LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA
JUNE 1, 2022
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- ***Remote Viewing:***
  - *Members of the public can view a livestream of the meeting online at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
- ***Public Comment:*** *Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:*
  - ***Public Attendance:*** *Members of the public who attend in person may make comments from the Council Chamber podium.*
  - ***Email Public Comment:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.*
  - ***eComment Feature:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. *Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE AND INVOCATION

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

PUBLIC COMMENT

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
   Recommendation: Approve the May 18, 2022, City Council Regular Meeting minutes.
   (Clarissa Menchaca, City Clerk)

2. Approval of a Part-Time Salary Schedule
   Recommendation: Approve the Part-Time Salary Schedule.
   (James Ramsey, Finance Director)

PUBLIC HEARING ITEMS

3. Bishop Avenue Truck Parking Project Conditional Use Permit Appeal
   Recommendation: Adopt resolution denying the appeal and upholding the Planning Commission's approval of the Bishop Avenue Truck Parking Project Conditional Use Permit.
   (Kevin Valente, Planning Director)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

ADJOURNMENT

City of Live Oak
Report to City Council

Meeting Date: June 1, 2022

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the May 18, 2022, City Council Regular Meeting minutes.

Attachments:

Minutes
Public Comment - Dale Carlson

LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA
MAY 18, 2022
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AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Santana at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:06 pm.

ROLL CALL

Present: Councilmembers Thiara, Ghag, Chapdelaine, and Vice Mayor Woten

Appeared via teleconference: Mayor Santana

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Thiara led the Pledge of Allegiance. Councilmember Ghag delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections and/or changes to the agenda.

PUBLIC COMMENT

The following members of the public submitted a public comment: Dale Carlson.

The following member of the public addressed the Council: Cruz Mora.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: GHAG; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council Action: May 4, 2022, City Council Regular Meeting minutes approved.

2. Reappointment to the Regional Housing Authority Board of Commissioners
Clarissa Menchaca, City Clerk
Council Action: Suzanne Gallaty reappointed to the Regional Housing Authority Board of Commissioners as Tenant Commissioner, with a term ending April 6, 2024.

BUSINESS ITEMS

3. Introduction of an Ordinance of the City of Live Oak, California, Amending and Repealing Portions of the Live Oak Municipal Code Concerning City Officers' Compensation
Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

The following member of the public addressed the Council: Cruz Mora.

MOTION: INTRODUCE AND CONDUCT THE FIRST READING, BY TITLE ONLY, OF THE ORDINANCE INCREASING CITY COUNCIL COMPENSATION TO $656.37 PER MONTH, PER MEMBER OF THE CITY COUNCIL. (MOTION: GHAG; SECOND: THIARA)

VOTE: MOTION PASSED 3-2
AYES: COUNCILMEMBERS THIARA, GHAG, AND MAYOR SANTANA
NOES: COUNCILMEMBER CHAPDELAINE AND VICE MAYOR WOTEN

4. Adoption of City Budget for Fiscal Year (FY) 2022-23
James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Luis Cibrian, Parks and Recreation Director; Scott Rolls, City Engineer; Alison Schmidt, Acting Chief Building Official; and Ron Walker, Public Works Director, addressed questions from the Council.

The following members of the public addressed the Council: Cruz Mora, Marcus Prasad, and Ron Slaven.

MOTION: 1) ADOPT RESOLUTION ADOPTING THE FY 2022-23 ANNUAL BUDGET; AND 2) ADOPT RESOLUTION ADOPTING THE FY 2022-23 APPROPRIATIONS (GANN) LIMIT. (MOTION: WOTEN; SECOND: SANTANA)

MOTION: AMEND MOTION TO HAVE JAMES BRING THE BUDGET BACK WITH ALL THE CORRECTIONS. (MOTION: THIARA)

*CLERK'S NOTE: MOTION DIED FOR LACK OF A SECOND.

VOTE: MOTION PASSED 4-1
AYES: COUNCILMEMBERS GHAG, CHAPDELAINE, VICE MAYOR WOTEN, AND MAYOR SANTANA
NOES: COUNCILMEMBER THIARA

Reference Resolution No. 14-2022 and 15-2022.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Nicole Rosser, City Attorney, addressed that the 30 days after this meeting will have expired from when the Council proclaimed a State of Emergency for Zoom. After this meeting, Zoom will be an optional available resource.

Aaron Palmer, City Manager, announced the Annual Clean-up Day will be held on Saturday, May 21, 2022 from 8:00 am to 12:00 pm at the Corp Yard.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

There were no councilmember comments.

ADJOURNMENT

Adjourned the meeting at 8:16 pm.

Council Meeting Comment May 18, 2022

Good Evening City Council and Staff,

From: Dale Carlson

It has taken a long time and dire circumstances to get the hydrant repaired at the apartment complex on Allen Street, the hydrant replaced at Sunsweet, at the cost of $20,000, and the speed warning sign re-installed prior to the River Valley Care Center. It is unfortunate it took letter after letter to make the city aware of the obvious safety concerns all three of these issues posed. Of course, my letters only let you know of the liability the city was putting itself in, and it still took the Diamond Walnut fire to make you realize how important my issues were before acting on them. However, I do thank the city for finally taking care of these serious safety issues. It would be a good trait for the city to listen to employees that know this city and infrastructure better than anyone else, since we worked on it daily. Once again, it is my civic duty to bring my valuable knowledge to the city and not just send in a complaint form. The city needs to be proactive if you want this to be an exemplary city for all others to look up to and follow. At this point Live Oak is still a dilapidated little city with no substantial tax base. It is like having a worn-out vehicle with an expensive paint job to make it look good on the outside, but underneath it is deteriorating away.

I have attached pictures of sidewalk tripping hazards. It was probably three or four years ago Alison told Public Works of this tripping complaint near the Chevron station, along Larkin Rd. I was going to use a cement grinding blade to level the tripping hazard out but was told I could not cause sparks that would catch the weeds and grass on fire. As you can see there is no danger of causing a fire at this location. It would have been a simple job to water the area down and level the cement, as you can see it isn't an open field of dry weeds. The improper repair still poses a tripping hazard; however, this is the way Live Oak has done repairs for so long. Just do something, even if it is not the correct procedure. After this temporary fix was done, it was to be ground down by a professional when the other sidewalks were going to be ground down. It still looks like this today, and I am embarrassed to say this was done on my watch. It needs to be fixed properly, as it should have been done in the first place.

- 2 tripping hazards on the Larkin side of the Chevron Station.
- 1 tripping hazard across the street from 9480 Waterman.
- I'm sure there is more, but the other ones I knew of have been ground down already.

It is unfortunate I am the only one bringing these safety issues and other issues to light.

Thank you

LIVE OAK
CALIFORNIA

City of Live Oak
Report to City Council

Meeting Date: June 1, 2022

Title: Approval of Part-Time Salary Schedule

Contact Information: James Ramsey, Finance Director

Background: On May 12, 2022, the California Governor announced that California's minimum wage is to increase to $15.50 per hour all workers beginning on January 1, 2023. The accelerated increase is pursuant to Senate Bill 3 that states that minimum wages will increase according to a specified schedule when inflation exceeds 7 percent. The attached schedule is focused only to part-time positions and provides a range for the revised part-time positions that were approved on May 18, 2022.

Fiscal Impacts: No budget impact noted at this time.

Recommendation: Approve the Part-Time Salary Schedule.

Attachments:

Salary Part-Time Schedule

Classification	A	B	C	D	E	F
Maintenance Worker	15.496	16.312	17.17	18.074	19.025	19.976
Rec Leader One	15.496	16.312	17.17	18.074	19.025	19.976
Rec Leader Two	16.312	17.17	18.074	19.025	19.976	20.975
Lifeguard	15.802	16.592	17.422	18.293	19.208	20.168
Head Lifeguard	16.207	17.017	17.868	18.761	19.699	20.684
Aquatics Supervisor	17.868	18.761	19.699	20.684	21.718	22.804

City of Live Oak
Report to City Council

Meeting Date: June 1, 2022

Title: Bishop Avenue Truck Parking Project Conditional Use Permit Appeal

Contact Information: Kevin Valente, AICP, Planning Director

Location: The project site is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue in the City of Live Oak, California. The approximately 9.7-acre parcel is identified by Assessor's Parcel Number (APN) 06-800-007 (see Attachment 1).

Background: The Bishop Avenue Truck Parking Project is proposed truck parking lot located on a vacant 9.7-acre site located on Bishop Avenue in the southern part of the City. The Live Oak General Plan designates the project site as Employment, and the Live Oak Zoning Map designates the site Employment/Manufacturing Zone (E2). Per section 17.04.020 of the Live Oak Municipal Code, truck parking is an allowed use with Planning Commission approval of a Use Permit.

The Bishop Avenue Truck Parking Project is a phased truck parking lot starting with up to 30 gravel truck parking spots on Bishop Avenue that could be expanded in future phases. Phase 2 would include an additional 20 spaces for a total of 50 truck parking spots and Phase 3 would include an additional 30 spaces for a total of 80 truck parking spots. Phases 2 and 3 would be developed depending on demand (see Attachment 2). The first proposed phase would include 30 truck parking spaces with lighting and a temporary turnaround hammerhead, a paved driveway, drainage improvements, and off-site roadway improvements to Bishop Avenue. Bishop Avenue is currently not a truck route; therefore, the project includes off-site construction to widen Bishop Avenue to accommodate the proposed truck traffic. The off-site roadway improvements would include the widening of Bishop Avenue to 32 feet plus 3-foot gravel shoulders from the proposed parking lot driveway to SR 99 (approximately 600 feet). The second potential phase is proposed to include an expansion of parking up to 50 truck spaces and the permanent turnaround hammerhead. The third phase would include the potential ultimate buildout of up to 80 truck spaces. The proposed use would serve the existing truck traffic along SR 99. The existing on-site orchards surrounding the proposed parking lot and retention basin would remain undisturbed.

The proposed project would be available to the public 24 hours a day and

overnight parking would be allowed. However, on-site services for the truck drivers would not be provided, and the truck parking lot would not have employees on-site. As a result, staff has included a condition of approval requiring the property owner conduct daily visits to the site to ensure there are no operational issues. Additional conditions of approval regarding operations include the prohibition of truck maintenance, idling, and exterior washing, as well as requiring on-going maintenance of the gravel parking surface.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), the City has prepared an IS/MND, which determined all potentially significant environmental impacts for the potential ultimate buildout of the project would be mitigated to a less-than-significant level with incorporation of mitigation (see Attachment 3. As a result, a MMP was prepared and is included in Attachment 4.

Noise Analysis

An Environmental Noise Assessment was prepared for the proposed project by Saxelby Acoustics and incorporated into the IS/MND. Based on the analysis included therein, noise generated from construction activities and project operations, including air brakes, truck backup alarms, and traffic noise, would be considered less-than-significant when compared to City standards. Refer to Section XIII, Noise, of the Bishop Avenue Truck Parking IS/MND for additional information.

Tribal Consultation

In compliance with Public Resources Code Section 21080.3.1, known as Assembly Bill (AB) 52, the Ione Band of Miwok Indians, the United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Torres Martinez Desert Cahuilla Indians have each previously submitted requests to the City to be consulted during the review process for proposed projects within the City's jurisdiction. As such, the City provided formal notification to each of the tribes regarding the proposed project, consistent with Section 21080.3.1 requirements. The City did not receive a request for consultation from the tribes in regards to the proposed project.

Public Outreach

The IS/MND was circulated for public review from March 12, 2021 to April 12, 2021 to solicit comments and input from the public. The City received one comment letter from the California Department of Fish and Wildlife (CDFW) within the 30-day public review period. The comments received from CDFW were regarding the mitigation measures to Swainson's hawk, nesting birds, and roosting bats (see Attachment 5). In responding to the comments, minor revisions were made to the IS/MND. An Errata Sheet was prepared denoting these minor revisions and is included in Attachment 6. The

revisions do not result in modifications to the conclusions of the IS/MND and do no result in significant new information. Therefore, recirculation of the IS/MND is not required.

On April 20, 2021, the Live Oak Planning Commission held a meeting to discuss the Bishop Avenue Truck Parking Project and several concerns were raised during that meeting regarding trucks traveling on Bishop Avenue east of the project site. As noted previously, Bishop Avenue is not a truck route and the applicant is required to widen Bishop Avenue from SR 99 to the project driveway. The proposed parking lot has been designed to accommodate existing truck traffic on SR 99; therefore, staff does not anticipate trucks traveling east on Bishop Avenue from the site. In order to further ensure this, staff has included a draft condition of approval requiring the applicant to install a "No Right Turn" sign for truck leaving the site.

In addition, on April 20, 2021 Caltrans provided a comment letter requesting the preparation of a Traffic Analysis Report (TAR) (see Attachment 7). The Planning Commission then voted to continue the decision of the proposed project until after a TAR was prepared. The applicant funded the preparation of the TAR by KD Anderson and Associates, Inc. On December 9, 2021, the City received the TAR (see Attachment 8), which determined the following:

The current layout of the SR 99 / Bishop Avenue intersection can accommodate the additional traffic associated with the project without the need for a traffic signal. The layout of the intersection provides a standard left turn lane and shoulder treatment for trucks, and the intersection appears to satisfy STAA truck turning requirements based on available aerial photography. The site access can accommodate entering trucks by using the full width of the driveway, which should be acceptable in this area of low background traffic volume.

On December 15, 2021, the TAR was provided to Caltrans for review and on February 25, 2022, Caltrans provided the following comments (see Attachment 9):

* The STAA Design Vehicle appears to drive on the shoulder before correcting itself and getting back on the lane as a result of the westbound Bishop Avenue to southbound State Route 99 left turn maneuver. Therefore, the southbound shoulder needs to have the same structural section as mainline State Route 99.
* The STAA Design Vehicle appears to drive on the shoulder before correcting itself and getting back on the lane as a result of the westbound Bishop Avenue to northbound State Route 99 right turn maneuver.
* The STAA Design Vehicle appears to drive on the shoulder before correcting itself and getting back on the lane as a result of the southbound State Route 99 to eastbound Bishop Avenue left turn maneuver.
* The applicant will need to coordinate with Sutter County to process a STAA Terminal Designation application.
* Any project along or within the State's Right of Way (ROW) requires an encroachment permit issued by Caltrans.

In addition to the widening of Bishop Avenue as part of the proposed project, staff has included a draft condition of approval requiring the applicant to comply with the above comments received by Caltrans. As a result, additional improvements improvement beyond the current proposed project scope are not needed.

On April 19, 2022 the Live Oak Planning Commission held another public hearing for the project and voted unanimously to make the following required findings for approval of the use permit (see Attachments 10 and 11).

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Analysis:

Per Live Oak Municipal Code Section 17.37.070(B), any applicant or person claiming to be adversely affected by any action of the Planning Commission may within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. On April 24, 2022, an appeal was filed regarding the approval of the Bishop Avenue Truck Parking Project Use Permit (see Attachment 12). Upon receipt of the appeal, proper notice of a public hearing before the City Council shall be provided. At the conclusion of the public hearing, the City Council shall approve, approve in modified form or deny the appeal.

The appeal letter included the following concerns:

* Roadway safety for pedestrians, drivers, bikers, and farm laborers both on Bishop Avenue and the surrounding county/city roads.
* Highway entrance and exiting safety issues.
* Concerns in regards to the report by an outside traffic engineering company, KD Anderson and Associates, that removed egress and ingress that Caltrans presented on the initial letter, April 20, 2021, for the commuters that use this section of the highway 99 corridor.
* Poor conditions of city and county roads and the further destruction of these roads by big rig drivers.
* Enlisting the community members to "police": track, get license numbers, contact CHP or sheriff, and the owner of the truck stop for driver infractions.

* Light pollution due to 24-hour use.
* Noise pollution due to 24-hour use.
* Negative impact of a truck parking lot with the potential of bringing an increase in crime and illegal activity to the area.

On May 23, 2022, the applicant provided the following responses to the appeal letter (see Attachment 13):

* Conditions of Approval #22 and #23 address this issue. Condition of approval #22 states: Bishop Avenue shall be widened from Live Oak Boulevard (SR 99) to the proposed driveway to include at a minimum, 32 feet of paved width plus 3-foot gravel shoulders, subject to review and approval by the City Engineer. Conditions of approval #23 states: Bishop Avenue shall be improved from Live Oak Boulevard (SR 99) to the proposed driveway with a structural section of sufficient strength to provide a 20-year life with reasonable projections of traffic and truck volumes, subject to review and approval by the City Engineer.
* All the highway safety concerns have been fully vetted by KD Anderson & Associates and Caltrans engineers. Furthermore, all structural section improvements will be addressed in the encroachment permit plans prior to the utilization of the truck yard.
* All the highway safety concerns have been fully vetted by KD Anderson & Associates and Caltrans engineers. Furthermore, all structural section improvements will be addressed in the encroachment permit plans prior to the utilization of the truck yard.
* Conditions of approvals #22 and #23 address this concern.
* The Applicant is applying for a Use Permit. At any time if the applicant is not utilizing the property for its intended purpose, the Live Oak City Council may choose to revoke the Use Permit. The Applicant wants to be a good steward to the community. Condition of Approval #16 states, "An informational sign shall be posted on-site with a phone number to contact the property owner if any issues occur on-site". Every driver, prior to signing a truck yard contract, will be given expectations, code of conduct, and rules governing the facility. The Applicant will have a detailed list of all permitted truck and trailers in the truck yard facility. It will be stressed all truck drivers follow the rules and regulations of the truck yard. If a driver chooses not to follow the rules and regulations, the driver will be asked to vacate the premises.
* All lighting will be constructed by a license lighting engineer to ensure the optimal lighted usage for the facility. The engineer will take into consideration, safety for drivers, any nuisance concerns, and any lighting issues from existing neighbors. Majority of the lighting being used will point downward.
* No truck parked on-site shall idle longer than five minutes. "According to the California Air Resources board, the truck and bus regulations require all trucks to be carbon compliance." All other concerns have been addressed in a noise study conducted by Saxelby Acoustics.
* The Applicant will not allow any criminal or illegal activity on the premises. The Applicant wants to be a good steward to the community. Currently you have several rogue truck yards in Live Oak. If this project is

approved, it will give these truck drivers a safe place to park their trucks. Live Oak Code Enforcement can give truck drivers the opportunity to come into compliance by parking trucks at our facility.

Conclusion

Based on the information contained in the staff report, staff recommends the City Council adopt the attached resolution denying the appeal, and upholding the Planning Commission's approval of the Bishop Avenue Truck Parking Project Conditional Use Permit (see Attachment 14).

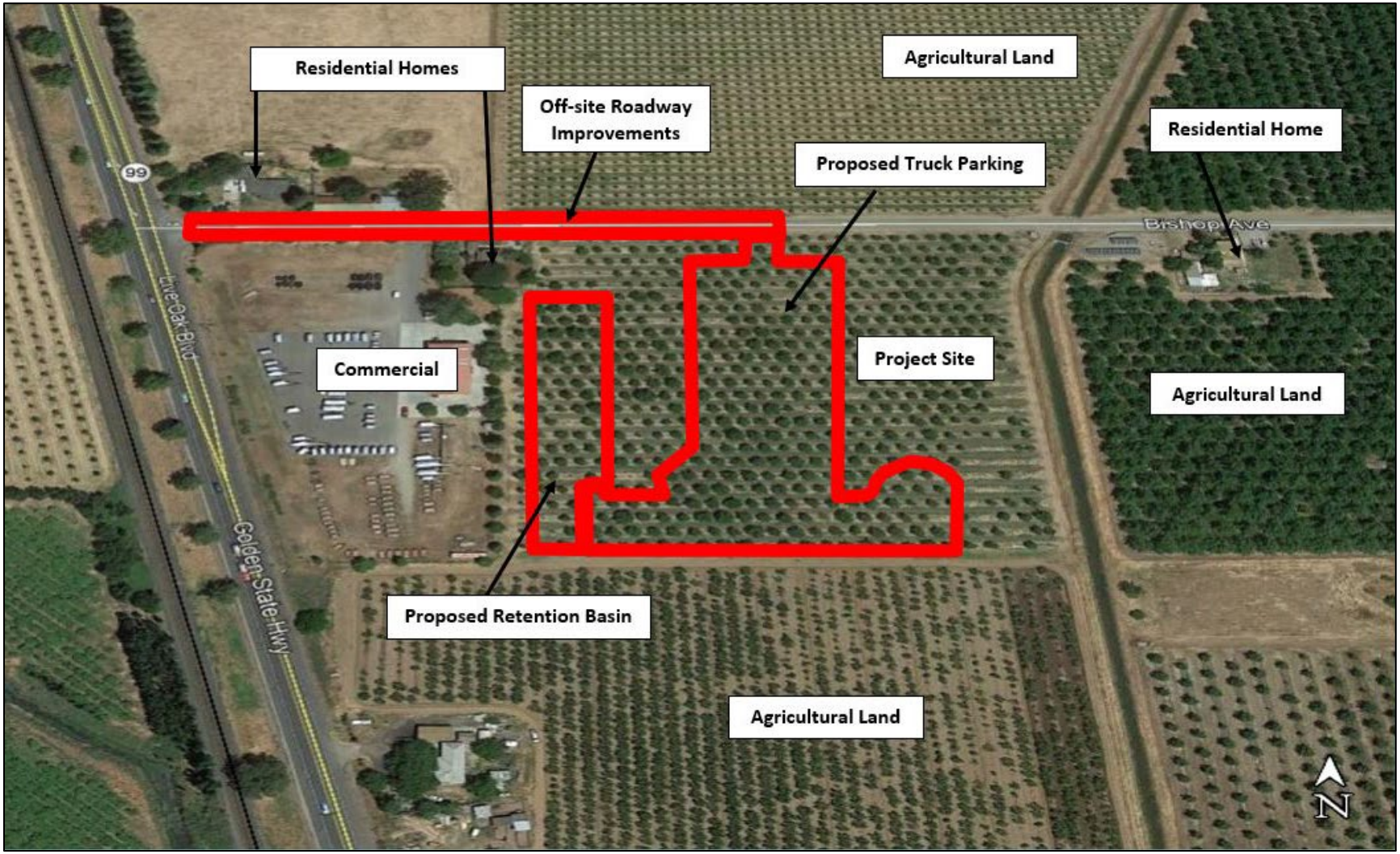
Fiscal Impacts: None.

Recommendation: Adopt resolution denying the appeal and upholding the Planning Commission's approval of the Bishop Avenue Truck Parking Project Conditional Use Permit (see Attachment 14).

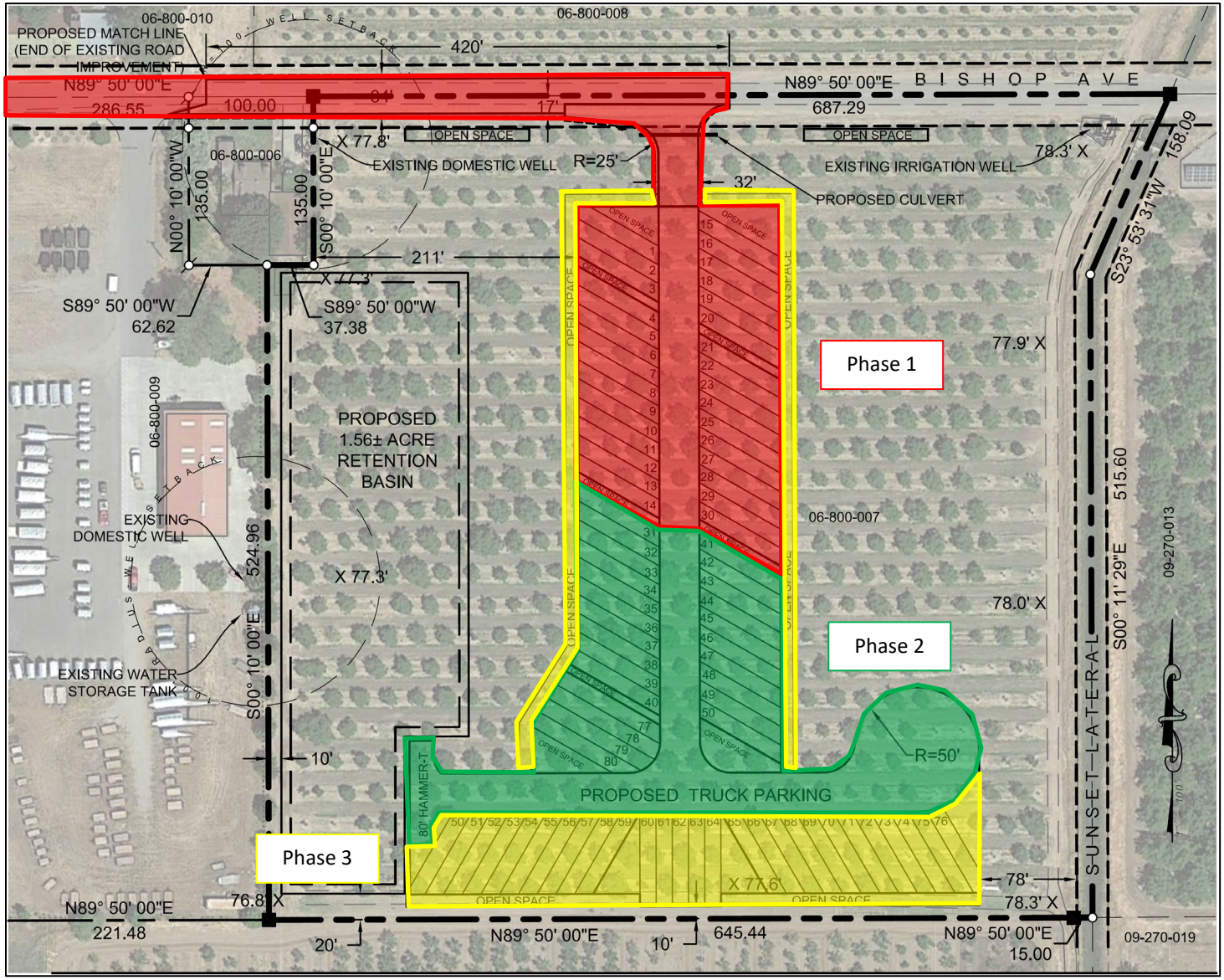
Attachments:

ATT 1 - VICINITY MAP
ATT 2 - PHASING MAP
ATT 3 - Bishop Avenue Truck Parking ISMND
ATT 4 - Bishop Truck Parking Lot - MMP
ATT 5 - CDFW Comment Letter
ATT 6 - Bishop Truck Parking Lot - Errata
ATT 7 - Caltrans Comments 4-20-2021
ATT 8_TRAFFIC STUDY (TAR)
ATT 9 - Caltrans Comments 2-25-2022
ATT 10 - IS MND PC Resolution
ATT 11 - CUP PC Resolution
ATT 12 - Appeal Letter 4-24-22
ATT 13 - Applicant Response 5-23-22
ATT 14 - APPEAL CC Resolution

Attachment 1
Project Vicinity Map



Attachment 2
Project Phasing Map



Initial Study/Mitigated Negative Declaration

Bishop Avenue Truck Parking Project

Prepared for

The City of Live Oak

March 2021

Prepared by

1501 Sports Drive, Suite A, Sacramento, CA 95834

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APPENDICES

Appendix A: Air Quality and Greenhouse Gas Modeling Results
Appendix B: Technical Noise Study

INITIAL STUDY
MARCH 2021

A. BACKGROUND

Project Title:	Bishop Avenue Truck Parking
Lead Agency Name and Address:	City of Live Oak 9955 Live Oak Boulevard Live Oak, CA 95953
Contact Person and Phone Number:	Kevin Valente, AICP Planning Director (530) 695-2112
Project Location:	2104 Bishop Avenue, Live Oak, CA 95953 Assessor's Parcel Number (APN): 06-800-007
Project Sponsor's Name and Address:	Jaskaran Deol 9026 Ida Street Live Oak, CA 95953 (530)216-7580
Existing General Plan Designation:	Employment
Existing Zoning Designation:	Employment (E2)
Required Approvals from Other Public Agencies:	None

Surrounding Land Use and Setting:

The proposed project is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue in the City of Live Oak, California. The approximately 9.7-acre parcel (APN 06-800-007) currently consists of an orchard. Surrounding existing land uses include trailer sales and a house to the west, the Sunset Avenue lateral waterway and a single-family residence to the east, as well as, agricultural land surrounding the property to the north, east, and south. The City of Live Oak General Plan designates the project site as Employment and the site is zoned E2.

Project Description Summary:

The proposed project would develop 4.52 acres of the project site and would include 80 gravel truck parking stalls with an asphalt driveway at Bishop Avenue to serve existing truck traffic along SR 99. The proposed project also includes a 1.56-acre retention basin and the existing on-site orchards surrounding the proposed parking lot and retention basin would remain undisturbed. Bishop Avenue is currently not a truck route; therefore, the proposed project includes 0.5-acre of off-site construction to widen Bishop Avenue to accommodate the proposed truck traffic. The off-site construction would include the widening of Bishop Avenue to 32 feet plus 3-foot gravel shoulders from the proposed parking lot driveway to SR 99 (approximately 600 feet). In addition,

per section 17.04.020 of the Live Oak Municipal Code (LOMC), truck parking requires Planning Commission approval of a Use Permit.

Status of Native American Consultation Pursuant to Public Resources Code (PRC) Section 21080.3.1:

The Ione Band of Miwok Indians, the United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Torres Martinez Desert Cahuilla Indians have each previously submitted requests to the City to be consulted during the review process for proposed projects within the City's jurisdiction, pursuant to PRC Section 21080.3.1. As such, the City provided each of the tribe's notification regarding the proposed project, consistent with Section 21080.3.1 requirements. The City did not receive a request for consultation from the Ione Band of Miwok Indians, UAIC, and the Torres Martinez Desert Cahuilla Indians in regards to the proposed project.

B. SOURCES

The following documents are referenced information sources used for the analysis with this Initial Study/Mitigated Negative Declaration (IS/MND):

1. Weather Spark. *Average Weather in Live Oak California, United States*. Available at: https://weatherspark.com/y/1183/Average-Weather-in-Live-Oak-California-United-States-Year Round#:~:text=The%20predominant%20average%20hourly%20wind,of%2076%25%20on%20August%205. Accessed February 23, 2021.
2. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.
3. California Department of Conservation. *Earthquake Zones of Required Investigation*. Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed November 2020.
4. California Department of Conservation. Landslides. Available at: https://www.conservation.ca.gov/cgs/landslides. Accessed February 2021.
5. Natural Resource Conservation Service, United States Department of Agriculture. *Web Soil Survey.* Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed November 2020.
6. City of Live Oak. *Draft 2030 General Plan EIR* [pg 4.7-15]. 2004.
7. State Water Resources Control Board. *GeoTracker.* Available at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=live+oak. Accessed November 2020.
8. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29. Accessed November 2020.
9. California Department of Forestry and Fire Protection. *Sutter County, Draft Fire Hazard Severity Zones in LRA*. October 3, 2007.
10. City of Live Oak. *City of Live Oak 2030 General Plan EIR* [pg. 4.15-12]. 2004.
11. City of Live Oak. *Draft 2030 General Plan EIR: Hydrology and Water Resources* [pg 4.5-18]. 2004.
12. Sutter County. *Sutter County Groundwater Management Plan*. March 2012.
13. Federal Emergency Management Agency. *FEMA Flood Map Service Center.* Effective 03/23/1984. Available at: https://msc.fema.gov/portal/search?AddressQuery=Live%20Oak%2C%20California#searc

hresultsanchor.
14. Saxelby Acoustics. *Environmental Noise Assessment.* February 12, 2021.
15. Federal Highway Administration. *Roadway Construction Noise Model User's Guide.* January 2006.
16. California Department of Transportation (Caltrans). *Transportation Related Earthborne Vibrations. TAV-02-01-R9601*. February 20, 2002.
17. Sutter County Sherriff. *Live Oak Substation*. Available at: https://www.suttersheriff.org/div/lo/liveoak.aspx. Accessed February 2020.
18. City of Live Oak. *Wastewater Collection System Master Plan* [8-1]. November 2009.
19. Cal Recycle. *SWIS Facility Detail: Recology Ostrom Road LF Inc. (58-AA-0011)*. Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/58-AA-0011. Accessed February 2020.
20. California Department of Forestry and Fire Protection. *Sutter County, Draft Fire Hazard Severity Zones in LRA*. October 3, 2007.
21. Feather River Air Quality Management District. Regulation II – Open Burning. October 6, 2008.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☐ **Aesthetics**	☐ **Agriculture and Forest Resources**	✖ **Air Quality**
✖ **Biological Resources**	✖ **Cultural Resources**	☐ **Energy**
✖ **Geology and Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards and Hazardous Materials**
☐ **Hydrology and Water Quality**	☐ **Land Use and Planning**	☐ **Mineral Resources**
☐ **Noise**	☐ **Population and Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	✖ **Tribal Cultural Resources**
☐ **Wildfire**	☐ **Utilities and Service Systems**	

D. DETERMINATION

On the basis of this Initial Study:

☐ 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 applicant. 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" 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 pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lead Agency Signature — Date: 3/12/2021

Kevin Valente, AICP, Planning Director
Printed Name

City of Live Oak
For

E. BACKGROUND AND INTRODUCTION

This IS/MND identifies and analyzes the potential environmental impacts of the proposed Bishop Avenue Truck Parking Project. The information and analysis presented in this document is organized in accordance with the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are prescribed. The mitigation measures prescribed for environmental effects described in this IS/MND will be implemented in conjunction with the project, as required by CEQA. The mitigation measures will be incorporated into the project through project conditions of approval. The City will adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with approval of the project.

In 2010, the City of Live Oak completed a comprehensive General Plan Update and an associated Environmental Impact Report (EIR). The General Plan EIR is a program-level EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the Live Oak 2030 General Plan and identified measures to mitigate the significant adverse impacts associated with the Live Oak 2030 General Plan to the maximum extent feasible.

The Live Oak 2030 General Plan designates the project site as Employment. The proposed development of the Bishop Avenue Truck Parking would entail 80 13- by 17-foot parking stalls and is consistent with the Employment General Plan land use designation. Bishop Avenue is currently not a truck route; therefore, the proposed project includes improving Bishop Avenue to County standards, per the recommendation of the City Engineer, to withstand the proposed truck traffic.

Pursuant to Section 15152 of the CEQA Guidelines, a project which is consistent with the Live Oak 2030 General Plan and zoning of the City may tier from the analysis contained in the General Plan EIR, incorporating by reference the general discussions from the broader General Plan EIR. Given that the proposed project would be consistent with the current Live Oak 2030 General Plan land use designations for each site, the environmental analysis contained in this IS/MND tiers, where applicable, from the General Plan EIR in accordance with CEQA Guidelines Section 15152.

F. PROJECT DESCRIPTION

A detailed description of the proposed project, including the project location and setting, surrounding land uses, project components, and required City of Live Oak approvals is provided below.

Project Location and Setting

The project site consists of approximately 9.7 acres of an existing orchard in the City of Live Oak. Live Oak is located within Sutter County and is approximately seven miles south of the City of Gridley and 10 miles north of Yuba City (see Figure 1).

The project site is a 9.7-acre orchard identified by APN 06-800-007. The site is located south of Bishop Avenue, between SR 99 and Sinnard Avenue. Surrounding land uses include trailer sales and two single-family residences to the west, the Sunset Avenue lateral waterway and a single-family residence to the east, as well as, agricultural land surrounding the property to the north, east, and south (see Figure 2). The site is currently designated as Employment and zoned E2.

Figure 1
Regional Project Location

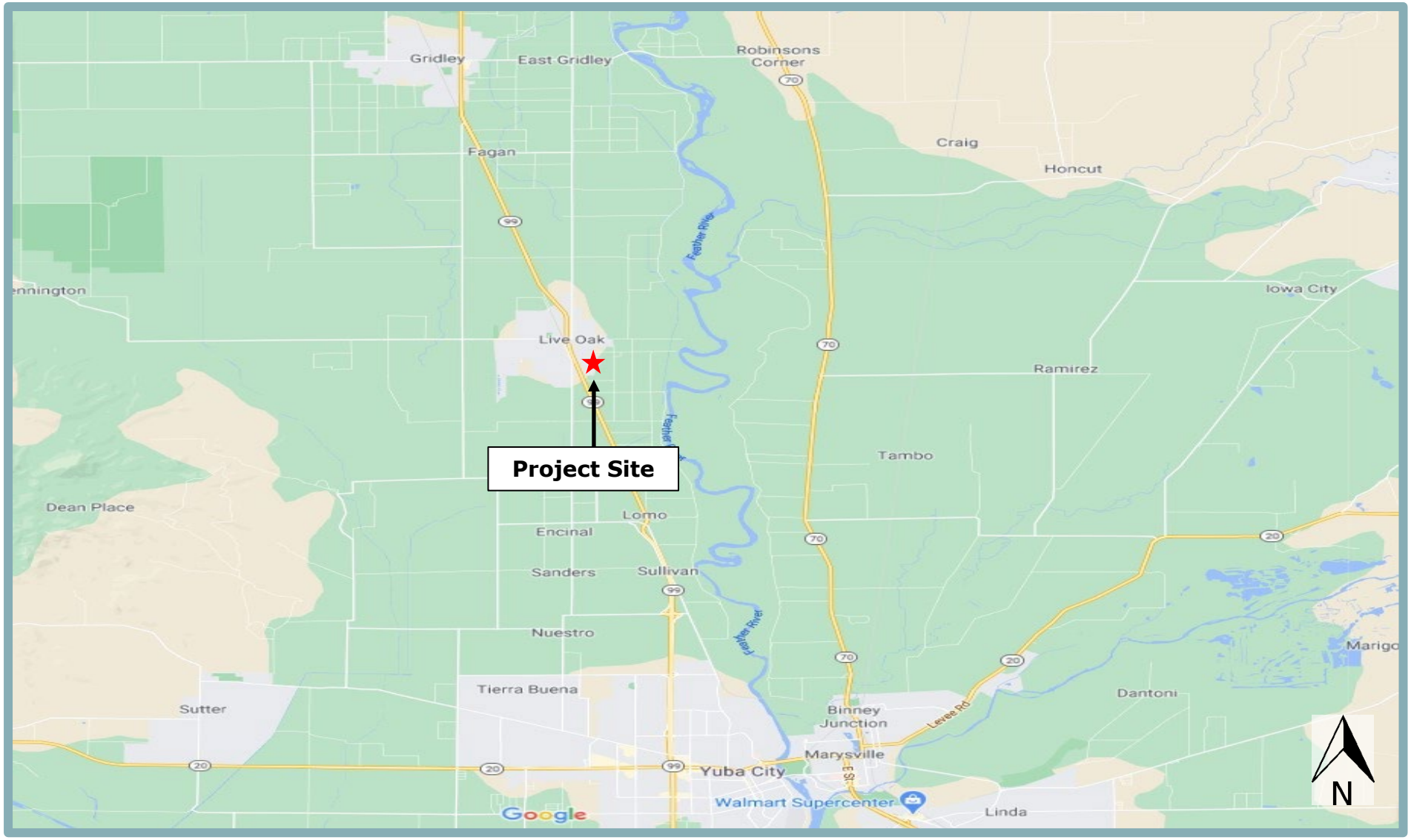
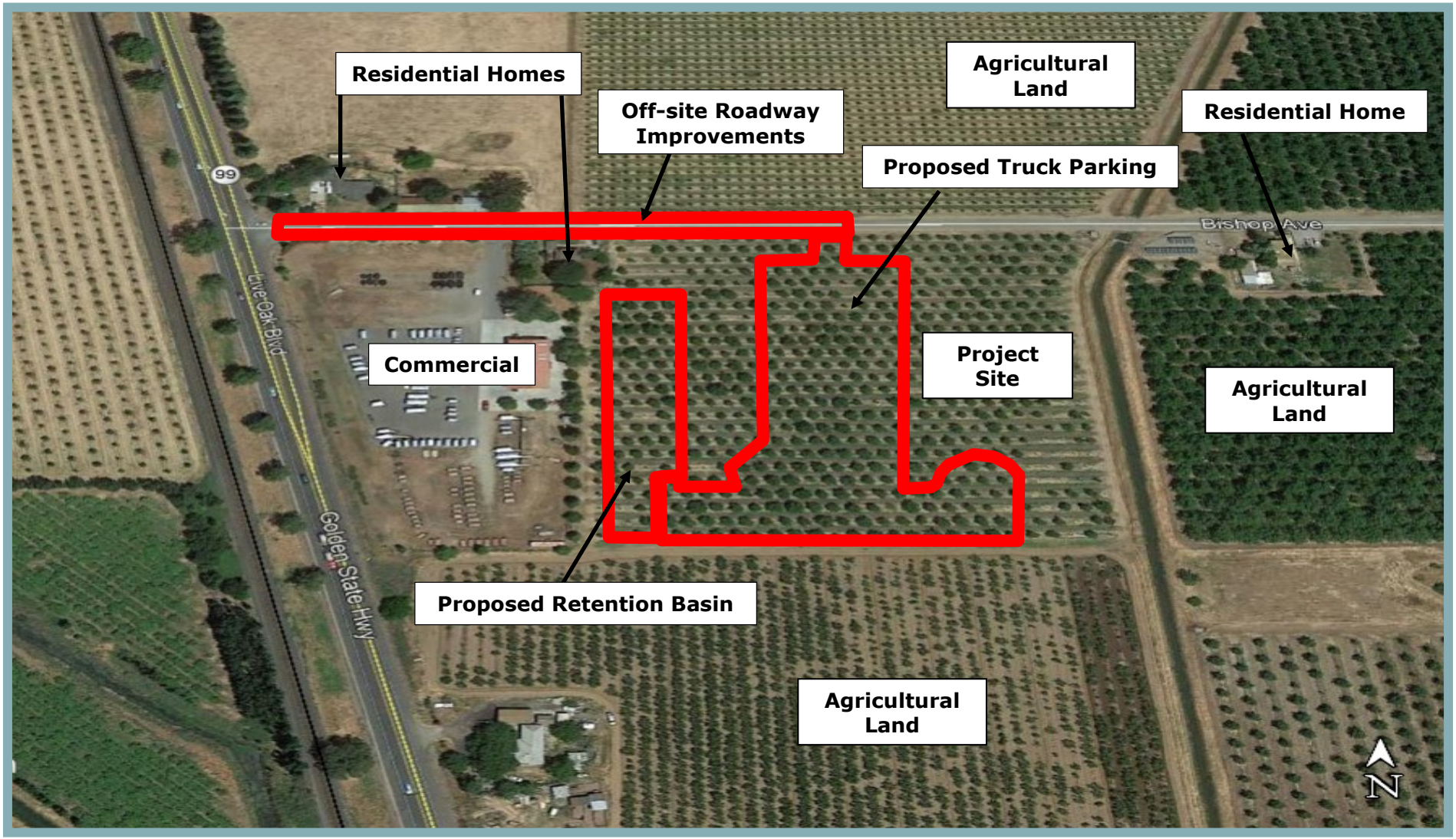


Figure 2
Project Vicinity Map



Project Components

The proposed project includes development of 4.52 acres of the 9.7-acre parcel, consisting of a total of 80 13- by 75-foot parking stalls and a new private driveway approach from Bishop Avenue. The proposed truck parking is intended to serve the existing truck traffic along SR 99 and would be available to the public 24 hours a day and overnight parking would be allowed. However, on-site services for the truck drivers would not be provided. The truck parking lot would not have employees on-site. The following sections describe the details of the proposed site plan, access and circulation, utilities, and required approvals.

Site Plan

The site plan includes the development of the project site into a semi-truck parking lot. The parking area would include 80, 13- by 75-foot gravel parking stalls, paved driveway, 80-foot hammerhead turnaround, 50-foot radius turnaround, and a 1.56-acre retention basin. Pursuant to Section 17.25.060 of the LOMC, all parking areas and accesses shall be surfaced with asphalt, cement, or other material approved by the Public Works Director. During the use permit process, the Live Oak Planning Commission will determine the adequacy of the proposed gravel surface. Section 17.26.020 of the LOMC requires outdoor parking lots to incorporate lighting capable of providing adequate illumination for security and safety. The existing on-site orchard trees surrounding the proposed gravel parking lot would remain to provide screening from the public right-of-way.

Access and Circulation

Access to the project site would be provided with a new paved driveway entrance from the public road (Bishop Avenue). The driveway approach would extend 20 feet south of the road right-of-way (see Figure 3). The proposed project includes off-site roadway improvements of Bishop Avenue to serve the proposed truck traffic and to comply with County standards, per the recommendation of the City Engineer. The off-site construction would include the widening of Bishop Avenue to 32 feet plus 3-foot gravel shoulders from the proposed driveway to SR 99 to the west (approximately 600 feet).

Utilities

The proposed project consists entirely of a gravel parking lot and does not include any services that require sewer service or water supply. The proposed project includes a 1.56-acre retention basin to ensure all stormwater runoff would continue to drain on-site. The site currently has access to power for the existing on-site water well located in the northeastern corner of the site; however, the project would include a new service drop to the existing power lines across Bishop Avenue for the required on-site lighting.

Discretionary Actions

The proposed project would require the following approvals from the City of Live Oak:

- Approval of the IS/MND and a mitigation, monitoring, and reporting program (MMRP); and
- Approval of a Use Permit.

G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

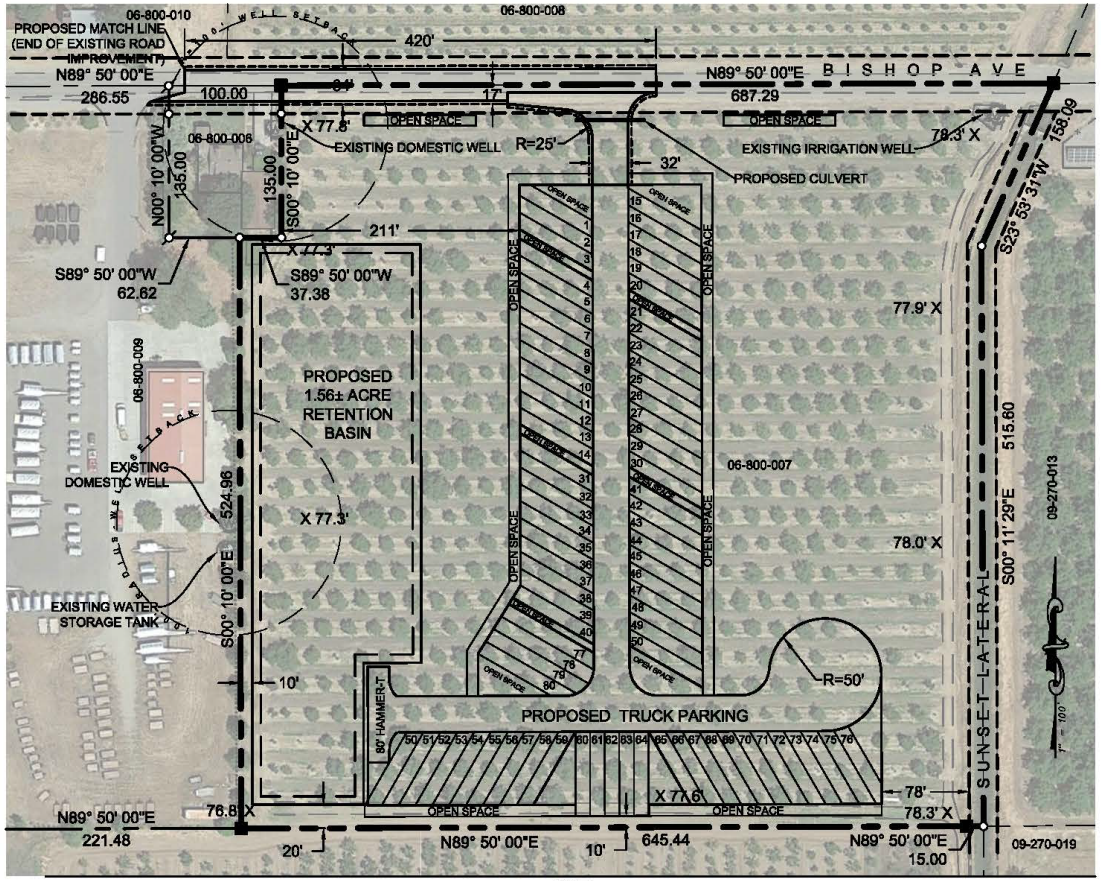
Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

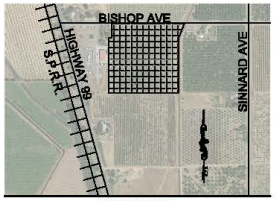
No Impact: The project would not have any impact.

Figure 3
Project Site Plan



OWNER INFORMATION

DILBAG S. DEOL
AVTAR S. BUTTER
9026 IDA STREET
LIVE OAK, CA 95953



VICINITY

PROPERTY INFORMATION

APN:	06-800-007
LOT SIZE:	9.70± ACRES
USE TYPE:	AGRICULTURAL
ZONING:	E - EMPLOYMENT
FLOOD ZONE:	X

PROJECT NAME & LOCATION

B & D FREIGHT TERMINAL
2104 BISHOP AVENUE
LIVE OAK, CA 95953

DRIVEWAY & PARKING AREA NOTES

1. DRIVEWAY APPROACH SHALL BE PAVED WITH DUST FREE SURFACING.
2. APPLICANT REQUESTS PARKING AREA CONSIST OF A 6" CLASS 2 AGGREGATE BASE COMPACTED TO 95%. SUB-GRADE SHALL BE PREPARED TO THE DEPTH OF 6" AND RELATIVE COMPACTION OF 90%.
3. THE DEPICTION OF THE 50' RADIUS AND 80' HAMMERHEAD-T TURNAROUNDS TO DEMONSTRATE ABILITY TO TURN AROUND ON-SITE.
4. OPEN SPACES ARE RESERVED FOR LIGHTING AND LANDSCAPING, IF APPLICABLE. (OPEN SPACES REPRESENT 13% OF THE IMPACTED AREA).
5. PARKING STALLS SHOWN: 80 SPACES - 13 FEET WIDE & 75 FEET DEEP.
6. PHASING FOR PARKING IS DESIRED. PHASE 1 = 30 SPACES, PHASE 2 = 50 SPACES TOTAL AND PHASE 3 = 80 TOTAL SPACES.

OFF-SITE NOTES

1. APPLICANT REQUESTS TO WIDEN EXISTING PAVEMENT TO 14 FEET WITH 3 FOOT SHOULDERS TO BETTER MATCH EXISTING ROAD IMPROVEMENTS TO THE WEST.

GRADING AND DRAINAGE NOTES

1. APPLICANT REQUESTS TO PROVIDE IMPROVEMENT PLAN(S), CALCULATION(S) AND/OR SUPPORTING DOCUMENT(S) AFTER REVIEW AND DETERMINATION(S) FOR CONDITION OF APPROVAL HAVE BEEN MADE.

LEGEND

- CALCULATED CORNER SYMBOLS
- PROPERTY LINES
- ADJACENT LOT LINES
- RIGHT OF WAY LINES
- X 3.0' EXISTING SPOT ELEVATIONS
- FOUND MONUMENTS
- PROPOSED IMPROVEMENTS
- PROPOSED GRAVEL SHOULDER
- PROPOSED ASPHALT DRIVEWAY

SITE PLAN NOTES

1. THE PROPERTY LINES AND RIGHT OF WAY LINES DEPICTED HEREON ARE BASED ON THE CURRENT GRANT DEED, ORIGINAL RECORD MAPPING AND MONUMENTS FOUND IN THE FIELD. THEY SHALL BE CONSIDERED APPROXIMATE.
2. THE VERTICAL DATUM IS: THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. THE IMAGE IS APPROXIMATE AND IS SCALED TO FIT FIELD OCCUPATIONS.
4. NO STRUCTURES PROPOSED FOR THIS PROJECT.

ENGINEER

DAVID L. SWARTZ, PE 52840
CALIFORNIA ENGINEERING CO., INC.
1110 CIVIC CENTER BLVD., SUITE 404B
YUBA CITY, CA 95993
(530) 751-0952

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

Discussion

a,b. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. According to the Live Oak 2030 General Plan, scenic vistas are not located in the vicinity of the project site. In addition, according to the California Scenic Highway Mapping System, the project site is not located within the vicinity of an officially designated State Scenic Highway. Scenic resources, including rock outcroppings or historically significant buildings, do not exist on the project site.

Furthermore, the proposed project would be consistent with the project site's Live Oak 2030 General Plan land use and zoning designations. Thus, the project would not result in new impacts to any scenic vistas or roadways or substantially more severe impacts than what has been anticipated for the site and analyzed in the General Plan EIR. Therefore, the proposed project would not result in development in proximity to any State scenic highways, scenic resources, or scenic vistas, development of the proposed project would not have a substantial adverse effect on a scenic vista and would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. Thus, a ***less-than-significant*** impact would occur.

c. The proposed project would include the construction of a total of 4.52 acres on 9.7 acres of land. The proposed project includes an 80-space gravel parking lot that is intended to serve the existing truck traffic along SR 99. The project also includes a 1.56-acre retention basin and off-site roadway improvements to widen Bishop Avenue. Surrounding land uses include trailer sales and a single-family residence to the west, the Sunset Avenue lateral waterway and a single-family residence to the east, as well as, agricultural land to the north, east, and south of the project site. The project site is characterized as a rural agricultural region. The proposed project would keep a segment of orchards north of the project site, along Bishop Avenue, to conceal the trucks in the parking lot. Keeping the segment of orchards outlining the project site would sustain the rural characteristic of the region. Therefore, the proposed project site would not substantially degrade the existing character or quality of public views of the site and its surrounding use. Furthermore, the

use of the site for truck parking purposes would be consistent with the Live Oak 2030 General Plan land use designation of Employment.

Distinguishing between public and private views is important when evaluating changes to visual character or quality, because private views are views seen from privately-owned land and are typically associated with individual viewers, including views from private residences. Public views are experienced by the collective public, and include views of significant landscape features and along scenic roads. According to CEQA (Pub. Resources Code, § 21000 et seq.) case law, only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488], the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Therefore, the focus in this section is on potential impacts to public views.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and associated changes to the visual character and quality of the site have been anticipated by the City and analyzed in the General Plan EIR. The General Plan EIR concluded that buildout of the General Plan would not substantially degrade the existing visual character of the City.

Based on the above, implementation of the project would not conflict with applicable zoning or degrade existing visual character or quality of publics views within the site and surrounding area. Therefore, the proposed project would have a ***less-than-significant*** impact.

d. Currently, sources of light do not exist within the proposed project site. Therefore, development of the project site would involve new sources of light associated with vehicle headlights and outdoor parking lot lighting fixtures. The proposed project is required by LOMC Section 17.26.020 to incorporate lighting capable of providing adequate illumination for security and safety. The new source of lighting would be required to be consistent with the standards set forth in the LOMC related to light and glare.

LOMC Section 17.26.030 sets performance standards for shielding unwanted light and requires new developments to abide by the following:

> 1. Exterior lighting shall be shielded or recessed so that direct glare is confined, to the maximum extent feasible, within the boundaries of the site. Exterior lighting shall be directed downward and away from adjacent properties and public rights-of-way. Shielding means that the light source, whether bulb or tube, is not visible from an adjacent property or right-of-way.

Compliance with Live Oak 2030 General Plan standards and requirement set forth in the LOMC would ensure that the light and glare created by the proposed project would not adversely affect day or nighttime views in the area. As a result, a ***less-than-significant*** impact would occur.

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

Discussion

a,e. Per the Department of Conservation's Important Farmland Finder, the site is designated Farmland of Statewide Importance. Because the proposed project would involve developing the site, the project would convert designated Farmland of Statewide Importance to non-agricultural use. However, the Live Oak 2030 General Plan designates the project site as Employment; therefore, the project site has been anticipated for development. Per PRC Section 21083.3, if a development project is consistent with the local general plan and zoning, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR.

The Live Oak General Plan EIR evaluated the impacts of Farmland conversion that would result from buildout of the Live Oak 2030 General Plan, including the project site, and determined that impacts would remain significant and unavoidable even with implementation of Live Oak 2030 General Plan goals and policies aimed at preserving agricultural lands, as feasible mitigation measures do not exist to reduce the loss of agricultural land to a less-than-significant level. The Live Oak City Council adopted a Statement of Overriding Considerations for the loss of agricultural land resulting from adoption of the Live Oak 2030 General Plan and EIR. Therefore, conversion of agricultural land within the project site has been previously anticipated by the City.

Given the fact that the General Plan EIR assumed buildout of the project site for employment development, and the project would be consistent with the Live Oak 2030 General Plan designation for the site, the conversion of Farmland of Statewide Importance on the project site was already evaluated and considered in the General Plan EIR analysis. In addition, the proposed off-site roadway improvements to widen Bishop Avenue would not convert existing farmland to a non-agricultural use. Therefore, the proposed project would not result in any new, or increase in the severity of, the impacts already identified

in the General Plan EIR. As a result, the project's impact related to the conversion of Farmland to non-agricultural use would be considered ***less than significant***.

b. The project site is designated Employment and zoned E2. The project site is not under a Williamson Act contract, and thus, buildout of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and ***no impact*** would occur.

c,d. The project site is not considered forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). As noted above, the project site is currently used for orchards. The project site is zoned E2. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and the project would not otherwise result in the loss of forest land or conversion of forest land to non-forest use. Thus, ***no impact*** would occur.

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

Discussion

a,b. The City of Live Oak is within the boundaries of the Sacramento Valley Air Basin (SVAB) and under the jurisdiction of the Feather River Air Quality Management District (FRAQMD). Federal and State ambient air quality standards (AAQS) have been established for six common air pollutants, known as criteria pollutants, due to the potential for pollutants to be detrimental to human health and the environment. The criteria pollutants include particulate matter (PM), ground-level ozone, carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_X), and lead. At the federal level, the South Sutter portion of the FRAQMD's jurisdiction has been designated as severe nonattainment under the 1997 and 2008 National AAQS for eight-hour ozone, as well as nonattainment under the 2015 National AAQS for eight-hour ozone. Aside from the South Sutter portion of the FRAQMD's jurisdiction, the remaining areas are designated as attainment for the federal eight-hour ozone standard. The Yuba City-Marysville portion of the FRAQMD's jurisdiction is designated as a maintenance area under the National AAQS for PM with diameters less than 2.5 microns ($PM_{2.5}$). Under the California AAQS designations, the South Sutter portion of the FRAQMD's jurisdiction is under nonattainment for the one-hour ozone standard, while the remaining portion of the jurisdiction is classified as nonattainment-transitional. FRAQMD's entire jurisdiction is designated as nonattainment-transitional for eight-hour ozone under the California AAQS, and as nonattainment for PM with diameters less than 10 microns (PM_{10}). FRAQMD's jurisdictional area is designated as attainment or unclassified for all other National and California AAQS.

Due to the nonattainment designations, FRAQMD, along with the other air districts in the SVAB region, is required to develop plans to attain the federal and State AAQS for ozone and particulate matter. The attainment plans currently in effect for the SVAB are the *2013 Revisions to the Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan* (2013 Ozone Attainment Plan), *$PM_{2.5}$ Implementation/Maintenance Plan and Re-designation Request for Sacramento $PM_{2.5}$ Nonattainment Area* ($PM_{2.5}$ Implementation/Maintenance Plan), and the 1991 Air Quality Attainment Plan (AQAP), including triennial reports. In addition to the foregoing plans related to attainment statuses in the SVAB, the FRAQMD is also party to the *Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan*, which was specifically developed to cover the Planning Areas of Shasta, Tehama, Glenn, Butte, Colusa, and Feather River. The air quality plans include emissions inventories to measure the sources of air pollutants, to evaluate how well different control measures have worked, and show how air pollution would be reduced. In addition, the plans include the estimated future levels of pollution to ensure that the area would meet air quality goals.

Nearly all development projects in the SVAB region have the potential to generate air pollutants that may increase the difficultly of attaining federal and State AAQS. Therefore, for most projects, evaluation of air quality impacts is required to comply with CEQA. In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants that the area is designated nonattainment, FRAQMD has developed the *Indirect Source Review Guidelines*, which includes recommended thresholds of significance, including mass emission thresholds for construction-related and operational ozone precursors and PM_{10}, as the area is under nonattainment for ozone and PM_{10}.

The FRAQMD's recommended thresholds for the ozone precursors reactive organic gases (ROG) and NO_X specify that emissions during construction of proposed projects shall not exceed 4.5 tons per year (tons/year) or 25 pounds per day (lbs/day). For operational emissions, the thresholds of significance for ROG and NO_X are 25 lbs/day. The FRAQMD's recommended thresholds of significance for ROG and NO_X, as well as PM_{10} are summarized in Table 1 below.

Table 1
FRAQMD Thresholds of Significance

Pollutant	Construction Thresholds (tons/year)	Construction Thresholds (lbs/day)	Operational Thresholds (lbs/day)
NO_X	4.5	25	25
ROG	4.5	25	25
PM_{10}	N/A	80	80

Source: FRAQMD, June 7, 2010.

If the proposed project's emissions exceed the pollutant thresholds presented in Table 1, the project could conflict with or obstruct implementation of the applicable air quality plan.

The proposed project's construction-related and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including greenhouse gas (GHG) emissions, from land use projects. The model applies inherent default values for various land uses, including trip generation rates based on the Institute of Transportation Engineers (ITE) Manual, vehicle mix, trip length, average speed, etc. However, where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumed the following:

- Project construction was assumed to start in June of 2021;
- Construction is anticipated to occur over approximately six weeks;
- The default length of the site preparation phase was extended to account for the tree removal associated with the project;
- The loss of vegetation was accounted for in modeling a land use change from three acres of cropland to zero acres of cropland; and
- The CO_2 intensity factor was adjusted based on PG&E's Renewable Portfolio Standards (RPS) projections.

All CalEEMod results are included in Appendix A of this IS/MND.

Construction Emissions

According to the CalEEMod results, implementation of the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 2 below.

Table 2
Maximum Unmitigated Construction Emissions

Pollutant	Project Emissions (lbs/day)	Project Emissions (tons/year)	Threshold of Significance (lbs/day)	Threshold of Significance (tons/year)	Exceeds Threshold?
NO_X	40.58	0.40	25	4.5	**YES**
ROG	3.99	0.04	25	4.5	**NO**
PM_{10}	20.34	0.14	80	N/A	**NO**

Source: CalEEMod, March 2021 (see Appendix A).

As shown in Table 2, construction emissions of ROG, and PM_{10} would be below the applicable FRAQMD thresholds of significance. However, construction-related emissions of NO_X would exceed the threshold of significance.

The FRAQMD recommends that all projects implement the following standard best management practices:

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

Compliance with the measures above was not directly included in the CalEEMod emissions estimates for the proposed project; thus, the emissions estimates presented in Table 2 represent a conservative estimate, and implementation of the foregoing FRAQMD measures would slightly reduce emissions from the amounts presented in Table 2.

It should be noted that the removed orchard trees would likely be burned. As noted above, the land use change and associated loss of vegetation was accounted for in the modeling prepared for the proposed project. However, the criteria pollutant emissions related to

burning wood were not modeled because controlled agricultural burns would be allowed under the existing agricultural use. Furthermore, any wood burning associated with implementation of the proposed project would be required to comply with FRAQMD Regulation II, Open Burning. As part of Regulation II, the project applicant would be required to prepare a Smoke Management Burn Plan and would also be required to obtain a Burn Permit from the FRAQMD prior to initiation of any burning. Compliance with all applicable FRAQMD regulations would ensure that any burning is appropriately managed, overseen by the FRAQMD, and conducted consistent with all applicable State rules related to air quality.

Operational Emissions

One of the only sources of operational emissions for the proposed project would be off-gassing of asphalt from the 20-foot segment of the paved driveway and the widened portion of Bishop Avenue. Such off-gassing would emit a negligible volume of criteria pollutants and, thus, operational emissions of NO_X, ROG, and PM_{10} would be well below the FRAQMD's applicable thresholds of significance. Because the proposed project would serve the existing truck traffic along SR 99, the project would not generate additional truck trips. Although the trucks traveling along SR 99 would be required to drive the approximately 600 feet along Bishop Avenue to access the project site, considering the minute increase in trip length as compared to the total trip length of a standard truck haul route, the operational criteria pollutant emissions associated with trucks driving along the 600-foot roadway would be negligible. In addition, although the parking spaces would not be paved, substantial emissions of dust (including $PM_{2.5}$ and PM_{10}) is not anticipated due to slow vehicle speeds. Emissions of dust are discussed in further detail under question 'd'.

Based on the above, operation of the proposed project would not to contribute to the FRAQMD's nonattainment status for criteria pollutants.

Cumulative Emissions

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. Due to the nonattainment designations discussed above, FRAQMD, along with other air districts in the SVAB region have developed and adopted plans to attain federal and State AAQS. A project would be considered to conflict with, or obstruct implementation of, an applicable air quality plan if the project would be inconsistent with the emissions inventories contained in the air quality plan. Projects that are inconsistent with attainment plans may result in cumulatively considerable contributions to regional violations of federal or State AAQS.

As presented above, the proposed project is anticipated to result in emissions that would exceed the FRAQMD thresholds of significance for NO_X during construction. As such, the proposed project would have the potential to result in a cumulatively considerable net increase in ozone precursor emissions, which the project area is currently in nonattainment.

Conclusion

Based on the above, operations of the proposed project would not generate substantial amounts of any criteria pollutants and would not conflict with an applicable air quality plan nor result in a cumulatively considerable net increase of any criteria pollutant. However, construction of the proposed project would have the potential to violate AAQS for NO_X and/or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state AAQS, and a ***potentially significant*** impact related to air quality would occur.

Mitigation Measure(s)

The most effective way to reduce construction-related NO_X emissions is by improving the engine tier/engine efficiency of construction equipment. Off-road diesel engines that are used in construction equipment fall into efficiency tiers, with the most efficient being the Tier 4 emission standards. Engine Tiers 3 through 1 are regressively less efficient. Based on modeling conducted, as shown in Table 3, use of Tier 4 construction equipment used in the site preparation phase alone would be sufficient to reduce the project's overall construction-related emissions of NO_X to below the applicable threshold of significance. Therefore, implementation of the following mitigation measure would reduce the construction-related emissions of NO_X to below the applicable threshold of significance, and would reduce the above potential impact to a *less-than-significant* level.

Table 3
Mitigated Construction Emissions (lbs/day)

Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
NO_X	9.21	25	**NO**
ROG	1.30	25	**NO**
PM_{10}	18.36	80	**NO**

Source: CalEEMod, March 2021 (see Appendix A).

III-1. *Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 39 percent NO_X reduction compared to the year 2021 California Air Resources Board (CARB) fleet average. The NO_X reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 3 were achieved by requiring Rubber Tired Dozers and Tractors/Loaders/Backhoes to be engine Tier 4.*

In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Clear signage regarding idling restrictions should be placed at the entrances to the construction site.

Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.

Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Live Oak Community Development Department.

c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest existing sensitive receptors to the project site would be the single-family residences located to the east.

The major pollutant concentrations of concern are localized CO emissions and toxic air contaminant (TAC) emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

The FRAQMD does not recommend specific methodologies for use in the analysis of localized CO emissions. However, several nearby air districts maintain recommended screening protocols to determine whether a proposed project would have the potential to result in excess concentrations of CO. Based on the expectation that high levels of localized CO would only occur where background levels of traffic congestion are high, the nearby Placer County Air Pollution Control District (PCAPCD), Sacramento Metropolitan Air Quality Management District (SMAQMD), and Yolo-Solano Air Quality Management District (YSAQMD) consider projects that do not result in the degradation of traffic operations at any intersections from acceptable levels of service (LOS) to unacceptable LOS or result in the addition of a substantial amount of new traffic to intersections already operating at unacceptable LOS to not result in high levels of localized CO, and further analysis is not required. As discussed in further depth in Section XVII: Transportation, of this IS/MND, the proposed project is anticipated to result in a relatively small amount of new vehicle trips at the project site. Because the proposed project would be consistent with the land use designations for the site, the increase in traffic associated with buildout of the site was already anticipated and analyzed in the General Plan EIR, including any associated localized CO emissions. According to the General Plan EIR, following buildout of the Live Oak 2030 General Plan, all City roadways would remain operating at acceptable LOS with the exception of one segment, Kola Street from N Street to SR 99, which is not located near the project site. Implementation of the Live Oak 2030 General

Plan is anticipated to result in four segments along SR 99 operating at LOS F, none of which are located within the vicinity of the project site. The increase in traffic due to buildout of the proposed project has already been anticipated, analyzed, and accounted for in regional planning efforts. The project would not involve any operations that could result in increased levels of CO concentrations from what is already expected due to buildout of the project site. Consequently, the proposed project would not be anticipated to result in high levels of localized CO per the screening criteria used by nearby air districts.

Furthermore, development of the project site has been previously anticipated by the City and analyzed in the EIR prepared for the Live Oak 2030 General Plan. As discussed in Impact 4.3-4 of the General Plan EIR, buildout of the City, including the project site, would not result in impacts related to localized CO concentrations including the widening of Bishop Avenue. Because buildout of the project site was previously analyzed in the General Plan EIR, and the proposed project is consistent with the Live Oak 2030 General Plan land use designations, the proposed project would not be anticipated to result in any impacts related to CO not previously anticipated in the General Plan EIR.

Based on the above, operation of the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk.

Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. The exposure period typically analyzed in health risk assessments is 30 years or greater, which is substantially longer than the anticipated three-week construction period associated with the proposed project.

In addition, all construction equipment and operation thereof would be regulated per the In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation includes emissions reducing requirements such as limitations on vehicle idling, disclosure, reporting, and labeling requirements for existing vehicles, as well as standards relating to fleet average emissions and the use of Best Available Control Technologies. Thus, off-road diesel vehicles used during construction of the proposed project would be required to comply with statewide emissions reductions targets, which would minimize the amount of DPM emitted by construction equipment operating within each project site.

Furthermore, only portions of each project site would be disturbed at a time during construction. Operation of construction equipment would occur on such portions of the site intermittently throughout the course of a day over the overall construction period. Section 9.30.020 of the LOMC prohibits construction activities between 10:00 PM and 7:00 AM; thus, construction equipment would not be continually operated within the project site. Because construction equipment on-site would not operate continuously within the project site, would only be operated during the relatively short construction period of the project, and would be used at varying locations within the site, associated emissions of DPM would be limited and off-site concentrations would be low and variable. DPM is highly dispersive in the atmosphere. Thus, emissions at the project site would be substantially dispersed at the nearest sensitive receptor.

Considering the short-term nature of construction activities, the regulated and intermittent nature of the operation of construction equipment, and the highly dispersive nature of DPM, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. For the aforementioned reasons, project construction would not be expected to expose sensitive receptors to substantial pollutant concentrations.

During operations of the proposed project, heavy trucks would be operating and idling on-site prior to and after parking. The operation and idling of heavy trucks would be a source of TACs – specifically, DPM. However, truck idling would be limited to five minutes pursuant to Statewide regulations. In addition, the prevailing wind direction in the City of Live Oak is from the south.[1] As such, wind would direct DPM emissions towards the north and away from the nearby sensitive receptors.

Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to excess concentrations of localized CO or TACs during construction or operation. Therefore, the proposed project would result in a ***less-than-significant*** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

d. Emissions such as those leading to odor have the potential to adversely affect people. Emissions of principal concern include emissions leading to odors, emission that have the potential to cause dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in questions ‘a’ through ‘c’ above. Therefore, the following discussion focuses on emissions of odors and dust.

Odors

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on a number of variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

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[1] Weather Spark. *Average Weather in Live Oak California, United States*. Available at: https://weatherspark.com/y/1183/Average-Weather-in-Live-Oak-California-United-States-Year-Round#:~:text=The%20predominant%20average%20hourly%20wind,of%2076%25%20on%20August%205. Accessed February 23, 2021.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative analysis to determine the presence of a significant odor impact is difficult. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses, and operations of the proposed project are not anticipated to produce any objectionable odors. Construction activities often include diesel-fueled equipment and heavy-duty trucks, which could create odors associated with diesel fumes that may be considered objectionable. However, construction activities would be temporary and construction equipment would operate intermittently throughout the course of a day, would be restricted to daytime hours per Section 9.30.020 of the LOMC, and would likely only occur over portions of the site at a time. In addition, all construction equipment and operation thereof would be regulated per the CARB's In-Use Off-Road Diesel Vehicle Regulation. Considering the short-term nature of construction activities, as well as the regulated and intermittent nature of the operation of construction equipment, construction of the proposed project would not be expected to create objectionable odors affecting a substantial number of people.

Dust

As noted previously, the proposed project would be required to implement the FRAQMD's standard mitigation measures, including implementation of a Fugitive Dust Control Plan. Measures included in the Fugitive Dust Control Plan would act to reduce construction-related dust, and could include: ensuring that haul trucks with loose material are covered, reducing vehicle dirt track-out, and limiting vehicle speeds within project site.

Following project construction, the driveway would be paved and dust-free. In addition, the open spaces and site frontage would be landscaped and would not include exposed topsoil. All parking spaces would consist of a six-inch layer of Class 2 aggregate base compacted to 95 precent. While aggregate base includes gravel, crushed stone, and rock dust, the speed limit on-site would be substantially slow to ensure that the movement of trucks does not result in dust emissions. The Live Oak Planning Commission will also review the potential for a significant amount of dust resulting from the proposed project as part of the use permit process and require conditions of approval as needed. Furthermore, the FRAQMD accepts any air quality-related complaints at the District Office. While unlikely, should operational emissions of dust become a nuisance, citizens may submit a complaint to the District Office and the FRAQMD would require dust reduction measures as necessary. Thus, project operations would not generate significant amounts of dust that would adversely affect a substantial number of people.

Conclusion

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result

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

Discussion

a. Special-status species include plant and wildlife species that are listed as endangered or threatened, or are candidates for this listing under the Federal and State Endangered Species Acts. Special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (FESA);
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Plant species that are on the California Rare Plant Society (CNPS) Rank 1 and 2;
- Animal species that are designated as Species of Special Concern or Fully Protected by the California Department of Fish and Wildlife (CDFW); and
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines.

In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal.

Currently, the project site includes an orchard. Regular maintenance and cultivation activities associated with orchards disturb the site and discourage wildlife habitation. Because the project site and the off-site roadway improvement area is disturbed, the potential for special-status species to occur on-site is low. Nonetheless, given that the site is not currently developed with impervious surfaces, Raney Planning & Management, Inc.

conducted a search of the California Natural Diversity Database (CNDDB) maintained by the CDFW for the project quadrangle, the Gridley quadrangle, in order to identify documented occurrences of special-status species in the vicinity of the project area. Each species identified by CNDDB within the Gridley quadrangle was evaluated to determine the location of the species relative to the project site, as well as whether the site meets the habitat requirements of each species.

Based on the results of the CNDDB search, a total of 20 special-status plant species have been documented in the project area. However, due to the habitat requirements of such species (i.e., meadow and seep, chenopod scrub, chaparral, coastal prairie, marsh, swamp, etc.), majority of the species are not likely to occur on the project site. Furthermore, the project site is highly disturbed due to regular orchard maintenance and the cultivation of crops. Due to the disturbed nature of the site and the absence of potentially suitable habitat, special-status plants are not anticipated to be present on the project site. Thus, the proposed project would not result in substantial adverse effects to special-status plant species.

Of the 34 special-status wildlife species that were identified to occur in the project region, 20 are unlikely to occur on the project site and the off-site roadway improvement area due to habitat requirements, including, but not limited to, aquatic features, forest, marsh, and chaparral. However, the existing on-site trees could provide potential nesting habitat for Swainson's hawk, as well as other bird species protected by the MBTA, including the bank swallow and burrowing owl. In addition, pallid bat, Townsend's big-eared bat, and western mastiff bat have the potential to roost in on-site tree cavities.

Based on the above, the proposed project would not result in any impacts to special-status plant species; however, the potential exists for construction activities to result in adverse effects to select special-status wildlife species. Therefore, the proposed project could result in a ***potentially significant*** impact related to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

Swainson's Hawk

IV-1. *A pre-construction nesting bird survey shall be conducted on-site within 15 days prior to construction if construction associated with the project would commence during the nesting season (February 1st to September 30th). Results of the pre-construction survey shall be submitted to the City of Live Oak Community Development Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.*

If Swainson's hawk are identified as nesting on the project site, a non-disturbance buffer of 75-feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until a qualified

ornithologist has determined that the young have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.

MBTA Protected Species

IV-2. *During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:*

- *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and September 30, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of development. The survey area shall cover the construction site and a 100-foot radius surrounding the construction site. The preconstruction survey results shall be submitted to the City of Live Oak Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary.*
- *If an active nest of a MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, or an injured or killed bird is found, the project applicant shall immediately:*
    - *Stop all work within a 100-foot radius of the discovery.*
    - *Notify the City of Live Oak Community Development Department.*
    - *Do not resume work within the 100-foot radius until authorized by the biologist.*
    - *The biologist shall establish a minimum 100-foot Environmentally Sensitive Area (ESA) around the nest. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.*

Roosting Bats

IV-3. *The project applicant shall implement the following measures prior to initiation of tree removal:*

- *A qualified biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of tree removal at the project site.*
- *Survey results shall be submitted to the City of Live Oak Community Development Department. If active maternity bat roosts are not found within the survey area, further mitigation is not required.*
- *If active bat roosts are found, the biologist shall identify a suitable construction-free buffer around the maternity roost. An example of a suitable construction free buffer is 50 feet; however, each buffer*

distance should be determined on a case-by-case basis by the qualified biologist and approved by the City of Live Oak Community Development Department. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.

b,c. The project site currently consists of an orchard. Wetlands, riparian habitat, and other aquatic resources do not currently exist on the project site or the off-site roadway improvement area. Therefore, the proposed project would not have a substantial adverse effect on any riparian habitat, sensitive natural communities, or federally protected wetlands, and a ***less-than-significant*** impact would occur.

d. The project site and the off-site roadway improvement area do not contain any prime habitat such as wetlands, riparian, or forest, and, as such, the potential for use of the site as a wildlife corridor or native wildlife nursey sites is limited. In addition, the project site has a commercial development to the west, a single-family residence to the west and east, and agricultural land to the north, east, and south. The disturbed nature of the project site and the off-site roadway improvement area discourages use of the site as a wildlife corridor or native wildlife nursery site. The project site is adjacent to the Sunset Avenue lateral that could be used by migratory fish or as a wildlife corridor for other wildlife species. However, Sunset Avenue lateral is not located within the vicinity of project related activities.

Based on the above, development of the proposed project would not substantially interfere with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, and a ***less-than-significant*** impact would occur.

e. The project site contains an orchard, and implementation of the proposed project would include removal of a portion of the existing trees to provide for improvements associated with access to the site and the proposed truck parking. The City of Live Oak does not have an adopted tree protection ordinance; however, General Plan Policy Biological-2.1 mandates the preservation of native oak trees. The project site and the and the off-site roadway improvement area do not contain any native oak trees, and therefore, removal of the on-site trees would not conflict with the Live Oak 2030 General Plan policy protecting trees. Because the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, the project's impact would be ***less than significant***.

f. The City of Live Oak has not adopted a habitat conservation plan, natural conservation community plan, or other approved local, regional, or state habitat conservation plan. The City would be a participant of the Yuba-Sutter Regional Conservation Plan, but preparation of the Plan is still in progress, and a tentative date of completion is not known. Because an approved habitat conservation plan does not exist, the project would result in ***no impact***.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	✖	☐
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	✖	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	✖	☐	☐

Discussion

a. Historical resources are features that are associated with the lives of historically important persons and/or historically significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics.

Currently, the project site contains an orchard and the off-site construction area is an existing roadway (Bishop Avenue); thus, existing structures or other features which could be considered historical do not exist. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, and a ***less-than-significant*** impact would occur.

b,c. The General Plan EIR determined prehistoric sites would likely be located along a waterway, such as the Sutter Butte Canal or the Feather River, neither of which are located near the project area. While the potential for discovered resources on the project site and the off-site roadway improvement area is low, previously unrecorded archaeological resources, including human remains, could be discovered during ground-disturbing activities related to project construction. If previously unknown resources are encountered during construction activities, the proposed project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturb human remains, including those interred outside of dedicated cemeteries. Therefore, impacts could be considered ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

V-1. *In the event of the accidental discovery or recognition of any human remains on the project site, the City shall be notified and further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the Sutter County Coroner has been notified to determine if an*

investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City. The potential exists that the Native American Heritage Commission may be unable to identify a most likely descendant, the most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner. In such a case, the landowner or their authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City of Live Oak Community Development Department. The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.

V-2. *In the event a potentially significant cultural resource is encountered during subsurface earthwork activities on the project site, the City of Live Oak Community Development Department shall be notified and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the find. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City of Live Oak Community Development Department. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. A Native American representative and qualified archeologist shall make recommendations to the City of Live Oak Community Development Department on the measures that shall be implemented to protect the discovered resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines.*

Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Live Oak Community Development Department, the North Central Information Center, and the State Historic Preservation Office (SHPO), as required.

The language of this mitigation measure shall be included on final improvement plans, subject to review and approval by the City of Live Oak Community Development Department.

VI. ENERGY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	✖	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	✖	☐

Discussion

a,b. The following discussion is based on the forms of energy needed for the buildout and operation of the proposed project. The main form of available energy supply to the proposed project is electricity.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to the use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation and grading), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Furthermore, compliance with Mitigation Measure III-1 would ensure that higher-efficiency construction equipment is used during project construction, which would further contribute to increased fuel efficiency and a reduction in GHGs. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB has recently prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan),[2] which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for

[2] California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.

electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The CARB Diesel Vehicle Regulation described above, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Following implementation of the proposed project, PG&E would provide electricity to the project site. Energy use associated with operation of the proposed project would be electricity for outdoor lighting. The proposed project would not result in transportation energy use associated with vehicle trips generated because the proposed project would be serving the truck traffic that currently exists on SR 99.

Electricity supplied to the project by PG&E would comply with the State's RPS, which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during project operations would originate from renewable sources.

With regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. Furthermore, the project site does not induce new vehicle trips; rather, the proposed project would serve the truck traffic that currently exists along SR 99. Therefore, the proposed project would not be increasing vehicle miles traveled along SR 99. The project site is anticipated for buildout within the General Plan EIR and the proposed project is consistent with the Live Oak 2030 General Plan. Given that the proposed project is consistent with land use designation and zoning, transportation energy use related to buildout of the proposed project was evaluated and anticipated in the General Plan EIR.

As previously mentioned, the main source of energy consumption would result from outdoor lighting. At the time of building permit submittal, the project applicant shall submit a light plan to the City based on LOMC Section 17.16.050. Section 17.26.020 states that all new or expanded parking areas shall have lighting capable of providing adequate illumination for security and safety. In addition, Section 17.26.020 states that parking lot lighting shall be adequate to light the parking surfaces areas for security purposes from dusk until the termination of the business day. Therefore, energy consumption related to outdoor lighting would occur from dusk until the termination of the business day.

Conclusion

Based on the above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a ***less-than-significant*** impact would occur.

VII. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	✖	☐
ii. Strong seismic ground shaking?	☐	☐	✖	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	✖	☐
iv. Landslides?	☐	☐	✖	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	✖	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	✖	☐
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	✖	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	✖
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	✖	☐	☐

Discussion

ai-aiv. The proposed project is not located within the vicinity of an Alquist-Priolo Earthquake Fault Zone, and the City of Live Oak is located in an area of California with relatively low seismic activity. The nearest active fault is the Cleveland Hills Fault, which is located approximately 15 miles northeast of the City of Live Oak.[3] Furthermore, the project site and the off-site roadway improvement area is not located within the vicinity of any steep slopes that would be subject to landslide risk, nor within an area requiring special investigation for landslides or liquefaction hazards. Per the California Geologic Survey, the site is not located within a designated seismic hazard zone for liquefaction or landslides.[4] In addition, the General Plan EIR analyzed the risk of landslides within the project area and determined that the overall risk of landslides in the planning area is low. Thus, liquefaction or landslides would not pose a hazard on site.

Because the project site is not located within an Alquist-Priolo Fault Zone, it would not be subject to strong seismic ground shaking. In addition, the proposed project would not develop any structures on-site. Therefore, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving

[3] California Department of Conservation. *Earthquake Zones of Required Investigation*. Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed November 2020.

[4] California Department of Conservation. Landslides. Available at: https://www.conservation.ca.gov/cgs/landslides. Accessed February 2021.

rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. Thus, a ***less-than-significant*** impact would occur.

b. Issues related to erosion and degradation of water quality during construction are discussed in Section X: Hydrology and Water Quality, of this IS/MND, under question 'a'. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a ***less-than-significant*** impact would occur.

c. The proposed project's potential effects related to landslides and liquefaction are discussed under question 'a' above. Potential effects related to lateral spreading and subsidence/settlement are discussed in detail below.

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. As discussed above, the project site and the off-site roadway improvement area do not contain any slopes, nor is the site located near any open faces that would be considered susceptible to lateral spreading. Therefore, the potential for lateral spreading to pose a risk to the proposed parking lot is relatively low.

Subsidence/Settlement

Subsidence is the settlement of soils of very low density generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The Live Oak General Plan EIR determined that the risk of subsidence within the planning area would be less-than-significant with compliance with the California Building Standards Code (CBSC). The CBSC includes standards to reduce risks of subsidence/settlement. Given that the proposed project would not develop any structures on site, the potential for subsidence to pose a risk to the proposed parking lot is relatively low.

Conclusion

Based on the above, the proposed project would not be subject to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement. Compliance with standard construction regulations would ensure that the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction, subsidence, or settlement, and would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site subsidence, liquefaction, or collapse. Thus, a ***less-than-significant*** impact would occur.

d. Expansive soils are those possessing clay particles that react to moisture changes by shrinking or swelling. If structures are underlain by expansive soils, foundation systems must be capable of tolerating or resisting any potentially damaging soil movements, and building foundation areas must be properly drained. Based on the Natural Resources Conservation Service's Web Soil Survey, the project site consists mainly of Conejo-Tisdale complex, with approximately four percent Gridley clay loam and approximately four percent Liveoak sandy clay loam.[5] Conejo-Tisdale complex soil is known to have little

[5] Natural Resource Conservation Service, United States Department of Agriculture. *Web Soil Survey.* Available at:

shrink-swell potential, but Gridley clay loam and Liveoak sandy clay loam have the potential to be expansive. Although, expansive soils may be located on-site or within the off-site roadway improvement area, the project does not propose the construction of any structures. Therefore, the proposed truck parking would not create substantial direct or indirect risks to life or property, and a ***less than significant impact*** would occur.

e. The proposed project would include the construction of a truck parking lot and off-site roadway improvements, and the construction or operation of septic tanks or other alternative wastewater disposal systems is not included as part of the project. Therefore, ***no impact*** regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.

f. The General Plan EIR notes that a records search at the University of California Museum of Paleontology indicated that fossil remains have not been found within the Live Oak planning area. However, the occurrence of vertebrate fossil remains in sediments found in rock formations throughout Yuba City, Davis, and Woodland suggest that the potential for uncovering additional similar fossil remains during ground disturbing activities exists.[6]

While known paleontological resources do not exist within the project site, the potential exists for previously undiscovered resources to be found on-site during construction. Thus, any ground-disturbing activity associated with the proposed project, could have the potential to disturb or destroy such resources. Therefore, the proposed project could result in the direct or indirect destruction of a unique paleontological resource, and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

VII-1. *Should construction or grading activities result in the discovery of unique paleontological resources, all work within the vicinity of the discovery shall cease. The City of Live Oak Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist or paleontologist, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the City of Live Oak Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred.*

https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed November 2020.

[6] City of Live Oak. *Draft 2030 General Plan EIR* [pg 4.7-15]. 2004.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	✖	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	✖	☐

Discussion

a,b. GHG emissions contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHGs are inherently considered cumulative.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to the project would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

Recognizing the global scale of climate change, California has enacted several pieces of legislations in an attempt to address GHG emissions. Specifically, Assembly Bill (AB) 32, and more recently Senate Bill (SB) 32, have established statewide GHG emissions reduction targets. Accordingly, the CARB has prepared the Climate Change Scoping Plan for California (Scoping Plan), which was approved in 2008, and updated in 2014 and 2017. The Scoping Plan provides the outline for actions to reduce California's GHG emissions and achieve the emissions reductions targets required by AB 32. In concert with statewide efforts to reduce GHG emissions, air districts, counties, and local jurisdictions throughout the State have implemented their own policies and plans to achieve emissions reductions in line with the Scoping Plan and emissions reductions targets, including AB 32 and SB 32.

The FRAQMD has not yet adopted thresholds of significance to asses potential impacts resulting from project-related GHG emissions. However, several other air districts within California, including PCAPCD, SMAQMD, and Bay Area Air Quality Management District (BAAQMD), have adopted quantitative emissions threshold that may be used in the analysis of GHG emissions from proposed land use projects. Although the quantitative thresholds developed by the aforementioned air districts were developed for use specifically within each district, each district has developed similar thresholds that include bright line mass emissions thresholds of 1,100 $MTCO_2e$/yr, as well as efficiency thresholds based on the number of residents anticipated to reside within a proposed residential project upon project completion. A summary of the mass emissions thresholds and

efficiency metrics used in other air districts is presented in Table 4 below. The SMAQMD sets one threshold for both construction and operational phases of land development projects. The BAAQMD recommends comparison of a project's emissions to either the mass emissions thresholds or the efficiency metric presented in Table 4, while the PCAPCD recommends that project-related emissions first be compared to the district's mass emission threshold, and, should project emissions exceed the PCAPCD's mass emission thresholds, emissions should then be compared to the district's efficiency metric.

In the absence of FRAQMD adopted thresholds, the proposed project's GHG emissions have been quantified and compared to the thresholds presented in Table 4 as a means of providing perspective on the intensity and scope of GHG emissions that would result from construction and operation of the proposed project.

Table 4
Current GHG Thresholds Adopted by Nearby Air Districts

Air District	Mass Emissions Thresholds ($MTCO_2e$/year)	Efficiency Metric ($MTCO_2e$/resident/year)
SMAQMD	1,100	N/A
BAAQMD	1,100	4.6
PCAPCD	1,100/10,000[1]	4.5/5.5[2]

Notes:
[1] The PCAPCD maintains a De Minimis threshold of 1,100 $MTCO_2e$/year and a bright line threshold of 10,000 $MTCO_2e$/year
[2] The PCAPCD maintains two efficiency thresholds for residential projects, 4.5 $MTCO_2e$/resident/year for projects located within urban areas of Placer County and 5.5 $MTCO_2e$/resident/year for projects located within rural areas of the County.

Sources:
- ***Sacramento Metropolitan Air Quality Management District. Guide to Air Quality Assessment in Sacramento County. April 2020.***
- ***Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017.***
- ***Placer County Air Pollution Control District. California Environmental Quality Act Thresholds of Significance Justification Report. October 2016.***

The proposed project's GHG emissions were quantified with CalEEMod using the same assumptions as presented in Section III: Air Quality, of this IS/MND, and compared to the thresholds of significance noted above. All CalEEMod results are included in Appendix A of this IS/MND.

Construction

The estimated GHG emissions resulting from construction of the proposed project are presented in Table 5 below. Construction-related GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change, as global climate change is inherently a cumulative effect that occurs over a long period of time and is quantified on an annual basis. The thresholds presented in Table 4 are primarily intended for use in analyzing operational GHG emissions, with the exception of PCAPCD's Bright Line threshold of 10,000 $MTCO_2e$/yr, which serves as an operational and construction emissions threshold.

Table 5 Unmitigated Construction-Related GHG Emissions	
Construction Year	**Project Emissions ($MTCO_2e$/yr)**
2021	45.47
Source: CalEEMod, March 2021 (see Appendix A).	

As demonstrated above, the estimated maximum annual construction-related emissions presented in Table 5 would be below the mass emissions thresholds used by nearby air districts.

Loss of carbon sequestration is another issue of concern related to the proposed project. As part of the construction process, the on-site orchard trees would be removed and, likely, burned. The land use change and associated loss of carbon sequestration was accounted for in the modeling prepared for the proposed project and presented above. However, the GHG emissions related to burning wood was not modeled because controlled agricultural burns would be allowed under the existing agricultural use. Furthermore, any wood burning associated with implementation of the proposed project would be required to comply with FRAQMD Regulation II, Open Burning. The primary purpose of Regulation II is to ensure that open burning conducted throughout the FRAQMD is conducted in a manner that minimizes emissions and smoke and is managed consistent with State and federal law.[7] As part of Regulation II, the project applicant would be required to prepare a Smoke Management Burn Plan and would also be required to obtain a Burn Permit from the FRAQMD prior to initiation of any burning. Compliance with the aforementioned regulations would ensure that any burning is appropriately managed, overseen by the FRAQMD, and conducted consistent with all applicable State rules related to air quality.

Based on the above, construction of the proposed project would not result in a significant impact related to GHG emissions.

Operations

The only sources of GHG emissions from operations of the proposed project would be related to off-gassing of asphalt on the proposed paved driveway and the widened portion of Bishop Avenue, and electricity use from outdoor lighting fixtures. As noted previously, the proposed project would serve the existing truck traffic along SR 99; therefore, during operations, the proposed project would not generate any new vehicle trips. It is noted that trucks traveling along SR 99 would be required to drive the approximately 600 feet along Bishop Avenue to access the project site. However, considering the minute increase in trip length as compared to the total trip length of a standard truck haul route, the mobile-sourced GHG emissions associated with the 600-foot roadway would be minor. Thus, the proposed project would not result in substantial new mobile-sourced GHG emissions. As such, GHG emissions from operations of the proposed project would be negligible, and operation of the proposed project would not result in a significant impact related to GHG emissions.

Conclusion

Considering that the proposed project would result in GHG emissions well below the efficiency thresholds used by other air districts within the State, and that GHG emissions from the proposed project have been previously considered in the General Plan EIR, the

[7] Feather River Air Quality Management District. *Regulation II – Open Burning*. October 6, 2008.

proposed project would not be considered to result in the generation of GHG emissions that would have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. Therefore, impacts would be considered ***less than significant***.

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

Discussion

a. Typically, parking lot developments would not involve the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. In addition, the proposed plan would not involve in any land uses or operations that would create a significant hazard to the public or the environment. As such, the proposed project would not generate any substantial routine transport, use, or disposal of hazardous materials. It should be noted that some trucks using the proposed parking lot could be hauling hazardous materials, but would be required to do so per State guidelines. Therefore, the project would have a ***less-than-significant*** impact with respect to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b,d. Per the State Water Resources Control Board's (SWRCB) GeoTracker data management system, hazardous materials sites, including leaking underground storage tank (LUST) sites and Department of Toxic Substances Control (DTSC) cleanup sites, have not been identified on or within a 1,000-foot radius of the project area.[8] In addition, the project site is not located on or near any hazardous waste sites identified on the Cortese List.[9] Furthermore, the proposed project would not involve any operations that could create a significant hazard to the public or the environment through reasonably foreseeable upset

[8] State Water Resources Control Board. *GeoTracker.* Available at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=live+oak. Accessed November 2020.

[9] Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29. Accessed November 2020.

and accident conditions involving the likely release of hazardous materials into the environment.

The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. As such, a ***less-than-significant*** impact would occur.

c. The project site is not located within 0.25-mile of any schools. Therefore, the project would have a ***less-than-significant*** impact with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

e. A public airport or public use airport does not exist within two miles of the project site, and the proposed project would be consistent with the planned uses of the site. Thus, implementation of the proposed project would not result in a safety hazards or excessive noise related to such for people residing or working in the project area, and a ***less-than-significant*** impact would occur.

f. During operations, the proposed project would provide adequate access for emergency vehicles and would not interfere with potential evacuation or response routes used by emergency response teams. In addition, the project includes roadway improvements on Bishop Avenue, which would ultimately improve emergency access. Therefore, the development of the project site with the proposed use would not impair implementation of or physically interfere with an existing emergency response plan or emergency evacuation plan, and a ***less-than-significant*** impact would occur.

g. Issues related to wildfire hazards are discussed in Section XX: Wildfire, of this IS/MND. As noted therein, the project site is not located within or near a Very High Fire Hazard Severity Zone.[10] In addition, according to the General Plan EIR, portions of Live Oak that are urbanized or used for irrigated agricultural practices are not at high risk for wildland fires.[11] The project site is surrounded by existing agricultural land and, thus, is not at high risk of wildfire. Therefore, implementation of the proposed project would not expose people or structures, either directly or indirectly, to the risk of loss, injury, or death involving wildland fire, and the impact would be ***less than significant***.

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[10] California Department of Forestry and Fire Protection. *Sutter County, Draft Fire Hazard Severity Zones in LRA*. October 3, 2007.

[11] City of Live Oak. *City of Live Oak 2030 General Plan EIR* [pg. 4.15-12]. 2004.

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

Discussion

a. The following discussion provides a summary of the proposed project's potential to violate water quality standards/waste discharge requirements or otherwise degrade water quality during construction and operation.

Construction

During the early stages of construction activities, topsoil would be exposed due to grading activities and tree removal. After grading, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality downstream.

The SWRCB adopted a statewide general National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activity. Dischargers whose projects disturb one or more acres of soil are required to obtain coverage under the Phase 2 General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to the General Permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation. The General Permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) which describes best management practices (BMPs) to control or minimize pollutants from entering stormwater and must address non-point source pollution impacts of the development project. The proposed project would include disturbance of 4.52 acres

of the overall 9.7-acre project site, as well as, the 0.5-acre of off-site roadway improvements, and, thus, would be subject to the relevant requirements within the aforementioned General Permit.

Construction-related BMPs could include, but are not limited to, features such as the installation of silt fences, implementation of storm drain inlet protection, installation of fiber rolls, stabilization of construction exits, and proper maintenance of material stockpiles. The project's compliance with the requirements of the SWRCB would ensure that construction activities would not result in degradation of downstream water quality. Therefore, the proposed project would not discharge sediment or urban pollutants through soil erosion, violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality during construction.

Operation

The proposed project would not involve operations typically associated with the generation or discharge of polluted water. Thus, typical operations on the project site would not violate any water quality standards or waste discharge requirements, nor degrade water quality. However, the addition of impervious surfaces on the site would result in the generation of urban runoff, which could contain pollutants if the runoff comes into contact with sources such as vehicle fluids on parking surfaces and/or landscape fertilizers or herbicides.

The Live Oak 2030 General Plan includes the following policies relevant to the preservation of water quality:

- Police Water-1.1: New development shall incorporate drainage system design that emphasizes infiltration and decentralized treatment to the greatest extent feasible.
- Policy Water-1.3: The City will require development to use best management and design practices to reduce stormwater runoff levels, improve filtration to replenish groundwater, and reduce pollutants close to their source. The City will require new development to use permeable surfaces for hardscape wherever possible. Impervious surfaces such as driveways, streets, and parking lots should be interspersed with vegetated areas that allow for infiltration of stormwater.

The use of the proposed 1.56-acre retention basin would provide project compliance with the above policies, which would reduce the potential for water quality violations. The final design of the proposed 1.56-acre retention basin, as well as, the office roadway improvements would be reviewed and approved by the City, which would ensure that the proposed design complies with the applicable policies with respect to incorporating sufficient permanent stormwater treatment control BMPs. In addition, the proposed project is consistent with the planned use for the project site, and, thus, development of the site has already been anticipated in the General Plan EIR. The General Plan EIR concluded that compliance with the policies set forth in the Live Oak 2030 General Plan would be sufficient to reduce impacts related to water quality to a less-than-significant level. As such, development of the proposed project would result in a less-than-significant impact related to water quality.

Conclusion

Based on the above, the proposed project would not result in the violation of water quality standards or degradation of water quality during construction or operation, and a ***less-than-significant*** impact would occur.

b,e. The City of Live Oak relies entirely on groundwater from the East Butte Groundwater Subbasin, which is part of the Sacramento Valley Groundwater Basin.[12] Sources of groundwater recharge include the Sacramento River, Feather River, Bear River, and deep percolation of precipitation. Per the Sutter County Groundwater Management Plan, the Department of Water Resources does not consider any of the subbasins in Sutter County to be in overdraft conditions,[13] and the general depth to groundwater has remained somewhat stable since the 1940s. The Live Oak 2030 General Plan commits the City of Live Oak to participation in the Sutter County Groundwater Management Plan.

The proposed project is truck parking and would not increase the use of water supply for the City. Therefore, the buildout of the proposed project would not result in a substantial depletion of groundwater supplies or a significant interference with groundwater recharge. Thus, the proposed project would result in a ***less-than-significant*** impact.

ci-iii. Implementation of the proposed project would involve the development of a truck parking lot, which is currently used as an orchard. The proposed project also includes the widening of Bishop Avenue. Such development would increase the amount of impervious surfaces within the project site. Considering that the amount of impervious surfaces would increase from existing conditions, drainage patterns would change and could increase the rate or amount of runoff on- and off-site.

The incorporation of the 1.56-acre retention basin ensuring all stormwater runoff generated from the project site would drain on-site and would provide the project's compliance with SWRCB requirements to ensure that operation of the proposed project would not result in degradation of downstream water quality.

Because the proposed project is consistent with the Live Oak 2030 General Plan land use and zoning designations for the site, buildout of the project site has already been analyzed in the General Plan EIR and accounted for in regional planning efforts. Accordingly, the City's stormwater system design would be based on Live Oak 2030 General Plan buildout assumptions, including buildout of the project site. The proposed project would not involve any operations that would increase the amount of runoff from the site from what has already been anticipated.

Based on the above, the proposed project is not anticipated to substantially alter the existing drainage pattern of the site or area through the addition of impervious surfaces in a manner which would result in substantial erosion, substantially increase the rate or amount of surface runoff, or create or contribute to runoff which would exceed the capacity of existing or planned stormwater drainage systems, and the impact would be ***less-than-significant***.

civ. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project site is not located within a Special Flood Hazard Area or otherwise located within a 100-year or 500-year floodplain.[14] Therefore, development of the proposed project would not impede or redirect flood flows and ***no impact*** would result.

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[12] City of Live Oak. *Draft 2030 General Plan EIR: Hydrology and Water Resources* [pg 4.5-18]. 2004.
[13] Sutter County. *Sutter County Groundwater Management Plan*. March 2012.
[14] Federal Emergency Management Agency. *FEMA Flood Map Service Center.* Effective 03/23/1984. Available at: https://msc.fema.gov/portal/search?AddressQuery=Live%20Oak%2C%20California#searchresultsanchor.

d. As discussed under question 'civ' above, the project site is not located within a flood hazard zone. Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. The project site is not located in proximity to a coastline and would not be potentially affected by flooding risks associated with tsunamis. Seiches do not pose a risk to the proposed project, as the project site is not located adjacent to a large closed body of water. Based on the above, the proposed project would not pose a risk related to the release of pollutants due to project inundation due to flooding, tsunami, or seiche, and ***no impact*** would occur.

XI. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	✖	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	✖	☐

Discussion

a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. The proposed project would include altering the current land use from an orchard to a truck parking lot and widening an existing roadway. However, given that the proposed project would be consistent with the site's General Plan land use designation, altering the current land use has been anticipated by the City and analyzed in the General Plan EIR. Therefore, a ***less-than-significant*** impact would occur.

b. As noted throughout this IS/MND, the proposed project is consistent with the Live Oak 2030 General Plan land use and zoning designations for the project site. Thus, buildout of the project has been anticipated and analyzed in the General Plan EIR. The proposed project would not involve any operations or uses that would result in new or more severe impacts from what has already been anticipated and analyzed in the General Plan EIR. In addition, as discussed throughout this IS/MND, mitigation measures have been incorporated sufficient to reduce any potential impacts to less-than-significant levels. Furthermore, the proposed project would be required to adhere to all applicable Live Oak 2030 General Plan goals and policies, as well as all applicable standards set forth in the LOMC. Thus, the project would not cause a significant environmental impact due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and a ***less-than-significant*** impact would occur.

XII. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	✖
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	✖

Discussion

a,b. The Live Oak 2030 General Plan determined that known mineral resource zones do not exist within the City of Live Oak. In addition, the General Plan EIR affirms that mineral resources are not currently being mined or produced in the planning area. Therefore, the project site does not contain mineral resources and the construction of the proposed project would not result in the loss of any known mineral resources. Furthermore, mineral extraction activity on the project site would be incompatible with the existing orchard as well as the Live Oak 2030 General Plan land use and zoning designations for the site. Therefore, ***no impact*** to mineral resources would occur.

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

Discussion

The following discussion is based primarily on an Environmental Noise Assessment prepared for the proposed project by Saxelby Acoustics (see Appendix B).[15] The following section includes a discussion of the sensitive receptors in the project area, and the potential impacts related to construction, traffic, and operational noise sources associated with the proposed project.

a. The following sections present information regarding sensitive noise receptors in proximity to the project site, the existing noise environment, and the potential for the proposed project to result in impacts during project construction and operation. The following terms are referenced in the sections below:
   - Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to decibels (dB) in this report will be A-weighted unless noted otherwise.
   - Average, or equivalent, sound level (L_{eq}): The L_{eq} corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour).
   - Day-Night Average Level (L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours.

Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. The sensitive noise receptor nearest to the project site would be single-family residence along Bishop Avenue west of the proposed project.

Existing Noise Environment

The existing noise environment in the project area is primarily defined by SR 99 and the Union Pacific Railroad.

[15] Saxelby Acoustics. *Environmental Noise Assessment.* February 12, 2021.

To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted continuous (24-hr) noise level measurements at one location at the closest adjacent residential uses. Noise measurement locations are shown on Figure 4. A summary of the noise level measurement survey results is provided in Table 6.

Table 6
Summary of Existing Background Noise Measurement Data

Site	Date	L_{dn}	Average Measured Hourly Noise Levels (dBA)					
			Daytime (7 AM to 10 PM)			Nighttime (10 PM to 7 AM)		
			L_{eq}	L_{50}	L_{max}	L_{eq}	L_{50}	L_{max}
LT-1	11/23/2020	55	77	51	90	53	44	69

Source: Saxelby Acoustics, 2020.

Standards of Significance

The City of Live Oak establishes an exterior noise level criterion of 60 dB L_{eq} or less within daytime outdoor activity areas of residential land uses and 45 dB L_{eq} or less within nighttime outdoor activity areas. Additionally, the City requires that cumulative noise exposure from exterior noise sources within noise-sensitive dwellings not exceed 45 dB L_{dn}.

Chapter 9.30 of the City of LOMC defines noise regulations which prohibit, "unnecessary, excessive, and annoying noises from all sources, subject to police power." Item E of Section 9.30.020, Offensive Noise Standards, of the LOMC prohibits any outside construction or repair work on buildings, structures or projects, or to operate any equipment such as a pile driver, pneumatic hammer, power shovel, or any other construction-type device between the hours of 10:00 PM and 7:00 AM. Construction of the proposed project would comply with the Noise Control Ordinance's prohibited hours.

The City of Live Oak General Plan establishes maximum noise limits for construction activities of 75 dBA between the hours of 7:00 AM to 10:00 PM and 65 dBA between 10:00 PM to 7:00 AM (see Table 7).

Table 7
Stationary Noise Source Standards

Noise Level Descriptor	Noise Level Standards, dBA	
	Outdoor Activity Areas Daytime (7 AM to 10 PM)	Outdoor Activity Areas Nighttime (10 PM to 7 AM)
Hourly L_{eq}, dB	60	45
L_{max}, dB	75	65

Notes: dBA = A-weighted decibel; L_{eq} = energy-equivalent noise level; L_{max} = maximum noise level.

Source: Live Oak 2030 General Plan: Noise Element.

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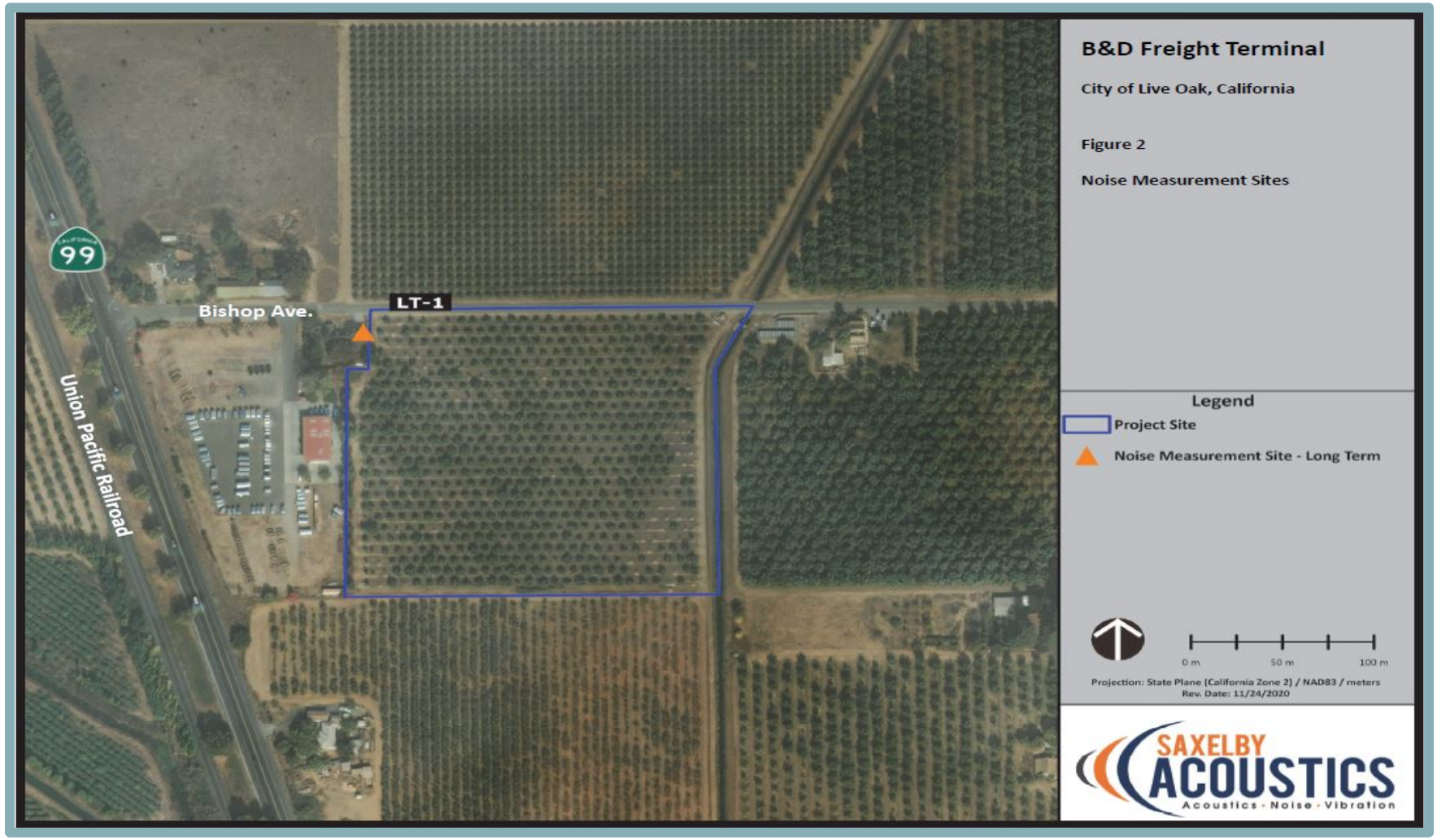
Figure 4
Noise Measurement Locations



Impact Analysis

The following sections provide an analysis of potential noise impacts associated with operation, construction, and traffic noise of the proposed project

Operational Noise

Based upon the daily estimate of 160 total truck trips, the peak hour trips for the project are estimated to be a total of 16 truck trips. The noise analysis assumes that all of the vehicles would be tractor-trailers. Based upon noise measurements conducted of vehicle movements in parking lots, the sound exposure level (SEL) for a single tractor-trailer is 85 dBA at the same distance.

Saxelby Acoustics used the SoundPLAN noise model to calculate noise levels at the nearest sensitive receptors. Input data included the parking lot noise generation, as discussed above. It should be noted that brief maximum (L_{max}) noise levels for the trucking facility are estimated to be 20 dB higher due to sounds from air brakes and backup alarms. Figure 5 shows the predicted project noise levels in terms of average (L_{eq}) and Figure 6 shows the predicted project maximum (L_{max}) noise levels. The results of this analysis are shown in Table 8 below for each of the three closest residential receptors.

Table 8
Trucking Facility Operational Noise at Nearest Sensitive Receptor

Descriptor	R1 (Northwest)	R2 (Northeast)	R3 (Southwest)
Average (L_{eq}, dBA)	39.4	33.4	32.8
Maximum (L_{max}, dBA)	59.4	53.4	51.8

Source: Saxelby Acoustics, 2021.

Based upon Table 8, the proposed project is predicted to generate hourly (L_{eq}) noise levels of 32.8 to 39.4 dBA at the nearest residential receptors. This complies with the City of Live Oak 45 dBA L_{eq} nighttime noise standard. Additionally, maximum noise levels are predicted to range between 52.8 to 59.4 dBA L_{max}. This meets the City's 60 dBA L_{max} noise standard applied to simple tone noises, such as truck backup alarms. Therefore, noise impacts resulting from on-site vehicle circulation would be considered *less-than-significant*.

Traffic Noise

The proposed project is predicted to generate a maximum of 160 total truck trips per day. The nearest residential use to the project site is located approximately 50 feet from the centerline of Bishop Avenue. At this distance the daily noise level from project-related trucks would be 61.4 dBA L_{dn}. Based upon the existing measured noise level of 75 dBA L_{dn} at this residence, the project-related traffic noise increase would be 0.2 dBA.

The Federal Interagency Committee on Noise (FICON) guidelines specify criteria to determine the significance of traffic noise impacts (see Table 9). Where existing traffic noise levels are greater than 65 dB L_{dn}, at the outdoor activity areas of noise-sensitive uses, a +1.5 dB L_{dn} increase in roadway noise levels would be considered significant. As discussed earlier, the maximum increase is traffic noise at the nearest sensitive receptor,

Figure 5
Noise Levels in dB(A) – L_{eq}

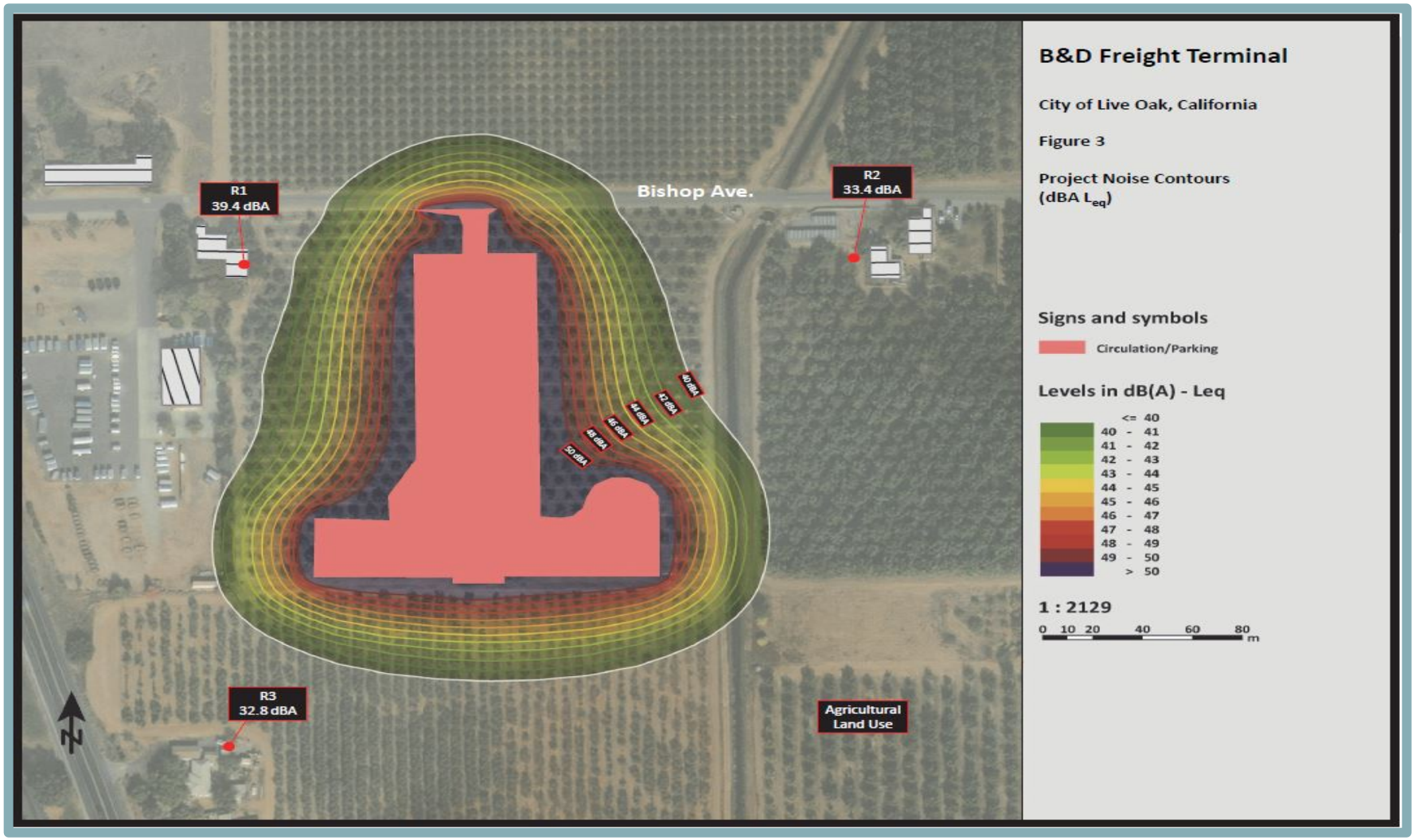
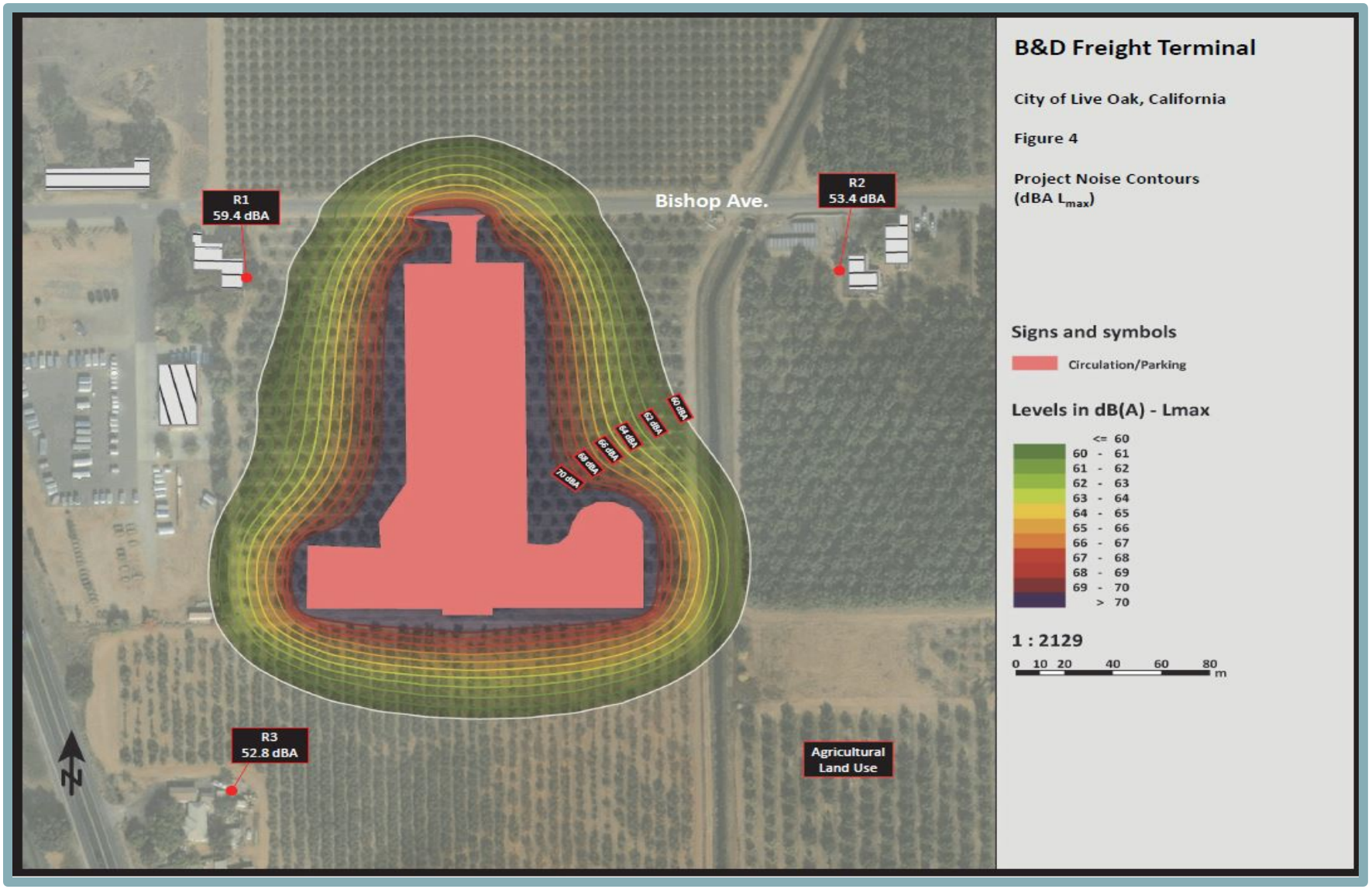


Figure 6
Noise Levels in dB(A) - L_{max}



which is predicted to be an increase of 0.2 dBA. Therefore, impacts resulting from increased traffic noise would be considered *less-than-significant*.

Table 9
Significance of Changes In Noise Exposure

Ambient Noise Level Without Project, L_{dn}	Increase Required for Significant Impact
<60 dB +5.0 dB or more	<60 dB +5.0 dB or more
60-65 dB +3.0 dB or more	60-65 dB +3.0 dB or more
>65 dB +1.5 dB or more	>65 dB +1.5 dB or more

Source: Federal Interagency Committee on Noise, 2020.

Construction Noise

During construction of the proposed project, heavy-duty equipment would be used for demolition, grading, excavation, and paving, which would result in temporary noise level increases. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on proximity of construction activities to that point.

Construction activities associated with development of the project site and the off-site roadway improvements would result in temporarily increased noise levels from grading and paving activities. According to the Federal Highway Administration, activities involved in construction typically generate maximum noise levels ranging from 84 to 98 dBA at a distance of 20 feet.[16] Construction noise during development would result from mechanical equipment such as earthmovers, dump trucks, and similar equipment during grading. Noise levels vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. However, construction activity would occur over a relatively short period of time (three weeks), and would be anticipated to occur during normal daytime hours. Therefore, construction noise levels at the nearby residences would be minimized.

Provided that project construction activities do not occur during restricted hours, and that noise-generating equipment is equipped with sound-dampening or noise-reducing features where appropriate, construction noise associated with the project would not generate a substantial temporary increase in ambient noise levels in the vicinity of the project.

Table 10 shows predicted construction noise levels for development of the proposed project. Based on the table, activities involved in typical construction would generate maximum noise levels up to 76 to 90 dB at a distance of 50 feet. Construction activities would be temporary in nature and are anticipated to occur during normal daytime hours.

Noise would also be generated during the construction phase by increased truck traffic on area roadways, including truck traffic associated with transport of heavy materials and equipment to and from the construction site. Noise increases from truck traffic related to the movement of material would be of short duration, and would occur primarily during daytime hours.

[16] Federal Highway Administration. *Roadway Construction Noise Model User's Guide*. January 2006.

Table 10 Construction Equipment Noise	
Type of Equipment	**Maximum Level, dB at 50 feet**
Auger Drill Rig	84
Backhoe	78
Compactor	83
Compressor (air)	78
Concrete Saw	90
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Jackhammer	89
Pneumatic Tools	85
Source: Federal Highway Administration, Roadway Construction Noise Model User's Guide, January 2006.	

Noise for localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. The nearest residential uses are located approximately 350 feet from the center of the site. At this distance, maximum noise levels from construction would range from 61.4 dBA L_{dn} to 73 dBA L_{max}. Considering that existing maximum noise levels were measured to be 90 dBA L_{max} at the nearest residential uses, it is estimated that construction noise would be less than existing conditions. Therefore, noise impacts resulting from on-site construction would be considered *less-than-significant*.

Conclusion

Based on the above, construction and operation of the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the Live Oak 2030 General Plan or the LOMC. Therefore, impacts would be considered ***less-than-significant.***

b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating. According to Caltrans, the threshold for architectural damage to structures is 0.20 inches per second peak particle velocity (in/sec PPV) and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.[17]

Table 11 indicates that construction vibration levels anticipated for the project are less than the 0.2 in/sec p.p.v. threshold of damage to buildings at distances of 26 feet. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located further than 26 feet from typical construction activities. At distances greater than 26 feet construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and

[17] California Department of Transportation (Caltrans). *Transportation Related Earthborne Vibrations. TAV-02-01-R9601*. February 20, 2002.

would likely occur during normal daytime working hours. Therefore, additional vibration control measures would not be required.

Table 11
Vibration Levels for Various Construction Equipment

Type of Equipment	Peak Particle Velocity @ 25 feet (in/sec)	Peak Particle Velocity @ 50 feet (in/sec)
Large Bulldozer	0.089	0.029
Loaded Trucks	0.076	0.025
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.029
Jackhammer	0.035	0.011
Vibratory Hammer	0.070	0.023
Vibratory Compactor/roller	0.210	0.070

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.

Conclusion

Groundborne vibration associated with construction activities would be temporary in nature and, pursuant to Section 9.30.020 of the LOMC, would occur during normal daytime working hours. Sensitive receptors which could be impacted by construction related vibrators, especially vibratory compactors/rollers, are located further than 26 feet from construction activities. At distances greater than 26 feet construction vibrations are not predicted to exceed acceptable levels. Thus, a ***less-than-significant*** impact could occur.

c. The project site is not located within the vicinity of a private airstrip or an airport land use plan. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with airports. Thus, ***less-than-significant*** impact would occur.

XIV. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	✖
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	✖

Discussion

a. The proposed project would include the development of a truck parking lot, a 1.52-acre retention basin, and off-site roadway improvements to widen Bishop Avenue. Considering the proposed project doesn't include any residential land uses, implementation of the project would not result in population growth. As discussed throughout this IS/MND, the proposed project would be consistent with the Live Oak 2030 General Plan land use and zoning designations for the site. The project site has been planned for employment development. As such, the proposed project would not create an increase in population growth. Thus, implementation of the proposed project would not induce substantial unplanned population growth in the area, and ***no impact*** would occur.

b. Residences do not currently exist on the project site. Therefore, the proposed project would not displace any people or housing, and ***no impact*** would occur.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☐	✖
b. Police protection?	☐	☐	☐	✖
c. Schools?	☐	☐	☐	✖
d. Parks?	☐	☐	☐	✖
e. Other Public Facilities?	☐	☐	☐	✖

Discussion

a-e. Live Oak is served by the Live Oak Fire Department (LOFD), which is run by the Sutter County Fire Services under a contract with the City. The fire station in Live Oak is located at 2745 Fir Street, which is approximately 1.23 miles north west of the project site. The LOFD recommends a maximum response time of four minutes. Given the project site's proximity to the station on Fir Street, fire protection services could reasonably respond to incidents at the project site within the four-minute timeframe. The Sutter County Sherriff's Department would provide police protection services at the project site. The Live Oak Substation is located at 2755 Fir Street, and the station is staffed by seven patrol deputies, one sergeant, and one lieutenant.[18] The City falls within the Live Oak Unified School District (LOUSD), which consists of six schools: two elementary schools, one middle school, one high school, as well as one continuation high school and one alternative school (grades one through 12). The City's Parks and Recreation Department manages five parks: Live Oak Memorial Park; Pennington Ranch Park; Oak Tree Park; Date Street Park; and Live Oak Riverfront Park.

The proposed project includes the development of a truck parking lot with a 1.52-acre retention basin and off-site roadway improvements to widen Bishop Avenue in order to serve the needs of the existing truck traffic along SR 99. Therefore, the proposed project would service traffic and individuals that already exist within the vicinity of the project. Furthermore, the proposed project site is already served by the City. Similarly, due to the nature of the proposed project, an increase in population would not result and, consequently, the project would not increase demand for schools, parks, or other public facilities.

Thus, implementation of the proposed project would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, outside of what has been previously anticipated. Therefore, a ***no impact*** would occur.

[18] Sutter County Sherriff. *Live Oak Substation*. Available at: https://www.suttersheriff.org/div/lo/liveoak.aspx. Accessed February 2020.

XVI. RECREATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	✖
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?	☐	☐	☐	✖

Discussion

a,b. The proposed project would develop 80 truck parking spaces, including a 1.52-acre retention basin and off-site roadway improvements, intended to serve the existing truck traffic along SR 99. Considering the proposed project doesn't include any residential land uses, implementation of the proposed project would not increase usage of existing neighborhood and regional parks or other recreational facilities.

Based on the above, the proposed project would result in ***no impact*** related to recreational facilities.

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

Discussion

a. The proposed project would include the construction of a truck parking lot, as well as the widening and improvement of Bishop Avenue. The proposed project is intended to serve the existing truck traffic that currently exists along SR 99. The proposed project is designed to include parking spaces for up to 80 trucks. A worst-case scenario of 80 trucks at the proposed truck parking would result in 160 total daily trips along Bishop Avenue. To accommodate for the daily trips along Bishop Avenue, the avenue would be widened to allow for safe transportation along the roadway. Furthermore, the proposed project would be consistent with the land use designations for the site. Therefore, truck traffic along Bishop Avenue is associated with buildout of the site which was already anticipated and analyzed in the General Plan EIR.

Based on the above, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a ***less-than-significant*** impact would occur.

b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. While a qualitative discussion of VMT has been provided below, the provisions of Section 15064.3 apply only prospectively.

Construction activities of the proposed project would generate vehicle trips on Bishop Avenue. In addition, the proposed project would include widening of Bishop Avenue. As a result, construction activities could include disruptions to the transportation network near the project site. Vehicle trips associated with construction would include transporting materials to the project site along with employee commutes. Nonetheless, construction of the proposed facility would be short-term, for the removal of a portion of the existing orchard, construction of the parking lot, and widening of Bishop Avenue. Furthermore, construction workers typically arrive before the morning peak hour and leave before the evening peak hours of the traditional commute time periods. Deliveries of building material would also normally occur outside of the traditional commute time periods. Due to the temporary nature of construction, the small temporary increase in VMT would not cause a substantial impact to transportation.

The proposed project would serve the existing truck traffic along SR 99; therefore, during operations, VMT would not increase. In addition, an analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines. SB 375 was focused on

reducing GHG emissions through changing land use patterns and transportation policy in a way that reduces automobile and light truck use, rather than by reducing the use of heavy trucks for the movement of goods. Based on the above, the legislative intent of SB 743 and the associated CEQA Guidelines Section 15064.3 is to ensure that lead agencies analyze VMT for passenger car and light truck trips related to land use projects. Therefore, the presence of heavy trucks along Bishop Avenue would not increase VMT.

Because the proposed project is consistent with the Live Oak 2030 General Plan land use and zoning designations for the site, buildout of the project site has already been analyzed in the General Plan EIR and accounted for in regional planning efforts. In addition, the proposed project would not involve an increase in VMT in excess of what has already been anticipated to occur from buildout of the City.

Based on the above, impacts to transportation are not expected to be substantial, and the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). Thus, a ***less-than-significant*** impact would occur.

c. The proposed project would not include design features that would affect traffic safety, nor involve any incompatible uses. In addition, the proposed project includes the widening of Bishop Avenue to 32 feet plus 3-foot gravel shoulders, which would improve traffic safety. Furthermore, as noted in Section III: Air Quality, of this IS/MND, FRAQMD requires several standard measures, including a construction traffic management plan. The construction traffic management plan would minimize traffic flow interference from construction activities and would reduce potential traffic hazards during such activities. Significant adverse impacts related to roadway design features or incompatible uses would not result from implementation of the proposed project, and ***less-than-significant*** impact would occur.

d. During project construction, public roads in the vicinity would remain open and available for use by emergency vehicles and other traffic. Therefore, the proposed project would not result in inadequate emergency access to the project area, nor any road closures, and a ***less-than-significant*** impact to emergency access would occur.

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

Discussion

a,b. Tribal cultural resources are generally defined by PRC 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. As discussed in Section V: Cultural Resources, of this IS/MND, the potential for unrecorded Native American resources to exist within the project site is relatively low based on existing environmental conditions, and Native American resources have not been identified within the vicinity of the project site.

In addition, under AB 52, formal consultation with California Native American Tribes must be conducted by lead agencies for proposed projects. In particular, lead agencies are required to consult with Native American tribes early in the CEQA process if a Native American tribe has first requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in their geographic area. Pursuant to AB 52, the City of Live Oak provided notification to the Torrez Martinez Desert Cahuilla Indians, Ione Band of Miwok Indians, and UAIC of the Auburn Ranchera. To date, the City has not received a request for consultation from the aforementioned tribes.

Nevertheless, the possibility exists that construction of the proposed project could result in a substantial adverse change in the significance of a tribal cultural resource if previously unknown cultural resources are uncovered during grading or other ground-disturbing activities. Thus, a ***potentially significant*** impact to tribal cultural resources could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XVIII-1. Implement Mitigation Measures V-1 and V-2.

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

Discussion

a. The proposed project includes the construction and operation of a truck parking lot and off-site roadway improvements. In addition, the proposed project includes a 1.56-acre retention basin to ensure all storm water and urban runoff from impervious surfaces within the project site would continue to drain on-site. The retention basin would not cause significant environmental effects beyond what is already analyzed within the proposed project. Section 17.26.020 of the LOMC requires outdoor parking lots to incorporate lighting capable of providing adequate illumination for security and safety. The site currently has access to power for the existing on-site water well located in the northeastern corner of the site; however, the project would include a new service drop to the existing power lines across Bishop Avenue for the required on-site lighting. The proposed project does not include any services that require sewer service or water supply. Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or relocation of which would cause significant environmental effects. Thus, a ***less-than-significant*** impact would occur.

b. The City of Live Oak relies entirely on groundwater from the East Butte Subbasin. Water is supplied from five wells owned and operated by the City of Live Oak. According to the Live Oak General Plan EIR, new potable water demands are to be met through additional groundwater pumping as buildout of the Live Oak 2030 General Plan would trigger the need for new or expanded water supply entitlements. However, the proposed project includes the construction and operation of a truck parking lot and off-site roadway improvements to widen Bishop Avenue; therefore, the project would not increase demand on the City's water supply.

Per the Live Oak 2030 General Plan, water demand is expected to increase substantially over time. The projected total water demand in the year 2030 would be roughly 0.4 percent of the Easte Butte Subbasin's total storage capacity. As such, the local groundwater basin has adequate capacity to meet water demand for the foreseeable future, and implementation of the Live Oak 2030 General Plan would not have a long-term substantial adverse effect on groundwater levels or supply in the region. Therefore, a ***less-than-significant*** impact would occur.

c. Within the City of Live Oak, sewer service is provided by the City's Department of Public Works. All of the wastewater flow is conveyed to the City's wastewater treatment plant (WWTP), which has a capacity of 1.4 million gallons per day (mgd). Based on projections in the City's Wastewater Master Plan, the WWTP is currently operating at 1.2 mgd.[19] However, operation of the proposed project would not increase the demand for wastewater treatment due to no on-site water or sewer usage. Thus, a ***less-than-significant*** impact would occur.

d,e. Waste collection in the City of Live Oak is coordinated through a joint powers agreement with Yuba County. The Recology Ostrom Road Landfill in Yuba County is the primary destination for solid waste collected in Live Oak. The landfill is permitted to accept 3,000 tons of solid waste per day and has an estimated remaining capacity of 39,223,000 cubic yards (90 percent). The expected closure date of the facility is December 2066.[20]

Because the proposed project includes a truck parking lot and off-site roadway improvements, construction and operation of the proposed project would not result in increased solid waste generation beyond what has been previously anticipated for the site in the General Plan EIR. In addition, the project would be required to comply with all applicable provisions of Chapter 8.05, Refuse Collection and Disposal, of the LOMC. Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a ***less-than-significant*** impact related to solid waste would occur as a result of the proposed project.

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[19] City of Live Oak. *Wastewater Collection System Master Plan* [8-1]. November 2009.

[20] Cal Recycle. *SWIS Facility Detail: Recology Ostrom Road LF Inc. (58-AA-0011)*. Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/58-AA-0011. Accessed February 2020.

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

Discussion

a-d. According to the California Department of Forestry and Fire Protection (CAL FIRE), Fire and Resource Assessment Program, the project site is not located within or near a state responsibility area or lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ).[21] Therefore, the proposed project would not be subject to substantial risks or hazards related to wildfires, and ***no impact*** would occur.

[21] California Department of Forestry and Fire Protection. *Sutter County, Draft Fire Hazard Severity Zones in LRA*. October 3, 2007.

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

Discussion

a. As discussed in Section IV: Biological Resources, of this IS/MND, while the potential exists for nesting birds protected by the MBTA and special-status bats to occur on-site, Mitigation Measures IV-1 through IV-3 would ensure that impacts to special-status species would be less than significant. The project site is regularly disturbed due to the current use of the site as an orchard, and does not contain any known historic or prehistoric resources. Thus, implementation of the proposed project is not anticipated to have the potential to result in impacts related to historic or prehistoric resources. Nevertheless, Mitigation Measures V-1 and V-2 would ensure that in the event that historic or prehistoric resources are discovered within the project site during construction activities, such resources are protected in compliance with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Therefore, a ***less-than-significant*** impact would occur.

b. The proposed project in conjunction with other development within the City of Live Oak could incrementally contribute to cumulative impacts in the area. However, mitigation measures for all potentially significant project-level impacts identified for the proposed project in this IS/MND have been included that would reduce impacts to less-than-significant levels. In addition, the proposed project is consistent with the Live Oak 2030 General Plan land use and zoning designations for the site, and, thus, buildout of the site has been anticipated and included in the cumulative analysis conducted for the General Plan EIR. Any future development projects not previously anticipated by the General Plan EIR or other relevant environmental analysis conducted by the City of Live Oak would be required to undergo a separate environmental analysis and mitigate any project- or site-specific potential impacts, as necessary. Therefore, the proposed project would not have

any impacts that would be cumulatively considerable, and impacts would be ***less than significant***.

c. As described in this IS/MND, the proposed project would comply with all applicable Live Oak 2030 General Plan policies, LOMC standards, and other applicable local and State regulations. In addition, as discussed in Section III: Air Quality, Section IV: Biological Resources, Section V: Cultural Resources, Section VII: Geology and Soils, and Section XVIII: Tribal Cultural Resources, of this IS/MND, with implementation of all mitigation measures included herein, the proposed project would not cause substantial effects to human beings, including effects related to exposure to air pollutants, GHG emissions, hazardous materials, noise, and traffic. Therefore, the proposed project would result in a ***less-than-significant*** impact.

APPENDIX A

APPENDIX B

Bishop Avenue Truck Parking Project
Mitigation Monitoring Program

– April 2021

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Bishop Avenue Truck Parking Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Air Quality					
III. (a-b.)	Would the project conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatiavely 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?	*III-1. Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 39 percent NO_X reduction compared to the year 2021 California Air Resources Board (CARB) fleet average. The NO_X reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 3 were achieved by requiring Rubber Tired Dozers and Tractors/Loaders/Backhoes to be engine Tier 4.* *In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Clear signage regarding idling restrictions should be placed at the entrances to the construction site.* *Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment*	Community Development Department	Prior to approval of any grading plans and during construction activities. Included with any project plans submitted prior to issuance of building permits.	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Registration Program (PERP) placard and sticker issued by CARB. *Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Live Oak Community Development Department*			
Biological Resources					
IV-1a	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	*Swainson's Hawk* *IV-1. If construction, grading, or activities associated with the project would commence during the nesting season (February 1st to September 30th), focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys shall be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. Results of the pre-construction survey shall be submitted to the City of Live Oak Community Development Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.*	Qualified Biologist Community Development Department	Prior to construction, if construction would commence during the nesting season (February 1st to September 30th).	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		If active nests are found, a qualified biologist shall prepare an avoidance plan in consultation with CDFW that proposes measures to comply with the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any construction related activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code. *MBTA Protected Species* *IV-2. During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:* • *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and September 30, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of*	Qualified Biologist Community Development Deapartment	During construction of the proposed project (February 1st to September 30th)	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		development. The survey area shall cover all potential nesting habitat on-site and off-site up to a distance of 250 feet from the project boundary. The preconstruction survey results (including date, time of survey, survey method, name of surveyor and survey results) shall be submitted to the City of Live Oak Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary. • *If an active nest of a MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, a qualified biologist shall be retained to prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measures may include, but are not limited to, nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. The avoidance/protective measures shall be implemented prior to the commencement of construction within 250 feet of an identified nest.*			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Roosting Bats			
		IV-3. Within six months prior to initiation of any ground-disturbing activities, a qualified biologist with education and experience in bat biology and identification (Designated Bat Biologist) shall conduct a habitat assessment for potentially suitable bat habitat. If the habitat assessment reveals suitable bat habitat, then tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (from August 31 through October 15, a period prior to hibernation when young are self-sufficiently volant, and from March 1 to April 15, to avoid hibernating bats and prior to formation of maternity colonies.)	Qualified Biologist Community Development Deapartment	Within six months prior to initiation of any ground-disturbing activities	
		In addition, the project applicant shall implement the following measures prior to initiation of tree removal: • *A Designated Bat Biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of tree removal at the project site.* • *Survey results shall be submitted to the City of Live Oak Community Development Department. If active bat roosts are not found within the survey area, further mitigation is not required.* • *If active bat roosts are found, the Designated Bat Biologist shall establish a*		Prior to initiation of tree removal	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		no-disturbance buffer around the roost. The width of the buffer should be determined by the Designated Bat Biologist based on the bat species, specific site conditions, and level of disturbance. The buffer shall be maintained until the Designated Bat Biologist determines that the roost is no longer active. An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist and approved by the City of Live Oak Community Development Department. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.			
Cultural Resources					
V (b-c).	Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5, or disturb any human remains, including those interred outside of dedicated cemetaries?	*V-1. In the event of the accidental discovery or recognition of any human remains on the project site, the City shall be notified and further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur*	City of Live Oak Sutter County Coroner Native American Heritage Commission	Included in project Improvement Plans prior to the issuance of grading permits. During construction activities.	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		until the Sutter County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City. The potential exists that the Native American Heritage Commission may be unable to identify a most likely descendant, the most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner. In such a case, the landowner or their authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.			
		V-2. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities on the project site, the City shall be notified and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the find. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. A Native American representative and qualified archeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data	Native American Representitive The City of Live Oak	During subsurface earthwork activities on the project site	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines. *Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Live Oak, the North Central Information Center, and the State Historic Preservation Office (SHPO), as required.* *The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.*			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Geology and Soils					
VII (f).	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	*VII-1. Should construction or grading activities result in the discovery of unique paleontological resources, all work within the vicinity of the discovery shall cease. The Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist or paleontologist, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred.*	Community Development Department	During construction or grading activities.	
Tribal and Cultural Resources					
XIII (a,b).	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 5020.1(k), or a resource determined by the lead agency, in its	*XVIII-1. Implement Mitigation Measures V-1 and V-2*	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
	discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

Kevin Valente

From: Kevin Valente <kvalente@liveoakcity.org>
Sent: Friday, April 9, 2021 12:21 PM
To: Kevin Valente
Subject: Fw: Comments on the Bishop Avenue Truck Parking Project MND (SCH#2021030337)

From: Mulloy, Lauren@Wildlife <Lauren.Mulloy@wildlife.ca.gov>
Sent: Friday, April 9, 2021 12:18 PM
To: Kevin Valente <kvalente@liveoakcity.org>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; state.clearinghouse@opr.ca.gov <state.clearinghouse@opr.ca.gov>
Subject: Comments on the Bishop Avenue Truck Parking Project MND (SCH#2021030337)

Dear Mr. Valente:

RE: Bishop Avenue Truck Parking Project (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND) SCH# 2021030337

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Live Oak (the City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY
The proposed Project consists of the development of 4.52-acres of a 9.7-acre existing orchard into a semi-truck parking area. The parking area will include 80 13- by 75-foot gravel parking stalls, paved driveway, 80-foot hammerhead turnaround, 50-foot radius turnaround, and a 1.56-acre retention basin. The parking area and accesses will be surfaced with asphalt, cement, or other approved material. A new paved driveway entrance from Bishop Avenue will provide access to the Project site. The driveway approach will extend 20 feet south of the road right-of way. The proposed project includes off-site roadway improvements to Bishop Avenue to serve the proposed truck traffic and to comply with County standards. The off-site construction will include the widening of Bishop Avenue to 32 feet plus 3-foot gravel shoulders from the proposed driveway to SR 99 to the west (approximately 600 feet.) The existing on-site orchard trees surrounding the proposed parking area will remain to provide screening from the public right-of-way.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document or facilitate an effective environmental review process. Where CDFW recommends specific revisions to the MND, deletions are marked with a strikethrough (~~example~~) while additions are marked as underlined (example).

Comment 1: IV-1 revisions suggested to reduce potential impacts to Swainson's hawk to a less than significant level.
IV-1 describes preconstruction surveys for Swainson's hawk.
To address this concern, CDFW recommends the following revisions to IV-1:

~~A pre-construction nesting bird survey shall be conducted on-site within 15 days prior to construction~~ If construction, grading, or activities associated with the project would commence during the nesting season (February 1st to September 30th), focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys should be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. Results of the pre-construction survey shall be submitted to the City of Live Oak Community Development Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.
~~If Swainson's hawk are identified as nesting on the project site, a nondisturbance buffer of 75-feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until a qualified ornithologist has determined that the young have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.~~ If active nests are found, a qualified biologist shall prepare an avoidance plan in consultation with CDFW that proposes measures to comply with the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any construction related activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code.

Comment 2: IV-2 revisions suggested to reduce potential impacts to nesting birds to a less than significant level.
IV-2 describes preconstruction surveys for nesting migratory birds.
To address this concern, CDFW recommends revising IV-2 with the following language:

During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:
• If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and September 30, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of development. The survey area shall cover ~~the construction site and a 100-foot radius surrounding the construction site.~~ all potential nesting habitat on-site and off-site up to a distance of 250 feet from the project boundary. The preconstruction survey results (including date, time of survey, survey method, name of surveyor and survey results) shall be submitted to the City of Live Oak Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary.
•If an active nest of a MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, ~~or an injured or killed bird is found, the project applicant shall immediately:~~ , a qualified biologist shall be retained to prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measures may include, but are not limited to, nest-specific no disturbance buffers, biological monitoring, rescheduling

project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. The avoidance/protective measures shall be implemented prior to the commencement of construction within 250 feet of an identified nest.
~~o Stop all work within a 100-foot radius of the discovery.~~
~~o Notify the City of Live Oak Community Development Department.~~
~~o Do not resume work within the 100-foot radius until authorized by the biologist.~~
~~o The biologist shall establish a minimum 100-foot Environmentally Sensitive Area (ESA) around the nest. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.~~

Comment 3: IV-3 revisions suggested to improve mitigation for potential impacts to roosting bats.
IV-3 describes preconstruction surveys for roosting bats

To address this concern, CDFW recommends revising IV-3 with the following language:

CDFW recommends this mitigation measure be revised to state that a qualified biologist with education and experience in bat biology and identification (Designated Bat Biologist) will conduct a habitat assessment for potentially suitable bat habitat within six months of Project activities. If the habitat assessment reveals suitable bat habitat then tree trimming and/or tree removal should be only conducted during seasonal periods of bat activity (from August 31 through October 15, a period prior to hibernation when young are self-sufficiently volant, and from March 1 to April 15, to avoid hibernating bats and prior to formation of maternity colonies.)

The project applicant shall implement the following measures prior to initiation of tree removal:
• A Designated Bat Biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of tree removal at the project site.
• Survey results shall be submitted to the City of Live Oak Community Development Department. If active ~~maternity~~ bat roosts are not found within the survey area, further mitigation is not required.
• If active bat roosts are found, ~~the biologist shall identify a suitable construction-free buffer around the maternity roost.~~ the Designated Bat Biologist shall establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the Designated Bat Biologist based on the bat species, specific site conditions, and level of disturbance. The buffer shall be maintained until the Designated Bat Biologist determines that the roost is no longer active.
An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist and approved by the City of Live Oak Community Development Department. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.

ENVIRONMENTAL DATA
CEQA requires that information developed in environmental documents be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. The completed form can be sent electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this email or further coordination should be directed to Lauren Mulloy, Senior Environmental Scientist (Specialist) at 916-358-2909 or lauren.mulloy@wildlife.ca.gov.

Lauren Mulloy
Central Valley Flood Protection Plan
Senior Environmental Scientist (Specialist)

CALIFORNIA DEPARTMENT OF FISH and WILDLIFE

North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Office: (916) 358-2909

To report poachers and polluters please call 1-888-334-2258.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

ERRATA SHEET

INTRODUCTION

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Bishop Avenue Truck Parking Project (proposed project). The revisions to the IS/MND reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

CHANGES TO THE IS/MND

The Mitigation Measures included in the Biological Resources Section, starting on page 26 of the IS/MND, is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

Swainson's Hawk

IV-1. ~~*A pre-construction nesting bird survey shall be conducted on-site within 15 days prior to construction*~~ *If construction, grading, or activities associated with the project would commence during the nesting season (February 1st to September 30th), focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys shall be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. Results of the pre-construction survey shall be submitted to the City of Live Oak Community Development Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.*

~~*If Swainson's hawk are identified as nesting on the project site, a non-disturbance buffer of 75-feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until a qualified ornithologist has determined that the young have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.*~~

If active nests are found, a qualified biologist shall prepare an avoidance plan in consultation with CDFW that proposes measures to comply with

the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any construction related activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code.

MBTA Protected Species

IV-2. *During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:*

- *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and September 30, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of development. The survey area shall cover all potential nesting habitat on-site and off-site up to a distance of 250 feet from the project boundary. ~~the construction site and a 100-foot radius surrounding the construction site~~. The preconstruction survey results (including date, time of survey, survey method, name of surveyor and survey results) shall be submitted to the City of Live Oak Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary.*
- *If an active nest of a MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, a qualified biologist shall be retained to prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measures may include, but are not limited to, nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. The avoidance/protective measures shall be implemented prior to the commencement of construction within 250 feet of an identified nest. ~~or an injured or killed bird is found, the project applicant shall immediately:~~*
    - ~~*Stop all work within a 100-foot radius of the discovery.*~~
    - ~~*Notify the City of Live Oak Community Development Department.*~~
    - ~~*Do not resume work within the 100-foot radius until authorized by the biologist.*~~
    - ~~*The biologist shall establish a minimum 100-foot Environmentally Sensitive Area (ESA) around the nest. The ESA may be reduced if the biologist determines that*~~

~~a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.~~

Roosting Bats

IV-3. *Within six months prior to initiation of any ground-disturbing activities, a qualified biologist with education and experience in bat biology and identification (Designated Bat Biologist) shall conduct a habitat assessment for potentially suitable bat habitat. If the habitat assessment reveals suitable bat habitat, then tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (from August 31 through October 15, a period prior to hibernation when young are self-sufficiently volant, and from March 1 to April 15, to avoid hibernating bats and prior to formation of maternity colonies.)*

In addition, the project applicant shall implement the following measures prior to initiation of tree removal:

- *A ~~qualified~~ Designated Bat Biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of tree removal at the project site.*
- *Survey results shall be submitted to the City of Live Oak Community Development Department. If active ~~maternity~~ bat roosts are not found within the survey area, further mitigation is not required.*
- *If active bat roosts are found, the Designated Bat Biologist shall establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the Designated Bat Biologist based on the bat species, specific site conditions, and level of disturbance. The buffer shall be maintained until the Designated Bat Biologist determines that the roost is no longer active. ~~the biologist shall identify a suitable construction-free buffer around the maternity roost~~. An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist and approved by the City of Live Oak Community Development Department. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.*

The above changes are for clarification purposes only and do not alter the analysis or conclusions presented within the IS/MND.

California Department of Transportation

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April 20, 2021

GTS # 03-SUT-2021-00133
03-SUT-99 PM 38.977

Mr. Kevin Valente
Planning Director
The City of Live Oak
9955 Live Oak Blvd.
Live Oak, CA 95953

Bishop Avenue Truck Parking Project

Dear Mr. Kevin Valente:

Thank you for including the California Department of Transportation (Caltrans) in the review of the Initial Study/Mitigated Negative Declaration (IS/MND) for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

As a reference, State Route (SR) 99 in the project area is a two-lane conventional highway. The Average Daily Traffic (ADT) for this segment is 20,400 vehicles, with peak hour volumes of 1,800. The following comments are based on our review of the IS/MND:

Traffic Operations (Highway Operations)
The approved SR 99 Transportation Concept Report identifies the ultimate concept for SR 99 as a four-lane facility, for which widening will be necessary. We request as a condition of approval that the project dedicate right of way for when conditions require this portion of SR 99 to be widened to four lanes.

We are further concerned that the potential generation of truck traffic and the inclusion of 80 truck parking spaces could exacerbate conditions at the location of the SR99/Bishop Avenue intersection, with further impacts occurring upstream and

downstream of the intersection. Please provide a Transportation Analysis Report (TAR) that includes a signal warrant analysis and discusses the safety impacts from the increase in truck traffic. Additional information on the necessary elements of the safety analysis appears below.

The TAR should indicate the types of trucks anticipated at the site. Also, please note that Bishop Avenue is not Surface Transportation Assistance Act (STAA) Terminal Access (TA) route. If STAA vehicles are anticipated, the TAR must include truck turning templates to verify adequate access is available. A STAA TA application will be required from the County prior to STAA vehicles accessing the site from Bishop Avenue. Please note that the combined new vehicular trip may represent an increment to cumulative impacts to the SR 99/Bishop Avenue intersection. The site plan should make accommodations for the future SR 99 widening identified above, and the project driveway location, building pad, utilities and other appurtenances should take this widening into account.

Traffic Safety

In addition to the elements of the TAR described above, the TAR must also discuss truck trips, expected direction on travel for ingress/egress and the primary hours that trucks will ingress or egress to or from the site at SR 99. We expect that a right turn deceleration lane will be required for this project along northbound SR 99. Our rationale is that such a deceleration lane was necessary for the Paseo Road truck parking area to the south, with that project expecting 35 truck trips weekly. A westbound, Bishop Avenue to northbound SR 99 acceleration lane may also be required dependent on trucking flow upon departure. Please note, Caltrans has adopted the 4 Pillars of Traffic Safety as a standard business practice. This requires evaluation of FHWA Safety Countermeasures, the Safe Systems approach, use of Intelligent devices and the evaluation of Equity. This also requires the use of the Highway Safety Manual for collision prediction modeling. A project under the Highway Safety Improvement Program project at SR 99 and Oswald Road provides a basis to determine that additional evaluation of this location for other improvements, such as signage, intersection warning systems, etc. will be required once the TAR is submitted. This basis is established where the primary collision pattern at SR 99/Oswald Road is truck related access to SR 99 due to adjacent truck parking areas.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Darleen Mendez, Intergovernmental Review Coordinator for Sutter County, by phone at (530) 741-4057 or via email at darleen.mendez@dot.ca.gov.

Sincerely,

Gary Arnold, Branch Chief
Transportation Planning – North

December 9, 2021

Ms. Megane Browne-Allard, Marketing Director
RANEY PLANNING & MANAGEMENT
1501 Sports Drive
Sacramento, CA 95834

RE: BISHOP AVENUE TRUCK PARKING PROJECT, LIVE OAK, CA: TRAFFIC OPERATIONAL ASSESSMENT

Dear Ms. Browne-Allard:

Thank you for contacting our firm regarding the Bishop Avenue Truck Parking project in Live Oak, CA. As we understand the proposed project will provide parking for up to 80 tractor-trailer combinations on a site located on the south side of Bishop Avenue east of its intersection with State Route 99 (SR 99). Bishop Avenue is not currently a designated truck route, and the project includes widening Bishop Avenue for about 600 feet from the project to SR 99. The project would generally provide parking for trucks already using SR 99.

Caltrans and the City of Live Oak have reviewed the project, and while a full transportation impact analysis is not required, Caltrans District 3 has raised questions to be resolved in a focused Traffic Analysis Report (TAR). There are a few questions that would be addressed by this focused assessment. These include:

1. What types of trucks will be using the site, and if STAA trucks are anticipated, is the route to and from SR 99 legally adequate for these vehicles?
2. At what time and in what number will trucks will be leaving and arriving at the proposed facility daily?
3. What are the effects of project truck traffic, and are SR 99 / Bishop Avenue improvements justified?

BACKGROUND INFORMATION

Existing Traffic Operating Conditions

SR 99 / Bishop Avenue Traffic Volumes. Caltrans reports that State Route 99 (SR 99) carried an Annual Average Daily Traffic (AADT) volume of 20,400 (2019) / 20,800 (2020) vehicles per day in the area of the proposed project. Of that total, trucks comprise 9.2% of the daily volumes.

The ***SR 99 / Bishop Avenue intersection*** was observed on Tuesday October 19, 2021 during the typical morning (i.e., 7:00 to 9:00 a.m.) and evening (i.e., 4:00 to 6:00 p.m.) peak commute traffic hours. The number of trucks and automobiles already on Bishop Avenue are noted in the attached counts, along with automobile traffic on SR 99. Those counts indicated that Bishop Avenue carried a total of 39 vehicles in the a.m. peak hour and 21 vehicles during the p.m. peak hour. Of these totals there was 1 "heavy trucks" (i.e., larger than SU trucks) in the a.m. peak hour and none in the p.m. peak hour. It is recognized that truck traffic on Live Oak streets may vary seasonably, and additional trucks could use Bishop Avenue during the agricultural harvest season. There were 152 and 86 heavy trucks on mainline SR 99 during the a.m. peak hour and the p.m. peak hour, respectively. These truck counts were 10% and 5.3% of the total traffic through the intersection at those times, which is generally consistent with the Annual Average Daily Traffic Truck (AADTT) percentage on the highway in this area.

Current Intersection Layout. The SR 99 / Bishop Avenue intersection is a "Tee" controlled by a stop sign on the westbound Bishop Avenue approach. SR 99 has been improved in the area south of Live Oak to include southbound left turn lanes and wide shoulders at intersections, and in this case a 150-foot long lane with 120 foot bay taper is available. This design is similar to that at the Paseo Road, MacDonald Avenue, Cutting Avenue, Clark Road and Kent Avenue intersections. Under Caltrans guidelines (HDM Table 405.2B), this combination of turn lane and bay taper allows deceleration to a stop from 35 mph, and the turn lane could accommodate five automobiles or a truck-trailer combination and a passenger vehicle simultaneously.

Truck Turning Requirements. Truck traffic is permitted on state highways and City of Live Oak streets with some restrictions. Large trucks (53-foot trailers) are allowed on mainline SR 99 under the Surface Transportation Authorization Act (STAA), but such vehicles are not permitted on intersecting Sutter County roads or City streets unless specifically designated for their use by Caltrans and the local agency through evaluation of truck turning requirements. In this case although the City of Live Oak has required that Bishop Avenue be improved to a 32 foot pavement width between SR 99 and the project access to accommodate trucks, STAA trucks are not allowed.

The path of trucks through the SR 99 / Bishop Avenue intersection has been assessed using AUTOTURN CAD software and recent Google Earth Pro photography, and resulting truck turning exhibits are attached. As indicated, the path of STAA trucks would approach but not exceed the existing edge of pavement. If additional detail is required to process an application for STAA Terminal designation, then a formal survey of the roadway and its edge of pavement may be required.

Traffic Signal Warrants. The extent to which current traffic volumes may indicate that a traffic signal could already be justified has been determined based on review of Manual of Uniform Traffic Control Devices (MUTCD) warrants. In this case Warrant 3, peak hour volume, was employed. Today current peak hour traffic volumes do not reach the level that satisfies traffic signal warrants.

KDA

Project Travel Characteristics

Type of Operation. The operational characteristics of the project have been identified in terms of the amount of truck activity and the time periods of that travel. Typically, trucking operations fall into two categories: "Long haul" or "Local distribution or agricultural harvesting / processing support". For long haul trucks the typical routine sees drivers away from the site for extended periods of time. Most trucks return to the site on Friday and leave early Sunday or Monday, and most drivers try to operate outside peak traffic hours. During the week some trucks may come and go for inspection or maintenance or if the drivers have to come home during the week. Alternatively, local based trucking typically leaves the site each weekday and returns that afternoon /evening. In each case, a driver would travel by automobile to and from the site before beginning or ending his trips. Some of the truck drivers would park their personal auto at the site and others woud be dropped off.

Trip Generation. The projects trip generation was estimated based on available resources and our understanding of the characteristics of these uses. We have assumed that ½ of the trucks are long haul and the other ½ are local.

Long haul truck trip generation rates were developed from 24-hr truck traffic counts at a large (440 spaces) truck parking area in Yuba City. That site generated 334 total truck trips (143 in and 191 out) on a Thursday, or 7.6 daily truck trips per 10 spaces. It was assumed that drivers would generate automobile trips at the same time that trucks entered and exited and that ½ of the drivers would be dropped off / picked up.

For local trucks it was assumed that all would move to and from the site each day, or 20 daily truck trips per 10 spaces. Typically, much local truck activity begins in the morning before the typical commute hour, and trucks return outside of the p.m. peak hour. For this analysis we have assumed that 1/3 of the local trucks will travel to and from the site during peak hour, and that ½ of the drivers will be dropped off / picked up.

The project results in the peak hour trip generation forecasts presented in Table 1. As shown, 38 trips are projected in the a.m. and p.m. peak hours, with most of that traffic associated with local daily hauling.

KDA

TABLE 1
PROJECT TRIP GENERATION

Unit	Unit	Quantity	Trucks			Automobiles			Total		
			In	Out	Total	In	Out	Total	In	Out	Total
A.M. Peak Hour											
Long Haul	10 spaces	1	8%	92%	0.55	64%	36%	0.82	42%	58%	1.36
Proposed		4	0	2	2	2	1	3	2	3	5
Local Haul	10 spaces	1	0%	100%	3.33	67%	33%	5.00	40%	60%	8.33
Proposed		4	0	13	13	13	7	20	13	20	33
Total – 80 spaces			**0**	**15**	**15**	**15**	**8**	**23**	**15**	**23**	**38**
P.M. Peak Hour											
Long Haul	10 spaces	1	71%	29%	0.55	43%	57%	0.82	54%	46%	1.36
Proposed		4	2	0	2	1	2	3	3	2	5
Local Haul	10 spaces	1	100%	0%	3.33	33%	67%	5.00	60%	40%	8.33
Proposed		4	13	0	13	7	13	20	20	13	33
Total – 80 spaces			**15**	**0**	**15**	**8**	**15**	**23**	**23**	**15**	**38**

KDA

Project Effects

Traffic Signal Warrants. Table 2 presents current and plus project traffic approach volumes at the SR 99 / Bishop Avenue intersection and uses that data to determine whether MUTCD peak hour traffic signal warrants may be satisfied. As indicated, while the volume of traffic on SR 99 is substantial, the approach volumes on Bishop Avenue (minor volume) fall below the level that satisfies peak hour warrants on highways with a design speed that is greater than 40 mph.

TABLE 2
PEAK HOUR TRAFFIC SIGNAL WARRANTS

Location	Time Period	Existing			Existing Plus Project		
		Major Volume	Minor Volume[1]	Warrant Met?	Major Volume	Minor Volume[1]	Warrant Met?
SR 99 / Bishop Avenue	AM	1,478	27	No	1,693	50	No
	PM	1,601	15	No	1,624	30	No

[1] minimum minor street approach volume is 75 vph for roads >40 mph

STAA Trucks. While many of the trucks at the site may be classified as California Legal, and do not require additional approvals, trucks permitted under the Surface Transportation Authorization Act (STAA) are also planned by the project proponents. To allow STAA trucks the portion of Bishop Avenue from SR 99 to the site would need to be designated an STAA Terminal Route. Gaining that designation requires documentation of the ability of the SR 99 / Bishop Avenue intersection and project access on Bishop Avenue to accommodate the turning requirements of STAA trucks. The path of trucks at the site access has been plotted, and the results are attached. As shown, both routes are feasible, but a truck making a right turn into the site would take up the entire width of the driveway, including the area used by outbound vehicles. This is common practice in low traffic volume areas where inbound trucks can pause at the entrance and wait for any occasional outbound traffic to clear without interfering with through traffic. The turning radius would need to be larger if it was necessary to ensure that an inbound truck avoided the outbound lane.

Conclusions. The current layout of the SR 99 / Bishop Avenue intersection can accommodate the additional traffic associated with the project without the need for a traffic signal. The layout of the intersection provides a standard left turn lane and shoulder treatment for trucks, and the intersection appears to satisfy STAA truck turning requirements based on available aerial photography. No improvements are required. The site access can accommodate entering trucks by using the full width of the driveway, which should be acceptable in this area of low background traffic volume.

KDA

Thank you again for contacting our firm. Please feel free to call me if you have any questions.

Sincerely Yours,

KD Anderson & Associates, Inc.

Kenneth D. Anderson, P.E.
President

Attachments: traffic count, truck turn plots

Bishop Avenue Truck Assessment.ltr

KDA

Prepared by National Data & Surveying Services

Live Oak Blvd/Golden State Hwy & Bishop Ave

Peak Hour Turning Movement Count

ID: 21-070188-001
City: Live Oak

Day: Tuesday
Date: 10/19/2021

PEAK HOURS		COUNT PERIODS
AM	07:15 AM - 08:15 AM	07:00 AM - 09:00 AM
NOON	NONE	NONE
PM	04:45 PM - 05:45 PM	04:00 PM - 06:00 PM

Live Oak Blvd/Golden State Hwy – SOUTHBOUND

	U-turn	Left	Thru	Right	Total (NB departing)
AM	0	828	2	1	644
NOON	0	0	0	0	0
PM	0	701	2	0	903
Lanes	0	1	1	0	

Bishop Ave – WESTBOUND

	Lanes	AM	NOON	PM
Right	0	4	0	9
Thru	1	0	0	0
Left	0	23	0	6
U-turn	0	0	0	0
Departing		12	0	6

Bishop Ave – EASTBOUND

	Lanes	AM	NOON	PM
Departing		0	0	0
U-turn	0	0	0	0
Left	0	0	0	0
Thru	0	0	0	0
Right	0	0	0	0

Live Oak Blvd/Golden State Hwy – NORTHBOUND

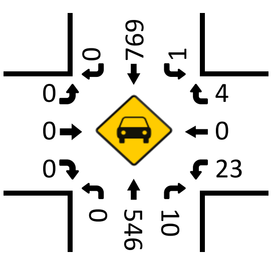
	Total (SB departing)	U-turn	Left	Thru	Right
Lanes		0	0	2	0
PM	707	0	0	894	4
NOON	0	0	0	0	0
AM	851	0	0	639	10

CONTROL

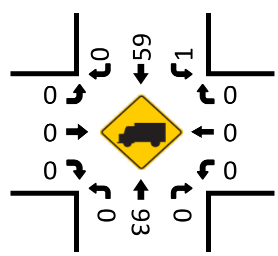
1-Way Stop (WB)

	AM	NOON	PM
TEV	1507	0	1616
PHF	0.95		0.93

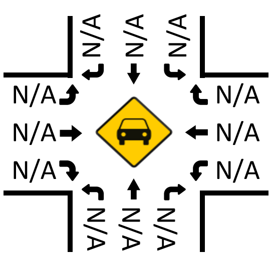
Cars (AM)



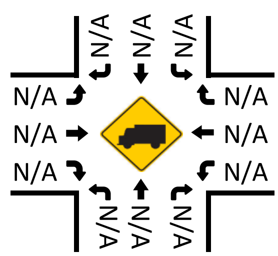
HT (AM)



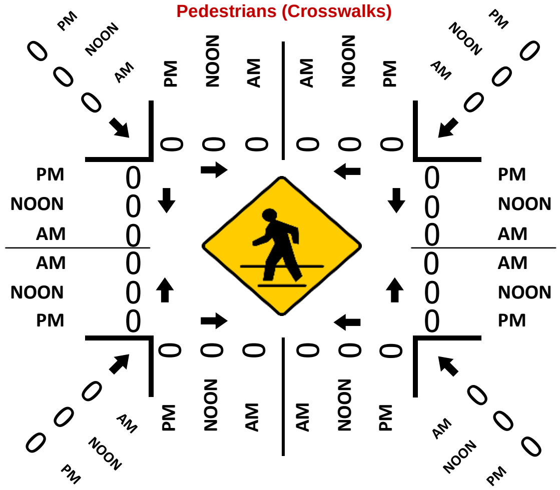
Cars (NOON)



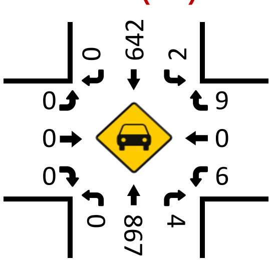
HT (NOON)



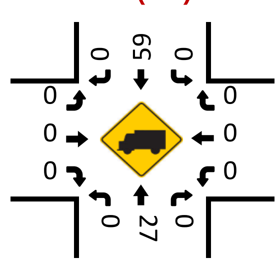
Pedestrians (Crosswalks)



Cars (PM)



HT (PM)



National Data & Surveying Services

Intersection Turning Movement Count

Location: Live Oak Blvd/Golden State Hwy & Bishop Ave
City: Live Oak
Control: 1-Way Stop (WB)

Project ID: 21-070188-001
Date: 10/19/2021

Total

NS/EW Streets:	Live Oak Blvd/Golden State Hwy				Live Oak Blvd/Golden State Hwy				Bishop Ave				Bishop Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
7:00 AM	0	141	1	0	0	168	0	0	0	0	0	0	2	0	0	0	312
7:15 AM	0	162	1	0	1	214	0	0	0	0	0	0	3	0	1	0	382
7:30 AM	0	159	3	0	1	225	0	0	0	0	0	0	8	0	1	0	397
7:45 AM	0	160	3	0	0	207	0	0	0	0	0	0	7	0	0	0	377
8:00 AM	0	158	3	0	0	182	0	1	0	0	0	0	5	0	2	0	351
8:15 AM	0	169	0	0	0	166	0	0	0	0	0	0	3	0	0	0	338
8:30 AM	0	143	1	0	2	151	0	0	0	0	0	0	3	0	1	0	301
8:45 AM	0	142	0	0	0	142	0	0	0	0	0	0	2	0	1	0	287
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	1234	12	0	4	1455	0	1	0	0	0	0	33	0	6	0	2745
APPROACH %'s :	0.00%	99.04%	0.96%	0.00%	0.27%	99.66%	0.00%	0.07%					84.62%	0.00%	15.38%	0.00%	
PEAK HR :	07:15 AM - 08:15 AM																TOTAL
PEAK HR VOL :	0	639	10	0	2	828	0	1	0	0	0	0	23	0	4	0	1507
PEAK HR FACTOR :	0.000	0.986	0.833	0.000	0.500	0.920	0.000	0.250	0.000	0.000	0.000	0.000	0.719	0.000	0.500	0.000	0.949
	0.995				0.919								0.750				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
4:00 PM	0	205	0	0	0	200	0	0	0	0	0	0	2	0	0	0	407
4:15 PM	0	211	1	0	0	195	0	0	0	0	0	0	0	0	0	0	407
4:30 PM	0	203	1	0	1	181	0	0	0	0	0	0	4	0	0	0	390
4:45 PM	0	224	1	0	0	171	0	0	0	0	0	0	2	0	0	0	398
5:00 PM	0	202	2	0	0	172	0	0	0	0	0	0	0	0	3	0	379
5:15 PM	0	247	0	0	1	182	0	0	0	0	0	0	1	0	4	0	435
5:30 PM	0	221	1	0	1	176	0	0	0	0	0	0	3	0	2	0	404
5:45 PM	0	176	4	0	0	169	0	0	0	0	0	0	3	0	1	0	353
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	1689	10	0	3	1446	0	0	0	0	0	0	15	0	10	0	3173
APPROACH %'s :	0.00%	99.41%	0.59%	0.00%	0.21%	99.79%	0.00%	0.00%					60.00%	0.00%	40.00%	0.00%	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL
PEAK HR VOL :	0	894	4	0	2	701	0	0	0	0	0	0	6	0	9	0	1616
PEAK HR FACTOR :	0.000	0.905	0.500	0.000	0.500	0.963	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.563	0.000	0.929
	0.909				0.960								0.750				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Live Oak Blvd/Golden State Hwy & Bishop Ave
City: Live Oak
Control: 1-Way Stop (WB)

Project ID: 21-070188-001
Date: 10/19/2021

Cars

NS/EW Streets:	Live Oak Blvd/Golden State Hwy				Live Oak Blvd/Golden State Hwy				Bishop Ave				Bishop Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
7:00 AM	0	128	1	0	0	157	0	0	0	0	0	0	2	0	0	0	288
7:15 AM	0	140	1	0	0	202	0	0	0	0	0	0	3	0	1	0	347
7:30 AM	0	136	3	0	1	211	0	0	0	0	0	0	8	0	1	0	360
7:45 AM	0	139	3	0	0	186	0	0	0	0	0	0	7	0	0	0	335
8:00 AM	0	131	3	0	0	170	0	1	0	0	0	0	5	0	2	0	312
8:15 AM	0	150	0	0	0	151	0	0	0	0	0	0	3	0	0	0	304
8:30 AM	0	128	1	0	2	133	0	0	0	0	0	0	3	0	1	0	268
8:45 AM	0	118	0	0	0	112	0	0	0	0	0	0	2	0	0	0	232
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	1070	12	0	3	1322	0	1	0	0	0	0	33	0	5	0	2446
APPROACH %'s :	0.00%	98.89%	1.11%	0.00%	0.23%	99.70%	0.00%	0.08%					86.84%	0.00%	13.16%	0.00%	
PEAK HR :	07:15 AM - 08:15 AM																TOTAL
PEAK HR VOL :	0	546	10	0	1	769	0	1	0	0	0	0	23	0	4	0	1354
PEAK HR FACTOR :	0.00	0.975	0.833	0.000	0.250	0.911	0.000	0.250	0.000	0.000	0.000	0.000	0.719	0.000	0.500	0.000	0.940
	0.979				0.909								0.750				

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
4:00 PM	0	190	0	0	0	187	0	0	0	0	0	0	2	0	0	0	379
4:15 PM	0	198	1	0	0	169	0	0	0	0	0	0	0	0	0	0	368
4:30 PM	0	191	1	0	1	162	0	0	0	0	0	0	4	0	0	0	359
4:45 PM	0	214	1	0	0	149	0	0	0	0	0	0	2	0	0	0	366
5:00 PM	0	194	2	0	0	160	0	0	0	0	0	0	0	0	3	0	359
5:15 PM	0	242	0	0	1	169	0	0	0	0	0	0	1	0	4	0	417
5:30 PM	0	217	1	0	1	164	0	0	0	0	0	0	3	0	2	0	388
5:45 PM	0	171	3	0	0	159	0	0	0	0	0	0	3	0	0	0	336
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	1617	9	0	3	1319	0	0	0	0	0	0	15	0	9	0	2972
APPROACH %'s :	0.00%	99.45%	0.55%	0.00%	0.23%	99.77%	0.00%	0.00%					62.50%	0.00%	37.50%	0.00%	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL
PEAK HR VOL :	0	867	4	0	2	642	0	0	0	0	0	0	6	0	9	0	1530
PEAK HR FACTOR :	0.00	0.896	0.500	0.000	0.500	0.950	0.000	0.000	0.000	0.000	0.000	0.000	0.500	0.000	0.563	0.000	0.917
	0.900				0.947								0.750				

National Data & Surveying Services

Intersection Turning Movement Count

Location: Live Oak Blvd/Golden State Hwy & Bishop Ave
City: Live Oak
Control: 1-Way Stop (WB)

Project ID: 21-070188-001
Date: 10/19/2021

HT

NS/EW Streets:	Live Oak Blvd/Golden State Hwy				Live Oak Blvd/Golden State Hwy				Bishop Ave				Bishop Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
7:00 AM	0	13	0	0	0	11	0	0	0	0	0	0	0	0	0	0	24
7:15 AM	0	22	0	0	1	12	0	0	0	0	0	0	0	0	0	0	35
7:30 AM	0	23	0	0	0	14	0	0	0	0	0	0	0	0	0	0	37
7:45 AM	0	21	0	0	0	21	0	0	0	0	0	0	0	0	0	0	42
8:00 AM	0	27	0	0	0	12	0	0	0	0	0	0	0	0	0	0	39
8:15 AM	0	19	0	0	0	15	0	0	0	0	0	0	0	0	0	0	34
8:30 AM	0	15	0	0	0	18	0	0	0	0	0	0	0	0	0	0	33
8:45 AM	0	24	0	0	0	30	0	0	0	0	0	0	0	0	1	0	55
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	164	0	0	1	133	0	0	0	0	0	0	0	0	1	0	299
APPROACH %'s :	0.00%	100.00%	0.00%	0.00%	0.75%	99.25%	0.00%	0.00%					0.00%	0.00%	100.00%	0.00%	
PEAK HR :	07:15 AM - 08:15 AM																TOTAL
PEAK HR VOL :	0	93	0	0	1	59	0	0	0	0	0	0	0	0	0	0	153
PEAK HR FACTOR :	0.000	0.861	0.000	0.000	0.250	0.702	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.911
	0.861				0.714												

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
4:00 PM	0	15	0	0	0	13	0	0	0	0	0	0	0	0	0	0	28
4:15 PM	0	13	0	0	0	26	0	0	0	0	0	0	0	0	0	0	39
4:30 PM	0	12	0	0	0	19	0	0	0	0	0	0	0	0	0	0	31
4:45 PM	0	10	0	0	0	22	0	0	0	0	0	0	0	0	0	0	32
5:00 PM	0	8	0	0	0	12	0	0	0	0	0	0	0	0	0	0	20
5:15 PM	0	5	0	0	0	13	0	0	0	0	0	0	0	0	0	0	18
5:30 PM	0	4	0	0	0	12	0	0	0	0	0	0	0	0	0	0	16
5:45 PM	0	5	1	0	0	10	0	0	0	0	0	0	0	0	1	0	17
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	72	1	0	0	127	0	0	0	0	0	0	0	0	1	0	201
APPROACH %'s :	0.00%	98.63%	1.37%	0.00%	0.00%	100.00%	0.00%	0.00%					0.00%	0.00%	100.00%	0.00%	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL
PEAK HR VOL :	0	27	0	0	0	59	0	0	0	0	0	0	0	0	0	0	86
PEAK HR FACTOR :	0.00	0.675	0.000	0.000	0.000	0.670	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.672
	0.675				0.670												

National Data & Surveying Services

Intersection Turning Movement Count

Location: Live Oak Blvd/Golden State Hwy & Bishop Ave
City: Live Oak
Control: 1-Way Stop (WB)

Project ID: 21-070188-001
Date: 10/19/2021

Bikes

NS/EW Streets:	Live Oak Blvd/Golden State Hwy				Live Oak Blvd/Golden State Hwy				Bishop Ave				Bishop Ave				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APPROACH %'s :																	
PEAK HR :	07:15 AM - 08:15 AM																TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PEAK HR FACTOR :	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	

PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	0	2	0	0	1	1	0	0	0	0	0	0	0	1	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
TOTAL VOLUMES :	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APPROACH %'s :																	
PEAK HR :	04:45 PM - 05:45 PM																TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PEAK HR FACTOR :	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	

National Data & Surveying Services

Intersection Turning Movement Count

Location: Live Oak Blvd/Golden State Hwy & Bishop Ave
City: Live Oak

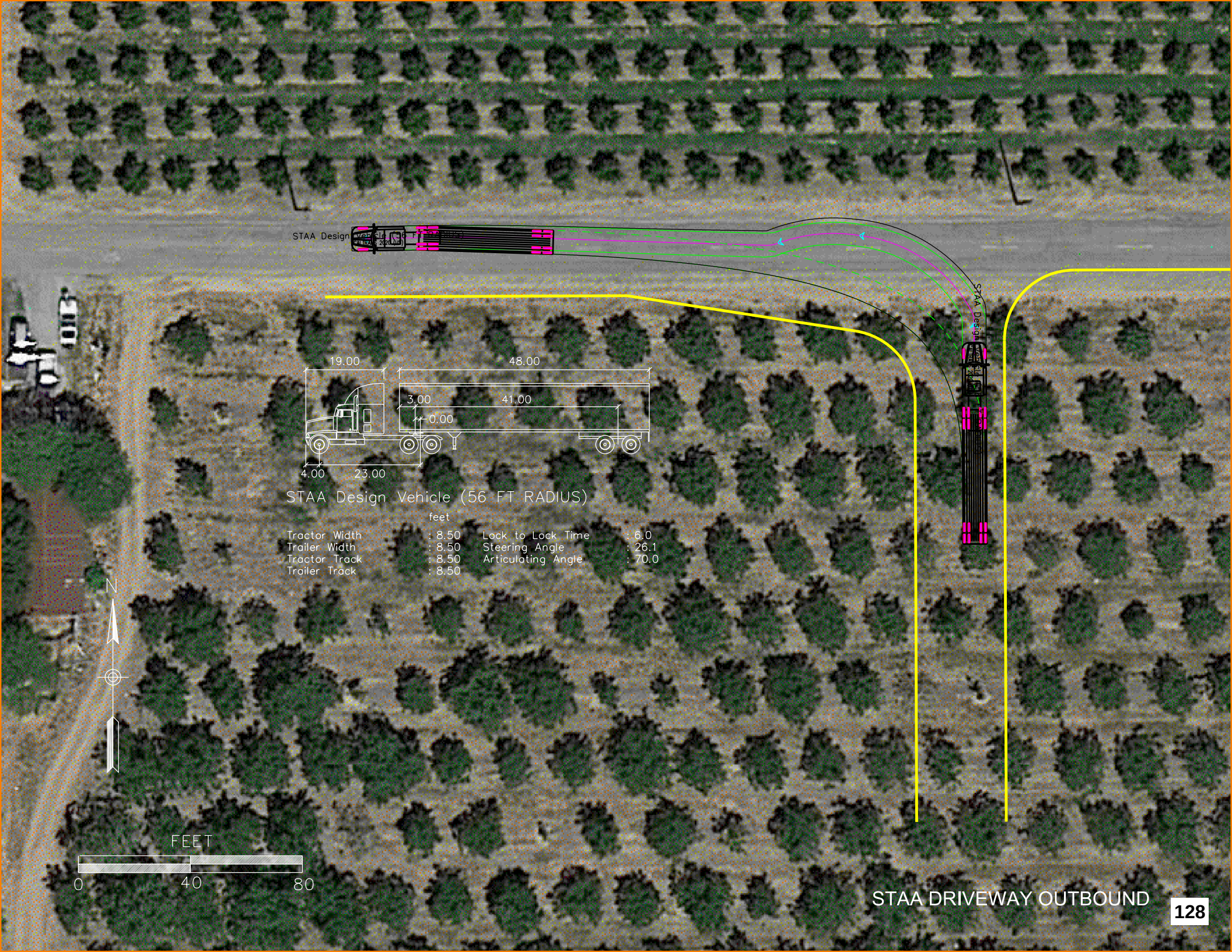
Project ID: 21-070188-001
Date: 10/19/2021

Pedestrians (Crosswalks)

NS/EW Streets:	Live Oak Blvd/Golden State Hwy		Live Oak Blvd/Golden State Hwy		Bishop Ave		Bishop Ave		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
7:00 AM	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
TOTAL VOLUMES :	0	0	0	0	0	0	0	0	0
APPROACH %'s :									
PEAK HR :	**07:15 AM - 08:15 AM**								TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0	0	0
PEAK HR FACTOR :									

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
4:00 PM	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0
	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
TOTAL VOLUMES :	0	0	0	0	0	0	0	0	0
APPROACH %'s :									
PEAK HR :	**04:45 PM - 05:45 PM**								TOTAL
PEAK HR VOL :	0	0	0	0	0	0	0	0	0
PEAK HR FACTOR :									

STAA Design Vehicle (56 FT RADIUS)
CALTRANS 2020 (US)
19.00
48.00
3.00
41.00
0.00
4.00
23.00
STAA Design Vehicle (56 FT RADIUS)
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.1
Articulating Angle : 70.0
N
FEET
0
40
80
STAA DRIVEWAY INBOUND


STAA Design Vehicle (56 FT RADIUS)
19.00
48.00
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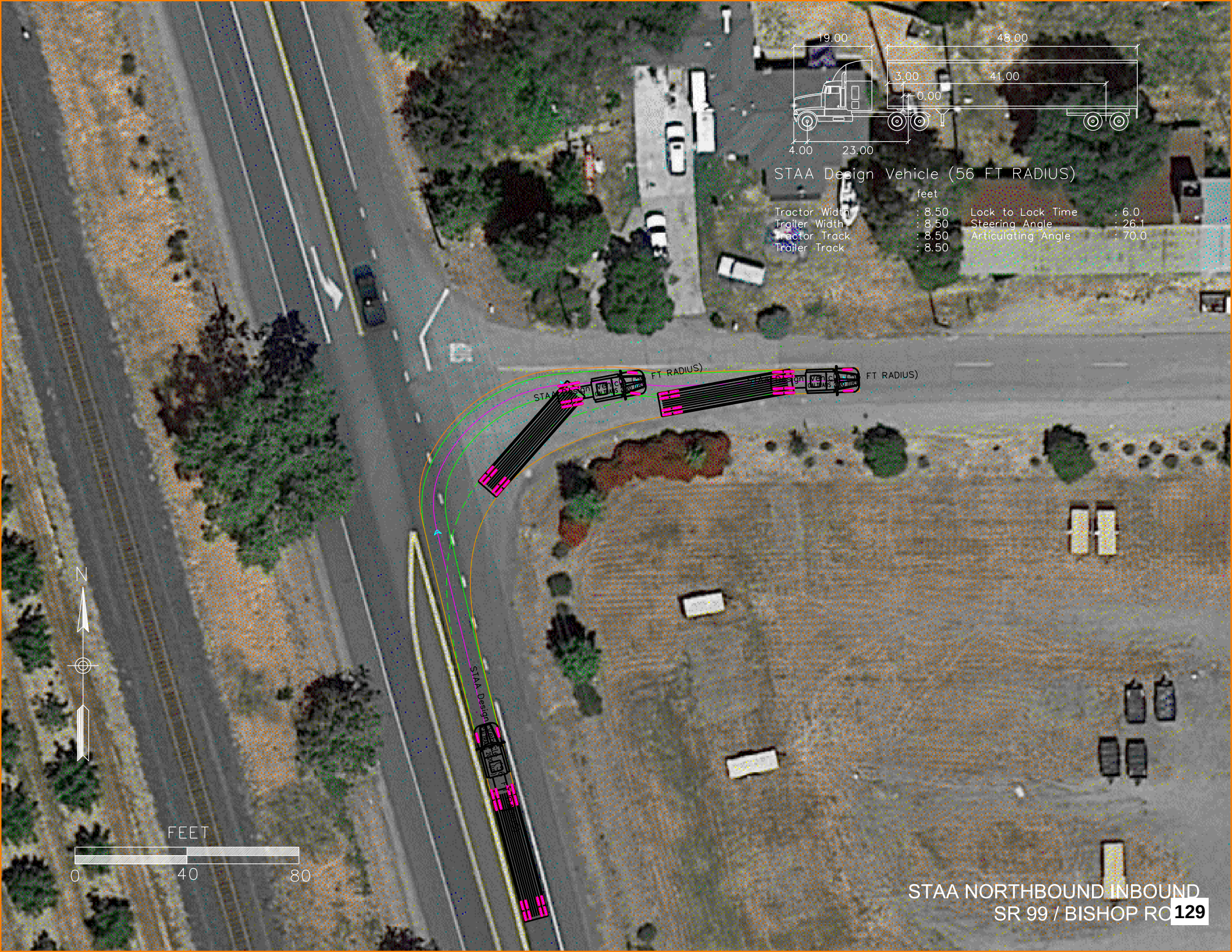
STAA Design Vehicle (56 FT RADIUS)
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.1
Articulating Angle : 70.0
N
FEET
0
40
80
STAA DRIVEWAY OUTBOUND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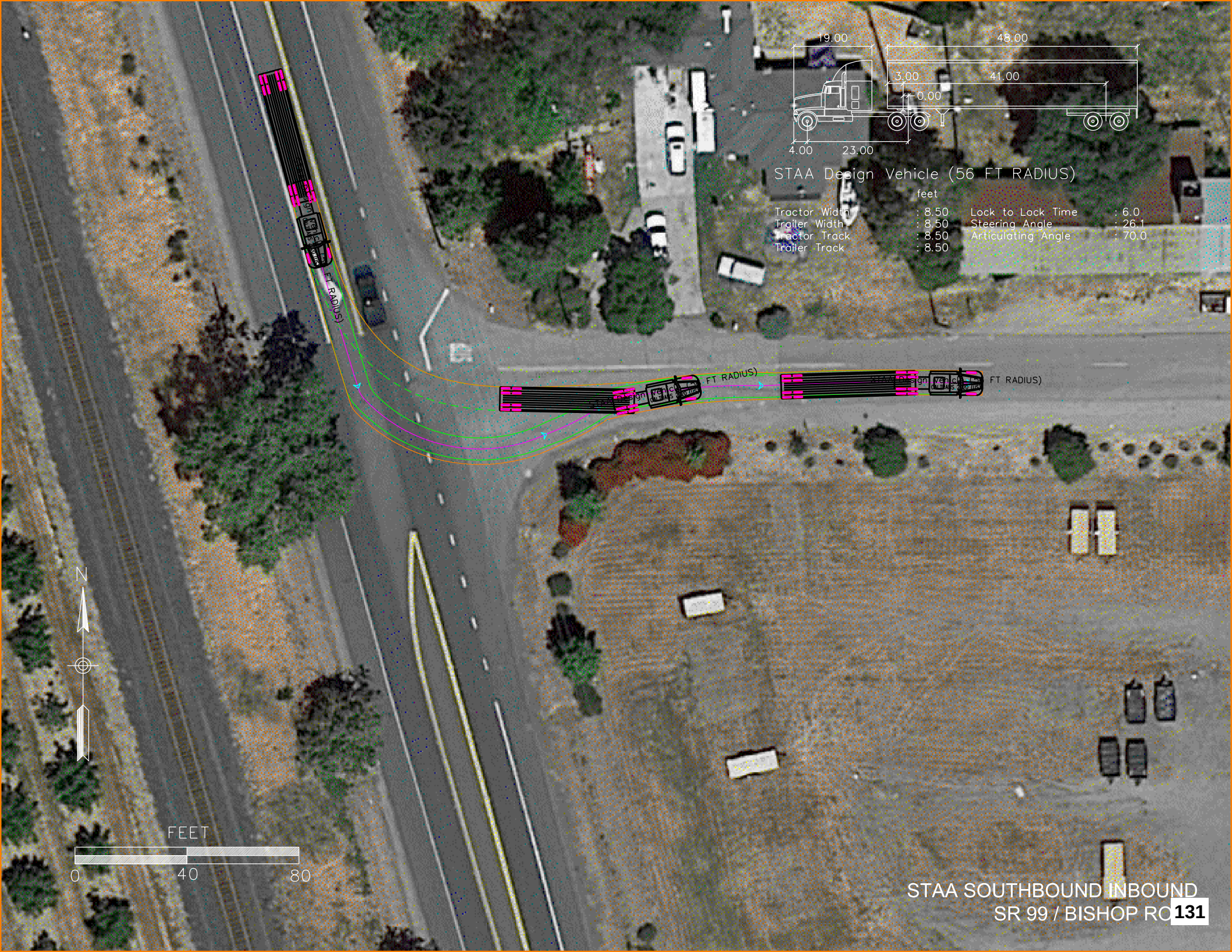
STAA Design Vehicle (56 FT RADIUS)
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.1
Articulating Angle : 70.0
FT RADIUS)
FT RADIUS)
STAA Design Vehicle
N
FEET
0
40
80
STAA NORTHBOUND INBOUND
SR 99 / BISHOP RO

19.00
48.00
3.00
41.00
0.00
4.00
23.00
STAA Design Vehicle (56 FT RADIUS)
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.1
Articulating Angle : 70.0
STAA Design Vehicle (56 FT RADIUS)
N
FEET
0
40
80
STAA NORTHBOUND OUTBOUND
SR 99 / BISHOP RO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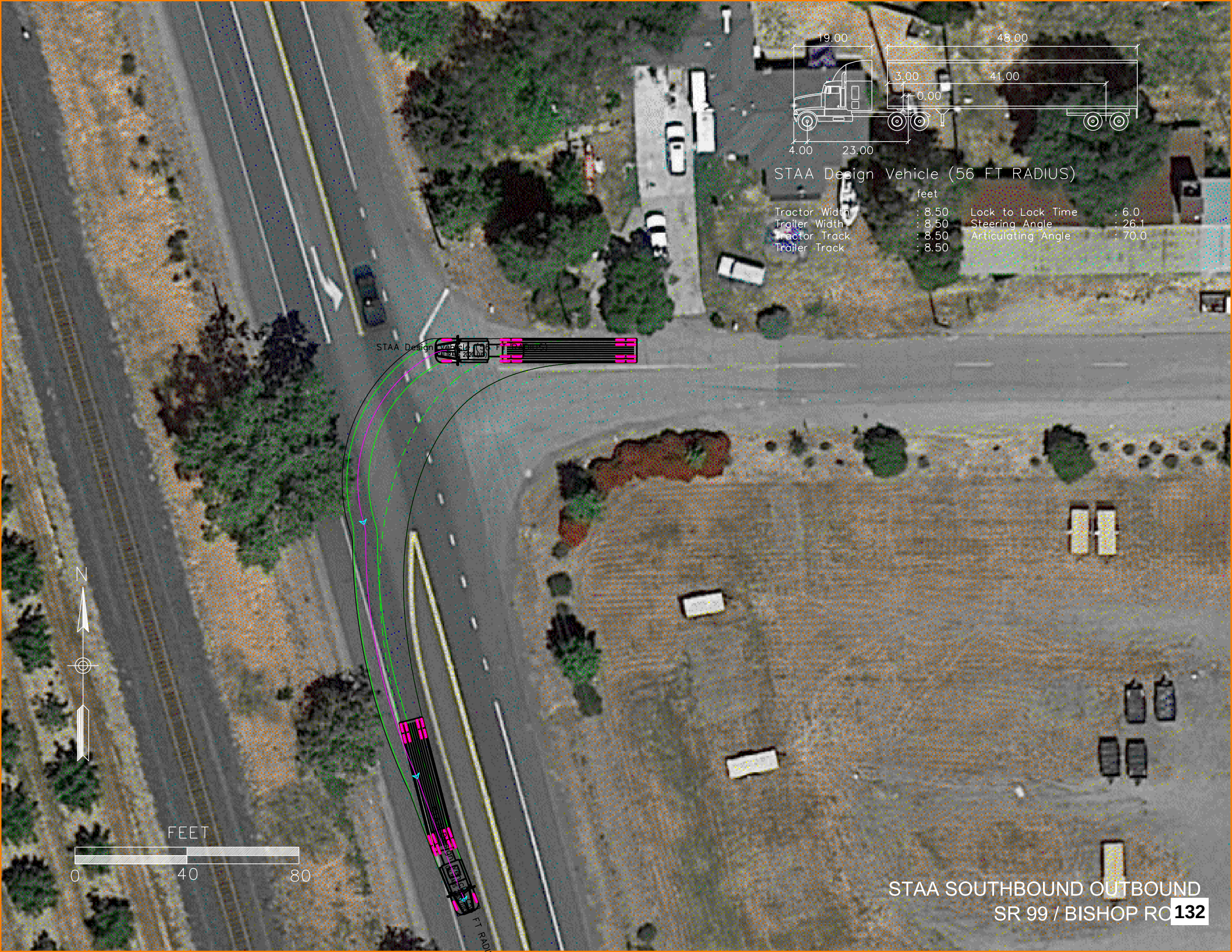
23.00
STAA Design Vehicle (56 FT RADIUS)
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.1
Articulating Angle : 70.0
FT RADIUS)
FT RADIUS)
FT RADIUS)
N
FEET
0
40
80
STAA SOUTHBOUND INBOUND
SR 99 / BISHOP RO



STAA SOUTHBOUND OUTBOUND
SR 99 / BISHOP RO

California Department of Transportation

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
(530) 821-8261 | FAX (530) 741-4245 TTY 711
www.dot.ca.gov

February 25, 2022 GTS # 03-SUT-2021-00133

Kevin Valente, AICP
Planning Director
The City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953

Bishop Avenue Truck Parking Project – Traffic Study

Dear Mr. Valente:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

This is a review of the traffic study for the Bishop Avenue Truck Parking Project. The project is located south of Bishop Avenue, between State Route (SR) 99 and Sinnard Avenue. The proposed project would develop 4.52 acres of the project site and would include 80 gravel truck parking stalls with an asphalt driveway at Bishop Avenue to serve existing truck traffic along SR 99. The proposed project also includes a 1.56-acre retention basin and the existing on-site orchards surrounding the proposed parking lot and retention basin would remain undisturbed. Based on the information received, Caltrans provides the following comments.

Highway Operations

The comments below provide additional information and/or clarification on the proposed project.

- The AutoTurn CAD template on page 18 shows the STAA Design Vehicle driving on the shoulder before correcting itself and getting back on the lane. This is based off the WB Bishop Avenue to SB SR 99 left turn maneuver. The SB shoulder where the STAA Design Vehicle is driving over needs to have the same structural section as mainline SR 99. Please include the full structural section for all portions

of the roadway being utilized by the STAA design vehicle. The structural section should be shown in the encroachment permit plans.

- The AutoTurn CAD template on page 16 shows the STAA Design Vehicle driving on the shoulder before correcting itself and getting back on the lane. This is the WB Bishop Ave to NB SR 99 maneuver. The AutoTurn CAD template appears to show the STAA Design Vehicle driving off pavement, which cannot be allowed. Please include the full structural pavement section for all portions of the roadway being utilized by the STAA design vehicle. The structural section will need to be shown in the encroachment permit plans.
- The AutoTurn CAD template on page 17 shows the STAA Design vehicle go from SB SR 99 to EB Bishop Avenue. It appears that the STAA Design Vehicle is driving over the shoulder. The portion of the shoulder that is being driven over needs to have the same structural section as for mainline SR 99. Please include the full structural section be provided for all portions of the roadway being utilized by the STAA design vehicle. The structural section should be shown in the encroachment permit plans.
- The applicant will need to coordinate with Sutter County to process a STAA Terminal Designation application. For more information on the process go to the link provided below. https://dot.ca.gov/programs/traffic-operations/legal-truck-access/ta-process

Encroachment Permit

Any project along or within the State's Right of Way (ROW) requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Satwinder Dhatt, Intergovernmental Review Coordinator for Sutter County, by phone (530) 821-8261 or via email at satwinder.dhatt@dot.ca.gov.

Sincerely,

Gary Arnold
Branch Chief, Transportation Planning – North
Planning, Local Assistance, and Sustainability
Caltrans District 3

Attachment 10

RESOLUTION NO. 2022-01
A RESOLUTION OF THE CITY OF LIVE OAK PLANNING COMMISSION APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE BISHOP AVENUE TRUCK PARKING PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

WHEREAS, the City received an application from Jaskaran Deol, for approval of an Initial Study/Mitigated Negative Declaration (IS/MND) and a Use Permit for the development of a truck parking lot (proposed project). The project site (9.7 acres) is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue, and is identified as Sutter County Assessor Parcel Number (APN) 06-800-007; and,

WHEREAS, the City prepared an IS/MND, to evaluate the potential environmental impacts of the project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, a draft IS/MND was circulated for a 30-day review period, with the public review period commencing on March 12, 2021 and ending on April 12, 2021; and

WHEREAS, two comment letters on the IS/MND were received during the public review period and in responding to the comments, a couple minor corrections were made to the IS/MND discussion. An Errata was prepared denoting these minor corrections and is included as Exhibit C to this Resolution. None of the changes result in modifications to the conclusions of the IS/MND and do no result in significant new information. Therefore, recirculation is not required;

WHEREAS, the Planning Commission has reviewed the IS/MND for this project, the public comments, and the Errata; and,

WHEREAS, the Planning Commission gave notice of public hearing as required by law; and

WHEREAS, on _____, 2022, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary approving the Final IS/MND, Mitigation Monitoring Program (MMP), and Errata. The Final IS/MND, MMP, and Errata are attached as Exhibit A, Exhibit B, and Exhibit C to this Resolution respectively.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, as follows:

1. The foregoing recitals are true and correct.

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2. The City of Live Oak Planning Commission hereby FINDS, on the basis of the whole record before it (including the Initial Study) that:

    a. The City of Live Oak exercised overall control and direction over the CEQA review for the project, including the preparation of the Final IS/MND, and independently reviewed the Final IS/MND, MMP, and Errata; and,

    b. There is no substantial evidence that the project will have a significant effect on the environment once mitigation measures have been followed; and,

    c. The Final IS/MND, MMP, and Errata reflect the City's independent judgment and analysis.

3. The Planning Commission hereby APPROVES AND ADOPTS the IS/MND, MMP, and Errata for the Project.

* * * * * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City of Live Oak Planning Commission, at a regular meeting thereof, held on the ____ day of _____, 2022 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
PLANNING COMMISION CHAIR,
City of Live Oak

ATTEST:

_____
CITY CLERK, City of Live Oak

DRAFT

Attachment 11

RESOLUTION NO. 2022-02
A RESOLUTION OF THE CITY OF LIVE OAK PLANNING COMMISSION APPROVING THE USE PERMIT FOR THE BISHOP AVENUE TRUCK PARKING PROJECT

WHEREAS, the City received an application from Jaskaran Deol, for a Use Permit for the development of a truck parking lot (proposed project). The project site (9.7 acres) is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue, and is identified as Sutter County Assessor Parcel Number (APN) 06-800-007; and,

WHEREAS, an IS/MND, Mitigation Monitoring Program (MMP), and Errata was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on April 20, 2021;

WHEREAS, on _____, 2022, the Planning Commission adopted Resolution 2022-01 approving the IS/MND, MMP, and Errata;

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law and on _____, 2022 duly held a public hearing, received and considered evidence, both oral and documentary;

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission does hereby make the following findings for approval of the Use Permit:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.

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

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

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

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Live Oak does hereby APPROVE a Use Permit, for the phased development of an 80-truck parking lot on a 9.7-acre site southeast of the intersection of SR 99 and Bishop Avenue, and is identified as Sutter County APN (06-800-007) subject to the following conditions:

General Conditions

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement.

2. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.

3. All required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.

4. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 AM and 6:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.

5. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the Feather River Air Quality Management District.

6. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this use permit. Minor Modifications to this Use Permit shall be considered by the Planning Director in accordance with Live Oak Municipal Code Section 17.37.100, and may require notification of surrounding property owners prior to such approval.

7. The Use Permit shall expire on April 19, 2024 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090(A), unless the use has been established. Live Oak Municipal Code Section 17.37.090(B) shall not apply to this Use Permit.

8. No hazardous materials in association with the truck parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site, including tire air pressure checks, oil fluid checks, filter

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replacement. General vehicle maintenance is not allowed on site, including, but not limited to, changing oil, engine and transmission maintenance.

9. No truck or trailer exterior washing is allowed on-site.

10. No truck parked on-site shall idle longer than five (5) minutes.

11. The parking lot shall include, at a minimum, a 32-foot wide and 20-foot-long paved driveway, subject to review and approval by the City Engineer.

12. The parking lot shall not have a gated entry unless reviewed and approved by the City Engineer and Fire Department.

13. Prior to building permit approval, landscape plans shall be reviewed and approved by the Planning Director and the City Engineer. The existing on-site orchard trees surrounding the proposed parking lot shall remain undisturbed to the extent feasible.

14. A minimum of one concrete trash receptacle shall be located on-site and emptied as needed. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

15. The property owner shall monitor the site daily to ensure no truck idling, or any other operational issues. If operational issues are identified, the sole responsibility shall fall on the property owner.

16. An informational sign shall be posted on-site with a phone number to contact the property owner if any issues occur on-site.

17. A "No Right Turn" sign shall be posted on-site for trucks leaving the property.

18. The project consists of the following three phases:

    - Phase 1: Up to 30 truck parking spaces with temporary turnaround hammerhead for truck turning, lighting, trash receptacle, informational sign, paved driveway, retention basin, and off-site roadway improvements;
    - Phase 2: Up to 50 truck parking spaces with permanent turnaround hammerhead and lighting; and
    - Phase 3: Up to 80 truck parking spaces with lighting and additional landscaping.

    The proposed phasing shall have no time requirement. The applicant may expand to the next phase at any time, subject to review and approval by the City Engineer.

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19. The parking lot gravel shall be maintained in good condition with no potholes, etc., subject to the City's Code Enforcement procedures.

Engineering Conditions

20. Applicant shall be solely responsible for receiving encroachment permits from the City of Live Oak and Caltrans prior to any work within the City of Live Oak's and Caltrans' right-of-way.

21. Applicant shall be solely responsible for any additional State or federal permits as may be required including, but not limited to, Army Corps of Engineers or California Department of Fish and Wildlife.

22. A detailed grading and drainage plan shall be provided which accounts for the increase in impervious area and runoff in accordance with the Live Oak Public Works Improvement Standards. The City Engineer, prior to any construction activities, shall approve the design of any storm drainage facilities.

23. Bishop Avenue shall be widened from Live Oak Boulevard (SR 99) to the proposed driveway to include, at a minimum, 32 feet of paved width plus 3-foot gravel shoulders, subject to review and approval by the City Engineer.

24. Bishop Avenue shall be improved from Live Oak Boulevard (SR 99) to the proposed driveway with a structural section of sufficient strength to provide a 20-year life with reasonable projections of traffic and truck volumes, subject to review and approval by the City Engineer.

25. Prior to any construction activities, engineered improvement plans shall be submitted to the City and approved by the City Engineer.

26. Should it be necessary to acquire any additional right of way for the purpose of access or infrastructure, the applicant will be responsible for any and all costs associated with such acquisition.

27. Prior to operation, the gravel surface shall be inspected and approved by the City Engineer.

28. The applicant will be responsible for complying with the requirements of the Caltrans comment letter dated February 25, 2022, prior to operation.

* * * * * * * *

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City of Live Oak Planning Commission, at a regular meeting thereof, held on the ____ day of _____, 2022 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
PLANNING COMMISION CHAIR,
City of Live Oak

ATTEST:

_____
CITY CLERK, City of Live Oak

DRAFT

APR 28 '22 PM4:43

April 24, 2022
Bishop Avenue Truck Stop Appeal

Written Appeal to the Live Oak City Council per the Planning Commission decision from 04/19/22 regarding approving the Bishop Avenue Truck Parking Project

This appeal to revoke the conditional use permit of the Bishop Avenue Truck Parking Project is being filed by both city and county neighbors of Bishop Ave. The people are filing this application because they feel drastically underrepresented by our Planning Commission and negatively affected by their decision to approve a truck stop at Bishop Avenue.

The following concerns that were brought to the Planning Commission were disregarded despite the fact that during both proceedings 04/20/21 and 04/19/22 citizens and surrounding neighbors brought forward grave issues including but not limited to:
Section 17.04.024 #5 The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

The detriments are as follows:

- road safety for pedestrians, drivers, bikers, and farm laborers both on Bishop Avenue and the surrounding county/city roads
- highway entrance and exiting safety issues

- concerns in regards to the report by an outside traffic engineering company, KD Anderson and Associates, that removed egress and ingress that CalTrans presented on the initial letter, April 20, 2021, for the commuters that use this section of the Highway 99 corridor
- poor conditions of city and county roads and the further destruction of these roads by big rig drivers
- enlisting the community members to "police" : track, get license numbers, contact CHP or sheriff, and the owner of the truck stop for driver infractions
- light pollution due to 24 hour use
- noise pollution due to 24 hour use
- negative impact of a truck stop with the potential of bringing an increase in crime and illegal activity to the area

Community Member Filing Appeal:

Fidel Gomez	
WENDY EHRKE	
Jahm Ehrke	
	Shane Murphey
	Bruce Smith
Denise Sebilian	

Community Member Filing Appeal:

Laurie Schuster

CITY OF LIVE OAK
(530) 695-2112

RECN: 00425859 4/28/2022 4:43 PM
OPER: VE TERM: 010
REFN: 1505 US

TRAN: 10.4143 010-VARIANCE AND USE
BISHOP TRUCK STOP APPEAL
Variance & Use Fees 733.00CR

TENDERED: 73.00 CHECK
660.00 CASH
APPLIED: 733.00-

CHANGE: 0.00

May 16,2022

Addressing Citizen Concerns to
Bishop Truck Yard:

Concern #!: road safety for pedestrians, drivers, bikers, and farm laborers both on Bishop Avenue and the surrounding county/city roads.

Response: Condition of Approval #22 & #23 address this issue.
#22 states: Bishop Avenue shall be widened from Live Oak Boulevard (SR 99) to the proposed driveway to include at a minimum, 32 feet of paved width plus 3-foot gravel shoulders, subject to review and approval by the City Engineer.

#23 states: Bishop Avenue shall be improved from Live Oak Boulevard (SR 99) to the proposed driveway with a structural section of sufficient strength to provide a 20-year life with reasonable projections of traffic and truck volumes, subject to review and approval by the City Engineer.

Concern #2: highway entrance and exiting safety issues.

Response: All highway safety concerns have been fully vetted by KD Anderson & Associates and Caltrans engineers. Furthermore, all structural section improvements will be addressed in the encroachment permit plans prior to the applicant utilizing the truck yard.

Concern #3: concern in regards to the report by an outside traffic engineering company, KD Anderson and Associates, that removed egress and ingress that CalTrans presented on the initial letter, April 20, 2021, for the commuters that use this section of the Highway 99 corridor.

Response: All highway safety concerns have been fully vetted by KD Anderson & Associates and Caltrans engineers. Furthermore, the Applicant shall be required to get encroachment permits from the City of Live Oak and Caltrans right-of-way.

Concern #4: Poor conditions of city and county roads and the further destruction of these roads by big rig drivers.

Response: Concerns already addressed in Condition of Approval #22 & #23

Concern #5: enlisting the community members to "police": track, get license numbers, contact CHP or Sheriff, and the owner of the truck stop for drivers infractions.

Response: The Applicant is applying for a Use Permit. At anytime if the applicant is not utilizing the property for its intended purpose, the Live Oak City Council may chose to revoke the Use Permit. The Applicant wants to be a good steward to the community. Condition of Approval #16 states, "An informational sign shall be posted on-site with a phone number to contact the property owner if any issues occur on-site". Every driver, prior to signing a truck yard contract, will be given expectations, code of conduct, and rules governing the facility. The Applicant will have a detailed list of all permitted truck and trailers in the truck yard facility. It will be stressed all truck drivers follow the rules and regulations of the truck yard. If a driver chooses not to follow the rules and regulations, the driver will be asked to vacate the premises.

Concern #6: light pollution due to 24 hour use.

Response: All lighting will be constructed by a license lighting engineer to ensure the optimal lighted usage for the facility. The engineer will take into consideration, safety for drivers, any nuisance concerns, and any lighting issues from existing neighbors. Majority of the lighting being used will point downward.

Concern #7: noise pollution due to 24 hour use:

Response: No truck parked on-site shall idle longer than five minutes. "According to the California Air Resources board, the truck and bus regulations require all trucks to be carbon compliance." All other concerns have been addressed in a noise study conducted by Saxelby Acoustics. Saxelby Acoustics performed a noise survey within the new project site to quantify existing background noise levels at the nearest sensitive receptors. The noise survey consisted of short-term noise level measurements and continuous noise level measurements for a minimum period of 24-hours. This data will be used to quantify the existing ambient noise at the nearest noise-sensitive residential receptors.
Saxelby Acoustics will provide an analysis of noise levels associated with the proposed project at the nearest noise-sensitive residential uses. They also conducted an analysis of the noise and vibration impacts associated with construction of the project at existing sensitive receptors in the project vicinity.

Concern #8: negative impact of a truck stop with the potential of bringing an increase in crime and illegal activity to the area.

Response: The Applicant will not allow any criminal or illegal activity on the premises. The Applicant wants to be a good steward to the community. Currently you have several rogue truck yards in Live Oak. If this project is approved, it will give these truck drivers a safe place to

park their trucks. Live Oak Code Enforcement can give truck drivers the opportunity to come into compliance by parking trucks at our facility.

Attachment 14

RESOLUTION NO. 2022-02
A RESOLUTION OF THE CITY OF LIVE OAK CITY COUNCIL DENYING THE APPEAL REQUEST, AND UPHOLDING THE LIVE OAK PLANNING COMMISSION'S APPROVAL OF THE BISHOP AVENUE TRUCK PARKING PROJECT USE PERMIT

WHEREAS, the City received an application from Jaskaran Deol, for a Use Permit for the development of a truck parking lot (proposed project). The project site (9.7 acres) is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue, and is identified as Sutter County Assessor Parcel Number (APN) 06-800-007; and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law and on April 19, 2022 duly held a public hearing, received and considered evidence, both oral and documentary; and,

WHEREAS, an IS/MND, Mitigation Monitoring Program (MMP), and Errata was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on April 19, 2022; and,

WHEREAS, on April 19, 2022, the Planning Commission adopted Resolution 2022-01 approving the IS/MND, MMP, and Errata; and,

WHEREAS, on April 19, 2022, the Planning Commission adopted Resolution 2022-02 approving the Use Permit for the Bishop Avenue Truck Parking Project; and,

WHEREAS, on April 24, 2022, pursuant to Section17.37.070 of the Live Oak Municipal Code, an appeal request was filed with the City Clerk; and,

WHEREAS, the City Council duly gave notice of public hearing as required by law and on June 1, 2022 duly held a public hearing, received and considered evidence, both oral and documentary; and,

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the City Council does hereby DENY the appeal request and make the following findings for approval of the Use Permit:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this title and other relevant City standards.

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

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Live Oak does hereby DENY the appeal request upholding the Live Oak Planning Commission's approval of a Use Permit, for the phased development of an 80-truck parking lot on a 9.7-acre site southeast of the intersection of SR 99 and Bishop Avenue, and is identified as Sutter County APN (06-800-007) subject to the following conditions:

General Conditions

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement.

2. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.

3. All required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.

4. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 AM and 6:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.

5. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the Feather River Air Quality Management District.

6. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this use permit. Minor Modifications to this Use Permit shall be considered by the Planning Director in accordance with Live

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Oak Municipal Code Section 17.37.100, and may require notification of surrounding property owners prior to such approval.

7. The Use Permit shall expire on June 1, 2024 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090(A), unless the use has been established. Live Oak Municipal Code Section 17.37.090(B) shall not apply to this Use Permit.

8. No hazardous materials in association with the truck parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site, including tire air pressure checks, oil fluid checks, filter replacement. General vehicle maintenance is not allowed on site, including, but not limited to, changing oil, engine and transmission maintenance.

9. No truck or trailer exterior washing is allowed on-site.

10. No truck parked on-site shall idle longer than five (5) minutes.

11. The parking lot shall include, at a minimum, a 32-foot wide and 20-foot-long paved driveway, subject to review and approval by the City Engineer.

12. The parking lot shall not have a gated entry unless reviewed and approved by the City Engineer and Fire Department.

13. Prior to building permit approval, landscape plans shall be reviewed and approved by the Planning Director and the City Engineer. The existing on-site orchard trees surrounding the proposed parking lot shall remain undisturbed to the extent feasible.

14. A minimum of one concrete trash receptacle shall be located on-site and emptied as needed. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

15. The property owner shall monitor the site daily to ensure no truck idling, or any other operational issues. If operational issues are identified, the sole responsibility shall fall on the property owner.

16. An informational sign shall be posted on-site with a phone number to contact the property owner if any issues occur on-site.

17. A “No Right Turn” sign shall be posted on-site for trucks leaving the property.

18. The project consists of the following three phases:

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- Phase 1: Up to 30 truck parking spaces with temporary turnaround hammerhead for truck turning, lighting, trash receptacle, informational sign, paved driveway, retention basin, and off-site roadway improvements;
- Phase 2: Up to 50 truck parking spaces with permanent turnaround hammerhead and lighting; and
- Phase 3: Up to 80 truck parking spaces with lighting and additional landscaping.

The proposed phasing shall have no time requirement. The applicant may expand to the next phase at any time, subject to review and approval by the City Engineer.

19. The parking lot gravel shall be maintained in good condition with no potholes, etc., subject to the City's Code Enforcement procedures.

<u>Engineering Conditions</u>

20. Applicant shall be solely responsible for receiving encroachment permits from the City of Live Oak and Caltrans prior to any work within the City of Live Oak's and Caltrans' right-of-way.

21. Applicant shall be solely responsible for any additional State or federal permits as may be required including, but not limited to, Army Corps of Engineers or California Department of Fish and Wildlife.

22. A detailed grading and drainage plan shall be provided which accounts for the increase in impervious area and runoff in accordance with the Live Oak Public Works Improvement Standards. The City Engineer, prior to any construction activities, shall approve the design of any storm drainage facilities.

23. Bishop Avenue shall be widened from Live Oak Boulevard (SR 99) to the proposed driveway to include, at a minimum, 32 feet of paved width plus 3-foot gravel shoulders, subject to review and approval by the City Engineer.

24. Bishop Avenue shall be improved from Live Oak Boulevard (SR 99) to the proposed driveway with a structural section of sufficient strength to provide a 20-year life with reasonable projections of traffic and truck volumes, subject to review and approval by the City Engineer.

25. Prior to any construction activities, engineered improvement plans shall be submitted to the City and approved by the City Engineer.

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26. Should it be necessary to acquire any additional right of way for the purpose of access or infrastructure, the applicant will be responsible for any and all costs associated with such acquisition.

27. Prior to operation, the gravel surface shall be inspected and approved by the City Engineer.

28. The applicant will be responsible for complying with the requirements of the Caltrans comment letter dated February 25, 2022, prior to operation.

* * * * * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City of Live Oak City Council, at a regular meeting thereof, held on the 1st day of June, 2022 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
MAYOR,
City of Live Oak

ATTEST:

_____
CITY CLERK, City of Live Oak

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