M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 11-12, 2011

Reference No.: 2.2c. (7)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE STATE ROUTE 32 WIDENING PROJECT (RESOLUTION E-11-30)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the State Route 32 (SR 32) Widening Project (project) in Butte County and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The City of Chico (City) is the CEQA lead agency for the project. The project will widen and improve approximately 2.6 miles of State Route (SR) 32, beginning at State Route (SR) 99 and extending past Yosemite Drive. The project will widen SR 32 from two to three lanes in each direction from the east side of the SR 99 interchange to just east of Fir Street. The roadway will then be widened from two to four lanes (two in each direction) from east of Fir Street to Yosemite Drive, where the roadway width will transition down from four lanes to the existing two lanes. The project will also modify the ramp terminal intersections and the couplet at the SR 99/SR 32 Interchange. The SR 32 intersections with Forest Avenue, El Monte Avenue and Bruce Road will be widened and the existing signals will be modified. The SR 32 intersections with Fir Street and Yosemite Drive will be widened and new signals will be installed. The project scope also includes open graded asphalt, shoulder, median, guardrail (timber barrier), landscaping, signal and bridge improvements as well as sound barrier installation along select rear yards of residential properties that abut SR 32. The proposed project will relieve traffic congestion, increase capacity, improve signal operations and enhance safety.

The project as proposed will result in significant unavoidable impacts to biological and visual resources. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible. Specifically, the project would result in loss of protected trees in the short-term until replanted trees mature; degradation of the existing visual character or quality of the site and its surroundings; and permanent changes to views along SR 32.

On July 6, 2010, the City adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the project. The City found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, creating a four-lane arterial on the SR 32 corridor as approved in the General Plan to accommodate growth and reduce congestion due to inadequate capacity and to prevent higher accident rates at impacted intersections in the project corridor. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

The project will be constructed in phases as funding allows. The total estimated project capital cost is estimated at $17.1 million. The first phase is programmed in the CMIA. A project amendment is proposed as a concurrent agenda item to adjust the Phase I project limits to construct approximately one mile of SR 32 from east of SR 99 to El Monte Avenue in the City of Chico. Phase I of the project is estimated to cost $9.925 million and is programmed with CMIA ($3.425 million) and Local ($6.5 million) funds. Phase I construction is estimated to begin in fiscal year 2010/11. On April 21, 2011 the City provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the scope set forth in the project amendment request.

Attachment
- Resolution E-11-30
- Findings and Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding
03 – Butte County
Resolution E-11-30

1.1 **WHEREAS,** the City of Chico (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:

- State Route 32 Widening Project

1.2 **WHEREAS,** the City has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and

1.3 **WHEREAS,** the project will widen and improve approximately 2.6 miles of State Route 32; and

1.4 **WHEREAS,** the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and

1.5 **WHEREAS,** Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to biological and visual resources make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and

1.6 **WHEREAS,** the City adopted a Statement of Overriding Considerations for the project; and

1.7 **WHEREAS,** the City adopted a Mitigation Monitoring Program for the project; and

1.8 **WHEREAS,** the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.

2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

RESOLUTION NO. 38-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO 1) CERTIFYING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT REPORT FOR THE STATE ROUTE 32 WIDENING PROJECT; 2) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS; 3) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 4) ADOPTING A MITIGATION AND MONITORING PLAN

WHEREAS, the City Council has considered the Environmental Impact Report ("EIR") prepared for the State Route 32 Widening Project ("Project") and has determined that it was completed in compliance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by the City pursuant thereto; and

WHEREAS, the City Council has reviewed and considered the information and analysis contained in the EIR; and found that the EIR reflects the City Council's independent judgment; and

WHEREAS, based on the entire record in the matter, the City Council has determined that the EIR should be certified; and

WHEREAS, the EIR identified certain significant effects on the environment that would be caused by construction and operation of the Project, absent the adoption of mitigation measures; and

WHEREAS, the City is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved; and

WHEREAS, as the CEQA Findings of Fact attached to this resolution demonstrate, many of the significant effects on the environment associated with the Project can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the City must consider the feasibility of alternatives, as set forth in the Final EIR, that

DATE_____ AGENDA 7/6/10 COUN____
ADD. INFO_____ CM___ ACM___ CA___
GSD___ CPSD ✓ ASD___ CLK___ PSD___
BDSD___ HR/RM___ FIN.D___ COP___ FC___
HNSD___ File_____ OTHER_____

may avoid or substantially lessen such impacts; and

WHEREAS, because the adoption of the mitigation measures and alternatives will not avoid or substantially lessen all identified significant effects on the environment associated with the Project, CEQA requires the City to adopt a Statement of Overriding Considerations in the event the City Council approves the Project; and

WHEREAS, the City is required by Public Resources Code section 21081.6 (a) to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are actually carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Plan for the Project has been prepared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICO:

1. Certification of EIR: The City Council makes the following findings based upon the evidence in the EIR or elsewhere in the record of these proceedings:

   a. The NOP, and the Draft EIR were duly prepared, noticed, and properly circulated in accordance with the provisions of CEQA.

   b. All comments received during the period of public review for the Draft EIR have been duly considered and incorporated into the Final EIR and, when necessary, replied to, all in accordance with CEQA.

   c. The City provided written responses to all public agency comments received on the Draft EIR at least ten days before certification of the Final EIR, pursuant to the provisions of CEQA.

   d. A good faith effort has been made to identify potentially feasible mitigation measures and alternatives to the extent necessary to avoid or substantially lessen the significant adverse effects of the project, and such mitigation measures and alternatives were considered in the review process in accordance with the provisions of CEQA.

   e. The EIR for the proposed Project has been properly completed and has identified all significant environmental effects of the proposed Project, and there are no known

potential significant environmental effects that are not addressed in the EIR.

f. The City Council has reviewed and considered the information in the EIR.

g. The EIR for the Project reflects the City Council's independent judgment and analysis.

Based on the above, having independently considered the EIR, the City Council hereby certifies that the EIR has been prepared, circulated for agency and public review, and completed in compliance with the requirements of CEQA and fully and adequately discloses and addresses all environmental issues known to be associated with the Project.

2. The City Council hereby adopts the CEQA Findings of Fact attached as Exhibit A to this resolution, as required by Public Resources Code section 21081, subdivision (a);

3. The City Council hereby adopts the Statement of Overriding Considerations, included within Exhibit A to this resolution, as required by Public Resources Code section 21081, subdivision (b);

4. The City Council hereby adopts the Mitigation Monitoring Program attached as Exhibit B to this resolution, as required by Public Resources Code section 21081.6, subdivision (a).

The foregoing resolution was adopted by the City Council of the City of Chico at its meeting held on July 6, 2010, by the following vote:

AYES: Flynn, Gruendl, Holcombe, Nickell, Wahl, Walker, Schwab

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None

ATTEST:

Deborah R. Presson, City Clerk

APPROVED AS TO FORM:

Lori J. Barker, City Attorney

CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDING CONSIDERATIONS

I.
INTRODUCTION

These findings, as well as the accompanying statement of overriding considerations have been prepared in accordance with the California Environmental Quality Act ("CEQA") the CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by the City of Chico ("City"). The City is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is known as the State Route 32 Widening Project (the "Project.")

II.
STATEMENT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

The City Council hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning even where not specifically mentioned or cited herein, in reaching the conclusions, except where additional evidence is specifically mentioned. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project shall be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

III.
DEFINITIONS AND ACRONYMS

"CEQA" means California Environmental Quality Act.
"City" means City of Chico.
"Council" or "City Council" means the City Council of the City of Chico.
"DEIR" or "Draft EIR" means the Draft Environmental Impact Report for the State Route 32 Widening Project, dated February 2010.
"EIR" means Environmental Impact Report, including both the DEIR and FEIR.

"FEIR" or "Final EIR" means the Final Environmental Impact Report for the State Route 32 Widening Project, dated May 2010.
"IS" means Initial Study.
"LOS" means level of service.
"MM" means mitigation measure.
"MMP" means Mitigation Monitoring Program.
"NO_x" means nitrogen oxide.
"NOP" means Notice of Preparation.
"PM_{10}" means particulate matter equal to or less than 10 microns in diameter.
"SCH" means State Clearinghouse.

IV.
PROJECT DESCRIPTION

A. PROJECT DESCRIPTION

The City is evaluating the environmental effects of the widening and improvement of approximately 2.6 miles of State Route 32 from State Route 99 to east of Yosemite Avenue.

The Project would widen the highway to include a median and four lanes. It would extend four lanes to the east past Yosemite and then taper back to two lanes. The number of through travel lanes between Fir Street and State Route 99 would be increased from four to six. A sound barrier would be constructed at adjacent residential property lines.

Fir Street would be signalized at both intersections with SR 32 and converted to a one-way northbound movement with two lanes turning west on SR 32 and a third lane going north to E. 8th Street. Two-way bicycle access would be provided along Fir Street with a Class I bicycle facility on the west side of Fir Street and a Class II facility in the east side. El Monte and Forest Avenues would be widened to accommodate additional turn and through lanes to improve traffic flow at their intersections with SR 32. A traffic signal will be installed at SR 32 and Yosemite Ave. Class II bicycle lanes crossing SR 32 will be included at its intersections with Forest Avenue, El Monte Avenue and Bruce Road. A new bridge would be constructed over Dead Horse Slough just east of Bruce Road.

B. PROJECT OBJECTIVES

The objectives of the Project are:

- To provide additional capacity needed to accommodate approved and planned development on and near the SR 32 corridor between SR 99 and Yosemite Avenue.
- Correct existing operational and safety concerns at the SR32/SR99 interchange that would be expected to worsen without the improvements at that intersection.

- Help maintain and improve connectivity between neighborhoods to the north and south of that section of SR 32.

(See DEIR, p. 2-2.)

V.
ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) in February 2007 (SCH# 2007022045). This notice was circulated to the public, local, State, and Federal agencies, and other interested parties to solicit comments on the proposed project.

The EIR includes an analysis of the following issue areas:

Noise
Air Quality
Visual Resources
Biological Resources

The City published the DEIR for public and agency review. The public review period was 45 days, beginning February 25, 2010, and ending on April 12, 2010. The City received a number of comment letters from agencies and the public regarding the DEIR.

In May 2010, the City published the final EIR for the Project.

VI.
RECORD OF PROCEEDINGS

The record of proceedings for the decision on the Project consists of the following documents, at a minimum:

- The Notice of Preparation dated February 6, 2007, and all other public notices issued by the City in conjunction with the Project;

- Comments received on the Notice of Preparation issued by the City;

- The DEIR and all appendices to the DEIR for the State Route 32 Widening Project;

- Notices of Completion and of Availability, providing notice that the DEIR was completed and available for public review and comment;

- All comments submitted by agencies or members of the public during the comment period on the DEIR;

- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the DEIR.

- The FEIR for the State Route 32 Widening Project dated May 2010, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:

    - All timely comments received on the DEIR and responses to those comments;

    - All Technical appendices to the EIR;

    - Letters and correspondence submitted to the City following the release of the FEIR;

    - The mitigation and monitoring plan for the project;

- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the DEIR or FEIR;

- Any documentary or other evidence submitted to the City at any information sessions, public meeting or public hearing;

- The relevant files of the City of Chico Capital Projects Services Department for the State Route 32 Widening Project;

- The City of Chico General Plan and Chico Municipal Code;

- Matters of common knowledge to the City including, but not limited to Federal, State, and local laws and regulations;

- Any documents expressly cited in these findings, in addition to those cited above; and

- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

The official custodian of the record is the Capital Projects Services Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

VII.
FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1)) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2)) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project.

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used.

Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b))

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

VIII.
MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring Program (MMP) has been prepared for the Project, and is being approved by the City Council by the same resolution that adopts these findings. The City will use the MMP to track compliance with Project mitigation measures. The MMP will remain available for public review during the compliance period. The MMP is a separate document from the EIR.

IX.
FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

An IS was prepared for the Project in February 2007. That IS identified potential environmental impacts of the Project in the areas of aesthetics, air quality, biological resources, hazardous materials, hydrology and water quality, noise, public services, transportation/circulation factors, and utilities and service systems. The IS identified mitigation measures that would reduce all of those impacts to a level less than significant except for impacts related to aesthetics and noise for which it was determined a focused environmental impact report should be prepared. It was also subsequently determined that the subjects of air quality and biological resources would be included and further analyzed in the focused environmental impact report.

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project may cause. Some of these significant impacts can be reduced to a level less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less than significant level and will be significant and unavoidable. For the reasons set forth in Section XII, *infra*, however, the City has determined that overriding economic, social or other considerations outweigh the significant, unavoidable effects of the project.

The City's findings with respect to the Project's significant effects and mitigation measures are as follows:

The IS and DEIR identify a number of significant and potentially significant environmental impacts that may result from the Project. All of those impacts can be reduced to a level of less than significant with the adoption and implementation of feasible mitigation measures, except for impacts regarding 1) loss of protected tree species; 2) degradation of the existing visual character; and 3) permanent changes to the view, each of which remain as a significant and unavoidable impact. The city's findings as to each of the Projects significant effects and mitigation measures are as follows:

A. Impacts CR-1 and CR-2: Although the IS concluded that impacts to cultural resources would be less than significant, it nevertheless found that excavation and earthmoving activities associated with the proposed project could cause an

adverse effect to potentially significant, but as of yet unidentified, cultural/historical resources and included a mitigation measure that would ensure this impact remained at a less than significant level. This mitigation measure is included as mitigation measure CR-1a and CR-1b.

Findings: the incorporation of mitigation measures CR-1a and CR-1b into the Project will ensure this impact remains less than significant by requiring that all work be stopped if buried resources are found during ground-disturbing activities in the discovery area and within 100 feet of the find until a qualified archaeologist can assess the significance of the finds. Appropriate mitigation will be recommended by the archaeologist and developed in consultation with the City, Caltrans, and other agencies. Any cultural resources found during construction will be recorded or described in a professional report and submitted to the Northeast Information Center at California State University (CSU) Chico.

If human remains are discovered during project construction, all work will stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The County Coroner will be contacted to determine if the cause of death must be investigated. If the remains are determined to be of Native American origin, the Project will comply with all state laws regarding the disposition of Native American burials, and the coroner will be required to contact the Native American Heritage Commission.

B. Impacts GS-1 and GS-2: Although the IS concluded that impacts to Geology/Soils would be less than significant, it noted that portions of the Project area, including potentially saturated alluvial soils in the vicinity of Dead Horse Slough, are subject to moderate liquefaction risk during seismic events and subject to some soil erosion and includes mitigation measures GS-1 and GS-2 to ensure that this impact remains less than significant.

Findings: The incorporation of mitigation measures GS-1 and GS-2, into the Project will ensure that this impact remains less than significant by requiring the Project to conform to the conclusions and recommendations of the final foundation investigation as they related to the design and construction of the Dead Horse Slough Bridge; and will require that 1) the Project conform to the conclusions and recommendation of the final geotechnical report as they relate to structural sections, earthwork, sound walls, and drainage; and 2) the implementation of an erosion control plan which will limit the effects of soil erosion and water degradation and will include provisions for erosion control in the event of non-seasonal or early seasonal rainfall, as well as for disturbed areas that remain unvegetated during the rainy season.

C. Impact HAZ-1: The IS noted that the Project is in the vicinity of the Humboldt

Road Burn Dump from which hazardous materials are known to have migrated and that construction activities in this area could be encountered during construction and concludes that this could be a significant impact. The IS concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures HAZ-1a, HAZ-1b, and HAZ-1c.

Findings: The incorporation of mitigation measures HAZ-1a, HAZ-1b, and HAZ-1c into the Project will mitigate this impact to less than significant because they will require: 1) preparation of a focused site characterization report; 2) development of a spill prevention and control program to minimize the potential for, and the effects from, spills of hazardous, toxics, or petroleum substances; and a requirement to submit a written description of reportable releases to the Regional Water Quality Control Board (RWQCB).

D. Impact HAZ-2: The IS, finds that construction activities could expose individuals to hazardous materials present in the existing yellow traffic striping, resulting in a significant impact. The IS concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure HAZ-2a.

Findings: The incorporation of mitigation measure HAZ-2a into the Project will mitigate this impact to less than significant because it will require that yellow traffic striping be removed and disposed of in a manner consistent with the handling of solids containing hazardous levels of metals.

E. Impact HWQ-1: The IS finds that the project has the potential to violate water discharge requirements by increasing impervious surfaces and contributing to additional water runoff, resulting in a significant impact. The IS concludes that this impact can be mitigated to a less than significant level through the implementation of mitigation measures HWQ-1a, HWQ-1b, HWQ-1c, HWQ-1d and HWQ-1e.

Findings: The incorporation of mitigation measures HWQ-1a, HWQ-1b, HWQ-1c, HWQ-1d and HWQ-1e into the Project will mitigate this impact to a level less than significant because they will ensure the project: 1) conforms to the conclusions and recommendations of the *Final Location Hydraulic Study Report*, *Final Bridge Design Hydraulic Study*, and *Storm Water Delta Report*; 2) requires the construction contractor to avoid and minimize potential construction-related water quality impacts by: enrolling into the National Pollutant Discharge Elimination System (NPDES) Statewide Construction General Permit; preparing and complying with a Storm Water Pollution Prevention Plan (SWPPP); and following the guidelines set forth in the latest Caltrans Storm Water Quality Handbook Construction Best Management Practices (BMPs) manual; 3) is conducted in conformance with a site-specific SWPPP for waters receiving

pollution; and 4) avoids or minimizes long-term water quality impacts through the incorporation of permanent post-construction BMPs in the project design.

F. Impact HWQ-2: The IS finds that the project could increase the likelihood of flooding from surface runoff and that this would be a significant impact and concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures HWQ-01a, HWQ-1b, HWQ-1c, HWWQ-1d and HWQ-1e.

Findings: The incorporation of mitigation measures HWQ-1a, HWQ-1b, HWQ-1c, HWQ-1d and HWQ-1e into the Project will mitigate this impact to less than significant through a variety of means, as described under the findings for Impact HWQ-1.

G. Impact HWQ-3: The IS finds that the Project could alter the existing drainage pattern of the Project in a manner that would result in substantial erosion or siltation on- or off-site, and finds that this would be a significant impact. It concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures HWQ-1a, HWQ-1b, HWQ-1c, HWQ-1d and HWQ-1e.

Findings: The incorporation of mitigation measures HWQ-1a, HWQ-1b, HWQ-1c, HWQ-1d and HWQ-1e into the Project will mitigate this impact to less than significant through a variety of means, as described under the findings for Impact HWQ-1.

H. Impact PS-1: The IS finds that construction-related traffic delays could temporarily affect emergency services such as fire protection, schools, and other government services, and that this would be a significant impact. It concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures PS-1a, PS-1b, PS-1c, PS-1d and PS-1e.

Findings: The incorporation of mitigation measures PS-1a, PS-1b, PS-1c, PS-1d and PS-1e into the Project will mitigate this impact to a level less than significant because they will require the contractor to: 1) prepare and implement a coordinated Transportation Management Plan (TMP); 2) provide 10 days notice to emergency service providers of any construction activities that would hinder vehicle response time, bus travel routes, or access to or from schools; 3) provide 10 days notices to residents, businesses, and the school to minimize construction conflicts; 4) develop a parking plan that identifies a site at which construction equipment storage/staging and parking for construction workers can occur at the same locations; and 5) include measures in the TMP to ensure provision of safe travel for pedestrians and bicyclists.

I. Impact T-1: Although the IS concluded that the Project would not have significant impacts on transportation or circulation, it did note that construction activities could cause traffic volumes to exceed level of service (LOS) and/or General Plan standards during construction; and include a mitigation measure.

Findings: The incorporation of mitigation measure T-1 into the Project will further ensure this impact remains less than significant because it will require that the contractor prepare and implement a TMP. Design of the project and the TMP will be coordinated closely with Caltrans District 3. Potential TMP strategies include Construction Zone Enhanced Enforcement Patrol, lane closures, and maintaining traffic.

J. Impact U-1: Within the project area, there are utility lines that cross SR-32 and a Western Area Power Administration 230 Kilovolt (kV) transmission line just each of the Yosemite Drive intersection. The EIR, in impact U-1, finds that construction of the proposed project could potentially affect these utilities, resulting in a significant impact. The EIR concludes that his impact can be mitigated to a less than significant level through implementation of mitigation measure U-1.

Findings: The incorporation of mitigation measure U-1 into the Project will mitigate this impact to less than significant because it will require the utility crossings at intersections along SR 32 be constructed on an as-needed basis, as determined by the various service providers. These utility crossings would "stub out" within the project limits on the north and south sides of SR 32.

K. Impact NZ-2: The EIR, in impact NZ-2, finds that noise from Project construction could expose sensitive land uses to noise levels in excess of the City's noise limits, and finds that this would be a potentially significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure NZ-2a.

Findings: The incorporation of mitigation measure NZ-2a into the Project will mitigate this impact to less than significant by ensuring that noise levels will not exceed 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m. on any residential property. If construction is required during nighttime hours, activity will be staged so that it does not occur over an extended period of time (i.e., more than 14 days at a time.) Additionally, construction practices specified in MM NZ-2 shall be utilized to reduce noise and residents shall be notified of the construction schedule and a contact for receiving noise complaints.

L. Impact AIR-1: The EIR, in impact AIR-1, finds that construction of the proposed

project would generate PM_{10} dust levels that would exceed the Butte County Air Quality Management District's (BCAQMD's) threshold, resulting in a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure AIR-1.

Findings: The incorporation of mitigation measure AIR-1 into the Project will mitigate this impact to less than significant because it will reduce dust generation by requiring a number of specified dust reduction measures including the following: 1) application of water to dry disturbed soil, unpaved surfaces, soil piles, prior to land clearing activities, and to the entire construction area twice daily; 2) covered haul trucks; 3) limited vehicle speeds; 4) posted contact information for dust complaints; and 5) designated parking areas for construction workers.

M. Impact BIO-1: The EIR, in impact BIO-1, finds that widening of the roadway and bridge would result in the loss of 0.202 acre of riparian wetland habitat in the Dead Horse and South Fork Dead Horse Sloughs, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures BIO-1a, BIO-1b, BIO-1c, BIO-1d, and BIO-1e.

Findings: The incorporation of mitigation measures BIO-1a, BIO-1b, BIO-1c, BIO-1d, and BIO-1e into the Project will mitigate this impact to less than significant by protecting sensitive biological resources and compensating for the loss of riparian wetland and vegetation. Specifically, they will require a biological resources education program for construction crews; enforcement of specified construction regulations; installation of barrier fencing adjacent to the construction zone; biological monitoring during construction activities by a qualified biologist; implementation of a number of specified construction requirements in regard to work which will or may impact trees; and the purchase of mitigation credits at a wetland mitigation bank.

N. Impact BIO-2: Fresh emergent wetlands are considered sensitive communities by the Department of Fish and Game (DFG) and United States Fish and Wildlife Service (USFWS), and are protected under federal and state law. The EIR, in impact BIO-2, finds that road widening and extension or replacement of the culvert at South Fork Dead Horse Slough would result in the loss of 0.011 acre of fresh emergent wetland in the South fork Dead Horse Slough and that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-2a.

Findings: The incorporation of mitigation measure BIO-2a into the Project will mitigate this impact to less than significant by compensating for the loss of 0.011

acre of fresh emergent wetland at a ratio of 1:1, or as approved by the Corps in the Section 404 permit, by purchasing seasonal wetland mitigation creation credits at a wetland mitigation bank.

O. Impact BIO-3: Vernal pool, vernal swale, seasonal wetland, and seasonal swale are considered sensitive communities by the DFG and USFWS, and are protected under federal and state law. The EIR, in impact BIO-3, finds that construction associated with road widening east of El Monte Avenue would result in the direct loss of 0.265 acre and the indirect loss of 0.906 acres of vernal pool, vernal swale, and seasonal wetland habitat, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure Bio-3a.

Findings: The incorporation of mitigation measure BIO-3a into the Project will mitigate this impact to less than significant by compensating for the direct loss of 0.265 acre at a ratio of 1:1, or as approved by the Corps in the Section 404 permit, by purchasing seasonal wetland mitigation creation credits at a mitigation bank.

P. Impact BIO-4: Seasonal drainages are considered sensitive communities by the DFG and USFWS, and are protected as waters of the U.S. or waters of the State under federal and state law, respectively. The EIR, in impact BIO-4, finds that construction associated with widening of the bridge over Dead Horse Slough, extension or replacement of culverts in seasonal drainages would result in direct impacts on 0.013 acre and temporary impacts on 0.010 acre of seasonal drainage habitat, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-4a.

Findings: The incorporation of mitigation measure BIO-4a into the Project will mitigate this impact to less than significant by compensating for the: 1) temporary loss of 0.010 acre of seasonal drainage and associated culverts at a ratio of 1:1 by re-grading the affected drainages following construction and culvert replacement; and 2) permanent loss of 0.013 acre of seasonal drainage at a ratio of 1:1, or as approved by the Corps in the Section 404 permit, by purchasing seasonal wetland mitigation creation credits at a mitigation bank.

Q. Impact BIO-5: Butte County Meadowfoam (BCM) is a state and federal listed plant species and is included in the USFWS recovery plan for vernal pools. The EIR, in impact BIO-5, finds that construction associated with road widening east of El Monte Avenue would result in the direct loss of 0.001 acre and cause an indirect impact on 0.183 acre of BCM habitat, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-5a.

Findings: The incorporation of mitigation measure BIO-5a into the Project will mitigate this impact to less than significant by preserving and/or creating additional BCM habitat. Specifically, the City will compensate for directly affected BCM habitat at a ratio of 19:1 (0.0019 acre) and for indirectly affected habitat at a ratio of 5:1 (0.915 acre), for a total of 0.917 acre of compensation. Mitigation credits will be obtained through one of the following means: 1) purchase of BCM credits from Dove Ridge Mitigation Bank; 2) preservation of BCM at the proposed Bidwell Ranch Conservation Area; or 3) establishment of a new BCM preserve within a USFWS-pre-approved off-site location.

R. Impact BIO-6: The EIR, in impact BIO-6, finds that construction associated with roadway widening would result in the direct loss or disturbance of 0.265 acre of suitable habitat for listed vernal pool branchiopods and cause indirect effects to 0.904 acre of suitable habitat located within 250 feet of construction area, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures BIO-1a, BIO-1c, BIO-6a, BIO-6b, BIO-6c, and BIO-6d.

Findings: The incorporation of mitigation measures BIO-1a, BIO-1c, BIO-6a, BIO-6b, BIO-6c, and BIO-6d into the Project will mitigate this impact to less than significant because they will require: 1) a biological resources education program for construction crews; 2) biological monitoring during construction; 3) fencing around vernal pool branchiopod habitat to prevent disturbance; 4) implementation of a SWPPP that limits soil disturbance during the winter rainfall season and fully stabilizes disturbed areas prior to December 1; 5) zero alteration of existing topography, including the placement of fill material into suitable vernal pool habitat; and 6) incorporation of permanent post-construction BMPs. Direct and indirect effects on suitable habitat will also be compensated for by preserving vernal pool habitat at a 2:1 ratio at a mitigation bank or at an off-site conversation area (e.g., 2.34 acres preserved).

S. Impact BIO-7: The EIR, in impact BIO-7, finds that construction of Location Option B1 would result in the direct removal of and/or disturbance within 20 feet of an elderberry cluster located between Forest Avenue and Dead Horse Slough, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-7a.

Findings: The incorporation of mitigation measure BIO-7a into Location Option B1 will mitigate this impact to less than significant by requiring the transplanting of a portion of the elderberry cluster to a USFWS-approved conservation area according to USFW-approved procedures. The conditions of the shrub shall be subject to ongoing monitoring and a minimal survival rate. Seedlings or cuttings

associated with native species will also be planted in the conservation area at a ratio of 1:1 or 2:1, depending on whether the transplanted shrub contains VELB exit holes. The relocation of the shrub will be conducted according to the USFWS's *Conservation Guidelines for the Valley Elderberry Longhorn Beetle.*

T. Impact BIO-8: The EIR, in impact BIO-8, finds that impacts on vernal pool habitat caused by roadway widening would result in the loss or disturbance of suitable habitat for western spadefoot toads, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures described for vernal pool branchiopods, BIO-1a, BIO-1c, BIO-6a, BIO-6b, BIO-6c, and BIO-6d.

Findings: The incorporation of mitigation measures BIO-1a, BIO-1c, BIO-6a, BIO-6b, BIO-6c, and BIO-6d, described above, and in the DEIR, into the Project will mitigate this impact to less than significant by reducing and/or avoiding impacts to vernal pool habitat.

U. Impact BIO-9: The EIR, in impact BIO-9, finds that widening of the bridge over Dead Horse Slough and lengthening and replacement of the box culvert over South Fork Dead Horse Slough would result in temporary (0.227) and permanent losses (0.093) of suitable aquatic habitat for the Western Pond Turtle. In addition, 1.519 acres of suitable upland habitat would be directly affected. The EIR finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures BIO-9a and BIO-9b.

Findings: The incorporation of mitigation measures BIO-9a and BIO-9b will mitigate this impact to less than significant by requiring preconstruction surveys, and by conducting work in creeks only during the dry season, if possible. If Western Pond Turtle activity is found during the survey or during monitoring of construction, a biologist with a valid MOU from DFG shall move the turtle to a suitable site outside of the construction area. If active pond turtle nests are found, the City will contact DFG to determine and implement appropriate avoidance measures, which may include a non-disturbance buffer until the hatchlings have moved.

V. Impact BIO-10: The EIR, in impact BIO-10, finds that widening of the bridge over Dead Horse Slough and lengthening and replacement of the box culvert over South Fork Dead Horse Slough would result in temporary (0.227) and permanent losses (0.093) of suitable aquatic for the giant garter snake. In addition, 1.519 acres of suitable upland habitat would be directly affected. The EIR finds that this would be a significant impact. The EIR concludes that this impact can be

mitigated to a less than significant level through implementation of mitigation measures BIO-1a, BIO-9b, BIO-10a, BIO-10b, and BIO-10c.

Findings: The incorporation of mitigation measures BIO-1a, BIO-9b, BIO-10a, BIO-10b, and BIO-10c into the proposed project will mitigate this impact to less than significant by requiring the following: 1) a biological resources education program for construction crews; 2) preconstruction surveys; 3) construction work be conducted during the active period of the giant garter snake; and 4) presence of a USFWS approved biological monitor at the start of construction and construction monitoring. Loss of 9.03 acre of aquatic habitat and 1.519 acres of upland habitat for giant garter will also be compensated for by replacing habitat at a 3:1 ratio.

W. Impact BIO-11: Suitable nesting habitat for Swainson's hawk, white-tailed kite, loggerhead shrike, and other migratory birds is present in and adjacent to the project area. In addition, the bridge over Dead Horse Slough provides suitable nesting habitat for swallows. The EIR, in impact BIO-11, finds that construction of the proposed project could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures BIO-11a and BIO-11b.

Findings: The incorporation of mitigation measures BIO-11a and BIO-11b into the proposed project will mitigate this impact to less than significant by avoiding construction of bridge work during nesting season. If construction activities cannot be avoided during nesting season, a preconstruction survey will be conducted for nesting birds. If the preconstruction survey identifies active raptor or other migrating bird nests and construction must occur during the breeding season, activities will not be allowed to occur within 500 feet of an active nest until the young have fledged. If swallows are nesting on the bridge, work on the bridge will be avoided during nesting season. To avoid these impacts, measures to exclude swallows from the bridge will be taken prior to construction, including removal of old swallow nests and the placement of exclusionary netting on the underside of the bridge.

X. Impact BIO-12: The EIR, in impact BIO-12, finds that construction of the proposed project would result in the loss of Swainson's Hawk foraging habitat within 10 miles of an active nest and that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-12a.

Findings: The incorporation of mitigation measure BIO-12a into the proposed

project will mitigate this impact to less than significant by providing off-site habitat management lands as described in the DFG *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California.* The final acreage of off-site management lands to be provided will depend on the distance between the project area and the nearest active nest.

Y. Impact BIO-13: The EIR, in impact BIO-13, finds that tree removal during construction of the proposed project could potentially injure or kill the pallid or western red bat, and finds that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-13a.

Findings: The incorporation of mitigation measure BIO-13a into the proposed project will mitigate this impact to less than significant by conducting preconstruction surveys to identify suitable roosting habitat. If bats are observed, tree trimming and removal will be delayed until the bats leave the roosting sites or until DFG authorizes trimming/removal of the tree.

Z. Impact BIO-15: The EIR, in impact BIO-15, finds that activities associated with construction and vegetation removal in the Clear Recovery Zone (CRZ) would result in the removal of protected trees, and finds that this would be a significant impact. The exact number of impacted trees varies between alternatives, but is most severe under Design Option A2 (please refer to Appendix F of the Draft EIR). The EIR concludes that this impact can be reduced in the short-term through the implementation of mitigation measure BIO-15a, but that it will remain potentially significant even after mitigation and that the impact is, therefore, significant and unavoidable.

Findings: The incorporation of mitigation measure BIO-15a will reduce this impact by providing specific performance standards applicable to tree replanting of trees that would be met in compensating for the loss of the trees. This measure would reduce the long-term impact of tree loss, and its associated loss of wildlife habitat, to a less than significant level, although in the short-term this impact would be significant and unavoidable, because replanting of young trees would not compensate for the loss of fully grown native trees that take many years to mature.

AA. Impact BIO-16: The EIR, in impact BIO-16, finds that construction of the proposed project may cause the introduction of new invasive plant species or the spread of invasive plant species, resulting in a potentially significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure BIO-16a.

Findings: The incorporation of mitigation measure BIO-16a into the proposed project will mitigate this impact to less than significant by incorporating specific measures to avoid the introduction or spread of invasive species including invasive species education, cleaning of construction equipment, seeding all disturbed areas with certified weed-free native and nonnative mixes, and conducting a follow-up inventory of the construction area to verify that activities have not result in the introduction of new invasive plant infestations.

BB. Impact VIS-1: The EIR, in impact VIS-1, finds that construction of the proposed project would cause temporary changes to existing views and that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measure VIS-1a.

Findings: The incorporation of mitigation measure VIS-1a into the proposed project will mitigate this impact to less than significant by requiring nighttime construction lights be installed at the lowest allowable height and the lowest allowable wattage, per current Caltrans and City requirements. Lights will also be screened and directed away from residential areas to the highest degree possible; and the amount of nighttime lights used will be minimized to the highest degree possible.

CC. Impact VIS-4: The EIR, in impact VIS-4, finds that removal of vegetation and trees within and adjacent to the project, as well as the construction of the sound barrier, would degrade the existing visual character of the affected area, and finds that this would be a significant impact. The amount of vegetation removal varies between alternatives, but would be most severe under Design Option A2. The EIR concludes that this impact can be reduced through the implementation of mitigation measures VIS-4 and BIO-15a, but that it will remain potentially significant even after mitigation and that the impact is, therefore, significant and unavoidable.

Findings: The incorporation of mitigation measures VIS-4 and BIO-15a will reduce this impact by requiring sound barrier design that is less distracting to viewers and will blend into the surroundings by choosing earth-toned colors for the wall and using a roughened wall surface and by providing for the replanting of vegetation. Even with the implementation of these mitigation measures, this impact remain significant and unavoidable.

DD. Impact VIS-5: The EIR, in impact VIS-5, finds that construction of the proposed project would create a new source of light or glare and that this would be a significant impact. The EIR concludes that this impact can be mitigated to a less than significant level through implementation of mitigation measures VIS-5a and VIS-5b.

Findings: The incorporation of mitigation measures VIS-5a and VIS-5b into the proposed project will mitigate this impact to less than significant by installing lights at the lowest allowable height and wattage per current Caltrans and City requirements; screening and directing lights away from residential areas to the highest degree possible; and minimizing the amount of nighttime lights to the highest degree possible. To reduce the appearance of the wall surface, similar building materials and colors to those found in nearby will be used. Low sheen and non-reflective surfaces shall be used to reduce the potential for glare.

EE. Impact VIS-6: The EIR, in impact Vis-6, finds that construction of the proposed project would result in permanent changes to views in Landscape Unit 1 (SR 32 between SR 99 and El Monte Avenue), and finds that this would be a significant impact. The severity of this impact would vary between alternatives, but would be greatest under Design Option A2. The EIR concludes that this impact can be reduced through the implementation of mitigation measures VIS-4, VIS-5a, VIS-5b, and BIO-15a; but that it will remain potentially significant even after mitigation and that the impact is, therefore, significant and unavoidable.

Findings: The incorporation of mitigation measures VIS-4, VIS-5a, VIS-5b, and BIO-15a into the Project will reduce this impact through a variety of means as described above and in the DEIR. However, even with the implementation of these mitigation measures, the Project would still permanently alter the existing visual character of Landscape Unit 1, causing this impact to remain significant and unavoidable.

FF. Impact VIS-7: The EIR, in impact Vis-6, finds that widening of the roadway would result in permanent changes to views in Landscape Unit 2 (SR 32 between El Monte Avenue and Yosemite Drive) and that this would be a significant impact. The severity of this impact would vary between alternatives, but would be greatest under Design Option A2. The EIR concludes that this impact can be reduced through the implementation of mitigation measures VIS-4, VIS-5a, VIS-5b, and BIO-15a; but that it will remain potentially significant even after mitigation and that the impact is, therefore, significant and unavoidable.

Findings: The incorporation of mitigation measures VIS-4, VIS-5a, VIS-5b, and BIO-15a into the Project will reduce this impact through a variety of means as described above and in the DEIR. However, even with the implementation of these mitigation measures, the Project would still permanently alter the existing visual character of Landscape Unit 2, causing this impact to remain significant and unavoidable.

X.
GROWTH INDUCING EFFECTS

The City Council finds that the Project would not significantly induce unplanned growth for the following reasons:

1. The City has experienced significant growth in the last 15 years and the Project was developed in response to that growth and is intended to accommodate local general plan growth. The Project does not provide additional capacity to accommodate growth beyond that which is already planned for the City. As a result the Project is designed to enhance the transportation system for projected growth rather than facilitate or induce growth which is not already planned.

2. The Project will not introduce a new transportation facility or provide new access to undeveloped areas.

3. The improved capacity provided by the Project is limited to a relatively short section of roadway and does not increase the highway's capacity through the City.

XI.
PROJECT ALTERNATIVES

A. ALTERNATIVES ANALYSIS

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project's significant effects (CEQA Guidelines Section 15126.6(a)).

Section 15126.6 of the CEQA Guidelines requires the consideration of a reasonable range of potentially feasible alternatives that could reduce or eliminate any significant adverse environmental effects of the proposed project, including alternatives that may, to some degree, impede the project's objectives.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." "[I]n the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1)) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project.

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b))

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

The discussion regarding project impacts above, reveals that most significant effects identified in the EIR will be reduced to less than significant through the incorporation of mitigation measures. There remain, however, some effects which cannot be substantially lessened and will remain significant and unavoidable. Specifically, the project would have significant and unavoidable impacts in regard to impacts on biological resources and visual resources. Thus, as a legal matter, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those impacts. If any alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, the City may approve the Project as mitigated, after adopting a statement of overriding considerations.

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

(1) No Project Alternative;
(2) Timber Barrier Alternative.

Significant and Unavoidable Impacts

The project-specific significant and unavoidable impacts that would result from project implementation are impacts to biological and visual resources that will occur as a result of :

- Loss of protected trees in the short-term until replanted trees mature
- Degradation of the existing visual character or quality of the site and its surroundings
- Permanent changes to views along SR 32 between SR 99 and El Monte Avenue
- Permanent changes to views along SR 32 between El Monte Avenue and Yosemite Drive

The EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the project to determine whether any of the alternatives could meet most or all of the Project's objectives, while avoiding or substantially lessening its significant, unavoidable impacts. The following section provides a summary of the alternatives considered.

B. FINDINGS REGARDING ALTERNATIVES ANALYZED IN DETAIL

Alternative 1 – No-Project

Characteristics

CEQA Guidelines Section 15126.6(e) requires that a "no-project" alternative be evaluated in an EIR. The "no-project" analysis shall discuss the existing conditions at the time the notice of preparation is published or at the time environmental analysis is commenced. The "no-project" alternative is what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. CEQA Guidelines Section 15126(e)(2) states that "If the environmentally superior alternative is the "no-project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Under the No-Project Alternative, the Project would not be built.

Conclusions

Under the No-Project Alternative, State Route (SR) 32 would not be widened to meet increased traffic needs associated with growth in the project area. SR 32 between SR 99 and Yosemite

Avenue would remain unchanged.

Selection of the No-Project Alternative would avoid the environmental impacts of the Project, but it would not meet the Project's objectives, and it would result in traffic congestion impacts. The No-Project Alternative would also be inconsistent with the City of Chico's (City) General Plan as the General Plan shows SR 32 between SR 99 and Yosemite Avenue as a four-lane major arterial.

The Project is needed to provide additional capacity to accommodate approved and planned development on and near the SR 32 corridor between SR 99 and Yosemite Avenue. This development is expected to increase traffic beyond the current capacity of SR 32 resulting in congestion. Under the 2030 No-Project condition scenario, the following intersections would operate at an unacceptable level of service (LOS) E or LOS F during one or more of the peak hours:

- SR 99 southbound off-ramp/SR 32 (East 8th Street) - LOS F during the p.m. peak hour. Long delays at the intersection are associated with traffic spilling back from the two-lane segment of SR 32 through the interchange

- SR 99 southbound on-ramp/SR 32 (East 9th Street) - LOS F during the p.m. peak hour. Long delays at the intersection are associated with traffic spilling back from the two-lane segment of SR 32 through the interchange.

- Forest Avenue/SR 32 - LOS F during the a.m., p.m. and Saturday peak hours

- El Monte Avenue/SR 32 - LOS F during the a.m., p.m. and Saturday peak hours

- Bruce Road/SR 32 - LOS F during th a.m., p.m. and Saturday peak hours

- Yosemite Drive/SR 32 - LOS F during the a.m., p.m. peak hours.

Under the 2030 No-Project condition, the SR 32 corridor is expected to experience over 400 vehicle hours of delay during the a.m. peak hour, almost 600 hours of delay during the p.m. peak hour, and more than 300 vehicle hours of delay during the Saturday peak hour within the study area. Additional delay would occur outside of the study area due to long queues on certain approaches, including, the northbound approach from Forest Avenue during the a.m. peak hour and the southbound SR 99 off-ramp during the p.m. peak hour. Eastbound vehicle queuing is also expected to extend into the interchange and affect intersection operations (as reflected in the level of service results).

The No-Project Alternative is rejected because it does not meet the project objectives to provide additional capacity to accommodate approved and planned development on and near the SR 32 corridor between SR 99 and Yosemite Avenue and would result in significant traffic impacts and

be inconsistent with the City's General Plan.

Alternative 2 – Project with Timber Barrier Alternative

Characteristics

This alternative would be identical to the proposed Project except that the construction of a timber barrier would allow for large tree plantings within the median. Both the timber barrier median and a grassy or paved median would have the same environmental impacts except that the grassy or paved median would not be as aesthetically pleasing for roadway users as the timber barrier median, and it would likely result in greater light and glare impacts than the timber barrier median. Both types of medians would have carbon monoxide (CO) emissions that are less than the ambient CO standard, but because the northernmost travel lane on SR 32 with the grassy/paved median would be located approximately 3 feet farther away from sensitive receptors as compared to the timber barrier median, sensitive receptors north of SR 32 would have slightly lower concentrations of CO than with the timber barrier median.

Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative in an EIR. If the "No Project" alternative is the environmentally superior alternative, than the EIR must also identify an environmentally superior alternative from the remaining alternatives.

Based upon the evaluation contained in the EIR, after the No Project Alternative, the Timber Barrier Alternative with Sound Barrier Option A3 (six-foot high wooden fence) would be the environmentally superior alternative. It would generally result in fewer environmental impacts than the proposed project with the other sound barrier design options.

Feasibility of Environmentally Superior Alternative

The Timber Barrier Median is found to be a feasible alternative; however, the adoption of sound barrier design Option A3 (six-foot high wooden fence) is rejected as infeasible because wooden fences would require significant maintenance over time and because of the significant concerns of residents on adjacent properties that a six-foot wooden fence would not adequately address noise impacts to those adjacent properties.

XII.
STATEMENT OF OVERRIDING CONSIDERATIONS

"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and

satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d)) To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations." (CEQA Guidelines, § 15021, subd. (d), 15093) A statement of overriding considerations must set forth the specific reasons why the agency found that the project's "specific economic, legal, social, technological, or other benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, subd. (a), 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

As discussed in the previous sections of this Resolution, the following biological and visual resources would remain as significant impacts even after implementation of specified mitigation measures:

- Loss of protected trees in the short-term until replanted trees mature
- Degradation of the existing visual character or quality of the site and its surroundings
- Permanent changes to views along SR 32 between SR 99 and El Monte Avenue
- Permanent changes to views along SR 32 between El Monte Avenue and Yosemite Drive

No other mitigation measures have been identified which could further reduce these potential impacts.

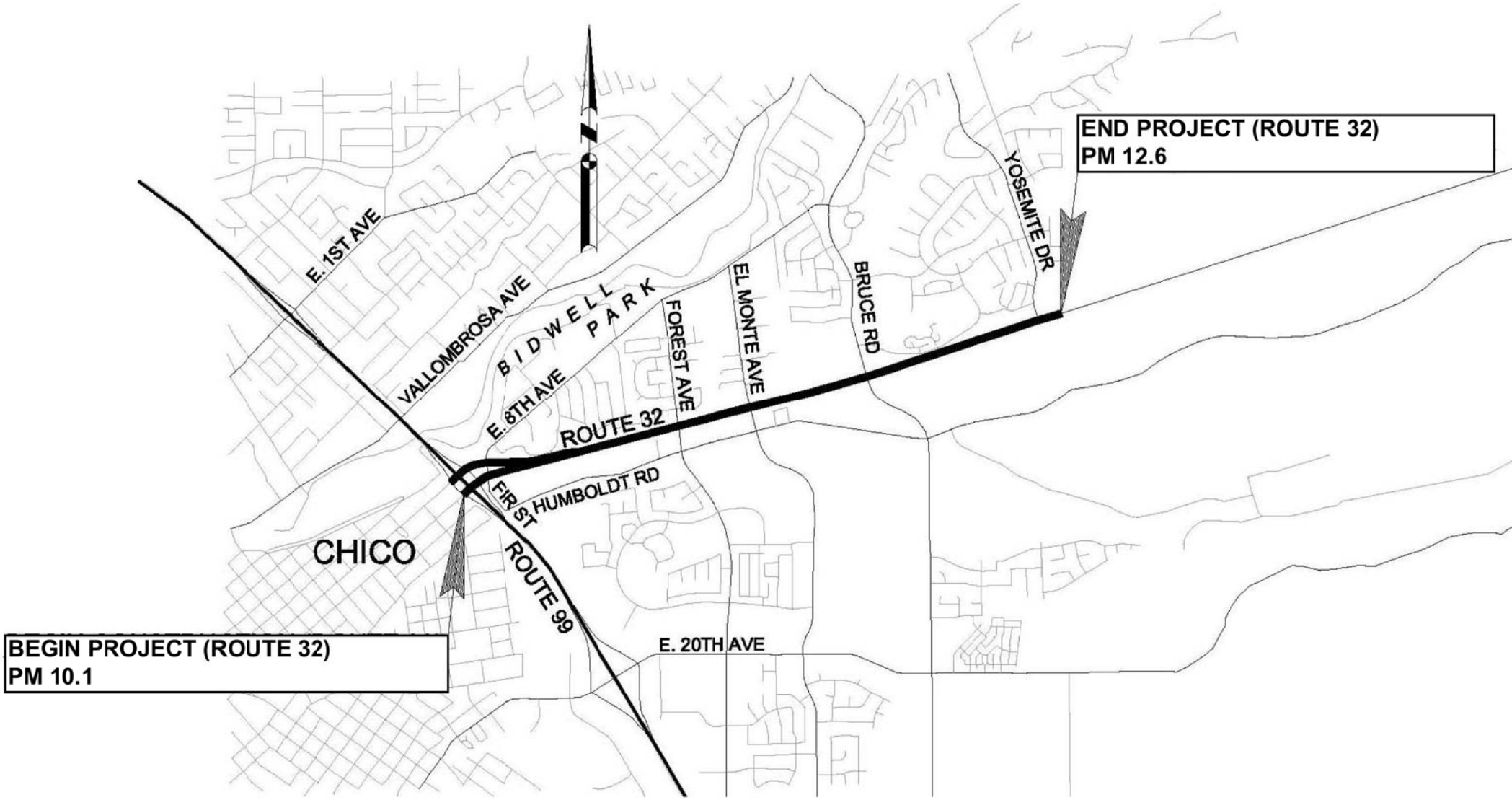
The Council hereby finds that even though it is not feasible to fully mitigate these impacts, the following specific social, economic, and other considerations justify proceeding with the project and support the adoption of this statement of overriding considerations and that the implementation of the Project would result in the following public benefits:

- The City's General Plan provides for continued growth in population in the City's planning area. The General Plan shows that a four-lane arterial is needed on the SR 32 corridor to accommodate growth which has been approved but not yet built and additional growth which is planned for the General Plan. Approval of the Project would allow the City to implement its General Plan and provide for that anticipated growth.
- Widening of SR 32 is needed to provide additional capacity to avoid unacceptable levels of service that would occur with approved and planned development within the corridor including at the following locations:
    - SR 99 southbound off-ramp/SR 32 (East 8th Street)
    - SR 99 southbound on-ramp /SR 32 (East 9th Street)

- Forest Avenue/SR 32
- El Monte Avenue/SR 32
- Bruce Road/SR 32
- Yosemite Drive/SR 32

- Widening of SR 32 is needed to prevent higher accident rates in the project corridor. Under current conditions, comparing accident rates at this location to statewide rates for similar roadway segments indicates that accident rates are above the statewide average for the SR 99 southbound on-ramp from SR 32 and the SR 99 northbound on-ramp from SR 32. Additionally, the Forest Avenue/SR 32 and Bruce Road/SR 32 intersections experience higher than average accident rates. The project is necessary to prevent further increases to these accident rates that would be expected to occur as greater delays are experienced as planned growth occurs.

The City hereby finds that the benefits of the Project, as discussed above, outweigh the potentially unavoidable significant environmental impacts of the Project and further finds that these potentially unavoidable adverse impacts are an acceptable consequence of the Project in light of the benefits.



STATE ROUTE 32 WIDENING PROJECT
STATE ROUTE 99 TO EAST OF YOSEMITE DRIVE
VICINITY MAP