

Final
City of Live Oak

2030 General Plan
Environmental Impact Report



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1 INTRODUCTION

1.1 OVERVIEW

The final environmental impact report (FEIR) for the City of Live Oak 2030 General Plan incorporates the draft Environmental Impact Report (DEIR) with revisions, comment letters on the DEIR, and written responses to comments on the DEIR.

1.2 PUBLIC COMMENTS AND CITY RESPONSES

The draft EIR was circulated for public review between December 3, 2009 and January 18, 2010. Comment letters on the draft EIR are included in their entirety in this document. Consistent with the City's obligations under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), this FEIR was prepared to respond to written and verbal agency and public comments received on the DEIR (Public Resources Code, § 21091, subdivision (d)(2)(A)). Please refer to Section 2.0 of this Final EIR for public comments and the City's written responses to those comments.

1.3 CHANGES TO THE DRAFT EIR

The City has made minor changes to the Draft EIR in response to comments. The City has also made one minor change to the Draft EIR to reflect previous revisions to the General Plan.

Based on a comment from Caltrans, the City has revised Exhibit 4.2-1, Vehicular Circulation Diagram, which was included on page 4.2-3 of the DEIR. The legend on this exhibit previously did not match the map for Arterials and SR 99.

Based on a comment letter from the California Department of Fish & Game, the City has made minor clarifications to the Biological Resources section of the DEIR and language from the 2030 General Plan. Please refer to Section 2 of this FEIR for more details.

Finally, as a part of this Final EIR, the City has made revisions to Mitigation Measure 4.14-1, which was presented in the Climate Change section of the DEIR. The previous language referred to Mitigation Measure 4.3-3 from the Air Quality section of the DEIR. During review and revision to the administrative draft version of the EIR, the City elected to take this previous mitigation language, and instead translate this into General Plan policy. This is consistent with the City's overall desire to create a "self-mitigating" General Plan, to the maximum extent feasible. Therefore, as shown in the underline/strikeout format below, the City changed references to Mitigation Measure 4.3-3. Instead, the City refers to policies from the Conservation and Open Space Element that address project level air pollutant impacts and mitigation. As noted elsewhere, many of the same mitigation approaches embodied in standard mitigation language from Feather River Air Quality Management District for criteria air pollutants (ozone precursors, particulate matter, etc) would also reduce greenhouse gas emissions associated with project construction and operation. The City has also clarified as a part of these revisions that additional project mitigation would also be required for projects that could have cumulatively considerable climate change impacts. The revisions to this mitigation measure are included below.

Mitigation Measure 4.14-1

- ▶ Individual projects that would be constructed under the 2030 General Plan shall implement **Mitigation Measure 4.3-3 Policies Air-1.1, Air-1.2, Air-2.1, and Air-2.6** (described in **Section 4.3, “Air Quality: the Conservation and Open Space Element under the heading “Air Quality”**), which requires design and operational measures to reduce operational emissions of criteria air pollutants, **and** would further reduce CO₂ emissions from the Plan’s operation. Each individual project **that could have cumulatively considerable impacts** would also be required to implement site-level mitigation to reduce GHG emissions, as feasible.
- ▶ The City shall monitor the effectiveness of current and forthcoming regulations and legislation intended to reduce GHG emissions from mobile sources (e.g., AB 1493, SB 375), area sources (e.g., California Green Building Standards Code), and indirect sources (i.e., Renewable Energy Portfolio standards) on community and municipal GHG emissions. The City will implement related programs locally, where appropriate, to further reduce GHG emissions of 2030 General Plan buildout.

2 COMMENTS AND RESPONSES TO COMMENTS

This section of the FEIR contains comment letters received during the public review period for the DEIR, which concluded on January 18, 2010. In conformance with State CEQA Guidelines §15088(a), the City has prepared written responses to all comments that addressed environmental issues.

2.1 LIST OF COMMENTERS ON THE DEIR

Table 2-1 indicates the number designation for each comment letter, the author of the comment letter, and the comment letter date.

Table 2-1 Written Comments Received on the DEIR		
Letter #	Commentor	Date
State Agencies		
1	California Department of Fish and Game Jeff Drongesen, Acting Environmental Program Manager	January 13, 2010
2	California Department of Transportation Sukhvinder (Sue) Takhar, Chief, Office of Transportation Planning – North	January 19, 2010
3	California Public Utilities Commission Moses Sites, Rail Corridor Safety Specialist	January 19, 2010

2.2 COMMENTS AND RESPONSES ON THE DEIR

The written comments received on the DEIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commentor has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.



California Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 North Central Region
 1701 Nimbus Road, Suite A
 Rancho Cordova, CA 95670
 (916) 358-2900
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
 John McCamman, Director



January 13, 2010

Mr. Tom Lando
 City of Live Oak Planning Department
 9955 Live Oak Boulevard
 Live Oak, CA 95953

Re: City of Live Oak 2030 General Plan Draft Environmental Impact Report
 State Clearinghouse #2008092050

Dear Mr. Lando:

The Department of Fish and Game (Department) has reviewed the Draft City of Live Oak 2030 General Plan (Draft General Plan) and the Draft Environmental Impact Report (DEIR) for the City of Live Oak 2030 General Plan. The proposed project is the "City of Live Oak 2030 General Plan". From the Department's perspective, key objectives of the proposed project include its provision of policy guidelines for future development, conservation and determination on the future location, type and intensity of new development as described in the Land Use Element. Alternatives discussed in the document include Alternative 1 (No Project – Buildout of the Existing General Plan), Alternative 2 (Reduced Footprint, Similar Density), and Alternative 3 (Reduced Footprint, Increased Density).

1-1

We encourage the City of Live Oak to describe within the General Plan and the associated EIR, its current participation in the Yuba/Sutter Habitat Conservation/Natural Communities Conservation (HCP/NCCP) planning process. This process is a landscape-level approach to planning specified under Section 2800-2835 of the California Fish and Game Code and Section 10 of the federal Endangered Species Act, that protects state- and federally-listed species and ensures ecosystem health while addressing development needs. It is based on a partnership between local, state and federal entities and local stakeholders. The relationship of the City of Live Oak General Plan to the HCP/NCCP planning process will be key in mitigating effects to biological resources that occur through implementation of the General Plan, such as those described in Section 4.6 of the DEIR. Of particular importance is the location of mitigation areas, buffer areas, drainage swales and other open space areas, and their physical connection to the surrounding areas adjacent to the City of Live Oak Planning Area and Sphere of Influence. General Plan policies should refer to the City's participation in the HCP/NCCP process.

1-2

The current document does not make it possible to adequately assess biological resource impacts because it is difficult to determine, even in very general terms, the magnitude, type and character of land use conversions that will occur to habitat types on which the species under our jurisdiction depend. In order to meaningfully assess biological resource impacts, we suggest that existing acreages of land use types (environmental baseline) and information on acreage of full buildout of the General Plan (the proposed project) be clearly disclosed.

1-3

Conserving California's Wildlife Since 1870

In the Draft General Plan, the Open Space and Conservation Element of the General Plan discusses the integration of buffer areas with parks and open space, and the Public Utilities, Services and Facilities Element discusses the integration of drainage swales, particularly the use of "NDS" or natural drainage systems with this network as well. We approve of this approach to integrating such features. This integration is not pictured in Figure LU-5, and the General Plan is not clear as to how and where the integration of these features will take place. We understand the DEIR is intended to be a programmatic document and as such does not propose specific on-the-ground projects. The document should specify more clearly the approach that would be used to carry out key policies that address biological resource impacts.

1-4

The following comments relate to the fact that because general plan policies are unenforceable and the general plan programs are not yet developed and have not been reviewed by the Department, they cannot at this point in time be considered to reduce potentially significant biological resource impacts to a less than significant level.

In the DEIR, Impact 4.6-1 states four special status plants could occur within the Planning Area, and that implementation of the General Plan could result in loss or degradation of existing populations. The document also points out protocol-level surveys have not been conducted for these plants in all of the suitable habitats within the Planning Area. The document states that General Plan Policy Biological 1-1 calls for biological resource assessments and identification of "design solutions" to avoid impacts to special status species, and for the mitigation of impacts to such species "in accordance with guidance" from the appropriate state or federal agency. Proposed General Plan Policy Biological 1-1 is sound, but since there is incomplete information on the locations and populations of sensitive plants in relation to the General Plan impact areas, and no guarantee that mitigation could occur within the Planning Area, Impact 4.6-1 is potentially significant.

1-5

Impact 4.6-2 states the Planning Area contains habitat for 23 special-status wildlife and fish species and implementation of the General Plan could result in loss or degradation of existing populations or of suitable habitat for these species. There is incomplete information on the locations and populations of, and impacts to these 23 special status fish and wildlife species. It is not clear if impacts could be fully mitigated, or if mitigation could occur within the Planning Area. Impact 4.5-2 is potentially significant.

1-6

Impact 4.6-3 states that General Plan buildout could result in adverse effects on native trees and/or large heritage trees. According to the DEIR Policy Biological 2.1, under which native oaks and other large trees would be preserved to the "maximum extent feasible" and that a as-yet-to-be-adopted ordinance requiring mitigation for any removed trees would reduce any impacts to less-than-significant levels. Because it may not be feasible to protect certain trees which may have significant wildlife values, and because the tree protection ordinance has not yet been reviewed by the Department of Fish and Game, Impact 4.6-3 is potentially significant.

1-7

Impact 4.6-4 states that General Plan buildout could result in adverse effects on federally protected wetlands and other sensitive habitat types, however, due to Policies Biological 3.1, 3.2 and 3.2 as well as Implementation Program Biological-3, such impacts would be reduced to a less than significant level. While federal laws require "no net loss of wetlands" and the City of Live Oak will be complying with laws requiring avoidance, minimization

1-8

and/or compensation for wetland impacts, there may nevertheless be unavoidable impacts to wetlands. Impact 4.6-4 is potentially significant.

1-8
Cont'd

Policy Biological 3.1 states: "Where feasible, the City will require that new developments avoid the conversion of existing riparian habitat and require that an adequate buffer of the associated riparian areas be established to protect this resource. Where feasible, these resources shall be incorporated into open space corridors, public landscapes, and park(s) during the preparation of the Parks and Recreation Master Plan." The Department has the following questions and comments about this policy: 1) What criteria will be used to determine that a requirement to preserve existing riparian habitat is feasible? 2) What criteria will be used to determine that a buffer requirement is feasible? 3) What process will be used to determine the size and configuration of any buffers needed to protect riparian resources? 4) The wildlife values associated with riparian habitat and riparian habitat buffers may not be consistent with the objectives for public landscapes and parks. How will the City of Live Oak address these differing values and objectives? It may not be appropriate to address biological resource protection in a plan prepared for the purposes of parks and recreation.

1-9

Policy Biological 3.3 states "The City will take advantage of opportunities to enhance and restore existing riparian areas along Live Oak Slough and other drainage canals. Where feasible, these resources shall be incorporated into open space corridors, and public landscapes and parks during the preparation of the Parks and Recreation Master Plan." This appears to be a worthwhile and sensible policy, but because of its unenforceable nature, it is not appropriate to hold that the policy assists in reducing wetland impacts to less-than-significant. It would be helpful if the policy described any specific opportunities that are available for this restoration effort. The questions above regarding the differing nature of wildlife and recreational values apply to this policy as well.

1-10

Finally, what process will be used to adopted riparian buffer requirements under Implementation Program Biological-3? Will implementation of the General Plan begin prior to the adoption of such requirements? Will the requirements as described in the EIR be adopted, or will there be amendments to the requirements?

1-11

We hope that these comments and questions will be of use to the City of Live Oak in developing a sound and useful General Plan to guide its planning process in the coming years. Please feel free to contact me at (916) 358-2919 or Julie Newman of my staff at (530) 520-3052 if you would like to discuss any of these issues in more detail.

Sincerely,



Jeff Drongesen
Acting Environmental Program Manager

ec's/cc's: page 4

Mr. Lando

4

January 13, 2010

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- 1-1 The role of the Department of Fish and Game (DFG) in reviewing this document is noted.
- 1-2 Comment acknowledged. The following language will be added to the Section 4.6.1 Regulatory Background under the subheading “Regional and Local Plans, Policies, Regulations, and Ordinances” (following description of the Sutter County General Plan):

Yuba-Sutter Natural Community Conservation Plan / Habitat Conservation Plan

Yuba and Sutter Counties are currently in the process of developing a combined Natural Community Conservation Plan (NCCP) / Habitat Conservation Plan (HCP). The Yuba-Sutter NCCP/HCP is a cooperative planning effort initiated by the counties in connection with improvements to State Highway Routes (SRs) 99 and 70 and future development in the area surrounding those highways. HCPs are authorized by Congress under Section 10(a) of the ESA, which allows issuance of incidental take permits upon approval of a conservation plan developed by the permit applicants. Early HCPs addressed one or two listed species in small areas, often in response to individual development projects. Recent efforts have shifted toward large-scale, multi-species HCPs, often covering hundreds of thousands of acres and involving multiple jurisdictions or planning partners. In 1991, the State of California passed the Natural Community Conservation Planning Act, which established the Natural Community Planning program. NCCPs are carried out under California state law and can be even broader than HCPs. This landscape-level approach can be a more effective means to protect substantial areas, which in turn have a higher likelihood of conserving special-status species over the long term. The benefits of large-scale conservation planning for various stakeholders include acceleration and integration of the permitting process, reduction of applicant permitting costs, while improving regulatory certainty, and facilitation of needed public infrastructure projects. The program provides economic incentives for willing private landowners to conserve and act as stewards of valuable resources, and enables local governments to play a leadership role in natural resource conservation and permitting within a framework established in partnership with regulatory agencies.

The Yuba-Sutter Regional NCCP/HCP will provide a way to accommodate economic and community development; retain the economic vitality of the local agricultural community; maintain recreation, hunting, fishing, and other public uses of the local open space; simplify and expedite land use and conservation planning in the plan area; protect threatened and endangered species; and preserve plant and wildlife communities. On October 1, 2009, the City of Live Oak entered into a Memorandum of Understanding (MOU) with Sutter County, in which the City expressed its desire to participate in the development of the Yuba-Sutter Regional NCCP/HCP. The Yuba-Sutter Regional NCCP/HCP will likely provide an opportunity to mitigate potential impacts to biological resources that may occur through implementation of the General Plan. However, the NCCP/HCP is still in the early stages of development and specific conservation strategies and mitigation area have not been identified.

The City discussed the lack of conflict with any habitat conservation plan or similar plan in the DEIR. In addition, language in Section 4.6.3 under the heading “Impact Analysis” has been added regarding the City’s participation in the NCCP/HCP.

The City has signed a Memorandum of Understanding with Sutter County expressing its desire to participate in the development of the Yuba-Sutter NCCP/HCP. As discussed throughout this section and the Conservation and Open Space Element, the goals, policies, and implementation programs of the 2030 General Plan related to biological resources are designed in anticipation of the NCCP/HCP to avoid any future conflict. Participation in the NCCP/HCP, once adopted, and in its implementation phase, will provide an alternative approach to mitigation for potential impacts to biological resources resulting from implementation of the 2030 General Plan. The City could mitigate for impacts to species and communities

covered in the NCCP/HCP for covered activities implementing the measures outlined in the NCCP/HCP. Impacts to species and communities not covered in the NCCP/HCP or for activities not covered would still need to be mitigated separately, if applicable, according to the framework described in the Conservation and Open Space Element.

- 1-3 The General Plan and DEIR present mapping and narrative description of existing and future conditions within the City’s Planning Area (area to be affected by General Plan land use change) and Study Area (broader area with information of interest to the City in preparing the General Plan). Information on both existing and future conditions is described in both narrative form and various maps, including maps that show habitat types and presence of special-status species, as well as the City’s Land Use Diagram, which shows future land use, in general terms, for the Planning Area.

DFG’s interest in more exact quantification of existing acreages in different land uses and acreages to be converted to urban use is noted. Acreages of different existing habitat types within the Planning Area are shown in Table 4.6-1 of the DEIR. The entirety of land use conversion that provide habitat for plant and wildlife species is 3,349 acres of agricultural land-types (orchard, cropland, and pasture). It is conservatively assumed for the purpose of impact analysis in this EIR that the entire 3,349 acres of agricultural habitat type could be converted to non-agricultural use.

Table 4.6-1 and the subsequent text also indicate that “riparian habitat types may occur in small patches along canals and sloughs within the Planning Area.” This riparian habitat occurs in narrow, fragmented bands along the sloughs and canals and is typically dominated by non-native riparian weeds such as Himalayan berry, Bermuda grass, Johnson grass, and others. Please refer to Section 4.6.2 of the DEIR, which describes the existing conditions. These ruderal riparian patches were too small to map as part of this programmatic EIR and could therefore not be quantified as requested in this comment. While such habitats might be considered wetlands, subject to protection under federal law, they typically provide poor habitat for wildlife species. As noted elsewhere, the 2030 General Plan and DEIR provides for later project-specific environmental and mitigation to avoid adverse impacts to such features.

- 1-4 The City’s notes DFG’s interest in greater specificity regarding the approach that would be used to carry out policies that address biological resources impacts. The comment notes that Figure LU-5 does not display how existing canals, ditches, and drainage systems will be buffered and integrated into the City’s parks and open space system. The City cannot display incorporation of these features in detail at this time since, due to the nature of the General Plan, the approach is conceptual and the exact locations of proposed systems have not been determined. However, many of the existing drainage canals and sloughs are coincident with future multi-use trails to be constructed along with new development under the General Plan. Figure PARKS-4, Parks Diagram, from the 2030 General Plan Parks and Recreation Element, and Figure CIRC-5, Bicycle and Pedestrian Diagram, both show recreational spaces in areas coincident with tree cover, canals, and sloughs and provide additional detail on potential buffers. The City envisions an approach, as described in the 2030 General Plan and DEIR, whereby conservation objectives would be implemented in these areas alongside objectives for recreation and drainage conveyance. Please refer to the maps cited above from the 2030 General Plan, available online at: <http://www.liveoakcity.org/>.

DFG also asks for information about how General Plan policies are implemented. As the City receives and reviews development proposals during the implementation phase of the General Plan, it will review these proposals for consistency with policies and guidance provided in the General Plan and will condition projects, as necessary, to achieve consistency with the General Plan. Follow-on actions (such as development approvals) are considered “consistent with the general plan if, considering all its aspects, [these actions] will further the objectives and policies of the general plan and not obstruct their attainment” (Governor’s Office of Planning and Research, 2003 General Plan Guidelines). Consistency with the policies and quantification of habitats and potential impacts for specific projects will take place during environmental review specific to proposed projects, and maps depicting proposed land use,

buffers, and opens space habitats will be developed and analyzed at that point in time. Please also refer to the response to comment 1-11, which contains additional information about general plan implementation, including the various mechanisms that are used to enforce compliance with general plan policy.

The City has also committed to the preparation of a Parks and Recreation Master Plan (see Implementation Program PARKS-1 in the Parks and Recreation Element), which would provide more definition with respect to the size, location, and character of multi-use open space development with recreational and habitat benefits.

1-5 This comment discusses the efficacy of General Plan Policy Biological 1-1 for mitigating impacts to special-status plant species in light of the fact that there has not been protocol level surveys to comprehensively show the location and extent of the subject species in the Planning Area. The assessment of impacts to special-status plants that could result from implementation of the 2030 General Plan was based on a stepwise approach that included:

- ▶ a determination of which species could be present, based on habitat types known to occur in the Planning Area;
- ▶ an evaluation of the legal status of the species;
- ▶ an assessment of the extent of their potential habitat; and
- ▶ an assessment of the potential for conversion to suitable habitat that could result from implementation of full buildout of the 2030 General Plan.

The following provides additional reasoning on how the impact assessment led to the conclusion that impacts to special-status plant species would remain less than significant with implementation of the 2030 General Plan. The majority of the Planning Area (the area proposed for long-term development and conservation under the General Plan) is currently developed, or has been converted from its natural vegetative cover to agricultural and other uses. Therefore, suitable habitat for the special-status plant species identified in the EIR as having potential to occur in the Planning Area is minimal. As noted in the DEIR and 2030 General Plan, the City does not propose any development in areas near the Feather River in areas that would provide relatively greater potential habitat for special-status species. From Section 4.6.3 of the DEIR:

The Feather River is designated critical habitat for spring-run Chinook salmon and steelhead, and the riparian corridor along the river provides an important migratory wildlife corridor. The Planning Area does not include the Feather River's riparian corridor, and the General Plan does not designate land use change along the river.

The acreage of potential habitat for special-status plant species in the Planning Area is limited to small stands of riparian and wetland habitat found along canals and ditches. These habitats are subject to regulation by federal and state agencies under the federal Clean Water Act and DFG Code regulating Streambed Alteration Activities. Because the General Plan directs growth away from the area along the Feather River where there is more potential for habitat that supports special-status species, because there is very little habitat that would be supportive of special-status species in the Planning Area that would potentially be affected by the General Plan, because General Plan policy requires several approaches to avoiding or minimizing impacts, and because any such impacts would require review and mitigation according to state and federal standards, the potential for conversion and adverse effects on these habitats is limited. Policies Biological-3.1, 3.2, and 3.3, and Implementation Program Biological-1 and 3 require habitat preservation, mitigation, and restoration in these areas, thus further limiting the potential for conversion of these habitat types to land uses that could result in adverse effects on special-status plant species. As noted, the City's Parks Diagram and Bicycle and Pedestrian Diagram identify many of these

areas for recreational open space. In addition Policy Biological 1-1 calls for any projects with potential to adversely affect special-status species or their habitats to conduct special-status species surveys. This policy with the associated Implementation Program specifying that surveys would be consistent with guidance from California Department of Fish and Game and the California Native Plant Society will guarantee that potentially present special-status plants will be identified and subsequently quantified, and mitigated, if necessary. With implementation of these policies, potential impacts to special-status plant species would remain less-than-significant with implementation of the General Plan. To emphasize this point the following language has been added under Impact 4.6-1, as indicated:

The majority of special-status plant occurrences are likely to be found in riparian habitats along the Feather River that will not be adversely impacted as a result of the 2030 General Plan. Successful implementation of the policies and programs of the 2030 General Plan would identify potential occurrences of special-status plant species and areas that would be considered suitable habitat for these species within the Planning Area and avoid, minimize, and/or compensate for potential adverse effects to these species. Therefore, implementation of the 2030 General Plan is unlikely to result in substantial adverse effects to special-status plant species. This impact is considered less than significant.

1-6 To clarify the method of analysis of potential impacts to special-status wildlife that could result from implementation of projects seeking approval during implementation of the General Plan, the following language will be added to Implementation Program Biological -1, as indicated:

- ▶ **Policy Biological-1.1:** The City will require projects to undergo environmental review, as appropriate, based on the requirements of the California Environmental Quality Act. Applicants of projects that have the potential to negatively affect species or their habitat ~~to~~ shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If adverse effects cannot be avoided, then they shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of these species.
- ▶ **Implementation Program Biological-1:** The City's survey and mitigation requirements for special-status ~~plant and~~ wildlife species shall be consistent with current guidance from the California Department of Fish and Game, the U.S. Fish and Wildlife Service, ~~and the California Native Plant Society.~~ For federally listed wildlife species with potential to occur in the vicinity of proposed projects, the following guidelines are provided (project applicants will be required to use the most current version of survey protocol available at the time of project-level environmental review):
 - Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999)
 - Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California (USFWS 1996)
 - Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (USFWS 1997).
 - Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994).
 - Staff Report on Burrowing Owl Mitigation (CDFG 1995 as updated)
- ▶ For other wildlife species, the following guidance is recommended for pre-construction surveys:
 - Raptors (including long-eared owl, northern harrier, white-tailed kite): for activities in suitable habitat during the breeding season (March through August), pre-construction nest surveys with minimum buffers of 250 feet on active nests.

- Tricolored blackbird: for activities in suitable habitat during the breeding season (March through August), pre-construction nest surveys with minimum buffers of 250 feet on active nests.
- Other migratory birds (loggerhead shrike, Song Sparrow “Modesto population”), for activities in suitable habitat during the breeding season (March through August), pre-construction nest surveys with minimum buffers of 10 feet on active nests.
- Northwestern pond turtle: pre construction surveys in suitable aquatic habitat with relocation of turtles found in the work area into nearby suitable aquatic habitat.
- Special-status mammals (pallid bat, ringtail, silver-haired bat, western red bat, and American badger): for activities in suitable habitat, pre-construction surveys with minimum buffers of 10 feet on occupied habitat.

With implementation of the above protocols (or the prevailing version of protocols maintained by DFG and USFWS), which are designed to avoid substantial adverse effects to subject species, special-status wildlife species that could be affected through implementation of the 2030 General Plan are expected to be adequately identified, quantified, and impacts would be mitigated to a less-than-significant level.

- 1-7 The commenter states that Impact 4.6-3 should be potentially significant because “it may not be feasible to protect certain trees that may have significant wildlife values, and because the tree protection ordinance has not yet been reviewed by the Department of Fish and Game.” The following information is provided to clarify the impact conclusions presented in the DEIR.

The majority of trees with wildlife value within the Study Area occur within the riparian forest habitats along Feather River. (The Study Area is just that – a broad area around the City’s Planning Area subject to analysis under the General Plan and EIR. The Planning Area is a smaller area within the Study Area that is subject to City General Plan land use designations and where there may be land use change under the 2030 General Plan). Riparian forests along the Feather River will not be impacted by implementation of the 2030 General Plan, and thus impacts to wildlife associated with these trees will be avoided. Protection of large native oaks trees within the remainder of the Planning Area, which also have wildlife habitat value, is expected to be feasible. The number of these trees present in the Planning Area is limited, and the City’s prescribed approach is expected to protect most of the large trees present. For trees that would need to be removed, Implementation Program Biological-2 is expected to require mitigation to compensate for the loss of individual trees. Thus, the overall impact resulting from loss of trees and associated wildlife resulting from implementation of the General Plan is expected to remain less than significant.

- 1-8 The following provides additional information as to why the conclusion of potential impacts to federally protected wetlands is less than significant. The location and extent of federally protected wetlands in the Planning Area is very limited. Where they occur, they are located along existing canals and irrigation ditches. Any proposed development involving these features would require compliance with federal and state laws requiring no-net loss. Given that potentially jurisdictional wetland habitats in the Planning Area are small, fragmented, and degraded, and that any impacts to these habitats would require permits from the regulatory agencies that would have mitigation stipulations requiring mitigation of any adverse affects on these wetlands on a no-net loss basis, the DEIR concluded that with Policy Biological-3.1 and Implementation Program Biological-3, which requires riparian bufferes, impacts to these habitats would remain at less than significant levels with implementation of the General Plan.
- 1-9 The comment requests greater specificity regarding riparian buffer policy. Riparian habitat in those portions of the Planning Area that could result in land use conversion is very limited, and the wildlife value of this habitat is limited. The riparian buffer policy requires project applicants to incorporate these riparian areas into site planning, to provide buffers, and to target restoration. Provision of wildlife habitat

and protection of native riparian habitat are the main targets of this policy. Thus, implementation of the policy is anticipated to result in preservation or expansion of the habitat quality of the riparian habitat in the Planning Area when compared to current condition, rather than the conversion of such habitat to park and recreation landscapes as suggested by DFG. To clarify the City's desired outcome, the following language will be added to Policy Biological-3.1, as indicated:

Policy Biological-3.1. Where feasible, the City will require that new developments avoid the conversion of existing riparian habitat and require that an adequate buffer of the associated riparian areas be established to protect this resource. Where feasible, the riparian buffers shall be incorporated into open space corridors, public landscapes, and parks. Riparian buffers shall be designed to preserve existing wildlife habitat; restore degraded habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality within the established buffer zone; and provide interpretive features educating the public about the beneficial effects of native riparian habitat and activities that adversely affect wildlife.

- 1-10 Please refer to 1-9, above, for additional information on the intent and implementation of the riparian buffer guidance and to 1-8, above, for potential impacts to federally protected wetlands.
- 1-11 California general plans are implemented through a variety of mechanisms. Among the more familiar methods of general plan implementation is the adoption or updating of development codes (or zoning codes), which are designed to implement the policy intent of the relevant general plan. Development codes, for example, are often updated after a city or county has updated its general plan, to clarify land use, building heights, density, development intensity, and other matters, as allowed under the new land use diagram and related policies. Development codes may also include conservation design guidelines to ensure appropriate preservation of natural resources areas, such as riparian buffers.

Another common method for general plan implementation involves directing public investments to achieve general plan goals and policies, consistent with the plan's implementation programs. One example might be a general plan program that lays out the framework for a smaller area plan (such as a neighborhood plan or specific plan per sections 65450 - 65457 of the California Government Code). Live Oak has programs like this that call for access management planning along State Route 99, downtown planning efforts, and other smaller area plans.

Finally, general plans are implemented through a series of consistency findings that is required prior to project approvals. Proposed development projects are compared against general plan policy. This comparison often leads to revisions to proposed projects in order to ensure general plan consistency. In the case of riparian buffers, it is possible that the implementation of these buffers could happen through development code updates, public investments (i.e., land acquisition in riparian areas), and conditions on proposed projects. In short, many of the common methods for implementing general plans could be used to establish riparian buffers during buildout of Live Oak's General Plan. It is not possible to speculate as to which methods for General Plan implementation that may become relevant during the long-term planning horizon addressed by this General Plan.

Implementation of development projects in the City would also, of course, be subject to project-level CEQA review, and would be required to analyze and mitigate impacts to riparian habitat in compliance with Fish and Game Code and City policy that is protective of this habitat type. With the City's policy and program, and the application of routine development review, analysis, and mitigation, the impact is less than significant, as noted in the DEIR.

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DEPARTMENT OF TRANSPORTATION

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January 19, 2010

032009SUT0027
OLD032009SUT0017(attached)
City of Live Oak General Plan Update
Draft Environmental Impact Report
SCH#2008092050

Mr. Tom Lando
City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953

Dear Mr. Lando,

We appreciate the opportunity to review and comment on the City of Live Oak's General Plan 2030 Draft Environmental Impact Report (DEIR). Live Oak's General Plan update is a priority for Caltrans, as the Plan will provide direction for the future of the City of Live Oak and the State Highway System (SHS) serving your community. We appreciate the effort put forth by the City to include our previous comments.

2-1

General Comments

We appreciate the City's efforts to provide policies and implementation programs that will improve the impacted State Highway locations/segments. We would like to meet with the City to discuss the phasing of the implementation programs.

2-2

DEIR Comments

- Pg 4.2-28 Caltrans appreciates the City of Live Oak's initiative to provide alternate north-south routes through the City. We agree that a six-lane facility through corridor may not be feasible. We encourage alternate north-south routes, to decrease traffic demand on State Route (SR) 99 for local trips.
- As noted on page 4.2-6, the Caltrans Transportation Corridor Report (TCR) identifies the Ultimate Transportation Corridor (UTC) to ensure adequate right-of-way is preserved for future ultimate facility projects. Please ensure adequate right-of-way is preserved.

2-3

2-4

"Caltrans improves mobility across California"

Mr. Tom Lando
January 19, 2010
Page 2 of 2

- Exhibit 4.2-1 *Vehicular Circulation Diagram*. SR 99 is depicted as a thick yellow line. This should be revised to match the legend as appropriate. | 2-5
- As part of the circulation network, improvements to the SHS are a shared responsibility between the City of Live Oak and Caltrans. We appreciate the various policy statements that reflect this partnership. | 2-6
- Please consult Caltrans when developing the following documents: Nexus Study, Traffic Impact Fee Program and the Access Management Plan. | 2-7

Hydrology

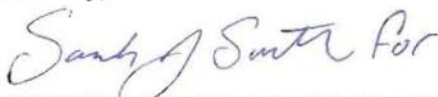
There is not a problem in relation to hydrology with the general plan update. Additional requirements (as cited in Appendix A) will be recommended when future applicants propose development on their parcels which must be consistent with the general plan. | 2-8

Encroachment Permits

All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3, Office of Permits at (530) 741-4403. | 2-9

Please provide our office with copies of any further actions regarding this project. If you have any questions regarding these comments, please contact Sarah (Sadie) Smith, Local Development/Inter-Governmental Review Coordinator, at (530) 741-4004 or sarah_smith@dot.ca.gov. | 2-10

Sincerely,



SUKHVINDER (SUE) TAKHAR, Chief
Office of Transportation Planning – North

Enclosure:
Appendix A
Caltrans Letter: June 17, 2009

"Caltrans improves mobility across California"

Appendix A Hydrology Comments

Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all RWQCB water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. The developer is responsible for insuring that runoff from the site meets these clean water standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished through the implementation of appropriate stormwater quality Best Management Practices (BMPs) (i.e., oil/water separators, clarifiers, infiltration systems, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.

No net increase to the surface water (stormwater) peak runoff discharge (100 year storm event) may be realized within the State's highway right of way and Caltrans drainage facilities as a result of the completion of the project. The developer is responsible for ensuring that stormwater runoff discharge from the project site that will enter the State's right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does not increase peak flows within the State's highway right of way or the Caltrans drainage facility. This may be accomplished through the implementation of stormwater management BMPs (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.

The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development/project to the satisfaction of the State and Caltrans. This includes, but is not limited to, altering stormwater pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State highway facilities or to other local public or private properties. The proponent/developer may be held liable for future damages caused by diverted or increased drainage flows determined to be the result of the proposed development/project that were not properly mitigated for.

For the future developments detailed drainage plans, drawings and calculations need to be submitted with the IGR-CEQA project package as well as a hydrologic/hydraulic study or report. In order to adequately evaluate project impacts upon the State's right of way and Caltrans drainage facilities, the aforementioned documents will be required. Please request these documents from the project proponent and send them to D-3 Hydraulics in Marysville for review prior to final project approval.

2-11

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
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June 17, 2009

032009SUT0017
Live Oak General Plan: Early Review

Matthew Gerken c/o EDAW
2022 J Street
Sacramento, CA 95811

Dear Mr. Gerken,

Thank you for providing us the early opportunity to review and comment on the City of Live Oak 2030 General Plan. We appreciate the partnership effort extended by the City. Caltrans has the following comments:

The State Highway System (SHS) is a major part of the circulation network for the City of Live Oak. The City should protect adequate right-of-way for new and expanded transportation facilities. In order to control operational integrity of the SHS, please include an access management policy controlling access to the SHS. In addition, please include a policy statement that acknowledges a shared responsibility between the City and Caltrans for the maintenance and improvement of the SHS.

Caltrans long range system planning documents identify the concept facility for the segment of State Route (SR) 99 through Live Oak as a 4-lane conventional highway. It is important that the General Plan include Caltrans planned improvements. We would welcome the opportunity to meet with the City and the consultant to ensure such discussions accurately describe the SHS.

Caltrans supports the "multi-modal" approach that the City of Live Oak General Plan is taking. Additionally, we understand the need for complete streets in downtown Live Oak. We would like to work with the City on design concepts to ensure the safety of the SHS.

The SHS is intended to facilitate interregional travel. SR 99 is a regional highway, with a high volume of commute and truck traffic. In order to maintain an acceptable level of service while incorporating appropriate traffic calming measures, parallel routes need to be developed to provide an alternative to the SHS for local trips.

"Caltrans improves mobility across California"

2-12

Mr. Matthew Gerken
June 17, 2009
Page 2 of 2

If you have questions or need additional information, please contact Sarah (Sadie) Smith at (530) 741-4004 or e-mail at sarah_smith@dot.ca.gov.

2-12
Cont'd

Sincerely,



SUKHVINDER (SUE) TAKHAR, Chief
Office of Transportation Planning – North

"Caltrans improves mobility across California"

2-1 This comment thanks the City for incorporating previous comments from the California Department of Transportation (Caltrans) into the revised draft General Plan and DEIR and notes that the City’s General Plan is a priority. The City acknowledges the importance of the state highway system to the community’s future and acknowledges the importance of the continued positive working relationship between the City and Caltrans. No further response is required.

2-2 The City agrees that ongoing communication regarding regional transportation issues and design of the SR 99 corridor will be necessary between present and 2030. The City has described in the General Plan the intent to continue the dialogue with Caltrans for various aspects of the implementation of the 2030 General Plan. Specific policies and implementation programs that reference this ongoing communication include:

Policy CIRC-5.1: The City will work cooperatively with the California Department of Transportation (Caltrans), the Sacramento Area Council of Governments (SACOG), and property owners to plan and fund improved access to and from SR 99 for existing and future businesses, including:

- Examine alternatives for improvements to Highway 99 (capacity and bicycle/pedestrian safety improvements) and identify preferred conceptual plans to provide certainty for existing and future property owners along Highway 99;
- Enhance and add cross-town circulation connections that make crossings of SR 99 and the railroad easier and more convenient for Live Oak residents and commerce; and,
- Work cooperatively with Caltrans, SACOG, and Sutter County to examine opportunities for a bypass around Live Oak in the Paseo Road/Township Road corridor.

Policy CIRC-5.2 The City will consult with Caltrans, Sutter County, the California Highway Patrol, the California Public Utilities Commission, and the Union Pacific Railroad Company to appropriately regulate the safe movement of truck traffic and hazardous materials throughout the City.

Policy CIRC-7.1 The City will consult with Caltrans, SACOG, and other relevant agencies to plan, fund, and implement context-sensitive design solutions along SR 99 that calm traffic, enhance aesthetics, and improve pedestrian safety and convenience, consistent with this General Plan.

Policy CIRC-8.1 The City will consult with other local and regional transportation planning agencies, including Sutter County, Butte County, Caltrans, and the Sacramento Area Council of Governments, to ensure consistency among agencies’ transportation systems and plans.

Policy CIRC-8.2 The City will integrate local transportation planning with regional transportation planning and provide direction to the state and SACOG regarding community preferences for the design of regional transportation routes within Live Oak.

Implementation Program CIRC-8: The City will seek funding to work collaboratively with Caltrans (and SACOG, as appropriate) to prepare a conceptual corridor plan for SR 99...

Implementation Program-CIRC-11: Following General Plan adoption, the City will collaborate with Caltrans, the Public Utilities Commission, Union Pacific Railroad, local property owners and businesses, and other relevant agencies to develop and implement an Access Management Plan for SR 99 and railroad crossings in the Planning Area...

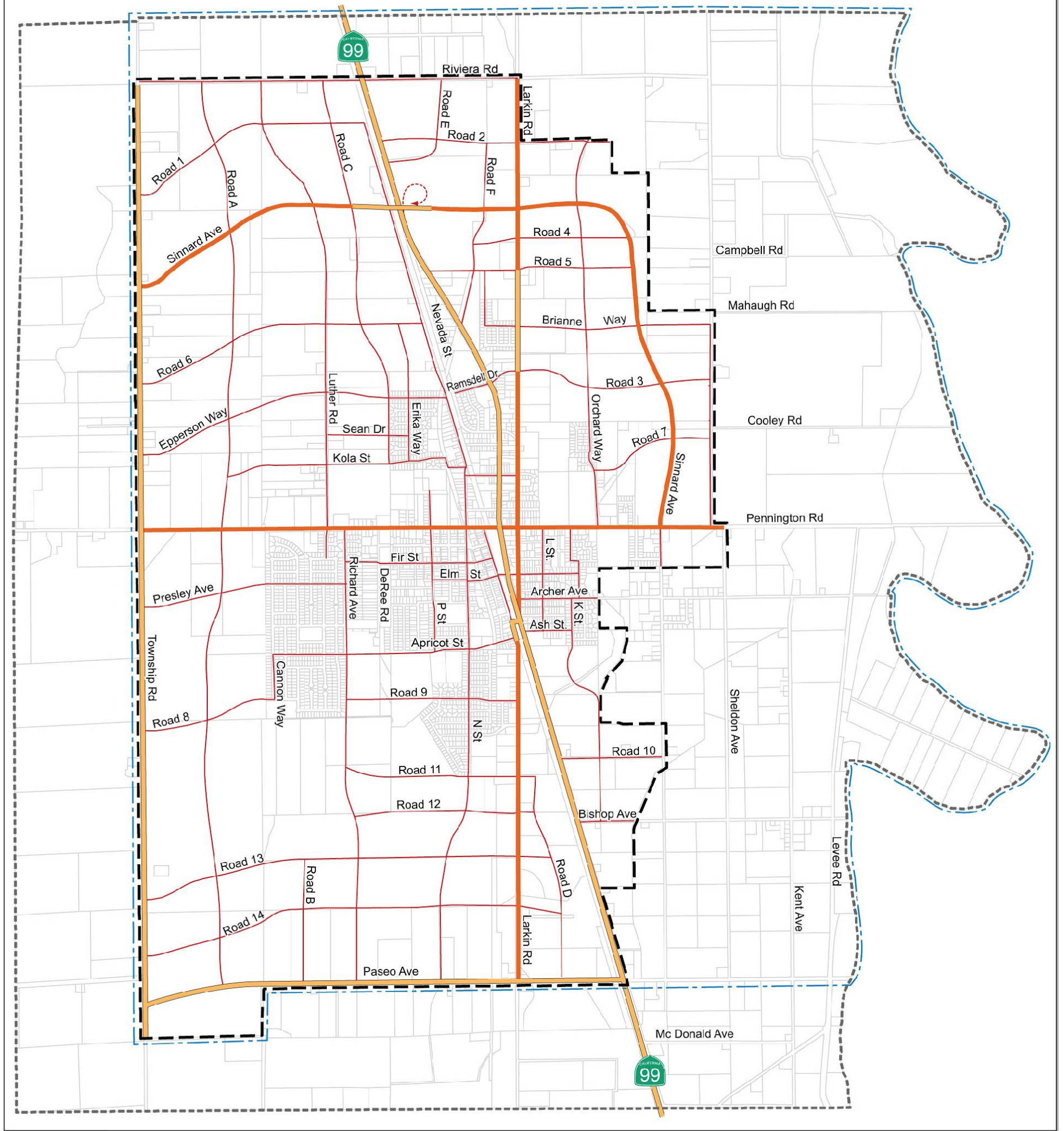
No further response is necessary.

- 2-3 The City acknowledges Caltrans' concurrence that a six-lane facility through Live Oak is not feasible. The City notes that Caltrans encourages development of alternative north-south routes through the City. The City's General Plan provides for several such alternative north-south routes, as well as supporting a high degree of connectivity in general. Alternative north-south routes for local traffic provided in the General Plan include, but are not necessarily limited to Larkin Road, Township Road, and Road A. In addition to the Circulation Diagram, which depicts a highly-connected transportation network that includes north-south routes, this issue is specifically addressed by Implementation Program-CIRC-13:

Following General Plan adoption, the City will collaborate with Sutter County to identify regional routes that would serve traffic generated under the 2030 General Plan. The City will collaborate with Sutter County and other relevant agencies on funding, planning, and improvement strategies for these routes. Larkin Road will be considered as a part of this overall process. To achieve LOS D on this rural road, it would be necessary to widen the road to a four-lane highway, improve the road to an Arterial standard, or develop alternative north-south routes that draw traffic from Larkin Road.

- 2-4 The City's Circulation Element describes broad, flexible standards for lane width, presence of parking, medians, and other major components of the City street system (see Table CIRC-1). Right-of-way requirements are addressed by the City's improvements standards, which will be revised to be consistent with the General Plan. Similarly, right-of-way width for SR 99 is beyond the scope of this General Plan, which instead establishes the City's overarching policy for development and conservation. The General Plan does not address details of construction, design, and operation of the various uses and facilities anticipated at buildout. However, the City acknowledges Caltrans' comment on this matter and anticipates that SR 99 right-of-way would be the subject of ongoing dialogue, corridor planning and streetscape design, and project review and conditions.
- 2-5 The legend of the subject exhibit has been revised in response to this comment. Please see the revised exhibit, which is included on page 2-21.
- 2-6 The City acknowledges Caltrans' support for General Plan policy addressing ongoing coordination efforts. No further response is necessary.
- 2-7 The City acknowledges Caltrans' request to be consulted in development of the City's traffic impact fee program and Access Management Plan. No further response is necessary.
- 2-8 The City acknowledges Caltrans' conclusion that hydrology is not an issue for the 2030 General Plan. Caltrans has provided additional information in an Appendix to the comment letter that relates to future project level review, analysis, and conditioning. The City acknowledges receipt of this additional information and has included this information for the benefit of decision makers. No further response is required.
- 2-9 Caltrans identifies the need for encroachment permits for work in the SR 99 right-of-way. The City acknowledges this comment. No further response is required.

- 2-10 Caltrans requests copies of documents related to action on the General Plan. The City will provide Caltrans with such documentation at the appropriate time. No further response is required.
- 2-11 Appendix A provides information on drainage for projects developed adjacent to Caltrans facilities. The City acknowledges receipt of this additional information and has included this information for the benefit of decision makers. No response is required.
- 2-12 Caltrans has provided a copy of a June 2009 comment letter regarding the General Plan policy document. The 2030 General Plan was subsequently revised, including incorporation of Caltrans' comments, as well as other information. No further response is required.



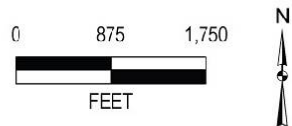
LEGEND

Boundaries

- Study Area
- Planning Area
- Sphere of Influence
- Parcels

Roadways

- Arterial/Highway 99
- Major Collector
- Minor Collector



**Revised Exhibit 4.2-1
Vehicular Circulation Diagram**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 19, 2010

Tom Lando
City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953

Re: Notice of Completion-Draft Environmental Impact Report (DEIR)
SCH # 2008092050-City of Live Oak General Plan Update

Dear Mr. Lando:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

3-1

We concur with the City of Live Oak proposed policy addressing rail safety in the Traffic and Transportation section of the DEIR;

Implementation Program-CIRC-12. Following General Plan Adoption, the City will monitor the number of pedestrians crossing the railroad at Lola Street, Pennington Road, and Elm Street, Riviera Road, the new Road 11/Road 10/Coleman Avenue crossing (if constructed), and Paseo Avenue. As necessary, the City will pursue improvements and maintenance of adequate traffic and pedestrian controls at each location, including installation of fencing to limit access to the railroad, in order to ensure safety. The City will seek funding for safe pedestrian and bicycle crossings of the railroad and/or R 99 at approximately Epperson Way, Road F, and Road 10/Bishop Avenue, among other appropriate locations.

3-2

Policy CIRC-1.6. New Development shall contribute on a fair-share basis toward construction of an overcrossing of the railroad and SR 99.

Policy CIRC-2.1. The City will seek funding for, and include pedestrian and bicycle improvements in Capital Improvements Planning, as feasible. Such improvements will include, but are not limited to:

Tom Lando
City of Live Oak
SCH # 2008092050
January 19, 2010
Page 2 of 2

- Construction of sidewalks where they do not currently exist,
- Widening of sidewalks in high pedestrian traffic areas,
- Installation of bike paths and lanes, and
- Improved crossings of roads and the railroad for bicycles and pedestrians.

3-2
Cont'd

Implementation Program CIRC-3. Following adoption of the 2030 General Plan, the City will revise its development impact fees based on a Nexus Study, including area wide serving transportation facilities, such as a railroad and Highway 99 overcrossing in the northern portion of the City.

As part of the Access Management Plan, a workable long-term concept that creates a new railroad crossing at a location that can facilitate a signalized access to SR 99 is to be identified. Two alternatives have been identified through the 2030 General Plan EIR process.

- 1.) Move railroad crossing to an alignment at approximately Road 11/Road 10/Coleman Avenue and Limit Archer Avenue, Birch Street, and Ash Street connections on SR 99 to right turns only.
- 2.) Move the railroad crossing to a location south of Apricot Street and construct a new link from Larkin Road to SR 99 to L Street.

3-3

The option of closing/relocating the Apricot Street-Broadway railroad crossing to instead create a new intersection and railroad crossing south of Apricot Street will require authorization from the CPUC and the Railroad. A grade separation is recommended at this location similar to the one proposed at Sinnard Avenue, not an at-grade crossing.

Thank you for your consideration of these comments. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

- 3-1 The City acknowledges the Public Utilities Commission (PUC) comments regarding rail safety, increasing vehicular traffic across railroad crossings, and communication with the PUC for project level design and mitigation. No further response is necessary.
- 3-2 The City acknowledges that the PUC is supportive of Implementation Program CIRC-3, Implementation Program CIRC-12, Policy CIRC-1.6, and Policy CIRC-2.1. No further response is required.
- 3-3 The PUC has identified the City's intent to collaborate with Caltrans, Union Pacific Railroad, local property owners and business owners, and the PUC to develop an Access Management Plan that is consistent with the General Plan. The PUC notes two alternatives that are identified in the Circulation Element to address forecast congested conditions along SR 99. The City's approach would involve closing an existing at-grade crossing that is located in close proximity to an existing crossing of SR 99 that is currently unsignalized. The City's approach would provide separation between the railroad and the highway at a location that can be controlled by a signalized intersection. If this alternative is implemented, all public at-grade crossings would eventually be linked to SR 99 intersections that are controlled by traffic signals. The City's approach would enhance safety along SR 99 and the railroad compared to current conditions and compared to future conditions without implementing the City's preferred approach to the interface between City streets, the railroad, and the State highway. The PUC notes that construction of a new at-grade facility would require authorization from PUC and the Union Pacific Railroad. The City is aware of this requirement, and has acknowledged this in several sections of the General Plan and EIR. For example, from Section 4.2 of the DEIR:

It is important to note that any decisions to be made regarding UPRR crossings fall under the jurisdiction of the California Public Utilities Commission (PUC) and would require input from the railroad and, due to proximity of the state highway, Caltrans. Thus, there is no guarantee that the actions taken by the City with regard to the crossings can be implemented. Additional investigation of design options will be required... With the improvement strategies included in the Circulation Element, acceptable [level of service] can be generally provided for City roadway segments... However, because the City cannot guarantee that the PUC would approve improvements to the Apricot Street-Broadway railroad crossing or construction of a new crossing in the Road 11/Road 10/Coleman Avenue alignment (with closing of the Apricot Street-Broadway crossing), the City cannot guarantee that the specified improvements in the Circulation Element would be implemented.

The City acknowledges the suggestion of the Public Utilities Commission to use a new at-grade crossing in the southern portion of the Planning Area instead of closing an at-grade crossing to construct a new at-grade crossing with the safety enhancements described above. No further response is required.

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