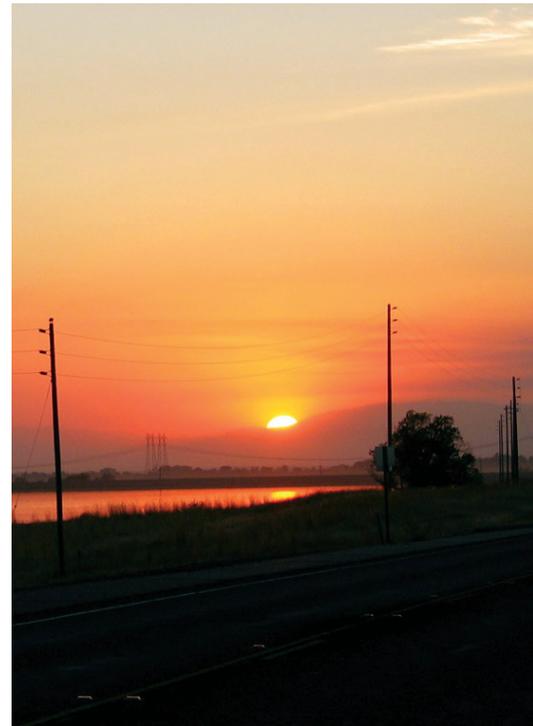


March 20, 2015



Oroville Sustainability Updates Final Supplemental EIR

for the City of Oroville

March 20, 2015

Oroville Sustainability Updates Final Supplemental EIR

for the City of Oroville

State Clearinghouse #2014052001

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ACKNOWLEDGEMENT

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DISCLAIMER

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I INTRODUCTION

A. Purpose of the Environmental Impact Report

This document provides responses to comments received on the Draft Supplemental Environmental Impact Report (SEIR) for the proposed Oroville Sustainability Updates. The Draft SEIR identified significant impacts associated with the proposed Plan, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft SEIR, will constitute the Final EIR if the Oroville City Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft SEIR. This Final EIR has been prepared to respond to comments received on the Draft SEIR. A Notice of Preparation of the SEIR was issued by the City on May 6, 2014. The Draft SEIR was made available for public review from Friday, January 30, 2015 through Monday, March 16, 2015. The Draft SEIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft SEIR. Copies of the Draft SEIR were made available for review to interested parties at the Oroville City Hall and on the City's website at: <http://www.cityoforoville.org/index.aspx?page=457>. The public comment period ended on Monday, March 16, 2015. Copies of all written comments received on the Draft SEIR are contained in this document. These comments and responses to these comments are laid out in Chapter 4, Comments and Responses, of this Final SEIR.

This Final SEIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the SEIR as a full disclosure of potential impacts, mitigation measures, and alternatives.

However, the Planning Commission will not take final action on the SEIR or the proposed Oroville Sustainability Updates. Instead, the City Council will consider the Planning Commission's recommendations on the Final SEIR and the proposed Oroville Sustainability Updates during a noticed public hearing, and will make the

final action with regard to certification of the Final SEIR. The City Council is currently scheduled to certify the Final SEIR at a public hearing on March 31, 2015.

C. Document Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final SEIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final SEIR. It has been reprinted from the Draft SEIR with necessary changes made in this Final SEIR shown in double underline and ~~striketrough~~.
- ◆ **Chapter 3: List of Commenters.** Names of agencies who commented on the Draft SEIR are included in this chapter.
- ◆ **Chapter 4: Comments and Responses.** This chapter lists the comments received on the Draft SEIR, and provides responses to those comments.

2 REPORT SUMMARY

This chapter presents a summary of the findings of the Draft and Final SEIRs. This chapter has been reprinted from the Draft SEIR with necessary changes made in this Final SEIR shown in double underline and ~~striketrough~~.

This summary presents an overview of the analysis contained in Chapter 4, Environmental Evaluation, of ~~this the Draft~~ SEIR. CEQA requires that this chapter summarize the following: 1) areas of controversy; 2) significant impacts; 3) unavoidable significant impacts; 4) implementation of mitigation measures; and 5) alternatives to the project. As described in Chapter 1, Introduction, of the Draft SEIR, this SEIR only considers the differences between the Modified Project and the Approved Project, evaluates whether the impacts would be increased or reduced, and how they would differ. Therefore, this chapter summarizes only the new or changed impacts that would be caused by the Modified Project.

A. Project Under Review

This SEIR provides an assessment of the potential environmental consequences of adoption of the proposed Oroville Sustainability Updates. The proposed project is described in a greater level of detail in Chapter 3, Project Description, of ~~this the~~ Draft SEIR.

B. Areas of Controversy

The City issued an official Notice of Preparation (NOP) for the proposed Oroville Sustainability Updates on May 6, 2014 and held a scoping meeting on May 22, 2014. A follow-up scoping meeting was also held on June 19, 2014, due to low attendance at the May meeting. The official NOP for this Program EIR was issued to the Governor's Office of Planning and Research, and forwarded to federal, State, and local agencies, and interested parties. The only comments received on the NOP were at the June 19, 2014 scoping meeting, and addressed:

- ◆ Pedestrian safety
- ◆ Promoting alternative modes of transportation
- ◆ The review and adoption process for the Oroville Sustainability Updates

All of these issues are addressed in this SEIR.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

As explained in Chapter 4 of ~~this~~ the Draft SEIR, implementation of the proposed Oroville Sustainability Updates would not generate any new or worsen any existing significant environmental impacts beyond what was identified in the 2009 EIR for the Approved Project, with the exception of a new impact identified for both the Approved and Modified Projects due to the identification of a new special-status wildlife species, the California black rail, in the Project Area. Chapter 4.3, Biological Resources, of ~~this~~ the Draft SEIR proposes mitigation measures that would mitigate the impact to a less-than-significant level. This new impact and the proposed mitigation measures are summarized in Table 2-1.

In addition, as described in Chapter 4.13, Transportation and Circulation, in ~~this~~ the Draft SEIR, the Modified Project would reduce the traffic impact from the Approved Project from a significant to a less-than-significant level. Therefore, Impact CIR-1 from the 2009 EIR for the Approved Project is shown as struck out in Table 2-1.

D. Mitigation Measures

This SEIR suggests specific mitigation measures to reduce the new significant impact (Impact BIO-2) of the Modified Project, in addition to those included in the 2009 EIR for the Approved Project. The mitigation measures in this SEIR will form the basis of a Mitigation Monitoring and Reporting Program to be implemented in accordance with State law.

E. Unavoidable Significant Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of ~~this~~ the Draft SEIR and shown

in Table 2-1, no new significant unavoidable impacts were identified as a result of the Modified Project.

F. Alternatives to the Project

This SEIR analyzes alternatives to the proposed project. Three alternatives to the proposed project are considered and described in detail in Chapter 5 of ~~this~~ the Draft SEIR:

- ◆ No Project Alternative
- ◆ Existing General Plan Land Use Map Alternative
- ◆ Open Space Alternative

As shown in the alternatives analysis in Chapter 5 of ~~this~~ the Draft SEIR, the Open Space Alternative has the least environmental impact and is therefore the environmentally superior alternative. By reducing the amount of land available for development, while also adding the Modified Project components that provide beneficial impacts, the Open Space Alternative would be an improvement over the Modified Project in all topic areas except air quality, land use, noise, and transportation and circulation.

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of ~~this~~ the Draft SEIR.

The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4 of ~~this~~ the Draft SEIR.

TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
<i>The Modified Project would not create any new significant impacts related to aesthetics.</i>			
AIR QUALITY			
<i>The Modified Project would not create any new significant impacts related to air quality.</i>			
BIOLOGICAL RESOURCES			
<p>BIO-2: Development associated with the Approved Project and the Modified Project could impact California black rail and its habitat as discussed above. Impacts on California black rail and its habitat could be offset through the City’s participation in the BRCP. The Draft BRCP identifies a goal for maintaining and increasing the population of California black rail in the BRCP Plan Area, which includes the protection of five patches of California black rail habitat and an objective to avoid the removal of occupied California black rail habitat. In addition, the large scale conservation of grasslands and avoidance and protection of wetlands within the BRCP Plan Area would also likely benefit the species.</p>	S	<p>BIO-2A: Surveys for California Black Rail If a proposed project would result in the loss of or occurs adjacent to freshwater marsh habitat, surveys shall be conducted to determine whether the marsh is occupied by California black rail. Two to three rounds of surveys shall be conducted between March 15 and May 31, with at least ten days between surveys. Survey methodology will generally follow the Wetlands Regional Monitoring Program protocol for black rail or another methodology as determined in coordination with CDFW. The surveyor(s) shall possess the required permits from CDFW for conducting the surveys. Project construction shall not be initiated until the surveys are completed and results reviewed by CDFW.</p> <p>BIO-2B: Avoid and Minimize Impacts on California Black Rail Development projects within the Project Area shall avoid and minimize impacts on freshwater marsh habitat and/or occupied California black rail habitat to the maximum extent practicable. Where direct impacts can be avoided, buffers shall be established around the occupied California black rail habitat to avoid and minimize disturbance of the species during construction. Buffers shall be developed in coordination with CDFW and be based on site-specific conditions and the nature of the construction activities. Buffer areas shall be delineated with a combination of bright orange construction fencing (the bottom 18 inches should be above grade to avoid entangling terrestrial wildlife) and silt fencing (with the bottom 6 inches buried) to clearly identify the area to be avoided and to keep sedi-</p>	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>ments from entering the wetland, respectively.</p> <p>In addition, a biological monitor who is experienced with California black rails shall monitor construction activities to ensure that activities do not inadvertently impact the species or its habitat. The biological monitor shall also provide worker awareness training to construction personnel on the status and general biology of California black rail, inform them of the conservation measures that have been developed to avoid and minimize impacts on the species, and inform them of the consequences of non-compliance. Activities that require monitoring shall be decided based on site-specific conditions and the nature of the activity, and shall be developed in coordination with CDFW. Generally, those activities in close proximity to occupied habitat that require night work and associated lighting and/or that generate loud noises shall not be allowed during the nesting season, or they shall require monitoring.</p>	
		<p><u>BIO-2C:</u> Compensate for Loss of California Black Rail Habitat</p> <p>California black rail habitat that would be lost as a result of site-specific development projects allowed by the Approved or Modified Project shall be mitigated at a minimum of 1:1. Compensation shall consist of either preservation or restoration, or both, depending on the availability of equivalent habitat in the Project Area and pending consultation with CDFW. Compensation shall be achieved at either a mitigation bank or within an approved conservation area that is protected and managed in perpetuity.</p>	
CULTURAL RESOURCES			
<i>The Modified Project would not create any new significant impacts related to cultural resources.</i>			
GEOLOGY, SOILS, AND MINERAL RESOURCES			
<i>The Modified Project would not create any new significant impacts related to geology, soils, and mineral resources.</i>			

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GREENHOUSE GAS EMISSIONS			
<i>The Modified Project would not create any new significant impacts related to greenhouse gas emissions.</i>			
HAZARDS AND HAZARDOUS MATERIALS			
<i>The Modified Project would not create any new significant impacts related to hazards and hazardous materials.</i>			
HYDROLOGY AND WATER QUALITY			
<i>The Modified Project would not create any new significant impacts related to hydrology and water quality.</i>			
LAND USE			
<i>The Modified Project would not create any new significant impacts related to land use.</i>			
NOISE			
<i>The Modified Project would not create any new significant impacts related to noise.</i>			
POPULATION AND HOUSING			
<i>The Modified Project would not create any new significant impacts related to population and housing.</i>			
PUBLIC SERVICES AND RECREATION			
<i>The Modified Project would not create any new significant impacts related to public services and recreation.</i>			
TRANSPORTATION AND CIRCULATION			
CIR-1: Under the 25-year horizon buildout of the Draft 2030 General Plan, the segments of Olive Highway between Oroville Dam Boulevard and Foothill Boulevard and the segment of Highway 70 between Oroville Dam Boulevard and Ophir Road	S	Funding for these improvements is outside of the City's control, and no additional mitigation is available.	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 **SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>would operate at LOS F. In addition, the segment of Olive Highway between Foothill Boulevard and Oakvale Avenue; the segment of Oroville Dam Boulevard between Highway 70 and Larkin Road; and the segment of Highway 70 between Ophir Road and Palermo Road would operate at LOS E. Although the Draft 2030 General Plan identifies roadway improvements needed to provide acceptable traffic operations on these segments, delivery of these roadway improvements is not certain due to funding constraints.</p>			
UTILITIES AND INFRASTRUCTURE			
<i>The Modified Project would not create any new significant impacts related to utilities and infrastructure.</i>			

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REPORT SUMMARY

3 LIST OF COMMENTERS

Comments on the Draft SEIR were received from the following agencies. Letters are arranged by the date received. Each comment letter has been assigned a number, as indicated below.

1. Scott A. Zaitz, Environmental Scientist, Storm Water & Water Quality Certification Unit. Central Valley Regional Water Quality Control Board. February 12, 2015.
2. Susan Zanchi, Chief, Office of Transportation Planning – North. State of California, Department of Transportation, District 3. March 16, 2015.

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LIST OF COMMENTERS

4 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 3 of this Final SEIR.

Each comment and response is labeled with a reference number in the margin.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

12 February 2015

Mr. Luis Topete
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

COMMENTS ON THE SUPPLEMENT EIR FOR PROPOSED OROVILLE SUSTAINABILITY UPDATE PROJECT, OROVILLE, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 2 February 2015, we received your request for comments on the Supplement Environmental Impact Report for the Oroville Sustainability Update Project.

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City has been proceeding with several key steps to implement the updated General Plan, including updating the Zoning Ordinance to bring it into conformance with the 2030 General Plan, preparing other updates to the Municipal Code, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, preparing a Climate Action Plan, and preparing a Balanced Mode Circulation Plan.

Based on our review of the information submitted for the proposed project, we have the following comments:

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Oroville must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements. The proposed project must be conditioned to comply with post construction standards adopted by the City of Oroville in compliance with their Phase II Municipal Storm Water Permit.

1-1

1-2

Luis Topete
City of Oroville
Oroville Stainability Update Project

- 2 -

12 February 2015

If you have any questions or comments regarding this matter please contact me at
(530) 224-4784 or by email at szaitz@waterboards.ca.gov.



Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: wrb

cc w/o

enclosures: Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
State Clearing House Number (2014052001)

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Update Project.doc

Letter 1: Scott A. Zaitz, Environmental Scientist, Storm Water & Water Quality Certification Unit. Central Valley Regional Water Quality Control Board. February 12, 2015.

1-1: This comment serves as an opening remark and summarizes the proposed Oroville Sustainability Updates. It is not a comment on the adequacy of the Draft SEIR, and no response is required.

1-2: The comment summarizes the relationship between impervious surfaces and water quality, and discusses post-construction and design standards that address water quality. The comment states that projects must comply with the post-construction standards adopted by the City in compliance with their Phase II Municipal Storm Water Permit.

The proposed Oroville Sustainability Updates do not constitute a development project; rather, the Updates include plans, regulations, and guidelines that the City would employ when making decisions and regulating activities over which it has authority. The proposed Oroville Sustainability Updates include plans and guidelines that support low-impact design, reduce impervious surfaces, and improve water quality. In particular, as described on page 3-23 of the Draft SEIR, the proposed project includes a new chapter in the City's Design Guidelines that addresses low-impact development and resource-efficient design, including specific guidelines regarding green standards, habitat-fostering landscapes, water use, resource-efficient materials, and stormwater management. Future private development would be evaluated against these guidelines. In addition, future development projects will be required to comply with the standards adopted by the City in compliance with their Phase II Municipal Storm Water Permit.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4199
FAX (530) 741-5346
TTY 711



*Flex your power!
Be energy efficient!*

March 16, 2015

FMP# 032015BUT0012
03-BUT-Var/PM Var
SCH# 2014052001

Mr. Luis Topete
Community Development Department
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Dear Mr. Topete:

Thank you for the opportunity to review and comment on the Oroville Sustainability Updates (SCH# 2014052001) project. This project consists of a targeted update of the 2030 General Plan adopted in 2009. It includes updates to the City's Zoning Ordinance, Municipal Code, Design Guidelines and the preparation of a Climate Action Plan and Balanced Mode Circulation Plan. The project area includes the 13-square-mile incorporated area for which the City of Oroville has jurisdiction as well as the City's defined Sphere of Influence. The following comments are based on the draft Supplemental Environmental Impact Report (Draft SEIR):

2-1

We commend the City's goal of accommodating bicyclists, children and seniors, persons with disabilities, motorists, pedestrians, and users of public transportation. We are encouraged by the increased emphasis on active transportation and we look forward to the results of partnering with the City, Butte County Association of Governments (BCAG), and the consultant selected to study mobility alternatives on State Route (SR) 162 from SR 70 interchange to Foothill Boulevard.

However, we have substantial concern with this targeted update in that it proposes to allow SR 162 (Olive Highway) from Oroville Dam Boulevard to Lower Wyandotte Road to remain at Level of Service (LOS) F with no plans for improvement. In addition, we note it identifies three additional segments of SR 162 that will degrade to LOS F within the planning horizon (2030) with no plans for improvement. This is unacceptable and does not meet the State's LOS standards.

2-2

State facility LOS is determined by Caltrans. The urban area standard is identified as LOS E. All public transit in Oroville, now and in the foreseeable future, is provided via transit bus which traverses roadways including SR 162. A road system that includes critical segments operating at LOS F could mean poor public transportation performance. Permitting the system to operate at LOS F while allowing other segments to degrade to LOS F appears to be contradictory to the goal of reducing greenhouse gas emissions.

2-3

With regard to **Emergency Access** on page 4.13-31, the proposed degradation of major roadways to LOS F will likely have a significant impact on emergency services. This is particularly true for SR 162 (Olive Highway) between Oroville Dam Boulevard and Lower Wyandotte Road, as this segment provides access to Oroville Hospital. Roadways that are congested and operate at LOS F can create significant and unpredictable delays for emergency response times.

2-4

Concerning **Impacts and Mitigation Measures** on page 4.13-33, the proposed cumulative impacts appear much more significant than the previously approved environmental document.

2-5

Any local development that impacts the State Highway System (SHS) and further degrades the LOS below LOS E must be mitigated to an acceptable level. Based on the type of development proposed, fair share fees or ad hoc improvements that mitigate impacts to the SHS, taking into consideration nexus and rough proportionality, should be collected and coordinated through consultation with Caltrans.

2-6

We recommend the City consider re-incorporating SR 162 into the existing traffic impact mitigation fee program or consider creating an overlay zone for the SR 162 corridor that allows tailored regulations, specific to the corridor, in order to meet specific goals. We believe either or both of these recommendations will benefit the City and Caltrans while providing a better understanding of the requirements and necessary infrastructure as the General Plan approaches full build-out. As an alternative, relinquishment of SR 162 east of SR 70 could also be explored through consultation with Caltrans.

2-7

Please provide our office with copies of any further actions regarding this project.

If you have questions regarding these comments, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County, by phone at (530) 741-5435 or by e-mail to shannon.culbertson@dot.ca.gov.

Sincerely,



SUSAN ZANCHI, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

Letter 2: Susan Zanchi, Chief, Office of Transportation Planning – North. State of California, Department of Transportation, District 3. March 16, 2015.

2-1: The comment serves as an opening remark, summarizes the proposed Oroville Sustainability Updates, and commends aspects of the project that accommodate all transportation modes and users. It is not a comment on the adequacy of the Draft SEIR, and no response is required.

2-2: The comment expresses concern that portions of Highway 162 would operate at level of service (LOS) F with no plans for improvement, stating that this LOS is unacceptable and does not meet the State's LOS standards. The City has the authority to establish its own thresholds for roadway facilities and the City not required to adopt thresholds based on concept LOS in Caltrans Transportation Concept Reports (TCRs). As discussed on pages 4.13-21 to 4.13-22 of the Draft SEIR, the City considers a range of policy considerations when establishing LOS thresholds, including economic development, roadway infrastructure costs, system maintenance, and consideration of bicycle, pedestrian, and public transit users. A higher LOS can result in higher expenditures of infrastructure dollars for wider roadways that do not necessarily best serve all users of the system and results in less than optimum utilization of the roadway. Because the City's General Plan LOS policy exempts these sections of Highway 162 from the LOS D standard, LOS F operations on these roadway sections under the proposed Oroville Sustainability Updates would not constitute a significant impact and no mitigation is required.

2-3: The comment states that the Caltrans standard is LOS E, and that LOS F operations on Highway 162 would impair the performance of the bus transit service in Oroville. See the response to Comment 2-2 regarding the Caltrans concept LOS. Consistency with adopted policies, plans, or programs supporting alternative transportation is discussed on pages 4.13-32 to 4.13-33 of the Draft SEIR. As discussed in that section, the proposed Oroville Sustainability Updates maintain General Plan goals and policies that support alternative travel modes, while also adding a new policy and two new actions that would further support all modes of travel, including transit. In addition, the proposed Balanced Mode Circulation Plan would establish design guidelines and solutions for public transit, including bus stop zones and amenities.

Rather than focusing primarily on roadway operations, the Oroville Sustainability Updates take a holistic approach to establishing a transportation network that achieves the project objectives to strengthen the environmental, community, and

economic sustainability of Oroville; improve circulation and access for all modes of travel; and reduce greenhouse gas (GHG) emissions. As discussed on pages 4.13-21 to 4.13-22 of the Draft SEIR, the proposed change to the City's LOS policy that would accept lower levels of service on certain roadways reflects a change in policy that balances the needs of all transportation system users and community values. Widening the roadway to meet a better LOS can degrade the pedestrian and bicycle environment, including for those people who walk or bike to the bus stops along Highway 162. Instead, the project would establish the policies and guidelines that support alternative modes of transportation referenced above, along with a range of other strategies to reduce vehicle miles traveled (VMT), including increasing the density of Downtown development, establishing zoning incentives for development types that reduce VMT, and various Climate Action Plan (CAP) strategies that reduce VMT.

Finally, the Butte County Association of Governments (BCAG), which oversees transit service in Butte County, has not adopted any policies, plans, or programs that establish roadway LOS thresholds to support transit. The 2012 Metropolitan Transportation Plan (MTP)/Sustainable Communities Strategy (SCS) addresses transit in Chapter 7, but includes no LOS or congestion policies or strategies for transit service. Rather, its "recommended goals, objectives, and suggested strategies" in Table 7-3 address regional coordination, transit quality and quantity, and outreach, as well as physical infrastructure, including improvements to pedestrian access and transit stop amenities (see Strategies 1.5.1 and 1.5.2),¹ which are directly supported by the proposed Balanced Mode Circulation Plan.

Therefore, the proposed Oroville Sustainability Updates are found to be consistent with adopted policies, plans, and programs supporting alternative transportation. The Updates also achieve the project objective to reduce GHG emissions through the holistic approach discussed above for transportation and through the other strategies outlined in the proposed CAP that achieve the City's GHG reduction target.

2-4: The comment states that LOS F operations on Highway 162 will impact emergency services, particularly on the section of Highway 162 that provides access to the Oroville Hospital. The analysis regarding emergency access is provided on page 4.13-31 of the Draft SEIR. As explained in that section, the proposed

¹ BCAG, 2012, *Metropolitan Transportation Plan & Sustainable Communities Strategy 2012-2035*, pages 7-23 to 7-27.

Oroville Sustainability Updates would not change the emergency access impact from the Approved Project.

Roadway LOS near the hospital was not specifically discussed in the Draft SEIR analysis. The section of Highway 162 between Oro Dam Boulevard and Lower Wyandotte Road on which the Oroville Hospital is located would operate under LOS F conditions under both the Approved and Modified Projects, so the Oroville Sustainability Updates would not change the condition from what was evaluated in the 2009 EIR for the Approved Project. Note that peak hour congestion lasts for only a very short duration of the work week; for the majority of each day, traffic would be free-flowing along Highway 162.

Furthermore, emergency vehicles do not operate like ordinary vehicles. For example, the California Vehicle Code requires drivers to pull to the right when an emergency vehicle is using its lights and sirens, and emergency vehicles can use the opposite direction of travel to overtake vehicles if necessary. This is particularly relevant for Highway 162, on which peak hour traffic congestion is only in one direction, so emergency vehicles can use the opposite direction of travel. Therefore, traffic congestion along Highway 162 would not result in inadequate emergency access.

2-5: The comment states that cumulative impacts are more significant than what was evaluated in the 2009 EIR for the Approved Project. As discussed on page 4.13-33 of the Draft SEIR, the 2009 EIR for the Approved Project found a significant and unavoidable cumulative traffic impact because the General Plan would exacerbate existing deficiencies on regional roadways, including Highways 70, 99, and 162. While the proposed Oroville Sustainability Updates would contribute to traffic on regional roadways, it would only represent a nominal increase in population and employment (i.e. less than 5 percent) compared to the Approved Project, and it would establish new strategies to reduce VMT and promote alternative modes of transportation. Given the small population and employment increase and the strategies that would counteract that increase by reducing VMT, the proposed Oroville Sustainability Updates would not change the severity of the impact identified for the Approved Project.

2-6: The comment states that any future development that degrades the State Highway System to below LOS E must be mitigated to an acceptable level, such as through fair share fees or ad hoc improvements. See the response to Comment 2-2. The City has the authority to establish the LOS threshold for Highway 162, including the proposed exception outlined in Circulation Element Policy P2.1. Because

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this roadway is excepted from the LOS D threshold, the impact is less than significant, and no mitigation is required.

2-7: The comment suggests that the City re-incorporate Highway 162 into its traffic impact mitigation fee program, create an overlay zone for the Highway 162 corridor that allows tailored regulations, or consider relinquishing Highway 162 east of Highway 70. See the responses to Comments 2-2 and 2-6.