or

3) Establish public education programs that support and do not duplicate any of the District's efforts.

The selected projects are funded through motor vehicle registration fees collected by FRAQMD per Sections 44220 through 44247 of the Health and Safety Code (AB 2766) in an effort to meet the emission reductions mandated by the California Clear Air Act.

The City has received grant funding from the Blue Sky Program for the past six years and has been very successful in meeting the goals of the program. In addition, these grants have helped the City towards implementation of the Bicycle Master Plan which was adopted in February 2011. Below is a summary of last three funded Blue Sky Program projects:

- 2016 – $48,000 Queens Avenue Bicycle Detection at Traffic Signals
- 2015 - $53,297 for promotion of May is Bike Month 2015 and the installation of 0.3 miles of Class II Bike Lanes and 0.08 miles of Class III Bike Routes.

- 2014 - $46,500 for promotion of May is Bike Month 2014 and the installation of 0.4 miles of Class II Bike Lanes.

Analysis:

In August 2016, FRAQMD issued a Request for Proposals for FY 16/17, in which a total of $230,000 was available for allocation to district projects. With consideration of Council's past direction to promote bicycle safety and input from the Bicycle Advisory Committee, staff proposes to prepare the following project proposal:

- 2017 Bicycle Safety Campaign

Staff believes a bicycle safety campaign would be a good candidate for the grant application because it meets the goals of the grant, follows Council direction, and is a current priority for the City's Bicycle Advisory Committee. Additionally, the project can be scaled based on the actual grant funding awarded.

Project scope is to conduct a bicycle safety campaign that would bring awareness to the community regarding lawful vehicle – bicycle interactions, including required passing clearance distances and specified correct riding locations and direction. Activities are anticipated to include sign installation throughout the City and advertising that would include billboards and promotional materials (e.g. water bottles) for community outreach.

FRAQMD will receive several project proposals, and after review of all of the proposals, the FRAQMD board will vote in December 2016 to award. The City has until December 31, 2017 to implement the project should it be chosen for funding.

Fiscal Impact:

The total estimated project cost for the Bicycle Safety Campaign is $50,000. The proposed grant application would be for $45,000 with the City contributing necessary staff time to coordinate and implement the safety campaign. Staff costs are approximated to be $5,000.

Should FRAQMD decide to fund the project, staff will bring an acceptance agreement to Council for approval early next year.

Alternatives:

A. Modify the scope of the proposed project, or

B. Propose an alternative project for the FRAQMD grant.

Recommendation:

Authorize the Public Works Director to submit an application for the funding of a Bicycle Safety Campaign Project for grant funding through the Feather River Air Quality Management District.

Attachments:

1. Campaign Design Proofs (2)
2. Blue Sky Program Request for Proposals

Prepared by:

/s/ Ben Moody
Benjamin K. Moody
Deputy P.W. Director - Engineering

Submitted by:

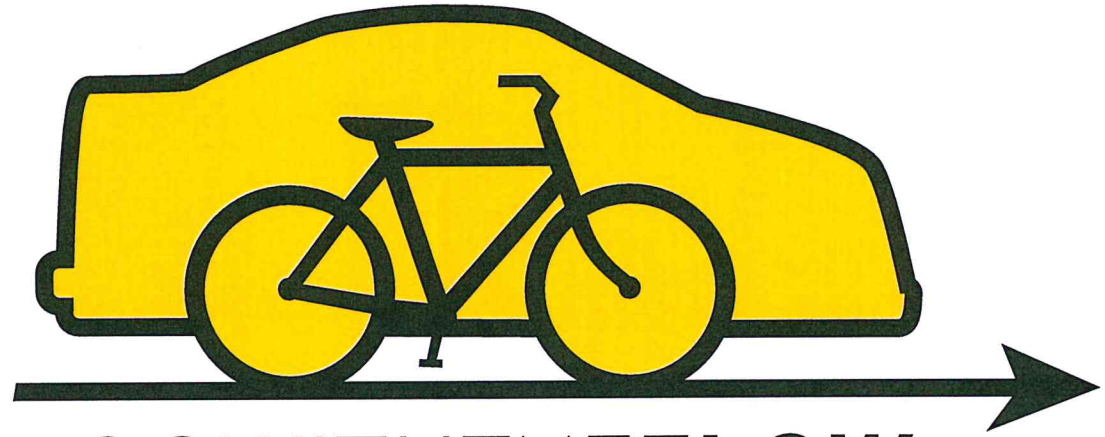
/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Department Head	DL
Finance	RB
City Attorney	TH by email

FOR**SAFETY**

This safety message brought to you by the City of Yuba City Bicycle Advisory Committee



GO WITH THE FLOW

This safety message brought to you by the City of Yuba City Bicycle Advisory Committee

Serving Sutter and Yuba Counties

RECEIVED
AUG 17 2016
CITY OF YUBA CITY
PUBLIC WORKS DEPT

2016/2017 Blue Sky Program
Request for Proposals

The Feather River Air Quality Management District is accepting applications for the allocation of motor vehicle registration funds (AB 2766 and AB 923).

AB 2766 Funds estimated at $230,000 for this year
Examples of eligible projects:
- Electric vehicle charging stations
- Rideshare-carpool-vanpool-transit programs
- Park and ride lots
- Trip reduction programs
- Public education

AB 923 Funds estimated at $310,000 for this year
Examples of eligible projects:
- New purchase of public school buses
- School bus retrofits
- School bus natural gas fuel tank replacements
- School bus refueling infrastructure maintenance

A workshop will be held on Wednesday September 28 at 10:00 am. The workshop will be held in the FRAQMD office, 541 Washington Avenue, Yuba City, CA.

Proposals must be received by **5:00 pm on Friday October 14, 2016**, to be considered. The Request for Proposals can be downloaded at the District website: www.fraqmd.org. Or pick up application material and information at the District office located at:

541 Washington Avenue
Yuba City, CA 95991

Projects will be reviewed and approved by the FRAQMD Board of Directors on December 5, 2016. Projects should be implemented between January 1, 2017, and December 31, 2017.

Please see our website www.fraqmd.org or call the District at (530) 634-7659 for more information.

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Public Works Director

Summary

Subject: 5th Street Bridge Replacement Project – Authorization to Enter Into a High Cost Agreement

Recommendation: A. Authorize the City Manager to enter into a High Cost Agreement with the California Department of Transportation.

B. Authorize the Finance Director to utilize citywide-pooled cash to cover advancing expenditures to the Contractor while awaiting reimbursement from related grant revenues.

Fiscal Impact: The City will be required to commit budget authority to fund the entire estimated construction cost of $65.7 million prior to the State agreeing to program funds for reimbursement. The City will regularly need $4 to $6.5 million each month to fund payments to the Contractor prior to receiving reimbursement from Caltrans.

Purpose:

Secure federal funding from the Highway Bridge Program necessary for construction of the 5th Street Bridge Replacement Project.

Background:

California Department of Transportation (Caltrans) Office Bulletin 11-02 (OB11-02) establishes procedures for programming high cost Highway Bridge Program (HBP) funded projects. OB11-02 defines “high cost” as any project with construction or right-of-way total costs in excess of $20 million. Construction costs for the 5th Street Bridge Replacement Project are currently estimated at $65.7 million.

The purpose of OB11-02 is to address the issue of a single bridge project being allocated more HBP funds in a single federal fiscal year than the project can spend. By avoiding an excessive allocation to a single high cost project, several smaller HBP projects can be advanced.

OB11-02 requires local agencies with high cost HBP projects to enter into a High Cost Agreement. A sample High Cost Agreement is attached.

Analysis:

The High Cost Agreement requires that local agencies with high cost HBP projects commit non-federal fund sources (local funds) to advance the construction of the project (i.e., assure that the project is fully funded). Once the local agency commits the budget authority for the full construction funding, Caltrans will commit up to $20 million for construction for each federal fiscal year. If there are delays in constructing the project, Caltrans may reduce the amount of HBP funds programmed. With the current federal transportation law in place, California is guaranteed funding of the HBP program for the next four years, resulting in very little risk to the City for reimbursement of its expenses

The following projects have executed High Cost Agreements with Caltrans:

- Sixth Street, City of Los Angeles
- Yerba Buena Island, San Francisco County Transportation Authority
- Ave 416 Bridge over Kings River, Tulare County
- Eleventh Street, City of Tracy
- Golden Gate Bridge Seismic Retrofit Phase 3B
- North Spring Street, City of Los Angeles

Fiscal Impact:

The City is required to commit budget authority to fund the entire estimated construction cost of $65.7 million. Caltrans will program up to $20 million in HBP funds each federal fiscal year for reimbursing the City. The attached cash flow requirements spreadsheet shows the estimated payments to Contractor and reimbursements from Caltrans for the project. The spreadsheet shows that the project is expected to span 4 federal fiscal years, so $20 million per federal fiscal year should be sufficient to meet the cash flow needs of the City. The City will regularly need $4 to $6.5 million each month to fund payments to the Contractor prior to receiving reimbursement from Caltrans. Staff recommends utilizing citywide-pooled cash to cover advancing expenditures to the Contractor while awaiting reimbursement from related grant revenues.

Alternatives:

A. Direct staff to appeal the OB11-02 policy to Caltrans and request representation from members of the Local Assistance Highway Bridge Program Advisory Committee representing the California League of Cities. Caltrans has advised staff that no such petitions have been successful to date.

B. There are no other viable alternatives if the 5th Street Bridge Replacement Project is to be constructed.

Recommendation:

A. Authorize the City Manager to enter into a High Cost Agreement with the California Department of Transportation.

B. Authorize the Finance Director to utilize citywide-pooled cash to cover advancing expenditures to the Contractor while awaiting reimbursement from related grant revenues.

Attachments:

1. Sample High Cost Agreement
2. Estimated Cash Flow Analysis

Prepared by:

/s/ Kevin Bradford
Kevin Bradford
Senior Engineer

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Department Head	DL
Finance	RB
City Attorney	TH by e-mail

Expires – Upon Issuance of LPP

Local Assistance Highway Bridge Program
High Cost Projects Programming Policy and Procedures

I. BACKGROUND

Chapter 6, Highway Bridge Program (HBP), Local Assistance Program Guidelines, defines eligibility requirements and high level programming instructions. Office Bulletin DLA-OB-10-01 establishes procedures for programming the Federal Transportation Improvement Program (FTIP) in compliance with federal regulations. This Office Bulletin establishes policy and procedures to program high cost HBP funded projects. This Office Bulletin also replaces Section 6.2.11, High Cost Bridge Projects, Chapter 6, Highway Bridge Program, Local Assistance Program Guidelines.

II. POLICY

1) Federal code, 23USC(144)(j) states, "Sums apportioned to a State under this section shall be made available for obligation throughout such State on a fair and equitable basis." Allowing several very large projects to consume all HBP funds in one year would not be fair and would idle large sums of federal funds. The State will administer the HBP in a fair and equitable basis throughout the State of California.

2) The Department, Cities, and Counties, authorized under Streets and Highways Code Section 2400-2414 are required to fully utilize HBP funds to expedite projects.

3) High cost projects are defined as projects with construction or Right-of-Way (R/W) total costs in excess of $20 million.

4) It has been demonstrated that high cost projects commit large sums of federal funds but cannot spend the funds in one year due to local agency contract processes, time to mobilize the contractors and the time it takes to actually construct large projects. These idled federal funds could be used to advance other projects. Cash management is critical to effective stewardship of the local assistance HBP.

III. IMPLEMENTATION

1) Upon approval of this Office Bulletin, the Department will identify the high cost projects and make contact with the project sponsors to explain this Office Bulletin and secure funding commitments consistent with this Office Bulletin.

2) A funding commitment letter will be issued when a high cost phase (R/W or Construction) of work needs to be programmed in the 4 year element of the FTIP or as needed for a Federal Highway Administration (FHWA) required High Profile Project Financial Plan. National Environmental Policy Act (NEPA) and R/W clearance along with status of the Plans Specifications and Estimate (PS&E) package will play a role in determining the need for the funding commitment letter.

3) The Department will issue a funding commitment letter (Exhibit A), and associated funding sheet (Exhibit B) to the local agency for a high cost project that commits the Department, subject to state and federal budget legislation and other limitations, to specify HBP funds in the FTIP over a multiple year period. The Department will program HBP funds in the FTIP after the local agency executes the Advance Construction (AC) Commitment Block included in Exhibit A.

4) Local agencies will need to secure the availability of local funds (budget authority) to back the AC commitment.

5) Local agencies that cannot obtain a source of local funds for AC will not have construction (or high cost R/W) programmed within the 4 year element of the FTIP using HBP funds. These agencies may appeal this policy and request a meeting with the Department to review the specific situation.

   Members of the Local Assistance Highway Bridge Program Advisory Committee (Committee) representing the League of California Cities and the California State Association of Counties (Streets and Highway Code Section 2413) may be invited to the meeting to offer advice to the Department on implementing the policy defined in this Office Bulletin as applied to the project in question.

6) The sum of cash managed high cost projects in any Federal Fiscal Year (FFY) should not exceed 50% of the annual revenue for that federal sub-apportionment for which the project is eligible without concurrence from the Local Assistance Highway Bridge Program Advisory Committee.

7) Funds allocated to a project for AC conversion should not exceed $20 million per year without concurrence from the Committee.

8) High Cost projects shall not be accepted into the local assistance HBP if all (including high cost projects) projects cannot be funded over a 20 year period. If the project is not accepted into the local assistance HBP, local agencies have the option of proceeding with their own funds using AC, but the Department will not budget the project(s) for AC conversion using HBP funds.

9) AC conversion in the year programmed will not be obligated unless at least 50% of the prior years' federal funds have been invoiced. This keeps the federal funds available to advance other projects that could be delivered.

10) In reference to Office Bulletin DLA-OB-10-01 which establishes procedures for programming the FTIP, the advancement of future year AC conversion using Expedited Project Selection Procedures (EPSP), for high cost projects will be after April 15th of each year instead of after March 30th.

    This will provide smaller projects programmed in future years the opportunity to advance before the high cost projects use up available HBP funds.

    After April 15th of any year, conversion of AC for high cost projects will be prioritized and prorated as follows:

    a. High Cost Projects with eligible costs that could be immediately reimbursed with AC conversion will be first priority for conversion and proration will be based on outstanding reimbursable expenditures.

    b. Second priority will be advancing AC conversion amongst the high cost projects with remaining AC even if there are no project expenditures that could be immediately reimbursed.

c. Depending on current year delivery of the HBP and other local assistance programs, the Department may delay AC conversion of eligible projects in paragraphs III(10)(a) and (b) to a later date.

IV. APPLICABILITY/IMPACTS

This Office Bulletin applies to local assistance bridge projects funded through the federal Highway Bridge Program (23USC144) as authorized by Streets and Highways Code 2400 – 2414, 179 – 179.3.

This policy/procedure is subject to annual review and recommendation of the Committee. Members include the Department (Chair), representatives from the League of California Cities, the California State Association of Counties, the California Association of Councils of Governments, California Transportation Commission staff, and the FHWA.

Recommended: Original Signed By 2/24/2011
Eric Bost, PE, Statewide HBP Coordinator Date

Approved: Original Signed By 2/24/2011
Yin-Ping Li, PE Date
Chief, Office of Bridge and Safety Programs

Attachments: Exhibit A: Sample Funding Commitment Letter
Exhibit B: Sample funding sheet for use in Exhibit A

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL ASSISTANCE – M.S. 1
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916)
FAX (916)
TTY 711

Flex your power!
Be energy efficient!

Date:
FTIP/FSTIP ID:
Federal Aid Project Number
Project Description

Dear Public Works Director,

The purpose of this letter is to commit the California Department of Transportation (Department) to fund the {fill in} bridge project (Project) consistent with the attached draft project funding sheets. The Department requests the {fill in} (Agency) to concur with this proposal and commit local resources to allow the Department to produce a new financially constrained Program list for the {MPO name} region. The {MPO} will then incorporate the revised Program list into the Federal Transportation Improvement Program (FTIP).

The Department, in cooperation with the Local Assistance Highway Bridge Program (HBP) Advisory Committee (California Streets & Highway Code Section 2413), has implemented a policy (Office Bulletin 11-02) to fund high cost projects. Members of Local Assistance HBP Advisory Committee include the Department (Chair), representatives from the League of California Cities, the California State Association of Counties, the California Association of Councils of Governments, California Transportation Commission staff, and the Federal Highway Administration.

It has been demonstrated that high cost projects commit large sums of federal funds but cannot spend the funds in one year due to local agency contract processes, time to mobilize the contractors and the time it takes to actually construct large projects. These idled federal funds could be used to advance other projects. Cash management is critical to effective stewardship of the local assistance HBP.

This letter implements the cash management policy for the Project. The Project is subject to the high cost policy because the {Right of Way (R/W) or Construction, specify} phase exceeds $20 million.

The Department's funding commitments, as shown in the attached draft project funding sheet, are conditional. The conditions are as follows:

1. Agency is responsible for committing (budgetary) non-federal fund sources to fund the Advance Construction (AC) to cash flow the high cost phase of the Project.

Date: FTIP/FSTIP ID:
Federal Aid Project Number:
Project Description:

2. AC conversion may not be automatic if there are delays in constructing the Project. At least 50% of the federal funds obligated on the Project must be spent to justify future programmed AC conversion.

3. Office Bulletin 10-01 authorizes the Department to reserve current year HBP funds for projects programmed in that current year through March 30th. After March 30th, Department redirects the HBP funds to other projects that may be advanced from future years of the FTIP. Current year programmed AC conversion must be obligated prior to March 30th.

4. Additional AC conversion may be obligated in {specify FFYs} using Expedited Project Selection Procedures (EPSP), if HBP funds are available after April 15th of each year.

5. Proposition 1B bond funds, Local Bridge Seismic Retrofit Account, matching funds may only be encumbered on the project when matching federal funds are obligated on the Project as shown in the attached draft project funding sheets.

6. Congress has not yet authorized a new transportation act. It is unknown what the State's authority to commit and/or obligate future HBP funds will be until there is a new act.

7. If the federal funds for the initial authorization of {R/W or Construction, specify} phase shown in the attached draft project funding sheets is not obligated in the year programmed, the Agency must commit additional local AC resources on the project in the following year to ensure the Project is fully funded or the project must be removed from the 4 year element of the FTIP until the next FTIP cycle. In either case, the funding commitment in this letter will be vacated and a new letter must be developed.

8. In the event the Project becomes inactive, the funding commitment in this letter may be vacated and a new a new letter must be developed. An "inactive project" is a project for which no expenditures have been charged against federal funds for the past 12 months. (23CFR630.106(a)(5))

9. Nothing in this letter can be considered a payable contractual commitment by the Department. Contractual commitments to the Agency are made through the procedures/processes defined in the Local Assistance Procedures Manual.

Other Recommendations:

10. The Agency is advised to ensure HBP funds are obligated prior to March 30th of any given year or risk losing programmed funds. It is recommended the Agency schedule project authorizations and AC conversions in the late fall of any given year to ensure federal funds are available.

11. This letter, returned to the District Local Assistance Engineer (DLAE), with Agency approval signature (below) may be used in lieu of the submittal of Exhibit 3-I, Request

Date: FTIP/FSTIP ID:
Federal Aid Project Number:
Project Description:

for Local Advance Construction Authorization, from the Local Assistance Procedures Manual.

12. The local agency is further reminded that this project is subject to mandatory value analysis since the total project cost is in excess of $20 million. If the total project cost is greater than $100 million, additional federal oversight will be required such as a multi-year financial plan and other project specific federally mandated oversight.

The Department requests the Agency to commit their local resources consistent with this proposal to allow the Department to produce a new financially constrained bridge program list for the {MPO} region. In the event the Agency cannot commit local funds to cash manage the Project, the Agency may request a meeting with the Department to appeal this policy.

If you have questions, please contact _____.

Sincerely,

DLAE

Local Agency AC Commitment Block
{Specify Federal Aid Project Number}

The Agency agrees to use local funds in lieu of federal funds to finance the cost of work as shown in the attached draft project funding sheets shown as LOCAL FUNDED AC until such time that federal funds become available for obligation and subsequent reimbursement of eligible work. It also is understood that federal reimbursement is not guaranteed for funds identified as LOCAL FUNDED AC.

The Agency understands that work performed prior to federal authorization is ineligible for federal reimbursement and that advertising the construction contract prior to federal authorization will deem the construction and construction phases of work ineligible for federal funds.

_____ _____
Local Agency Representative Authorized to Commit Local Funds Date

_____
Title

Exhibit B: Sample funding sheet for use in Exhibit A.

FOR DRAFT REVIEW ONLY --- 2008/9-2013/14 Highway Bridge Program

10/4/2010, 5:17 PM

Notes:

1) MPOs/RTPA's must not use this listing.

2) This is NOT an approved listing for use in developing the FTIP/FSTIP. See the HBP web site for the official proposed FTIP/FSTIP program listings: http://www.dot.ca.gov/hq/LocalPrograms/

Note id: 18

Sample Responsible Local Agency 3715 Sample High Cost Project: Replace 2 lane bridge with 6 lane bridge, on Sample Road, between Example Dr. and Fictitious Ave.

Fed Proj: BRLS-0268(001)

Phase Summary:	Prior	8/9	9/10	10/11	11/12	12/13	13/14	Beyond	Total
PE	7,000,000								7,000,000
R/W			7,000,000						7,000,000
CON					85,000,000				85,000,000
Total	7,000,000		7,000,000		85,000,000				99,000,000

Fund Source Summary:	Prior	8/9	9/10	10/11	11/12	12/13	13/14	Beyond	Total
Fed $	6,197,100		6,197,100		5,710,185	20,000,000	20,000,000	29,540,315	87,644,700
Local Match	802,900		802,900		9,749,500				11,355,300
LSSRP Bond									
Local AC					69,540,315	-20,000,000	-20,000,000	-29,540,315	-0
Total	7,000,000		7,000,000		85,000,000				99,000,000

PE Summary:	Prior	8/9	9/10	10/11	11/12	12/13	13/14	Beyond	Total
Fed $	6,197,100								6,197,100
Local Match	802,900								802,900
LSSRP Bond									
Local AC									
Total	7,000,000								7,000,000

R/W Summary:	Prior	8/9	9/10	10/11	11/12	12/13	13/14	Beyond	Total
Fed $			6,197,100						6,197,100
Local Match			802,900						802,900
LSSRP Bond									
Local AC									
Total			7,000,000						7,000,000

CON Summary:	Prior	8/9	9/10	10/11	11/12	12/13	13/14	Beyond	Total
Fed $					5,710,185	20,000,000	20,000,000	29,540,315	75,250,500
Local Match					9,749,500				9,749,500
LSSRP Bond									
Local AC					69,540,315	-20,000,000	-20,000,000	-29,540,315	-0
Total					85,000,000				85,000,000

Cash Flow Requirements for the Construction of
Fifth Street Bridge Replacement
Including Second Street UC and Approach Roadways in Yuba City and Marysville
By: Matt Griggs/K. Bradford
Date: 24-Aug-16

Assumptions

1. City pays Contractor monthly.
2. City invoices Caltrans monthly.
3. Caltrans pays City 1 month from invoice date.

INFLOWS and CASH FLOW (By Month, in $ Millions)

No.	Month	Monthly Outflow	Cumulative Outflow	Caltrans Invoiced	**Monthly Inflow** Caltrans Payment	**Cash Needed**	
1	17-Jul	2.118	2.118			2.118	
2	17-Aug	2.118	4.235	2.118		4.235	
3	17-Sep	2.118	6.353	2.118	-2.118	4.235	End FFY16-17
4	17-Oct	2.118	8.470	2.118	-2.118	4.235	
5	17-Nov	2.118	10.588	2.118	-2.118	4.235	
6	17-Dec	1.522	12.109	2.118	-2.118	3.639	
7	18-Jan	2.872	14.981	1.522	-2.118	4.393	
8	18-Feb	2.872	17.852	2.872	-1.522	5.743	
9	18-Mar	2.872	20.724	2.872	-2.872	5.743	
10	18-Apr	2.872	23.595	2.872	-2.872	5.743	
11	18-May	2.872	26.467	2.872	-2.872	5.743	
12	18-Jun	2.872	29.338	2.872	-2.872	5.743	
13	18-Jul	2.872	32.210	2.872	-2.872	5.743	
14	18-Aug	1.650	33.860	2.872	-2.872	4.522	
15	18-Sep	2.643	36.503	1.650	-2.872	4.293	End FFY17-18
16	18-Oct	2.643	39.145	2.643	-1.650	5.285	
17	18-Nov	2.643	41.788	2.643	-2.643	5.285	
18	18-Dec	2.395	44.182	2.643	-2.643	5.037	
19	19-Jan	1.402	45.584	2.395	-2.643	3.797	
20	19-Feb	1.402	46.987	1.402	-2.395	2.804	
21	19-Mar	1.971	48.957	1.402	-1.402	3.373	
22	19-Apr	1.971	50.928	1.971	-1.402	3.942	
23	19-May	1.971	52.899	1.971	-1.971	3.942	
24	19-Jun	1.971	54.870	1.971	-1.971	3.942	
25	19-Jul	2.764	57.634	1.971	-1.971	4.735	
26	19-Aug	3.757	61.391	2.764	-1.971	6.522	Peak Cash Need
27	19-Sep	2.655	64.047	3.757	-2.764	6.413	End FFY18-19
28	19-Oct	1.293	65.340	2.655	-3.757	3.949	
28	19-Nov			1.293	-2.655	3.757	
29	19-Dec			0.000	-1.293	2.655	
		65.340		65.340	-65.340		

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Public Works Director

Summary

Subject: 5th Street Bridge Replacement Project – Authorization to Enter into a Lease Agreement with the California State Lands Commission

Recommendation: Authorize the City Manager to enter into a lease agreement with the California State Lands Commission for removal of the existing 5th Street Bridge and construction of the new bridge.

Fiscal Impact: None anticipated. Lease conditions are either budgeted for through construction of the 5th Street Bridge Replacement Project (Account No. 921084-65501) or not anticipated to result in a cost to the City.

Purpose:

Obtain approval from the California State Lands Commission for construction and maintenance of the 5th Street Bridge Replacement Project.

Background:

The California State Lands Commission (Commission) claims jurisdiction over the main channel of the Feather River throughout the 5th Street Bridge Replacement Project area as this portion of the river is considered a navigable waterway. The existing 5th Street Bridge has operated under Commission Lease No. PRC 1929.9 since it was accepted by the Sutter County Board of Supervisors on June 3, 1957. On January 26, 2016, the Board of Supervisors quitclaimed the lease back to the State. This quitclaim was requested by the Commission to enable the Commission to grant the City of Yuba City, as lead agency for the 5th Street Bridge Replacement Project, a new lease covering removal of the existing bridge and construction/maintenance of the new bridge.

Analysis:

The attached Lease Agreement is for a term of 25 years beginning October 13, 2016 and ending October 12, 2041. Staff has reviewed the terms of the Lease Agreement and found them to be consistent with other similar bridge projects. The terms of the lease contain provisions allowing the Commission to charge rent and require that the lease be surrendered and the bridge removed at the end of the lease, unless the Commission finds that it is in the State's interest not to do so. However, the Commission will initially waive the rental fee with the finding that it is in the public's interest to do so. Commission staff has indicated that the lease surrender and removal requirements are general conditions that cannot be changed and are intended to

apply to situations where the lessee is not interested in continuing the use of the lease area beyond the term of the lease. In the case of the new bridge, the City will certainly not want to discontinue operations. The Commission will notify the City two years prior to expiration of the lease to work on a renewal of the lease subject to the conditions that are in place at that time.

Fiscal Impact:

The costs associated with most of the terms of the lease agreement are included in the budget for construction of the 5th Street Bridge Replacement Project through Account No. 921084-65501. Certain general conditions, such as the rental fee and the requirement to restore the lease premises upon expiration of the lease unless waived by the Commission if it is determined to be in the best interest of the State, are not expected to result in a cost.

Alternatives:

Direct staff to attempt to renegotiate the terms of the lease with the understanding that the construction schedule could be delayed.

Recommendation:

Authorize the City Manager to enter into a lease agreement with the California State Lands Commission for removal of the existing 5th Street Bridge and construction of the new bridge.

Attachments:

1. Draft Lease Agreement

Prepared by:

/s/ Kevin Bradford
Kevin Bradford
Senior Engineer

Submitted by:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed by:

Department Head	DL
Finance	RB
City Attorney	TH by e-mail

STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 *Fax* **(916) 574-1810**
California Relay Service TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

***Contact Phone:* (916) 574-2320**
***Contact Fax:* (916) 574-1925**

Established in 1938

September 15, 2016

File Ref: PRC 1929.9

Via Electronic and Postal Service Mail

Matthew Griggs
Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, CA 95630

Subject: **Yuba City – General Lease – Public Agency Use, for Demolition of the Existing 5th Street Bridge crossing the Feather River and Construction, Use and Maintenance of a new 5th Street Bridge with City-Operated Utility Conduits and a City Water Line, adjacent to 563 2nd Street, Yuba City, Sutter County and River Front Park, City of Marysville, Yuba County**

Dear Mr. Griggs:

The enclosed lease document, in duplicate, states the terms and conditions of a General Lease – Public Agency Use, for the 5th Street Bridge in the Feather River, Sutter and Yuba Counties. If these documents are found to be in order, please have the authorized representative execute ***all copies*** of the lease ***before a notary public*** and return them to my attention at the above-stated address by ***October 7, 2016.***

The application will be scheduled for consideration for approval by the State Lands Commission at the next meeting tentatively scheduled for October 13, 2016. Once approved, a fully-executed lease will be returned to you.

We are recommending the new lease to begin on October 13, 2016.

Thank you for your attention in this matter. If you have any questions, please feel free to contact me at (916) 574-2320 or by e-mail at Marlene.Schroeder@slc.ca.gov.

Sincerely,

Marlene Schroeder
Public Land Management Specialist

Enclosure

c: (on next page)
Kevin Bradford
Public Works Dept.
Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
California State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N.: 52-490-002, -003 (Sutter); 010-141-002 and 010-143-001 (Yuba)
County: Sutter and Yuba

LEASE NO. PRC 1929.9

This Lease consists of this summary and the following attached and incorporated parts:

Section 1	Basic Provisions
Section 2	Special Provisions Amending or Supplementing Section 1 or 3
Section 3	General Provisions
Exhibit A	Land Description
Exhibit B	Site and Location Map
Exhibit C	Mitigation Monitoring Program

SECTION 1

BASIC PROVISIONS

THE STATE OF CALIFORNIA, hereinafter referred to as Lessor acting by and through the **CALIFORNIA STATE LANDS COMMISSION** (100 Howe Avenue, Suite 100-South, Sacramento, California 95825-8202), pursuant to Division 6 of the Public Resources Code and Title 2, Division 3 of the California Code of Regulations, and for consideration specified in this Lease, does hereby lease, demise, and let to **CITY OF YUBA CITY**, hereinafter referred to as Lessee, those certain lands described in Exhibit A hereinafter referred to as Lease Premises, subject to the reservations, terms, covenants, and conditions of this Lease.

MAILING ADDRESS: City of Yuba City
Department of Public Works
1201 Civic Center Boulevard
Yuba City, CA 95993

LEASE TYPE: General Lease – Public Agency Use

LAND TYPE: Sovereign

LOCATION: Feather River, adjacent to 563 2nd Street, Yuba City, Sutter County and River Front Park, city of Marysville, Yuba County, as described in Exhibit A attached and by this reference made a part hereof.

LAND USE OR PURPOSE: Construction, use, and maintenance of a new bridge with city-operated utility conduits and a 12-inch-diameter city water line at 5th Street on the Feather River; use of a temporary construction easement; temporary use and maintenance of the existing 5th Street Bridge (Bridge No. 18C-0012), also known as the Twin Cities Memorial Bridge; and demolition and removal of the existing bridge and concrete piers.

TERM: 25 years; beginning October 13, 2016; ending October 12, 2041, unless sooner terminated as provided under this Lease.

CONSIDERATION: Public use and benefit, subject to modification by Lessor as specified in Paragraph 3(e) of Section 3 - General Provisions.

AUTHORIZED IMPROVEMENTS:

EXISTING: 5th Street Bridge (Bridge Number 18C-0012), also known as the Twin Cities Memorial Bridge, a two-lane pre-stressed concrete stringer bridge, approximately 1,865-feet long by 42-feet wide, to be removed during construction of the new bridge.

TO BE CONSTRUCTED: The new bridge is approximately 1,885-feet long in total, with approximately 426.94-feet over State sovereign land, and 76.5-feet wide, with ten spans in three frames. Three spans over the river will be cast-in-place post-tensioned concrete box girder on concrete piers. Each concrete pier includes three seven-foot diameter columns and each column is founded on a ten-foot diameter cast-in-steel-shell or cast-in-drilled-hole concrete pile. The width allows up to four traffic lanes, shoulders on both sides, a median barrier, a pedestrian and bicycle path and barrier on the north side of the bridge, city-operated utility conduits, and a 12-inch-diameter city water line.

SECTION 2
SPECIAL PROVISIONS

BEFORE THE EXECUTION OF THIS LEASE, ITS PROVISIONS ARE AMENDED, REVISED, OR SUPPLEMENTED AS FOLLOWS:

1. Lessee shall not install, attach, or authorize the placement or expansion of any utilities or other improvements on the bridge or within the Lease Premises, other than the as-planned 12-inch-diameter city water line and the city-operated utilities, without Lessor's prior review and approval. Separate Leases will be required for any utilities to be placed on the bridge or within the Lease Premises.

2. Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the installation, maintenance, or operation of Lessee's facilities attached, suspended, or otherwise fixed to the Lessee improvements.

3. Construction in the Feather River may only occur between June 1 and October 1.

4. In issuing this Lease and authorizing the removal and installation, use, and maintenance of the authorized improvements as described in Section 1, Lessor is relying on the information and data provided by the Lessee in its application and accompanying materials. It is the responsibility of the Lessee to ensure that the information provided is accurate. If the information and data prove to be false, materially incomplete, or inaccurate, this Lease may be modified, suspended, or revoked, in whole or in part, and/or the Lessor may, in addition, institute appropriate legal proceedings to have the structure modified or removed from the Lease Premises in accordance with Section 3, Paragraph 13 of this Lease.

5. Lessee agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as Lessee responsibility as set forth in the Mitigation Monitoring Program, attached hereto as Exhibit C, and by reference made a part of this Lease or as modified by Lessor as permitted by law.

6. Within 60 days prior to the start of construction, Lessee shall obtain and provide to Lessor all permits and authorizations from all federal, state, and local agencies having jurisdiction over the project.

7. All construction activities shall be carried out in accordance with all applicable safety regulations, permits, and conditions of other involved agencies.

8. Within 60 days prior to commencement of any construction activities, Lessee shall provide to Lessor a construction schedule time line chart showing all significant work activities that will take place during the course of the bridge demolition and construction project. Additionally, Lessee shall submit, for Lessor's staff review and comment, a copy of the construction contractor's work execution plan that provides the details of the manpower, equipment, construction methods and procedures to be employed for each significant activity, safety procedures, etc.

9. Within 60 days prior to the start of construction, Lessee shall provide to Lessor a project specific hazardous spill contingency plan, with specific designation, including direct contact information,

of the onsite person who will have responsibility for implementing the plan. The plan will also provide for the call out of additional spill containment and clean up resources in the event of an incident that exceeds the rapid clean up capability of the onsite work force.

10. Within 90 days prior to the start of construction Lessee shall place warning signage and/or buoys clearly visible from the shore and in the water both upstream and downstream of the construction site to provide notice of the new bridge replacement and existing bridge demolition projects, and to advise the public to exercise caution. Such signage shall conform to the requirements specified in California Code of Regulations (CCR) Title 14, Section 7000, et seq. and shall be in place and maintained by Lessee at all times during bridge removal and construction activities.

11. Lessee shall notify the California Department of Parks and Recreation, Division of Boating and Waterways of the location, description, and purpose of such warning signage and/or buoys upon their installation and removal pursuant to CCR Title 14, Section 7003(c).

12. Lessee shall install signs directing the public to the nearby Yuba City Boat Launch facility, Feather River Parkway, and Veterans Memorial Park, which all three are located in the city of Yuba City and the Riverfront Park located in the city of Marysville public recreation areas for public access.

13. Lessee agrees to remove all existing bridge improvements in their entirety and shall immediately notify Lessor in writing should Lessee be unable to completely remove any bridge in-river improvements. Notification shall include a written narrative of the removal efforts, the conditions prohibiting such removal, and the location and a general description of the improvements not removed. In the event any of the improvements cannot be removed completely, Lessee shall remove all portions of the remaining improvements to a minimum depth of five feet below the existing mud line.

14. Lessee expressly acknowledges responsibility to indemnify and hold harmless Lessor, as provided in Section 3, Paragraph 8, INDEMNITY, for any and all liability, claims, damages or injuries of any kind arising from any remaining/abandoned improvements. Lessee's responsibility to indemnify Lessor as aforementioned for any remaining/abandoned improvements will survive the expiration of this Lease and continue indefinitely until such time as such improvements are entirely removed from the Lease Premises.

15. Lessee shall, at its sole risk and expense, remove any or all portions of any improvements not removed if Lessor at any time determines such improvements to be adverse to the public interest. All removal activities shall be carried out in accordance with all applicable safety regulations, permits and conditions of other agencies having jurisdiction in the area of such improvements. Upon notice from Lessor that any improvements not removed are adverse to the public interest and within 90 days following the issuance of all necessary permits and authorizations, Lessee shall complete removal of such improvements, unless such removal period is otherwise extended by Lessor.

16. Within 90 days of written notification as discussed in Section 2, Paragraph 13 herein, Lessee shall submit to Lessor's staff for review and comment an action plan detailing how Lessee will remedy, at Lessor's option, any potential hazards, nuisances, or other conditions arising from or related to any improvements not removed that Lessor determines to be adverse to public interest, including,

but not limited to, the subsequent exposure of any such improvements.

17. Lessee agrees to respond in a responsible and timely manner to any claims arising from or related to any improvements not removed and shall immediately notify Lessor of any accident, injury, casualty, or claim arising out of or related in any way to the bridge removal and replacement project.

18. Historic resources found within the Lease Premises are not to be disturbed. Generally, anything found on the Lease Premises that is artificial or not naturally occurring and is estimated to be over forty-five (45) years old may be a historic resource. If resources are discovered that may be considered historic, please take a photograph and provide GPS coordinates if possible, and report the discovery to Lessor for further guidance.

19. In the event good faith efforts fail to remove all the existing bridge improvements, at Lessors option, Lessee agrees to apply to Lessor for a Lease Amendment to implement an Abandonment Agreement within 90 days of completion of the demolition of the existing bridge as described in Section 1, AUTHORIZED IMPROVEMENTS. Such Amendment and Agreement will require authorization by Lessor and will apply only to that portion of the existing bridge right-of-way as described in Exhibit A.

20. In the event all existing bridge improvements are successfully removed in their entirety during demolition or at any time thereafter, Lessee agrees to apply to Lessor for a Lease Amendment to remove from the Lease Premises that portion of the existing bridge right-of-way as described in Exhibit A, and to submit for Lessor's review and acceptance a Quitclaim Deed relinquishing any right, title, or interest Lessee may possess with respect to that parcel as described in Exhibit A.

21. Lessee shall require the contractor(s) to maintain a logbook during construction operations conducted under the Lease to keep track of all debris created by objects of any kind that fall into the water. The logbook should include the type of debris, date, time, and location to facilitate identification and location of debris for recovery and site clearance verification. All waste material and debris created by Lessee shall be promptly and entirely removed from the Lease Premises and lands subject to Lessor's jurisdiction.

22. Any vehicles, equipment, or machinery to be used on the Lease Premises are limited to those which are directly required to perform the authorized use and shall not include any vehicles, equipment, or machinery that may cause damage to the Lease Premises or lands subject to Lessor's jurisdiction.

23. No vehicle or equipment refueling, maintenance, or repairs will be permitted within the Lease Premises or lands subject to Lessor's jurisdiction.

24. All vehicles, equipment, machinery, tools or other property taken onto or placed within the Lease Premises or lands subject to Lessor's jurisdiction shall remain the property of the Lessee and/or its authorized contractors. Such property shall be promptly and properly removed by Lessee, at its sole risk and expense.

25. Lessor accepts no responsibility for any damages to any property, including any vehicles, equipment, machinery, or tools within the Lease Premises or lands subject to Lessor's jurisdiction.

26. Within 90 days of completion of all bridge construction activities authorized under this Lease, Lessee shall provide a set of as-built construction plans to include the location and depth below the mud line of any improvements not removed within the Lease Premises.

27. All future repairs, structural modifications, or the abandonment/removal of any improvements within the Lease Premises shall require prior review and approval by Lessor. In the event of an urgent repair requiring immediate action, telephone contact can be made through the Lessor's 24-hour emergency response number (562) 590-5201.

28. Lessee acknowledges that the land described in Exhibit A of this Lease is subject to the Public Trust and is presently available to members of the public for recreation, waterborne commerce, navigation, fisheries, open space, and any other recognized Public Trust uses. Lessee also agrees that any proposed construction activities and subsequent use of the Lease Premises shall not unreasonably interfere with or limit Public Trust rights, and shall do so only to the extent necessary to protect public health and safety during construction activities authorized by Lessor, or when imminent threats to public health and safety are present.

29. Lease Section 3, Paragraph 9 INSURANCE, and Paragraph 10 SURETY BOND are deleted in their entirety.

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SECTION 3

GENERAL PROVISIONS

1. GENERAL

In the case of any conflict between these General Provisions and Special Provisions found in Section 2, the Special Provisions control.

2. DEFINITIONS

For the purposes of this Lease, the following terms shall be defined as stated below:

"Additions" shall be defined as any use or Improvements other than those expressly authorized in this Lease.

"Alterations" shall be defined as any material change in the size, scope, density, type, nature, or intensity of Improvements on the Lease Premises from what is authorized in this Lease. Alterations shall also include any modifications, alterations, or renovations of the land or waterways on the Lease Premises other than those authorized by this Lease.

"Breach" shall be defined as a party's unjustified or unexcused nonperformance of a contractual duty the party is required to immediately perform.

"Damages" shall include all liabilities, demands, claims, actions or causes of action whether regulatory, legislative or judicial in nature; all assessments, levies, losses, fines, penalties, damages, costs and expenses, including, without limitation: (i) reasonable attorneys', accountants', investigators', and experts' fees and expenses sustained or incurred in connection with the defense or investigation of any such liability, and (ii) costs and expenses incurred to bring the Lease Premises into compliance with Environmental Laws, a court order, or applicable provisions of a Regulatory Agency. The term "Damages" also includes, expressly, those Damages that arise as a result of strict liability, whether arising under Environmental Laws or otherwise.

"Default" shall be defined as a material Breach of magnitude sufficient to justify termination of the Lease.

"Environmental Law" shall be defined as and include all federal, state, and local environmental, health, and safety laws, statutes, ordinances, regulations, rules, judgments, orders, and notice requirements, which were in effect as of the date of execution of this Lease or are subsequently enacted and lawfully applied hereto, which regulate or relate to (a) the protection or clean-up of the environment; (b) the use, treatment, storage, transportation, handling or disposal of hazardous, toxic or otherwise dangerous substances, wastes or materials; (c) the quality of the air and the discharge of airborne wastes, gases, particles, or other emissions; (d) the preservation or protection of waterways, groundwater, or drinking water; (e) the health and safety of persons or property; or (f) impose liability with respect to any of the foregoing, including without limitation, the California Environmental Quality Act (CEQA) [PRC §§ 21000 et seq.]; the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) [42 USCS §§ 9601 et seq.]; the Resource Conservation and Recovery Act of 1976 (RCRA) [42 USCS §§ 6901 et seq.]; the Clean Water Act, also known as the Federal Water Pollution Control Act (FWPCA) [33 USCS §§ 1251 et seq.]; the Toxic Substances Control Act (TSCA) [15 USCS §§ 2601 et seq.]; the Hazardous Materials Transportation Act (HMTA) [49 USCS §§ 1801 et seq.]; the Insecticide, Fungicide, Rodenticide Act [7 USCS §§ 136 et seq.]; the Superfund Amendments and Reauthorization Act [42 USCS §§ 6901 et seq.]; the Clean Air Act [42 USCS §§ 7401 et seq.]; the Safe Drinking Water Act [42 USCS §§ 300f et seq.]; the Solid Waste Disposal Act [42 USCS §§ 6901 et seq.]; the Surface Mining Control and Reclamation Act [30 USCS §§ 1201 et seq.]; the Emergency Planning and Community Right to Know Act [42 USCS §§ 11001 et seq.]; the Occupational Safety and Health Act [29 USCS §§ 655 and 657]; the California Underground Storage of Hazardous Substances Act [H & S C §§ 25280 et seq.]; the California Hazardous Substances Account Act [H & S C §§ 25300 et seq.]; the California Hazardous Waste Control Act [H & S C §§ 25100 et seq.]; the California Safe Drinking Water and Toxic Enforcement Act [H & S C §§ 24249.5 et seq.]; the Porter-Cologne Water Quality Act [Water C §§ 13000 et seq.] together with any amendments of or regulations promulgated under the statutes cited above.

"Hazardous Material" shall be defined as and include any substance which falls within the definition of hazardous substance, hazardous waste, hazardous material, toxic substance, solid waste, pollutant, or contaminant, under any Environmental Law.

"Improvements" shall be defined as any modification, alteration, addition, or removal of any material, and any other action which serves to change the condition of the Lease Premises from the natural state whether situated above, on, or under the Lease Premises. Improvements include, but are not limited to buildings, structures, facilities, decks, docks, wharves, piers, walks, curbs, bridges, buoys, landscaping, roadways, shoreline protective structures of all types, foundations, pilings or similar support structures whether above or below the water line, fences, utilities, pipelines, and any other construction of any type situated on the Lease Premises.

"Lease" shall be defined as this lease contract together with all amendments and exhibits.

"Lease Premises" shall be defined as the area of land, together with any improvements located thereon, the use and occupancy of which

is authorized by this Lease.

"Lessor" shall be defined as the state of California, acting by and through the California State Lands Commission, including the Commissioners, their alternates and designates, the Executive Officer, and the staff of the California State Lands Commission.

"Regulatory Agency" shall include any Federal, State, County, Municipal, or Local agency having jurisdiction over the Lease Premises.

"Repairs" shall be defined as all work of any kind made to maintain, change, restore, strengthen, replace, alter, or otherwise affect any Improvement on the Lease Premises.

"Residence" shall be defined as any Improvement, whether permanent, movable, or temporary, or a portion thereof, which is for the time being a home or place of lodging. A Residence includes any Improvement affixed to the land such as trailers or cabins, built on a raised foundation such as stilts or pilings, and floating residences such as boats, barges, arks, and houseboats, and any combination of such Improvements which provide residential accommodations to the Lessee or others. "Residence" shall not include transitory, intermittent, recreational use of facilities such as campgrounds.

"Residential Use" shall be defined as Improvements such as, but not limited to, sundecks, and sunrooms which are extensions of, or additions to, the upland property and are not water-dependent uses. Although the various uses or Improvements which may fall under this definition may vary by geographic area, lease type, or other factors, it is the intention of the parties to include in this definition all uses and Improvements which are not water-dependent but residential in nature, or those uses and Improvements which are not consistent with common law public trust principles and values.

3. **CONSIDERATION**

(a) **Absolute Triple Net Lease**

This Lease is an absolute triple net lease, pursuant to which Lessor has no obligation with respect to the payment of taxes, insurance, the cost of maintenance, utilities and repairs or other costs or obligations associated with the Leased Premises, except as expressly stated herein.

(b) **Rent**

Lessee agrees to pay Lessor rent as stated in this Lease, in annual installments, for the use and occupancy of the Lease Premises. The first installment shall be due on or before the beginning date of this Lease and all subsequent installments shall be due on or before each anniversary of its beginning date during each year of the Lease term, or as otherwise provided in this Lease. Said sums shall be paid in lawful money of the United States of America. Lessee shall send said rent to the mailing address of Lessor. Timeliness of receipt of remittances sent by mail shall be governed by the postmark date as stated in Government Code Section 11002. Invoices for rent due may be provided by Lessor as a courtesy. Lessor's failure to, or delinquency in, providing invoices shall neither excuse Lessee from paying rent, nor extend the time for paying rent.

(c) **Modification**

Lessor may modify the method, amount, or rate of consideration effective on each fifth anniversary of the beginning date of this Lease. Should Lessor fail to exercise such right effective on any fifth anniversary it may do so effective on any one (1) of the next four (4) anniversaries following such fifth anniversary, without prejudice to its right to effect such modification on the next or any succeeding fifth anniversary of the beginning date. No such modification shall become effective unless Lessee is given at least thirty (30) days' notice prior to the date of the Commission meeting wherein the rent modification is considered, or thirty (30) days' notice prior to the effective date of the increase, whichever provides a greater notice period.

If the consideration for this Lease is based on a percentage of income, royalties, profits, or any similar business performance indicators, Lessee shall provide Lessor with financial statements and all other documents necessary to determine the relevant basis for income.

(d) **Penalty and Interest**

Any installments of rent accruing under this Lease not paid when due shall be subject to a delinquency charge equal to five percent (5%) of the principal sum due. Annual payments shall bear interest as specified in Public Resources Code Section 6224 and the Lessor's then existing administrative regulations governing penalty and interest.

(e) **Non-Monetary Consideration**

If the consideration to Lessor for this Lease is the public use, benefit, health, or safety, Lessor shall have the right to review such consideration at any time and set a monetary rental if the Lessor, at its sole discretion, determines that such action is in the best interest of the State. Lessee's assignment or transfer of this Lease pursuant to Section 3 Paragraph 11 below to any third party

which results in royalties, profits, or any form of compensation, whether monetary or otherwise, shall give Lessor the right to reevaluate the requirements of this Lease as stated in Section 3 Paragraph 11. Lessee shall be given at least thirty (30) days' notice prior to the date of the Commission meeting wherein the rent modification is considered, or thirty (30) days' notice prior to the effective date that this Lease is converted to a monetary rental, whichever provides more notice.

(f) **Place for Payment of Rent**

All rent that becomes due and payable under this Lease shall be paid to Lessor in person or by United States mail at the Sacramento Offices of the California State Lands Commission, currently at 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825-8202, or at any other place or places that Lessor may designate by written notice to Lessee. Alternately, Lessee may contact Lessor's accounting department for Lessor's current practices for payment by credit card or electronic fund transfer.

4. **BOUNDARIES**

This Lease is not intended to establish the State's boundaries and is made without prejudice to either party regarding any boundary or title claims which may be asserted presently or in the future.

5. **LAND USE**

(a) **General**

(1) Lessee shall use the Lease Premises only for the purpose or purposes stated in this Lease and only for the operation and maintenance of the Improvements expressly authorized in this Lease. Lessee shall commence use of the Lease Premises within ninety (90) days of the beginning date of this Lease or within ninety (90) days of the date set for construction to commence as set forth in this Lease, whichever is later.

(2) All demolition, construction, remodeling, reconstruction, maintenance, repairs, removal, or remediation performed on the Lease Premises at any time by Lessee shall first be authorized by all appropriate Regulatory Agencies. Lessee is solely responsible for determining what approvals, authorizations, or certifications are required, and shall be solely responsible for all costs incurred thereby. In addition, Lessee shall obtain and comply with preventative or remedial measures required by any environmental reports, assessments, or inspections, including, but not limited to those required by the California Environmental Quality Act and/or the National Environmental Policy Act, or as otherwise required by law or reasonably requested by Lessor. Nothing in this Lease shall be interpreted as a pre-approval of any permit, certification, or any other precondition required for the use of the Lease Premises.

(b) **Continuous Use**

Lessee's use of the Lease Premises shall be continuous from commencement of the Lease until its expiration. Lessee's discontinuance of such use for a period of ninety (90) days shall be presumed to be an abandonment unless Lessee demonstrates to Lessor's satisfaction that Lessee's use of the Lease Premises is consistent with similarly situated properties. In the event of an abandonment, Lessor may elect to terminate the Lease as provided in Paragraph 12(a)(3). Abandonment of the Lease Premises shall not relieve Lessee of any obligations under this Lease.

(c) **Repairs and Maintenance**

(1) Lessor shall not be required to make any Repairs in, on, or about all or part of the Lease Premises. Lessee shall, at all times during the term of this Lease and without any cost or expense to Lessor, keep and maintain the Lease Premises, including all Improvements, in good order and repair and in a clean, safe, sanitary, and orderly condition.

(2) Lessee shall make, or cause to be made, any Repairs which may be required by any Regulatory Agency. Lessee shall observe and comply with, any law, statute, ordinance, plan, regulation, resolution, or policy applicable to the Lease Premises in making such Repairs. All work shall be performed with reasonable diligence, completed within a reasonable time, and performed at the sole cost and expense of Lessee.

(3) Lessee expressly accepts the Lease Premises "as is" and expressly acknowledges that:

(i) Lessor has made no representations or warranties as to the suitability of the Lease Premises for any Improvements. Lessee shall conduct all tests necessary to determine the suitability of the Lease Premises for any proposed use or Improvements authorized; and

(ii) Lessor has made no representations or warranties as to the quality or value of any Improvements found on the Lease Premises, or of their conformity to any applicable building codes, zoning ordinances, or other regulations. Lessee agrees to inspect any preexisting Improvements at its own cost to determine whether such Improvements are safe and suitable for

the Lessee's intended use; and

(iii) Lessee shall neither be entitled to any reduction in rent, nor any extension of the terms of this Lease because of damage to or destruction of any Improvements on the Lease Premises.

(iv) Lessee and Lessor agree that any Improvements on the Lease Premises constitute the personal property of Lessee and that fixture law does not apply.

(4) In the event that the Lease Premises is partly, or in whole, comprised of tidal, submerged, or waterfront property, Lessee expressly accepts the hazards involved in using or improving such lands. Lessor is not responsible for, and Lessee shall not be reimbursed for nor receive any offset of rent for, any damages or reduced use of the Lease Premises caused by: local or invasive flora or fauna, flooding, erosion, sea level rise, storms, freezing, inclement weather of any kind, acts of god, maintenance or failure of protective structures, and any other such hazards.

(d) **Additions, Alterations, and Removal**

No Improvements other than those expressly authorized in this Lease shall be constructed by the Lessee on the Lease Premises without the prior written consent of Lessor. Any Additions or Alterations are expressly prohibited. Lessee is also prohibited from any Additions or Alterations which cause a material change to the environmental impact on or around the Lease Premises.

(e) **Enjoyment**

This Lease is non-exclusive, and is subject to the provisions of Section 3, Paragraph 6 below. Lessee shall have the right to exclude persons from the Lease Premises only when their presence or activity constitutes a material interference with Lessee's use and enjoyment of the Lease Premises.

(f) **Discrimination**

Lessee, in its use of the Lease Premises, shall not discriminate against any person or class of persons on any basis protected by federal, state, or local law, including: race, color, creed, religion, national origin, sex, sexual orientation, gender identity, age, marital/parental status, veteran status, or disability.

(g) **Residential Use**

Unless otherwise provided for in this Lease, no portion of the Lease Premises shall be used as a location for a Residence, for the purpose of mooring or maintaining a structure which is used as a Residence, or for Residential Uses.

(h) **Commercial Use**

Unless otherwise provided for in this Lease, the Lease Premises is to be used by Lessee and Lessee's invitees or guests only. Use of the Lease Premises for commercial purposes; conducting a business, whether for profit or otherwise; and any subleasing, rental, or any transaction whereby Lessee directly or indirectly receives compensation from a third party in exchange for use of the Lease Premises shall constitute an immediate Default of this lease with no cure period.

6. **RESERVATIONS, ENCUMBRANCES, AND RIGHTS-OF-WAY**

(a) **Reservations**

(1) Lessor expressly reserves all natural resources in or on the Lease Premises, including but not limited to timber, minerals, and geothermal resources as defined under Public Resources Code sections 6401, 6407, and 6903, respectively; the right to grant and transfer the same; as well as the right to grant leases in and over the Lease Premises which may be necessary or convenient for the extraction of such natural resources. Such leasing shall be neither inconsistent nor incompatible with the rights or privileges of Lessee under this Lease.

(2) Lessor expressly reserves a right to go on the Lease Premises and all Improvements for any purposes associated with this Lease or for carrying out any function required by law, or the rules, regulations, or management policies of the State Lands Commission. Lessor shall have a right of reasonable access to the Lease Premises across Lessee owned or occupied lands adjacent to the Lease Premises for any purpose associated with this Lease.

(3) Lessor expressly reserves to the public an easement for convenient access across the Lease Premises to other State-owned lands located near or adjacent to the Lease Premises and a right of reasonable passage across and along any right-of-way granted by this Lease; however, such easement or right-of-way shall be neither inconsistent nor incompatible with the rights or privileges of Lessee under this Lease.

(4) Lessor expressly reserves the right to lease, convey, or encumber the Lease Premises, in whole or in part, during the Lease term for any purpose not inconsistent or incompatible with the rights or privileges of Lessee under this Lease.

(b) **Encumbrances**

The Lease Premises may be subject to pre-existing contracts, leases, licenses, easements, encumbrances, and claims and is made without warranty by Lessor of title, condition, or fitness of the land for the stated or intended purpose.

7. RULES, REGULATIONS, AND TAXES

(a) Lessee shall comply with and be bound by all presently existing or subsequently enacted rules, regulations, statutes or ordinances of the State Lands Commission or any Regulatory Agency. Occupancy or use of the Lease Premises provides no exemption from applicable regulations including, but not limited to, federal, state, county and local regulations, regulations promoting public health, safety, or welfare, building codes, zoning ordinances, and sanitation regulations. Lessee expressly acknowledges that Regulatory Agencies have jurisdiction over the Lease Premises unless such laws are in direct conflict with state law or public trust principles.

(b) Lessee understands and agrees that a necessary condition for the granting and continued existence of this Lease is that Lessee obtains and maintains all permits or other entitlements. Lessee expressly acknowledges that issuance of this Lease does not substitute for, or provide preference in obtaining authorizations from other Regulatory Agencies.

(c) **Taxes**

(1) In addition to the rent due under this Lease, Lessee accepts responsibility for and shall pay any and all real and personal property taxes, including possessory interest taxes, assessments, special assessments, user fees, service charges, and other charges of any description levied, imposed on, assessed, or associated with the leasehold interest, Improvements on the Lease Premises, any business or activity occurring on the Lease Premises, the Lease Premises itself, or any portion thereof, levied by any governmental agency or entity. Such payment shall not reduce rent due Lessor under this Lease and Lessor shall have no liability for such payment.

(2) In the event that this Lease commences, terminates or expires during a tax year, Lessee shall pay the taxes for the period of such year during which this Lease was in effect.

(3) Any and all taxes and assessments and installments of taxes and assessments required to be paid by Lessee under this Lease shall be paid when due and the official and original receipt for the payment of such tax, assessment, or installment shall be delivered to Lessor upon request.

(4) Lessee shall indemnify and hold Lessor, the Lease Premises, and any Improvements now or hereafter located thereon, free and harmless from any liability, loss, or Damages resulting from any taxes, assessments, or other charges required by this Lease to be paid by Lessee and from all interest, penalties, and other sums imposed thereon and from any sales or other proceedings to enforce collection of any such taxes, assessments, or other charges.

8. INDEMNITY

(a) Lessee's use of the Lease Premises and any Improvements thereon is at Lessee's sole and exclusive risk.

(b) In addition to any other obligation to indemnify Lessor as otherwise provided in this Lease, except to the extent caused by the sole negligence and/or willful misconduct of the Lessor, Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor, its officers, agents, and employees from any and all Damages resulting from Lessee's occupation and use of the Lease Premises. Lessee shall reimburse Lessor in full for all reasonable costs and attorneys' fees, specifically including, without limitation, any Damages arising by reason of: (1) The issuance, enjoyment, interpretation, Breach, or Default of this Lease; (2) The challenge to or defense of any environmental review upon which the issuance of this Lease is based; (3) The death or injury of any person, or damage to or destruction of any property from any cause whatever in any way connected with the Lease Premises, or with any of the Improvements or personal property on the Lease Premises; (4) The condition of the Lease Premises, or Improvements on the Lease Premises; (5) An act or omission on the Lease Premises by Lessee or any person in, on, or about the Lease Premises; (6) Any work performed on the Lease Premises or material furnished to the Lease Premises; (7) Lessee's failure to comply with any material legal or other requirement validly imposed on Lessee or the Lease Premises by a Regulatory Agency.

(c) The reimbursement provisions of this Paragraph 8 shall not apply to any claims, litigation, or other actions which may be brought by either Lessee or Lessor against each other.

(d) Nothing in this paragraph shall be construed as requiring that Lessor defend itself against all or any aspect of any challenge to

this Lease or any associated environmental review. However, Lessee may take whatever legal action is available to it to defend this Lease or any associated environmental review against any challenge by a third party, whether or not Lessor chooses to raise a defense against such a challenge.

(e) Lessee shall notify Lessor immediately in case of any accident, injury, or casualty on the Lease Premises.

9. **INSURANCE**

(a) Lessee shall obtain and maintain in full force and effect during the term of this Lease comprehensive general liability insurance and property damage insurance, with such coverage and limits as may be reasonably requested by Lessor from time to time, but in no event for less than the sum(s) specified against any and all claims or liability arising out of the ownership, use, occupancy, condition, or maintenance of the Lease Premises and all Improvements.

(b) The insurance policy shall identify the Lease by its assigned number. The specific Improvements shall also be generally identified, as well as their location on state owned property. The coverage provided shall be primary and non-contributing. Lessee shall keep such policy current. Lessor shall be named as a "certificate holder" and/or an "additional interest" on the policy. Lessee shall provide Lessor with a current certificate of insurance at all times. At Lessor's request, Lessee shall provide a full copy of the current insurance policy, along with any and all endorsements or other such documents affecting the coverage. Lessor will not be responsible for any premiums or other assessments on the policy.

(c) The insurance coverage specified in this Lease shall be in effect at all times during the Lease term and subsequently until Lessor has either accepted all of the Lease Premises as improved or restored by Lessee as provided elsewhere in this Lease. Lessee shall notify Lessor within five (5) business days if the insurance is canceled for any reason.

10. **SURETY BOND**

(a) When required by Section 1 of this Lease, Lessee shall provide a surety bond or other security device acceptable to Lessor, for the specified amount, and naming the State of California, California State Lands Commission as the assured, to guarantee to Lessor the faithful observance and performance by Lessee of all of the terms, covenants, and conditions of this Lease.

(b) Lessor may require an increase in the amount of the surety bond or other security device to cover any additionally authorized Improvements, any modification of consideration, or to provide for inflation or other increased need for security. The surety bond or other security device may be increased on each fifth anniversary of the beginning date of this Lease. Should Lessor fail to exercise such right effective on any fifth anniversary, it may do so effective on any one (1) of the next four (4) anniversaries following such fifth anniversary without prejudice to its right to effect such modification on the next or any succeeding fifth anniversary. No such modification shall become effective unless Lessee is given at least thirty (30) days' notice prior to the date of the Commission meeting wherein the modification of the bond or security is considered, or thirty (30) days' notice prior to the effective date of the increase, whichever provides more notice.

(c) The surety bond or other security device shall be maintained in full force and effect at all times during the Lease term and subsequently until Lessor has either accepted all of the Lease Premises as improved or restored by Lessee as provided elsewhere in this Lease. Lessee must first seek approval of Lessor before changing the type of security device used, or the bond holder.

11. **ASSIGNMENT, ENCUMBRANCING OR SUBLETTING**

(a) Lessee shall not either voluntarily or by operation of law, assign, transfer, mortgage, pledge, hypothecate or encumber this Lease and shall not sublet the Lease Premises, in whole or in part, or allow any person other than the Lessee's employees, agents, servants and invitees to occupy or use all or any portion of the Lease Premises without the prior written consent of Lessor, which consent shall not be unreasonably withheld.

(1) Notwithstanding the foregoing prohibition against transfer and assignment, the Lease may be transferred by Lessee if the transfer is caused by the death of a spouse and the full interest of the deceased spouse is transferred to a surviving spouse; or the transfer is caused by the dissolution of the marriage of Lessee and the full interest of one of the spouses is transferred to the other spouse. In the event of such a transfer, Lessor shall be notified in writing within 30 days of the transfer.

(2) Notice to Lessor of Successor Trustee(s): In the event this Lease is held in trust, and the Lessee is a trustee thereof, the substitution or succession of a new trustee shall not be an assignment or transfer for the purposes of this Paragraph. Lessee (and by operation of law, any successor trustee) agrees to provide prompt notice to Lessor of any succession or substitution of trustee in accordance with Paragraph 16(c) of General Provisions, no later than sixty (60) days after the named trustee as appears on the face of this Lease becomes unable or ceases to serve as trustee for any reason.

(b) The following shall be deemed to be an assignment or transfer within the meaning of this Lease:

(1) If Lessee is a business entity, any dissolution, merger, consolidation or other reorganization of Lessee, or the sale or other transfer of substantially all the assets of Lessee. If Lessee is a publicly traded entity, transfers of interests in Lessee shall not constitute an assignment requiring the consent of Lessor.

(2) If Lessee is a partnership, a transfer of any interest of a general partner, a withdrawal of any general partner from the partnership, or the dissolution of the partnership.

(c) If this Lease is for sovereign lands appurtenant to adjoining littoral or riparian land, Lessee shall not transfer or assign its ownership interest or use rights in such adjoining lands separately from the leasehold rights granted herein without the prior written consent of Lessor.

(d) If Lessee desires to assign, sublet, encumber or otherwise transfer all or any portion of the Lease Premises, Lessee shall do all of the following:

(1) Give not less than 90 days' prior written notice to Lessor;

(2) Provide the name, complete business organization, operational structure, and formation documents of the proposed assignee, sublessee, secured third party, or other transferee; and the nature of the use of and interest in the Lease Premises proposed by the assignee, sublessee, secured third party or other transferee.

(3) Provide the terms and conditions of the proposed assignment, sublease, or encumbrance or other transfer;

(4) Provide audited financial statements for the two most recently completed fiscal years of the proposed assignee, sublessee, secured party or other transferee; and provide pro forma financial statements showing the projected income, expense and financial condition resulting from use of the Lease Premises; and

(5) Provide such additional or supplemental information as Lessor may reasonably request concerning the proposed assignee, sublessee, secured party or other transferee.

(6) Lessor will evaluate proposed assignees, sublessees, secured third parties and other transferees and grant approval or disapproval according to standards of commercial reasonableness considering the following factors within the context of the proposed use: the proposed party's financial strength and reliability, their business experience and expertise, their personal and business reputation, their managerial and operational skills, their proposed use and projected rental, as well as other relevant factors.

(e) Lessor shall have a reasonable period of time from the receipt of all documents and other information required under this provision to grant or deny its approval of the proposed party. Lessor may reevaluate the rent, insurance and/or bond provisions of this Lease, and may condition its approval of the proposed assignment, sublease, hypothecation, mortgage, or other transfer on the party's acceptance of the new terms. Lessee's rights stated in this paragraph shall apply regardless of whether the proposed transfer coincides with a regular rent review period as stated in Section 3 Paragraph 3(c) above.

(f) Lessee's mortgage or hypothecation of this Lease, if approved by Lessor, shall be subject to terms and conditions imposed by a separately negotiated encumbrancing agreement.

(g) Upon the express written assumption of all obligations and duties under this Lease by an assignee approved by Lessor, the Lessee may be released from all liability under this Lease arising after the effective date of assignment and not associated with Lessee's use, possession or occupation of or activities on the Lease Premises; except as to any hazardous wastes, substances or materials as defined under federal, state or local law, regulation, or ordinance manufactured, generated, used, placed, disposed, stored or transported on the Lease Premises during Lessee's tenancy.

(h) If the Lessee files a petition or an order for relief is entered against Lessee, under Chapters 7, 9, 11 or 13 of the Bankruptcy Code (11 USC Sect. 101, et seq.) then the trustee or debtor-in-possession must elect to assume or reject this Lease within sixty (60) days after filing of the petition or appointment of the trustee, or the Lease shall be deemed to have been rejected, and Lessor shall be entitled to immediate possession of the Lease Premises. No assumption or assignment of this Lease shall be effective unless it is in writing and unless the trustee or debtor-in-possession has cured all Defaults under this Lease (monetary and non-monetary) or has provided Lessor with adequate assurances (1) that within ten (10) days from the date of such assumption or assignment, all monetary Defaults under this Lease will be cured; and (2) that within thirty (30) days from the date of such assumption, all non-monetary Defaults under this Lease will be cured; and (3) that all provisions of this Lease will be satisfactorily performed in the

future.

(i) In the event of any transfer or assignment, under this Paragraph 11 or by any other means authorized by this Lease, the Lease terms shall be for the remaining years existing on the Lease prior to the transfer or assignment. A transfer or assignment shall not extend the term of this Lease.

12. **DEFAULT AND REMEDIES**

(a) **Default**

The occurrence of any one or more of the following events shall immediately and without further notice constitute a Default of this Lease:

(1) Lessee's failure to make any payment of rent, royalty, or other consideration as required under this Lease; or

(2) Lessee's failure to obtain or maintain liability insurance or a surety bond or other security device as required under this Lease; or

(3) Lessee's abandonment of the Lease Premises (including the covenant for continuous use as provided for in Paragraph 5(b)) during the Lease term; or

(4) Lessee's failure to obtain and maintain all necessary governmental permits or other entitlements; or

(5) The maintenance of the Lease Premises in violation of, or failure to comply with, any applicable provisions of any Regulatory Agency, Environmental Law, or maintenance of the Lease Premises in a condition constituting nuisance; or

(6) Lessee's Failure to commence to construct and to complete construction of the Improvements authorized by this Lease within the time limits specified in this Lease.

(7) Lessee is found to sublet or otherwise surrender daily management and control of the Lease Premises to a third party without the knowledge, expressed written consent or authorization of the Lessor.

(b) Lessee's failure to observe or perform any other term, covenant, or condition of this Lease when such failure shall continue for a period of thirty (30) days after Lessor's giving written notice shall constitute a Default of this lease. However, if the nature of Lessee's Default under this paragraph is such that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in Default if Lessee commences such cure within such thirty (30) day period and diligently proceeds with such cure to completion.

(c) Should Lessee Breach any term, covenant, or condition of this Lease under Paragraph 12(b) above three (3) times in any three hundred and sixty-five (365) day period, the third Breach will be a Default under this Lease and Lessor will be entitled to immediately terminate this Lease, and take other appropriate action. Lessor will provide written notice of each Breach as provided above, and provide written notice that future Breaches will constitute immediate Default with no cure period.

(d) **Remedies**

In the event of a Default by Lessee and Lessee's failure to cure such Default if such a cure period is applicable, Lessor may at any time and with or without notice do any one or more of the following in addition to any rights or remedies permitted by law:

(1) Re-enter the Lease Premises, remove all persons and property, and repossess and enjoy such premises; or

(2) Terminate this Lease and Lessee's right of possession of the Lease Premises by any lawful means. The termination shall not relieve Lessee of any obligation, monetary or otherwise, which has accrued prior to the date of termination. Such termination shall be effective upon Lessor's giving written notice and upon Lessee's receipt of such notice. Lessee shall immediately surrender possession of the Lease Premises to Lessor. Lessor shall be entitled to recover from Lessee all amounts to which Lessor is entitled pursuant to Section 1951.2 of the California Civil Code, or any other provision of law, including any necessary Repair, renovation, alteration, remediation, or removal of Improvements; or

(3) Maintain this Lease in full force and effect and recover any rent, royalty, or other consideration as it becomes due without terminating Lessee's right of possession regardless of whether Lessee shall have abandoned the Lease Premises, subject to the

conditions imposed by Cal. Civil Code § 1951.2; or

(4) Exercise any other right or remedy which Lessor may have at law or equity.

(e) **Determination of Rental Value**

If rent under this Lease is calculated as a percentage of Lessee's income attributable to the Lease Premises and Lessee abandons the Lease Premises during some or all of the applicable period, then the reasonable rental value shall be the percentage of proceeds Lessor would have received had Lessee operated the Lease Premises in the usual and customary manner.

(f) **Waiver of Rights**

The failure or delay of either party to exercise any right or remedy shall not be construed as a waiver of such right or remedy or any Breach by the other party. Lessor's acceptance of any rent shall not be considered a waiver of any preexisting Breach by Lessee other than the failure to pay the particular rent accepted regardless of Lessor's knowledge of the preexisting Breach at the time rent is accepted.

13. **RESTORATION OF LEASE PREMISES AND ENVIRONMENTAL MATTERS**

(a) **Restoration of Lease Premises**

(1) Upon expiration or sooner termination of this Lease, Lessee must immediately surrender possession of the Lease Premises to Lessor. Prior to the time of surrender, Lessee must remove all or any Improvements together with the debris and all parts of any such Improvements at its sole expense and risk, regardless of whether Lessee actually constructed or placed the Improvements on the Lease Premises; or Lessor, at its sole and absolute discretion, may itself remove or have removed all or any portion of such Improvements at Lessee's sole expense. Lessor may waive all or any part of this obligation in its sole discretion if doing so is in the best interests of the State.

(2) As a separate and related obligation, Lessee shall restore the Lease Premises as nearly as possible to the conditions existing prior to the installation or construction of any Improvements. For purposes of this Lease, restoration includes removal of any landscaping; removal of any Hazardous Materials; and to the extent possible, undoing any grading, fill, excavation, or similar alterations of the natural features of the Lease Premises. Lessor may waive all or any part of this obligation in its sole and absolute discretion.

(3) Unless otherwise provided for in this Lease, Lessee shall submit to Lessor no later than one (1) year prior to the expiration of this Lease either: (a) an application and minimum expense deposit for a new lease for the continued use of the Lease Premises, or (b) a plan for the restoration of the Lease Premises to be completed prior to the expiration of the lease term together with a timeline for obtaining all necessary permits and conducting the work prior to the expiration of this Lease.

(4) In removing any or all Improvements, or conducting any restoration work, Lessee shall be required to obtain any permits or other governmental approvals as may then be required by any Regulatory Agency, including, without limitation, any Environmental Law.

(5) Lessor may, upon written notice, in its sole and absolute discretion, accept title to any or all Improvements at the termination of this Lease. Lessor shall notify Lessee that Lessor intends to take title to any or all Improvements within six (6) months of Lessee submitting a plan for restoration under Paragraph 13(a)(3)(b) above. If Lessor elects to take title to any such Improvements, Lessee shall deliver to Lessor such documentation as may be necessary to convey title to such Improvements to Lessor free and clear of any liens, mortgages, loans, or any other encumbrances. Lessor shall not pay, and Lessee shall not be entitled to compensation for Lessor's taking title to such property.

(b) **Environmental Matters**

(1) Lessee's Obligations:

(i) Lessee will not use, occupy, or permit any portion of the Lease Premises to be used or occupied in violation of any Environmental Law. Lessee shall not manufacture or generate or store Hazardous Material on the Lease Premises unless specifically authorized under other terms of this Lease.

(ii) Lessee shall practice conservation of water, energy, and other natural resources.

(iii) Lessee shall notify Lessor and the appropriate governmental emergency response agency, or agencies immediately in

the event of any release or threatened release of any Hazardous Material.

(2) Lessor may at any time during the Lease term require Lessee to conduct at its own expense and by a contractor approved by Lessor an independent environmental site assessment or inspection for the presence or suspected presence of Hazardous Material generated, used, placed, disposed, stored, or transported on the Lease Premises during the term of the Lease. Lessee shall provide the results of the assessment or inspection to Lessor and the appropriate governmental response agency or agencies and shall further be responsible for removing or taking other appropriate remedial action regarding such Hazardous Material in accordance with applicable Environmental Law.

(3) Environmental Indemnity.
Lessee shall indemnify, defend, and hold Lessor and Lessor's, officer, appointees, volunteers, employees, agents, successors and assigns free and harmless from and against all Damages that may at any time be imposed upon, incurred by, or asserted or awarded against Lessor in connection with or arising from any Breach of Lessee's obligations hereunder; or out of any violation by Lessee of any Environmental Law; or resulting in the imposition of any lien or claim for the recovery of any costs for environmental cleanup or other response costs relating to the release or threatened release of Hazardous Materials on the Lease Premises during the Lessee's tenancy. This obligation shall include any prior leases between Lessor and Lessee and will continue through any periods Lessee is in holdover, unlawful detainer, or any subsequent month-to-month tenancies created by operation of law. Lessee's obligations hereunder will survive the expiration or sooner termination of this Lease.

(4) Violation of this section shall constitute grounds for termination of the Lease. Lessor, shall notify Lessee when, in Lessor's opinion, Lessee has violated the provisions of this section. Lessee shall immediately discontinue the conduct and respond within five (5) business days. Lessee shall take all measures necessary to remedy the condition.

14. QUITCLAIM

Lessee shall, upon the early termination of this Lease and at Lessor's request, execute and deliver to Lessor in a form provided by Lessor a good and sufficient release of all rights under this Lease. Should Lessee fail or refuse to deliver such a release, Lessor may record a written notice reciting such failure or refusal. This written notice shall, from the date of its recordation, be conclusive evidence against Lessee of the termination of this Lease and all other claimants.

15. HOLDING-OVER

(a) This Lease shall terminate without further notice upon the expiration of the term of this Lease. Lessee shall have removed any Improvements and completed any restoration as required by Lessor prior to the expiration of this Lease, and shall surrender possession of the Lease Premises. Any failure by the Lessee to remove Improvements, restore the Lease Premises, and/or surrender possession of the Lease Premises at the expiration or sooner termination of this Lease shall not constitute a renewal or extension and shall not give Lessee any rights in or to the Lease Premises or any part thereof except as expressly provided in this Lease. Lessee shall be deemed in unlawful detainer of the Lease Premises and Lessor shall be entitled to all resulting legal remedies.

(b) Lessor may, in its sole discretion, choose to accept Rent for the Lease Premises instead of immediately taking legal action to recover possession of the Lease Premises. Any tenancy created by operation of law on Lessor's acceptance of rent shall be deemed a month-to-month tenancy regardless of what sum or sums Lessee delivers to Lessor. Except as set forth below, any subsequent tenancy created in this manner shall be on the same terms, covenants, and conditions set forth in this Lease insofar as such terms, covenants, and conditions can be applicable to a month-to-month tenancy

(c) In recognition of the increased accounting, land management, and supervisory staff time required for month-to-month tenancies, the rent for each month or any portion thereof during such holdover period may be an amount equal to one hundred fifty percent (150%) of one-twelfth (1/12) of the total compensation for the most recent year paid. In the event this Lease does not require monetary compensation, Lessor shall have the right to establish rent based on the fair market value of the Lease Premises. The month-to-month tenancy may be terminated by Lessee or Lessor upon thirty (30) calendar days' prior written notice to the other.

16. ADDITIONAL PROVISIONS

(a) **Waiver**

(1) No term, covenant, or condition of this Lease and no omission, neglect, Default or Breach of any such term, covenant or condition shall be deemed to have been waived by Lessor's acceptance of a late or nonconforming performance or otherwise, unless such a waiver is expressly acknowledged by Lessor in writing. No delay or omission of Lessor to exercise any right or power arising from any omission, neglect, Default or Breach of term, covenant, or condition of this Lease shall be construed as a waiver or any acquiescence therein.

(2) Any such waiver shall not be deemed to be a waiver of any other term, covenant or condition; of any successive Breaches of the same term, covenant, or condition; or of any other Default or Breach of any term, covenant or condition of this Lease.

(b) **Time**

Time is of the essence for this Lease and each and all of its terms, covenants or conditions in which performance is a factor.

(c) **Notice**

All notices required to be given under this Lease shall be given in writing, sent by U.S. Mail with postage prepaid, to Lessor at the offices of the State Lands Commission and the Lessee at the address specified in this Lease. Lessee shall give Lessor notice of any change in its name or address.

(d) **Consent**

Where Lessor's consent is required under this Lease its consent for one transaction or event shall not be deemed to be a consent to any subsequent occurrence of the same or any other transaction or event.

(e) **Changes**

This Lease may be terminated and its term, covenants, and conditions amended, revised, or supplemented only by mutual written agreement of the parties.

(f) **Successors**

The terms, covenants, and conditions of this Lease shall extend to and be binding upon and inure to the benefit of the heirs, successors, and assigns of the respective parties.

(g) **Joint and Several Obligation**

If more than one Lessee is a party to this Lease, the obligations of the Lessees shall be joint and several.

(h) **Captions**

The section and paragraph captions used in this Lease are for the convenience of the parties. The captions are not controlling and shall have no effect upon the construction or interpretation of this Lease.

(i) **Severability**

If any term, covenant or condition of this Lease is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and each term and provision of this Lease shall remain valid and enforceable to the fullest extent permitted by law.

(j) **Representations**

Lessee agrees that no representations have been made by Lessor or by any person or agent acting for Lessor. Lessor and Lessee agree and acknowledge that this document contains the entire agreement of the parties, that there are no verbal agreements, representations, warranties or other understandings affecting this Lease, and Lessor and Lessee, as a material part of the consideration of this Lease, waive all claims against the other for rescission, damages, or otherwise by reason of any alleged covenant, agreement or understanding not contained in this Lease.

(k) **Gender and Plurality**

In this Lease, the masculine gender includes both the feminine and neuter, and the singular number includes the plural whenever the context so requires.

(l) **Survival of Certain Covenants**

All covenants pertaining to bond, insurance, indemnification, restoration obligations, Breach, Default, and remedies shall survive the expiration or earlier termination of this Lease until Lessee has fulfilled all obligations to restore the Lease Premises as required by this Lease.

(m) **Counterparts**

This agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement.

(n) **Delegation of Authority**

Lessor and Lessee acknowledge Lessor as defined herein includes the Commission Members, their alternates or designees, and the staff of the Commission. The ability of staff of the Commission to give consent, or take other discretionary actions described

herein will be as described in the then-current delegation of authority to Commission staff. All other powers are reserved to the Commission.

STATE OF CALIFORNIA - STATE LANDS COMMISSION

LEASE NO. PRC 1929.9

This Lease shall become effective only when approved by and executed on behalf of the State Lands Commission of the State of California and a duly executed copy has been delivered to Lessee. The submission of this Lease by Lessor, its agent, or representative for examination by Lessee does not constitute an option or offer to lease the Lease Premises upon the terms and conditions contained herein, or a reservation of the Lease Premises in favor of Lessee. Lessee's submission of an executed copy of this Lease to Lessor shall constitute an offer to Lessor to lease the Lease Premises on the terms and conditions set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date hereafter affixed.

LESSEE:

CITY OF YUBA CITY

By: _____

Title: _____

Date: _____

LESSOR:

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By: _____

Title: _____

Date: _____

ATTACH ACKNOWLEDGMENT

Execution of this document was authorized by the California State Lands Commission on

_____
(Month Day Year)

EXHIBIT A

PRC 1929.9

LAND DESCRIPTION

A strip of submerged land 210.00 feet wide, in the bed of the Feather River, in Sutter County and Yuba County, State of California, lying 80.00 feet northerly and 130.00 feet southerly of the following described centerline;

> COMMENCING at the southeast corner of "Teegarden Addition to the Town of Yuba City", filed in the Office of the County Recorder of Sutter County on June 23, 1888 in Book "T" of Deeds at Page 126, said point being at the intersection of the westerly line of Sutter Street with the northerly line of Bridge Street in said Yuba City; Thence North 49°27'07" East 483.53 feet to the waterline of the Feather River at the westerly bank and being on the arc of a curve concave southeasterly having a radius of 4032.00 feet, a radial line to said point bears North 21°28'57" West, said point being the TRUE POINT OF BEGINNING of the herein described lease; Thence northeasterly along the arc of said curve a distance of 426.94 feet, through a central angle of 06°04'01" to the waterline of the Feather River at the easterly bank and being the POINT OF TERMINATION of this description.

Sidelines of said strip shall be lengthened or shortened so as to terminate at the low water marks of said Feather River

EXCEPTING THEREFROM any portion lying landward of low water marks of said Feather River.

The basis of bearings for the above described parcel of land are referenced to the California Coordinate System, Zone 2 originating from found monuments KS1971 and KS1813 established by the National Geodetic Survey and part of the national readjustment of 2007. All distances are ground measurement.

END OF DESCRIPTION

Prepared by me or under my direction.

Terry Fletcher 9/6/2016

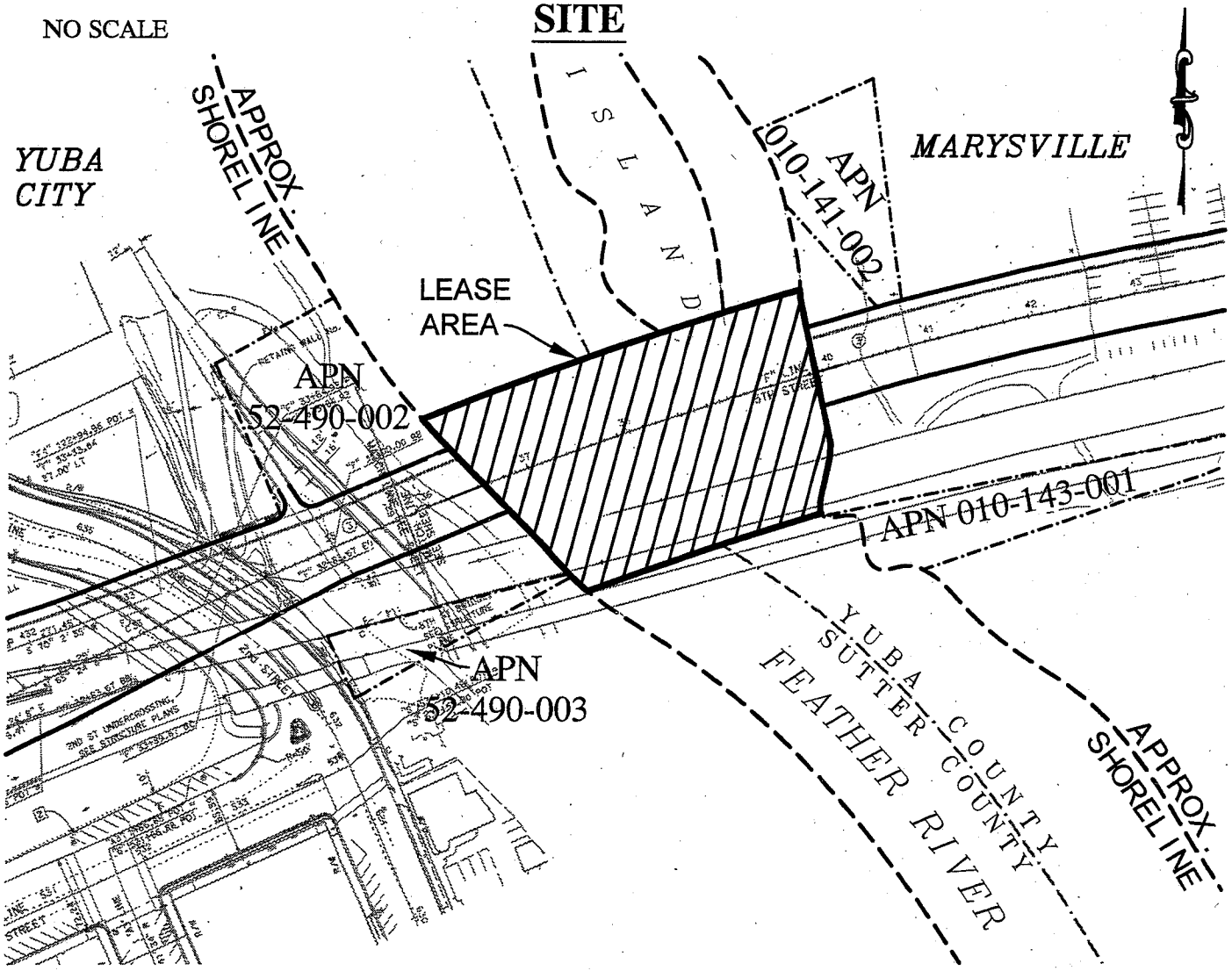
TERRY FLETCHER LS 5834 DATE

My Registration Expires 09-30-2016

LICENSED LAND SURVEYOR
TERRY FLETCHER
No. 5834
Exp. 9-30-16
STATE OF CALIFORNIA

NO SCALE

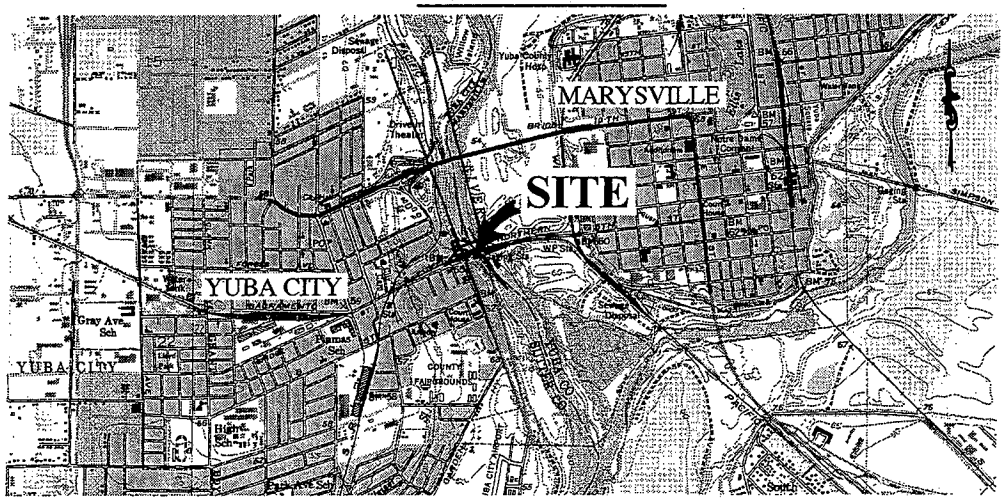
SITE



5TH STREET BRIDGE BETWEEN YUBA CITY AND MARYSVILLE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 1929.9
YUBA CITY
APN 52-490-002 & 003
APN 010-143-001 & 010-141-002
GENERAL LEASE -
PUBLIC AGENCY USE
SUTTER & YUBA COUNTY

RGB 08/17/16

CITY OF YUBA CITY
STAFF REPORT

Date: September 20, 2016

To: Honorable Mayor & Members of the City Council

From: Administration

Presentation By: Steven C. Kroeger, City Manager

Summary

Subject: City Participation on Regional Leadership Committee to address Homelessness

Recommendation: Appoint a Councilmember and an alternate to serve on a Regional Leadership Committee to address Homelessness

Fiscal Impact: Staff time associated with support of the Action Plan

---

Purpose:

To begin regional conversations regarding homelessness and develop a coordinated response among local jurisdictions and non-profit organizations.

Background:

Several informal meetings with representatives of regional jurisdictions have been held over the last few months. At an August 18 meeting it was agreed to take this action to the respective governing bodies, and have each designate a representative to serve on a Regional Leadership Committee.

Analysis:

The objective of this working group will be to establish a way forward for the Yuba-Sutter region to address homeless camping and homelessness impacting the quality of life in our communities. The development and implementation of a coordinated response from the counties and cities in the Yuba-Sutter region is an intended outcome of this work.

Attached to this item is a DRAFT plan for moving forward with a regional, coordinated response to homelessness.

Participating jurisdictions:

- Marysville
- Wheatland
- Sutter County
- City of Yuba City
- Live Oak

Fiscal Impact:

Staff time associated with support of the Action Plan.

Alternatives:

Elect not to participate and develop a City based response.

Recommendation:

Appoint a Councilmember and an alternate to serve on a Regional Leadership Committee to address Homelessness.

Attachment:

- DRAFT Action Plan for Homelessness – Yuba and Sutter Counties

Submitted By:

/s/ Steven C. Kroeger
Steven C. Kroeger
City Manager

Reviewed By:

Finance	RB
City Attorney	TH by email

ACTION PLAN FOR HOMELESSNESS
YUBA AND SUTTER COUNTIES

This plan is being developed to establish a way forward for the Yuba-Sutter region to address homeless camping, which impacts quality of life in our communities. Its purpose is to address the needs of both chronic and situational homeless persons through the development and implementation of a coordinated response from the counties and cities in the Yuba-Sutter region. This joint effort will reduce the number of people living in public spaces through this coordinated effort of local jurisdictions and non-profit organizations.

SUMMARY

Unique to the Yuba-Sutter region is the ease of migration between jurisdictions and attractiveness of the river bottom locations for camping. The two counties (Sutter and Yuba) and four incorporated cities (Yuba City, Live Oak, Marysville and Wheatland) have a combined population of 168,690. The 2015 point in time count of homeless individuals in Sutter and Yuba counties identified 869 individuals experiencing homelessness, slightly down from the 997 counted in 2006 (Appeal Democrat 5-3-06). About a third of the identified homeless population (31%) reported chronic substance abuse, severe mental illness, military veteran status, or fleeing a domestic violence situation contributing to homelessness.

Government alone cannot solve the issue of homelessness. It is critical that local government agencies partner with non-profit service providers, business operators/owners, residents, and people who are homeless in this planning process. All are considered stakeholders.

The overall purpose and mission of this plan is to provide a strategy for implementation of a coordinated, sustainable regional approach to assist homeless individuals and families achieve stable and healthy lives. A concurrent purpose of this plan is to create a more positive interaction between the homeless and the general community at or near public locations; ensuring the enjoyment of public spaces for all local citizens within the region.

***Note**: This is a living document created to serve as a guide and subject to change and amendment as this partnership grows.*

KEY PARTNERS AND STAKEHOLDERS

**each jurisdiction's policy body will designate a representative and alternate to serve on the Regional Leadership Committee*

- Yuba County*
- Marysville*
- Wheatland*
- Sutter County*
- City of Yuba City*
- Live Oak*
- Nonprofit organizations, Yuba-Sutter Continuum of Care members
- People experiencing homelessness
- Business Owners/Operators
- Residents

STRATEGIC PRIORITIES

- **Enhance** coordination among non-profit organizations and government
- **Provide** seamless services through effective partnerships
- **Increase** the availability of stable and sustainable housing
- **Ensure** the availability of basic needs services
- **Inventory and evaluate** enforcement strategies utilized by jurisdictions
- **Preserve** public areas for their intended use by residents and the public at large

Priority A. Enhance coordination among non-profit organizations and government

☐ **Goal 1**: Formation of a regional leadership and charter (this action plan)

- **Objective**: Establish governance team members:
  - 1 representatives each Sutter, Yuba Counties

✓ *Measurement: Team established*

☐ **Goal 2**: Identify services currently available in all jurisdictions

- **Objective**: inventory of services currently available for supporting the action plan
- **Objective**: from this inventory, a lead nonprofit project partner will be identified by the governance team

✓ *Measurement: Service inventory established; lead nonprofit named*

☐ **Goal 3**: Identify services to be provided

- **Objective**: Lead nonprofit partner scope of service work developed
- **Objective**: Partner nonprofits and agencies scope of services developed

✓ *Measurement: Scopes of service developed*

☐ **Goal 4**: Identify best practices

Service Providers

Yuba County

- Buddy's House
- California Rural Legal Assistance
- Habitat for Humanity Yuba-Sutter
- Harmony Health Medical Clinic
- Marysville Immediate Care Clinic
- Peach Tree Health
- REST - Regional Emergency Shelter Team
- SA Depot Family Crisis Center
- Salvation Army
- St. Joseph Church (CLRS)
- St. John's Episcopal Church – *food shelf & community lunch*
- Twin Cities Rescue Mission
- Sutter-Yuba Mental Health Services
- Yuba County Health & Human Services
- Yuba County One Stop
- Yuba Sutter Stand Down
- Yuba Sutter Veteran Services Office

Sutter County

- A Hand Up Ministry
- Ampla Health
- Bridges to Housing
- Casa de Esperanza
- Central Valley Homeless Veterans Assistance Program
- Crossroads Community Church
- First Lutheran Church
- First Steps
- First United Methodist Church
- Hands of Hope
- REST - Regional Emergency Shelter Team
- Sutter County One Stop
- Sutter County Social Services
- Sutter-Yuba Mental Health Services
- St. Vincent de Paul
- St. Andrew Presbyterian
- VA No. Calif. Health Care Clinic

- **Objective**: Field trip to service sites in nearby jurisdictions of similar size *(example: Fourth & Hope emergency shelter, housing, residential treatment)*
- **Objective**: Engage businesses and the community in best practices conversation through community meetings

✓ *Measurement: best project practices reviewed; community engaged with at least 2 public meetings (1 in each county)*

☐ **Goal 5**: Secure initial service location
- o **Objective**: Determine use for initial location – emergency housing (cabins/tiny homes), one stop coordinated entry
- o **Objective**: Establish budget for providing identified services

✓ *Measurement: location, use, and budget established/created*

Potential Financial Resources

- o CA Housing & Community Development (HCD)
- o Community Development Block Grant (CDBG)
- o Community Services Block Grant (CSBG)
- o General fund of jurisdictions
- o First 5
- o Private foundations and donors
- o AB 109: CA Public Safety Realignment
- o Affordable Housing Sustainable Communities (AHSC): revenue stream fro CA cap and trade program
- o Housing choice vouchers (housing authority)

Priority B. Provide seamless basic needs services through effective partnerships

☐ **Goal 6**: Partner agencies and nonprofit develop MOU's defining services
- **Objective**: Service definition to include timing, location, populations (e.g., focused on military veterans)

☐ **Goal 7**: Partner agencies and nonprofit sign MOU's defining services to be provided

✓ *Measurement: MOU's in place*

Short term project steps:

- o Facilitate re-location out of river bottom; prevent increase in number of individuals in general, and along the river bottom.
- o Engage in services, solution resources, etc.
- o Rapidly re-house those who are willing
- o Find a temporary location that will serve as a temporary living site for 200-300 people.
- o Survival and self-sufficiency services provided by local service providers.

<u>Priority C</u>: Increase the availability of stable and sustainable housing

- ☐ **Goal 8**: Inventory of housing resources created by governance team
  - o **Objective**: Vacancy rate determined
  - o **Objective**: New construction needs determined

✓ *Measurement: Housing inventory available*

<u>Priority D</u>: Ensure the availability of basic needs services

Goal 9: Establish list of financial and in-kind resources
- o **Objective**: Working with nonprofit and agency partners, this list will be reviewed and available to governance team
- o **Objective**: Affordable housing options will be identified as available for individuals wanting to move from homelessness to housing

✓ *Measurement: Resources list developed*

- ☐ **Goal 10**: Secure commitment of financial and in-kind resources from government and nonprofit partners
  - o **Objective:** Working with jurisdictions and nonprofits, available funding sources will be identified and secured for plan implementation

✓ *Measurement: List developed; assessed with budget plan*

- ☐ **Goal 11**: Location/site services
  - o **Objective**: Establishment of a broader continuum of services at a temporary one stop campus, with access to temporary housing, permanent supportive housing, rapid re-housing and menu of social service activities.

✓ *Measurement: Services in place at one stop location*

<u>Priority E</u>: Inventory and assess enforcement strategies

- ☐ **Goal 12** Review recent enforcement efforts of other jurisdictions
  - o **Objective:** Identify successful regional strategies

✓ *Measurement*: *Jurisdictional governance teams receive accounting of regional strategies that have been employed, and an evaluation of effectiveness.*

<u>Priority F</u>: Inventory and assess overall best practices to effectively address nuisance behaviors

- ☐ **Goal 13** Review recent efforts by area jurisdictions to address any nuisance behaviors of people experiencing homelessness that have a negative impact on the general public.
    - **Objective:** Identify successful local and regional best practices that encourage positive behavior and community interaction of people experiencing homelessness while mitigating public nuisance behaviors.
    - **Objective:** Evaluate strategies to address nuisance behaviors impacting private property owners, and/or business operations.

✓ *Measurement*: *Jurisdictional governance teams receive accounting of strategies that have been employed, and an evaluation of effectiveness.*

PLACEHOLDER GOAL FOR THE PROGRAM:
Once goals 1 – 13 have been implemented, the collection of data regarding people served, and how they are being served will be conducted. Program accomplishments will be shared with the community.

<u>Outcome Measurements & Community Education</u>

- Data collection – numbers served, etc.
- Dissemination of data – community engagement plan

CITY OF YUBA CITY
BUSINESS FROM THE CITY COUNCIL

Date: September 20, 2016

To: Honorable Members of the City Council

From: City Council Screening Committee

Report By: John Buckland, Mayor

Summary

Subject: Appointments to City of Yuba City Boards and Commissions

Recommendation: Approve the City Council Screening Committee Recommendations for Appointments

Fiscal Impact: None.

Purpose:

To fill vacancies on the Yuba City Boards and Commissions.

Background:

The City Council Screening Committee, consisting of Mayor Buckland and Vice Mayor Cleveland, held interviews for unscheduled vacancies on the Planning Commission and Parks & Recreation Commission, and one unfilled position on the Senior Commission on Wednesday September 14th. The City received 3 applications for the Planning Commission, 4 applications for the Parks and Recreation Commission and two applications for the Senior Commission. The following appointments are being recommended:

Commission	Name	Term-Ending
Planning	**Larry Robinson**	12/31/18
Parks & Recreation	**Bonnie Pullen**	12/31/18
Senior	**Carl Hultquist**	12/31/20

Recommendation:

Approve the City Council Screening Committee Recommendations for Appointments.

Attachment:

- List of current Boards and Commission Memberships and Terms

City of Yuba City
Local Board and Commission Appointment List
September 20, 2016

In compliance with the requiremnets of the Maddy Act, Government Code 54970, the following appointment list is posted on an annual basis by December 31st. It shows all current members of City Boards and Conmissions and the dates of their terms of office as of the time of this posting.

Planning Commission

7 members - 4 year terms - Meets the 2nd and 4th Wednesday of each month at 6:00 p.m. in the Yuba City Council Chambers - Members must reside within the City limits.

Commissioner	Date Appointed	Term Begins	Term Ends
Daria Ali	12/18/12	01/01/13	12/31/16
Shon Harris	12/15/15	12/15/15	12/31/16
Jana Shannon	12/18/12	01/01/13	12/31/16
Michele Blake	12/16/14	01/01/15	12/31/18
John Sanbrook	12/16/14	01/01/15	12/31/18
Vacant			12/31/18
Paul Basi	02/25/14		Sutter Co. Rep.

Economic Development Commission

5 members - 4 year terms - Meets quarterly at 4:00 p.m. at City Hall. Members do not need to reside in City limits. Representatives from diverse businesses & industries and representative agencies recommended

Commissioner	Date Appointed	Term Begins	Term Ends
Nancy Aaberg	12/18/12	01/01/13	12/31/16
Todd Remund	12/18/12	01/01/13	12/31/16
Christine Ivory	01/07/15	01/01/15	12/31/16
David Burrow	12/16/14	01/01/15	12/31/18
Greg Heckman	12/16/14	01/01/15	12/31/18
Alternate - Vacant			

Parks & Recreation Commission

5 members - 4 year terms - Meets the 3rd Wednesday of each month at 5:30 p.m. at City Hall - Members must reside within the City limits

Commissioner	Date Appointed	Term Begins	Term Ends
Gary Hurlbut	12/18/12	01/01/13	12/31/16
Erika Summers	09/01/15	01/01/13	12/31/16
Sharon Foote	12/16/14	01/01/15	12/31/18
Cyndi Shatswell	12/16/14	01/01/15	12/31/18
Vacant			12/31/18

Senior Commission

7 members - 4 year terms - Meets the 1st Wednesday of each month at 9:00 a.m. in the Yuba City Senior Center - Members must reside in the City of Yuba City and represent a diverse group

Commissioner	Date Appointed	Term Begins	Term Ends
William Paden	12/18/12	01/01/13	12/31/16
Pam Epley	01/07/14	01/01/14	12/31/17
Dr. George Robinson	01/07/14	01/01/14	12/31/17
Tanna Thomas	01/07/14	01/01/14	12/31/17
Richard Dettmer	12/15/15	01/01/16	12/31/20
Anthony Kurlan	02/02/16	01/01/16	12/31/20
Vacant			12/31/20

Youth Commission

9 *members - 2 year terms - Meets the 3rd Wednesday of each month at 7:00 p.m. in the Sutter Room at City Hall - Members must be between 12 and 19 years of age and reside within the City limits*

Commissioner	Date Appointed	Term Begins	Term Ends
Preya Gill	06/02/15	07/01/15	06/30/17
Genevieve Hagen	06/02/15	07/01/15	06/30/17
Nick Lavy	06/02/15	07/01/15	06/30/17
Colin Minard	06/02/15	07/01/15	06/30/17
Nick Lavy	06/02/15	07/01/15	06/30/17
Navdeep Bal	07/19/16	07/01/16	06/30/18
Sameer Gupta	07/19/16	07/01/16	06/30/18
Joanna Jarvis	07/19/16	07/01/16	06/30/18
John Kroeger	07/19/16	07/01/16	06/30/18
Raiden Toche	07/19/16	07/01/16	06/30/18
Alternate: Kanvarbir Gill	06/02/15	07/01/15	06/30/17

Personnel Board

5 members - 4 year terms - Meets on an as needed basis - members must reside in the City limits

Board Member	Date Appointed	Term Begins	Term Ends
Richard Dettmer	06/04/14	07/01/14	06/30/18
David Koll	06/04/14	07/01/14	06/30/18
Anthony Kurlan	06/04/14	07/01/14	06/30/18
Brian Betschart	06/07/16	07/01/16	06/30/20
Hardial Dulay	06/07/16	07/01/16	06/30/20

Sutter-Yuba Mosquito Vector Control

1 member appointee from the City of Yuba City to the 7 member Trustee Board- 4 year term. The Board meets on the second Thursday of each month at 4:00 - Member must reside witin the City limits

Board Member	Date Appointed		Term Ends
John Dukes	12/16/14		12/31/18

Regional Housing Authority

1 citizen member appointed by the City of Yuba City and 1 tenant member appointed by the member agenices for the 7 member Board of Commissioners. Meets the 1st and 3rd Wednesday of each month at 12:15 at the Housing Authority. Citizen member must reside within the City limits

Board Member	Date Appointed		Term Ends
Suzanne Gallaty	03/19/15		01/01/17
Martha Griese	02/28/14		12/31/17

Traffic Committee (Inactive)

5 *members - 2 year terms - Meets on an as needed basis - Members must reside within the City limits*

Member	Date Appointed		Term Ends
Police Chief	Permanent		N/A
Public Works Director	Permanent		N/A
Vacant			N/A
Vacant			N/A
Vacant			N/A

Accessibility Board of Appeals (Inactive)

5 members - 2 year terms - Meets on an as needed basis - Board shall have two persons with disabilities, two qualified by experience and training to pass on matters pertaining to all forms of building construction and related building materials and equipment, and one from the general public and reside within the City limits

Board Member	Date Appointed		Term Ends
Vacant			N/A
Vacant			N/A
Vacant			N/A
Vacant			N/A
Vacant			N/A

Building Board of Appeals (Inactive)

5 members - 4 year terms - Meets on an as needed basis - Board shall have one qualified person from each of the building, electrical, plumbing, mechanical industries, and an engineer or architect

Vacant			N/A
Vacant			N/A
Vacant			N/A
Vacant			N/A
Vacant			N/A

CITY OF YUBA CITY
BUSINESS FROM THE CITY COUNCIL

Date: September 20, 2016

To: Honorable Mayor and Members of the City Council

From: Administration

Summary

Subject: League of California Cities Annual Conference Resolutions

Recommendation: Discuss the City of Yuba City's Position on the League of California Cities Proposed Resolution to Make Safety a Top Priority for Transportation Projects

Fiscal Impact: None.

Purpose:

To provide opportunity for the City Council to discuss the proposed League of California Cities Resolution.

Background:

The League of California Cities is an association of California City officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities and advance local control.

At your meeting on July 19th, Mayor Buckland was designated as the City's voting delegate for the League of California Cities Conference being held being held October 5 - 7, 2016 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting, scheduled for Friday, October 7. At this meeting, the League membership considers and takes action on resolutions that establish League Policy.

Resolutions:

This year, one resolution has been introduced for consideration by the Annual Conference and referred to the League Policy Committee:

1. Resolution Committing the League of California Cities to Supporting Vision Zero, toward Zero Deaths, and other Programs or Initiatives to make Safety a Top Priority for Transportation Projects and Policy Formulations, while Encouraging Cities to Pursue Similar Initiatives

Recommendation:

Discuss the City of Yuba City's Position of the League of California Cities Proposed Resolution to Make Safety a Top Priority for Transportation Projects.

Attachment:

- League of California Cities Resolutions Packet – 2016 Annual Conference

Annual Conference Resolutions Packet

2016 Annual Conference Resolutions

Long Beach, California

October 5 – 7, 2016

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: One policy committee will meet at the Annual Conference to consider and take action on the resolution referred to them. The committee is Transportation, Communication and Public Works. The committee will meet 9:00 – 10:30 a.m. on Wednesday, October 5, 2016, at the Hyatt Regency. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 6, at the Hyatt Regency in Long Beach, to consider the report of the policy committee regarding the resolution. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 7, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 6. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings
Wednesday, October 5
Hyatt Regency Long Beach
200 South Pine Street, Long Beach

9:00 – 10:30 a.m.: Transportation, Communication & Public Works

General Resolutions Committee
Thursday, October 6, 1:00 p.m.
Hyatt Regency Long Beach
200 South Pine Street, Long Beach

Annual Business Meeting and General Assembly Luncheon
Friday, October 7, 12:00 p.m.
Long Beach Convention Center
300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

TRANSPORTATION, COMMUNICATION, AND PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Vision Zero			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Resolution Process.

1. **RESOLUTION COMMITTING THE LEAGUE OF CALIFORNIA CITIES TO SUPPORTING VISION ZERO, TOWARD ZERO DEATHS, AND OTHER PROGRAMS OR INITIATIVES TO MAKE SAFETY A TOP PRIORITY FOR TRANSPORTATION PROJECTS AND POLICY FORMULATION, WHILE ENCOURAGING CITIES TO PURSUE SIMILAR INITIATIVES**

Source: City of San Jose
Concurrence of five or more cities/city officials: Cities: Fremont; Los Angeles; Sacramento; San Diego; San Francisco; Santa Monica; and West Hollywood
Referred to: Transportation, Communication and Public Works Policy Committees
Recommendation to General Resolution Committee:

WHEREAS, each year more than 30,000 people are killed on streets in the United States in traffic collisions; and

WHEREAS, traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people; with pedestrians and cyclists accounting for a disproportionate share; and

WHEREAS the Centers for Disease Control recently indicated that America's traffic death rate per person was about double the average of peer nations; and

WHEREAS Vision Zero and Toward Zero Deaths are comprehensive strategies to eliminate all traffic fatalities and severe injuries using a multi-disciplinary approach, including education, enforcement and engineering measures; and

WHEREAS a core principal of Vision Zero and Toward Zero Deaths is that traffic deaths are preventable and unacceptable; and

WHEREAS cities across the world have adopted and implemented Vision Zero and Toward Zero Deaths strategies and successfully reduced traffic fatalities and severe injuries occurring on streets and highways; and

WHEREAS safe, reliable and efficient transportation systems are essential foundations for thriving cities.

RESOLVED that the League of California Cities commits to supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety;

AND encourage cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways;

AND encourage the State of California to consider adopting safety as a top priority for both transportation projects and policy formulation.

//////////

Background Information on Resolution to Support Transportation Safety Programs
Each year more than 30,000 people are killed on streets in the United States in traffic collisions. Traffic fatalities in America hit a seven-year high in 2015 and are estimated to have exceeded 35,000 people, with children, seniors, people of color, low-income and persons with disabilities accounting for a disproportionate share. The Centers for Disease Control recently reported that the traffic death rate per

person in the United States was about double the average of peer nations, with close to 10% of these deaths occurring in California (3,074 in 2014). California's largest city, Los Angeles, has *the* highest rate of traffic death among large U.S. cities, at 6.27 per 100,000 people.

Cities around the world have adopted traffic safety projects and policies that underscore that traffic deaths are both unacceptable and preventable. In 1997, Sweden initiated a program called Vision Zero that focused on the idea that "Life and health can never be exchanged for other benefits within the society." The World Health Organization has officially endorsed Vision Zero laying out traffic safety as an international public health crisis and the United Nations General Assembly introduced the Decade of Action for Road Safety 2011-2020 and set the goal for the decade: "to stabilize and then reduce the forecast level of road traffic fatalities around the world" by 50% by 2020.

As of this writing, 18 U.S. cities have adopted Vision Zero programs (including New York City, Boston, Ft. Lauderdale, Austin, San Antonio, Washington DC, and Seattle) to reduce the numbers of fatal crashes occurring on their roads (http://visionzeronetwork.org/map-of-vision-zero-cities/). California cities lead the way, with the cities of San Jose, San Francisco, San Mateo, San Diego, Los Angeles, Long Beach and Fremont having adopted Vision Zero strategies and many others are actively considering adoption.

In 2009 a national group of traffic safety stakeholders launched an effort called "Toward Zero Deaths: A National Strategy on Highway Safety". This initiative has been supported by the Federal Highway Administration (FHWA) (http://safety.fhwa.dot.gov/tzd/) and states throughout the United States, including California (http://www.ots.ca.gov/OTS_and_Traffic_Safety/About_OTS.asp).

This past January the U.S. Department of Transportation launched its "Mayors' Challenge for Safer People and Safer Streets." This effort calls on elected officials to partner with the USDOT and raise the bar for safety for people bicycling and walking by sharing resources, competing for awards, and taking action. The California cities of Beverly Hills, Davis, Maywood, Cupertino, Culver City, Rialto, Santa Monica, Porterville, Los Angles, San Jose, Monterey, Glendale, Irvine, Oakland, Palo Alto, Alameda, West Hollywood and Fullerton signed on to this effort. Additionally, the Institute of Transportation Engineers (ITE), a leading organization for transportation professionals, recently launched a new initiative to aggressively advance the Vision Zero and Towards Zero Deaths movements (http://library.ite.org/pub/ed59a040-caf4-5300-8ffc-35deb33ce03d).

Ultimately all of these programs share the fundamental belief that a data-driven, systems-level, interdisciplinary approach can prevent severe and fatal injuries on our nation's roadways. They employ proven strategies, actions, and countermeasures across education, enforcement and engineering. Support for many of these life-saving programs extends far beyond government agencies, and includes National Association of City Transportation Officials (NACTO), American Association of State Highway and Transportation Officials (AASHTO), Kaiser Permanente, AARP, the National Safe Routes to School Partnership, and the International Association of Chiefs of Police, among many others.

There is wide-spread recognition that cities and towns need safe, efficient transportation systems to be economically prosperous. A resolution by the League of California Cities to support transportation safety policies like Vision Zero and Toward Zero Deaths, and encourage implementation of projects and programs that prioritize safety will help California elevate the health and safety of its residents and position us as a leader in national efforts to promote a culture of safe mobility for all.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo
Committee: Transportation, Communication, and Public Works

Summary:
The resolved clauses in Resolution No. 1: commits the League of California Cities to:
1) Supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety;
2) Encouraging cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways; and
3) Encouraging the State to consider adopting transportation safety as a top priority for transportation projects and policy formulation.

Background:
The City of San Jose notes national and international efforts to reduce fatal and severe injury traffic collisions through systematic data driven approaches, such as Vision Zero and Toward Zero Deaths. According to the World Health Organization (WHO), "Vision Zero is a traffic safety policy, developed in Sweden in the late 1990s and based on four elements: ethics, responsibility, a philosophy of safety, and creating mechanisms for change."[1] Below is a summary of each Vision Zero element, according to WHO:

1. Ethics – Life and health trump all other transportation benefits, such as mobility.

2. Responsibility – Responsibility for crashes and injuries is shared between the providers of the system and the road users.

3. Safety Philosophy – Asserts that a transportation system should account for the unstable relationship of human error with fast/heavy machinery to avoid deaths/serious injury, but accept crashes/minor injuries.

4. Driving Mechanisms for Change – Asserts that road users and providers must both work to guaranteeing road safety, taking measures such as: improving levels of seat belt use, installing crash-protective barriers, wider use of speed camera technology, increasing random breathalyzer tests, and promoting safety in transportation project contracts.

A Vision Zero City meets the following minimum standards:
- Sets clear goal of eliminating traffic fatalities and severe injuries
- Mayor has publicly, officially committed to Vision Zero
- Vision Zero plan or strategy is in place, or Mayor has committed to doing so in clear time frame
- Key city departments (including police, transportation and public health) are engaged

List of cities that meet the minimum Vision Zero standards nationally include: Anchorage, AK; Austin, TX; Boston, MA; Cambridge, MA; Denver, CO; Eugene, OR; Fort Lauderdale, FL; Fremont, CA; Los Angeles, CA; New York, NY; Portland, OR; Sacramento, CA; San Antonio, TX; San Diego, CA; San Francisco, CA; San Jose, CA; Seattle, WA; Washington, DC

List of cities that are considering adoption of Vision Zero nationally include: Ann Arbor, MI; Bellevue, OR; Bethlehem, PA; Chicago, IL; Columbia, MO; Houston, TX; Long Beach, CA;

[1] http://who.int/violence_injury_prevention/publications/road_traffic/world_report/chapter1.pdf

New Orleans, CA; Philadelphia, PA; Pittsburgh, PA; San Mateo, CA; Santa Ana, CA; Santa Cruz, CA; Santa Monica, CA; St. Paul, MN; Tampa, FL[2]

Vision Zero – Samples:

1. San Francisco – In 2015, the City established a two-year action strategy that outlines the projects and policy changes to implement its Vision Zero goal of zero traffic deaths by 2024. The strategy adopts five core principles, such as: 1) traffic deaths are preventable and unacceptable; 2) safety for all road modes and users is the highest priority; 3) transportation system design should anticipate inevitable human error; 4) education, enforcement, and vehicle technology contribute to a safe system; and 5) transportation systems should be designed for speeds that protect human life.[3] The strategy focuses on engineering, enforcement, education, evaluation, and policy changes that can be made to achieve their goals. The City is working on projects, such as:
    a. Creating protected bike lanes
    b. Building wider sidewalks
    c. Reducing traffic speeds[4]

    The City is also exploring policy changes to state law that will allow the City to place traffic cameras near schools and senior centers to cite speeding drivers through automated speed enforcement.[5]

2. Los Angeles – the City has established a commitment to eliminate all traffic deaths by 2025. They have identified a network of streets, known as the High Injury Network (HIN)[6], which maps out their areas of concern where they plan on making strategic investments in reducing deaths/severe injury. According to the City, only 6% of their city streets account for 2/3 of all deaths/severe injury for pedestrians. The City highlights the three following projects as part of their Vision Zero efforts[7]:
    a. Installation of 22 new Leading Pedestrian Intervals (LPIs) at signals throughout the city, which gives pedestrians a head start against right-turning vehicles when crossing
    b. Installation of a pedestrian scramble at the intersection of Hollywood and Highland, which stops traffic in all four-directions during pedestrian crossing.
    c. Installation of curb extensions along Cesar E. Chavez Avenue in their HIN, which reduces the crossing distance for pedestrians, narrows the intersections, and reduces speed for turning vehicles.

San Francisco's Vision Zero Categories:

1. Engineering – implement treatments and redesign streets to reduce the frequency and severity of collisions (i.e. using/implementing: high injury network maps, signal timing, high visibility crosswalks, bus stop lengths, etc.)

2. Enforcement – use data driven approach to cite and focus on violations of the California Vehicular Code and S.F. Transportation Code that identify as causative in severe and fatal collisions (i.e. explore implementation of E-citation Pilot, reporting on traffic collision data, police training, etc.)

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[2] http://visionzeronetwork.org/wp-content/uploads/2016/02/VZ-map-April-20-2016-4.jpg
[3] http://www.joomag.com/magazine/vision-zero-san-francisco/0685197001423594455?short
[4] http://visionzerosf.org/vision-zero-in-action/engineering-streets-for-safety/
[5] http://visionzerosf.org/vision-zero-in-action/public-policy-for-change/
[6] http://ladot.maps.arcgis.com/apps/MapJournal/index.html?appid=488062f00db44ef0a29bf481aa337cb3
[7] http://visionzero.lacity.org/actions/

3. Education – coordinate among city departments to create citywide strategy for outreach and safety programs, such as Safe Routes to Schools. (i.e. education campaign includes – Safe Streets SF, large vehicle safe driving for municipal vehicles, etc.)
4. Evaluation – evaluate the impact of engineering, enforcement, education and policy efforts to provide recommendations for refinement (i.e. use of web-based data sharing and tracking systems for transparency and accountability).

5. Policy – support and mobilize local and state policy initiatives that advance Vision Zero (i.e. Advance Automated Safety Enforcement initiative at the state level, in-vehicle technology usage, partnering with state and federal agencies on administrative and legal issues, etc.)

In its annual reporting, the City has established the following measures for successful benchmarks:

- Decreasing total severe and fatal injuries
- Decreasing the proportion of severe and fatal injuries in communities of concern to address social inequities
- Decreasing medical costs at SF General Hospital relating to collisions
- Increasing the number of engineering projects and miles of streets receiving safety improvements
- Decreasing the speeds on SF streets
- Increasing investigation and prosecution of vehicular manslaughter
- Increasing public awareness of Vision Zero and traffic safety laws
- Increasing policy changes made at the state and local levels to advance Vision Zero

Toward Zero Deaths – The Federal Highway Administration (FHWA) within the United States Department of Transportation (USDOT) is committed to the vision of eliminating fatalities and serious injuries on national roadways. FHWA has a strategic goal of ensuring the "nation's highway system provides safe, reliable, effective, and sustainable mobility for all users."[8] It is essentially the national version of Vision Zero administered primarily through the Highway Safety Improvement Program (HSIP).

At the state level, the California Office of Traffic Safety (OTS) has a mission to "effectively and efficiently administer traffic safety grant funds to reduce traffic deaths, injuries, and economic losses."[9] They make available grants to local and state public agencies for traffic law enforcement, public traffic safety education, and other programs aimed at reducing fatalities, injuries, and economic loss from collisions.

Support: City of Fremont, City of Los Angeles, City of Sacramento, City of San Francisco, City of San Jose, City of Santa Monica, and City of West Hollywood

Opposition: One individual

Fiscal Impact: Unknown. The costs to any particular city can vary tremendously depending on the level and scope of investment any particular city would seek to make. For example, the City of San Francisco has Vision Zero project costs ranging from $30,000 for pedestrian safety treatments up to $12,000,000 for a Streetscape project. The cost of any particular effort could be well below, above, and anywhere between those ranges for Vision Zero implementation.

[8] http://safety.fhwa.dot.gov/tzd/
[9] http://www.ots.ca.gov/OTS_and_Traffic_Safety/About_OTS.asp

Comment:

1) Policy committee members are encouraged to consider carefully how the adoption of the resolved clause in this resolution may affect the League's future policy when it comes to advocating for transportation funding and other existing priorities. While the clause "encouraging cities throughout California to join in these traffic safety initiatives to pursue the elimination of death and severe injury crashes on our roadways" provides an opportunity to highlight strategies that can be considered to improve transportation safety, two other aspects of the resolved appear to establish new policy for the organization in that it would "commit" the League to:
    - Supporting Vision Zero, Toward Zero Deaths, and other programs, policies, or initiatives that prioritize transportation safety.
    - Encouraging the State to consider adopting transportation safety as a top priority for transportation projects and policy formulation.

2) Effects of various strategies to improve transportation safety can vary. According to an article published in the San Francisco Chronicle on March 26, 2016, deaths in San Francisco traffic were not falling despite Vision Zero efforts.[10] The article notes that there were seven deaths in 2016, while there was only one in the first 10 weeks of 2015 and seven in 2014 during the same period. The San Francisco Department of Public Health commented that despite these incidents, it's too early to make any conclusions about Vision Zero's effectiveness. In Los Angeles, however, the city has cited significant decreases in severe and fatal injuries with implementation of certain technologies, such as installation of pedestrian scrambles. The success of Vision Zero in any particular city will likely depend on the level of investment and scope of the project(s) as the projects can vary widely.

3) In the fifth "Whereas" clause from the top, the word "principal" should be "principle."

Existing League Policy: "The League supports additional funding for local transportation and other critical unmet infrastructure needs. One of the League's priorities is to support a consistent and continuous appropriation of new monies from various sources directly to cities and counties for the preservation, maintenance and rehabilitation of the local street and road system. New and additional revenues should meet the following policies:

- System Preservation and Maintenance. Given the substantial needs for all modes of transportation, a significant portion of new revenues should be focused on system preservation. Once the system has been brought to a state of good repair, revenues for maintenance of the system would be reduced to a level that enables sufficient recurring maintenance.
- Commitment to Efficiency. Priority should be given to using and improving current systems. Recipients of revenues should incorporate operational improvements and new technology in projects.
- All Users Based System. New revenues should be borne by all users of the system from the traditional personal vehicle that relies solely on gasoline, to those with new hybrid or electric technology, to commercial vehicles moving goods in the state, and even transit, bicyclists, and pedestrians who also benefit from the use of an integrated transportation network.
- Alternative Funding Mechanisms. Given that new technologies continue to improve the efficiency of many types of transportation methods, transportation stakeholders must be open to new alternative funding mechanisms. Further, the goal of reducing greenhouse gases is also expected to affect vehicle miles traveled, thus further reduce gasoline consumption and revenue from the existing gas tax. The

[10] http://www.sfchronicle.com/bayarea/article/Deaths-in-S-F-traffic-not-falling-despite-Vision-7182486.php

existing user based fee, such as the base $0.18-cent gas tax is a declining revenue source. Collectively, we must have the political will to push for sustainable transportation revenues.

- Unified Statewide Solution. For statewide revenues, all transportation stakeholders must stand united in the search for new revenues. Any new statewide revenues should address the needs of the entire statewide transportation network, focused in areas where there is defensible and documented need.
- Equity. New revenues should be distributed in an equitable manner, benefiting both the north and south and urban, suburban, and rural areas as well as being equally split between state and local projects.
- Flexibility. Needs vary from region to region and city to city. New revenues and revenue authority should provide the flexibility for the appropriate level of government to meet the goals of the constituents.
- Accountability. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level." [11]

Additionally, the League adopted to "Increase Funding for Critical Transportation and Water Infrastructure" as its number one strategic goal for 2016. It reads, "Provide additional state and federal financial assistance and new local financing tools to help meet the critical transportation (streets, bridges, active transportation, and transit) and water (supply, sewer, storm water, flood control, etc.) infrastructure maintenance and construction needs throughout California's cities."[12]

[11] http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Policy-Development/2016-Summary-of-Existing-Policy-and-Guiding-Princi.aspx
[12] http://www.cacities.org/Secondary/About-Us/Strategic-Priorities

LETTERS OF CONCURRENCE

Resolution No. 1

VISION ZERO

CITY OF Fremont

Office of the Mayor
3300 Capitol Avenue, Building A | P.O. Box 5006, Fremont, CA 94537-5006
510 284-4011 *ph* | 510 284-4001 *fax* | www.fremont.gov

July 21, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION AND IMPLEMENTATION OF INITITIAVES TO PRIOIRITZE TRAFFIC SAFEY THROUGHOUT CALIFORNIA

Dear President Michael,

The City of Fremont enthusiastically endorses the proposed resolution to support the implementation of initiatives to eliminate traffic deaths and severe injuries on our roadways. Fremont is among the early adopters of the Vision Zero traffic safety strategy. With City Council's approval of our Fremont Vision Zero 2020 action plan in March 2016, we are already seeing the benefits of building a safety first culture in our community.

I strongly encourage other California cities to join a growing coalition of support for Vision Zero. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Fremont has embraced Vision Zero and we are in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

Bill Harrison

Bill Harrison
Mayor

CITY HALL
LOS ANGELES, CALIFORNIA 90012

August 2, 2016

The Honorable Dennis Michael
President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: League of California Cities Resolution Supporting Initiatives to Prioritize Traffic Safety

Dear President Michael:

We write in support of the proposed resolution to support the adoption and implementation of Vision Zero initiatives throughout California to eliminate traffic fatalities and injuries. Vision Zero and Towards Zero Deaths strategies have been adopted in cities throughout California, including the City of Los Angeles. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Every year, more than 200 people are killed while trying to move around Los Angeles. Nearly half of the people who die on Los Angeles streets are people walking and bicycling, and an alarming number of them are children and older adults. The safety of our residents and visitors is paramount. If we can realize Vision Zero throughout California, children will be safer walking to school, families will be safer going to the park, and commuters will be safer getting to work.

The City of Los Angeles adopted Vision Zero as part of its Transportation Strategic Plan, and an executive directive was issued in 2015 directing its implementation. We are in strong support of Vision Zero in California, and we support the proposed Resolution.

Sincerely,

ERIC GARCETTI
Mayor

JOE BUSCAINO
Councilmember, 15th District
League of California Cities Representative

OFFICE OF THE
CITY COUNCIL

JAY SCHENIRER

COUNCILMEMBER
DISTRICT FIVE

CITY OF SACRAMENTO
CALIFORNIA

July 27, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION AND IMPLEMENTATION OF INITIATIVES TO PRIORITIZE TRAFFIC SAFETY THROUGHOUT CALIFORNIA

Dear President Michael,

The City of Sacramento supports the proposed resolution to support the adoption and implementation of initiatives to prioritize transportation safety toward eliminating death and severe injuries on our roadways. ***Vision Zero*** and ***Towards Zero Deaths*** strategies have been adopted in many cities and Sacramento is currently developing its own ***Vision Zero Action Plan***.

Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and are estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on roads and streets of our cities. We must put safety as a top priority for all users of our streets. It is fundamental for prosperity of California cities as safety, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Sacramento is in strong support of prioritized and expanded transportation safety in California cities and supports the proposed Resolution.

Sincerely,

Jay Schenirer, Council Member
Chair, Law & Legislation Committee

915 I STREET 5th FLOOR, SACRAMENTO, CA 95814-2604
PH 916-808-7005 • FAX 916-264-7680 • jschenirer@cityofsacramento.org

THE CITY OF SAN DIEGO

August 9, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Michael:

RE: A resolution of the league of California Cities Supporting the Adoption and Implementation of Initiatives to Prioritize Traffic Safety throughout California

The City of San Diego Transportation & Storm Water Department supports the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California, including the City of San Diego (Attachment 1). Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of San Diego Transportation & Storm Water Department has embraced Vision Zero/Towards Zero Death and I am in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

Kris McFadden
Director

Attachment: A Resolution of the Council of the City of San Diego Adopting a Vision Zero Plan to Eliminate Traffic Fatalities and Serious Injuries in the Next Ten Years

cc: Katherine Johnston, Director of Infrastructure and Budget Policy, Office of the Mayor
Kristin Tillquist, Director of State Government Affairs, Office of the Mayor
Vic Bianes, Assistant Director, Transportation & Storm Water Department
Linda Marabian, Deputy Director, Traffic Engineering Operations

DIVERSITY

Transportation & Storm Water Department
202 C Street, 9th Floor, MS 9A • San Diego, CA 92101
Tel (619) 236-6594 Fax (619) 236-6570

10/27/15
330
(R-2016-155)

RESOLUTION NUMBER R- 310042

DATE OF FINAL PASSAGE NOV 03 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING A VISION ZERO PLAN TO ELIMINATE TRAFFIC FATALITIES AND SERIOUS INJURIES IN THE NEXT TEN YEARS.

WHEREAS, on average one person each day is seriously injured or killed on the road while walking, bicycling, or driving the streets of San Diego; and,

WHEREAS, the City has adopted numerous studies and plans that outline design concepts to improve safety for people walking and biking in the City including a Pedestrian Master Plan and Bicycle Master Plan; and,

WHEREAS, the City of San Diego's draft Climate Action Plan proposes to achieve 50 percent of commuter mode share for walking, biking and transit use in transit priority areas by 2050 and safer conditions for walking and biking can help implement this Plan; and,

WHEREAS, the City will increase in population by approximately 30 percent by 2050 and the majority of growth will result from infill development thereby increasing demand for safe walking and bicycling; and,

WHEREAS, communities in San Diego have prioritized infrastructure projects that improve walking and biking safety among other project types as represented by the Community Planning Committee report to Infrastructure Committee in November 2013; and,

WHEREAS, the City incurs costs to respond to lawsuits alleging the City's failure to provide safer streets; and,

WHEREAS, restoring infrastructure in the City is a priority of the Council and Mayor; and,

WHEREAS, Vision Zero provides a framework for reducing traffic deaths to zero through a combination of safe engineering measures, education, and enforcement practices; and,

WHEREAS, Vision Zero has been adopted in many cities throughout the country, most notably in New York City which has seen the lowest number of pedestrian fatalities in its first year of implementation since documentation began in 1910; and,

WHEREAS, Circulate San Diego is convening an Advisory Committee to advance Vision Zero Goals; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it hereby adopts a goal of eliminating traffic deaths and serious injuries by 2025; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that it urges City staff from the Mayor's office, Transportation and Stormwater Department, San Diego Police Department, and a representative of the City's Bicycle Advisory Committee to attend meetings of Circulate San Diego's Vision Zero Advisory Committee for a limited time to develop a traffic safety plan that will help the City reach the goal of zero traffic deaths and serious injuries; and

BE IT FURTHER RESOLVED, that the traffic safety plan will be guided by innovative engineering solutions to improve road safety for all users, especially the most vulnerable; will measure and evaluate performance annually; and will include enforcement and education strategies to prevent the most dangerous behaviors that cause public harm, especially along the corridors where collisions are most frequent.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:cfq
September 24, 2015
Or.Dept:Envir. Comm.
Doc. No.: 1116742

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 27 2015.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 11/2/15 _____
(date)

_____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 27 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☐	☐	☑	☐
Marti Emerald	☑	☐	☐	☐

Date of final passage NOV 03 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310042

OFFICE OF THE MAYOR
SAN FRANCISCO

EDWIN M. LEE
MAYOR

August 1, 2016

The Honorable Dennis Michael
President, League of California Cities
1400 K Street
Sacramento, CA 95814

Re: Resolution of the League of California Cities Supporting the Adoption and Implementation of Initiatives to Prioritize Traffic Safety Throughout California

Dear President Michael,

On behalf of the City and County of San Francisco, I am writing to express my support for the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California including San Francisco, San Jose, San Mateo, San Diego, Los Angeles, Santa Barbara, and Santa Monica. Accordingly, I encourage the submission of the resolution to support Vision Zero, Toward Zero Deaths, and other initiatives that make traffic safety a priority, which will be considered by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Every year in San Francisco, approximately 30 people lose their lives and over 200 more are seriously injured while traveling on our streets. These deaths and injuries are unacceptable and preventable, and the City is strongly committed to stopping further loss of life. San Francisco adopted Vision Zero as a policy in 2014, committing to build better and safer streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes that save lives. Our goal is to create a culture that prioritizes traffic safety and to ensure that mistakes on our roadways do not result in serious injuries or deaths. The safety of our residents and the over 18 million visitors that use our streets each year is paramount, and the same holds true for cities across the California, which need safe, efficient, and organized transportation systems to support economically vibrant and sustainable communities.

The City and County of San Francisco has embraced Vision Zero, and I am in strong support of expanded transportation safety in California cities and, in turn, the proposed Resolution.

Sincerely,

Edwin M. Lee
Mayor

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
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City of
Santa Monica®

Mayor **Tony Vazquez**
Mayor Pro Tempore **Ted Winterer**

Councilmembers

Gleam Davis
Sue Himmelrich
Kevin McKeown
Pam O'Connor
Terry O'Day

July 21, 2016

The Honorable Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: THE LEAGUE OF CALIFORNIA CITIES CONSIDERATION OF INITITIAVES TO PRIOIRITZE TRAFFIC SAFEY THROUGHOUT CALIFORNIA

Dear President Michael:

The City of Santa Monica supports initiatives to eliminate death and severe injuries on our roadways. Vision Zero and Towards Zero Deaths strategies have been adopted in numerous cities throughout California, leading to the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

The City of Santa Monica embraced Secretary Anthony Foxx's Mayor's Challenge for *Safer People, Safer Streets* in March 2015. Simultaneously, the Council directed staff to initiate work on Vision Zero and 8-80 cities – a movement created by Gil Penalosa, to make cities that work for people aged 8 to 80. Combined, these two efforts aim to create streets that are safe and comfortable for people in all modes and of all abilities. In February 2016 the Santa Monica City Council adopted a Vision Zero target in our first Pedestrian Action Plan. We are now actively working to incorporate these visionary targets into City operations.

Our City cares deeply about the safety of our people, and their ability to access good, services, education, social networks and employment. Creating a New Model for Mobility is one of the Council's Five Strategic Goals, identified to organize and advance work on our top priorities. A safe mobility network supports our urgent need to provide transportation options that reduce greenhouse gas emissions, and provide equitable access to places and activities that support community Wellbeing. Reducing and ultimately eliminating severe injury and fatal crashes part of a resilient, safe and prosperous community.

Traffic fatalities in America hit a seven-year high in 2015 and is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of Santa Monica has embraced **Vision Zero/Towards Zero Deaths** and I am in strong support of expanded transportation safety in California cities.

Sincerely,

Tony Vazquez
Mayor

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City of West Hollywood
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CITY OF WEST HOLLYWOOD

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OFFICE OF THE CITY MANAGER

PAUL AREVALO
CITY MANAGER

July 21, 2016

The Honorable L. Dennis Michael, President
League of California Cities
1400 K Street
Sacramento, California 95814

RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING THE ADOPTION AND IMPLEMENTATION OF INITITIAVES TO PRIOIRITZE TRAFFIC SAFEY THROUGHOUT CALIFORNIA - SUPPORT

Dear President Michael:

The City of West Hollywood supports the proposed resolution to support the adoption and implementation of initiatives to eliminate death and severe injuries on our roadways. ***Vision Zero*** and ***Towards Zero Deaths*** strategies have been adopted in numerous cities throughout California. Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 5, 2016.

Traffic fatalities in America hit a seven-year high in 2015, and it is estimated to have exceeded 35,000 people. This is about double the average of peer nations and must be addressed. Safety of our residents and visitors is paramount and this is especially true on the roads and streets of our cities. We must put safety as the top priority for all users of our streets. It is fundamental for the prosperity of California cities as safe, efficient, organized transportation systems are essential for economically vibrant and sustainable communities.

The City of West Hollywood is in strong support of expanded transportation safety in California cities and support the proposed Resolution.

Sincerely,

Paul Arevalo,
CITY MANAGER

c: Honorable Members of the West Hollywood City Council

CITY OF YUBA CITY

City Council Reports

- Councilmember Didbal
- Councilmember Dukes
- Councilmember Gill
- Vice Mayor Cleveland
- Mayor Buckland

Adjournment