



AGENDA
JUNE 16, 2015
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 Dukes
VICE MAYOR	• John Buckland
COUNCILMEMBER	• Stanley Cleveland, Jr
COUNCILMEMBER	• Preet Didbal
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 auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at 530/822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

**AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
June 16, 2015
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. Confer with labor negotiators Diana Langley and Natalie Walter regarding negotiations with Yuba City Firefighters Local 3793, pursuant to Section 54957.6 of the Government Code.

Regular Meeting—Council Chambers

Call to Order

Roll Call: ___ Mayor Dukes
 ___ Vice Mayor Buckland
 ___ Councilmember Cleveland
 ___ Councilmember Didbal
 ___ Councilmember Gill

Invocation

Pledge of Allegiance to the Flag

Presentations & Proclamations

- 1. **July is Sexual Assault Prevention Month**

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.

2. 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

- A) Yuba Sutter Naval Cadets
- B) Marysville Stampede

3. 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.

Public Hearing

4. Authorization for the Receipt, Allocation and Expenditure of the FY 2015-2016 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$13,059.

Recommendation: Conduct a public hearing, then

- A) Adopt a resolution authorizing the Chief of Police to accept the FY 2015-2016 Edward Byrne Memorial Justice Assistance Grant funding and approve expenditure recommendations
- B) Authorize the Mayor to execute the associated memorandum of understanding with Sutter County on behalf of the City, following approval by the City attorney
- C) Authorize the Chief Financial Officer to make budget adjustments as necessary

5. General Plan Amendment 14-03 and Rezone 14-02 for an approximately 1.21 acre lot; Applicant: Ryan Dusa; Property Owner: California Capital Loans Inc. The property is located on the east side of Stabler Lane between Parc East Drive and Butte Vista Lane. Assessor's Parcel Number 59-030-018

Recommendation: Following the public hearing, concur with the Planning Commission's recommendations, which are to:

- A) Make the following findings:
 - 1. After reviewing and considering the negative declaration prepared for this project, find that the Mitigated Negative Declaration approved by the Planning Commission and any comments received, finding there is no substantial evidence that the project will have a significant impact on the environment.
 - 2. That General Plan Amendment 14-03 to change the General Plan designation from Neighborhood Commercial to Low Density Residential on 1.21 acres is in the public interest.
 - 3. That Rezoning 14-02 to change the zoning from a Neighborhood Commercial (NC) Zone District to a One-family Residential (R-1) Zone District is consistent with the

Low Density Residential land use designation as described in the Yuba City General Plan.

B) Adopt a resolution for GPA 14-03 amending the land use designation from Neighborhood Commercial to Low Density Residential on 1.21 acres, as shown on Exhibit A of the resolution.

C) Introduce an ordinance for approval of RZ 14-02 that amends the Official Zoning Map by changing the zoning from a Neighborhood Commercial Zone District to One-family Residential Zone District on 1.21 acres as shown in Exhibit B, and waive the first reading.

Ordinance

6. California Public Employees' Retirement System (CalPERS) Contract Amendment to implement employee cost sharing

Recommendation: A) Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, Fire Management, First Level Managers bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading.

B) Adopt a Resolution for CalPERS stating the City is no longer paying 8% or 7% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective July 25, 2015.

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

7. Minutes of May 26, 2015 and June 2, 2015

Recommendation: Approve the City Council Meeting Minutes of May 26, 2015 and June 2, 2015.

General Items

8. Wildewood West Landscaping District – Special Tax

Recommendation: Adopt a resolution directing the levying of taxes for maintenance of street landscaping in the Wildewood West Subdivision for Fiscal Year 2015-2016

9. Bridge Street Reconstruction – Cooper Avenue to Plumas Street (Plans and Specifications)

- Recommendation: A) Adopt a resolution approving the plans and specifications for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street and authorizing advertisement for bids on the project. [Estimated Construction Cost \$2,350,000]
- B) Authorize the Finance Director to make necessary budget transfers from CIP account 971023 (Replacement and Major Maintenance of Water Lines) in the amount of \$330,000 to 911206 (Bridge Street Reconstruction)
- C) Authorize the Finance Director to make necessary budget transfers from CIP account 971095 (Fire Hydrant Relocation and Repair) in the amount of \$20,000 to 911206 (Bridge Street Reconstruction)

10. Sale and Future Development of former Fire Station 4 and adjacent property

Recommendation: Initiate a 45 day Request for Proposal for the redevelopment of 211 South Walton and 217 South Walton Avenue

Business from the City Council

11. City Council Reports

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

Adjournment



SEXUAL ASSAULT AWARENESS MONTH

HEALTHY Kids
EMPOWERED Families
ENGAGED Communities



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, 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.

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015
To: Honorable Mayor & Members of the City Council
From: Police Department
Presentation By: Thomas Tappe, Police Lieutenant

Summary

Subject: Authorization for the Receipt, Allocation and Expenditure of the FY 2015-2016 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$13,059

Recommendation: Conduct a public hearing, then

- a) Adopt a resolution authorizing the Chief of Police to accept the FY 2015/2016 Edward Byrne Memorial Justice Assistance Grant funding and approve expenditure recommendations
- b) Authorize the Mayor to execute the associated memorandum of understanding with Sutter County on behalf of the City, following approval by the City Attorney
- c) Authorize the Chief Financial Officer to make budget adjustments as necessary

Fiscal Impact: \$13,059 to Account No. 100-43123 - Federal Law Enforcement Grant (No City match required). Funds will be drawn down through Account No. 2190-63201 for technology improvements

Purpose:

To secure funding for the City's portion of multi-agency public safety interoperable radio communications equipment maintenance costs and radio vault rental costs.

Background:

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, offers funding to local, state, and tribal efforts to prevent or reduce crime and violence under the Edward Byrne Memorial Justice Assistance Grant Program.

The Yuba City Police Department and the Sutter County Sheriff's Department are eligible for \$15,546 in funding through this grant. We are required to make a joint application and operate under the terms of a memorandum of understanding with Sutter County. A draft copy of the MOU is attached. The final MOU document will be submitted for Council approval at a later date once it has been finalized. Sutter County will serve as the fiscal agent. As such, Sutter County will receive the grant funds for both entities and provide the City of Yuba City its share in the amount of \$13,059. No cash match is required in order to receive these funds.

Analysis:

We intend to use the entire grant award, \$13,059, towards our portion of the 2016/2017 fiscal year radio vault rental costs and equipment maintenance costs for the Sutter Buttes Gateway System public safety interoperable radio communications equipment. The Sutter County Sheriff's Department will pay the other half of these costs.

The Sutter Buttes Gateway System provides interoperable radio communications capability to public safety entities, (including federal, state, local, and private), within the surrounding four county area. The system was designed and constructed with the use of federal public safety interoperability grant funds and utilizes state and federally licensed public safety mutual aid radio frequencies.

Fiscal Impact:

The City will receive \$13,059 from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant through a required funding pass through agreement with Sutter County. Sutter County will serve as the fiscal agent for this grant as described in the attached draft copy of the memorandum of understanding. No City match is required.

Alternatives:

Provide staff with alternative spending paths which will not supplant routine expenditures in the general fund.

Recommendation:

Conduct a public hearing, then

- a) Adopt a resolution authorizing the Chief of Police to accept the FY 2015/2016 Edward Byrne Memorial Justice Assistance Grant funding and approve expenditure recommendations.
- a) Authorize the Mayor to execute the associated memorandum of understanding with Sutter County on behalf of the City, following approval by the City Attorney
- b) Authorize the Chief Financial Officer to make budget adjustments as necessary

Note: Public Hearing notification requirements have been met

Prepared By:

/s/ Thomas Tappe

Thomas C. Tappe
Police Lieutenant

Submitted By:

/s/ Diana Langley

Diana Langley
Acting City Manager

Reviewed by:

Department Head
Finance
City Attorney

/s/ RL

/s/ RB

/s/ TH (via e-mail)

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE FY
2015-2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

That the City, through the Chief Financial Officer and the Chief of Police, accept, account for, track, allocate and expend funds as directed by the FY 15/16 Edward Byrne Memorial Justice Assistance Grant. It is acknowledged the Edward Byrne Memorial Justice Assistance Grant funding would be in the amount of \$13,059. It is recognized there is no cash match requirement. It is acknowledged that the City will operate under the terms of a memorandum of understanding with Sutter County with respect to grant administration and funding pass through as Sutter County will serve as the fiscal agent.

That said, expenditures shall be in accordance with grant guidelines, specifically in the area of frontline law enforcement uses and related technology improvements as might be deemed appropriate by the Chief of Police consistent with the practice and Council policy of this and previous years.

That purchases be in accordance with State of California and City of Yuba City purchasing guidelines.

That the Chief Financial Officer be given authority to adjust the budget as required for grant purposes.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of June 2015.

AYES:

NOES:

ABSENT:

John Dukes, Mayor

ATTEST:

Terrel Locke, City Clerk

DRAFT

GMS APPLICATION NUMBER # GMS Application Number# 2015-H3004-CA-DJ

**SUTTER COUNTY SHERIFF
MOU #**

**THE STATE OF CALIFORNIA
COUNTY OF SUTTER**

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF YUBA CITY, CALIFORNIA AND
THE COUNTY OF SUTTER, CALIFORNIA**

2015 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this ____ day of _____, 2015, by and between the COUNTY of SUTTER, acting by and through its Board of Supervisors hereinafter referred to as COUNTY, and the CITY of Yuba City, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Sutter County, State of California.

WHEREAS the undersigned entities will receive federal grant funds for law enforcement purposes from the Edward Byrne Memorial Justice Assistance Program (“JAG”);

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental function hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS the City and County have received a disparate allocation and believe it to be in their mutual best interest to reallocate between them the JAG funds;

WHEREAS, the COUNTY agrees to provide the CITY **\$13,059** from the JAG award to accomplish such reallocation: and

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

COUNTY agrees to pay CITY a total of **\$13,059** of JAG funds.

GMS APPICATION NUMBER # GMS Application Number# 2015-H3004-CA-DJ

Section 2.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tort Claims Act.

Section 4.

The parties to this Agreement do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

COUNTY OF SUTTER

CITY OF YUBA CITY

By _____ Dated: _____
Ron Sullenger, Chairman
Sutter County Board of Supervisors

By _____ Dated: _____
John Dukes, Mayor
City of Yuba City

ATTEST:

DONNA M. JOHNSTON, Clerk

By _____
Deputy

APPROVED AS TO FORM
SUTTER COUNTY COUNSEL

By _____

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation By: Darin Gale, Interim Development Services Director

Summary

Subject: General Plan Amendment 14-03 and Rezone 14-02 for an approximately 1.21 acre lot; Applicant: Ryan Dusa; Property Owner: California Capital Loans Inc. The property is located on the east side of Stabler Lane between Parc East Drive and Butte Vista Lane. Assessor's Parcel Number 59-030-018.

Recommendation: Following the public hearing, concur with the Planning Commission's recommendations, which are to:

A. Make the following findings:

1. After reviewing and considering the negative declaration prepared for this project, accept the Mitigated Negative Declaration approved by the Planning Commission and any comments received, finding there is no substantial evidence that the project will have a significant impact on the environment.
2. That General Plan Amendment 14-03 to change the General Plan designation from Neighborhood Commercial to Low Density Residential on 1.21 acres is in the public interest.
3. That Rezoning 14-02 to change the zoning from a Neighborhood Commercial (NC) Zone District to a One-family Residential (R-1) Zone District is consistent with the Low Density Residential land use designation as described in the Yuba City General Plan.

B. Adopt a resolution for GPA 14-03 amending the land use designation from Neighborhood Commercial to Low Density Residential on 1.21 acres, as shown on Exhibit A of the resolution.

C. Introduce an ordinance for approval of RZ 14-02 that amends the Official Zoning Map by changing the zoning from a Neighborhood Commercial Zone District to One-family Residential Zone District on 1.21 acres as shown in Exhibit B, and waive the first reading.

Fiscal Impact: Most or all of the costs for processing the applications are funded by the applicant's payment of the required flat rate fee.

Purpose:

To consider the Planning Commission recommendation for the General Plan Amendment 14-03 and Rezone 14-02.

Background:

The property is located within the Buttes Vista Neighborhood Plan that was adopted by the City Council in 1999. The property was designated at that time as Neighborhood Commercial, with the intent that a small neighborhood retail facility (approximately 10-12,000 square feet) would be built to serve the local neighborhood and users of Regency Park across the street. In the 15 years since, little interest has been shown in developing the site for a commercial use(s), and the site remains vacant.

The applicant is proposing a general plan amendment and rezoning from Neighborhood Commercial to a Low Density Residential designation and compatible zoning in order to accommodate a request to subdivide the 1.21 acres into 6 single family residential lots.

The Planning Commission held two public hearings on the proposed project and, following testimony from several neighbors and making some revisions to the proposal, approved the tentative subdivision map and recommended to the City Council approval of the general plan amendment and rezoning. None of the neighbors or the applicant filed an appeal of the tentative subdivision. Copies of the Planning Commission staff reports are included as Attachment 1.

Analysis:

Detailed analysis of the project is contained in the Planning Commission staff reports that are attached. The neighbors were concerned that if the new homes were two story that their privacy would be compromised. There were also concerns about on-street parking on Stabler Lane and cars backing out of driveways onto Stabler Lane. Via amending the proposed conditions and adding new conditions, it is staff's opinion that these issues were resolved to the satisfaction of the neighbors and applicant (thus no appeal of the subdivision).

A Mitigated Negative Declaration for the project was adopted by the Planning Commission. The environmental review identified all potential adverse impacts associated with the project and were adequately mitigated, which are provided in the first several conditions of the subdivision's approval (Attachment 2).

Alternatives:

Deny the request for a general plan amendment and rezoning, which would also reverse the Planning Commission's approval of the subdivision. Condition #1 of the subdivision conditions of approval states that if the City Council does not approve the general plan amendment and rezoning, the subdivision map approval is voided.

Recommendation:

Concur with the Planning Commission's recommendations as described in the above recommendation section.

A. Make the following findings:

1. After reviewing and considering the negative declaration prepared for this project, accept the Mitigated Negative Declaration approved by the Planning Commission and any comments received, finding there is no substantial evidence that the project will have a significant impact on the environment.
2. That General Plan Amendment 14-03 to change the General Plan designation from Neighborhood Commercial to Low Density Residential on 1.21 acres is in the public interest.

3. That Rezoning 14-02 to change the zoning from a Neighborhood Commercial (NC) Zone District to a One-family Residential (R-1) Zone District is consistent with the Low Density Residential land use designation as described in the Yuba City General Plan.

B. Adopt a resolution for GPA 14-03 amending the land use designation from Neighborhood Commercial to Low Density Residential on 1.21 acres, as shown on Exhibit A of the resolution.

C. Introduce an ordinance for approval of RZ 14-02 that amends the Official Zoning Map by changing the zoning from a Neighborhood Commercial Zone District to One-family Residential Zone District on 1.21 acres as shown in Exhibit B, and waive the first reading.

Prepared By:

/s/ Darin Gale

Darin Gale
Development Services Director

Submitted By:

/s/ Diana Langley

Diana Langley
Acting City Manager

Reviewed By:

Finance

City Attorney

/s/RB

/s/TH

Attachments:

1. Planning Commission staff reports (2), with attachments
2. Mitigated Negative Declaration
3. Location Map
4. Tentative Subdivision Map

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ADOPTING AN AMENDMENT TO THE LAND USE ELEMENT OF
THE YUBA CITY GENERAL PLAN FOR: FILE NO. GPA 14-03,
ASSESSOR'S PARCEL # 59-030-018**

WHEREAS, the Yuba City Planning Commission conducted two public hearings on March 11 and May 13, 2015 on the proposed General Plan Amendment to the Yuba City General Plan to redesignate the land use designation from Neighborhood Commercial to Low Density Residential;

WHEREAS, the Planning Commission found that the proposed General Plan Amendment is in the public interest;

WHEREAS, following the May 13, 2015 public hearing the Planning Commission adopted the mitigated negative declaration finding, with the mitigation measures, there is no substantial evidence that the project will have a significant impact on the environment;

WHEREAS, the Planning Commission recommended to the City Council of the City of Yuba City that it adopt the Commission's recommended findings, accept the mitigated negative declaration and approve the General Plan amendment to change the land use designation from Neighborhood Commercial to Low Density Residential as shown on Exhibit A (attached); and

WHEREAS, the City Council of the City of Yuba City considered said recommendations of the City Planning Commission on the matter of redesignating said property and conducted a public hearing on the project on June 16, 2015 and after review and consideration of the mitigated negative declaration found that the mitigated negative declaration prepared for the project is in conformance with State and local environmental guidelines and accepted said mitigated negative declaration.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Yuba City does hereby resolve that the Land Use Element of the Yuba City General Plan be amended.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on June 16, 2015 by the following vote:

AYES:

NOES:

ABSENT:

John Dukes, Mayor

ATTEST:

Terrel Locke, City Clerk

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
RELATING TO AMENDMENTS TO THE OFFICIAL ZONING MAP TO
AMEND THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD
COMMERCIAL (C-1) ZONE DISTRICT TO A ONE-FAMILY RESIDENCE
(R-1) ZONE DISTRICT ON 1.21 ACRES: FILE # RZ 14-02; BEING
ASSESSOR'S PARCEL NUMBERS: 59-030-018; APPLICANT: RYAN
DUSA/PROPERTY OWNER: CALIFORNIA CAPITAL LOANS**

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1. The Planning Commission of the City of Yuba City having heretofore conducted public hearings on March 11 and May 13, 2015 on the matter of rezoning of APN #59-030-018, and at the conclusion of said hearing adopted the Mitigated Negative Declaration prepared for the project, determining that there are no significant adverse environmental impacts resulting from the project and recommended City Council approval of the rezoning of said property from a C-1 Zone District to a R-1 Zone District.

The City Council of the City of Yuba City having considered said recommendations of the City Planning Commission on the matter of the rezoning of said property and conducted a public hearing on the matter on June 16, 2015, and after review and consideration of the Mitigated Negative Declaration found that the Mitigated Negative Declaration prepared for the project is in conformance with State and local environmental guidelines and accepted said Mitigated Negative Declaration.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the property identified as APN # 59-030-018, as outlined in Exhibit C attached hereto and made a part hereof by this reference, be and the same is rezoned to the One-Family Residence Zone District.

This ordinance shall be effective thirty (30) days after it is adopted, and, after it is adopted, shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 16th day of June, 2015, and passed and adopted at a regular meeting held on the _____ day of _____, 2015.

AYES:

NOES:

ABSENT:

John Dukes, Mayor

ATTEST:

Terrel Locke, City Clerk

APPROVED AS TO FORM:

Timothy Hayes, City Attorney

Attachment 1: PC Staff Reports

PLANNING COMMISSION
CITY OF YUBA CITY
STAFF REPORT

Date: March 11, 2015
To: Members of the Planning Commission
From: Development Services Department
Presentation By: Darin Gale, Director

PUBLIC HEARING:

~~GENERAL PLAN~~ AMENDMENT 14-03, REZONING 14-02 AND TENTATIVE SUBDIVISION MAP 14-03, REGENCY VIEW SUBDIVISION. THE GENERAL PLAN AMENDMENT IS TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL, THE REZONING PROPOSAL IS FROM A NEIGHBORHOOD COMMERCIAL (C-O) ZONE DISTRICT TO ONE-FAMILY RESIDENTIAL (R-1) ZONE DISTRICT, AND TO SUBDIVIDE THE 1.21 ACRE PARCEL INTO 6 LOTS; LOCATED ON THE EAST SIDE OF STABLER LANE BETWEEN PARC EAST DRIVE AND BUTTE VISTA LANE, JUST SOUTH OF THE STABLER LANE TRAFFIC CIRCLE. ASSESSOR'S PARCEL NO. 59-030-018. APPLICANT: RYAN DUSA, OWNER: CALIFORNIA CAPITAL LOANS INC.

Project Description:

The applicant is proposing a general plan amendment and rezoning from Neighborhood Commercial to a Low Density Residential designation and compatible zoning in order to accommodate a request to subdivide the 1.21 acres into 6 single family residential lots. The property is vacant. The project would result in three residential driveways on Stabler Lane.

Property Description:

The property is located within the Buttes Vista Neighborhood Plan that was adopted by the City Council on 1999. The property was designated at that time as Neighborhood Commercial, with the intent that a small neighborhood retail facility (approximately 10-12,000 square feet) would be built to serve the local neighborhood and for users of Regency Park across the street. In the 15 years since, little interest has been shown in developing the site for a commercial use(s). The 1.21 vacant acres has its primary frontage on Stabler Lane; for which there is presently no on-street parking

General Plan Designation:

~~Existing: Neighborhood Commercial.~~

Proposed: Low Density Residential.

Zoning Classification:

~~Existing: Neighborhood Commercial (C-1) Zone District.~~

Proposed: One-Family Residential (R-1) Zone District.

Surrounding Uses:

Single-family residential uses border the property on three sides – to the north, south and east. To the west is Stabler Lane, which is designated in the General Plan as a two-lane minor arterial, and Regency Park is located across Stable Lane from this site.

Previous Commission Actions and/or Policies:

There have been no recent actions by the Planning Commission regarding this property. The Planning Commission conducted hearings on the Buttes Vista Neighborhood Plan in March 1999. The neighboring subdivisions were approved by the Planning Commission soon thereafter.

Environmental:

A Mitigated Negative Declaration (Exhibit A) was prepared for the project and is attached for the Commission's review and consideration. The finding of the negative declaration is that, with mitigations, the proposed six lot subdivision will not create any significant impacts to the neighborhood or vicinity.

Staff Comments:

General Plan consistency

The existing general plan designation is Neighborhood Commercial, for which the proposed residential subdivision would not be permitted. However, this application includes a proposed general plan amendment to Low Density Residential, for which the project would be consistent.

Compatibility with surrounding uses

There should be no land use compatibility issues associated with the proposed subdivision as the proposed single-family residences, are similar to the neighboring single-family residential uses, including similarly sized lots. However, the neighboring residences are single story. New two story residences could cause concern to those neighboring single story residences. To address this a mitigation is included limiting the location of upper floor windows of any two story residences towards the existing residences.

Aesthetics

The residences that will be built on these lots will be very visible due to their frontage on Stabler Lane. It is important that the properties and residences are in keeping with the neighborhood. A mitigation is included that requires the new residences to be built to the quality of the neighboring residences or better.

Stabler Lane is a tree-line street in this area. With this subdivision the landscape strips along Stabler Lane will now have driveways in them, reducing the amount of landscaping that would otherwise face Stabler Lane. A condition is included limiting the width of those driveways to what a two garage driveway would typically be in order to minimize the cement frontage onto Stabler Lane.

Access

There are some issues associated with placing single-family residences at this location. Three driveways will be located on Stabler Lane, which is designated in the General Plan as a minor collector. Due to the narrowness of Stabler Lane in this area, vehicles backing out onto Stabler Lane will back directly into the path of traffic. Further, those lots would also not have on-street parking available to them.

The Public Works Department has reviewed these items. Ideally residential driveways are placed only on local streets, since backing onto a minor collector or arterial streets is typically minimized for safety reasons and for the impact it can cause on the flow of traffic. However, due to the 25 mile an hour speed limit and good site distance at this location, while not an ideal situation, some modifications can be made to make it acceptable in this case. To make this an acceptable situation, a mitigation measure is included that requires Stabler Lane to be widened to allow on-street parking. This is expected to be a three to five foot widening. In addition to providing for on-street parking, it allows vehicles backing out onto Stabler Lane more maneuvering space, reducing the safety concerns and lessening the impact on traffic flows.

Availability of City Services

All City services are available to this site.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:
 1. **Environmental:** After reviewing and considering the mitigated negative declaration prepared for this project (Exhibit A), with the proposed mitigations, this subdivision will not create any significant environmental impacts.
 2. **General Plan Consistency:** Re-designating the property from Neighborhood Commercial to Low Density Residential, allowing for single-family residential uses, will make this property more compatible with neighboring single-family uses as compared to the existing commercial designation.
 3. **Subdivision Findings for Denial:** None of the findings in Section 66474 of the Subdivision Map Act can be made which, if any of the findings could be made, would require denial of the tentative subdivision map application. These findings include the project being consistent with the general plan, that the site is suitable for the proposed development, the site is suitable for the density of the development, that there is not significant environmental damage as a result of the project, the development will not cause health problems and that the development will not conflict with any easements.
- B. Adopt the mitigated negative declaration, attached as Exhibit A.
- C. Recommend to the City Council approval of General Plan Amendment 14-03 and Rezoning 14-02.
- D. Approve Tentative Subdivision Map 14-05, subject to the conditions below; pending approval by the City Council of the general plan amendment and rezoning. (If the Council does not approve the GPA and rezoning the Planning Commission's decision on the tentative subdivision map is voided.

Attachments:

1. Aerial photo

Exhibits:

- A. Mitigated Negative Declaration (Copy not included, but available upon request)
- B. Tentative Subdivision Map

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

Date: May 13, 2015
To: Members of the Planning Commission
From: Development Services Department
Presentation By: Darin Gale, Director

PUBLIC HEARING (Continued from the March 11 meeting): GENERAL PLAN AMENDMENT 14-03, REZONING 14-02 AND TENTATIVE SUBDIVISION MAP 14-03, REGENCY VIEW SUBDIVISION. THE GENERAL PLAN AMENDMENT IS TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL, THE REZONING PROPOSAL IS FROM A NEIGHBORHOOD COMMERCIAL (C-O) ZONE DISTRICT TO ONE-FAMILY RESIDENTIAL (R-1) ZONE DISTRICT, AND TO SUBDIVIDE THE 1.21 ACRE PARCEL INTO 6 LOTS; LOCATED ON THE EAST SIDE OF STABLER LANE BETWEEN PARC EAST DRIVE AND BUTTE VISTA LANE, JUST SOUTH OF THE STABLER LANE TRAFFIC CIRCLE. ASSESSOR'S PARCEL NO. 59-030-018. APPLICANT: RYAN DUSA, OWNER: CALIFORNIA CAPITAL LOANS INC.

Background

The public hearing was continued from the March 11 hearing to allow time for staff and the applicant to meet to resolve two concerns:

1. The concern over vehicles from proposed Lots 3, 4 and 5 backing out directly onto Stabler Lane. These vehicles could interfere with the flow of traffic on a street that is designated as a minor arterial in the General Plan. There is a potential safety issue with vehicles backing out of the driveway directly into traffic.
2. The proposed Condition #2 of the original staff report limited two story residences to not have upper floor windows facing the existing residences to the east of this subdivision. Neighbors were concerned that this would not be enough of a limitation to protect their privacy.

Staff Comments:

Vehicles backing onto Stabler Lane:

Three of the proposed driveways will be located on Stabler Lane, which is designated in the General Plan as a minor collector. Stabler Lane in this area is fairly narrow. Even though the

conditions require it to be widened by several feet, vehicles backing out onto Stabler Lane could still back directly into the path of traffic. The reduced visibility associated with backing out onto Stabler Lane caused some safety concerns.

While this is not a significant concern, it can be further mitigated without major changes to the proposed project. This is accomplished by constructing garages that face sideways on the lot, and providing adequate driveway width in the garage back-out area for an exiting vehicle to turn around prior to exiting the property. The vehicles then would be exiting the driveway facing forward, versus backing out, increasing visibility as the vehicle pulls onto Stabler Lane. A sample site plan is attached indicating how this will function. A new condition is included that would require this:

Garages for Lots 3, 4 and 5 shall be side facing and shall provide adequate driveway width to allow vehicles exiting the property to turn around and exit the driveway facing forward.

This does not require the users of the driveways to turn around, as that would be unenforceable. But by allowing for that, it is expected that many of the users would turn around as it then becomes easier and safer to enter Stabler Lane. Therefore the issue is not completely eliminated, but the concern is minimized.

Another unintended benefit of this condition is that it would reduce the “garage look” along this portion of Stabler Lane, thus improving the aesthetics along the street.

Two story residences:

While the original proposed condition would have minimized the impact of a new upper story window overlooking an existing neighbors rear yard, it would not completely eliminate the possibility. A revised condition could still allow some upper story construction, but would eliminate the possibility of upper story views onto neighboring rear yards. The following proposed revised Condition #2 would prohibit viewing of neighbor’s yards from upper story windows:

2. All second story construction for any lot within Regency View Subdivision shall meet the following criteria:
 - Windows on upper floors may only face the front of the lot, facing the street frontage.
 - The eve line at the rear of any of the homes shall be at a maximum height such that the residence appears to be single story, as viewed from the rear of the home.
 - There shall be no rear yard upper floor balconies or decks attached to a residence.

This compromise condition is suggested, versus a prohibition on second stories, since the existing neighbors could at any time add a second story to their home.

Recommended Action:

Staff recommends that the Planning Commission take the following actions:

- A. Adopt the following findings:

1. **Environmental:** After reviewing and considering the mitigated negative declaration prepared for this project (Exhibit A), with the proposed mitigations, this subdivision will not create any significant environmental impacts.
 2. **General Plan and Zoning:** Re-designating the property from Neighborhood Commercial to Low Density Residential, and similarly amending the zoning, thereby allowing for single-family residential uses instead of commercial uses, will make this property more compatible with the neighboring single-family uses.
 3. **Subdivision Findings for Denial:** None of the findings in Section 66474 of the Subdivision Map Act can be made which, if any of the findings could be made, would require denial of the tentative subdivision map application. These findings include the project being consistent with the general plan, that the site is suitable for the proposed development, the site is suitable for the density of the development, that there is not significant environmental damage as a result of the project, the development will not cause health problems and that the development will not conflict with any easements.
- B. Adopt the mitigated negative declaration, attached as Exhibit A.
- C. Recommend to the City Council approval of General Plan Amendment 14-03 and Rezoning 14-02.
- D. Approve Tentative Subdivision Map 14-05, subject to the conditions below; pending approval by the City Council of the general plan amendment and rezoning. (If the Council does not approve the GPA and rezoning the Planning Commission's decision on the tentative subdivision map is voided).

Attachments:

1. Aerial photo

Exhibits:

- A. Mitigated Negative Declaration (revised)
- B. Tentative Subdivision Map
- C. Original staff report

SM 14-03 REGENCY VIEW SUBDIVISION

CONDITIONS OF APPROVAL

Planning Division

1. Tentative Subdivision Map 14-02 is to divide a 1.21 acre parcel into 6 residential lots. If the Yuba City City Council does not approve GPA 14-03 and Rezoning 14-02, the Planning Commission's approval of SM 14-03 is voided.
2. Any second story construction for any lot within Regency Park Subdivision shall meet the following criteria:
 - Windows on upper floors may only face the front of the lot, facing the street frontage.
 - The eaves of the rear of any of the homes shall be at a maximum height that the residence appears to be single story as viewed from the rear of the home.
 - There shall be no rear yard upper floor balconies or decks attached to the home.

(Mitigation Measure)

3. Each of the six residences shall be of equal or better exterior design quality than the existing residences in the neighborhood. An exterior elevation shall be used no more than twice and shall not be the same for adjoining properties. Prior to issuing a building permit for each residence the Community Development Director shall review and approve the building elevations for conformance with this condition. *(Mitigation Measure)*
4. Driveways backing onto Stabler Lane shall not exceed 20 feet in width between the curb and back of sidewalk. *(Mitigation Measure)*
5. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted *(Mitigating Measure)*.

Engineering Division

6. The developer shall widen Stabler Lane in order to allow on-street parking. The widening shall include dedication of additional right-of-way, as needed, moving the PUE, as needed, re-location of the curb, gutter and sidewalk and provision of additional paving on Stabler Lane.. This is expected to be 3 feet to 5 feet in additional width, as determined by the Public Works Department. *(Mitigation Measure)*.
7. Garages for Lots 3, 4 and 5 shall be side facing and shall provide adequate driveway width to allow vehicles exiting the property to turn around and exit the driveway facing

forward (*Mitigation Measure*).

8. The Developer shall prepare and submit improvement plans for the construction of the proposed development.
9. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (2010), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (May 2012).
10. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
11. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when sustained winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control.
12. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector.
13. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
14. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department. Water conservation is a priority for the City, and therefore the Public Works Department recommends that the contractor monitor obtain water from alternate sources (e.g. agricultural wells) when available.
15. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site.
16. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.
17. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate

at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out

18. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site
19. Provide temporary traffic control as needed, and as deemed appropriate by the Public Works Department, during all phases of construction to improve traffic flow and to reduce vehicle dust emissions. Effective measures are to enforce vehicle traffic speeds at or below 15 mph and to reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
20. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
21. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.
22. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
23. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspector(s) assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
24. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. No parking shall be allowed on Stabler Lane.
25. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
26. Storage of construction material is not allowed in the travel way.

Building Division

27. There shall be no hard surfaces in the street planter area other than the standard driveways as shown and approved on the Improvement Plans.

Prior to Issuance of Grading Permit

Engineering Division

28. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
29. Project shall comply with the City's Stormwater Management and Discharge Control Ordinance.
30. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
31. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map per Section 8-2.604 of the Municipal Code. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
32. Per Government Code Section 66490, the applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
33. The lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department.

Prior to Approval of Improvement Plans

Engineering Division

34. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of plans.
35. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

36. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
37. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
38. Improvement plans shall be approved by the Yuba City Fire Department.
39. All service laterals (water, sewer, irrigation), along with required meters, are to be shown on the civil improvement plans.
40. The landscape service line(s) shall have reduced pressure backflow preventers.
41. A streetlight shall be installed on Stabler Lane at Lot 5 (as shown on the tentative map dated December, 2014) near the existing fire hydrant and dedicated to the City.
42. All ADA access ramps along frontage of property shall be modified as required to meet current standards.
43. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation prior to entering into a Subdivision Agreement with the City.
44. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
45. The street trees provided by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be of the type and location as shown on the Butte Vista Estates Unit No. 2 improvement plans (City drawing no. 4406-D) which were approved by the City on May 1, 2001.
46. Landscaping (bushes, ground cover) in the landscape planters (along the streets) shall be drought tolerant. All trees, bushes, and ground cover shall be approved by the Parks Department and the Public Works Department.
47. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, fire hydrants, traffic control signage, and driveways will occur to the satisfaction of the Public Works Department.
48. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.
49. Provide the City with confirmation that the proposed driveway on Lot 6 (as shown on the tentative map dated December 2014) is acceptable to the utility company's existing utility vault. A heavy-duty lid shall be provided, and adjusted to grade, at the existing utility vault.

50. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Prior to Acceptance of Public Improvements

Engineering Division

51. At the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
52. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2007 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

Prior to Final Map Recordation

Engineering Division

53. The development shall pay for ongoing street maintenance costs. This condition may be satisfied through participation in a Mello Roos CFD, by payment of cash in an amount

agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of the district.

54. The development shall pay for operations and/or maintenance for police, fire, parks and drainage. This condition may be satisfied through participation in a Mello Roos CFD, by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of the district.
55. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, and maintaining the applicable masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
56. All street lighting shall be dedicated to the City of Yuba City.
57. Right of way on Stabler Lane shall be dedicated to the City, a width of 30.0 feet from centerline to 6" behind the back of curb.
58. An approved public utility easement shall be provided along Stabler Lane.
59. A public utility easement shall be provided along Butte Vista Lane extending 20.0 feet from 6" behind the back of curb and along Parc East Drive extending 18.0 feet from 6" behind the back of curb.
60. The Developer shall reimburse Cresleigh Homes Corporation for the parcel's fair proportionate share of the construction of the roundabout at the intersection of Stabler Lane and Butte Vista Lane, as such roundabout is shown on Drawing No's. 4978-D and 5044-D and approved by the City Engineer. The amount to be reimbursed is \$9,100.00 as shown on City Resolution No. 07-120.
61. The Developer shall pay appropriate drainage fees per the North Yuba City Drainage Area Master Plan.
62. The AT&T easement at the southeast corner of Lot 1 (as shown on the tentative map dated December 2014) shall be abandoned.

Prior to Building Permit

Building Division

63. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed engineer and/or surveyor shall be provided to the City.

Prior to Certificate of Occupancy

Engineering Division

64. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical, by the Public Works Department, to have the landscaping

completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Public Works Department.

65. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk that is damaged before or during construction shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
66. All reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
67. Prior to the certificate of occupancy being approved for the last unit in the development the streets shall be Type II slurry sealed the full width as follows:
 - a. Stabler Lane: north of the north crosswalk stripe at Parc East Drive to south of the south crosswalk stripe south of the round-a-bout.
 - b. Parc East Drive: east of the new stamped sidewalk to the east end of the property.
 - c. Butte Vista Lane: east of the east crosswalk stripe on Butte Vista Lane to station 73+50.00 (as shown on the tentative map dated December 2014).
68. Prior to the certificate of occupancy being approved for the last unit in the development any pavement marking and/or striping that was destroyed during construction shall be re-striped to meet City Standards.

Building Division

69. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, shall be completed.

Attachment 2: Initial Study



City of Yuba City
Development Services
Planning Division

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

EA 14-10
Initial Study and Mitigated Negative Declaration for
GPA 14-03, RZ 14-02, SM 14-03, Regency View Tentative Subdivision Map

Prepared for:

Yuba City Planning Commission
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

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

February, 2015



City of Yuba City
Development Services
Planning Division

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

Introduction

This Initial Study has been prepared to identify and assess any anticipated environmental impacts resulting from the proposed general plan amendment and rezoning from neighborhood commercial to low density residential and subdivision of a 1.21 acre parcel into 6 single-family residential lots. The property, identified as Assessor's Parcel Number 59-030-018, is located on the east side of Stabler Lane between Parc West Drive and Butte Vista Lane.

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

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

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



City of Yuba City
Development Services
Planning Division

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

Notice of Declaration

1. PROJECT TITLE:

GPA 14-03, RZ 14-02, SM 14-03: Regency View Subdivision

2. LEAD AGENCY NAME & ADDRESS:

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

3. CONTACT PERSON & PHONE NUMBER:

Darin Gale, Interim Community Development Director
(530) 822-4762
dgale@yubacity.net

4. PROJECT LOCATION:

The proposed project is located on 1.21 acres on the east side of Stabler Lane between Parc West Drive and Butte Vista Lane.

5. ASSESSORS PARCEL NUMBER:

The subject property is identified as Assessor's Parcel Number 59-030-018.

6 PROJECT APPLICANT:

Ryan Dusa
855 Harter Parkway
Yuba City, CA 95993

7. PROPERTY OWNER:

California Capital Loans
P.O. Box 4
Yuba City, CA 95992

8. GENERAL PLAN DESIGNATION:

Neighborhood Commercial

9. ZONE DISTRICT:

Neighborhood Commercial (C-1) Zone District

10. PROJECT DESCRIPTION:

There are three parts to this proposal:

1. A general plan amendment to re-designate this 1.21 acres from Neighborhood Commercial to Low Density Residential in order to accommodate the proposed subdivision;
2. A rezoning from a Neighborhood Commercial (C-1) Zone District to a One-Family Residential (R-1) Zone District, to match the proposed general plan designation; and
3. A proposal to subdivide the 1.21 acre parcel into 6 lots, each intended to be developed with a single-family residence. The lots range in size from 5,500 square feet to 8,100 square feet. The site is vacant.

All of the streets bordering this project are completed with curb, gutter and sidewalk and all City services are available in the streets fronting the proposed lots.

11. SURROUNDING LAND USES & SETTING:

Existing single-family residences are located to the north, south and east. Those neighboring lots are similarly sized to the proposed lots. Regency Park, which is a neighborhood park, is located to the west across Stabler Lane. A traffic circle, located just north of the property, influences access to the site.

12. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. permits, financing approval, or participation agreement):

Feather River Air Quality Maintenance District (FRAQMD)



City of Yuba City
Development Services
Planning Division

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

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

Aesthetics	Greenhouse Gases	Population/Housing
Agricultural Resources	Hazards and Hazardous Materials	Public Services
Air Quality	Hydrology/Water Quality	Recreation
Biological Resources	Land Use/Planning	X Transportation/Traffic
X Cultural Resources	Mineral Resources	Utilities and Service Systems
Geology/Soils	Noise	Mandatory Findings of Significance



City of Yuba City
Development Services
Planning Division

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

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 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 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 project, nothing further is required.

Written comments may be submitted to the Planning Division prior to the Planning Commission hearing, or at the Planning Commission hearing prior to the close of the public hearing.

Submit comments to:

Community Development
Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

Initial Study Prepared by:

Denis Cook, Planning Consultant
to Yuba City.

The public hearing for this item is scheduled for March 11, 2015, at 6:30 P.M. before the Planning Commission and will be held in the City Council Chambers located at 1201 Civic Center Blvd., Yuba City, California.

Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where

the statement is substantiated.

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

Environmental Impacts and Discussion:

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

I. AESTHETICS

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

Response to Questions:

a,c) There are no officially designated scenic vistas in Yuba City; the project would therefore have no adverse effect on an official scenic vista. However, the new construction could block partial views of the Sutter Buttes from neighboring residences. Since this is not a scenic corridor, and placing new single-family residences of similar height next to the existing residences is not unexpected in residential areas, the impact is considered less than significant.

There is the potential for aesthetic impacts on the neighboring properties if the residences that are proposed for the new lots that will adjoin the existing residences are not compatible with those existing residences. The neighboring existing residences are single story and a new two story residence next to these residences could adversely impact the privacy of the existing residences, as compared to what they are use too. Further, if a new residence is of a lesser exterior design standard as compared to the existing residences, this could create aesthetic issues. To mitigate these potential impacts to less than significant, the following mitigations are proposed.

Any second story construction for any lot within Regency Park Subdivision shall meet the following criteria:

- ***Windows on upper floors may only face the front of the lot, facing the street frontage.***
- ***The rear of any of the homes shall be at a maximum height that the residence***

appears to be single story as viewed from the rear of the home.

- *There shall be no upper flow balconies or decks.*

Each of the six residences shall be of equal or better exterior design quality than the existing residences in the neighborhood. An exterior elevation shall be used no more than twice and shall not be the same for adjoining properties. Prior to issuing a building permit for each residence the Community Development Director shall review and approve the building elevations for conformance with this mitigation.

While not a significant impact, there could also be some aesthetic degradation for Stabler lane, as it is tree lined in this area, and the addition of wide driveways will reduce the number of trees lining Stabler lane. To reduce this impact even further, the following mitigation measure is proposed.

Driveways backing onto Stabler Lane shall not exceed 20 feet in width between the curb and back of sidewalk.

- b) The 1.21 acre project site is vacant. The transformation from vacant land to the single-family residences that will result from this subdivision is considered to be a substantial and permanent change in the existing visual character of the site. However, the site is a flat vacant field with no unusual characteristics and the new residences will be similar in character and impact as the existing neighboring residences. Therefore the change is not viewed as a substantial degradation of the existing visual character or quality of the site and its surroundings.
- d) The proposed subdivision already has full street improvements, including street lighting. So no new lighting will occur, except for typical outdoor lighting associated with each residence, which is not considered significant.

II. AGRICULTURAL 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.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-			X	

agricultural use?				
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Response to Questions:

a) The property is located on land that has a soil quality that could support agricultural uses. However, the site is well within the boundaries of the urban area, surrounded by non-agricultural uses, and the property (about 1.2 acres) is of to small a size to be economically farmed. Further, the City and Sutter County General Plans identify this area for urban development, as compared to the vast majority of Sutter County for which agricultural land is protected from urban growth. Therefore, this subdivision, and resulting development of this property will not create a significant impact regarding the loss of agricultural land.

b-c) The property is currently zoned for non-agricultural development; it is not zoned for agricultural uses nor is it under a Williamson Act contract. This is an urban infill project so no agricultural lands are near this property. Therefore this project will not result in the conversion of other agricultural properties to non-agricultural uses.

III. 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	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation?			X	
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)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

Response to Questions:

- a-d) The State of California and the federal government have established ambient air quality standards for numerous pollutants, which are referred to as Criteria Pollutants. These standards are categorized as primary standards, designed to safeguard public health, or as secondary standards, intended to protect crops and to mitigate such effects as visibility reduction, soiling, nuisance, and other forms of damage. Air quality is also regulated through emissions limits for individual sources of criteria pollutants, i.e., ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), suspended particulate matter (PM-10 and PM-2.5), and lead (Pb).

Pursuant to the California Clean Air Act of 1998, California has adopted air quality standards for the criteria air pollutants that are generally more stringent than the federal standards, particularly for ozone and PM-10 (particulate matter, less than 10 microns in diameter). Also, the State has adopted ambient air quality standards for some pollutants for which there are no corresponding national standards.

Under the California Clean Air Act and amendments to the Federal Clean Air Act, the United States Environmental Protection Agency (EPA) and the State Air Resources Board are required to classify Air Basins, or portions thereof, as either “attainment” or “non-attainment” for each criteria air pollutant, based on whether or not the national and state standards have been met. Yuba City is located in the Northern Sacramento Valley Air Basin (NSVAB). The NSVAB consists of the northern half of the Central Valley. Air quality monitoring has been conducted in the NSVAB for the last fifteen years and the monitoring results have shown that the principal pollutants of the NSVAB, including Yuba City, are ozone and particulate matter.

The Feather River Air Quality Management District (FRAQMD) was created in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties. They reviewed this project and determined that due to its small size it does not trigger any specific air quality concerns. However, in order to reduce any possible impacts even further, the FRAQMD requires through its permitting process, the following conditions that are required to be met, which reduces the impacts to a less than significant level:

Construction Phase Requirements

- 1. Implement a Fugitive Dust Control Plan that will, at a minimum, include the following elements:***

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

Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust

emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector.

To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department or FRAQMD and as necessary to prevent fugitive dust violations.

An operational water truck should be onsite at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts.

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

Apply approved chemical soil stabilizers according to the manufacturer's specifications to all inactive construction areas (previously graded areas that remain inactive for 96 hours), including unpaved roads and employee/equipment parking areas.

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

Paved streets shall be swept frequently (a water sweeper with reclaimed water and a wet broom is recommended) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.

As deemed appropriate by the Public Works Department and/or Caltrans, provide temporary traffic control as needed during all phases of construction to improve traffic flow and to reduce vehicle dust emissions.

Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.

By seeding and watering, reestablish ground cover on the construction site as soon as possible and prior to final occupancy.

No open burning of vegetative waste or other legal or illegal burn materials may be conducted at the project site. It is unlawful to haul materials offsite for disposal by open burning.

- 2. Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions Limitations (40 percent opacity or Ringlemann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to*

repair the equipment within 72 hours or to remove the equipment from service. Failure to comply may result in a Notice of Violation.

3. *The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.*
4. *Minimize idling time to 5 minutes.*
5. *Use existing power sources or clean fuel generators rather than temporary generators.*
6. *Develop a traffic plan to minimize traffic flow interference from construction activities.*

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on 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?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Response to Questions:

- a) There have been no special status species identified on the site or within the vicinity of

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

- b) As identified in the Yuba City General Plan EIR, there are no riparian habitats or any other sensitive natural communities within the vicinity of the project.
- c) There are no federally protected wetlands within the vicinity of the property.
- d) Because the project is surrounded by urban development, the proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites.
- e) There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans within the project vicinity.

V. CULTURAL RESOURCES

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

Response to Questions:

- a) The proposed project will not cause a substantial adverse change in a historical resource, as there are no structures on the site.
- b-d) There are no known archaeological resources located on the site. As part of the construction of the existing subdivision that the project is located, the site was completely graded. Prior to that the property was an orchard and had been tilled for many years. Because of the past ground disturbance, it is very unlikely that any paleontological or

archeological artifacts exist in the area. However, the following mitigation will be placed on the project:

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

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
c) 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?				X
d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Response to Questions:

a-b) No active earthquake faults are known to exist in Sutter County, although active faults in the region could produce motion in Yuba City. However, potentially active faults do exist in the Sutter Buttes but those faults are considered small and have not exhibited activity in recent history (last 200 years).

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. All new structures are required to adhere to current California Uniform Building Code (CUBC) standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-5 reduce impacts to less than significant.

According to the Environmental Impact Report prepared for the City’s General Plan, due to the area’s flat topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the Urban Growth Boundary.

- c) The extreme southwest corner of the Yuba City Growth Boundary is the only known area with expansive soils. The project site is not located within this area and therefore will not be impacted by the presence of expansive soils.
- d) The project will not require the use of septic tanks or alternative waste water disposal systems.

VII. GREENHOUSE GAS EMISSIONS

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

Response to Questions:

a-b) Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth’s climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. Although there is disagreement as to the speed of global

warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA, 2008).

The proposed project would not include construction and operational activities. Construction activities would include site preparation, grading, building construction, architectural coatings, and paving activities. Operation would include commuters, utility use, and activities consistent with school uses.

The project would generate what would be considered a significant amount of GHG if project-related GHG emissions were high enough to be considered a major source by CARB. However, due to the small size of this project, it would not be classified as a major source of greenhouse gas emissions by CARB (the lower reporting limit being 25,000 metric tons/year of CO₂e). Therefore this impact would be considered less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport				X

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

Response to Questions:

- a-c) The only hazardous materials associated with this project are those materials associated with construction activities such as solvents, oil and fuel. Provided that proper use and storage is utilized for these materials in accordance with adopted laws, the proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of these hazardous materials.
- d) The site is not listed on any listings of sites that are contaminated by hazardous wastes.
- e) The project is not located within the sphere of influence of the Sutter County Airport.
- f) There are no private airstrips located within City limits or the City’s Urban Growth Boundary.
- g) The proposed project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Neither the Police or Fire Departments expressed concern over the project’s impacts on any emergency response plans.

IX. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
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?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site?			X	
d) Create or contribute runoff water which would exceed the capacity of existing or planned			X	

storm water drainage systems or provide substantial additional sources of polluted water?				
e) Otherwise substantially degrade water quality?			X	
f) 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?			X	
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
h) 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?			X	

Response to Questions:

- a) The proposed project will not violate any water quality or wastewater discharge requirements. Any runoff associated with construction is addressed in part through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Best Management Practices for new construction. The project will have the following conditions of approval to reduce construction-related impacts to a less-than significant level:

Temporary silt fencing shall be erected during construction so that transport of construction debris can be retained on-site.

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

Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.

- b) The project will be served by the City water system, which primarily uses surface water. The City has concluded that it has adequate surface water entitlements from the Feather River as well as treatment/distribution capacity to accommodate any need associated with the project. The project will be required to pay all applicable fees prior to hooking up to City water. The reduced groundwater recharge that could result from the additional impermeable surfaces associated with this project will not be significant due to the small size of the project.
- c) The project will drain into an established drainage system. The drainage from this area flows into a large retention pond located to the east of this development, and from there it is pumped to the Feather River. Therefore the proposed project will not substantially alter the existing drainage pattern of the site or the area. As noted above, all

construction must involve use of Best Management Practices and site improvements to collect storm water runoff from the site and help reduce any off-site drainage from occurring other than into the City's

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

The fact that the site is also requesting a general plan amendment and rezoning from commercial to residential will not significantly change the amount of impermeable surface area expected from such a small property.

- e) The proposed project will not substantially degrade water quality. As noted under item a) above, site development will be required to adhere to the General Plan Implementing Policies cited to ensure that water quality degradation does not occur.
- f-h) According to the Federal Emergency Management Agency, the City is considered to be outside of the 100-year flood plain. It is classified as such because of an extensive series of levees and dams along the Feather and Yuba Rivers which protect the city from potential flooding. Local drainage improvements, principally the Gilsizer Slough, Live Oak Canal, and detention ponds provide storm water relief within the urban area.

X. LAND USE AND PLANNING

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

Response to Questions:

- a) The project, by its nature, will not physically divide an established community. Instead, it is an infill project for new residences within an existing residential area.

- b) The City General Plan designation and zoning for this property is requested by the applicant to be changed from commercial to residential. Because of this there is the potential to cause additional impacts from the changed land use pattern. However, in this case the proposed residential designation for single-family residential uses is typically considered a less intensive use and is more compatible with the neighboring single-family residences than was the commercial designation.
- c) There are currently no adopted habitat conservation plans or natural community conservations plans within City limits or the Urban Growth Boundary.

XI. MINERAL RESOURCES

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

Response to Questions:

- a-b) The proposed project is not expected to impact mineral resources. The project site has no known mineral resource value nor is there opportunity for mineral resource extraction.

XII. NOISE

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	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?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
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?				X

Response to Questions:

a-d) The proposed single-family residences are not considered to be significant noise generators and therefore are not expected in any significant way to raise the ambient noise levels in the surrounding residential neighborhood.

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

e-f) The project is not located in an airport land use planning area. There are no private airstrips in Yuba City.

XIII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Response to Questions

- a) The proposed project will not induce substantial population growth in an area, since the area is already designated by the General Plan for commercial development. As commercial uses are typically considered to be more intensive use than the proposed single-family development, the proposal could be considered to be a change to a less intensive use. City services have already been extended throughout the area, including this property, to serve neighboring urban uses. Further, the surrounding properties are already built-out with single-family residential uses.

- b-c) The project will not cause any existing housing to be removed that will necessitate the construction of replacement housing elsewhere.

XIV. PUBLIC SERVICES

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

Response to Questions:

- ai-ii) The project site is currently located in the City and is served by Yuba City Police and Fire Departments. The Yuba City Police Department and Fire Department received project plans and did not comment on the project. Other than the small incremental growth this project brings, the project will not result in any additional need for police or fire protection. The City development impact fees mitigate the incremental change.

- aiii) This project will not result in any additional direct need for educational services. The incremental increase of new students from the additional housing is mitigated by the school district’s development impact fees for residential development.

- aiv-v) This project will not result in any direct additional need for parks or other public facilities. The small incremental increase of new residents is mitigated by the City’s impact fees collected from new development for parks and other City services.

XV. RECREATION

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

Response to Questions:

a-b) The existing Regency Park is directly across Stabler Lane from this project. The proposed project will increase use of the park by the six new residences, which is only a very small increment, and will not increase the use of the park such that substantial physical deterioration of the facilities would occur. The new residences that will be constructed as a result of this subdivision will pay development impact fees that mitigate any incremental impacts on recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
c) Result in inadequate emergency access?			X	
d) Result in inadequate parking capacity?				X
e) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Response to Questions:

- a) The project will result in six more homes being constructed, which will create an incremental traffic increase on Stabler Lane (6 residences x 9.5 trips per day), all of which will utilize Stabler Lane. Stabler Lane is well within the City's policy of being at level of service D or better, and this small increase in traffic will not significantly affect that status.

This proposal also includes a general plan amendment and rezoning of the site from commercial to single-family residential. The proposed residential designation is likely to generate significantly less traffic than otherwise would be generated by development of the site for commercial uses. Therefore the result will likely be less traffic than was originally anticipated by the General Plan.

- b) Because the property was not originally designed for single-family residential development, there are some potential issues associated with providing six individual driveways at this location, three of which are proposed to back-out directly onto Stabler Lane. Further, there will be no on-street parking available to the proposed lots.

Regarding the driveways backing onto Stabler lane, the Public Works Department has reviewed the proposal and offered that these driveways are not an ideal situation, but since there are a very limited number of lots, it should not be a significant problem. However, a mitigation measure is proposed that will further reduce any impacts. The mitigation, which is provided below, requires widening of Stable Lane by 3-5 feet in order to allow on-street parking. This mitigation will also enhance the ability of a vehicle backing out of the driveway to avoid backing directly into the drive lane. The driveway for Lot 5 is the closest to the traffic circle, but is also not considered a significant problem, as the approaching traffic will be slowing down anyway as the vehicles approach the traffic circle.

The developer shall widen Stabler Lane in order to allow on-street parking. The widening shall include dedication of additional right-of-way, as needed, moving the PUE, as needed, re-location of the curb, gutter and sidewalk and provision of additional paving on Stabler Lane. This is expected to be 3 feet to 5 feet in additional width, as determined by the Public Works Department.

Another mitigation is included which further reduces the impact of vehicles backing out onto Stabler lane:

Garages for Lots 3, 4 and 5 shall be side facing and shall provide adequate driveway width to allow vehicles exiting the property to turn around and exit the driveway facing forward.

- c) The Fire Department and Police Departments have reviewed the project plans and did not express concerns about emergency access to the property.

- d) Because this is a subdivision there are no buildings or uses proposed that require parking. However, as a result of the subdivision there will ultimately be 6 new residences constructed. The City Zoning Regulations require the new single-family residences to provide at least two off-street parking spaces per lot. This parking plus the new on-street parking provided in the mitigation above will mitigate any parking shortage concerns.
- e) There are no changes proposed that would adversely impact buss or bicycle movements.

XVII. UTILITIES AND SERVICE SYSTEMS

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

Response to Questions:

- a-e) The proposed subdivision has been evaluated by the City’s utility departments who have concluded that the City has adequate water entitlements and treatment/distribution capacity in its plants to serve the proposed project. The project applicant will be required to pay all applicable connection fees prior to hooking up to City utilities.
- f-g) Yuba-Sutter Disposal, Inc. provides solid waste disposal for the area. There is adequate collection and landfill capacity to accommodate the proposed office/industrial use.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the Project:	Potentially Significant Impact	Potentially Significant Unless 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 example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)		X		
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

- a) The project site is in an urbanized area with little biological value. The proposed project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.
- b) The project does not create a situation with limited individual but cumulatively considerable impacts that can be considered significant.
- c) The proposed project would create no adverse impacts, either directly or indirectly, to residents in the project area.

Documents Referenced in the Initial Study and/or Incorporated by Reference

The following documents were used to determine the potential for impacts from the proposed project. Compliance with federal, state and local laws is assumed in all projects.

Yuba City General Plan, 2004.

Yuba City Zoning Regulations.

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

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. “Fault Zone Activity Map” 2010.

Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control – 2013 database.

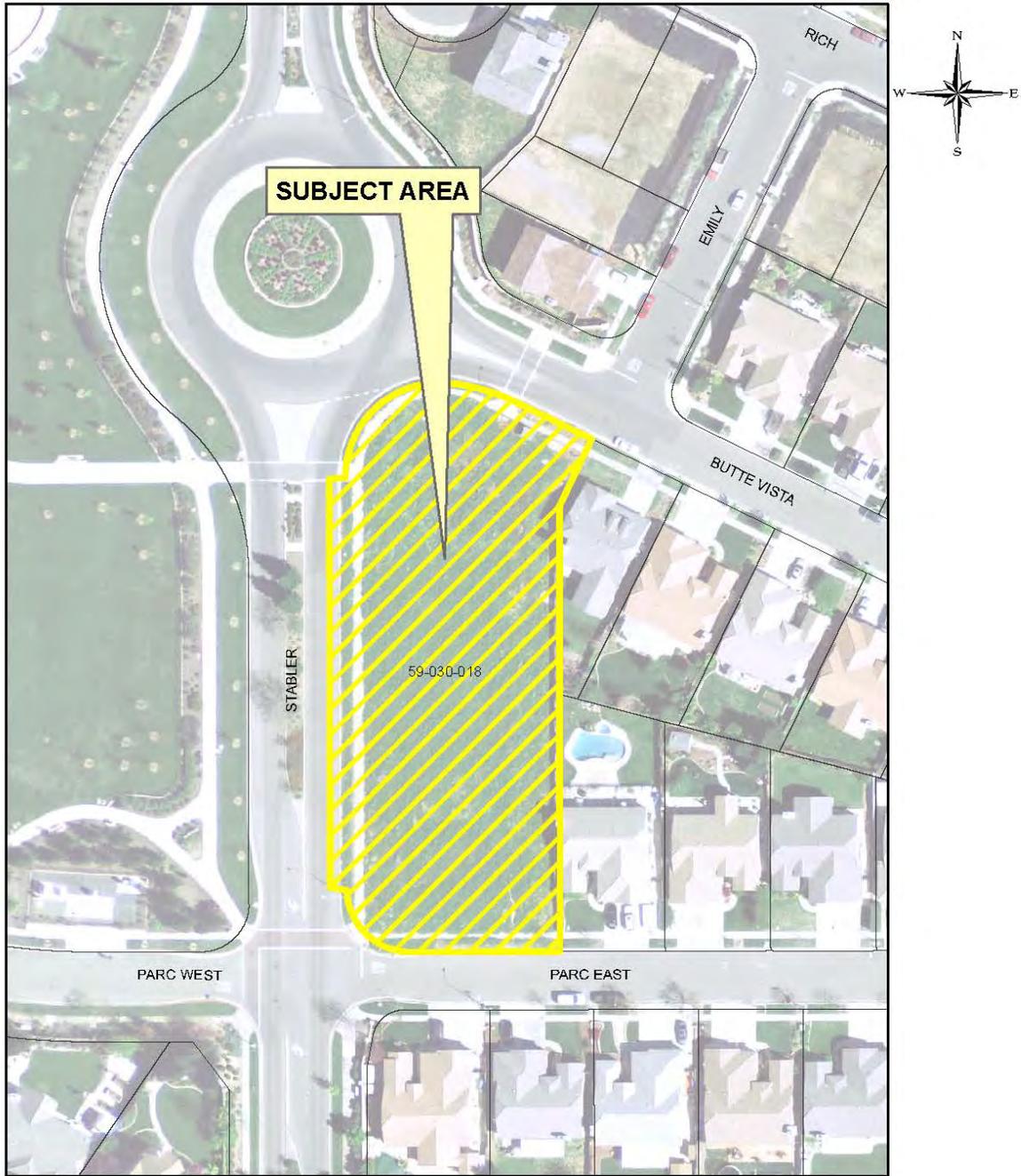
California Department of Conservation, division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

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

City of Yuba City Water Master Plan.

City of Yuba City Wastewater Master Plan.

Attachment 3: Aerial Map



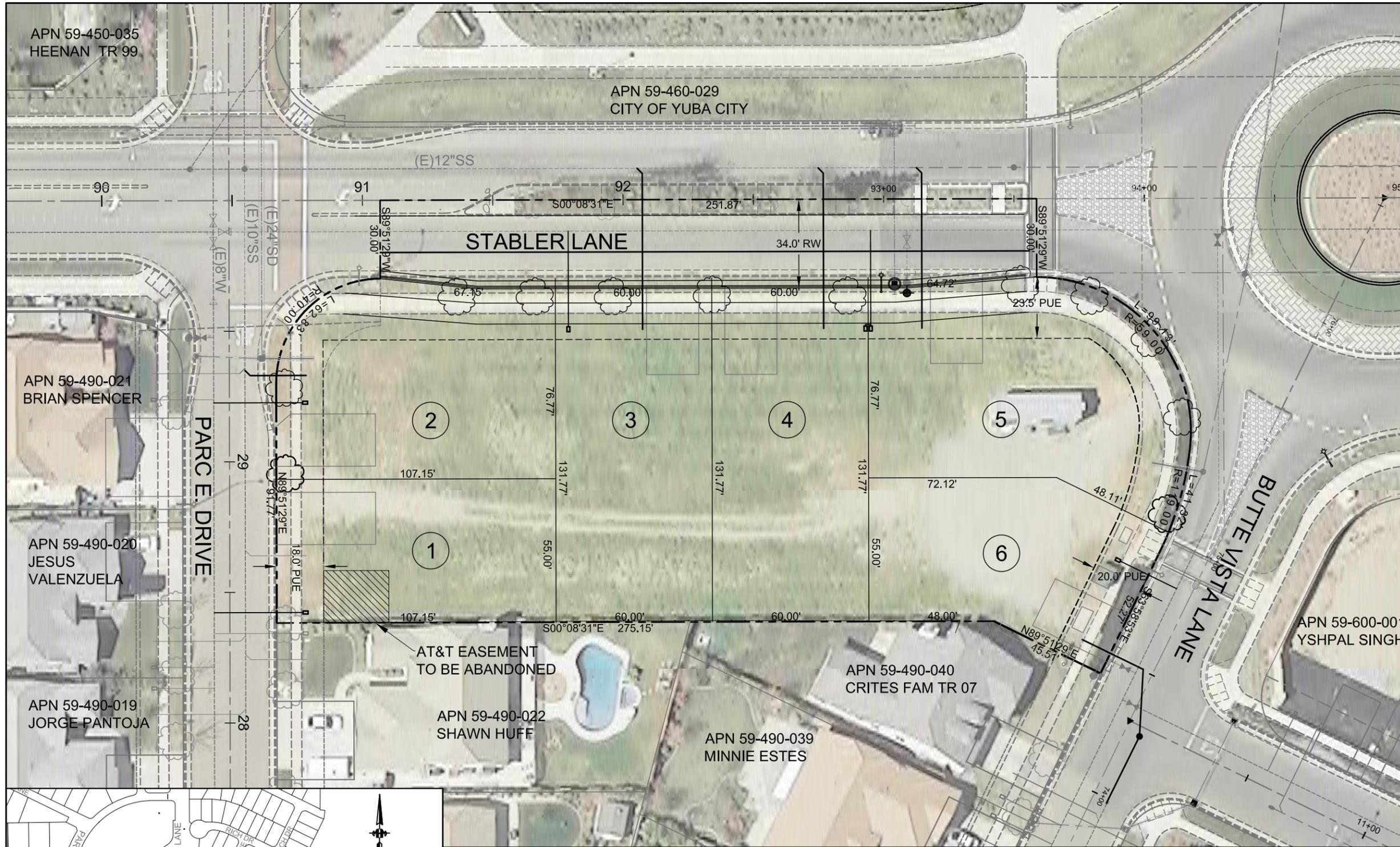
corner of Parc East Dr and Stabler Lane

Rezone 14-02

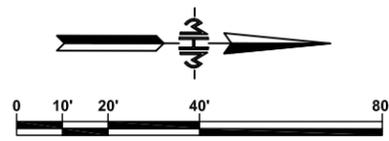
Ryan Dusa/Regency View

1 inch = 80 feet

Attachment 4: Site Layouts



VICINITY MAP
SCALE 1"=500'



APPLICANT
 RYAN DUSA
 855 HARTER PARKWAY
 YUBA CITY, CA 95993
 PHONE (530) 300-3144

OWNER
 CALIFORNIA CAPITAL LOANS INC.
 P.O. BOX 4
 YUBA CITY, CA 95992
 PHONE (530) 674-1925

ENGINEER
 MHM INCORPORATED (SEAN MINARD)
 1204 E STREET; P.O. BOX B
 MARYSVILLE, CA 95901
 PHONE (530) 742-6485

GENERAL NOTES

WATER:
 EXISTING: CITY OF YUBA CITY
 PROPOSED: CITY OF YUBA CITY

SEWER:
 EXISTING: CITY OF YUBA CITY
 PROPOSED: CITY OF YUBA CITY

DRAINAGE:
 EXISTING: CITY OF YUBA CITY
 PROPOSED: CITY OF YUBA CITY

BUILDINGS:
 EXISTING: NONE
 PROPOSED: SINGLE FAMILY RESIDENTIAL

LAND USE:
 EXISTING: VACANT LAND
 PROPOSED: SINGLE FAMILY RESIDENTIAL

ZONING:
 EXISTING: C-1SP
 PROPOSED: R-1

GENERAL PLAN:
 EXISTING: NEIGHBORHOOD COMMERCIAL
 PROPOSED: MEDIUM DENSITY RESIDENTIAL

EXISTING APN(ACRES):
 APN 59-030-018 (1.210 ACRES)

UTILITIES:
 ELECTRICITY IS PROVIDED BY PG&E
 GAS IS PROVIDED BY PG&E
 TELEPHONE IS PROVIDED BY SBC
 CABLE IS PROVIDED BY COMCAST

LOT NUMBERS:
 THE LOT NUMBERING SYSTEM IS PRESENTED FOR PLAN IDENTIFICATION AND SUBJECT TO REVISION WITH FILING OF FINAL MAP. DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.

LOT DIMENSIONS:
 LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE AND SUBJECT TO REVISION WITH FILING OF FINAL MAP.

OWNERS, SUBDIVIDER, AND ENGINEER TO RECEIVE ANY COMMUNICATION AND/OR NOTICES.

TENTATIVE MAP NO. SM 14-_____
 REGENCY VIEW

FOR RYAN DUSA
 BEING A PORTION OF THE EAST HALF OF THE NORTHWEST ONE QUARTER OF SECTION 9, T14N, R3E, M.D.M.

YUBA CITY CALIFORNIA
 DECEMBER 2014
 SCALE 1"=40'

PREPARED BY: MHM INC.; 1204 E STREET; MARYSVILLE CA 95901
 MHM JOB NO. 14143 SHEET 1 OF 1

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015

To: Honorable Mayor & Members of the City Council

From: Human Resources Department

Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: California Public Employees' Retirement System (CalPERS) Contract Amendment to implement employee cost sharing

Recommendation:

- A) Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, Fire Management, First Level Managers bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading.
- B) Adopt a Resolution for CalPERS stating the City is no longer paying 8% or 7% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective July 25, 2015.

Fiscal Impact:

- A) \$384,000 in savings to City budget which is offset by \$723,000 in additional costs due to furlough elimination
- B) \$325 in savings for Fiscal Year 2015/2016 for City Council CalPERS Contributions

Purpose:

Implement employee cost sharing of California Public Employees' Retirement System (CalPERS) contributions.

Background:

In early 2014, City staff met and conferred with Mid-Managers, First Level Managers, Police Officers' Association, and Police Sergeants in order to negotiate the expired bargaining unit contracts. During City Council meetings from July to November 2014, the City Council approved the contracts with these bargaining units along with the unrepresented employees which included cost sharing for classic members. Both the unrepresented Confidentials and Executive Team followed the Mid-Managers agreement to cost share. More recently, Fire Management's contract to cost share was approved at the March 3rd City Council meeting.

On May 19th, City Council adopted a Resolution of Intention as part of the CalPERS requirement to amend the City's contract with CalPERS. Following the May 19th City Council

meeting, as required by CalPERS, the effected City employees had an election to approve the cost sharing terms, which was 100% successful with those who voted. CalPERS now requires that an Ordinance be adopted by City Council in order to amend the City's contract for the cost sharing provisions.

With regard to Councilmember contributions to CalPERS, traditionally, the City Council has been aligned with the Executive Team for employee benefits, including healthcare, dental/vision, and retirement benefits. With the July 25th pay period, Executive Team members will be paying 8% (or 7%) towards their retirement benefits. In light of the alignment of benefits between the City Council and the Executive Team, the attached Resolution, if adopted, would authorize the City Councilmembers to begin paying 8% (or 7%) toward their retirement benefits.

Analysis:

According to the approved contracts, all classic CalPERS members who belong to the Mid-Managers, First Level Managers, Fire Management, Police Officers' Association, and Police Sergeants along with the unrepresented Confidentials and Executive Team will cost share either 8% or 7% (miscellaneous) or 9% (safety) towards the employer contribution. The percentage for the classic Miscellaneous category is dependent on the member's hire date and resulting retirement formula.

City Council members do not receive "PERS on PERS" as the City does not pay and report the value of the member contribution. Therefore a Resolution, not a cost sharing amendment, is required to implement classic CalPERS City Council members paying towards their member contribution. If adopted, Councilmembers will begin contributing 8% or 7% towards their CalPERS contributions as of July 25th.

New CalPERS members are already paying their share of retirement benefit costs in accordance with pension reform.

Fiscal Impact:

\$384,000 in savings to City budget which is offset by \$723,000 in additional costs due to furlough elimination.

\$325 savings in Fiscal Year 2015/2016 for City Council CalPERS Contributions.

Recommendation:

- A) Adopt an Ordinance amending the City's contract with CalPERS for classic members cost sharing towards the employer rate per the applicable negotiated contracts for the Mid-Managers, Police Officers' Association, Police Sergeants, First Level Managers, Fire Management bargaining units, and the unrepresented Confidentials and Executive Team and waive the second reading.
- B) Adopt a Resolution for CalPERS stating the City is no longer paying 8% or 7% (dependent on retirement formula) of the classic CalPERS City Council's member contribution effective July 25, 2015.

Prepared By:

/s/ Natalie Springer

Natalie Springer
Human Resources Director

Reviewed by:

Finance
City Attorney

Submitted By:

/s/ Diana Langley

Diana Langley
Acting City Manager

/s/ RB

/s/ TH (via e-mail)

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING AN AMENDMENT TO THE CITY'S CONTRACT WITH CALPERS THAT WILL IMPLEMENT COST SHARING PER THE NEGOTIATED CONTRACTS FOR ALL POLICE OFFICER'S ASSOCIATION, POLICE SERGEANTS, MID-MANAGERS, FIRST LEVEL MANAGERS, UNREPRESENTED CONFIDENTIALS, AND UNREPRESENTED EXECUTIVE TEAM

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES ORDAIN AS FOLLOWS:

Section 1. That an amendment to the contract between the City Council of the City of Yuba City and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2. The Mayor of the City of Yuba City is hereby authorized, empowered, and directed to execute said amendment for and behalf of said Agency.

Section 3. This Ordinance shall be effective thirty (30) days from and after its adoption, and after adoption shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 19th day of May 2015 and adopted at a regular meeting thereof held on the 16th day of June 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

Approved as to form:

Tim Hayes, City Attorney

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
FOR EMPLOYER PAID MEMBER CONTRIBUTIONS WITH CITY
COUNCIL**

WHEREAS, The City of Yuba City City Council (Yuba City) has the authority to implement Government Code Section 20691; and

WHEREAS, Yuba City has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement GC §20691 is the adoption by Yuba City of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, Yuba City has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to members of the City Council.
- This benefit shall consist of paying 0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be July 25, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City does hereby elect to pay the Employer Paid Member Contribution as set forth above.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of June 2015.

AYES;

NOES:

ABSENT:

ATTEST:

John Dukes, Mayor

Terrel Locke, City Clerk



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Yuba City

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1961, and witnessed August 2, 1960, and as amended effective July 1, 1971, April 1, 1973, January 16, 1974, February 7, 1981, January 1, 1982, August 5, 1989, December 16, 1989, August 11, 1990, December 15, 1990, August 2, 1991, June 19, 1993, July 14, 2001, July 13, 2002, April 5, 2003, June 28, 2003, July 1, 2012 and March 21, 2015 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective March 21, 2015, and hereby replaced by the following paragraphs numbered 1 through 18 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members; age 50 for local safety members entering membership in the safety classification on or prior to July 1, 2012 and age 55 for local safety members entering membership for the first time in the safety classification after July 1, 2012.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1961 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. This contract shall be a continuation of the contract of the Walton Fire Protection District, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred July 1, 2006.
8. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after June 28, 2003 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1981, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after June 28, 2003 and not entering membership for the first time in the miscellaneous classification after July 1, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1981, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
10. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after July 1, 2012 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to July 1, 2012 shall be determined in accordance with Section 21363.2 of said Retirement Law (3% at age 50 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after July 1, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 20042 (One-Year Final Compensation), Section 21624 and 21626 (Post-Retirement Survivor Allowance) and Section 21427 (Improved Non-industrial Disability Allowance).

From and after January 1, 1982 to August 11, 1990 the miscellaneous and fire employees of Public Agency shall be assessed an additional 2.5% of their compensation for a total contribution rate of 9.5% pursuant to Government Code Section 20516.

From and after January 1, 1982 to December 16, 1989, the police employees of Public Agency shall be assessed an additional 2.5% of their compensation – for a total contribution rate of 9.5% pursuant to Government Code Section 20500.
 - b. Section 20042 (One-Year Final Compensation) for local police members entering membership on or prior to December 16, 1989; for local fire members entering membership on or prior to December 15, 1990; and for those local miscellaneous members entering membership on or prior to August 2, 1991.
 - c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).
 - d. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members; local police members entering membership on or prior to December 16, 1989, and for those local fire members entering membership on or prior to December 15, 1990.
 - e. Section 21574.5 (Indexed Level of 1959 Survivor Benefits).
 - f. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- g. Section 20475 (Different Level of Benefits). Section 20037 (Three-Year Final Compensation) is applicable to local police members entering membership for the first time in the police classification after December 16, 1989, local fire members entering membership for the first time in the fire classification after December 15, 1990, and for those local miscellaneous members entering membership for the first time in the miscellaneous classification after August 2, 1991; Section 21427 (Improved Non-Industrial Disability Allowance) is not applicable to local police members entering membership for the first time in the police classification after December 16, 1989, and for those local fire members entering membership for the first time in the fire classification after December 15, 1990.

Section 21354 (2% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after July 1, 2012.

Section 21363.1 (3% @ 55 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after July 1, 2012.

- h. Section 21024 (Military Service Credit as Public Service).
- i. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
- j. Section 21335 (3% Cost-of-Living Allowance, base year 2003).
- k. Section 21548 (Pre-Retirement Option 2W Death Benefit).
- l. Section 20516 (Employees Sharing Additional Cost):

From and after March 21, 2015 and until the effective date of this amendment to contract, 4.5% for classic local police members.

From and after March 21, 2015 and until the effective date of this amendment to contract, 4.5% for classic local fire members in the Executive Team Unit.

From and after March 21, 2015 and until the effective date of this amendment to contract, 4% for first tier and second tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

From and after March 21, 2015 and until the effective date of this amendment to contract, 3.5% for third tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

From and after the effective date of this amendment to contract, 9% for classic local police members.

From and after the effective date of this amendment to contract, 9% for classic local fire members in the Executive Team Unit and Fire Management Group.

From and after the effective date of this amendment to contract, 8% for first tier and second tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

From and after the effective date of this amendment to contract, 7% for third tier classic local miscellaneous members in the Police Officers' Association, First Level Managers Unit, Mid-Managers Unit, Confidential Unit, and the Executive Team Unit.

14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on February 7, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
16. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

- c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
17. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
 18. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF YUBA CITY

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

PRESIDING OFFICER

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Witness Date

Attest:

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Clerk

**MINUTES (DRAFT)
SPECIAL MEETING &
BUDGET WORKSHOP
CITY COUNCIL
CITY OF YUBA CITY
SUTTER ROOM
MAY 26, 2015 - 5:00 P.M.**

Special Meeting—Sutter Room

The City of Yuba City City Council meeting was called to order by Vice-Mayor Buckland at 5:00 p.m.

Roll Call

Present: Councilmembers Cleveland, Didbal, Gill and Vice-Mayor Buckland

Absent: Mayor Dukes

1. Bridge Street Reconstruction

Councilmember Gill moved to: A) Authorize the City Manager to enter into a professional services agreement with MHM Engineering of Marysville, CA for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street in the amount of \$78,276 plus \$10,000 contingency, with the finding that it is in the best interest of the City to do so, based on demonstrated competence and qualifications to perform the required services at a fair and reasonable price; and B) Authorize Finance Director to program existing TDA, (Transportation Development Act) funds in the amount of \$2,175,000 to CIP project 911206, Bridge Street Reconstruction Project - Cooper Avenue to Plumas Street. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

2. Proposed 2015 – 2016 Operating and CIP Budgets

Conducted a workshop to review the Proposed Fiscal Year 2015-2016 Operating and Capital Improvement Project Budgets. Discussion and direction to staff.

Public Communication on Items on the Agenda

The following persons spoke:

Larry Ozeran, Yuba City CA

Robert Nordahl, Yuba City CA

Adjournment

Vice-Mayor Buckland adjourned the Special Meeting of the City Council of the City of Yuba City at 6:55 p.m.

Attest:

John Dukes, Mayor

Terrel Locke, City Clerk

**MINUTES (DRAFT)
REGULAR MEETING OF THE CITY COUNCIL
CITY OF YUBA CITY
COUNCIL CHAMBERS
June 2, 2015
5:00 P.M. – CLOSED SESSION
6:00 P.M. – REGULAR MEETING**

Closed Session—Butte Room

- A. Conferred with real property negotiators Steve Kroeger and Brad McIntire pursuant to Government Code Section 54956.8 regarding negotiations for the possible sale of the following city owned properties or portions thereof: APN's 57-150-004 217 S Walton and 57-150-050 211 S Walton Ave.
- B. Conferred with labor negotiators Steve Kroeger and Natalie Walter regarding negotiations with the following associations: Yuba City Police Officers, Police Sergeants, Yuba City Firefighters Local 3793, Yuba City Fire Management, Confidential Employees, Executive Services Employees, First Level Managers, Mid Managers, and Public Employees Local No. 1, pursuant to Section 54957.6 of the Government Code.

Regular Meeting—Council Chambers

Roll Call

Present: Councilmembers Buckland, Cleveland, Didbal, Gill and Mayor Dukes
Absent: None

Invocation

Councilmember Buckland gave the invocation.

Pledge of Allegiance to the Flag

Yuba City High School Student Angelyna Vasquez let the pledge of allegiance.

Presentations & Proclamations

1. Chris Gilbert – Appreciation for Dedicated Community Service

Mayor Dukes presented former KUBA News Director Chris Gilbert with a proclamation for his 29 years of service to the Yuba-Sutter Community.

Public Communication

- 2. Written Requests - None**
- 3. Appearance of Interested Citizens - None**

Consent Calendar

Councilmember Buckland moved to adopt the Consent Calendar as presented. Councilmember Gill seconded the motion that passed with a unanimous vote.

4. Minutes of May 19, 2015

Approved the City Council Meeting Minutes of May 19, 2015.

General Items

5. Presentation of Investment Report – Quarter Ended March 31, 2015

Noted & Filed Quarterly Investment Report.

6. Consideration of an Expanded Infill Development Impact Fee Program

The following persons spoke:

Kal Takhar, Crowne Development Yuba City
Kam Takhar, Crowne Development Yuba City
John Ochipinti, Aztec Development Yuba City

Council provided direction to staff to draft the needed resolutions for an expanded Infill Impact Fee program as proposed. The majority favored Option No. 1 that was proposed in the presentation which would be to reduce fees by 50%.

7. Professional Services Agreement with Atkins North America, Inc., for the preparation of a Climate Action Plan

Councilmember Cleveland moved to award a Professional Services Agreement to Atkins North America, Inc. of Roseville, CA, for the preparation of a Climate Action Plan in the amount of \$103,000 plus \$10,000 contingency with the finding that it is in the best interest of the City. Councilmember Didbal seconded the motion that passed with the following roll call vote:

Ayes: Councilmembers Buckland, Cleveland, Didbal, and Gill

Noes: Mayor Dukes

8. Barry Elementary School – Waterline Extension Project Grant Application

Councilmember Gill moved to: A) Approve providing water service to Barry Elementary School, contingent upon the approval of a State Revolving Fund Grant, to finance a waterline extension project; and B) Authorize the Public Works Department to proceed with the grant application for a State Revolving Fund (SRF) project, to fund the construction of water lines south of the City Limits to Barry Elementary School, [Engineer's Estimate for developing the grant application - \$3,000]. Councilmember Buckland seconded the motion that passed with a unanimous vote.

9. Professional Services Agreement with RMC Water and Environment for Wastewater Treatment Facility Improvements

Councilmember Gill moved to award a Professional Services Agreement to RMC Water and Environment of Walnut Creek, CA to provide engineering services necessary to prepare a pre-design report for the Wastewater Treatment Facility improvements in the

amount of \$1,600,000 with the finding that it is in the best interest of the City. Councilmember Cleveland seconded the motion that passed with a unanimous vote.

10. Adoption of the City of Yuba City's Fiscal Year 2015-2016 Operating and Capital Budgets and Fiscal Year 2015-2016 Appropriations Limit

Councilmember Gill moved to A) Adopt **Resolution No. 15-027** approving the proposed Fiscal Year 2015-2016 Operating Budget; and B) Adopt **Resolution No. 15-028** approving the Fiscal Year 2015-2016 Capital Improvement Program and C) Adopt **Resolution No. 15-029** approving the City's Appropriations Limit for Fiscal Year 2015-16. Councilmember Didbal seconded the motion that passed with a unanimous vote.

Business from the City Council

11. Appointments to Youth Commission

Councilmember Gill moved to accept the Screening Committee recommendations for appointment to the Youth Commission. Councilmember Didbal seconded the motion that passed with a unanimous vote.

The following newly appointed Youth Commissioners introduced themselves to the Council:

Jessica Flores
Preya Gill
Nick Lavy

12. City Council Reports

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

Adjournment

Mayor Dukes adjourned the Regular Meeting of the City Council of the City of Yuba City at 7:58 p.m.

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Benjamin Moody, Deputy Public Works Director - Engineering

Summary

Subject: Wildewood West Landscaping District – Special Tax
Recommendation: Adopt a resolution directing the levying of taxes for maintenance of street landscaping in the Wildewood West Subdivision for Fiscal Year 2015-2016.
Fiscal Impact: Special Tax - \$125 per parcel – no change from previous years

Purpose:

To continue collecting a special parcel tax for the landscape maintenance in the Wildewood West Subdivision.

Background:

In 2003 the property owners in the Wildewood West Subdivision passed a measure allowing Sutter County to establish a special tax for the maintenance of street landscaping in the Wildewood West Subdivision. Each year the properties along Lyndsey Lane are assessed a fee to pay for the ongoing landscaping maintenance located within the subdivision.

With the annexation of the area into the City, as of April 2014, the City became the administering agency for the landscape maintenance district.

Analysis:

To continue the collection of the special parcel tax Council is to adopt a resolution authorizing the collection of the tax, in accordance with the voter approved terms. With Council authorization and approval of the resolution staff will coordinate with Sutter County to continue to collect the tax, and deposit the funds with the City of Yuba City as the administering agency.

Fiscal Impact:

The parcel tax was established at \$125 per parcel in 2003 and remains the current rate. The current balance in the district is approximately \$8,000. The resolution allows for the tax to be adjusted annually with a 2% cap. However, no adjustment is recommended at this time. The cost to maintain the landscaping is currently \$1,500 annually.

Alternatives:

Cancel the maintenance district or find alternative funding sources to maintain the landscaping.

Recommendation:

Adopt a resolution directing the levying of taxes for maintenance of street landscaping in the Wildewood West Subdivision for Fiscal Year 2015-2016.

Prepared By:

/s/ Benjamin Moody
Benjamin Moody
Deputy P.W. Director, Engineering

Submitted By:

/s/ Diana Langley
Diana Langley
Acting City Manager

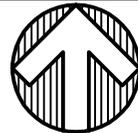
Reviewed by:

Department Head
Finance
City Attorney

/s/ RL

/s/ RB

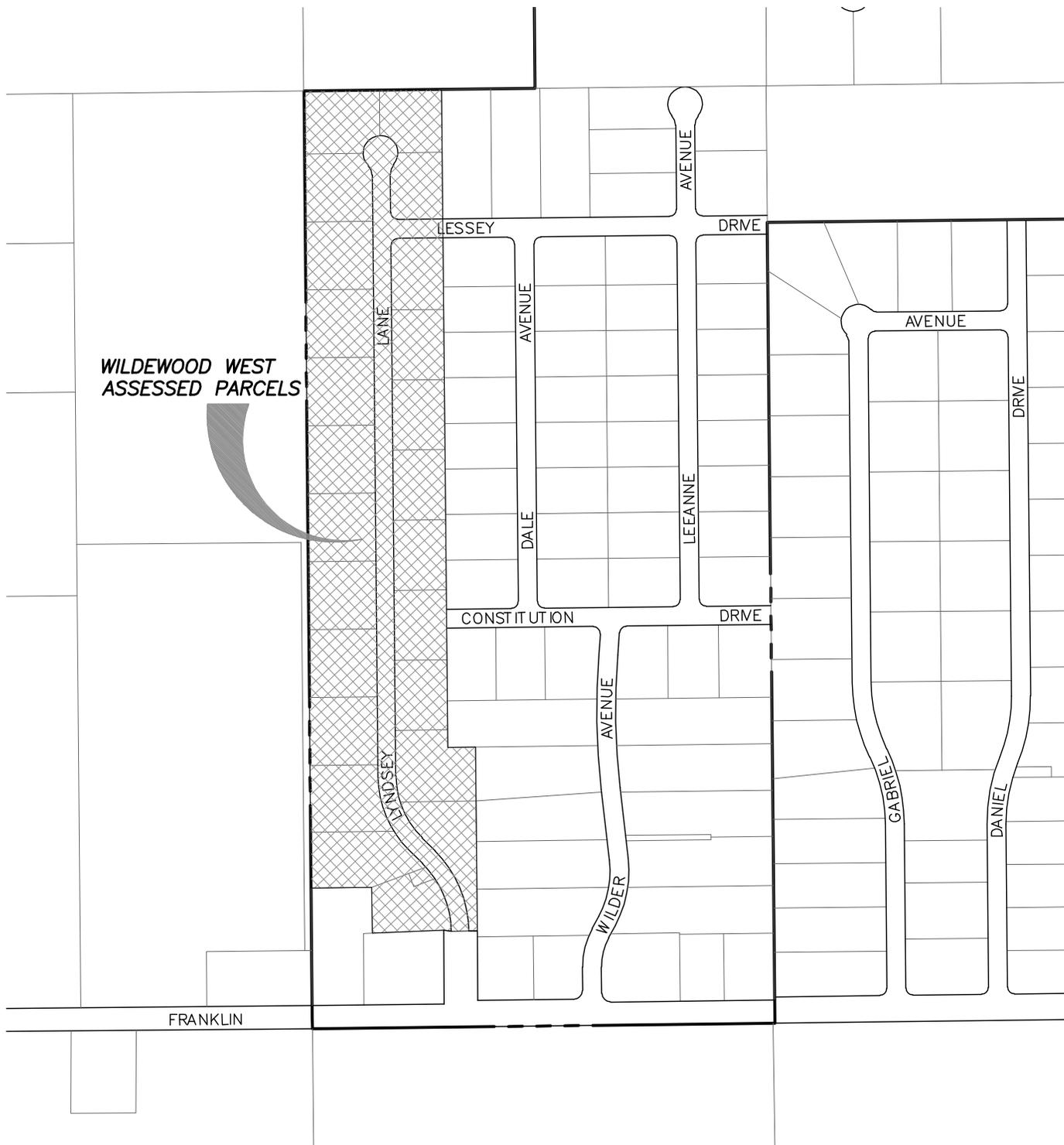
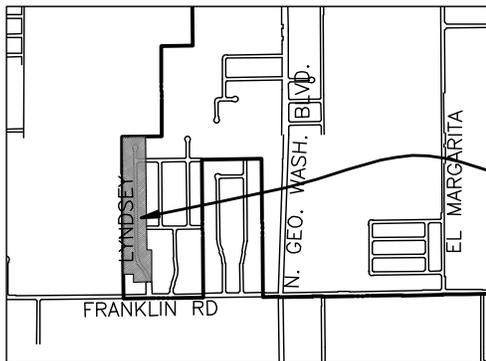
/s/ TH (via e-mail)



SCALE: 1" = 400'

SUBJECT AREA

WILDEWOOD WEST
MAINTENANCE ASSESSMENT
FOR
STREET LANDSCAPING



WILDEWOOD WEST
ASSESSED PARCELS

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
DIRECTING THE LEVYING OF TAXES FOR MAINTENANCE OF STREET
LANDSCAPING IN WILDEWOOD WEST SUBDIVISION FOR FISCAL YEAR
2015-2016**

(Pursuant to Government Code sections 23027, 50077, 53724 and 53739)

WHEREAS, the City of Yuba City ("City") is authorized, pursuant to the authority Article XIII A of the California Constitution, to tax property for maintenance of street landscaping; and

WHEREAS, in May, 2003, the Board of Supervisors of the County of Sutter, State of California submitted to the voters of that portion of the City identified as Wildewood West, to establish a special tax for these purposes to replace the existing special assessment created pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, voters approved this measure by the requisite 2/3 vote; and

WHEREAS, that portion of the City identified as Wildewood West was annexed to the City of Yuba City in April 2014; and

WHEREAS, the special tax will be administered, as authorized, by the City of Yuba City, beginning with Fiscal Year 2015-16; and

WHEREAS, the purpose of the tax shall be used solely to pay for maintenance of landscaping adjacent to streets in the Wildewood West Subdivision. As used here, "maintenance" means:

- (1) removing and disposing of litter, weeds, and miscellaneous plant debris;
- (2) inspecting sprinkler systems and repairing or replacing malfunctioning or damaged components;
- (3) inspecting and adjusting tree supports;
- (4) pruning and shaping trees and plants;
- (5) fertilizing and replacing grass, plants, shrubs and trees;
- (6) mowing lawns and other grassy areas;
- (7) maintaining, repairing, and replacing sidewalks and mow strips;
- (8) acquiring, maintaining, repairing, and replacing tools and equipment (e.g., mowers) needed to perform the work described herein;
- (9) the cost of supplies and materials needed to perform the work described herein;
- (10) the cost of utilities needed to maintain the landscaping (i.e., electricity and water); and
- (11) other similar work and costs; and

WHEREAS, pursuant to Resolution No. 03-013 adopted by the Board of Supervisors of the County of Sutter, commencing in Fiscal Year 2003-04, the tax on each parcel shall be \$125.00. The City of Yuba City shall annually determine the amount of tax as follows:

- (1) Each year, during a regular meeting, if an increase is proposed, City shall hold a public hearing to receive staff's recommendation and public testimony concerning the amount of tax for the fiscal year that begins on July 1. At the conclusion of the hearing

and subject to the formula shown below, the Board shall determine the amount of the tax.

(2) The tax determined under Section (1) shall not exceed the cap equal to \$125.00, increased annually by two percent compound interest. The cap shall be calculated using the formula:

$$\text{Cap for fiscal year } n = \$125.00 (1.02)^n$$

Where n is a whole number that corresponds to the fiscal year for which the tax is being determined, beginning with one for Fiscal Year 2004-2005.

(3) If City fails to meet each year and determine the amount of tax for the following fiscal year, then the amount of tax for that year shall be the amount of tax for the preceding year; and

WHEREAS, the tax shall be collected in the same manner and be subject to the same penalties and costs as are other property taxes collected by the County; and

WHEREAS, the special tax revenues shall be deposited into a separate account held by the Sutter County Treasurer for exclusive use of the Wildewood West street landscaping maintenance; and

WHEREAS, the City of Yuba City, under this voter-approved authority, hereby directs that a tax report be prepared for submission to the City to implement this tax, and that a budget be prepared and brought to the City for approval consistent with the provisions of this measure.

NOW, THEREFORE BE IT RESOLVED that the City of Yuba City hereby authorizes the Special Tax – 2015 Tax Report, to be prepared and submitted to the City to initiate the tax collection provisions as indicated in Resolution No. 03-013 adopted by the Board of Supervisors of the County of Sutter; and

BE IT FURTHER RESOLVED, that the City Engineer is hereby authorized and directed, on behalf of the City and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

PASSED AND ADOPTED by the City of Yuba City on the 16th day of June, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

John Dukes, Mayor

Attest:

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015

To: Honorable Mayor & Members of the City Council

From: Department of Public Works

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

Summary

Subject: Bridge Street Reconstruction – Cooper Ave. to Plumas St. (Plans and Specifications)

Recommendation: A) Adopt a resolution approving the plans and specifications for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street and authorizing advertisement for bids on the project. [Estimated Construction Cost \$2,350,000]

B) Authorize the Finance Director to make necessary budget transfers from CIP account 971093 (Replacement and Major Maintenance of Water Lines) in the amount of \$330,000 to 911206 (Bridge Street Reconstruction)

C) Authorize the Finance Director to make necessary budget transfers from CIP account 971095 (Fire Hydrant Relocation and Repair) in the amount of \$20,000 to 911206 (Bridge Street Reconstruction)

Fiscal Impact: Engineer's Estimate \$3,000,000. Account No. 911206 (Bridge Street Reconstruction).

Purpose:

Approve the project plans and specifications, and allow staff to solicit bids for the proposed Bridge Street Reconstruction Project between Cooper Avenue and Plumas Street.

Background:

City Council authorized staff to move forward with the Bridge Street Reconstruction Project between Cooper Avenue and Plumas Street (Exhibit A) at their May 26th, 2015 meeting. The project includes reconstructing the entire roadway to provide 5' sidewalks, 4.5' planter strips, on-street parking, two travel lanes each direction, and medians/left-turn pockets (Exhibit B).

Staff has made contact with some of the businesses on the north side of Bridge Street, and intends to host an informational meeting for the property owners along the entire stretch to address any questions or concerns about the project.

Analysis:

Public Works has coordinated the preparation of the plans, specifications, and estimates for the subject project. With Council approval of the plans and specifications, and authorization to bid, staff anticipates the following schedule to complete the project:

Advertise for bid: June-July 2015
Award Contract: July 2015
Start of construction: August 2015
Completion: Late Fall 2015

The plans and specifications for the project are on file in the Public Works office for review. Construction management and inspection will be administered by the City's Public Works Department.

Fiscal Impact:

The estimated total project cost is approximately \$3 million. Road TDA funds of \$2.175 million, \$350,000 of water funds, and allocated CDBG funds are planned to be utilized for the project.

When the project comes back to City Council for approval to award, staff will provide an updated fiscal analysis for Council consideration.

Alternatives:

Delay or modify recommended action.

Recommendation:

A) Adopt a resolution approving the plans and specifications for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street and authorizing advertisement for bids on the project. [Estimated Construction Cost \$2,350,000]

B) Authorize the Finance Director to make necessary budget transfers from CIP account 971093 (Replacement and Major Maintenance of Water Lines) in the amount of \$330,000 to 911206 (Bridge Street Reconstruction)

C) Authorize the Finance Director to make necessary budget transfers from CIP account 971095 (Fire Hydrant Relocation and Repair) in the amount of \$20,000 to 911206 (Bridge Street Reconstruction)

Prepared by:

/s/ Benjamin Moody

Benjamin K. Moody
Deputy P.W. Director - Engineering

Submitted by:

/s/ Diana Langley

Diana Langley
Acting City Manager

Reviewed by:

Finance

/s/ RB

City Attorney

/s/ TH (via e-mail)

Exhibit A



SCALE: 1" = 400'



BRIDGE STREET RECONSTRUCTION PROJECT

SUBJECT AREA



YUBA CITY
HIGH SCHOOL

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE PLANS AND SPECIFICATIONS FOR THE BRIDGE
STREET RECONSTRUCTION PROJECT – COOPER AVENUE TO
PLUMAS STREET AND AUTHORIZING ADVERTISEMENT FOR BIDS
ON THE PROJECT.**

BE IT RESOLVED AND ORDERED by the City Council of the City of Yuba City that the plans and specifications for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street be approved.

BE IT FURTHER RESOLVED AND ORDERED by the City Council of the City of Yuba City that the Department of Public Works is hereby authorized and directed to advertise for bids for the Bridge Street Reconstruction Project – Cooper Avenue to Plumas Street.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of June 2015.

AYES:

NOES:

ABSENT:

John Dukes, Mayor

ATTEST:

Terrel Locke, City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: June 16, 2015
To: Honorable Mayor & Members of the City Council
From: Community Services Department
Presentation By: Brad McIntire, Director of Community Services

Summary

Subject: Sale and Future Development of former Fire Station 4 and adjacent property.

Recommendation: Initiate a 45 day Request for Proposal for the development of 211 South Walton and 217 South Walton Avenue (APN #'s 57-150-050, 57-150-004)

Fiscal Impact: To be determined.

Purpose:

To allow the sale and development of former Fire Station 4 and adjacent residential property to the south.

Background:

In 2009 the Yuba City Fire Department dedicated a *new* Fire Station 4 on Olheyer Road. The dedication of the new station resulted in the Fire Department vacating the property located at 211 South Walton Avenue.

In 2010 the City entered into an MOU with the YMCA to establish a variety of youth and family oriented programs in the facility. During this process the City used approximately \$110,000 of funds from the Park Development Impact Fee funds to purchase the residential property to the south of the Fire Station, 217 South Walton Avenue. This additional property was acquired to allow for the YMCA proposal. Unfortunately, the YMCA was unable to raise the needed funds to upgrade the facility for their intended use.

In 2014 a letter of interest prompted the City to request Council to initiate another RFP. Unfortunately, the result was two proposals that were incomplete.

In January 2015 staff received a letter from the American Punjabi Heritage Society requesting the City enter into an Exclusive Right to Negotiate regarding the two properties. At that time, Council requested staff to obtain an appraisal for both properties.

In May 2015 the appraisal was completed and presented to Council in closed session. In closed session, Council directed staff to go out for a Request for Proposal.

Analysis:

Over the past few years the City has received a number of requests to purchase and redevelop Old Fire Station 4. In order to move forward, it is proposed that the City establish a 45 day Request for Proposals (RFP) to redevelop these properties. The RFP would require the following information from any potential developer of the property:

1. Project Proposal and Schedule
2. Organization's Background & Experience
3. Financial Ability
4. Benefit to the Community
5. Business Terms (Offer for the property)

Once the proposals are received, they will be reviewed by staff and a recommendation will be brought back to Council for consideration.

There will be required development standards and improvements for the successful RFP recipient. Those improvements include, but are not limited to, the following:

- Site Plan
- Parking Lot Upgrades and ADA Compliant
- Landscape Improvements
- Installation of Curb-Gutter-Sidewalk
- Relocation of Overhead Utilities
- Building Code Standards
- Possible Facade Improvements

Additional Information regarding the Properties:

The appraisal for both properties ranges from \$440,000 to \$600,000.

Fiscal Impact:

To Be Determined

Recommendation:

Initiate a 45 day Request for Proposal for the development of 211 South Walton and 217 South Walton Ave.

Alternatives:

1. Retain site for future City use.

Attachment:

- a) Subject Site Map of both City owned properties.

Prepared By:

/s/ Brad McIntire
Brad McIntire
Director of Community Services

Submitted By:

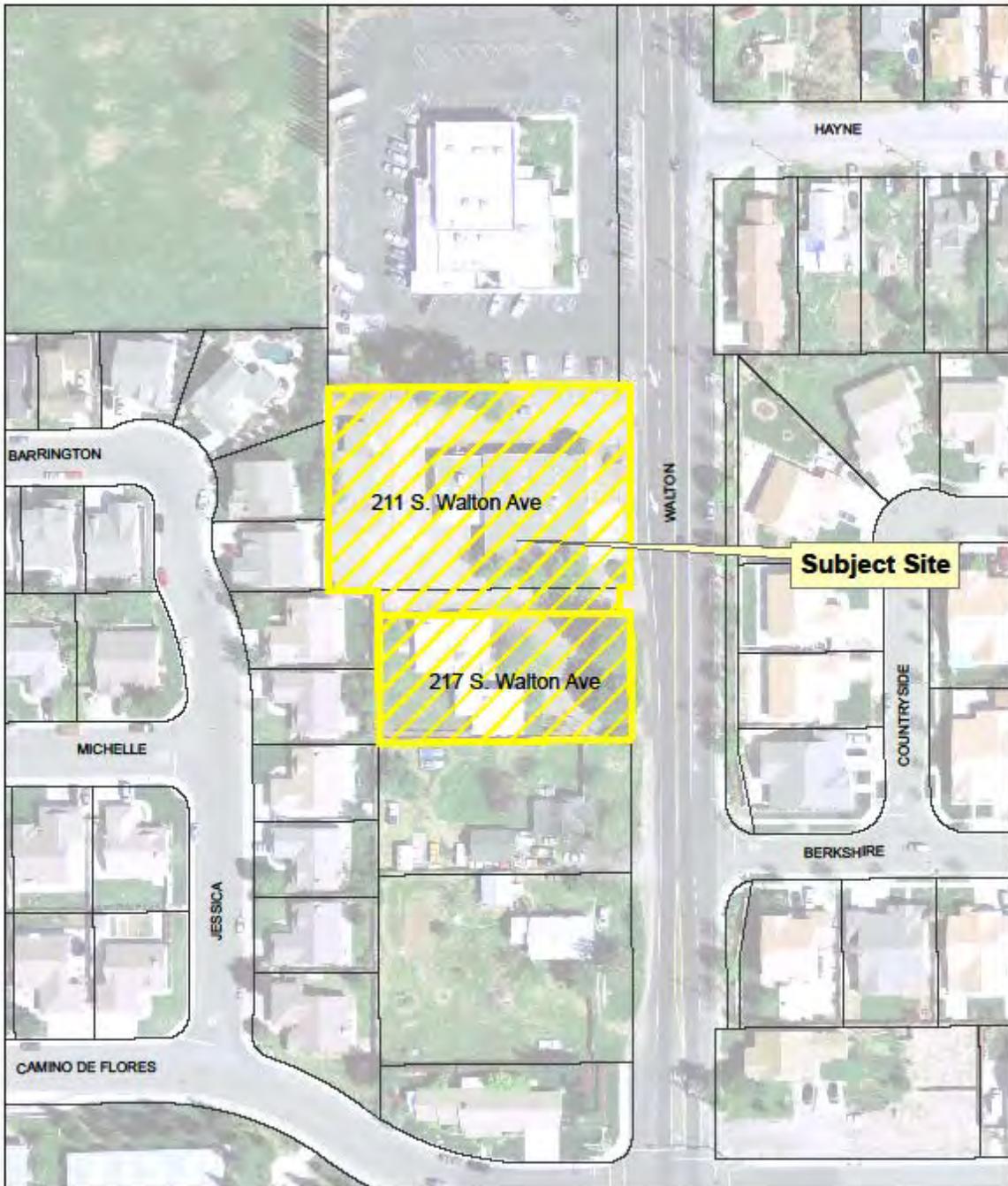
/s/ Diana Langley
Diana Langley
Acting City Manager

Reviewed By:

Finance
City Attorney

/s/RB

/s/TH



211 S. Walton Ave ~ apn 57-150-050
217 S. Walton Ave ~ apn 57-150-004

1 inch = 100 feet



Attachment 1

City Council Reports

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

Adjournment