



Commissioner Chairmen Jeramy Chapdelaine  
Commissioner Vice-Chair Tyler Eccles  
Commissioner Donald Albers

Commissioner Christine Alcocer  
Commissioner Elizabeth Cervantes  
Commissioner Aaron Eller

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**January 15, 2019 7:00 PM**

**A. CALL TO ORDER**

**B. ROLL CALL**

Commissioners Albers, Alcocer, Cervantes, Chair Chapdelaine, Vice-Chair Eccles, and Eller

**C. PLEDGE OF ALLEGIANCE**

**D. APPEARANCE OF INTERESTED CITIZENS\***

*The public is permitted to address the Planning Commission on non-agendized items. To address the Commission please step to the podium and state your name and address. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda.*

**E. APPROVAL OF MINUTES**

1. Approval of Regular Meeting Minutes from November 20, 2018.

**F. PUBLIC HEARING**

1. Consideration to recommend Council approval of an Initial Study/Mitigated Negative Declaration (IS/MND), Mitigation Monitoring and Reporting Program (MMRP), and a Tentative Subdivision Map (TSM) located south of Apricot Street and east of Treatment Plant Road (APN 06-470-035). The applicant, John Ochipinti and project engineer, Gerorge Musallam, are proposing to subdivide a 26-acre parcel into 93 single-family residential lots consisting of 82 detached units and 22 duplex units. The lot sizes for the proposed project would range from 6,100 square feet (sf) to 20,040 sf.

**G. REPORTS**

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## **H. ADJOURNMENT**

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$733, must be filed with the City Clerk, 9955 Live Oak Blvd., Live Oak, CA 95953, within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings – please check with the Planning Department, 9955 Live Oak Blvd., Live Oak, CA 95953, for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530) 695-2112 at least 72 hours in advance so such aids or services can be arranged.

\*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



**LIVE OAK PLANNING COMMISSION MINUTES**  
**REGULAR MEETING OF November 20, 2018**  
**City Hall – 9955 Live Oak Boulevard, Live Oak, CA 7:00 PM**

**A. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**B. ROLL CALL**

Commissioners T. Eccles, D. Albers, C. Alcocer, and were present.

Commissioner E. Cervantez, J. Chapdelaine, and A. Eller, were absent.

**C. PLEDGE OF ALLEGIANCE**

Commissioner L. Hernandez led the Pledge of Allegiance.

**D. APPEARANCE OF INTERESTED CITIZENS**

Chris Swanson, business owner from Biggs is interested in expanding his business into the City of Live Oak.

**E. APPROVAL OF MINUTES**

1. Approval of Minutes from the July 3, 2018 Planning Commission meeting.

Motion: L. Hernandez

2<sup>nd</sup>: C. Alcocer

Ayes: 4-0

No: 0

Abstain: 0

Absent: 3

**F. PUBLIC HEARING**

1. Consideration to recommend Council approval of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration and

recommend Council adoption of the draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and the City's Zoning Map.

K. Valente presented staff report.

Commissioner A. Eller asked staff about the reason for not permitting office in the proposed E2 Zone. K. Valente provided background from the Ad-Hoc Committee's recommendation to keep office uses and manufacturing uses separate. Commissioner A. Eller also asked staff about the reasoning for including commercial cannabis related uses as prohibited in the proposed land use matrix. K. Valente provided background as to why including that use in the land use matrix would be helpful for staff.

Commissioner D. Albers asked staff about propane sales proposed to be prohibited in the E1 Zone. K. Valente provided background from the Ad-Hoc Committee's recommendation to prohibit propane sales near existing residential uses.

Commissioner L. Hernandez spoke about his experiences serving as a member of the Ad-Hoc Committee and urged the Planning Commission to recommend Council approval.

Public Hearing opened, and Mr. Jerry Stewart (10822 Stephanie Drive) spoke about his experiences serving as a member of the Ad-Hoc Committee and urged the Planning Commission to recommend Council approval.

Mr. Chris Swanson from Biggs spoke about his interest in a property proposed to be rezoned to E1. If the proposed E Zone Amendment Ordinance would be adopted, his proposed business (storage yard) would not be permitted on the subject property. Mr. Swanson urged the Planning Commission to consider rezoning the subject property to E2 and not E1.

No additional public comments received. Public Hearing closed.

Motion: A. Eller  
2<sup>nd</sup>: C. Alcocer  
Ayes: 4-0  
No: 0  
Abstain: 0  
Absent: 3

## **G. REPORTS**

None.

## **H. ADJOURNMENT 7:28**

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this time limit, the Commission action becomes final. The exception to this is rezonings – please check with the Planning Department, 9955 Live Oak Blvd., Live Oak, CA 95953, for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530) 695-2112 at least 72 hours in advance so such aids or services can be arranged.

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DRAFT



## STAFF REPORT

**AGENDA ITEM:** F.1  
**DATE:** January 15, 2019  
**TO:** City of Live Oak Planning Commission  
**FROM:** Kevin Valente, Planning Director

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**SUBJECT:** Silver Oaks Subdivision Tentative Subdivision Map.  
**LOCATION:** The subject property is located south of Apricot Street and east of Treatment Plant Road and identified as Sutter County Assessor Parcel Numbers (APN) 06-06-470-035.  
**RECOMMENDATION:** Consideration to recommend Council approval of an Initial Study/Mitigated Negative Declaration (Attachment 2), Mitigation Monitoring and Reporting Program (Attachment 3), and a Tentative Subdivision Map (Attachment 4).

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### BACKGROUND

On April 16, 2018, George Musallam (applicant) submitted a completed application for a requested Tentative Subdivision Map (TSM) to subdivide 26 acres into 93 residential lots located south of Apricot Street and east of Treatment Plant Road in the City of Live Oak (Attachment 1).

In 2005 the Live Oak City Council approved a TSM for the 26-acre project site consisting of 93 residential lots; however, in 2017, the 2005 TSM expired. Therefore, no entitlements currently exist on the project site.

In 2010, during the City's General Plan Update process, the land use designation for the project site was changed from Low-Density Residential (two to six dwelling units per acre [du/ac]) to Smaller-Lot residential (four to ten du/ac). In addition, in 2012 during the City's Zoning Code and Zoning Map update, the zoning was changed for the project site from Low Density Residential (R-1) Zone District to Small Lot Residential (R-2) Zone District to be consistent with the General Plan land use designations. As a result, the minimum dwelling units allowed for the 26-acre project site is now 104 residential units.

The 26-acre project site is currently vacant consisting mostly of previously-farmed agricultural land. The site was previously graded in 2005 as part of the TSM that was approved but never constructed. Vegetation on the site is comprised predominantly of non-native grasses with a concentration of bushes along the eastern portion of the site. A Reclamation District (RD) 777 agricultural drain is located along

the eastern and southern boundary of the site. The project site is bordered to the north and southeast by existing single-family residential development, the vacant Leo Chesney Correctional Facility to the east, the City's Soccer Park to the south, and agricultural land to the west.

## **DISCUSSION**

The Silver Oaks Subdivision Project (proposed project) would include the development of a 104-unit subdivision consisting of 82 single-family lots and 11 duplex lots and would require City Council approval of a TSM. The proposed lots would range in size from 6,100 square feet (sf) to 20,040 sf. The proposed project site is currently designated Smaller-Lot Residential under the City of Live Oak 2030 General Plan and is zoned R-2. The project site is 26 acres; thus, construction of 104 residential dwelling units would result in a gross density of four units per acre, consistent with the current General Plan land use designation of Smaller-Lot Residential for the site which allows for a residential density of 4-10 units per gross acre.

To create internal circulation for the project site, the proposed project includes the extension of Samuel Street, Rachel Street, and Q Street from the existing residential area to the north and construction of Valerie Way, a new east-west internal roadway. In addition, two new cul-de-sacs, Payal Court and Lettie Court, would be constructed within the project site. Q Street would terminate at Lettie Court in the southern portion of the project site and Valerie Way would terminate at Payal Court in the eastern portion of the project site. Primary access to the project site would be provided by Apricot Street and the Allen Street extension. Four- to six-foot-wide sidewalks, consistent with the City of Live Oak 2030 General Plan, would be constructed along all internal roadways.

Domestic and fire flow water for the proposed project would be provided by way of an existing eight-inch pipe located along the northern site boundary within the Apricot Street right-of-way (ROW). Wastewater service to the project site would also connect to the existing sanitary sewer located in the Apricot Street ROW and extend south into the project site within the proposed Samuel Street ROW. Stormwater drains would be located throughout the project site and would connect to the existing City storm drain system located within the Apricot Street ROW. Pursuant to Section 16.24.100 of the Live Oak Municipal Code (LOMC), the RD 777 agricultural drain located along the eastern and southern boundary of the site would be required to be diverted underground prior to implementation of the proposed project. City policy is that all open ditches will be eliminated as property develops and drainage will be conveyed in underground pipes. RD 777 presently maintains this agricultural drain, as they do for other open drains in and around the City. The drain also presents a complex mixture of owners and easements along the borders.

## **ENVIRONMENTAL REVIEW**

In accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND), which determined all potentially significant environmental impacts would be mitigated to a less-than-significant level with incorporation of mitigation (see Attachment 2). As a result, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project (Attachment 3).

In compliance with Public Resources Code Section 21080.3.1, known as Assembly Bill (AB) 52, the Lone 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 AB 52. As such, the City provided formal notification to each of the tribes regarding the proposed project. The UAIC responded to the City's notice and requested consultation regarding the proposed project.

Therefore, the City consulted with the UAIC and provided the results from the Native American Heritage Commission's (NAHC) Sacred Lands Record search as well as the draft Mitigation Measures for comment. To date, the City has not received an additional response from the UAIC, and therefore, in accordance with AB 52, tribal consultation for the project has been completed.

Furthermore, pursuant to CEQA, the IS/MND was published from December 14, 2018 to January 2, 2019 to solicit comments and input from the public. Public comments on the IS/MND have not been received.

## **CONCLUSION**

Based on the information contained in the staff report, staff recommends that the Planning Commission recommend Council approval of the Silver Oaks Subdivision Project IS/MND (Attachment 2), the Silver Oaks Subdivision Project MMRP (Attachment 3), and the Silver Oaks Subdivision TSM (Attachment 4) subject to the conditions and based upon the findings for approval below.

## **CONDITIONS OF APPROVAL**

### *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. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
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. Lots 78 through 86, 92, and 93 (11 total lots) shall be duplex lots as delineated on the tentative map dated September 2018.
7. Applicant/Developer shall submit building and landscape plans for review and approval, in accordance to the City's Design Review Process prior to issuance of building permits.



### *Engineering Conditions*

8. Preparation of the Final Map shall comply with all related provisions of the California Subdivision Map Act, the LOMC, the Uniform Fire Code, and the Live Oak Public Works Improvement Standards unless a specific exception is granted thereto or as approved by the City Engineer.
9. The development of the parcels of property created by this map shall be subject to the laws, rules, regulations, and construction standards in effect at the time a building permit is issued as to each particular parcel.
10. Provide all improvements along Samuel Street frontage including drainage, underground utility installation, curb, gutter, sidewalk per the LOMC and development standards. Samuel Street improvements east of the centerline to be constructed to a city local street standard. Samuel street west of the centerline shall be constructed with asphalt curb and gutter and drainage to within 0.5' of the city limits, as delineated on the tentative map dated September 2018. Reimbursement for improvements west of the centerline will be accomplished through a reimbursement agreement to be entered into by the developer with the City at the time of the Subdivision Agreement.
11. Applicant to verify that adequate capacity exists with current water, sewer, and stormwater main lines along Apricot Street to support additional development. Should additional capacity be required, applicant will provide all additional capacity at his sole and separate expense.
12. Contribute to the widening of Pennington Road by providing approximately \$150,000 in traffic impact fees to help widen Pennington Road from N Street to State Route (SR) 99.
13. Contribute to the Signalization of Paseo Road/SR 99 approximately \$25,000 to a new traffic signal.
14. Dedication of sufficient property to provide for a minimum of 30' of street ROW east of the existing east ROW line of Samuel Street along the property frontage.
15. Dedication of sufficient property to provide for a minimum of 60' of street ROW south of the center Section line comprising the north ROW line of Apricot Street along the property frontage.
16. Provide frontage for all lots created by this subdivision solely along those streets created by the subdivision and to be dedicated to the City.
17. The City Engineer must approve any variations from the current City of Live Oak Public Works Improvement Standards for internal street design.
18. On a document to be recorded concurrently with the Final Map the following items, to be implemented at the time of development of any of the parcels being created by the map, will be addressed:
  - a. Any Construction work within City ROWs shall be accomplished under an encroachment permit issued by the City Engineer.
  - b. Water, fire and wastewater system improvements shall be designed and constructed in accordance with the City of Live Oak Public Works Improvement Standards, as approved by the Public Works Department. All occupied structures located or constructed on the

parcels created by this land division shall be connected to the City water system and the City sanitary sewer system.

- c. All occupied structures located or constructed on the parcels created by this land division shall be provided with underground natural gas, electric, telephone and cable television services.
  - d. All fees, exactions or any other charges or obligations applicable to the development of any particular parcel created by this map, shall be those that are in effect at the time a building permit is issued for the development of that particular parcel. (This applies to all fees, exactions or other charges whether or not they were in existence when the Tentative Map was filed and whether or not they have been modified or amended between the time of the filing of the Tentative Map and the issuance of a building permit).
  - e. Applicant/Developer shall pay water, sewer, and drainage connection and mitigation (AB 1600) fees in the amounts in effect at the time building permits are issued, subject to separate terms detailed in Development Agreement/Subdivision Agreement.
  - f. Survey monumentation in conformance with the requirements of the LOMC, the California Land Surveyors Act and the California Subdivision Map Act shall be provided.
  - g. All easements of record that affect this property shall be shown on the Final Map.
19. Prior to recording of the Final Map, the Applicant/Developer shall execute a Development Agreement/Subdivision Agreement with the City of Live Oak in accordance with Section §16.18.140 of the LOMC.
  20. This property currently lies within a Community Facilities District (CFD), and shall participate in paying for municipal services through this district on a pro rata basis.
  21. Prior to recording of the Final Map, any public or landscaped areas within the boundaries of the subdivision (if any) will be annexed into a Special Assessment or CFD in order to pay all future costs associated with operation and maintenance of those improvements.
  22. Prior to recording of the Final Map, the Applicant/Developer shall submit complete Public Improvement Plans, Specifications and Cost Estimates, along with all supporting documentation and calculations, prepared by a registered civil engineer in accordance with LOMC §16.18.060. The developer shall pay for any and all costs for the review. The Final Map will not be approved and recorded until the City Engineer has approved the Public Improvement Plans, Specifications and Cost Estimates.
  23. Applicant/Developer shall construct such approved drainage facilities as are required to convey drainage from the subdivision being developed to acceptable natural drainage courses.
  24. The City Engineer will work with the applicant to include appropriate traffic calming solutions for future through streets.
  25. The Applicant/Developer shall divert the existing Reclamation District (RD) 777 agricultural drain underground prior to issuance of building permits, pursuant to Section 16.24.100 of the LOMC, subject to review and approval by the City Engineer.
  26. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.

27. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
28. The grading plan for this development shall be approved by the City Engineer.
29. All existing and proposed public utilities shall be placed underground (subsurface installation), unless otherwise approved in writing by the City Engineer.
30. All sewage shall flow by gravity to the intersecting street sewer main or as approved by the City Engineer.
31. The developer shall provide adequate water pressure and volume to serve this development. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi or as approved by the City Engineer.

#### *Fire Conditions*

32. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1,500 GPM. Required flow must be delivered from not more than one (1) hydrant flowing for duration of 120 minutes while maintaining 20-pounds residual pressure in the main.
33. The developer shall provide hydrants, which are located such that there is a minimum clearance of three (3) feet around the perimeter of the hydrant barrel.
34. The developer shall submit a minimum of two (2) copies of site improvement plans indicating proposed hydrant locations and fire apparatus access for review and approval prior to obtaining a building permit.
35. The developer shall submit a minimum of two (2) complete sets of construction plans for each building model, including plans for the following required deferred submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal.
  - a. Private underground fire service
  - b. Fire sprinklers
  - c. Fire alarm

#### FINDINGS OF FACT

The Planning Commission of the City of Live Oak hereby FINDS, on the basis of the whole record before it (including the Initial Study and all comments received) 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 and MMRP;

- B. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed;
- C. The Final IS/MND and MMRP reflect the City's independent judgment and analysis;
- D. That the proposed TSM is consistent with the City's General Plan Smaller-Lot Density Residential Development on the Land Use Map where such use may be allowed;
- E. That the proposed TSM is consistent with the LOMC and Zoning Map;
- F. That the proposed TSM, as conditioned, is consistent with the Subdivision Map Act and the LOMC;
- G. The proposed TSM does not "conflict with the general health, safety and welfare of the community"; and
- H. The Final Subdivision Map must conform to the requirements of Chapter 16.16 of the LOMC. In addition, the listed "general" requirements regarding the processing and approval of the TSM shall be included in the conditions of approval of the TSM.

#### MOTION FOR APPROVAL

Move that the Planning Commission recommend Council approval of the Silver Oaks Subdivision Project Initial Study/Mitigated Negative Declaration, the Silver Oaks Subdivision Project Mitigation Monitoring and Reporting Program, and the Silver Oaks Subdivision Tentative Subdivision Map including conditions of approval and findings of fact; and, incorporates all testimony into the record by reference.

#### **ATTACHMENTS**

1. Project Vicinity Map
2. Silver Oaks Subdivision Project Initial Study/Mitigated Negative Declaration
3. Silver Oaks Subdivision Project Mitigation Monitoring and Reporting Program
4. Silver Oaks Subdivision Project Tentative Subdivision Map.

# ATTACHMENT 1

## PROJECT VICINITY MAP



# **Initial Study/Mitigated Negative Declaration**

## **Silver Oaks Subdivision Project**

Prepared for  
The City of Live Oak



December 2018

Prepared by



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# **INITIAL STUDY**

**December 2018**

Project Title: Silver Oaks Subdivision Project

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: Southeast of the Intersection of Apricot  
Street and Treatment Plant Access Road  
Live Oak, California  
Assessor's Parcel Number (APN): 06-470-035

Project Sponsor's Name and Address: John Ochipinti  
469 Century Park Drive  
Yuba City, CA 95991  
(530) 674-2370

Existing General Plan Designation: Smaller-Lot Residential

Existing Zoning Designation: Small Lot Residential (R2)

Required Approvals from Other Public Agencies: None

## Project Description Summary:

The Silver Oak Subdivision Project (proposed project) would include the development of a 104-unit subdivision consisting of 82 single-family lots and 11 duplex lots. The proposed lots would range in size from 6,100 square feet (sf) to 20,040 sf and be located on the approximately 26-acre parcel southeast of the Apricot Street and Treatment Plant Access Road intersection in the City of Live Oak, California. The proposed project site is currently designated Smaller-Lot Residential under the City of Live Oak 2030 General Plan and is zoned Small Lot Residential (R2). The proposed project would include the extension of Samuel Street, Rachel Street, and Q Street from the north and Allen Street from the east. Additionally, the proposed project would include the construction of Valerie Way and two cul-de-sacs, Payal Court and Lettie Court, to create internal circulation for the project site. The proposed project would require the approval of a Tentative Subdivision Map.

## Project Site Summary:

The 26-acre project site is vacant consisting mostly of previously-farmed agricultural land. A Reclamation District (RD 777) agricultural drain is located along the eastern and southern boundary of the site. Vegetation on the site is comprised predominantly of non-native grasses with a concentration of bushes along the eastern portion of the site. Pursuant to the Section 16.32.350 of the Live Oak Municipal code, the drainage ditch would be required to be diverted underground prior to implementation of the proposed project. The site was previously graded in 2005 as part of a Tentative Subdivision Map that was approved but never constructed. The 2005 Tentative Subdivision Map, which expired in 2017, consisted of 93 single-family lots. The project site is bordered to the north and southeast by single-family residential development,



the vacant Leo Chesney Correctional Facility to the east, the City's Soccer Park to the south, and agricultural land to the west. Further southwest of the project site is the City of Live Oak Wastewater Treatment Plant.

#### Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

The Lone 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 Public Resources Code 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 UAIC responded to the City's notice and requested consultation regarding the proposed project. Therefore, the City consulted with the UAIC and provided the results from the Native American Heritage Commission's (NAHC) Sacred Lands Record search as well as the draft Mitigation Measures for comment. To date, the City has not received a response from the UAIC, and tribal consultation has been completed.

## SOURCES

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

1. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
2. California Department of Conservation. *Sutter County Important Farmland 2016*. June 2017.
3. California Department of Conservation. Sacramento County Williamson Act FY 2015/2016. 2015. Available at: [ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Sutter\\_15\\_16\\_WA.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Sutter_15_16_WA.pdf). Accessed October 10, 2018.
4. California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018*. May 2018. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed October 10, 2018
5. California Department of Toxic Substances Control. Hazardous Waste and Substances Site List. Available at: [http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site\\_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST](http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST). Accessed September 29, 2018.
6. City of Live Oak. 2013-2021 *City of Live Oak Housing Element*. September 2013.
7. City of Live Oak. *City of Live Oak General Plan*. 2004.
8. City of Live Oak. *Land Use Map*. January 2010.
9. City of Live Oak. *Live Oak Zoning Map*. January, 2010.
10. City of Live Oak. *Live Oak Zoning Regulations*. January 20, 2012.
11. City of Live Oak. *Wastewater Collection System Master Plan*. November 2009.
12. City of Live Oak. *Water Master Plan*. December 2009.
13. Feather River Air Quality Management District. *List of Current Rules*. Available at: <https://www.arb.ca.gov/drdb/fr/cur.htm>. Accessed October 10, 2018.
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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics                               | <input type="checkbox"/> Agricultural and Forest Resources  | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology and Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions                 | <input type="checkbox"/> Hazards and Hazardous Materials    | <input checked="" type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Stormwater Quality                       | <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                      |
| <input type="checkbox"/> Noise                                    | <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Public Services                        |
| <input type="checkbox"/> Recreation                               | <input type="checkbox"/> Transportation/Traffic             | <input checked="" type="checkbox"/> Tribal Resources            |
| <input checked="" type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** (To be completed by the Lead Agency)

On behalf of this initial evaluation:

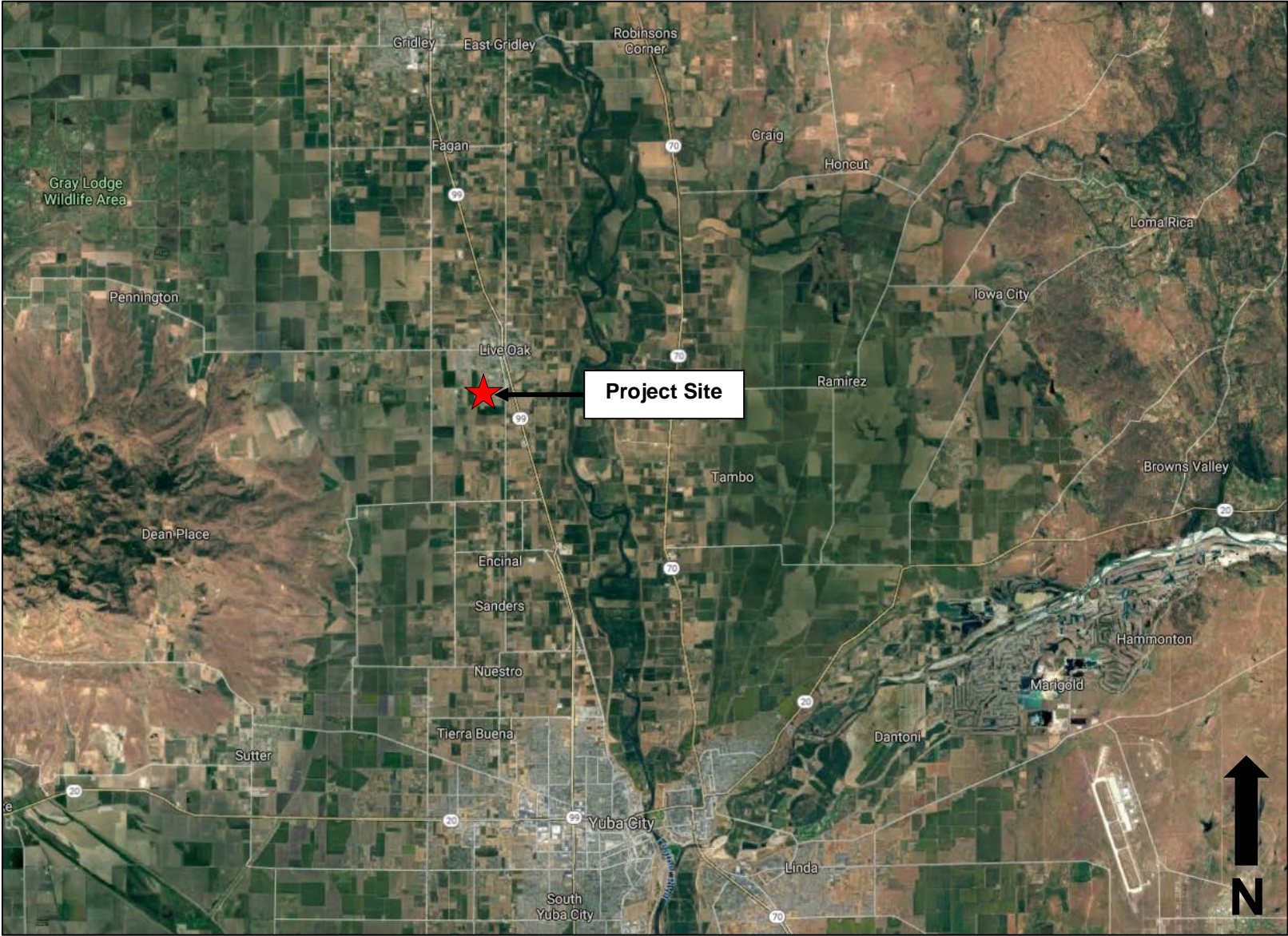
- ( ) I find that the proposed project COULD NOT have a significant effect on the environmental, and a NEGATIVE DECLARATION will be prepared
- (X) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because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

\_\_\_\_\_  
Lead Agency Signature  
  
Kevin Valente. AICP  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date  
  
City of Live Oak  
\_\_\_\_\_  
Planning Director

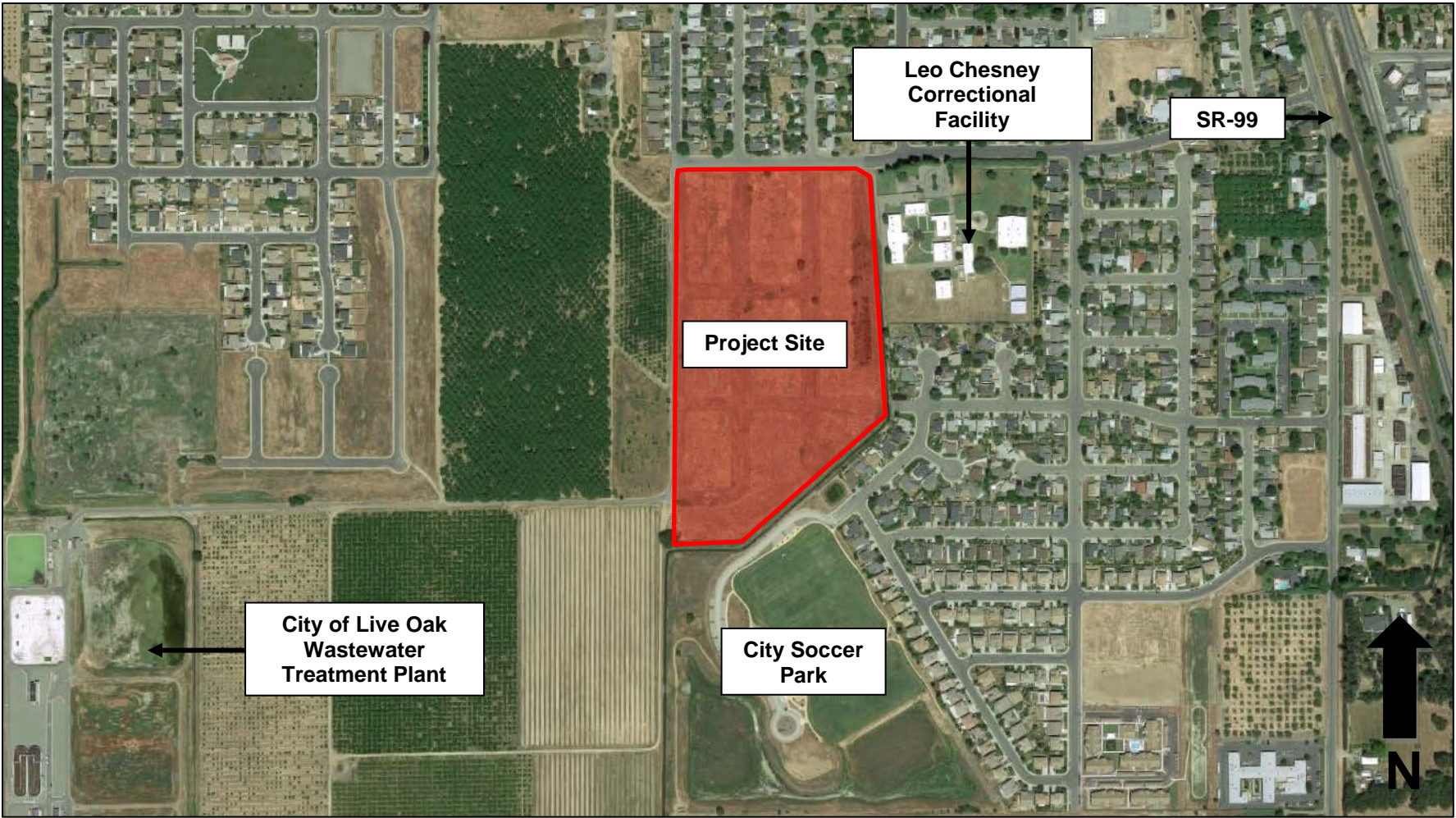


**Figure 1**  
**Regional Project Location**





**Figure 2**  
**Project Vicinity Map**



### Project Components

The proposed project would require City Council approval to subdivide the existing vacant parcel into 93 single-family residential lots consisting of 82 detached units and 22 duplex units. Proposed lot sizes range from 6,100 sf to 20,040 sf (Figure 3). The project site is approximately 26 acres; thus, construction of 104 residential dwelling units would result in a gross density of four units per acre, consistent with the current General Plan land use designation of Smaller-Lot Residential for the site which allows for a residential density of 4-10 units per gross acre.

The proposed project would include the extension of Samuel Street, Rachel Street, and Q Street from the existing residential area to the north and construction of Valerie Way, a new east-west internal roadway, to create internal circulation for the project site. In addition, two new cul-de-sacs, Payal Court and Lettie Court, would be constructed within the project site. Q Street would terminate at Lettie Court in the southern portion of the project site and Valerie Way would terminate at Payal Court in the eastern portion of the project site. Primary access to the project site would be provided by Apricot Street and the Allen Street extension. Four- to six-foot-wide sidewalks, consistent with the City of Live Oak 2030 General Plan, would be constructed along all internal roadways.

Domestic and fire flow water for the proposed project would be provided by way of an existing eight-inch pipe located along the northern site boundary within the Apricot Street right-of-way (ROW). Wastewater service to the project site would also connect to the existing sanitary sewer located in the Apricot Street ROW and extend south into the project site within the proposed Samuel Street ROW. Stormwater drains would be located throughout the project site and would connect to the existing City storm drain system located within the Apricot Street ROW.

### Required City of Live Oak Approvals

The following entitlements are required by the City of Live Oak for the proposed project:

- Adoption of an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- Approval of a Tentative Subdivision Map to subdivide the approximately 26-acre site into 93 single-family lots ranging from 6,100 sf to 20,040 sf.

**Figure 3**  
**Proposed Silver Oaks Tentative Subdivision Map**





**EVALUATION OF ENVIRONMENTAL IMPACTS**

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

**Comments:**

a-b)Vegetation on the site is comprised predominantly of non-native grasses with a concentration of bushes along the eastern portion of the site. The RD 777 agricultural drain is located along the eastern and southern boundary of the site. The site was previously mass graded in 2005 as part of a Tentative Subdivision Map that was approved but never constructed. Single-family residential development borders the project site to the north and east, the City Soccer Park is located immediately south of the site, and open space and agricultural land exists to the west and southwest. The vacant Leo Chesney Correctional facility borders the northeast corner of the project site. According to the 2030 Live Oak General Plan, scenic vistas are not located in the vicinity of the project site. In addition, the project site is not located along a State scenic highway. Scenic resources, including rock outcroppings or historically significant buildings, do not exist on the project site. However, Policy DESIGN-14.1 of the Live Oak General Plan states that new developments shall retain and enhance scenic views of the Sutter Buttes to the extent possible.

Implementation of the proposed project would result in a change in visual character of the project site from an undeveloped, disturbed lot to a residential development. However, development of the project site has been anticipated as part of the 2030 Live Oak General Plan and is consistent with the General Plan Land Use designation of the site. Therefore, because the proposed project would not result in development in proximity to any State scenic highways, scenic resources, or scenic vistas, the proposed project would not result in a degradation of the existing visual character or quality of the site or the surroundings, and a **less-than-significant** impact would occur.

c) The proposed project would include the construction of 104 single-family residences on a 26-acre site. The project site has been historically used for agricultural purposes and was graded for construction in 2005 but has since remained disturbed and vacant, containing only ruderal grasses and tall brush. The use of the project site for residential purposes is consistent with the General Plan land use designation of Smaller-Lot Residential and the zoning of R-2 which mandates that two-story structures be limited to a height of 30 feet.

To minimize impacts to the visual character and quality of the project site and surrounding areas, the proposed project would be required to comply with all applicable goals and policies in the 2030 Live Oak General Plan and the City of Live Oak’s Municipal Code. The following General Plan goals and policies, designed to maintain the visual character of surrounding developments and add value to the Live Oak communities, would be implemented by the proposed project:

- Policy DESIGN-4.1: Residential sites and building frontages should create an attractive, pedestrian-friendly environment along neighborhood street.
- Policy DESIGN-5.3: New residential projects should provide diversity among dwelling units in the use of color, building materials, floor plan layouts, square footages, and rooflines. Projects should maintain continuity of overall design features to provide context between individual units in the neighborhood.

Compliance with the General Plan goals and policies listed above would ensure that the proposed project is consistent with the visual character of surrounding residential development and implementation would not result in a negative visual impact to the site. Therefore, the proposed project would have a **less-than-significant** impact.

- d) Although the project site is generally vacant, street lights exist along Apricot Street, which contribute light and glare to the project site. However, other than the existing street lights, the project site is devoid of existing sources of light or glare. The proposed residential uses and internal street system would introduce new sources of light glare where few currently exist.

New sources of lighting would be required to comply with all applicable goals and policies in the 2030 Live Oak General Plan and the City of Live Oak's Municipal Code related to light and glare. The proposed project would implement the following General Plan goals and policies that are designed to minimize impacts resulting from new sources of substantial light or glare as well as encourage building orientations and landscaping that enhance natural lighting and sun exposure:

- Policy DESIGN-14.4: Light Pollution. The City will encourage lighting practices that reduce light pollution in new development areas.
- Policy DESIGN-14.5: The City will require that new lighting fixtures in new development areas cast light downward toward the ground and reduce spillover light. Existing light fixtures requiring replacement or repair shall be upgraded so they also cast light downward.
- Policy DESIGN-14.6: Exterior building materials in new development areas shall be composed of a minimum 50% low-reflectance, nonpolished finishes and bare metallic surfaces found on infrastructure such as pipes, poles, etc., shall be painted to minimize reflectance and glare.

Compliance with such General Plan policies would ensure that the light and glare created by the proposed project would not affect day or nighttime views in the area. As a result, a **less-than-significant** impact would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**II. AGRICULTURAL AND FOREST RESOURCES**

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

- |   |    |    |     |     |
|---|----|----|-----|-----|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | () | () | (X) | ()  |
| (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | () | () | ()  | (X) |
| (c) Conflict with existing zoning for, or cause rezoning of, 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))? | () | () | ()  | (X) |
| (d) Result in the loss of forest land or conversion of forest land to non-forest use?   | () | () | ()  | (X) |
| (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?  | () | () | (X) | ()  |

**Comments:**

a,e)The proposed project site consists of ruderal vegetation and is surrounded by existing residential development, a park, and land designated for future urban development. The project site is currently designated as "Grazing Land" on the Sutter County Important Farmland map.<sup>1</sup> It should be noted that the area west of the project site is designated as Farmland of Statewide Importance. However, the project site is not zoned or designated in the General Plan for agriculture uses, and such uses would

<sup>1</sup> California Department of Conservation. *Sutter County Important Farmland 2016*. Accessed July 2018.

be incompatible with surrounding land uses in the areas to the north, east, and south of the project site. Therefore, development of the site which would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use, and a **less than significant** impact would occur.

- b) According to the Live Oak 2030 General Plan, the proposed project site is designated Smaller-Lot Residential and zoned R-2. Additionally, the proposed project site is not under a Williamson Act contract, 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 area is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). In addition, the current General Plan land use designations for the site is Smaller-Lot Residential, and zoning for the site is R2. Therefore, the proposed project would have **no impact** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	( )	(X)	( )	( )
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	( )	(X)	( )	( )
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	( )	(X)	( )	( )
(d) Expose sensitive receptors to substantial pollutant?	( )	( )	(X)	( )
(e) Create objectionable odors affecting a substantial number of people?	( )	( )	(X)	( )

**Comments:**

a-c)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<sub>x</sub>), 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 southern 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<sub>2.5</sub>). 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<sub>10</sub>). 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<sub>2.5</sub> Implementation/Maintenance Plan and Re-designation Request for Sacramento PM<sub>2.5</sub> Nonattainment Area* (PM<sub>2.5</sub> 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 difficulty 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<sub>10</sub>, as the area is under nonattainment for ozone and PM<sub>10</sub>.

The FRAQMD's recommended thresholds for ROG and NO<sub>x</sub> specify that emissions during construction of proposed projects shall not exceed 4.5 tons per year (tons/year), and, when averaged over the life of the project, such emissions shall not exceed an average of 25 pounds per day (lbs/day). To provide a conservative analysis of construction emissions, the averaging period for construction was assumed to be limited to the number of construction work days estimated for the proposed project. Using the working days of construction rather than the life of the proposed residences provides a smaller period over which to average estimated total emissions, and increases the estimated daily average of emissions. Although the FRAQMD recommends averaging construction-related emissions over the lifetime of the project, the FRAQMD does not provide the same guidance for operational emissions. Therefore, operational emissions thresholds are considered to represent a not-to-exceed maximum day emissions ceiling.

The FRAQMD's recommended thresholds of significance for the ozone precursors reactive organic compounds (ROG) and NO<sub>x</sub>, as well as PM<sub>10</sub> are summarized in Table 1.

<b>Pollutant</b>	<b>Construction Thresholds (tons/year)</b>	<b>Construction Thresholds (lbs/day)</b>	<b>Operational Thresholds (lbs/day)</b>
NO <sub>x</sub>	4.5	25	25
ROG	4.5	25	25
PM <sub>10</sub>	N/A	80	80
Note: N/A = Not Applicable			
Source: FRAQMD, June 7, 2010.			

Thus, if the proposed project's emissions exceed the pollutant thresholds presented in Table 1 the project could have a significant effect on air quality, the attainment of federal and State AAQS, and 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 GHG emissions, from land use projects. The model applies inherent default values for various land uses, including trip generation rates based on the 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 is anticipated to start in mid-2019;
- Construction of the proposed project is anticipated to occur over approximately nine months;

- Future residences would include fireplaces; and
- Sidewalks would be provided along all internal roadways.

All CalEEMod results are included in the appendix to this Initial Study.

Construction Emissions

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

<b>Table 2 Maximum Unmitigated Construction-Related Emissions</b>				
<b>Pollutant</b>	<b>Project Emissions (tons/year)</b>	<b>Construction Thresholds (tons/year)</b>	<b>Average Daily Emissions (lbs/day)<sup>1</sup></b>	<b>Construction Thresholds (lbs/day)</b>
ROG	1.97	4.5	18.95	25
NO <sub>x</sub>	2.01	4.5	19.30	25
PM <sub>10</sub>	0.19	N/A	1.82	80
Note: <sup>1</sup> Based on estimated construction period of 208 work days.  <i>Source: CalEEMod, November 2018 (see Appendix).</i>				

As shown in Table 2, construction emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> would be below the FRAQMD's lbs/day and tons/year thresholds.

It should be noted that the FRAQMD recommends that all projects implemented within the district that would result in construction emissions below the FRAQMD's thresholds of significance implement the following standard mitigation measures:

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 onsite operation.
4. Limiting idling time to 5 minutes - saves fuel and reduces emissions. (State idling rule: commercial diesel vehicles- 13 CCR Chapter 10 Section 2485 effective 02/01/2005; off road diesel vehicles- 13 CCR Chapter 9 Article 4.8 Section 2449 effective 05/01/2008)
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 (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

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 likely represent a conservative estimate, and implementation of the foregoing FRAQMD measures would be anticipated to slightly reduce emissions from the amounts presented in Table 2. However, even without the

implementation of such measures, project emissions would be anticipated to be below the FRAQMD's thresholds of significance, as shown in Table 2.

Considering that construction emissions would be below FRAQMD's threshold of significance, construction of the proposed project would not have the potential to contribute to the FRAQMD's nonattainment status for ozone or PM and a less-than-significant impact would occur.

Operational Emissions

According to the CalEEMod results, operation of the proposed project would result in maximum criteria air pollutant emissions as shown in Table 3.

<b>Table 3 Maximum Unmitigated Operational Emissions</b>				
<b>Pollutant</b>	<b>Project Emissions (lbs/day)</b>	<b>Operational Thresholds (lbs/day)</b>	<b>Project Emissions (tons/year)</b>	<b>Operational Thresholds (tons/year)</b>
ROG	149.58	25	7.05	4.5
NO <sub>x</sub>	18.81	25	2.86	4.5
PM <sub>10</sub>	29.80	80	-	-

*Source: CalEEMod, November 2018 (see Appendix).*

As shown in Table 3, operational emissions of NO<sub>x</sub> and PM<sub>10</sub> would be below the FRAQMD's lbs/day and tons/year thresholds. As such, operation of the proposed project would not have the potential to contribute to the FRAQMD's nonattainment status for PM. However, operation of the proposed project would result in emissions of ROG in excess of FRAQMD's lbs/day and tons/year thresholds. Consequently, implementation of the proposed project would have the potential to contribute to the FRAQMD's nonattainment status for ozone during construction resulting in a potentially significant impact.

Cumulative Emissions

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. The attainment plans are based on on-going operations of existing land uses within the SVAB as well as potential effects of future development within the SVAB. Attainment plans also include general conformity requirements, which can be used to determine whether project implementation would cause or contribute to new violations of any federal AAQS, increase the frequency or severity of an existing violation of any federal AAQS, or delay timely attainment of any federal AAQS. In addition, 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. Emission inventories are developed based on projected increases in population, employment, regional vehicle miles traveled (VMT), and associated area sources within the region, which are based on regional projections that are, in turn, based on general plans and zoning designations for the region. Project's that are inconsistent with attainment plans may result in cumulatively considerable contributions to regional violations of federal or State AAQS.

The proposed project would be consistent with the City's 2030 General Plan designation for the project site. Thus, the emissions generated by the project have generally been anticipated within assumptions used for the emissions inventories of the SIP, and the proposed project would not inherently be anticipated to result in cumulative impacts due to inconsistencies with adopted SIPs.

In addition to consideration of a project's potential consistency with SIPs, the operational thresholds of significance adopted by the FRAQMD represent emissions levels above which emissions resulting from project implementation would have the potential to result in cumulatively significant contributions to the area's nonattainment status. Considering that project operations would result in emissions of NO<sub>x</sub> and



PM<sub>10</sub> below the FRAQMD's thresholds of significance, the proposed project would not be anticipated to result in a cumulatively considerable impact related to the emission of NO<sub>x</sub> or PM<sub>10</sub>. However, operation of the proposed project would have the potential to result in ROG emissions in excess of the FRAQMD's emissions thresholds, and, therefore, the proposed project would have the potential to result in a cumulatively considerable contribution to ozone levels within the project area.

Conclusion

Considering the emissions estimates provided above, potential future emissions related to construction of the proposed project would not exceed the FRAQMD's thresholds of significance, and construction of the proposed project would not be anticipated to contribute substantially to an existing or projected air quality violation. However, potential project operational emissions would exceed the FRAQMD's thresholds of significance. Accordingly, operation of the proposed project would have the potential to violate AAQS for ROG or contribute substantially to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of any criteria pollutant, and a **potentially significant** impact related to air quality would occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would ensure that operational emissions of ROG would not exceed the FRAQMD's thresholds of significance. Following implementation of the mitigation measure below, operational emissions would be as shown in Table 4 below. Consequently, the mitigation measures would sufficiently reduce potential project-related emissions below the FRAQMD's emissions thresholds, which would ensure that the proposed project would result in a *less-than-significant* impact.

*III-1 Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plan area. Homes may be fitted with the applicable regulation-compliant natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the City of Live Oak Planning Department.*

Table 4 Mitigated Project-Related Emissions				
Pollutant	Project Emissions (lbs/day)	Operational Thresholds (lbs/day)	Project Emissions (tons/year)	Operational Thresholds (tons/year)
<b>Operational Phase</b>				
ROG	7.42	25	1.22	4.5
NO <sub>x</sub>	17.41	25	2.81	4.5
PM <sub>10</sub>	5.28	80	0.87	N/A

*Source: CalEEMod, November 2018 (see Appendix).*

- d) 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. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest existing sensitive receptors to the project site would be the existing residences located to the east, southeast, and north of the project site. The Leo Chesney Correctional Facility located to the east of the site is currently vacant, and is not considered a location where sensitive receptors congregate.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and Toxic Air Contaminants (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) recommend that projects that do not result in the degradation of traffic operations at any intersections from acceptable levels of service (LOS) to unacceptable LOS and that do not result in the addition of a substantial amount of new traffic to intersections already operating at an unacceptable LOS are not anticipated to result in high levels of localized CO and further analysis is not required. As discussed in further depth in Section XVII. Transportation/Traffic of this Initial Study, the proposed project is anticipated to result in a relatively small amount of new vehicle trips from the project site. The relatively small number of project related vehicle trips are not anticipated to result in any impacts to the operations of the local roadway network, nor would the project be considered to add a substantial amount of vehicles to any intersections operating at unacceptable LOS. Consequently, the proposed project would not be anticipated to result in high levels of localized CO per the recommendations of the foregoing nearby air districts.

Furthermore, development of the project site has been previously anticipated in the EIR prepared for the City's 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. Because buildout of the project site was previously analyzed in the City's 2030 General Plan EIR, and the proposed project is consistent with the General Plan land use designations for the project site, the proposed project would not be anticipated to result in any impacts related to CO not previously anticipated in the General Plan EIR.

Considering the relatively small amount of new vehicle trips that would occur as a result of implementation of the proposed project and considering that buildout of the project site has been previously analyzed in the General Plan EIR, which concluded that buildout of the City would not result in impacts related to localized CO, 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 railyards. 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.

The proposed project would not involve any land uses or operations that would be considered major sources of TACs, including DPM. As such, the proposed project would not generate any substantial pollutant concentrations during operations. However, short-term, construction-related activities could

result in the generation of TACs, specifically DPM, from on-road 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 construction period associated with the proposed project. Additionally, mass grading of the project site, when emissions would be most intensive, has already occurred, and while fine grading may be required, because mass grading would not be necessary, the proposed project would not require the operation of heavy-duty machinery related to grading within the site for substantial periods of time.

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 the project site.

During construction, only portions of the project site would be disturbed at a time. Operation of construction equipment would occur on such portions of the site intermittently throughout the course of a day over the overall construction period. In addition, section 9.30.020 of the City's Municipal Code 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.

### Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs from 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.

- e) While offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable annoyance and distress among the public and can generate citizen complaints to local governments and air districts. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative or formulaic methodologies to determine the presence of a significant odor impact do not exist. Adverse effects of odors on residential areas and other sensitive receptors warrant the closest scrutiny; but consideration should also be given to other land use types where people congregate, such as recreational facilities, worksites, and commercial areas. The potential for an odor impact is dependent on a number of variables including the nature of the odor source, distance between a receptor and an odor source, and local meteorological conditions.

Examples of land uses that have the potential to generate considerable odors include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project would not introduce any such land uses. Furthermore, residential land uses are not typically associated with the creation of

substantial objectionable odors. As a result, operation of the proposed project would not create any objectionable odors that would affect a substantial number of people.

Although the FRAQMD's Guidelines direct lead agencies to analyze potential impacts of nearby sources of odors on a proposed project as part of the *California Building Industry Association v. Bay Area Air Quality Management District* case (CBIA case), the California Supreme Court granted limited review to the question: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? The question specifically concerned the applicability of thresholds promulgated by the Bay Area Air Quality Management District (BAAQMD) some of which related to exposure of sensitive receptors to existing TAC emissions. In the opinion published on December 17, 2015, the Supreme Court looked closely at the language and legislative intent in CEQA, and found that CEQA does not provide "enough of a basis to suggest that the term 'environmental effects' [. . .] is meant, as a general matter, to encompass these broader considerations associated with the health and safety of a project's future residents or users." Based on the Supreme Court opinion, it would be considered appropriate to evaluate a project's potentially significant *exacerbating* effects on existing environmental hazards – effects that arise because the project brings "development and people into the area affected." The Supreme Court stated that even in those specific instances where evaluation of a project's potentially significant exacerbating effects on existing environmental hazards is appropriate, the evaluation of how future residents or users could be affected by the exacerbated conditions is still compelled by the project's impact on the environment, for instance the project's emission of odors, and not the environment's impact on the project, such as the exposure of proposed receptors to existing off-site sources of odors.<sup>2</sup>

Considering the CBIA case discussed above and that operations of the proposed project would not result in the emissions of objectionable odors, the proposed project is not expected to create any objectionable odors that would affect a substantial number of people, a ***less-than-significant*** impact would result.

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<sup>2</sup> Alameda County Superior Court. *California Building Industry Association v. Bay Area Air Quality Management District*. A135335 and A136212. Filed August 12, 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES -- Would the project:</b>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	( )	(X)	( )	( )
(b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	( )	(X)	( )	( )
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	( )	(X)	( )	( )
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	( )	(X)	( )	( )
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	( )	( )	(X)	( )
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	( )	( )	( )	(X)

**Comments:**

- a) Marcus H. Bole & Associates prepared a Biological Resources Evaluation (BRA) for the proposed project site in May 2018. Preparation of the BRA included a determination of Waters of the U.S. for the project site, a site visit on May 2, 2018, and review of relevant informational databases such as the California Department of Fish & Wildlife’s Natural Diversity Database (CNDDDB).

The project site consists primarily of ruderal non-native annual grassland. The eastern boundary of the project site contains sparse amounts of non-native grasses, cottonwoods, and small-diameter willows. An existing agricultural drainage ditch maintained by RD 777 is located adjacent to the eastern and southern borders of the project site. The ditch supports small amounts of native and non-native wetland grasses, small-diameter willows, and cottonwoods. The special-status or sensitive plant and wildlife species identified to potentially occur in the project area, as well as the likelihood for the species to occur on the project site based on the presence of suitable habitat, are presented in Table 5 and discussed in further detail below.

Table 5 Special-Status Species in the Project Area				
Species		Status (Fed/State/ CNPS)	Habitat	Potential for Occurrence
Common Name	Scientific Name			
<b>PLANTS</b>				
Baker's navarretia	<i>Navarretia leucocephala ssp. bakeri</i>	_/_/1B.1	Occurs in vernal pools and swales, adobe or alkaline soils.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
Recurved larkspur	<i>Delphinium recurvatum</i>	_/_/1B.2	Occurs on alkaline soils; often in valley saltbrush or valley chenopod scrub.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
<b>ANIMALS</b>				
<b>Mammals</b>				
Silver-haired bat	<i>Lasionycteris noctivagans</i>	_/_/_	Roots in hollow trees, beneath exfoliating bark, abandoned woodpecker holes & rarely under rocks, needs drinking water.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
North American Porcupine	<i>Erethizon dorsatum</i>	_/_/_	Wide variety of coniferous and mixed woodland habitats.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
<b>Invertebrates</b>				
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT/--/--	Occurs in riparian and oak woodlands. Requires the presence of blue elderberry shrubs.	<b>Absent:</b> There are no elderberry shrubs within the Project Area or within 500 feet of the project area.
Vernal pool Fairy shrimp	<i>Branchinecta lynchi</i>	FT/--/--	Inhabits small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	<b>Absent:</b> There is no habitat for this species in the Project Area. None observed during intensive surveys.
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	FE/--/--	Occurs in Pools commonly found in grass bottomed swales of unplowed grasslands, some pools are mud-bottomed & highly turbid.	<b>Absent:</b> There is no habitat for this species in the Project Area. None observed during intensive surveys.
<b>Amphibians and Reptiles</b>				
California red-legged frog	<i>Rana draytonii</i>	FT/SC/_	Requires 11-20 weeks of permanent water for larval development. Must have estivation habitat. In or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	<b>Absent:</b> No suitable habitat within the Project Area. The adjacent RD 777 drainage ditch does not support suitable habitat for this species. None observed during intensive onsite surveys.
Giant garter snake	<i>Thamnophis gigas</i>	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes,	<b>Absent:</b> No suitable habitat within the Project Area. The adjacent RD 777 drainage ditch does not support suitable habitat for this species. None observed during intensive onsite surveys

(continued on next page)

Table 5 Special-Status Species in the Project Area				
Species		Status (Fed/State/ CNPS)	Habitat	Potential for Occurrence
Common Name	Scientific Name			
			and their associated uplands. (sea level - 400 ft elevation)	
<b>Birds</b>				
Aleutian Canada goose	<i>Branta hutchinsii leucopareia</i>	MBTA /_/_	Occurs in Winters on lakes and inland prairies. Forages on pastures or cultivated grain fields.	<b>Absent:</b> The project site provides no suitable habitat within or near it. No examples were observed during surveys.
Banks swallow	<i>Riparia riparia</i>	MBTA/ST/_	Occurs along water ways with sharply cut banks made up of brittle soils.	<b>Absent:</b> There are no sharply cut banks suitable for bank swallow nesting colonies within the Project Area. None were observed during the habitat survey.
Greater sandhill crane	<i>Grus Canadensis tabida</i>	MBTA /ST/_	Nests in wetland habitats in northeastern California. Prefers grain fields within 4 miles of a shallow body of water.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
Song Sparrow	<i>Melospiza melodia</i>	MBTA /SSC/_	Nests in wetland habitats and riparian shrub-scrub habitats.	<b>Absent:</b> The project site does not contain a suitable habitat within or near the Project Area. None observed during surveys.
Swainson's Hawk	<i>Buteo-swainsoni</i>	MBTA/ST/_	Open grasslands, riparian areas, agricultural or ranch lands with groves or lines of trees.	<b>Likely Absent:</b> Marginal nesting habitat within the Project Area. Numerous sightings within 10 miles of the project area. No stick nest observed within ½ mile of the Project Area.
Tri-Colored black bird	<i>Agelaius tricolor</i>	MBTA/SSC/_	Marshes and swamps, agricultural irrigation ditches, blackberry brambles and grasslands. Requires open water, protected nesting.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.
Bald Eagle	<i>Haliaeetus leucocephalus</i>	_SE/_	Nests in large, old-growth, or dominant live tree w/open branches, especially ponderosa pine.	<b>Absent:</b> No suitable habitat within or near the Project Area. None observed during surveys.

Source: Marcus H. Bole & Associates. Biological Resources Evaluation for Silver Oaks Subdivision Project. May 24, 2018..

### Swainson's Hawk

As shown in Table 5, the Swainson's Hawk was not observed on the project site during the May 2, 2018 field survey and stick nests were not observed within 0.5-mile of the project site. However, a marginal nesting habitat for the Swainson's Hawk does exist within the project site and numerous sightings within 10 miles of the project site have been reported. The project site lacks suitable breeding habitat for the species, but the annual grassland and small diameter trees within the project site are considered a marginal nesting habitat. Because the project site provides marginal nesting habitat for the species, implementation of the proposed project could result in adverse effects to Swainson's hawk.

### Migratory Bird Species

Construction activities associated with the proposed project may cause disturbance to migratory birds nesting in the on-site grassland habitat. In addition to potential damage or direct removal of an active nest, such construction activities could result in noise, dust, and other disturbances to nesting birds, resulting in potential nest abandonment and mortality to eggs and chicks. Furthermore, construction activity could disturb species protected by the Migratory Bird Treaty Act (MBTA). Such disturbance of trees and shrubs on-site would have a similar potential to cause nest abandonment and mortality to eggs and chicks.

### Conclusion

Based on the above, the BRA did not find any species of special concern within or immediately adjacent to the project site. However, the potential exists for Swainson's hawks, and other MBTA species to potentially occupy the site based on habitat requirements that the proposed project site meets. The potential exists for species to occur on-site and further surveys would be necessary to determine the absence of the previously mentioned species. Without implementation of mitigation measures, impacts to special-status species would be considered ***potentially significant***.

### Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above 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 1<sup>st</sup> to September 30<sup>th</sup>). Results of the pre-construction survey shall be submitted to the City's Planning 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.*

- IV-2. *The project proponent shall be responsible for mitigating the loss of potential foraging habitat on the project site at a ratio of 0.75:1, as per the CDFW's 1994 Guidance on Swainson's Hawk Mitigation. A record of the compensatory mitigation shall be submitted to the City of Live Oak Planning Department prior to initiation of ground-disturbing activities.*



*MBTA Protected Species*

IV-3. *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's Planning 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's Planning 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.*

b,c) In May 2018, Marcus H. Bole & Associates determined that the RD 777 agricultural drainage ditch adjacent to the eastern and southern border of the project site was the only potential wetland habitat near the project site. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the United States Army Corps of Engineers (USACE) Wetlands Delineation Manual. Primarily, the USACE establishes two distinctions: wetland and non-wetland waters of the U.S. Non-wetland waters are commonly referred to as "other waters of the U.S." Waters of the U.S. are drainage features or water bodies as described in 33 CFR 328.4. The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetlands and waters of the U.S. provide critical habitat components, such as nest sites and a reliable source of water for a wide variety of wildlife species.

Section 16.32.350, Existing Natural Channels or Ditches, of the City of Live Oak Municipal Code requires dedicated right-of-way for storm drainage, such as the adjacent RD 777 agricultural ditch, and only allows diversion of natural channels or existing ditches located within the proposed improvement with City approval. In addition, if the ditch must be diverted, it shall be replaced with underground closed conduits. Diversion of the drainage ditch is subject to approval from the City Engineer and Public Works Director, and design proposals would be reviewed prior to implementation of the proposed project. As such, development of the proposed project would impact the RD 777 agricultural drainage ditch which has the potential to contain jurisdictional waters and riparian habitat, and a **potentially-significant** impact could result.

Mitigation Measure(s)

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

IV-4 *Prior to Improvement Plan approval for areas that would affect any stream crossing, or bed, bank or associated riparian vegetation of the riverine riparian and seasonal wetlands, including*

*the RD 777 drainage ditch, the applicant shall enter into a 1602 Streambed Alteration Agreement with CDFW. This agreement would include measures to minimize and restore riparian habitat. The 1602 Streambed Alteration Agreement would require the project proponent to prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian vegetation. If impacts to riparian and other sensitive natural communities are not avoidable, and on-site preservation is not possible, habitat compensation standards shall include a minimum 1.5:1 (1.5 acres of preserved habitat for every acre impacted) impact preservation ratio. Proof of compliance with this measure shall be submitted to the City Engineer.*

- d) As noted previously, the vegetative communities within the project site are limited to ruderal, native and non-native annual grasslands and sparse amounts of small-diameter willows and cottonwoods. The proposed project site is bordered to the north and southeast by residential development, and roadways border the north and west sides of the project site. Agricultural land currently exists to the west and southwest of the project site. The RD 777 agricultural drainage ditch has the potential to contain riparian habitat or waters that that could provide a movement corridor through the project area. Because implementation would require the alteration of the RD 777 agricultural drainage ditch that would see it diverted underground, the proposed project could potentially interfere with the movement of wildlife and a **potentially-significant** impact could occur.

Mitigation Measure(s)

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

*IV-5 Implement Mitigation Measure IV-4.*

- e) The project site contains annual grasslands throughout and small-diameter trees, including willows and cottonwoods near the eastern portion of the project site. Implementation of the proposed project would include removal of existing small trees and brush to provide for improvements associated with access to the site and the proposed residences. The proposed project would include augmentation of street frontage landscaping as well as landscaping within the project site. Nevertheless, removal of the existing on-site small-diameter trees and landscaping during implementation of the proposed project must comply with Section 12.04.030 of the City of Live Oak's Municipal Code. Because the project would comply with the City of Live Oak's Municipal Code and General Plan policies related to tree preservation, the project's impact would be **less than significant**.
- f) The City of Live Oak has not adopted a habitat conservation plan, the City of Live was a participant in the preparation of the Yuba-Sutter Regional Conservation Plan, however, the preparation of that plan has stopped and will not be completed. Because an approved Habitat Conservation Plan does not exist, the project would result in **no impact**.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>V. CULTURAL RESOURCES</u></b> -- Would the project:				
(a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	( )	(X)	( )	( )
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	( )	(X)	( )	( )
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	( )	(X)	( )	( )
(d) Disturb any human remains, including those interred outside of formal cemeteries?	( )	(X)	( )	( )

**Comments:**

a-d) On-site structures do not currently exist on the project site, which is highly disturbed and vacant. Prior to the site grading in 2005, the project site had historically been used as agricultural land and did not contain structures that could be considered historically significant. In addition, a record search of the NAHC Sacred Lands File was completed for the project site area and returned negative results for containing any known Native American cultural resources. Furthermore, the Live Oak 2030 General Plan EIR determined prehistoric sites would likely be located along a waterway such as the Sutter Butte Canal or the Feather River. As a result, the likelihood of discovery of archaeological, paleontological, geological, or human remains is very low. However, the potential does exist for previously unidentified archaeological, paleontological, geological resources or human remains to be encountered below the surface of the disturbance area that could be inadvertently damaged or lost during construction. Therefore, implementation of the project could result in a **potentially significant** impact.

**Mitigation Measure(s)**

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

V-1. *Prior to the issuance of a grading permit, the project's Improvement Plans shall include notes (per California Health & Safety Code, Section 7050.5, Government Code 27491, and Public Resource Code Section 5097.98) indicating that if historic and/or cultural resources, including human remains, are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the project contractor shall immediately notify the City's Planning Department of the discovery. In the case of an archeological, prehistoric, or historic discovery, the developer shall be required to retain the services of a qualified archaeologist, approved by the City, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City's Planning Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.*

V-2. *Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Sutter County Sheriff's Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed*

*to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>				
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>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?</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Landslides?</li> </ul>	()	()	(X)	()
(b) Result in substantial soil erosion or the loss of topsoil?	()	()	(X)	()
(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?	()	()	(X)	()
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	()	()	(X)	()
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	()	()	()	(X)

**Comments:**

- a) The proposed project site 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. The 2030 General Plan puts forth policies and programs designed to reduce the risks associated with seismic ground shaking such as the following:
- Policy PS-1.1: All new buildings in the City shall be built under the seismic requirements of the California Building Code (CBC).
  - Policy PS.1.2: The City will encourage retrofitting of older buildings to current safety standards, as specified in locally applicable fire and building codes.

Compliance with goals, policies, and programs in the 2030 General Plan as well as compliance with CBC regulations, would require seismic safety requirements to be established and incorporated into the design of all new residences and buildings associated with the proposed project. Therefore, a **less-than-significant** impact would occur related to the potential damage to structures from seismic activity associated with geologic hazards.

b-d) The proposed project would include additional grading of the site prior to the construction of the associated residential structures. During early stages of construction, topsoil would be exposed after grading and prior to overlaying the ground surface with structures. The exposure of topsoil could create the potential for wind and/or water erosion to occur. However, topsoil exposure would be temporary during site preparation and would cease once development of the proposed residential structures occurs. During construction, the project would be required to comply with Goal PUBLIC 4 of the Live Oak 2030 General Plan, which requires new development projects to provide storm drainage systems that protect property and public safety and prevent erosion and flooding.

The topography of the project site is generally level and steep slopes do not occur within the project site. As a result, the potential for landslides to occur on the site is very low. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site consists of Liveoak sandy clay loam (mapping unit 138) and Marcum-Gridley clay loams (143). The above soils slope from zero to two percent, are artificially and moderately well-drained, do not have typical frequencies of flooding or ponding, and have a moderate available water capacity.<sup>3</sup>

Liquefaction of soils can cause lateral movement from under buildings, roads, pipelines and other structures. Damage is typically most pronounced to heavy structures on shallow foundations. The potential for liquefaction varies within the City of Live Oak from a moderate to high level of liquefaction potential. Expansive and shrink-well soils contain significant amounts of clay minerals that swell when wet and shrink when dry. Repetition of this swelling and shrinking can cause the soils to crack and result in movement. To mitigate the potential impacts of soil liquefaction and expansive soils on existing and new development, the Live Oak 2030 General Plan puts forth Policy PS-1.1 and Policy PS-1.2, implementation of which would reduce the potential for substantial adverse effects due to exposure to seismic-related ground failure.

The proposed project includes construction of a 104-unit residential subdivision. Construction of the project, including ground-disturbing activities such as grading and paving would temporarily increase the risk of erosion if wind or water disturbs the site. However, the project would include both temporary and permanent erosion control techniques. Goal PUBLIC 4 of the Live Oak 2030 General Plan requires new development projects provide storm drainage systems that protect property and public safety and that prevent erosion and flooding. Furthermore, the State's General Construction Activity Stormwater Permit requires development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP describes BMPs to control or minimize pollutants from entering stormwater and must address non-point source pollution impacts of the development project. In addition, the proposed project would comply with provisions of the National Pollutant Discharge Elimination System (NPDES) permit to avoid and minimize any potential violations of water quality standards or waste discharge requirements.

The Live Oak 2030 General Plan EIR determined that with implementation of the above policies, including requiring all new developments to submit a Grading Plan, Erosion Control Plan, and SWPPP, the impact from development of the Live Oak 2030 General Plan related to erosion and topsoil loss would be less-than-significant.<sup>4</sup>

In conclusion, soil conditions would not result in lateral spreading, subsidence, liquefaction or collapse. The project site is not located on expansive soil as defined in Table 1613.5.2 of the 2010 California Building Code and would not create substantial risks to life or property. Therefore, the overall impacts related to soil erosion, landslides, liquefaction, lateral spreading, subsidence, collapse, and expansive soil would be considered ***less than significant***.

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<sup>3</sup> Natural Resource Conservation Service, United States Department of Agriculture. *Web Soil Survey, Live Oak, California (CA067)*. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed July 30, 2018.

<sup>4</sup> City of Live Oak. *City of Live Oak 2030 General Plan EIR*. [pg. 8-25]. 2004.

- e) The project consists of constructing 104 single-family residential units that would be connected to the City of Live Oak's sewer system. The use of septic tanks or alternative wastewater disposal systems would not be required, nor are they proposed as part of the project. Therefore, ***no impact*** would occur regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>VII. GREENHOUSE GAS EMISSIONS</u></b> -- Would the project:				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	()	()	(X)	()
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	()	()	(X)	()

**Comments:**

a,b) Emissions of greenhouse gases (GHGs) 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.

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. 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 assess potential impacts resulting from project-related GHG emissions. However, several other air districts within California, including the PCAPCD, BAAQMD, and the San Luis Obispo Air Pollution Control District (SLOAPCD) 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, between 1,100 and 1,150 metric tons of carbon dioxide equivalence units (MTCO<sub>2e</sub>), 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 6 below. The SLOAPCD and BAAQMD recommend comparison of a project's emissions to either the mass emissions thresholds or the efficiency metric presented in Table 6, 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 compared to the thresholds presented in Table 6 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.



Air District	Mass Emissions Thresholds (MTCO <sub>2</sub> e/year)	Efficiency Metric (MTCO <sub>2</sub> e/resident/year)
SLOAPCD	1,150	4.9
BAAQMD	1,100	4.6
PCAPCD	1,100/10,000 <sup>1</sup>	4.5/5.5 <sup>2</sup>

*Notes:*

<sup>1</sup> The PCAPCD maintains a De Minimis threshold of 1,100 MTCO<sub>2</sub>e/year and a bright line threshold of 10,000 MTCO<sub>2</sub>e/year

<sup>2</sup> The PCAPCD maintains two efficiency thresholds for residential projects, 4.5 MTCO<sub>2</sub>e/resident/year for projects located within urban areas of Placer County and 5.5 MTCO<sub>2</sub>e/resident/year for projects located within rural areas of the County.

*Source: Placer County Air Pollution Control District. California Environmental Quality Act Thresholds of Significance Justification Report. October 2016.*

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 a yearly basis. The thresholds presented in Table 6 are primarily intended for use in analyzing operational GHG emissions, with the exception of PCAPCD's Bright Line threshold of 10,000 MTCO<sub>2</sub>e/yr, which serves as an operational and construction emissions threshold. However, construction-related GHG emissions have been estimated for implementation of the project and such emissions have been compared to the mass emissions thresholds for annual emissions above. The estimated GHG emissions resulting from construction of the proposed project are presented in Table 7 below.

Construction Year	Project Emissions
2018	255.10
2019	73.97
<b>Maximum</b>	<b>255.10</b>

*Source: CalEEMod, November 2018 (see Appendix).*

The estimated maximum annual construction-related emissions presented in Table 7 would be below the mass emissions thresholds used by other nearby air districts. Considering the relatively limited amount of construction-related GHG emissions, construction of the proposed project would not be considered to result in substantial amounts of GHG emissions.

The estimated maximum annual GHG emissions related to operations of the proposed project are presented in Table 8 below. It should be noted that Mitigation Measure III-1 of this Initial Study requires that the proposed residences be constructed without the inclusion of wood-fueled fire places. Consequently, operational emissions presented in Table 8 reflect the emissions level that would occur following implementation of Mitigation Measure III-1.

The emissions levels presented in Table 8 demonstrate that although project emissions would exceed the PCAPCD's 1,100 MTCO<sub>2</sub>e/yr threshold, the emissions factor for project operations would be 4.05 MTCO<sub>2</sub>e/yr/capita, which would be below the efficiency metrics used by the SLOAPCD, BAAQMD, and the PCAPCD. Thus, based on the standards used by other air districts within the state, operation of the proposed project would not be considered to result in substantial GHG emissions.

<b>Table 8</b>	
<b>Unmitigated Operational GHG Emissions</b>	
<b>Emission Source</b>	<b>Project Emissions</b>
Area	67.47 MTCO <sub>2</sub> e/yr
Energy	227.22 MTCO <sub>2</sub> e/yr
Mobile	1,137.65 MTCO <sub>2</sub> e/yr
Solid Waste	45.09 MTCO <sub>2</sub> e/yr
Water	14.37 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions</b>	<b>1,491.80 MTCO<sub>2</sub>e/yr</b>
<b>Emissions Factor</b>	<b>4.05 MTCO<sub>2</sub>e/capita/yr<sup>1</sup></b>
<p><i>Note:</i></p> <p><sup>1</sup> <i>Based on an anticipated future population of 3.54 persons per household for a total population of 368 residents (1,491.80 MTCO<sub>2</sub>e/yr / 368 residents = 4.05 MTCO<sub>2</sub>e/capita/yr).</i></p> <p><i>Source: CalEEMod, November 2018 (see Appendix).</i></p>	

In addition to consideration of operational GHG emissions presented above, citywide operational GHG emissions have previously been considered within the General Plan EIR. As discussed in the General Plan EIR, buildout of the General Plan would result in increased citywide GHG emissions. Various policies within the City's General Plan would contribute to the minimization of GHG emission resulting from buildout of the City; however, the City's General Plan EIR concluded that increased development within the City resulting from implementation of the General Plan would result in a significant and unavoidable contribution to global climate change. The proposed project would be required to comply with all applicable General Plan policies and any energy efficiency regulations in place at the time of construction, such as the California Building Energy Efficiency Standards and the California Green Building Code. Compliance with the City's policies as well as the statewide energy efficiency regulations would ensure that GHG emissions resulting from operation of the proposed project would be minimized. In addition, the proposed project would be consistent with the General Plan land use designation for the project site. As such, the consideration of Citywide GHG emissions included in the General Plan EIR would have included GHG emissions resulting from buildout of the project site, and the GHG emissions related to implementation of the proposed project would not be considered new or significantly more severe.

Considering that the proposed project would result in GHG emissions 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 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**.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS --</u></b>				
Would the project:				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	()	()	(X)	()
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	()	()	(X)	()
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	()	()	()	(X)
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	()	()	()	(X)
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	()	()	()	(X)
(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	()	()	()	(X)
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	()	()	(X)	()
(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	()	()	(X)	()

**Comments:**

- a) Residential land uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Future residents may use common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, routine use of such products would not represent a substantial risk to public health or the environment. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a **less-than-significant** impact would occur.

- b) Construction activities associated with the proposed project would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

Because construction activities would be required to adhere to all relevant guidelines and ordinances regulating the handling, storage, and transportation of toxic materials, 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. Thus, a **less-than-significant** impact would occur.

- c) The proposed project site is located 0.75-mile from Live Oak High School and 0.8-mile from Live Oak Middle School and is therefore not located within 0.25-mile of any school. The proposed project has limited potential for the routine transport, use, or disposal of hazardous materials as discussed above, or present a reasonably foreseeable release of hazardous materials. Therefore, the project would have **no 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.
- d) According to the Department of Toxic Substance Control (DTSC)'s Hazardous Waste and Substances Site List, the project site is not located on a site which is included on the list compiled pursuant to Government Code Section 65962.5.<sup>5</sup> Therefore, **no impact** would occur.
- e,f) A public use airport does not exist within two miles of the proposed project site. However, the Bowles private airstrip is located 1.85 miles northwest of the project site. Policy 7.E-1 of the Live Oak 2030 General Plan EIR requires that new development around airports does not create a safety hazard. Given that the project site is a significant distance from and not within the runway clearance zones established to protect the adjoining land uses in the airport vicinity from noise and safety hazards associated with aviation accidents, **no impact** would occur.
- g,h) The proposed project includes the provision of two vehicle access points to the project site, one on Apricot Street and a second on Allen Street. According to the Live Oak 2030 General Plan EIR, portions of the City of Live Oak that are urbanized or used for irrigated agricultural practices are not at high risk for wildland fires.<sup>6</sup> The proposed project site is surrounded by existing residential development and land used for agricultural purposes. Therefore, a **less-than-significant** impact would occur related to the interference with an adopted emergency response plan or the exposure of people or structures to a significant loss associated with wildland fires.

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<sup>5</sup> Department of Toxic Substances Control. Hazardous Waste and Substances Site List. Available at: [http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site\\_type=CSITES,OPEN,FUDS,CL,OSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST](http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CL,OSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST). Accessed July 30, 2018.

<sup>6</sup> City of Live Oak. *City of Live Oak 2030 General Plan EIR*. [pg. 4.15-12]. 2004.

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

**Comments:**

a,f) Grading and excavation during construction, as well as implementation of new structures associated with the proposed project, would create the potential to degrade water quality from increased sedimentation and increased discharge (increased flow and volume of runoff) associated with stormwater runoff. Disturbance of site soils would increase the potential for erosion from stormwater. The State Water Resources Control Board (SWRCB) adopted a statewide general 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 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 proposed project would include disturbance of the entire 26-acre project site, and, thus, is subject to the relevant requirements within the aforementioned General Permit.

The proposed project would be required to implement any applicable goals, policies, and BMPs set forth by the above programs. Construction related BMPs would likely 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 and the City of Live Oak's Stormwater Management Program would ensure that construction activities, and operation of the project, would not result in degradation of downstream water quality. However, the proposed project's construction activities could result in an increase in erosion, and consequently affect water quality. Therefore, a **potentially significant** impact related to water quality and waste discharge requirements would result.

Mitigation Measure(s)

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

*IX-1. Prior to the issuance of grading permits, the developer shall obtain and comply with the NPDES general construction permit including the submittal of a Notice of Intent (NOI) and associated fee to the SWRCB and the preparation of a SWPPP that includes both construction stage and permanent storm water pollution prevention practices to be submitted to the City Engineer for review.*

b) As further discussed in Section XIX, Utilities and Service Systems, of this IS/MND, the City of Live Oak's groundwater is derived from the East Butte Groundwater Subbasin which is part of the Sacramento Valley Groundwater Basin. Monitoring of groundwater levels within the City has shown that water levels have risen in the past 60 years despite growth within the City. The City of Live Oak's 2030 General Plan suggests that the increase in water demand associated with implementation of the General Plan would not have a long-term substantial adverse effect on groundwater levels or supply in the region. Increases in demand for groundwater that occur with buildout of the City, including buildout of the project site, can be met through continued pumping from existing wells and the construction of new wells as needed. The proposed project is not anticipated to require construction of a new well, and continued pumping from existing City of Live Oak wells is not anticipated to inhibit the use of groundwater by the City.

Furthermore, a portion of the site was initially graded in 2005 to act as a detention basin for stormwater runoff. The majority of stormwater from the project site would be handled by new connections to City infrastructure along the Apricot Street ROW. In addition, the project site has been previously zoned and designated for urban development by the City of Live Oak, and, thus, loss of groundwater infiltration at the site due to development has been previously anticipated by the City and would not result in the reduction of groundwater recharge within the City of Live Oak beyond what was previously anticipated for the project site.

In conclusion, the additional demand for water due to buildout of the proposed project, and development of the project site for urban uses 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.

- c-e) The project site is undeveloped and vacant. Implementation of the proposed project would involve additional grading of the site, and the development of 104 residential units on the site. Such development activity would increase the impervious surfaces within the project site. Increased impervious surfaces within the project site would change the existing drainage pattern of the site, decrease absorption rates, and increase the amount of run-off generated from the project site.

The project's compliance with SWRCB requirements and the City of Live Oak's Stormwater Management Program would ensure that operation of the project would not result in degradation of downstream water quality. Stormwater infrastructure exists along Apricot Street and Stormwater infrastructure within the project site would be connected to the existing City of Live Oak stormwater system, in compliance with City standards.<sup>7</sup> Prior to connection with the City of Live Oak's stormwater system, the proposed project would be required to show that stormwater runoff from the project would not result in new or increased flooding impacts on adjoining parcels in upstream and downstream areas. Although development of the proposed project would be accommodated in the existing City of Live Oak storm drainage system, implementation of the proposed project would add impervious surfaces to the area, such as parking areas, roadways, and structures. An increase in impervious surfaces could result in a decrease in absorption rates and an increase in stormwater runoff rates. Without mitigation to ensure the on-site drainage system would be properly designed to prevent flooding of adjacent properties, the impact would be considered **potentially significant**.

#### Mitigation Measures

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

IX-2. *Implement Mitigation Measure IX-1.*

IX-3. *Prior to approval of Improvement Plans for the proposed project, the project applicant shall prepare a hydraulic study that demonstrates that stormwater runoff from the proposed project would not exceed the capacity of existing drainage systems. The hydraulic report shall be submitted to the City Engineer for review and approval.*

- g-i) The approximately 26-acre project site is undeveloped and located within an urbanized area. The proposed project would consist of the construction of a 104 single-family lot residential subdivision. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 06039500001C, the project is not located within a 100-year flood hazard area.<sup>8</sup> As such, the project would not impede or redirect flood flows or expose people or structures to a significant loss injury or death involving flooding. As such, the proposed project would result in **no impact**.
- j) The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the improvement area is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard. Therefore, **no impact** would occur related to inundation by seiche, tsunami, or mudflow.

<sup>7</sup> City of Live Oak. *Storm Drainage System Master Plan*. May 2010.

<sup>8</sup> Federal Emergency Management Agency. *Flood Insurance Rate Map (FIRM) Panel 06039500001C*. October 2017. Available at: <https://msc.fema.gov/portal/search#searchresultsanchor>. Accessed September 3, 2018.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XI. LAND USE AND PLANNING</u></b> -- Would the project:				
(a) Physically divide an established community?	( )	( )	( )	(X)
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	( )	( )	(X)	( )
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	( )	( )	( )	(X)

**Comments:**

a) The approximately 26-acre project site is predominately undeveloped but located within a relatively urbanized area. The proposed project would include the development of 104 single-family residential units within the site which would be consistent with surrounding land uses to the north and southeast. Given that the proposed project site does not contain any existing housing, and major changes to the surrounding community would not occur with implementation of the project, the proposed project would have **no impact** related to the physical division of an established community.

b) The current zoning and General Plan land use designations for the project site are R2 and Smaller-Lot Residential, respectively. The proposed project is consistent with current General Plan land use designations and zoning for the site. The proposed project would adhere to the General Plan goals, policies, and objectives regarding economic vitality, fiscal balance, safety, and planning consistency, such as Goal LU-1, Policy LU-1.1, Policy LU-2.1, and Policy LU-5.6.

The proposed project would be consistent with the land use designations in the Live Oak 2030 General Plan. In addition, the proposed project complies with the above-mentioned General Plan goals and policies resulting in a **less-than-significant** impact related to conflicting with a policy adopted for the purpose of avoiding or mitigating an environmental effect.

c) The City of Live Oak has not adopted a habitat conservation plan, the City of Live was a participant in the preparation of the Yuba-Sutter Regional Conservation Plan, however, the preparation of that plan has stopped and will not be completed. Therefore, **no impact** related to a habitat conservation plan or natural community conservation plan would occur.



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

**Comments:**

a,b) The Live Oak 2030 General Plan determined that there are no known mineral resource zones within the City of Live Oak. In addition, the General Plan EIR affirms that no mineral resources are currently being mined or produced in the area. The City of Live Oak is within Sutter County's General Plan area, which analyzes mineral resources within the County. According to the Sutter County General Plan, the mineral resource zone closest to the City of Live Oak, is the Butte Sand and Gravel Quarry located over 10 miles southwest of the project site. The project site itself 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 residential land uses to the north and southeast of the project site. Therefore, ***no impact*** to mineral resources would occur.

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

**Comments:**

a,c) Chapter 9.30 of the City of Live Oak Municipal Code defines regulations for a qualitative noise ordinance which prohibits unnecessary, excessive, and annoying noises from all sources subject to its police power. Section E of the aforementioned chapter states that it is a violation of the Noise Control Ordinance to perform 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

Non-transportation Noise at New Sensitive Receptors

The 2030 Live Oak General Plan establishes criteria for “Non-transportation” related noise thresholds as well as separate thresholds intended to prevent the creation of incompatible land uses due to noise levels. The City of Live Oak’s non-transportation related noise thresholds are presented in Table 9.

<b>Table 9</b>		
<b>Maximum Allowable Noise Exposure from Nontransportation Noise Sources at Noise Sensitive Land Uses</b>		
<b>Noise Level Descriptor</b>	<b>Exterior Noise Level Standards, dBA</b>	
	<b>Daytime (7 AM to 10 PM)</b>	<b>Nighttime (10 PM to 7 AM)</b>
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. <i>Source: Live Oak 2030 General Plan Noise Element</i>		

The only significant source of non-transportation related noise in the project area is the City Soccer Park located just south of the project site. The proposed project would not be exposed to noise levels from the nearby City Soccer Park exceeding 50 dBA  $L_{eq}$  or 70 dBA  $L_{max}$  which are the City of Live Oak's daytime noise level standards for non-transportation noise sources.

#### Exterior and Interior Noise Levels

The Live Oak 2030 General Plan defines normally acceptable noise exposure from transportation noise sources at noise-sensitive land uses as 45 dBA  $L_{dn}$  for interior spaces and 60 dBA  $L_{dn}$  for exterior spaces. Noise sensitive land uses generally include residences, schools, libraries, hospitals, and passive recreational areas. In the vicinity of the project site, noise sensitive land uses include existing single-family residences located to the north and southeast of the project site, as well as the City Soccer Park to the south of the project site.

As further discussed in Section XVII. Transportation/Traffic, of this IS/MND, the proposed project would result in an increase in vehicle trips on local roadways. Increased vehicle trips would result in increased noise levels from traffic sources along local roadways. The City of Live Oak considers 60 dBA  $L_{dn}$  to be a normally acceptable noise environment for residential land uses. Therefore, if the proposed project is predicted to increase noise levels at existing residents beyond 60 dBA  $L_{dn}$ , further analysis would be required.

Under the 2030 Live Oak General Plan, residential uses are considered normally acceptable in ambient noise environments up to 60 dBA  $L_{dn}$ , and conditionally acceptable in noise environments up to 70 dBA  $L_{dn}$ . However, residential developments with outdoor noise environments of greater than 65 dBA  $L_{dn}$  are not generally considered acceptable. The Live Oak 2030 General Plan EIR identifies the roadways that are major sources of noise in the planning area. According to the EIR, Larkin Road and Pennington Road are the major sources of noise in the project vicinity. The project site is located further than 50 feet from either of these streets and, as such, would not be exposed to noise levels in excess of applicable Live Oak noise standards.

Residential developments are not typically considered to be significant sources of noise. However, increased vehicle trips to and from the project site during project operations could have the potential to increase ambient noise levels. Given that the proposed project is consistent with the General Plan Land Use designation for single-family residential development, the impacts related to an increase in noise associated with build-out of the proposed project have been previously analyzed by the General Plan EIR. Furthermore, such an increase in noise levels would not be considered substantial, as it would be consistent with the type and intensity of noise generated from the surrounding residential development.

#### Conclusion

Considering the above, the proposed project would not expose sensitive receptors to noise levels in excess of standards established in the Live Oak General Plan, and a **less-than-significant** impact would result.

- b) Vibration-generating activities are anticipated during construction of the proposed project. The noise sensitive land uses located immediately north and southeast of the project site could be impacted by construction-related vibrations, especially vibratory compactors/rollers. Construction activities associated with implementation of the proposed project would be temporary in nature and would occur during normal daytime working hours. Upon completion of the project, groundborne vibration or groundborne noise would not occur as a result of the proposed project.

The City of Live Oak has established a quantitative threshold for exposure to groundborne vibrations from construction of a proposed project. Policy NOISE-2.4 requires that any new project must mitigate vibration from construction as a condition of approval and Policy NOISE-2.4 would reduce vibration levels from construction below screening levels established by the FTA and CalTrans. The types of construction vibration impacts that could occur include human annoyance and building structural

damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table 10 below details the typical construction equipment vibration levels put forth by the Federal Transit Authority. The most substantial source of groundborne vibrations associated with project construction would be the use of pile drivers.

<b>Table 10 Typical Construction Equipment Vibration Levels</b>		
<b>Type of Equipment</b>	<b>PPV at 25 feet (inches/second)<sup>1</sup></b>	<b>Approximate Lv at 25 feet<sup>2</sup></b>
Pile Driver (impact)	0.644 – 1.518	104 - 112
Pile Driver (sonic)	0.170 - .734	93 - 105
Large Bulldozer	.089	87
Auger/drill Rigs	0.089	87
Jackhammer	0.035	58
Notes: <sup>1</sup> Where PPV is the peak particle velocity <sup>2</sup> Where Lv is the velocity in decibels (VdB) and based on the root mean square velocity amplitude.  Source: Federal Transit Authority 2006		

The proposed project would only cause elevated vibration levels during construction, as the proposed project would not involve any uses or operations that would generate substantial groundborne vibration. Although noise and vibration associated with the construction phases of the project would add to the noise environment in the immediate project vicinity, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours. Because the proposed project would not cause continuous, long-term vibrations, the project would not be expected to result in extended annoyance to the nearby sensitive receptors.

The primary vibration-generating activities associated with the proposed project would occur during grading, placement of utilities, and construction of foundations. Table 10 shows the typical vibration levels produced by construction equipment at various distances. The most substantial source of groundborne vibrations associated with project construction would be the use of pile drivers.

However, construction activities would be temporary in nature and pursuant to Section 9.30.020 of the Live Oak Municipal Code, would occur during normal daytime working hours. Therefore, the proposed project would not expose sensitive receptors to excessive groundborne vibrations, and a **less-than-significant** impact would occur.

- d) During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Most of the building construction would occur at distances of 50 feet or greater from the nearest residences. Construction noise associated with streets would be similar to noise that would be associated with public works projects, such as a roadway widening or paving projects.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase as a result of construction activities would be temporary and would occur during normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered **less-than-significant**.

- e,f) The nearest airport to the project site, Bowles Airport, is located approximately two miles northwest of the site. However, the project site is not within an airport land use plan or located within the vicinity of

a public airport or a private airstrip that would expose the future residents of the project to excessive noise levels. Therefore, ***no impact*** is expected to occur related to excessive air traffic noise.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIV. POPULATION AND HOUSING</u> -- Would the project:				
(a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	()	()	(X)	()
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	()	()	()	(X)
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	()	()	()	(X)

**Comments:**

- a) The proposed project would include the development of 104 single-family residential units on the 26-acre site. According to the General Plan, there are 3.54 persons per household for the City of Live Oak. As a result, the proposed project could add approximately 368 new residents to the City. However, the project site has been anticipated for future residential development in the General Plan; therefore, the future development of the proposed project would not result in a substantial population growth that has not already been anticipated in the City's General Plan EIR and a **less-than-significant** impact would occur.
- b,c) Residences do not currently exist on the project site. Therefore, the proposed project would not result in the demolition of existing housing, which would displace residents and **no impact** would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XV. PUBLIC SERVICES</u> -- 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:				
(a) Fire protection?	()	()	(X)	()
(b) Law Enforcement?	()	()	(X)	()
(c) Schools?	()	()	(X)	()
(d) Parks?	()	()	(X)	()
(e) Other public facilities?	()	()	(X)	()

**Comments:**

- a) The proposed project consists of a 104-unit residential subdivision. 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 primary fire station in Live Oak is located at 2745 Fir Street which is approximately 0.5-mile northeast of the project site.

The Live Oak 2030 General Plan EIR determined that buildout of the General Plan would increase the overall demand on fire protection services. The proposed project site was anticipated for urban development under the existing smaller-lot residential land use designation and R2 zoning and, given the project site's proximity to the fire station on Fir Street, fire protection services could easily respond to incidents at the project site. Furthermore, the project applicant would be required to pay a development impact fee and a public safety fee pursuant to section 15.50.020 of the City of Live Oak Municipal Code. Payment of fees would ensure that adequate fire services would be available to serve the proposed project, and the proposed project would not require the construction of new or physically altered fire protection facilities, the construction of which could cause an environmental impact. Thus, the proposed project would result in a **less-than-significant** impact.

- b) The City of Live Oak is served by a Sutter County Sherriff's Department substation for law enforcement services. The Live Oak 2030 General Plan EIR determined that the City of Live Oak's cost to maintain equipment, facilities, and to train and equip personnel would be offset through the increase of revenue, and fees, generated by future development. The applicant would be required to pay all applicable fees, including a development impact fee and public safety fee. The project site is currently designated as smaller-lot residential and, thus, has been anticipated for urban development, which would increase the demand for police protection services from the project site. Based on the above, the proposed project would not result in the need for new or physically altered law enforcement facilities, the construction of which could cause an environmental impact, and a **less-than-significant** impact occur.
- c) The City of Live Oak is served by the Live Oak Unified School District (LOUSD), which consists of six schools, two elementary schools (grades K through eight and K through four), a middle school (grades 5 through eight), a high school (grades nine through 12), as well as a continuation high school (grades nine through 12) and alternative school (grades one through 12). The proposed project includes the development of a single-family residential subdivision with 104 residential units. As shown in Table 11

below, the proposed project could generate approximately 90 students, including 66 K-5 students, 10 grade 6-8 students, and 14 high school students.

<b>Table 11</b>			
<b>Silver Oaks Subdivision Project Student Generation</b>			
<b>Grade</b>	<b>Number of Units</b>	<b>Students/Unit Rate<sup>1</sup></b>	<b>Number of Students</b>
K-5	104	0.636	66
6-8	104	0.091	10
9-12	104	0.136	14
<b>Total</b>	<b>104</b>	<b>0.863</b>	<b>90</b>
<i>Source: Live Oak 2030 General Plan EIR, September 2008.</i>			

According to the Live Oak 2030 General Plan Existing Conditions, LOUSD’s capacity of all the schools within the district are overall impacted with enrollment exceeding capacity. However, funding for new school construction is provided through State and local revenue sources. The applicant must pay development impact fees to the LOUSD, which are established pursuant to Section 17620 et. seq. of the California Education Code. The City of Live Oak will collect these fees prior to the issuance of building permits for new homes and transfer the fees to the local school district. Payment of these mandatory fees will sufficiently offset the project’s impacts involving demands on school district facilities, and additional mitigation cannot be imposed, pursuant to California Government Code Section 65996. Therefore, compliance with existing State regulations would be considered sufficient to ensure the project’s impacts involving demand on local school facilities would be **less than significant**.

- d) The City of Live Oak Parks and Recreation Department consists of five parks, Oak Tree Park, Pennington Ranch Park, Live Oak Memorial Park, Date Street Park, and the Live Oak Soccer Park. Using an average persons per household value of 3.54 per residential unit,<sup>9</sup> the proposed project could generate a population of approximately 368 persons. The 2030 Live Oak General Plan requires one to two acres of parkland per 1,000 residents; therefore, the project would be required to supply a minimum of 0.32 acres of parkland. The proposed project would not include any park areas. However, in compliance with Section 16.36.020 of Live Oak’s Municipal Code, a proposed subdivision located on a site that does not include land designated by the 2030 Live Oak General Plan for park or recreation facilities may, at the City of Live Oak’s discretion, pay a fee in-lieu of land dedication. The proposed project site does not contain lands designated for park or recreation facilities; thus, in accordance with the Section 16.36.020, the proposed project would be required to pay the in-lieu fee for parkland dedication. Payment of in-lieu fees would be considered sufficient to ensure that adequate public parkland was provided for future residents, and a **less-than-significant** impact would occur.
  
- e) The Live Oak 2030 General Plan anticipates increased demand for public facilities with growth in the City of Live Oak. The project site is currently designated for Smaller-Lot Residential uses which would increase demand for public facilities such as libraries, or community centers. Although the proposed development of the site for residential uses would increase the demand for public facilities, the addition of 368 residents to the City of Live Oak is not anticipated to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service for any other public services. Therefore, a **less-than-significant** impact would occur.

<sup>9</sup> City of Live Oak. *Live Oak 2030 General Plan EIR. Land Use, Population, and Housing.* September 2008.



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

**Comments:**

a,b)As discussed in Section XV, the proposed project would add approximately 104 single-family residences to the City of Live Oak. The 2030 Live Oak General Plan requires one to two acres of parkland per 1,000 residents; therefore, the project would be required to supply a minimum of 0.37 acres of parkland or pay in lieu fees for the dedication of parkland. The proposed project does not include dedicated parklands; however, in compliance with Section 16.36.020 of Live Oak’s Municipal Code, the proposed project would be required to pay in-lieu fees for the dedication of parkland. The payment of in-lieu fees would ensure that adequate parkland would be provided within the City, and existing recreational facilities would not experience impacts due to the growth in the City of Live Oak’s population. As such, the proposed project would result in a ***less-than-significant*** impact related to recreational facilities.

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

**Comments:**

a,b) The proposed project would include the construction of 104 single-family residences, as well as internal roadways consisting of Valerie Way, Allen Street, Samuel Street, Rachel Street, Q Street, Lettie Court, Payal Court. The Institute of Traffic Engineer’s (ITE) Trip Generation Handbook was used to estimate the potential number of vehicle trips that would result from development of the site. Development and operation of 104 single-family residential units would be anticipated to result in 70 vehicle trips in the AM peak hour and 104 vehicle trips during the PM peak hour from the project site. The proposed project is anticipated to generate a maximum of 104 PM peak hour trips, which is not anticipated to result in impacts to the circulation network of the project area.

The Live Oak 2030 General Plan EIR identified intersections within the City that would be impacted as a result of buildout of the 2030 General Plan. The intersection of Apricot Street and Broadway Avenue/Larkin Road east of the project site, is currently identified as being impacted and operates at a LOS of F. As such, the addition of vehicles trips associated with the proposed project would not have the potential to reduce the effectiveness of the intersection beyond what has been analyzed in the

General Plan EIR. Implementation of the 2030 General Plan would include the creation of a new UPRR crossing southeast of the project site at Coleman Avenue. The addition of this new crossing would improve the LOS at the Apricot Street/Broadway Avenue/Larkin Road intersection to LOS A.

In addition, development of the project site would be required to comply with all relevant goals and policies within the City's General Plan. Development of the project site for residential uses would not be anticipated to result in impacts to the City's circulation system. Additionally, future development of the project site would be required to comply with the City's General Plan goals and policies related to alternative transportation and vehicle transportation. Therefore, the proposed project would result in a **less-than-significant** impact.

- c) The proposed project is not located near a public use airport and does not include any improvements to airports or a change in air traffic patterns. The nearest airport to the project site, Bowles Airport, is located approximately two miles northwest of the site. The proposed project would not result in a change in air traffic patterns, including either an increase in air traffic levels or a change in location that results in substantial safety risks. Therefore, **no impact** would occur.
- d,e) The proposed project would not alter emergency access to the site, which is currently provided by Apricot Street to the north of the project site. However, the proposed project would result in the extension of Samuel Street, Rachel Street, and Q Street from the north, and of Allen Street from the east, which would provide increased access to the proposed residential lots. Despite roadway extension improvements, development of the site would not be anticipated to include any significant changes to the existing circulation network in the project area that would introduce hazards. Furthermore, development of the project site has already been planned for residential use and, thus, the project would result in a **less-than-significant** impact.
- f) The proposed project would have access to the Yuba-Sutter Transit System. The Live Oak Route offers twice daily roundtrip service to Yuba City and Marysville and has multiple stops within the City of Live Oak, the nearest of which is located 0.4 mile southwest of the project site at the intersection of Allen Street and Larkin Road. The proposed project would not include alterations to the surrounding circulation system, nor would the project interfere with current transit options available for the area. Additionally, the proposed project would not interfere with existing bicycle infrastructure. Future development of the project site would be required to comply with the City's General Plan goals and policies related to the use of alternative modes of transportation such as Policies CIRC-3.2 and CIRC 3.3, which are designed to promote the incorporation of dedicated pedestrian and bicycle networks within new developments. Therefore, the proposed project would not conflict with alternative transportation routes or policies resulting in a **less-than-significant** impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XVIII. TRIBAL RESOURCES</u></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, 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:				
(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)?	( )	(X)	( )	( )
(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.	( )	(X)	( )	( )

**Comments:**

a,b) Tribal cultural resources are generally defined by Public Resources Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. The Native American Heritage Commission (NAHC) was contacted to request a search of their Sacred Lands File for traditional cultural resources within or near the project area. The reply from the NAHC stated that the search failed to indicate the presence of Native American sacred lands or traditional cultural properties in the immediate vicinity.

In addition, under Assembly Bill (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 Lone Band of Miwok Indians, the Torres Martinez Desert Cahuilla Indians, and the UAIC. The UAIC responded to the City's notice and requested consultation regarding the proposed project. Accordingly, the City consulted with the UAIC and provided the results from the Native American Heritage Commission's (NAHC) Sacred Lands Record search as well as the draft Mitigation Measures for comment. To date, the City has not received a response from the UAIC, and tribal consultation has been completed.

As additionally 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 including existing development of the site, and Native American resources have not been identified within the vicinity of the project site. 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 impact to a *less-than-significant* level.

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

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

**Comments:**

a,b,e) The City of Live Oak operates and maintains its sewer system and wastewater treatment plant (WWTP) which has a capacity of 1.4 million gallons per day (mgd) and is currently operating at an average of 0.70 mgd. The proposed project consists of constructing a 104-unit single-family residential subdivision on a 26-acre site. Operation of the proposed project would include residential areas which would generate wastewater through utilization of restroom facilities, landscaping, laundry and other typical residential uses. Construction of the project would include construction of on-site wastewater collection infrastructure, and connection to existing wastewater infrastructure within Apricot Street. The proposed project would be required to pay infrastructure impact fees prior to the issuance of building permits.

The increase in wastewater associated with the proposed project would be accommodated within the City's existing infrastructure. In addition, the project would be required to pay any applicable sewer connection and capacity fees. Therefore, the proposed project would not require the construction of new wastewater treatment facilities or expansion of existing facilities and a **less-than-significant** impact to wastewater treatment facilities would occur.

c) According to the Live Oak 2030 General Plan EIR, increased development may lead to an increase in impervious surfaces being created where permeable soils currently exist. An increase in the number of

impervious surfaces such as rooftops, sidewalks, driveways, and streets, would result in higher rates of runoff during rain events which can be a source of water pollution. The proposed project consists of constructing 104 single-family residences, internal circulation, and related on-site infrastructure. The proposed project would be required to comply with relevant regulations from the SWRCB, and the City of Live Oak's Sewer System Management Plan. Such regulations would ensure that permanent water quality BMPs are integrated into the proposed project to ensure that stormwater is properly managed prior to discharge. Proper management would include treatment for potential pollutants as well as controlling the volume and velocity of runoff. However, implementation of the proposed project would add impervious surfaces to the area, such as parking areas, roadways, and structures, and an increase in impervious surfaces could affect stormwater runoff rates. Therefore, a **potentially significant** impact would occur.

Mitigation Measure(s)

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

*XIX-1 Implement Mitigation Measures IX-1 and IX-2.*

- d) Water supply for domestic water service and fire flow is supplied from four wells owned and operated by the City of Live Oak. According to the 2030 General Plan EIR, new potable water demands are to be met through additional groundwater pumping as buildout of the General Plan would trigger the need for new or expanded water supply entitlements. The City estimates that General Plan buildout will require the addition of eight wells capable of providing a minimum of 2,000 gallons per minute (gpm) as well as the construction of extensive water distribution infrastructure to connect new development to the City's water supply. Despite the increase in water demand over current levels, the City's total water demand in 2030 would be roughly 0.4 percent of the East Butte Subbasin's total storage capacity and implementation of the General Plan would not have a long-term substantial adverse effect on groundwater levels or supply in the region.

The proposed project would incur a development impact fee in order to fund the development of wells and the subsequent distribution systems. Despite the anticipated increase in water demand from buildout of the site under the proposed project, the City is anticipated to have adequate groundwater supplies to meet the demand of the proposed project in addition to existing demand and future demand from other projects within the City of Live Oak. Thus, the proposed project would not exceed the City of Live Oak's available water supply, and impacts to water supplies would be **less than significant**.

- f,g) The Ostrom Road Landfill in Yuba County is the primary destination for solid waste collected in Live Oak. In 2007, the Ostrom Road Landfill was permitted to accept 3,000 tons of solid waste per day and had an estimated remaining capacity of 40,600,000 cubic yards (97.1 percent). The expected closure date of this facility is December 2066. Therefore, the project's solid waste impact would be **less than significant**.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XX. MANDATORY FINDINGS OF SIGNIFICANCE**

(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	( )	( )	(X)	( )
(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 probably future projects)?	( )	( )	(X)	( )
(c) Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly?	( )	( )	(X)	( )

**Comments:**

- a) With the implementation of required mitigation, the proposed project would have a low potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Overall, the City of Live Oak’s incorporation of mitigation measures adopted as part of the proposed project would minimize the impacts on the environment as discussed throughout this IS/MND analysis, and the project’s impact would be considered ***less than significant***.
- 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. All future development projects not previously anticipated by the General Plan EIR or other environmental analysis in the City of Live Oak would be required to undergo the same environmental analysis and mitigate any 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) The proposed project site would be developed in a generally urbanized and built-up area of the City of Live Oak. Development of the proposed project would not be expected to result in adverse impacts to human beings, either directly or indirectly. The potential for environmental effects on human beings is addressed within this IS/MND and all impacts have been identified as less-than-significant or less-than-significant after incorporation of mitigation measures, in limited cases. Based on the analysis with this IS/MND new unmitigated impacts to human beings would not occur; and a ***less-than-significant*** impact would result.



# Silver Oaks Subdivision Project Mitigation Monitoring and Reporting Program

January 2019

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) 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 (IS/MND) for the Silver Oaks Subdivision Project are listed in the MMRP along with 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 and Reporting Program Silver Oaks Subdivision Project				
Timing of Verification	Measure Complete? (check)	Mitigation Measures	Responsibility (Implementation)	Responsibility (Monitoring)
<b>III. Air Quality</b>				
Prior to issuance of Building Permits		<b>III-1:</b> <i>Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plan area. Homes may be fitted with the applicable regulation-compliant natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the City of Live Oak Planning Department.</i>	Project Contractor	City of Live Oak Planning Department
<b>IV. Biological Resources</b>				
Within 15 days prior to construction activities		<b>IV-1:</b> <i>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's Planning Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.</i>  <i>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.</i>	Project Contractor	City of Live Oak Planning Department
Prior to initiation of ground-disturbing activities		<b>IV-2:</b> <i>The project proponent shall be responsible for mitigating the loss of potential foraging habitat on the project site at a ratio of 0.75:1, as per the CDFW's 1994 Guidance on Swainson's Hawk Mitigation. A</i>	Project Applicant	City of Live Oak Planning Department

**Mitigation Monitoring and Reporting Program  
Silver Oaks Subdivision Project**

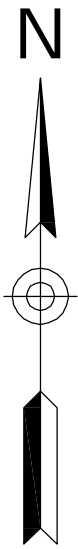
Timing of Verification	Measure Complete? (check)	Mitigation Measures	Responsibility (Implementation)	Responsibility (Monitoring)
		<p><i>record of the compensatory mitigation shall be submitted to the City of Live Oak Planning Department prior to initiation of ground-disturbing activities.</i></p>		
<p>Within 14 days prior to site disturbance for any phase of development</p>		<p><b>IV-3:</b> <i>During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:</i></p> <ul style="list-style-type: none"> <li>• <i>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's Planning Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary.</i></li> <li>• <i>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:</i> <ul style="list-style-type: none"> <li>○ <i>Stop all work within a 100-foot radius of the discovery.</i></li> <li>○ <i>Notify the City's Planning Department.</i></li> <li>○ <i>Do not resume work within the 100-foot radius until authorized by the biologist.</i></li> <li>○ <i>The biologist shall establish a minimum 100-foot Environmentally Sensitive Area (ESA) around the nest. The ESA may be reduced if</i></li> </ul> </li> </ul>	<p>Project Applicant</p>	<p>City of Live Oak Planning Department</p> <p>Project's qualified biologist</p>

<b>Mitigation Monitoring and Reporting Program Silver Oaks Subdivision Project</b>				
<b>Timing of Verification</b>	<b>Measure Complete? (check)</b>	<b>Mitigation Measures</b>	<b>Responsibility (Implementation)</b>	<b>Responsibility (Monitoring)</b>
		<i>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.</i>		
Prior to approval of Improvement Plans		<b>IV-4:</b> <i>Prior to Improvement Plan approval for areas that would affect any stream crossing, or bed, bank or associated riparian vegetation of the riverine riparian and seasonal wetlands, including the RD 777 drainage ditch, the applicant shall enter into a 1602 Streambed Alteration Agreement with CDFW. This agreement would include measures to minimize and restore riparian habitat. The 1602 Streambed Alteration Agreement would require the project proponent to prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian vegetation. If impacts to riparian and other sensitive natural communities are not avoidable, and on-site preservation is not possible, habitat compensation standards shall include a minimum 1.5:1 (1.5 acres of preserved habitat for every acre impacted) impact preservation ratio. Proof of compliance with this measure shall be submitted to the City Engineer.</i>	Project Applicant	City Engineer
See Mitigation Measure IV-5		<b>IV-5:</b> <i>Implement Mitigation Measure IV-4.</i>	See Mitigation Measure IV-4	See Mitigation Measure IV-4
<b>V. Cultural Resources</b>				
Prior to the issuance of grading permits		<b>V-1:</b> <i>Prior to the issuance of a grading permit, the project's Improvement Plans shall include notes (per California Health &amp; Safety Code, Section 7050.5, Government Code 27491, and Public Resource Code Section 5097.98) indicating that if historic and/or cultural resources, including human remains, are encountered during site grading or other site work, all such work shall be halted immediately within the area of</i>	Project Applicant	City of Live Oak Planning Department

**Mitigation Monitoring and Reporting Program  
Silver Oaks Subdivision Project**

Timing of Verification	Measure Complete? (check)	Mitigation Measures	Responsibility (Implementation)	Responsibility (Monitoring)
		<p><i>discovery and the project contractor shall immediately notify the City's Planning Department of the discovery. In the case of an archeological, prehistoric, or historic discovery, the developer shall be required to retain the services of a qualified archaeologist, approved by the City, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City's Planning Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.</i></p>		
During construction		<p><b>V-2:</b> Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Sutter County Sheriff's Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.</p>	Project Applicant	Sutter County Sheriff's Coroner  NAHC
<b>IX. Stormwater Quality</b>				
Prior to the issuance of Grading Permits		<p><b>IX-1:</b> Prior to the issuance of grading permits, the developer shall obtain and comply with the NPDES general construction permit including the submittal of a Notice of Intent (NOI) and associated fee to the SWRCB and</p>	Project Applicant	SWRCB  City Engineer

<b>Mitigation Monitoring and Reporting Program Silver Oaks Subdivision Project</b>				
<b>Timing of Verification</b>	<b>Measure Complete? (check)</b>	<b>Mitigation Measures</b>	<b>Responsibility (Implementation)</b>	<b>Responsibility (Monitoring)</b>
		<i>the preparation of a SWPPP that includes both construction stage and permanent storm water pollution prevention practices to be submitted to the City Engineer for review.</i>		
See Mitigation Measure IX-1		<b>IX-2:</b> <i>Implement Mitigation Measure IX-1.</i>	See Mitigation Measure IX-1	See Mitigation IX-1
Prior to approval of Improvement Plans		<b>IX-3:</b> <i>Prior to approval of Improvement Plans for the proposed project, the project applicant shall prepare a hydraulic study that demonstrates that stormwater runoff from the proposed project would not exceed the capacity of existing drainage systems. The hydraulic report shall be submitted to the City Engineer for review and approval.</i>	Project Applicant	City Engineer
<b>XVIII. Tribal Resources</b>				
See Mitigation Measures V-1 and V-2		<b>XVIII:</b> <i>Implement Mitigation Measures V-1 and V-2.</i>	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2
<b>XIX. Utilities and Service Systems</b>				
See Mitigation Measures IX-1 and IX-2		<b>XIX-1:</b> <i>Implement Mitigation Measures IX-1 and IX-2.</i>	See Mitigation Measures IX-1 and IX-2	See Mitigation Measures IX-1 and IX-2



1"=100'

**APPLICANT**

GURMAIL SINGH, JIT KAUR TRUSTEES  
HARMINDER SINGH  
P. O. BOX 61  
YUBA CITY, CA 95992  
(530) 682-2484

**OWNER**

GURMAIL SINGH, JIT KAUR TRUSTEES  
HARMINDER SINGH  
P. O. BOX 61  
YUBA CITY, CA 95992  
(530) 682-2484

**ENGINEER**

GEORGE L. MUSALLAM  
NORTH VALLEY ENGINEERING AND SURVEYING  
1547 STARR DRIVE SUITE "J"  
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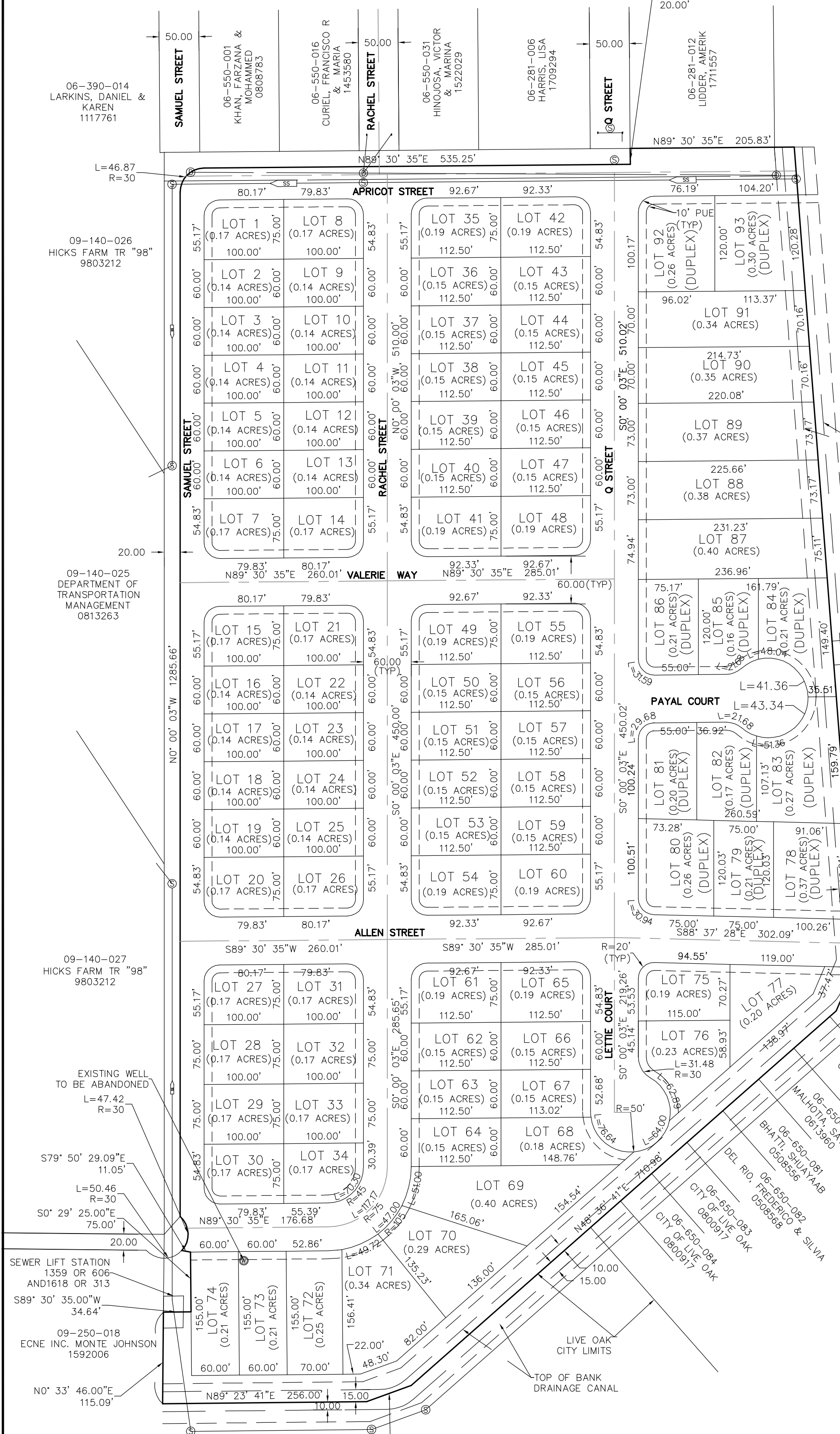
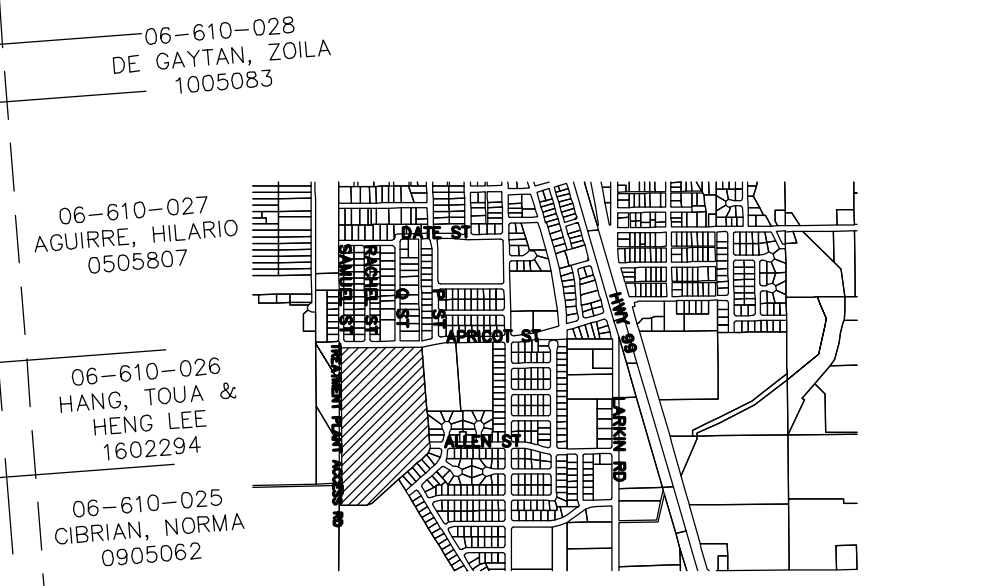
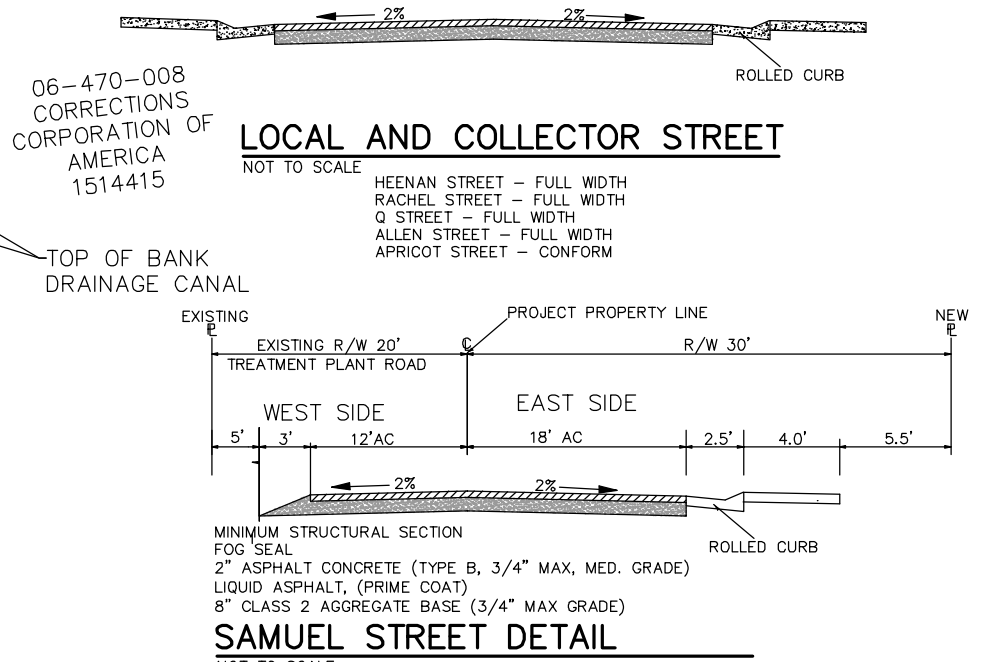
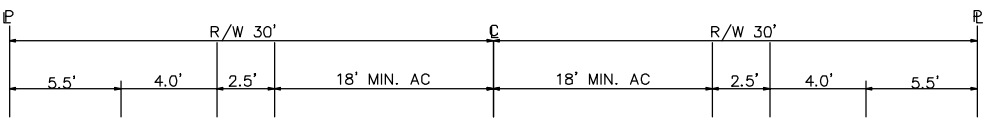
**GENERAL NOTES**

WATER  
CITY OF LIVE OAK  
SEWER  
CITY OF LIVE OAK  
STORM DRAIN  
RECLAMATION DISTRICT 777  
PROPERTY USE:  
EXISTING: OPEN FIELD  
PROPOSED: RESIDENTIAL 93 LOTS  
ZONING  
EXISTING: R1  
PROPOSED: R1  
GENERAL PLAN  
EXISTING: R1  
PROPOSED: R1  
ASSESSOR PARCEL MAP (ACRES)  
06-470-035 (26 +/-)  
UTILITIES  
ELECTRICITY AND GAS: P G & E  
TELEPHONE: AT&T/COMCAST  
CABLE: COMCAST

**LOT DIMENSIONS**

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

OWNERS AND ENGINEER SHALL RECEIVE ALL CORRESPONDENCES



**TENTATIVE SUBDIVISION MAP NO. -- SILVER OAKS SUBDIVISION**

BEING A PORTION OF THE "MARY ROTHNEY RANCH", IN THE BOGA RANCHO, BEING ALSO A PORTION OF SECTION 5, TOWNSHIP 16 NORTH, RANGE 3 EAST, M.D.B.&M., AS PROJECTED INTO THE BOGA RANCHO. SUTTER COUNTY, CALIFORNIA FEBRUARY 2017

PREPARED BY:  
**NVES**  
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