Comment Letter 8

From: GRACE M MARVIN
To: Mike Sawley
Subject: DEIR of Valley"s Edge
Date: Sunday, December 12, 2021 6:47:38 PM

Grace M. Marvin
1621 N. Cherry St.
Chico CA 95926
12/12/21

City of Chico Community Development Department
411 Main Street, P.O. Box 3420
Chico, California 95927.
mike.sawley@chicoca.gov

Attn: Mike Sawley, Principal Planner
Re: Valley's Edge Specific Plan Draft Environmental Impact Report-comments due 12/13/21

Mr. Sawley:
Please consider my comments regarding the inadequacy of the DEIR for the Valley's Edge project. First of all, the project does not address the serious need for much more affordable housing in the City of Chico. Consider what CA Government Code specifies in the December 2020 Butte County Association of Government's report (p.7). I have highlighted the particularly significant remarks. This Code indicates that in planning housing we should meet Section 65584(d) of the Government Code:

8-1

*1. **Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner**, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. 2. **Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources,** the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the California Air Resources Board pursuant to*

Section 65080. **3.** *Promoting an improved intraregional relationship between jobs and housing, including* ***an improved balance between the number of low-wage jobs and the number of housing units affordable to low- wage workers in each jurisdiction.*** *4.* ***Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category,*** *as compared to the countywide distribution of households in that category from the most recent American Community Survey.* **5.** *Affirmatively furthering fair housing, which for the purposes of this process means 'taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically,* ***affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity,*** *replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

8-1 Cont.

Thus, instead of a project like Valley's Edge, **our Chico community needs more urban infill that includes high density and affordable housing - including mixed use housing such as businesses on first floors and homes above. We also desire walkable neighborhoods, with easy access to jobs and schools and stores, and low GHG mass transit opportunities**, *e.g.*, more bikeways and electric busses. We do not need to attract wealthy citizens from outside of Chico if it means mostly more expensive housing and the accompanying excessive environmental destruction, including more extensive traffic (with undesirable traffic jams and growth in GHG emissions).

8-2

As it is planned, Valley's Edge would increase traffic immensely, while not easily accommodating affordable and low GHG transit possibilities. In addition, there is:

8-3

1-not sufficient analyses of GHG emissions;

8-4

2- not adequate attention to flooding (as has been a huge problem off of 20th St. with one house totally destroyed on 20th Street);

8-5

3- not accessible public transit and affordable traffic infrastructure -- for more than four times the amount of current traffic resulting from the Valley's Edge project; 8-6

4- not fully adequate protection and monitoring of environmental resources (#2 in CA Government Code, above) such as vernal pools, endangered species, oak woodlands, raptors, Butte County Meadowfoam, and waterways; 8-7

5- not adequate attention to preventing fire danger, as reflected in the eviction of people in nearby housing during the Camp Fire. 8-8

Please see to it that this project not be approved. 8-9

Sincerely,
Grace M. Marvin
Yahi Group Conservation Chair
Motherlode Chapter
Sierra Club

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Response to Letter 8

Sierra Club (Grace M. Marvin, Yahi Group Conservation Chair Motherlode Chapter Sierra Club)

8-1 The comment is addressing the need for more affordable housing in the City and refers to section 65584(d) of the California Government Code.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. However, please see Responses to Comments 9-68 and 9-69 that addresses housing concerns.

8-2 The commenter states an opinion that the City needs more high-density, urban in-fill projects that promote walkable neighborhoods and access to transit, jobs, schools and shopping and not expensive housing resulting in traffic and an increase in air emissions.

The commenter's opinion is noted and will be forwarded to the decision makers for their consideration.

8-3 The comment asserts that the project would increase traffic and would not accommodate affordable transit opportunities that would reduce greenhouse gas (GHG) emissions.

The project's potential to increase traffic, including vehicle trips and vehicle miles traveled (VMT) is addressed in the Draft EIR in Section 4.13, Transportation and Circulation. Existing transit facilities are discussed starting on page 4.13-7 of the Draft EIR. The discussion of Impact 4.13-3, starting on page 4.13-21 of the Draft EIR, addresses the potential for the project to increase the demand for transit and notes that the VESP includes actions that would support and accommodate affordable transit service. The nearest Butte Regional Transit (B-Line) stop is located near the intersection of Bruce Road/E 20th Street (along Route 7) approximately one-half mile west of the project site. Route 7 operates at about 10 passengers per revenue hour. The proposed project would result in the need to extend the B-Line to serve more areas accessible to the VESP which would be a function of demand and up to Butte Regional Transit as part of an evaluation of their overall transit system. As discussed on page 4.13-7, transit routes near the proposed project generally have low demand and productivity. Therefore, excess seating and standing capacity would be available. In order to accommodate the potential extension of existing transit service to serve the project, the VESP includes numerous actions that would support and accommodate transit service. Specifically, Action C-1.6 promotes locating commercial land uses at the western edge of the plan area to facilitate public access by transit to the project's commercial land use; Action C-1.9 creates a park-and-ride lot in the western part of the project site to encourage use of transit; and Action C-1.10 addresses the placement of transit stops. The VESP proposes bus stops that would be included in the Village Core and at the elementary school and community park to encourage and support use of transit both within the plan area as well as to connect to areas within the City.

8-4 The comment asserts that the Draft EIR's analysis of GHG emissions is not adequate.

The project's potential to increase GHG emissions is evaluated in the Draft EIR in Section 4.7, Greenhouse Gas Emissions. The comment does not specify what is asserted to be lacking in the Draft EIR analysis of GHG emissions. The increase in GHG emissions associated with project

construction and operation is quantified, and the impact is identified as significant and unavoidable (see Impact 4.7-1). Mitigation measures GHG-1 and GHG-2 would lessen although not entirely avoid the impact. The comment does not identify where the analysis is deficient or inadequate; therefore, no additional response can be provided.

8-5 The comment asserts there has been inadequate attention to flooding and refers to the loss of a home on 20th Street due to flooding.

Please see Responses to Comments 12-4, 12-9 and 32-2 that address concerns associated with flooding. Flooding is addressed on pages 4.9-7, 4.9-9, 4.9-10 and in Impacts 4.9-3, 4.9-4, and 4.9-5 on pages 4.9-32 through 4.9-41 in the Draft EIR.

As indicated in the last paragraph on page 4.9-35 of the Draft EIR, temporary measures would be implemented to divert and detain stormwater to prevent overtopping of Dawncrest Drive pending completion of development in the area. There are no current drainage improvement projects planned by the City that would address potential flooding from Reach 1 into the Belvedere Subdivision. The study by Northstar Engineering (cited in Draft EIR Appendix H, Drainage Report), found the infrastructure that supports the Belvedere development (54-inch and 42-inch pipes) to be adequate under 100-year storm event conditions, was done specifically to focus on the watershed of Reach 1 and used the most applicable rain gauge data for Reach 1. The study from Frayji Design Group for the project models Reach 1 in conjunction with Reaches 2 through 6, which are larger watersheds that extend to much higher elevations. The rain gauge data for higher elevations indicates higher rainfall totals during large events, and those higher rainfall totals were applied to the entire project site, including Reach 1 where the values were higher than those used in the Northstar study. Thus, the project's drainage study does not undermine or supersede the Northstar study with respect to Reach 1 and does not reveal the need for a drainage improvement project to address existing conditions.

As indicated on page 4.9-32, flood control features, described and delineated in Appendices H-1, H-2, H-3, H-4, and H-5, would reduce runoff rates, thus preventing on-site flooding and not exacerbating existing off-site flooding, preventing exceedances of City stormwater infrastructure, and preventing on- and off-site erosion. The Draft Drainage Study evaluated pre-project and post-project peak stormwater flows for drainage Sheds B, C, D, (a small portion of) E, and F. The results of the analysis are summarized in Table 4.9-5, for the 2-year, 10-year, and 100-year design storm. As indicated in Table 4.9-5 on page 4.9-35, post development peak flow rates would be less than pre-project peak flow rates.

In addition, as indicated on page 4.9-39, the project site is located in FEMA Flood Zone X and is not subject to major flooding.

8-6 The comment appears to question if the project is providing accessible public transit and affordable traffic infrastructure.

Please see Response to Comment 8-3.

8-7 The comment asserts that the project does not provide adequate protection and monitoring of environmental resources such as vernal pools, endangered species, oak woodlands, raptors, Butte County meadowfoam, and waterways.

Please refer to Master Response 2 regarding protection and monitoring of Butte County meadowfoam and Responses to Comments 6-22 through 6-26 regarding oak woodland protection and mitigation under the OWMMP/VETPP plan. Impacts to raptors are identified in the Draft EIR in Section 4.3.3 and additional discussion has been provided in the Final EIR for white-tailed kite and northern harrier as noted in Responses to Comments 7-3 and 7-9 (also see Chapter 3 of this Final EIR). Mitigation Measure BIO-1 has been revised in Chapter 3 of the Final EIR to include more specificity for mitigation of impacts to Butte County meadowfoam as well as performance standards to ensure effectiveness.

8-8 The comment is referring to the potential to expose future residents to hazards associated with wildfires.

Please see Master Response 1 for information specific to wildfire concerns.

8-9 The commenter is requesting the project not be approved.

The comment is noted and will be forwarded to the decision makers for their consideration.

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Comment Letter 9

Butte Environmental Council

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Federal Tax ID
94-2309829
CA Charity Number
018005

Programs & Events
Environmental Education
Environmental Advocacy
Park and Creek Cleanups
Urban Forest Program
Recycling & Rubbish Education
Community Air Protection Education
Oak Way Community Garden
Endangered Earth Event
Chico Bicycle Music Festival
Community Forum Series

Protecting and defending the land, air, and water of Butte County and the surrounding region since 1975

December 13, 2021

City of Chico Planning Division
Attn: Principal Planner Mike Sawley
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mike.sawley@chicoca.gov

Thank you for the opportunity to comment on the Valley's Edge Specific Plan Draft Environmental Impact Report.

Below please find comments addressing the adequacy of the Draft Environmental Impact Report submitted on behalf of the Butte Environmental Council:

1. Greenhouse Gas Emissions

The DEIR acknowledges that land use changes are the second major cause of climate change (VESP DEIR 4.7-2), but fails to acknowledge that the land use change proposed in this project would contribute to climate change. The proposed land use change of grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project site to sequester and store carbon (Butte County SALC). Neither the DEIR nor Appendix F - Greenhouse Gas Model Outputs calculates the increase in greenhouse gas emissions resulting from the proposed land use change. The EIR for this project needs to quantify the increase in greenhouse gas emissions that would result from the proposed land use change in the site's ecosystem. Dams and the artificial lakes created by them result in significant greenhouse gas emissions, from the decomposition of excessive algal growth[1]. The VESP DEIR fails to analyze the complete greenhouse gas emissions for the project due to the absence of analysis of greenhouse gas emissions from the reservoirs on site and the land use change. 9-1 9-2

The project is inconsistent with state statutes and executive orders, as well as the Chico General Plan and the Chico Climate Action Plan (CAP) 2021 Update. 9-3

The Valley's Edge Specific Plan is in conflict with the following state and local policies:

State Plan and Policy Inconsistencies
California Executive Order B-55-18 9-4

[1] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6309167/

"establishes a statewide policy...to achieve carbon neutrality no later than 2045 and maintain net negative emissions thereafter"(dEIR 4.7-11). Valley's Edge obstructs the attainment of this policy by producing significant and unavoidable greenhouse gas emissions and by promoting the type of land use change that is exacerbating climate change. Destroying 700 acres of carbon sequestering agricultural grazing land obstructs the attainment of the policy. Enhancing carbon sequestration on agricultural land will likely be essential for carbon neutrality for the City of Chico in the County of Butte and the State of California. However, enhancing carbon sequestration on agricultural land will indubitably be essential for maintaining net negative emissions once carbon neutrality is reached (Butte County SALC) as called for in EO-B55-18.

9-4 Cont.

Butte County Association of Governments 2016 RTP/SCS

The DEIR is inconsistent with BCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy. This document "outlines the region's proposed transportation network, emphasizing multimodal system enhancements, system preservation, and improved access to high quality transit, as well as land use development that complements this transportation network (BCAG 2016)" (DEIR 4.7-16). The Valley's Edge Specific Plan would be a land use development antithetical to BCAG's proposed transportation network as defined above. The VESP's residential development density per acre is far too low for "high quality transit." See Transportation and Circulation analysis below.

9-5

City of Chico 2030 General Plan Goals, Policies and Action Inconsistencies

Goal SUS-5

Increase energy efficiency and reduce non-renewable energy and resource consumption Citywide. The implemented VESP would increase nonrenewable energy and resource consumption citywide from construction and operation.

9-6

Goal SUS-6

Reduce the level of greenhouse gas emissions Citywide. Policy SUS-6.3 (Greenhouse Gas Emissions and CEQA) – Analyze and mitigate potentially significant increases in greenhouse gas emissions during project review, pursuant to CEQA. The implementation of the VESP will increase greenhouse gas emissions citywide while the City of Chico General plan goal and policy referenced above calls for reducing greenhouse gas emissions citywide. The VESP DEIR does not mitigate potentially significant greenhouse gas emissions as demonstrated by DEIR's determination that significant and unavoidable greenhouse gas emissions will occur (DEIR ES-29).

9-7

Goal CIRC-9

9-8

Reduce the use of single-occupant motor vehicles. Valley's Edge residents will require single-occupant vehicles for daily life, thereby increasing the use of single-occupant motor vehicles, and increasing greenhouse gas emissions associated with operation of the development. 9-8 Cont.

Policy CIRC-9.3
Emphasize automotive trip reduction in the design, review,and approval of public and private development. VESP is situated so far from the urban core it will facilitate additional automotive trips than centrally located development. 9-9

Goal OS-3
Conserve water resources and improve water quality. Policy OS-3.3 (Water Conservation and Reclamation) – Encourage water conservation and the reuse of water. Pollutants from project operation, including landscaping fertilizers, pesticides, herbicides, leaking oil from vehicles, and trash will degrade water quality. Therefore the project will not improve water quality, thereby demonstrating inconsistency. 9-10

Goal S-9
Protect the community from risks posed by climate change. The VESP would exacerbate climate change and exacerbate the climate impacts the community will face. With the replacement of green spaces that reduce heat with development that absorbs heat, this project will increase the climate change impacts we already experience: extreme heat, wildfires and drought. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the warm season. Development in the Moderate Fire Severity Zone (CAL FIRE State Responsibility Area) would increase the vulnerability of the community to wildfire, which climate change is already increasing. This demonstrates how the specific plan does not protect the community from risks posed by climate change, and in fact puts the community at greater risk as described above. 9-11

Mitigation Measures
GHG-1
It is unclear how much greenhouse gas emissions this measure will mitigate. Waste is the smallest emission sector for the City of Chico, and other mitigation measures need to focus tangible reductions to the two of the largest emission sectors for the City of Chico as well as for the Valley's Edge Specific Plan: transportation and energy. 9-12

GHG-2 (AQ-2 & AQ-3)
AQ2: Idling restrictions only mitigate a negligible portion of vehicle emissions. This project will still have significant air quality emission impacts by bringing in substantial 9-13

automobiles and trucks that emit pollutants onto the site for both commercial and residential uses. 9-13 Cont.

AQ3: The Energy Conservation mitigation measures are not impressive. How many criteria pollutant emissions does installing energy star appliances reduce? How many criteria pollutant emissions does installing LED bulbs reduce? How many criteria pollutant emissions does providing information regarding energy efficiency and incentives reduce? Providing information regarding energy efficiency and incentives should not be included in the energy conservation measures as it is a non quantifiable energy conservation measure. There is no assurance that residents will maximize the use of natural lighting, and they may, in fact, use lights at the same rate as residents with lower natural lighting. Maximizing the use of natural lighting should not be included in energy conservation as it is a non quantifiable energy conservation measure. 9-14

More substantial greenhouse gas mitigation measures are required to comply with the many state and local policies requiring the City of Chico to reduce emissions. Strategies are laid out in state guidance and in the Chico Climate Action Plan. 9-15

This draft EIR demonstrates the Valley's Edge Specific Plan is non compliant with these policies and plans by obstructing their attainment (e.g. Chico CAP Update, City of Chico GP, EO B 55-19). 9-16

Thresholds of Significance
DEIR 4-7.29
This threshold of significance is inadequate based on its inconsistency with the city of Chico Climate Action Plan. The VESP, if implemented, would operate through 2045, when the City of Chico's target emissions will be 0 $MTCO_2e$ per capita per year. By using the 2030 target emissions as the threshold of significance, the DEIR implies the project will only be in operation through 2030, which is incorrect, since operation of this project will occur long through 2045. It is essential to make the threshold of significance in line with the City of Chico Climate Action Plan Update 2045 Target. 9-17

2. **Inadequacy of the Thresholds of Significance & Mitigation Measures**

Air Quality
Because Butte County is designated as nonattainment for ozone and particulate matter 2.5[2] for the national ambient air quality standards, and designated as nonattainment for 9-18

[2] https://chico.ca.us/sites/main/files/file-attachments/00_draft_eir_valleys_edge_specific_plan_reduced.pdf?1635523572

Ozone, Particulate Matter 2.5, and Particulate Matter 10 for California ambient air quality standards (DEIR 4.2-8), any increases should be categorized as significant. 9-18 Cont.

AQ-2
See previous comments on AQ-2. 9-19

AQ-3
See previous comments on AQ-3. 9-20

AQ-4
How many offsets are needed for this project? Monetary value into an offset mitigation program is not going to offset the health impacts of air pollution in the community. This project will result (before the inadequate mitigations) in emissions that exceed the Butte County Air Quality Management District significant thresholds for Reactive Organic Gas, Nitrogen Oxide, and Particulate Matter 10 (DEIR 4.29-29). With monetary offsets, the community is still going to feel the impacts of this projects' decreased air quality. 9-21

AQ-5
The measures provided in the Transportation Demand Management Plan Implementation (Residential) of only providing ride-share programs, end of trip facilities, and implementation of commute trip reduction marketing is wholly inadequate. Implementing commute trip reduction marketing is non quantifiable. The goal of a reduction in total VMT per service population of at least 1% is also inadequate, based on the inadequacy of the VMT analysis area (See Circulation Analysis). 9-22

Nowhere in the Air Quality Section not Appendix B - Air Quality Model Output calculates the air quality reduction for each and every mitigation measure to quantifiably demonstrate the mitigation measures adequately reduce the air quality to a level less than significant. 9-23

Until the calculations of how much the mitigation measures reduce the air pollutants are done and published, the air quality impacts are still at a level of significance. These **mitigation measures are inadequate** as most are small reductions that are not calculated or are non quantifiable. The project **air quality impacts are still significant.** 9-24

Biological Resources
Aquatic Resources
Wetlands 9-25

Project would have significant impacts on protected wetlands. Four ephemeral drainages and two other drainages, including Comanche Creek, run through the site. The site has over 6 acres of wetlands and 11.8 acres as other Waters of the United States. California has lost 90% of its wetlands, including vernal pools, and the diminishing of wetlands has meant a threat to the wildlife that the wetlands support. The main impact identified is an overall increase in human activity in the area; "which has the potential to spread invasive plants, damage existing wetland plants, and degrade the bed and banks of drainages" (DEIR 4.3-61). The proposed design considerations to reduce this impact below a level of significance is inadequate. Invasive plants would still be spread, existing wetland plants would still be damaged from human activity and the activity of pets (which can undoubtedly be expected from project operation) and utilization of the open space by residents. The proposed use of "fencing to keep the public from accessing these sensitive resources" (DEIR 4.3-61) and "boardwalks and/or bridges to be constructed to avoid direct impacts" (DEIR 4.3-61) would not prevent pets from disturbing these protected wetlands and would still result in the degradation and disturbance of existing wetland plants and wildlife which depend on these wetlands. The impact to protected wetlands in the construction of such boardwalks and bridges would be significant to the protected wetlands as well.

9-25 Cont.

Wildlife that would be impacted by wetland disturbance and degradation that is not adequately mitigated as described above include: vernal pool brachiopods, ground-nesting bees, amphibians, and many species of birds.

9-26

There is no guarantee interpretive signage would do anything to reduce the negative impacts from human activity to the protected wetlands and their associated vegetation and wildlife.

9-27

Control of trash may be a noble attempt to reduce impacts to protected wetlands, but there is no guarantee that the undefined control of trash mentioned in the DEIR Could prevent trash from significantly impacting protected wetlands. There is no green space within the city of Chico where the impact of trash is absent. The widespread use of food products and beverages with excessive packaging results in litter throughout the City of Chico, the VESP land area and its open space trails would be no exception. The only way to ensure there is sufficient control of trash to prevent significant impacts to the protected wetlands, is by keeping people far away from them.

9-28

"Absolute wetland avoidance may not be feasible" and about 1.25 acres of wetlands will be destroyed through permanent development (DEIR 4.3-61). The significance threshold for wetlands has a substantial adverse effect on protected wetlands through direct removal.

9-29

Waters of the United States
This property includes Waters of the United States and Waters of the State. The project developer claims that there will be no net loss to these jurisdictional waters (required by

9-30

Army Corp of Engineers and Regional Water Control Board), but the engineering required to move these waters into ponds and artificial water feature will change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat.

9-30 Cont.

Hydrologic Interruption of Protected Wetlands

"A significant impact would occur if development of the proposed project would do any of the following: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. ; **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**" (DEIR 4.3-48)

Wetlands need to be hydrologically connected to the land in the drainage basin that feeds runoff water into the wetlands. Hydrologic interruption of the landscape that drains into protected wetlands is considered a significant impact according to the threshold of significance identified on DEIR 4.3- 48. Protected Wetlands Including vernal pools and swales substantially adversely affected by the hydrologic flow changes that would occur from the proposed development. The vast development of buildings and other in previous services proposed to occur upslope of the wetland complex located in the north drainage will undoubtedly hydrologically interrupt the flow of water in the north drainage, resulting in significant impacts to protect the wetlands.

9-31

The specific causes of hydrologic interruption of the north drainage that would significantly impact protected wetlands include addition of impervious surfaces, increase of stormwater drainage, stormwater pollution caused by vehicle leaks, pesticides fertilizers and other chemicals derived from project operation, creation of "appropriately-sized basins and culverts… used to slow water and decrease downstream runoff rates" (DEIR 4.3-62).

Seepage alterations as described in the Draft EIR and Appendix E Geotechnical Report would significantly impact down slope wetlands. Seepage alterations that would result in significant impacts to protected wetlands include: development on top of or below seepage areas or springs; collection and diversion of springwater or seepage water into "storm drain lights or other suitable locations" (Appendix E Geotechnical 2019); the increased seepage water diversion that is called for Appendix E Geotechnical Report in the following circumstances: underground utility trenches; pavement subgrades; and structure development.

9-32

Each of the aforementioned causes of hydrologic interruption that would result from the implementation of the Valley's Edges Specific Plan would have potentially significant impacts on protected wetlands even with all of the proposed design considerations and mitigation measures. However, all of the aforementioned causes of hydrologic interruption would undoubtedly have a cumulatively significant and unavoidable impact to the hydrology of the site. 9-33

The hydrologic connection between the Valley's Edge site and the neighboring Stonegate site was inaccurately portrayed in the DEIR. The DEIR claims the sites are not hydrologically connected due to the Steve Harris Memorial Bikeway and the rock wall but that is false. The sites are hydrologically connected by culverts along Steve Harris Memorial Bikeway. Development in the VESP site will adversely affect the wetlands and the Butte County Meadowfoam preserved on the Stonegate site. 9-34

Sensitive, Endangered, Threatened, and Species of Concern
The species include the Butte County Meadowfoam, Valley Elderberry Longhorn Beetle, Western Spadefoot Toad, Western Pond Turtle, Burrowing Owl, Yellow Warbler, Loggerhead Strike, Native & Migratory Birds, Pallid Bat, and Blue Oaks.

Butte County Meadowfoam
While the project claims it will protect and preserve the endangered Butte County Meadowfoam, the DEIR states that "the plan sets no clear parameters for the meadowfoam preserves, including timing for establishment or management or monitoring requirements" (DEIR4.3-50). The DEIR does not provide sufficient evidence to prove that the preserve will actually protect the endangered Butte County Meadowfoam, and as such the level of significance for this biological resource is still significant. The preservation of the Butte County Meadowfoam is a major concern for the proposed project area. According to the California Department of Fish and Wildlife, killing or possessing the plant is prohibited by the California Endangered Species Act (CESA). Butte County meadowfoam is also listed as endangered under the federal Endangered Species Act. Butte County meadowfoam is an annual plant that has only been found in a narrow 28-mile strip along the eastern Sacramento Valley in Butte County. Plants are sometimes found at the edges of vernal pools, but they are primarily found in the deepest parts of vernal swales that connect vernal pools. The California Natural Diversity Database lists 21 occurrences of Butte County meadowfoam that are presumed to still exist. 9-35

Burrowing Owl
Proposed mitigation for burrowing owls involves "passively evicting" and relocating them from the burrows using one-way doors and then refilling their burrows to discourage their return. There is no specification of where they will be taken. (DEIR 4.3-55). 4.3-55 Once the breeding season is over and young have fledged, passive relocation of active burrows may proceed as described in measure BIO-3(b), above 9-36

Passive removal of the species is not an adequate mitigation measure. For the removal after breeding season, the young offspring are not capable of leaving their nest until 6 weeks of age.[3] According to wildlife expert and former Conservation Chair of Altacal Audubon, Scott Huber/Altacal Audubon, Western burrowing owl populations are in a freefall decline statewide. In nearby Yolo County in 2016 the Burrowing Owl Conservation Society and Institute for Bird Populations did a county-wide survey which showed that, since 2006, there has been a 76% decline in burrowing owl numbers. Imperial County recorded a 27% population drop in a single ear between 2007-2008. Butte County birders provide similar anecdotal observations of a decline in our area.[4] The burrowing owl is a California Species of Special Concern, and could soon be listed. The dEIR claims that burrowing owls will be removed and relocated. This process is not simple. According to the California Burrowing Owl Association the process is as follows: "1. A survey for-burrows and owls should be conducted by walking through suitable habitat over the entire project site and in areas within 150 meters (approx 500 ft.) of the project impact zone. This 150-meter buffer zone is included to account for adjacent burrows and foraging habitat outside the project area and impacts from factors such as noise and vibration due to heavy equipment which could impact resources outside the project area." 2. Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approx. 100 ft.), and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To efficiently survey projects larger than 100 acres, it is recommended that two or more surveyors conduct concurrent surveys. Surveyors should maintain a minimum distance of 50 meters (approx. 160 ft.) from any owls or occupied burrows. It is important to minimize disturbance near occupied burrows during all seasons. 3. If burrows or burrowing owls are recorded on the site, a map should be prepared of the burrow concentration areas. A breeding season survey and census (Phase III) of burrowing owls is the next step required. 4. Prepare a report (Phase IV) of the burrow survey stating whether or not burrows are present. 5. A preconstruction survey may be required by project-specific mitigations no more than 30 days prior to ground disturbing activity." (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline) Four site visits are required. This is not a process that a surveyor can check one day and construction work can resume the next. Moreover, nesting time runs from February 1 through August 31. During the times the owls are nesting, they cannot be relocated.

9-36 Cont.

9-37

9-38

Swainson's Hawk

There has been research that one reason the Swainson's Hawk has been declining is due to chemical pesticide usage.[5] The mitigation measures need to include avoidance or a buffer zone of pesticides during project operation. The impact of habitat loss, not just species removal, will have an adverse impact on the species.

9-39

[3] https://www.audubon.org/field-guide/bird/burrowing-owl
[4] https://chico.ca.us/sites/main/files/file-attachments/finaleir.pdf?1578454446
[5] https://www.audubon.org/news/pesticide-spraying-west-targets-food-source-declining-birds

Western Pond Turtle
The Western Pond Turtle species is in decline due to habitat loss.[6] Removal of habitat and removal of the species is an inadequate mitigation measure.

The cumulative effects of all the mitigation measures would still harm the threatened, sensitive and endangered species on the site, which in turn means that the mitigation measures are not successful or adequate. As such, the mitigation measures of meadowfoam preserves, surveys, barely minimal construction buffers, and "passively" removing the species and/or habitat is inadequate. 9-40

Table 4.3-6 Cumulative Impacts to Special-Status Species Habitat, details 569 acres of Burrowing Owl Nesting and Foraging Habitat, 213 acres Pallid Bat Tree Roosting Habitat, and 213 acres of Western Red Bat Tree Roosting Habitat will be removed. The Burrowing Owl has been declining in species due to habitat loss such is cited in the DEIR[7]. This level of take of their habitat is insufficient, and the mitigation measures as thus are insufficient. 9-41

This is an enormous development, with the plan to create 2,777 units with an anticipated population of 5,654 (or more; see Housing and Population Section, population attributed to 8024). During construction, huge amounts of dirt will be moved, grading by heavy equipment will be required, large machines will roar and vibrate. While the project developers claim they will watch out for the creatures, both the direct harm and indirect impacts--from dust, noise, runoff, the presence of polluting materials (wood paper, metal scrap, glass), constant human presence--give very little hope that natives of this habitat survive, much less thrive. While the project developers claim that they will restore riparian areas and replant vegetation, these "mitigations" will be too little, too late for the wildlife supported by this ecosystem. And finally--when the project is complete--the open space, the water features, the vegetation will be overrun with people who don't stay on the trails, who don't respect natural resources. This project will cumulatively contribute to a loss of habitat and species for these sensitive species identified in the DIER. 9-42

<u>Sensitive Natural Community</u>

Valley Foothill Riparian Woodland
According to the DEIR, valley foothill riparian woodland is considered a sensitive natural community regulated as a part of the stream zone under the Fish and Game Code, section 9-43

[6] https://www.biologicaldiversity.org/species/reptiles/western_pond_turtles/index.html
[7] https://www.audubon.org/field-guide/bird/burrowing-owl

1600. The DEIR claims that many of the threats to these species can be mitigated: surveys will be done to ensure no birds are nesting; the Butte County Meadowfoam will be protected in a preserve; a buffer zone will be created to minimize adverse impacts to the species. It also claims that it will restore streambeds and riparian areas and "preserve and renew" oak woodlands.

9-43 Cont.

Circulation & Transportation

Valley's Edge is not a compact development. The site is in the foothills beyond the edge of the Chico urban area. Low-density houses are spread up the ridgelines, reaching near the east end of the property. A section of very-low density zoning completely disconnected from the rest of the plan area would be accessible only by Honey Run Road.[8]

The plan appears to have superior traffic calming measures to most neighborhoods in Chico and is generous with bicycle and walking paths. However, the remote location and the situating of most of the housing at higher elevations undermines the transportation value of the bicycle paths (as distinguished from the value for recreation).

9-44

This comparison used to determine the VMT threshold for 'significant impact' is exaggerated by comparing a proposed annex into the city of Chico to rural and suburban populations who have the need to travel greater distances on a regular basis, even amending BCAG statistics to include commuters who travel between counties.

9-45

In the VMT analysis used in the dEIR, Valley's Edge receives reductions in the estimated VMT by virtue of its location near the city of Chico, the planned elementary school and commercial services, the 9-acre section of medium-high density zoning, and for around 50% of units being restricted to people age 55+ who are estimated to take about half the trips of other people.

9-46

Still, the dEIR analysis gave Valley's Edge a VMT per service population of 26.1, about 15% *higher* than the projection of the Chico 2030 General Plan.[9] The threshold of significance for VMT impact is given in the dEIR as "85% or more of the existing

9-47

[8] We do not treat Equestrian Ridge in these comments because we believe it is so physically disconnected and distinct in character from the rest of the development that it should be excluded from the EIR entirely and require its own separate environmental review process.
[9] The Chico 2030 General Plan dEIR projected a VMT per household of 56. The average household size in Chico is 2.5, giving per person VMT of 22.4.

average VMT per service population in the Region." The dEIR, however, only recommends a 1.4% reduction in VMT to reduce the impact to 'less than significant.'

The region considered is Butte County[10] because, as the dEIR states, "The City has not yet adopted thresholds for VMT impacts." Nor did the analysis default on data associated with Butte County. As the report explains, "modifications were made so that model estimates of trip lengths and VMT could better represent distance traveled outside Butte County."

9-47 Cont.

The Chico 2030 General Plan projected a VMT per household of 56[11]. Given an average household size of 2.5, and utilizing the 85% threshold for a 'significant impact,' Valley's Edge should need to plan for a VMT per service population of 19.04 to reduce the impact to 'less than significant;' a 27% reduction before considering other issues with the VMT analysis.

9-48

The standard for measuring the impacts of automobile use should be no less local than the City of Chico urban area; and a more appropriate comparison would be the Southeast Chico neighborhoods, which have a more compact form than North Chico and are generally designed to better accommodate alternative modes of transportation. If the Valley's Edge project produces an unmitigated excess of car trips, that traffic will also hinder the safety and efficiency of walking, biking, and use of transit. The residents of Doe Mill, Meriam Park, and the surrounding neighborhoods who are better fitted for relying on alternative modes of transportation will be disproportionately impacted from the additional car traffic spurred by Valley's Edge.

9-49

The reduction in expected VMT per service population granted for the age-restricted portion of the development does not reflect the probable demographics.

Among the factors listed in the dEIR which reduce the project's VMT per service population is the "senior adult housing units." These include about half of the total dwelling units. "Senior adult housing," the report states, "generates about half of the daily trip generation of general market single family residential dwellings." Restricting half of

9-50

[10] The report explains this in a footnote. In another section dealing with greenhouse gas emissions, it erroneously reports the region used for analysis as the city, leading to the false claim that the project at buildout would not exceed the average VMT of Chico.
[11] See Table 6.0-1 in the Chico 2030 General Plan dEIR:
https://chico.ca.us/sites/main/files/file-attachments/chicodeir_combined_noappendices.pdf?1577755314

the dwelling units to ages 55+ therefore grants the VESP around a 25% reduction in estimated VMT.

A number of data points however suggest this reduction is overly optimistic. The Federal Highway Administration's Office of Highway Policy Information (OHPI) estimates average annual VMT per driver[12]. While older drivers do travel less than those in prime commuting age, the numbers have converged over time. In data from 2017, drivers aged 55+ have only about 13% less VMT compared to the overall average. This difference is entirely accounted for by the 65+ age group. Drivers aged 55-64 travel more than the average of all age groups.

9-50 Cont.

Much of the difference between the VMT of the senior population and that of the younger age group is related to retirement. The average age of retirement has been increasing over time. Those born after 1960 are not eligible to claim full social security benefits until 67 years of age, up from 65 for the older generations. According to an analysis based on US Census labor force participation data, the average age of retirement in California is 64.[13]

The rising cost of living compared to wages and salaries will complicate retirement for the younger generations. Housing is typically the largest single expense in a household budget, followed by transportation.[14] The underemphasis on design for affordable housing in the Valley's Edge plan, the liabilities for infrastructure and amenities,[15] and the overall imbalance in local incomes and cost of housing make it probable that residents of the Valley's Edge community will be required to prolong their work life, increasing the years of VMT-heavy commuting.

9-51

Insomuch as the population who settles in Valley's Edge will not experience pressure to prolong work life beyond the average age of retirement, the effects on VMT may be worse. According to the same OHPI report cited above, households making over $100,000 annually take about 22% more trips than the overall average. The group earning $75,000 and up take around 28% more trips than the lower earning groups which make up the bulk of the population of Chico currently.[16]

9-52

[12] Table 23a: https://www.fhwa.dot.gov/policyinformation/documents/2017_nhts_summary_travel_trends.pdf
[13] https://smartasset.com/retirement/average-retirement-age-in-every-state-2016
[14] https://www.valuepenguin.com/average-household-budget
[15] See Land Use etc, below.
[16] Table 8.

The VMT per service population for Valley's Edge is underestimated by expectations about the transit and commercial services which are not supported by ridership or market analyses.

Service population is a fundamental element in determining the feasibility for both transit and commercial services. It is closely related to residential density.

Out of the 668.5 acres proposed for residential development, Table 2-1 in the dEIR gives a mean density of 4.1 units per acre. Another 56.3 acres are single-use commercial; and the roads make up another 40.4 acres, bringing the average density of the built out (non-park or open space) portion down to 3.6 units per acre.

47% of the project area, or 683 acres, are designated parks, open space, plus land for an elementary school. Open space is compatible with transit-supportive densities insofar as the housing is clustered and not spread throughout. While the entirety of the 9 acres designated for MHDR units and some medium and low density housing is located near the commercial center, most of the low-density housing is spread linearly along ridges, leading to both longer travel times to a transit stop or shop and more difficulty walking and cycling, especially for those less physically able. Another section of very-low density housing is located in the center of the proposed regional park with the only access from Honey Run Road to the southeast.

9-53

According to the Butte County Transit and Non-Motorized Transportation Plan, "A general threshold for transit-supportive residential uses is 15 units per acre for high-frequency bus service."[17] Due to the low overall residential density, it is likely that a transit route extending to the Valley's Edge plan area would require a greater subsidy to operate than existing routes in more compact areas of Chico.[18] In compliance with Policy CIRC-5.3 in the General Plan, "Ensure that new development supports public transit," new development should make transit more viable as an option in Chico's future, not requiring a further strained and inefficient bus system to offer the most minimal service to people in need.

[17] http://www.bcag.org/documents/planning/Transit_Non_Motor_Plan/Document/Chapter%206.pdf
[18] The Sacramento transit-oriented development guidelines (dating back to 1990) cite local studies suggesting 12 units per acre as a minimum for frequent and convenient transit service. According to the Capitol Region Council of Governments (Washington DC) any form of bus service (implying usual subsidies) requires 6 to 8 units per acre. Rapid transit service calls for at least 15 units per acre, but even then the ridership will be low and concentrated during commuting hours. They state furthermore that "researchers have found that there are sharp increases (a tripling) in ridership as average residential densities approach 30 units per acre." The highest density proposed for Valley's Edge is 18 units per acre, for less than 6% of the units in the project.

The dEIR also lacks an analysis of the feasibility of basic retail services, like a grocery and a pharmacy, given the population projected for Valley's Edge. The VESP expresses the intent to accommodate a grocery in the village core, but with the low population density, commercial uses are more likely to consist of specialties people travel to access. A comparable example is the commercial center of the Longfellow neighborhood, which was gradually converted from a focus on the basic needs of nearby residents (grocery, pharmacy, hardware store) to today being dominated by a fitness center used by residents from all across the area, mostly arriving by car. 9-54

CEQA guidelines require environmental analyses to reflect "a good faith effort at full disclosure," utilizing methodologies that can generate a fuller and more accurate estimation of VMT impact.[19] It is our opinion based on the factors above that the dEIR fails to satisfy this requirement. 9-55

Hydrology and Water Quality

Groundwater Recharge

The DEIR inadequately analyzes the impacts to groundwater recharge of the shallowest aquifer. The DEIR acknowledges that groundwater recharge of the shallowest aquifer is occurring where the creeks lie but fails to acknowledge that groundwater recharge is occurring throughout the rest of the site. This includes where there are breaks in Lahar flow and the significant area where the Lahar flow is absent altogether. The shallowest aquifer supports the area's groundwater dependent ecosystems such as riparian ecosystems and the associated aquatic ecosystem, the City of Chico's Urban Forest and Valley Oak woodlands. VESP Appendix E - Geotechnical Reports details that additional precautions required when building home foundations built on or partially on Lahar flows will need groundwater seepage diversion. The language in Appendix E makes it clear that buildings and impervious surfaces will be constructed on areas of the site where the relatively impermeable Lahar flow is absent. "The predominant geologic material observed at the site is well lithified lahar rock of the Tuscan Formation Unit C. It is commonly known that the Lahar is relatively impermeable and therefore restricts water transmission". (DEIR 4.9-10). The DEIR fails to acknowledge where the Lahar is impermeable and where the Lahar is absent altogether, and thus, does not adequately demonstrate the impermeability of the Lahar on site to determine that significant groundwater recharge is not occurring on site. The Public needs to see a map of the extent of the Lahar flow overlaid with the proposed impervious surfaces that would be 9-56 9-57

[19] https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

developed as a result of the implementation of the VESP. Until the public sees such a map showing the current extent of relatively impermeable surfaces and the proposed impervious surfaces, there is no way to conclude that there would not be significant impacts to groundwater recharge. The DEIR acknowledges that this geologic material doesn't underline the entire site but only a "majority of the project site" (DEIR 4.9-30). There could be significant groundwater recharge of the shallow aquifer occurring throughout the project site, including but not limited to the land area where the Lahar flow is absent or where there are cracks in it and where its permeability allows for water percolation.

9-57 Cont.

Water Quality

The DEIR acknowledges that the project can negatively affect water quality, both in the short term from construction activities such as erosion and sedimentation due to land disturbance, uncontained material and equipment storage, improper handling of hazardous materials, and in the long term operations from urban pollutants (DEIR4.9-26). The finding that project impacts on water quality are less than significant is incorrect and inadequate. Thorough analysis justifying the less than significant determination is absent. The DEIR claims that buffer zones along the creeks and certain design considerations would significantly reduce pollutant load in runoff water entering on site creeks but this is not reasonably justified.

9-58

The DEIR does not provide sufficient evidence to prove that these buffers will actually reduce the toxicity of water that will be polluted by landscaping fertilizers, pesticides, herbicides, leaking oil and grease from vehicles, and trash below the level of significance. These pollutants which would result from project operation will significantly degrade the water quality thereby significantly impacting the environment.

Of particular concern is that this degradation of water quality will have on the sensitive wetlands downslope from the pollution sources, such as wetlands containing Butte County Meadowfoam, seasonal swales, seasonal wetlands, vernal swales, wet meadows, and aquatic ecosystems of streams and creeks.

9-59

The DEIR claims that Best Management Practices (BMPs) and Low Impact Development (LIDs) would mitigate the water quality impacts to less than significant, with on site detention systems and the inclusion of several design concepts to slow and filter out contaminants, encourage infiltration (of polluted water) and evaporation. There is currently no guarantee that these BMPs and LID methods will be successfully implemented throughout the entire project, therefore significant water quality degradation could still occur. The DEIR recognizes the potential for toxic runoff and failed to provide

9-60

adequate mitigation, or justify that the design considerations are adequate to protect water quality from pollutants resulting from the project. Project impact DEIR 4.9-1 needs to be reclassified as potentially significant or significant and unavoidable if the concerns analyzed above regarding the mitigation by design approach are not rectified.

9-60 Cont.

Energy

The electrical consumption section of the DEIR says that photovoltaic generation covers a portion of internal base electric loads, and that the proposed projects' small increase in energy consumption in the county makes the increase in electricity demand "less-than-significant." However, the DEIR does not consider power outage concerns in this high fire risk area (DEIR 4.5-20). With the increase of annual kilowatt-hour consumption and demand, Public Safety Power Shutoffs (PSPS) and Rotating Outages are more likely for our area. The proposed site is listed as a Potential PSPS area due to the high fire risk.[20] Rotating outages are based on block number, currently being redone by PG&E.[21] Much of the project area will have an unknown risk of rotating outages until the block numbers are reassigned. The north edge of Valley's Edge, against East 20th Street, is currently in Block 2G, meaning it is one of the first to have power cut in rotating outages. We will not know the VESP impact on power distribution until the area is blocked out for PG&E outages, and any increase in consumption increases the likelihood of PSPS during high fire risk.

9-61

Title 24 requires on-site clean energy generation, and requires new buildings to use photovoltaic systems to cover a portion of the internal base electrical loads. Although the increase in electricity demand is considered "less-than-significant", the photovoltaic generation percentage is not known or defined, and thus the true consumption is not accurately estimated. An addition of solar battery storage would help to offset the likelihood of rotating outages and PSPS (DEIR 4.5-20).

9-62

The VESP mentions CALGreen requirement of EV chargers, but does not specify a number of required chargers near new multifamily dwellings, non-residential locations, and the required number of chargers dependent on the parking spaces available.[22] The charging locations must also be ADA accessible, and the VESP has no mention of accessibility (DEIR 4.5-7).

9-63

[20] https://www.pge.com/en_US/residential/outages/public-safety-power-shuttoff/psps-planning-resources.page

[21] https://www.pge.com/en_US/residential/outages/planning-and-preparedness/safety-and-preparedness/find-your-rotating-outage-block/find-your-rotating-outage-block.page?#find-your-block-for-rotating-outage

[22] https://codes.iccsafe.org/content/CGBC2019P3/chapter-4-residential-mandatory-measures#CGBC2019P3_Ch04_SubCh4.1_Sec4.101.1

3. **Environmental Factors Not Analyzed**

Agriculture and Forestry Resources
The current use of the property is agricultural grazing land. The development and implementation of the Valley's Edge Specific Plan would convert this farmland into commercial and residential uses. The conversion of this grazing land to urban development will adversely impact the sequestering of carbon, and will result in other adverse significant impacts to the environment. For this DEIR to be adequate, the City of Chico needs to analyze this section within this environmental review document, in accordance with the 2021 CEQA Guidelines. 9-64

Population and Housing
The Valley's Edge Specific Plan calls for the development of 2,777 units on the 1457 acres (VESP 4-5). In Appendix F - Greenhouse Gas Model Outputs, the model estimates that this specific plan will have a population of 8,064 (VESP DEIR Appendix F). With the City of Chico's current estimated population of 101,475[23], the implementation of this plan would increase the population by 7.9%. The plan would induce substantial population growth by proposing new homes and businesses, as well as by extending many services. The DEIR is inadequate as it needs to fully analyze and incorporate a Population and Housing section, in accordance with the 2021 CEQA Guidelines. 9-65

4. **Other Environmental Considerations**
Land Use, Housing, and Environmental Justice

The Valley's Edge Specific Plan (VESP) land use conflicts with state and local goals and policies associated with housing and environmental justice. First, the plan inverts the housing needs of the Chico area, committing the bulk of land to the most expensive classes of housing of which Chico has exceeded its measure of need in the 2014-2021 Regional Housing Needs Assessment (RHNA) cycle. The high cost of housing in the VESP is reinforced by the maintenance obligations of a project-wide Homeowners Association (HOA) to be put in place by the developers and transferred to the purchasing owners. 9-66

Furthermore, the project HOA saddles the residents of the project core (and the lone 9 acre plot for apartment construction) with the cost of maintaining services and 9-67

[23] https://www.census.gov/quickfacts/fact/table/chicocitycalifornia/POP010220

infrastructure extending up the ridge lines. This inequality of return on public services is reflected at a greater scale in the contrasting environments of Valley's Edge and the Southeast Chico neighborhoods surrounding Meriam Park.

9-67 Cont.

The VESP is not planned to meet the city's housing needs.

Between agricultural land to the west and foothills to the east, Chico has limited land to expand to meet our growth needs. City staff, asked in a survey last year[24], "What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?" cited "availability of land," and "affordability of suitable land." The Doe Mill/Honey Run Special Planning Area (SPA) is intended to be a permanent boundary of the city of Chico and so consists of the last acres available for urban development in the foothills south of Little Chico Creek. It is the clear intention of the General Plan that designated "areas of new growth," of which Doe Mill/Honey Run is the largest, be tailored towards the otherwise unmet needs of our community.[25]

9-68

The BCAG 6th Cycle Regional Housing Needs Plan (RHNA) assigned 3,488 units to the city of Chico - 1,101 very-low income, 507 low-income, 700 moderate, and 1,110 above moderate income; or 31.8% above-moderate housing and 69.2% below. These allocations come after Chico's abysmal performance in the period of the current Housing Element beginning in 2014.
The VESP is not responsive to these needs.[26] 35% of the area proposed for residential development is dedicated to very low density housing.[27] 85% is dedicated to very low or low density housing, and less than 1.5% for medium high density, which corresponds to the needs for lower income groups. The Doe Mill/ Honey Run SPA land use projection in

9-69

[24]BCAG 6th Cycle Regional Housing Needs Plan:
http://www.bcag.org/documents/planning/RHNP/2020%20RHNP/BCAG_6thCycleRHNP_11.30.20_FINAL.pdf
[25] "Goal LU-6: Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs."
[26] The argument is made (for example by local real estate agent Brent Silberbauer during the planning commission hearing for this dEIR) that the availability of larger, more expensive houses facilitates a 'filtering' of smaller, more affordable units to the lower classes. Filtering is a well-documented process in housing markets but usually refers to affordability resulting from building age and deferred maintenance. To the extent that filtering also applies to people opting for more expensive housing, it would also apply to people downsizing into newly available smaller units. Probably moreso considering the prevalence of housing cost burden locally, with the California Housing Partnership estimating that 35% of moderate income households in Butte County are cost burdened, along with 64% of low-income households and as much as 91% of extremely low-income households (see their 2020 Butte County Affordable Housing Needs Report:
https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Butte_Housing_Needs_Report_2020-HNR.pdf)
[27] The VESP proposes its own unique 'low-density' zoning with an average density which actually falls within the city's category for 'very low-density.'

the 2014 Housing Element included almost twice the acreage for medium high density housing. Medium density zoning, which California housing law equates to provisioning for moderate income housing, is roughly equivalent in the Housing Element land use projection and VESP, in spite of the latter's 40% increase in the acreage for residential development. The increase is entirely dedicated to housing for low or very low density, or the above moderate income group, with a decrease in acreage for medium high density housing also contributing to a more pronounced emphasis on higher income households. The General Plan provides for flexibility in SPA planning to accommodate changes in the housing needs.[28] Although the need for low-income housing has grown more significantly more acute, the VESP provides for less.

9-69 Cont

The master developer, in compliance with General Plan action LU-6.2.1, agrees to "work collaboratively with the City and below market housing providers to explore supplementary affordable housing opportunities utilizing governmental subsidies or other incentives." However, by arranging the land use designations to exclude higher density housing from all but a 9 acre section in the first phase of the project, the VESP precludes the opportunity for the City or below market housing providers to arrange funding for affordable housing developments after this section is built out. Before later phases of the project are completed, the ongoing pressure to satisfy low-income housing needs will induce Chico to seek new growth areas. The EIR needs to acknowledge that the land use proposed is incommensurate with the use of government subsidies for below market housing.

Overall, the dEIR lacks any analysis of the impacts of the VESP on the housing targets for Chico.

9-70

Situating the project in one large HOA burdens residents with the costs of design inefficiencies considered unacceptable for the city as a whole.

Allowing a restricted access HOA to form over the VESP project area insulates the municipality from the obligation of maintaining some basic infrastructure, but that burden is passed onto the residents.

9-71

The VESP circulation plan has a main collector route connecting the Skyway entrance to East 20th Street. To the West and along this route is the commercial and office section referred to as the "village core," the community commercial section on the north side of

9-72

[28] "Policy LU-6.2 (Special Planning Area Implementation) - Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs."

the development, a community park, elementary school, and the only section of proposed medium high density zoning that could potentially include low-income housing. The characteristics of an efficient and sustainable land use pattern explicitly called for in the General Plan - mixing of uses, diversified housing types, clustered development, design for 'complete neighborhoods' - are all applied (albeit marginally) to the core but not to the periphery east of the main collector. Street access, pipes, and other infrastructure servicing the project core are required for access and servicing of development on the higher elevations of the north and east sides of the property,[29] but the inverse is not true.

9-72 Cont.

While this project is designed too inefficiently for the city to desire to adopt the basic infrastructure, that liability must still be distributed. In the VESP, the project core will be required to subsidize the maintenance costs of the periphery should property owner fees remain equal, tying the only section potentially accessible to residents with lower incomes to the largesse of the project periphery.

In addition to the geology of the Lahar formation, VESP includes features which will increase the cost of living in the community, with apparently no ability to opt in favor of a more affordable lifestyle. These include a wildfire suppression system including hundreds of pressurized fire hydrants, a park around a private lake, and other indoor and outdoor recreational facilities. The greater the sprawl into the higher elevations, the more services and facilities required. If California Park is any indicator, HOA responsibilities will also include rigorous landscaping and private security.

9-73

However genuine the attempt to design an idyllic community, the indiscriminate distribution of expenses for private amenities cannot be squared with many of the goals and policies of the 2014 Housing Element, or the clearly stated purpose for Chico growing into the Special Planning Areas, "to meet the city's housing and job needs." A balance could be reached between the desire for high-quality amenities and local housing needs. The VESP does not attempt such a balance.

9-74

The layout of Valley's Edge in relation to the Southeast Chico neighborhoods generates the conditions for a concentration of poverty and environmental injustice.

South Chico is the historic industrial and working class section of the city. The census tract including the Chapman and Mulberry neighborhoods is a disadvantaged community for factors including nitrate contamination, air quality issues, residual industrial uses

9-75

[29] The entire rest of the project minus Equestrian Ridge.

adjacent to residences, poverty, unemployment, and housing burden[30]. In the mid-twentieth century, African Americans and other minority groups were largely confined in their housing options to this area.

Further east beginning on Forest Avenue is a district developed from the late 80's to 2000's of largely moderate and low-income housing stretching from Highway 32 south to the Regional Commercial stores, continuing along Notre Dame Boulevard to Forest Avenue. This section features a mix of apartments, townhomes, and compact single-family homes.

The site of Meriam Park was skipped over for development west of Bruce Road which is today frequently called by the name of the most distinguishable section, Doe Mill. Meriam Park is currently being built into one of the most compact and livable communities in Chico and a cultural and economic center for the surrounding neighborhoods, including the headquarters of the Mechoopda Indian Tribe.

The zoning for Meriam Park, Traditional Neighborhood Design (TND), is unique and was adopted by the city specifically to permit the kind of compact, walkable city planning that the General Plan calls for. The resultant quality of the urban setting, and especially the presence of a large proportion of city's affordable housing, has drawn public grant funding to further improve the area's infrastructure, including the $22 million Infill Infrastructure Grant for widening Bruce Road and $12 million for a bike bridge over East 20th St.

Much of the future growth of Chico is also slated for this vicinity, including a large quantity of R2, R3, and CMU along Bruce Road and the city's only vacant R4 parcels on Highway 32. 6 out of 7 pending subsidized affordable housing projects in Chico are within or immediately adjacent to Meriam Park, primarily (4 out of 6 projects) along Highway 32 or Bruce Road.

The development of high-income restricted access communities with separate provisioning for maintenance of basic infrastructure in the foothills above more compact and affordable neighborhoods reliant on municipal services entails some likely adverse impacts on the latter.

For one, most of the significant impacts the dEIR does analyze — air quality, aesthetics, transportation, danger to biological wealth and diversity — have a focused impact on the

9-75 Cont.

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[30] https://oehha.ca.gov/calenviroscreen/sb535

communities lying beneath Valley's Edge. Overriding considerations found to justify the project will place an unfair burden on the Southeast Chico neighborhoods not made explicit by the dEIR. The focus of the impact is made worse by the hierarchical street network which favors high volumes of high speed traffic on certain arterial roadways. The impacts are consequently worse along these roads, where Chico tends to concentrate multifamily zoning, exposing residents to higher levels of contaminants, noise, and traffic danger. In part to support the traffic volumes anticipated by Valley's Edge, Bruce Road will be widened, negatively affecting access between Oak Valley and Doe Mill with Meriam Park, neighborhoods designed to favor walking and alternative modes of transportation.

9-76 Cont.

In urban forestry, cycling infrastructure, and traditional neighborhood design, the Southeast Chico neighborhoods exhibits the most mature, consistent, and integrated application of progressive standards in Chico's urban planning and by permitting a massive expansion on their periphery with no practicable way for people to go about their daily lives without reliance on automobiles this district will be prone to decline into a condition of environmental disadvantage. Valley's Edge will produce an outpouring of traffic and its associated impacts, inhibiting local connectivity while sealing off an enclosure of the city from Bidwell Park to Butte Creek Canyon, privileging the access and connection to the natural environment that is considered the one of the most prized characteristics of living in Chico.

9-77

The purpose behind the allocation of public subsidies for affordable housing in this area, based on proximity to services and the principle of integration and environmental quality is thus subverted by creating the conditions for a gradual transformation of the area into one of concentrated poverty. The presence of compact low-income communities supports the public services, beguiles the infrastructure grant funding, and sources the workers for the restaurants, retail, construction, landscaping, and other employment anticipated in Valley's Edge. This is exactly the kind of situation that planning for environmental justice and jobs/housing balance is meant to avoid.

Another impact of the VESP on the surrounding community concerns the civic divide engendered by such a large exclusively maintained community. The decoupling of local services in the SPA from the financial standing of the municipality harms support for public projects serving the broader community. For what capital improvements do exist, communities like Valley's Edge incentivize a priority of through traffic on arterial roads

9-78

over safety on these roads and residential access in the wider street network.[31] A comparable pattern exists in metropolitan regions around the country where high-income communities formed in eras of 'white flight' maintain high quality public services in sharp contrast to urban decay of historic city centers. In this case, residents of the Valley's Edge HOA will still exert political influence from within the municipality.

In general, the restriction of public access to some of the most visible and naturally appealing environments in Southeast Chico injures sense of place and community, and physically and psychologically reinforces social inequalities which are already exceptionally pronounced in the Chico area.[32]

9-78 Cont.

5. **Project Alternatives Potentially Supported**

Of the Alternatives given in the dEIR, only Alternative 1 adequately addresses the project's significant environmental impacts. Alternative 4 would make for a less environmentally unsound project without reducing the number of housing units, but it contains fewer viable low-income housing units and significantly more irreversible conversion of habitat than Alternative 2, the land use projection in the General Plan. The dEIR manages to compare the four given alternatives without anywhere noting, for example, that Alternative 2 includes 23% more open space than Alternative 4, which is dubbed "Increased Open Space and Higher Density." Alternative 4 merits a reduction in VMT per service population for the increase in MHDR units, the dEIR notes, but the same point is not made regarding Alternative 2, although 22% of the housing units in Alternative 2 are MHDR, while for Alternative 4 the amount is less than 9%.[33] A Land Use Summary Comparison Table notes that Alternative 2 would provide fewer residential units and non-residential square feet than the proposed project without comparing the built acreage, densities, or housing types, which would reveal that the entirety of the increase in residential units in the proposed project is accounted for by low density and very low density housing, including even a substantial reduction in MHDR units. Alternative 4, in contrast, has the complete Land Use Summary Comparison Table revealing housing types and densities and another graph detailing each land use revision. Because the conceptual land use map in the General Plan is not as detailed as the maps

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9-82

[31]This resembles the current state of Chico's capital projects, with emphasis on widening peripheral roads and repaving thoroughfares while streetscape improvements like on North Cedar, in spite of serving the densest residential area in the city, remain unfunded and are instead seen by the city as "an opportunity for the city to partner with Chico State University and the Mechoopda Tribe." (See: Chico 2020 Analysis of Impediments to Fair Housing: https://chico.ca.us/sites/main/files/file-attachments/attachmentd-analysisofimpediments.pdf?1589932732)
[32] https://chico.newsreview.com/2021/12/01/feeling-the-pinch/
[33] The density given for MHDR in Alternative 4 is 11.1, below the minimum for that zoning designation in the 2030 General Plan.

produced for the proposed project and other alternatives, the comparison is further obscured.

9-82 Cont.

The community is unable to properly balance the needs for housing in Chico with goals like reducing dependence on automobiles, preventing loss of habitat and biodiversity, and preservation of the foothills for public enjoyment when every alternative offered fails to do so. The range of alternatives is improperly portrayed without any that address consideration for housing needs while retaining the reduced development footprint of the 2030 General Plan Alternative and thereby reducing significant environmental impacts.

We also include an Alternative 6 which rezones the property to a land use designation suited for the site's diverse sensitive species and habitat, to prioritize growth in other areas of the city (including the areas the city has designated for higher density, like the Corridor Opportunity Sites).

9-83

Alternative 5

The City of Chico needs to provide an Alternative 5, which extends the changes in Alternative 4 further and possibly incorporates other changes to achieve qualitative goals in line with the General Plan. Alternative 5 would have a more compact form with higher densities that would be supportive of transit: between 15 and 22+ dwelling units per acre. The higher density development would include more compact single-family homes and a greater diversity of other housing types by changing the zoning to allow for 90% of the dwelling units to be R2/R2-VE (Medium Density Residential), R3/R3-VE (Medium-High Density Residential), R4 (High Density Residential), and RMU (Residential Mixed Use), while 10% of the development can be zoned lower density residential. This alternative would not extend further east than the proposed collector street network. It would have increased open space, both accommodate reliable public transportation on the project site and enhance service to areas to the West; ensure on-site commercial can support basic needs in line with the Specific Plan claim to a "complete" and "20-minute" neighborhood, and ensure compliance with the Climate Action Plan and drafted Butte Regional Conservation Plan. In consultation with all relevant departments of city staff, this alternative ought to be formed in such a manner that the City would agree to adopt the basic infrastructure, obviating the necessity of an HOA and guaranteeing full public access and enjoyment of the area, as is the case with most neighborhoods.

9-84

The increase in density and open space would reduce the impact on sensitive species and protected wetlands, reduce vehicle miles traveled, and most likely reduce the level of significance for greenhouse gas emissions. Most other project objectives listed in the dEIR would also be better accomplished, including provision of housing responsive to

9-85

demographic shifts, promoting livable and complete neighborhoods, promoting outdoor recreation, and accommodation of bicycles and transit.

9-85 Cont.

Alternative 6
This alternative would rezone the property from Special Planning Area (SPA) to Open Space 1 (OS1) with a Resource Constraint Overlay, due to the fact that there are so many sensitive, threatened, and endangered species that would be impacted by development on this site. Open Space 1 would be better suited as a land use designation as the zone is appropriate for sites with environmental resources, including oak and riparian woodlands, wetlands, deer herd ranges, hillsides and viewshed management areas (City of Chico Land Use and Development Regulations 19.50.10). The site has all of the above sensitive habitats, and as such should be analyzed for this rezone.

9-86

Alternative 1
No Project/No Alternative would not negatively impact sensitive species, not increase greenhouse gas emissions and other air quality pollutants, there would be no changes to the scenic view, and would not increase vehicle trips. The Butte Environmental Council supports Alternative 1.

9-87

This public comment letter has been approved by the BEC Board of Directors. Thank you again for the opportunity to provide comment on this environmentally impactful project.

Sincerely,

Caitlin Dalby
Executive Director
Butte Environmental Council

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www.becnet.org

Butte Environmental Council (BEC) has been a leading 501(c)(3) environmental non-profit in Butte County since 1975, dedicated to environmental issues that threaten the land, air, and water of our communities. BEC is a grassroots organization supported by over 200 paying members, hundreds of volunteers and donors, dozens of local business sponsors, over 3,500 followers on social media, and over 4,000 subscribers to our monthly electronic newsletter. Throughout each year, BEC offers citizens many chances to engage in environmental education, advocacy and stewardship. BEC provides position statements when the organization's leaders recognize a regional environmental threat to citizens.

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Response to Letter 9

Butte Environmental Council (Caitlin Dalby, Executive Director)

9-1 The commenter states that land use changes are the second major cause of climate change and that the EIR fails to acknowledge that the land use changes proposed in this project would contribute to climate change. The commenter further states that the proposed land use change of grassland and woodland ecosystems to urban development would emit significant GHG emissions and reduce the ability of the landscape within the project site to sequester carbon. According to the commenter, the EIR fails to estimate the increase in GHG emissions resulting from the proposed land use change.

The Draft EIR does analyze the increase in GHG emissions that would result from the proposed project, which would alter the land uses on the project site. Table 4.7-4 on page 4.7-27 presents the operational GHG emissions associated with development of the project site. The proposed project would result in approximately, 17,719 MT CO_2e compared with existing conditions. The California Emissions Estimator Model (CalEEMod) was used to estimate project emissions. CalEEMod considers both emissions from future uses, and the loss of sequestered carbon (release of CO_2) based on the Intergovernmental Panel on Climate Change (IPCC) reports. For grassland, which would be the closest land use associated with the existing site, removal of grassland would result in a rate of 4.31 MT CO_2/acre, for a total of approximately 2,452 MT CO_2e. The proposed project would also result in carbon sequestration from the planting of a variety of hardwood tree species, as listed in Appendix B of the VESP. Mixed hardwood trees planted within the project would result in a sequestration rate of 0.0367 MT CO_2/tree/year assuming growth over 20 years, however, the number of trees to be planted is currently unknown. If a very conservative estimate of two new trees per single-family unit and one new tree per multi-family unit is made, trees within the project would equate to approximately 3,315 MT CO_2e of sequestered carbon. Most residential units include one or two street trees and at least two private trees (e.g., in front yards, rear yards and in parking areas), and often more. Although planting new trees within the project may offset the loss of grasslands regarding carbon sequestration, these alterations in vegetation would not be sufficient to change the conclusions reached in the Draft EIR. The proposed project would still result in a cumulatively considerable contribution of GHG emissions. Therefore, no changes to the Draft EIR are required and impacts would remain significant.

9-2 The commenter states that dams and artificial lakes result in significant GHG emissions due to the decomposition of excessive algal growth. The commenter further states that the Draft EIR failed to analyze the complete GHG emissions from the project due to the absence of analysis of GHG emissions from the reservoirs on site and land use change.

As discussed in Impact 4.9-1, on-site detention features would employ best management practices (BMPs) and "Low Impact Development" (LID) methods to slow water, filter out contaminants, and encourage infiltration and evapotranspiration. A benefit of these approaches is that nutrient loading to the detention features is minimized, which limits the stimulation of algal growth. LID design concepts may include the implementation of techniques such as limiting the amount of hardscape, amended soil, rain garden (or bioretention cell to treat polluted runoff from a parking lot, for example), disconnected roof drain, tree planting, native vegetation preservation, and natural drainage flow. Solutions such as porous pavement and reduced hardscape aim to maximize infiltration and slow runoff, the application of which would, as with other techniques, be

conditioned upon appropriate geological conditions. Since the proposed lake features would be relatively small, excessive algal growth may also be avoided by installing water oxygenation systems or other algae-management technologies, either during initial construction or as a later improvement. The specific design of the lake features is not known at this time, and it is speculative to assume that the lakes would experience excessive algal growth that would then decompose and emit significant amounts of greenhouse gasses. Furthermore, periodically, sediments accumulated in the in the detention basins will be removed, thereby reducing the source of methane (a potent GHG) production from organic sediment.

With respect to GHG emissions due to land uses changes, please see Response to Comment 9-1.

9-3 The commenter asserts that the proposed project is inconsistent with the state's statutes and executive orders as well as the City of Chico Climate Action Plan (CAP) 2021 Update.

As discussed on pages 4.7-31 and 4.7-32 of Section 4.7, Greenhouse Gases, the City's CAP Update identifies a variety of GHG reduction measures to help the City progress towards a carbon neutrality goal. Table 4.7-5, starting on page 4.7-31, addresses how the proposed project would meet each of the CAP reduction measures. Although the proposed project is not estimated to meet the CAP Update's efficiency goals of 2.76 MT CO_2e per capita per year by 2030 and carbon neutrality goal by 2045, the proposed project would comply with many of the CAP's goals, policies, and actions related to reducing GHG emissions. Most of the GHG emissions associated with implementation of the proposed project would be due to gasoline-powered vehicle trips by future residents. Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements, would promote alternative methods such as walking and biking, which would reduce criteria air pollutant and GHG emissions associated with transportation sources by requiring the proposed project develop electric vehicle (EV) infrastructure. Furthermore, non-residential uses within the proposed project would be required to incorporate a TDM plan (per Air Quality and Transportation mitigation requirements), and any applicable City ordinances in the future that require carpool/vanpool/ shuttle parking minimums.

With regard to state goals such as EO B-55-18 (statewide goal of carbon neutrality by no later than 2045), which is a more aggressive statewide goal than EO S-3-05 (reduce GHG emissions to 80% below 1990 levels by 2050), CARB will need to work with relevant state agencies to ensure that future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal. With respect to future GHG targets under SB 32 and EO B 55 18, CARB has made clear its legal interpretation that it has the requisite authority to adopt whatever regulations are necessary to meet the long-term statewide goals; this legal interpretation by an expert agency provides evidence that future regulations will need be adopted to continue the state on its trajectory toward meeting these future GHG targets. Additional measures, including locally driven measures would be required to achieve greater emission reductions.

9-4 The commenter asserts that the VESP conflicts with the state's Executive Order (EO) B-55-18, carbon neutrality by 2045, by developing 700 acres of undeveloped land.

As discussed under Impact 4.7-2, the proposed project was determined to conflict with a plan, policy or regulation to reduce GHG emissions because operations of the proposed project would result in significant GHG emissions. The proposed VESP includes many goals, policies, and actions

related to reducing GHG emissions. Specifically, the proposed project would further reduce mobile GHG emissions through compliance with VESP actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the proposed project develop NEV and EV infrastructure. The proposed project also would promote energy efficiency and water conservation through implementation of actions PROS-4.2, INFR-4.1, DES-2.1, DES-2.2, DES-2.3, DES-2.10, and DES-2.14. These measures would require the proposed project to incorporate drought tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption, install photo voltaic (PV) systems on all residential buildings, and exceed the CALGreen mandatory requirements. Furthermore, the proposed project would implement mitigation measures AQ-2 and AQ-5 which would reduce GHG emissions through incorporation of energy conservation measures on all propose building plans and with implementation of a Transportation Demand Management (TDM) program. Even with incorporation of mitigation and compliance with local and state regulatory measures, the proposed project would result in GHG emissions of 17,719 MT CO_2e, which is why the Draft EIR identifies a significant and unavoidable impact of inconsistency with GHG plans and policies (Draft EIR p. 4.7-40).

9-5 The commenter asserts that the project is inconsistent with BCAG's 2016 RTP/SCS, stating that the VESP would be a land use development antithetical to the definition of BCAG's proposed transportation network and that the VESP's residential development density per acre is far too low for "high quality transit."

As discussed on page 4.2-28, Section 4.2, Air Quality of the EIR, the Northern Sacramento Valley Planning Area 2018 Triennial Air Quality Plan (2018 Plan) relies on the land use and population projections provided in the RTP/SCS, which is generally consistent with local plans; therefore, the air quality management plans are generally consistent with local government plans (e.g., General Plan). The City's 2030 General Plan designates five new growth areas or special planning areas within the City's SOI. The project site is designated in the General Plan as Special Planning Area 5 (SPA-5) or the Doe Mill/Honey Run SPA. The General Plan includes a conceptual land use plan for this area that includes a mix of residential commercial, public facilities and parks and open space uses. The proposed project's land use and development assumptions are generally consistent with the City's General Plan as the designations for the site would still permit a variety of residential, commercial, and open space uses. The VESP implements the City's 2030 General Plan because it is in alignment with the guiding principles, goals, actions and overall land use concept set forth in the General Plan. Further, the project site is depicted as a new growth area on Figure 4-2 of BCAG's 2016 RTP/SCS, indicating compatibility with this City General Plan growth area.

Once the project site is annexed to the City the project site's pre-zoning would facilitate development consistent with the proposed VESP land uses. The proposed project has generally been designed to be consistent with the City's density expectations as set forth by the General Plan. Therefore, based on the prior considerations, the proposed project would not result in significant population growth that would substantially exceed BCAG growth projections for the County. Furthermore, the proposed project would support goals within the 2016 RTP/SCS such as Objective 6.1 and 8.1 which identifies that the region implements a transportation system for bicyclists and pedestrians as well as the reduced usage of nonrenewable energy resources for

transportation. The proposed project would include Actions C-1.5, C-1.7, and C-1.8 which would promote alternative transportation methods within the project area.

9-6 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal SUS-5 and would increase nonrenewable energy and resource consumption citywide from construction and operation.

Residential and nonresidential buildings constructed due to implementation of the proposed project would be constructed to meet the 2019 Title 24 Standards including the installation of photovoltaic (PV) panels in order to offset the electrical consumption of residential land uses by at minimum 28% per action INFR-4.1 of the VESP. Buildings constructed by the proposed project would also be "all-electric," built without natural gas per GHG Reduction Measure E-2 within the City's 2021 CAP Update. Furthermore, residents and customers of the proposed project would receive electricity from Pacific Gas and Electric (PG&E), which is required to have 100% of electric retail sales come from eligible renewable or carbon-free sources by 2045 per SB 100 which was not assumed for buildout of the proposed project. Based on these reasons, the proposed project would not conflict with Goal SUS-5 from the City's 2030 General Plan.

9-7 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal SUS-6 because the proposed project would increase the City's overall GHG emissions and that the Draft EIR does not mitigate potentially significant GHG emission impacts.

The project would support the direction of Goal SUS-6 by ensuring that development under the VESP meets or exceeds energy conservation standards, avoiding the use of natural gas, including use of NEVs and other required energy conservation features provided in mitigation measure AQ- 3 on page 4.2-35 of the Draft EIR. Please see Responses to Comments 9-3 and 9-6.

9-8 The commenter asserts that the proposed project would conflict with the 2030 General Plan Goal CIRC-9 because the proposed project would increase single-occupant vehicles and increase GHG emissions associated with development of the proposed project.

General Plan Goal CIRC-9 is implemented through a series of Actions, several of which place the implementation burden upon the city itself and other large employers to institute trip reduction programs and Travel Demand Management (TDM) plans to achieve its ends. Although not a large employer, the proposed project would be required by mitigation measure TRAF-2 to reduce average project-generated VMT per service population by instituting a TDM program to reduce external vehicle trips generated by the proposed project. See Response to Comment 9-4 for a discussion of VESP goals, policies, and actions related to reducing GHG emissions. These VESP goals and policies would help reduce the degree to which future residents within the project would have to rely on single-occupant, gasoline-powered vehicles, which also aligns well with General Plan Goal CIRC-9.

9-9 The commenter asserts that the proposed project would conflict with the 2030 General Plan Policy CIRC-9.3 (*Emphasize automotive trip reduction in the design, review, and approval of public and private development.)* because the proposed project is far from the urban core and would, therefore, facilitate additional vehicle trips over a project site situated near the City's urban core.

By proposing commercial (56 acres), recreational (>700 acres), and educational (10 acres) land uses alongside a mix of single-family and multi-family residential uses within the specific plan area and connecting the mix of land uses with a multimodal network of streets and trails, the project design emphasizes alternative modes of transportation and automotive trip reduction. More specifically, by proposing a mixed-use project and supporting the use of electric-powered vehicles, bikes and footpaths to make various areas accessible, the project design reduces the need for resident to drive in a gasoline-powered vehicle to the urban core (e.g., to visit a park, meet a friend for coffee and/or pick up a basic item or two). Further, the project site is located in southeast Chico, which has well over 1 million square feet of commercial retail space and offers at least as many goods and services as the urban core. Policy CIRC-9.3 does not speak to the location of new development per se, but rather design, and the proposed project is designed with trip reduction measures, as explained above and also in Response to Comment 9-4.

9-10 The comment asserts that the proposed project would conflict with the 2030 General Plan Goal OS-3 because the proposed project would result in the degradation of water quality due to fertilizers, pesticides, and leaking of oil from vehicles, and increase in trash.

As discussed in the Draft EIR under Chapter 2, Project Description, the project is designed such that appropriately sized basins and culverts would be used to slow water and decrease downstream runoff release rates. In addition, amended soil, bioretention cells, rain gardens, and native vegetation would be used to further reduce irrigation water use and summer irrigation demand, as well as filter out contaminants and encourage infiltration and evapotranspiration. Low-gradient water quality swales and vegetated basins with retention or detention features would also be incorporated where appropriate to process and filter runoff prior to entering natural drainages or open space on the project site. As further discussed under Impact 4.9-1 in Section 4.9, Hydrology, Water Quality, and Drainage, the project would not significantly violate water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality. Compliance with the requirements of the Construction General Permit, the VESP development standards, and Chapter 15.50 of the City's Municipal Code are sufficient to address the potential for buildout under the VESP to violate water quality standards or waste discharge requirements (WDRs). These requirements specifically address water quality concerns due to fertilizers, pesticides, and leaking of oil from vehicles. Implementation of SWRCB and Central Valley RWQCB requirements (CWA NPDES Program and Porter–Cologne Water Quality Control Act WDRs) are enforced by the City of Chico through Section 15.050.060 of the Municipal Code, and consistent with the City's General Plan policies and actions, including Goal OS-3 and Policies OS 3.1, OS 3.2, and OS 3.3 which refer to the protection of water quality as described in Section 4.9.2, Regulatory Setting. Therefore, the Draft EIR provides an adequate analysis of potential conflict with applicable water quality standards, including the General Plan Goal OS-3.

9-11 The commenter asserts that implementation of the proposed project would exacerbate climate change impacts leading to extreme heat, wildfires and drought by replacing green space with development.

The VESP includes many goals, policies, and actions related to reducing GHG emissions. Specifically, the proposed project would further reduce mobile GHG emissions through compliance with VESP Actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, Action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation

by requiring the proposed project develop NEV and EV infrastructure. The proposed project also would promote energy efficiency and water conservation through implementation of VESP Actions PROS-4.2, INFR-4.1, DES-2.1, DES-2.2, DES-2.3, DES-2.10, and DES-2.14. These measures would require the proposed project to incorporate drought tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption, install PV systems on all residential buildings, and exceed the CALGreen mandatory requirements. In addition, mitigation measure AQ-3 includes heat island reduction measures which are to be incorporated into all proposed building plans including non-residential and residential buildings meeting the U.S. Green Building Council and the Cool Roof Rating Council standards for cool roofs and pavements. Therefore, Therefore, because the VESP includes the above GHG-reducing and mitigating elements and the EIR acknowledges the potential impacts regarding GHG emissions is significant and unavoidable, no changes to the EIR are required and potential impacts regarding GHG emissions would remain significant. Please see Master Response 1 which addresses wildfire concerns and describes how the Draft EIR adequately assesses and discloses how the project has been designed and will be managed to decrease wildfire potential within and beyond the project's area boundaries.

9-12 The commenter asserts that it is unclear how much GHG emissions would be reduced through implementation of mitigation measure GHG-1. The commenter suggests that mitigation measures should focus on transportation and energy sources.

Please see Responses to Comments 9-6 and 9-11 regarding the actions included in the proposed project that would reduce GHG emissions related to transportation and energy sources. Furthermore, mitigation measure GHG-1 would require the proposed project to provide storage areas for recyclables and green waste, and food waste storage. Assuming a waste diversion goal of approximately 75%, consistent with AB 341, the proposed project would result in a reduction of 1,360 MT CO_2e per year as presented in Table 4.7-4 of the Draft EIR (Draft EIR p. 4.7-27). This is a feasible and effective measure to further reduce GHG emissions from project operation, complementing the transportation and energy project design components which would also reduce GHG emissions from the project operation.

9-13 The commenter asserts that idling restrictions required by mitigation measure AQ-2 would only mitigate a negligible amount of air quality emissions. The commenter also suggests that the proposed project would still have significant air quality emission impacts due to the substantial number of automobiles and trucks resulting from the proposed project.

Anti-idling measures would limit the amount of time vehicles can idle their engines. Emissions from idling vehicles would include CO; NO_x and VOCs, which contribute to the formation of ozone; PM; and CO_2. Rest-period idling results in the emissions that would contribute to climate change and diminish local air quality. Mitigation measure AQ-2 and compliance with CARB's Airborne Toxic Control Measure would limit idling of diesel-fueled commercial vehicles to reduce air quality emissions. However, as discussed on pages 4.2-32 and 33 in the Draft EIR and as shown in Table 4.2-8, levels of ROG, NO_x and PM_{10} would exceed the air district's thresholds requiring participation in an off-site Mitigation Program in order to reduce air quality emissions generated from operations. Furthermore, the proposed project would reduce mobile air quality emissions through compliance with VESP actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, action C- 1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the

proposed project develop neighborhood electric vehicles (NEV) and EV infrastructure. Furthermore, the proposed project would require implementation of a transportation demand management (TDM) program. However, because the extent to which residents, employees, and customers would use these alternative methods are unknown the associated reductions cannot be determined with certainty at this time and impacts are therefore considered significant and unavoidable.

9-14 The commenter asserts that the Draft EIR's energy conservation mitigation measures are not impressive. The commenter requests information on the amount of criteria emission reductions associated with energy star appliances, installation of LED lightbulbs, and provision of information on energy efficiency and incentives. The commenter further suggests that use of natural lighting should not be included in energy conservation as it is a nonquantifiable energy conservation measure.

As represented in CalEEMod, the software used to model air emissions in the Draft EIR, energy sources include emissions associated with building electricity. Electricity use would contribute indirectly to criteria air pollutant emissions; however, the emissions from electricity use are only quantified for GHGs in CalEEMod, since criteria pollutant emissions occur at the site where electricity is generated (i.e., power plant), which is off site. In addition, the reduction in criteria emissions due to more energy efficient appliances, LED light bulbs, etc. cannot be determined at this time because specifics regarding what would be included in each house and how people would use their lights and appliances is not known. However, even if this cannot be quantified, the mitigation measures provided are feasible and would reduce the project's energy use to some degree. Thus, because some of these project uses and activities cannot be quantified, and those uses and activities that can be quantified (such as all-electric buildings and no natural gas) would not ensure that the project's increase in energy would be below the significance threshold. Therefore, the criteria air pollutant emission reductions associated with mitigation measure AQ-2 are not quantified.

9-15 The commenter asserts that more substantial GHG mitigation measures are required to comply with state and local policies requiring the City to reduce emissions.

Please see Responses to Comments 9-6 and 9-11 regarding actions that the proposed project includes that would reduce GHG emissions related to transportation and energy sources. Furthermore, the proposed buildings would be all-electric, no natural gas would be combusted during operation of the buildings. Table 4.7-5, starting on page 4.7-31, addresses how the proposed project would meet each of the City's CAP reduction measures. The proposed project would comply with many of the CAP's goals, policies, and actions related to reducing GHG emissions. Most of the GHG emissions associated with implementation of the proposed project would be due to gasoline-powered vehicle trips. Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements, would promote alternative methods such as walking and biking, which would reduce criteria air pollutant and GHG emissions associated with transportation sources by requiring the proposed project develop EV infrastructure. Furthermore, non-residential uses within the proposed project would be required to incorporate a TDM plan (per Air Quality and Transportation mitigation requirements). With regard to state goals such as EO B-55-18 (statewide goal of carbon neutrality by no later than 2045), the 2045 GHG emissions reduction measures quantified in the City's CAP are not enough to meet the long-term carbon neutrality 2045 goal. Achieving carbon neutrality will require significant changes to the technology and systems currently in place. As stated on page 4.7-18 of the Draft EIR, "[T]he CAP Update establishes a robust

framework for helping the City achieve its 2030 targets while accommodating growth, however, federal, state, and local efforts contemplated 15 to 25 years into the future are too speculative to support definitive statements. Continuing current efforts and meeting the City's 2030 goal will, nonetheless, represent important progress toward achieving its goal of carbon neutrality by 2045."

9-16 The commenter asserts the proposed project is non-compliant with the City's recently adopted Climate Action Plan (CAP) Update, General Plan, and EO B-55-18.

Please see Responses to Comments 9-3 and 9-4 regarding project consistency with the CAP Update and EO B-55-18. Project consistency with Chico's General Plan primarily be considered at the Planning Commission and City Council public hearings, however, preliminary analysis is provided in the Draft EIR in Table 3-1, which is also included in this Final EIR in Chapter 3, Changes to the Draft EIR.

9-17 The commenter asserts that the threshold of significance used in the Draft EIR is inadequate since the City's emission target for 2045, first year of full buildout of the proposed project, would be 0 MT CO_2e per year. The commenter also asserts that by using the 2030 target emissions as a threshold of significance the Draft EIR implies the project will only be operational through 2030.

Total project construction is anticipated to occur over a multi-phase period over the course of at least 21 years, as presented in the Draft EIR construction would occur generally from 2022 through 2043. However, these dates are only approximations. It should be expected that the dates for future project phases would shift over the coming decades. Using the 2030 target emissions threshold allows reviewers to assess how the estimated per capita emissions rate predicted for project residents would compare to City goals for per capita emissions in 2030. Estimations of GHG emissions from future residents through 2030 are more reliable than emissions forecasts that extend further, into the 15- to 25-year range, as explained in further detail below.

As the lead agency, the City has the discretion to choose the significance threshold for discretionary projects. An efficiency metric approach, which is the basis for the GHG emission reduction targets established in the City's 2021 CAP Update, is appropriate for the proposed project because it measures the project's emissions on a per-person basis to determine its overall GHG efficiency relative to regulatory GHG reduction goals. To assess the proposed project's GHG emissions, the City's 2030 reduction target of 2.76 MT CO_2e per capita per year was used to evaluate the project. Although the City has a carbon neutral goal, which is consistent with EO B-55-18, the CAP notes that the 2045 GHG emissions reductions that were quantified are not enough to meet the City's long term 2045 goal. As stated on page 4.7-18 of the Draft EIR, "[T]he CAP Update establishes a robust framework for helping the City achieve its 2030 targets while accommodating growth, however, federal, state, and local efforts contemplated 15 to 25 years into the future are too speculative to support definitive statements. Continuing current efforts and meeting the City's 2030 goal will, nonetheless, represent important progress toward achieving its goal of carbon neutrality by 2045." Achieving carbon neutrality will require significant changes to the technology and systems currently in place and implementation of more stringent local and state regulations.

The focus of the City's CAP Update to achieve 2030 goals with the intention of revisiting GHG reduction efforts in the future to meet 2045 goals is reflected in the Draft EIR's use of a 2030 benchmark to assess the significance of GHG emissions estimated for the project. If approved, the

proposed project would become part of the City's efforts to further reduce GHG emissions over that future planning horizon. Since the assessment metric uses a per capita basis, anyone may compare the GHG emissions rate estimated for the project (3.13 MT CO_2e per capita) with the 2045 reduction target of 0 MT CO_2e per capita. However, such comparison should be understood to have limitations due to an inherent inability in 2021 to accurately predict gasoline and diesel fuel usage, as well as other GHG emissions, 20+ years into the future. Regardless of whether it is compared to the 2030 or 2045 target, the proposed project was estimated in 2021 to result in significant and unavoidable impacts related to operational GHG emissions.

9-18 The commenter asserts that because Butte County is designated as nonattainment for ozone and particulate matter for the NAAQS and CAAQS, any increases should be categorized as significant.

California air districts, such as the Butte County Air Quality Management District (BCAQMD), have based their thresholds of significance for CEQA purposes on scientific and factual data that demonstrate that the air basin can accommodate without affecting the attainment date for the NAAQS or CAAQS. Since an ambient air quality standard is based on maximum pollutant levels in outdoor air that would not harm the public's health, and air district thresholds pertain to attainment of the ambient air quality standard, this means that the thresholds established by air districts are also protective of human health. Based on these considerations, project-level thresholds of significance for criteria pollutants are used to help determine whether a project's individual emissions would have a cumulatively considerable contribution on air quality. As presented in Table 4.2-7 on page 4.2-30, maximum daily construction emissions associated with the proposed project would not exceed the BCAQMD significance thresholds for ROG, NO_x, PM_{10} or $PM_{2.5}$. As shown in Table 4.2-8 on page 4.2-32, the combined daily area and mobile source emissions from the proposed project would exceed the BCAQMD operational thresholds for ROG, NO_x, and PM_{10}, requiring mitigation. The Draft EIR proposes mitigation measures AQ-2 and AQ-3, which would reduce operational-related criteria air pollutant emissions associated with mobile and energy sources. Furthermore, mitigation measure AQ-4 would require the project developer to either establish an off-site mitigation program within Butte County, coordinated through BCAQMD, or participate in an Off-site Mitigation Program by paying the equivalent amount of money equal to the project's contribution of pollutants (ROG, NO_x and PM), as recommended by the BCAQMD CEQA Handbook. With implementation of these measures, the project's net emissions would be below the identified thresholds, so the impact would be less than significant.

9-19 The commenter refers to prior comments on mitigation measure AQ-2.

Please see Response to Comment 9-13.

9-20 The commenter refers to prior comments on mitigation measure AQ-3.

Please see Response to Comment 9-14.

9-21 The commenter asks how many offsets are needed for the project and asserts that an offset mitigation program will not offset the health impacts of air pollution in the community.

Regarding the potential health impacts from the proposed project, of note, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools that could provide reliable and meaningful additional information

regarding health effects from criteria air pollutants generated by individual projects within the BCAQMD jurisdiction. The California Supreme Court's *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502 decision (issued on December 24, 2018), addresses the need to correlate mass emission values for criteria air pollutants to specific health consequences, and contains the following direction from the California Supreme Court: "The Environmental Impact Report (EIR) must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency *does* know and why, given existing scientific constraints, it cannot translate potential health impacts further." (Italics original.) (Sierra Club v. County of Fresno 2018.) Currently, the BCAQMD, CARB, and EPA have not approved a quantitative method to reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the proposed project to specific health effects.

In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the South Coast Air Quality Management District (SCAQMD) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both SJVAPCD and SCAQMD have among the most sophisticated air quality modeling and health impact evaluation capabilities of the air districts in California. SCAQMD and SJVAPCD have indicated that it is not feasible to quantify project-level health impacts based on existing modeling (SCAQMD 2015; SJVAPCD 2015). Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not yield valid information or a measurable increase in O_3 concentrations sufficient to accurately quantify O_3-related health impacts for an individual project.

The predominant source of emissions generated by the project would be from mobile sources, as presented in Table 4.2-8 of the Draft EIR. Therefore, ROG, NO_x, and PM_{10} emissions would not be isolated solely within the project site. These criteria air pollutants would occur regionally, as the project's motor vehicles would travel throughout Butte County.

The proposed project would reduce mobile air quality emissions through compliance with VESP Actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, Action C-1.5, C-1.7, and C-1.8 would also promote alternative methods of transportation by requiring the proposed project develop NEV and EV infrastructure. Furthermore, the proposed project would require implementation of a TDM program. However, because the extent to which residents, employees, and customers would use these alternative methods are unknown the associated reductions cannot be determined. Therefore, in order to mitigate air quality emissions of the proposed project due to operations, mitigation measure AQ-4 was included which requires the project developer to participate in an Off-site Mitigation Program by paying the equivalent amount of money, which is equal to the contribution of pollutants (ROG, NO_x, and PM) for that final map phase which exceeds the BCAQMD thresholds of significance per the BCAQMD 2014 CEQA Air Quality Handbook. When additional on-site mitigation isn't feasible, the BCAQMD recommends the off-site mitigation rate be based on the current project cost effectiveness factor from the Carl Moyer Memorial Air Quality Standards Attainment Program. The costs of offsets needed is not known at this time, as the phasing of project features to reduce GHG emissions relative to completed homes is not known, as well as the other reasons listed on page 4.2-33 of the Draft EIR. The cost quoted in the Air District's 2014 CEQA Handbook is $17,720 per ton of ozone

precursor emissions (NOx or ROG). In a letter dated December 9, 2021, the Air District concurred with the City's mitigation measures AQ-2, AQ-3, AQ-4 and AQ-5, and offered to participate as needed with an off-site mitigation program for the project (see Response to Comment 5-6, above).

Offsetting would work to improve air quality and reduce health impacts associated with air pollution because ROG, NO_x, and PM_{10} mobile source emissions would be generated within Butte County. Reductions of ROG, NO_x, or PM_{10} even miles away can end up reducing air pollution in the nonattainment areas since these criteria air pollutants would be transported from other locations within Butte County. The BCAQMD has structured their off-site mitigation program to be in line with the Carl Moyer Memorial Air Quality Standards Attainment Program. The funding would provide monetary grants to private companies, and public agencies to purchase clean heavy-duty engines beyond what is required by law and regulation through repowering, replacing, or retrofitting engines, vehicles, or equipment or would help fund infrastructure projects to support California's transformation to zero and near-zero emission technology.

Therefore, as presented in the Draft EIR, implementation of mitigation measures AQ-2 through AQ-5, would reduce operational-related criteria air pollutants and associated health impacts, primarily associated with ROG, NO_x, and PM_{10} emissions to a level of less than significant.

9-22 The commenter asserts that the measures provided in the Transportation Demand Management (TDM) Plan (mitigation measure TRAF-2) are inadequate and the goal of a reduction in total VMT of at least 1% is also inadequate due to the methodology used to calculate the project's VMT.

Please see Responses to Comments 9-47 through 9-54 which address concerns regarding VMT and Response to Comment 38-14 which addresses the proposed TDM plan.

9-23 The commenter asserts that until the calculations of how much the mitigation measures reduce the criteria air pollutant emissions are completed the air quality impacts are still at a level of significance. The commenter further asserts that the mitigation measures are inadequate small reductions that are not calculated or are nonquantifiable.

Please see Responses to Comments 9-14 and 9-21.

9-24 The comment states that until calculations are performed to quantity how much the mitigation measures reduce criteria air pollutant emissions the air quality impacts would still be significant.

Please see Responses to Comments 9-14 and 9-21.

9-25 The comment asserts that the project would have significant impacts on protected wetlands as a result of trail or boardwalk construction, unauthorized human and pet access, and spread of invasive species. The comment also asserts that the design measures proposed as part of the project would not reduce the level of impact below significance.

In general, the design measures proposed for the trail construction are expected to reduce direct and indirect impacts to aquatic resources, as described under Impact 4.3-3 (Draft EIR p. 4.3-61). This is especially true for the primary aquatic resources on the site, the two intermittent drainages. As noted on page 4.3-61 of the Draft EIR, "the VESP includes an approximately 300- to 1,000-foot setback between proposed development areas and the two intermittent drainages on the project site, including Comanche Creek." This substantial setback well exceeds typical development

setbacks from intermittent features. However, that impact remains potentially significant because of limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands. Mitigation measure BIO-10 ensures that the project would result in in no net loss to wetlands, either through creation, preservation or restoration of wetlands. This includes loss of wetlands and wetlands functions or values from indirect impacts in compliance with State Water Board State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (i.e., the Procedures) as well as Section 1600 of the California Fish and Game Code. Permit conditions from USACE, CDFW and RWQCB for any trail construction including boardwalk construction in or over wetlands would dictate necessary conditions or alternative methods needed to further reduce impacts and/or provide compensatory mitigation for direct and indirect wetland impacts.

9-26 The comment asserts that unmitigated project impacts to wetlands would adversely affect vernal pool branchiopods, ground-nesting bees, amphibians, and many species of birds.

Please see Master Response 2 and Response to Comment 9-25 regarding protection of wetlands from disturbance and degradation through substantial development buffers. However, impacts to wetlands remain potentially significant because the Draft EIR identifies limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands. Implementation of MM BIO-10 would ensure that impacts to wetlands, including indirect effects that degrade wetland functions and values such as described in the comment, would be mitigated to a no net loss standard. Impacts to special-status vernal pool branchiopods, amphibians, and bird species are described and mitigated as appropriate in Impact 4.3-1 in the Draft EIR (Draft EIR p. 4.3-49). This includes a directive to control introduction and spread of invasive plant species in preserved areas as part of mitigation measure BIO-1. No special-status ground nesting bees are known to be present on the project site or vicinity, so no impacts were identified to those. Please see Response to Comment 9-27 regarding pets.

9-27 The comment questions the efficacy of interpretive signage in reducing impacts of human activity on wetlands and associated biota.

Interpretive signage is not put forth as the sole means of controlling human and pet intrusion into protected open space but can be used as one element of a public access strategy. Other aspects of public access control in the VESP include appropriate trail design and fencing. For preserves and selected open space areas, public access would be monitored and managed in accordance with a Habitat Mitigation and Monitoring Plan (mitigation measure BIO-1) that would be approved by the USFWS or City in consultation with CDFW. Based on decades of experience regulating and monitoring the success of wetland preserves, the resource agencies are best suited to decide the appropriate type and location of fencing to prevent access by humans and their pets. Final determinations on these matters will be made by the USFWS in consultation with other federal agencies and state agencies during future permitting processes.

9-28 The comment questions the efficacy of trash control in reducing trash effects on preserved habitat areas; noting that trash impacts all green spaces in the City.

While trash can be present in any green space, including those along roadways where no other development is present, trash control measures and appropriate monitoring required as part of the Habitat Mitigation and Monitoring Plan/Operations Management Program under mitigation

measure BIO-1 would ensure that the effects of trash within the wetland and open space areas are minimized. The specifics of those trash control measures and monitoring would be provided in the Habitat Mitigation and Monitoring Plan/Operations Management Program, which must be approved by the USFWS and/or the City in consultation with CDFW. The comment states that the only way to prevent trash from accumulating in wetland areas is by "keeping people far away from them". However, in many preserve areas wind-blown debris and trash can be a problem that is actually made worse by keeping the public away. For example, the preserve design associated with the Upper Santa Ana River Habitat Conservation Plan (https://www.uppersarhcp.com/) encourages controlled public access, finding that an engaged and interested public that considers the open space as something to enjoy and preserve will be more likely to insist upon proper trash collection and disposal near preserve areas.

9-29 The comment asserts that the 1.25 acres of wetlands that would be filled or removed through project development would be a substantial adverse effect.

The Draft EIR concludes that project impacts to wetlands are potentially significant, and mitigation measure BIO-10 requires that the project mitigate for impacts to waters of the U.S. or state through creation, preservation or restoration of wetlands to meet a no-net-loss standard. This would be accomplished through the wetlands permitting process that the project must complete prior to issuance of grading or other development permits.

9-30 The comment asserts that the engineering required to move onsite waters into ponds and artificial water features would change the nature of the environment, potentially leading to collapse and failure of some species due to loss of habitat.

The lake or pond features that are included in the conceptual plans as part of the Draft VESP are artificial impoundments that would be intended to capture stormwater to comply with Low Impact Development (LID) standards. As needed, existing wells may be used to supplement stormwater runoff to maintain appropriate water levels. These artificial impoundments would not be considered mitigation for impacts to on-site drainages or other wetlands, and impacts related to those would need to be mitigated through other on site or off-site wetland creation or restoration to meet the no net loss standard for wetland functional values. While these additional water features may provide some additional habitat for species that do not currently occupy the site (e.g., migratory waterbirds), it is not apparent how their creation would lead to collapse and failure of other species that currently occupy the project site. Wetland mitigation could take many forms, including purchase of credits in an approved mitigation bank or creation and restoration of wetlands at an off-site preserve location.

9-31 The comment asserts that project development would cause hydrologic interruption of the north drainage through grading and creation of impervious surfaces.

Development in the northern portion of the project site has the potential to adversely affect intermittent drainages through changes in the timing, amount, or water quality of flows. These impacts are analyzed in the Draft EIR on pages 4.3-61 and 4.3-62. Compliance with mitigation measure BIO-10 will also include detailed analysis of project-level plans to identify acreages of impervious surfaces, zones of recharge, and other hydrological factors, and permit terms and conditions requiring maintenance of existing drainage hydrology. Further, as shown in Table 4.9-5

on page 4.9-35 of the Draft EIR, peak post-development runoff rates from the northernmost drainage (Reach R1) would be slightly reduced following small storm events and substantially reduced for larger storm events. These calculations indicate that adjacent wetlands associated with hydrologic changes from the project in the main northern drainage will receive a familiar water regime from smaller storm events and experience less flooding during larger storm events.

9-32 The comment asserts that changes in natural seepage areas or springs would adversely affect downslope wetlands.

Based on the locations of seeps mapped in Appendix E to the Draft EIR, development would not directly impact those seeps as they are located in areas designated as Open Space which drain downslope to ephemeral or intermittent drainages. While it is possible that one or more wetlands on the project site receives some water from a spring or seep, and that the seep or spring would be affected by the project, it is highly speculative to determine where those changes would occur and whether that change would cause a substantial change in a wetland on the project site. Most of the wetlands observed on the project site are far from the seeps that were mapped in Draft EIR Appendix E. However, a limited potential for changes in site seepages or springs to affect hydrology of site wetlands has been added to page 4.9-30 in the Draft EIR. Please see Chapter 3, Changes to the Draft EIR. That text notes that addition of impervious surfaces to approximately 1/3 of the project site could interfere with groundwater recharge on the project site, thus affecting seepage or spring hydrology. However, page 4.9-30 in the Draft EIR also notes that "the VESP would maintain open spaces between areas of proposed development and on-site creeks, which are the areas where alluvial materials are located" and where most groundwater recharge occurs.

9-33 The comment reiterates concerns related to hydrologic interruption on the project site and effects on wetlands.

Please see Responses to Comments 9-31 and 9-32. The term "cumulative" used in the comment appears to mean the sum total of project impacts rather than the impacts of the project when considered with other past, present and future projects. As noted in Response to Comment 9-25 and on page 4.3-61 of the Draft EIR, "the VESP includes an approximately 300- to 1,000-foot setback between proposed development areas and the two intermittent drainages on the project site, including Comanche Creek.". This substantial setback well exceeds typical development setbacks from intermittent features. However, that impact remains potentially significant because of limited direct impacts to wetlands that are not avoided, as well as some indirect effects to avoided wetlands.

9-34 The comment asserts that the Draft EIR inaccurately portrayed hydrologic connectivity between the project site and the neighboring Stonegate site. The comment asserts that culverts along the Steve Harris Memorial Bike Path hydrologically connect the two sites.

The commenter is correct that the sites are hydrologically connected; however, drainage from the project site flows through incised channels which are topographically located lower than the protected vernal pool wetlands and swales within the adjacent Stonegate preserves. Therefore, hydrologic changes to the project site would not result in impacts to the BCM populations located with the Stonegate preserves. The text on page 4.3-49 of the Draft EIR has been updated to clarify the hydrologic connection between the two properties and is provided in Chapter 3, Changes to the Draft EIR.

9-35 The comment concerns effects on BCM and the proposed mitigation measure for impacts to the species.

Please see Master Response 2.

9-36 The comment requests additional detail be provided regarding where burrowing owls will be "taken" after passive eviction required as part of mitigation measure BIO-3b.

Passive eviction or passive relocation as described in mitigation measure BIO-3b does not involve actively moving individuals; instead, the burrows are modified so that burrowing owls can leave but not re-enter the burrow. After departing, they are expected to find and colonize a new burrow or burrow complex outside the construction area but because they are not actively moved it is impossible to direct where they relocate to after passive eviction. Regarding timing of passive eviction relative to burrowing owl nesting, passive eviction techniques are only used during the non-breeding season and only after consultation with CDFW. This would prevent possibility of trapping nestlings within closed burrow complexes.

9-37 The comment provides general background information regarding the conservation status and decline of burrowing owl.

The Draft EIR identifies burrowing owl as a special-status species in Sections 4.3.1 and 4.3.3, which is indicative of the declines cited in the comment. The Draft EIR also provides mitigation measure BIO-3 to ensure that if burrowing owls are present when project development occurs (burrowing owls have not been observed on the site during surveys since 2008, Draft EIR page 4.3-51) they will be identified during preconstruction surveys and protected from disturbance.

9-38 The comment suggests methodology to conduct surveys for burrowing owl excerpted from the "California Burrowing Owl Association".

The methodology is from the California Burrowing Consortium and has been superseded by 2012 guidance by the same entity. Among the methods included in the 2012 guidance are pre-construction take avoidance surveys, which are integrated into mitigation measure BIO-3. In addition to the take avoidance surveys, mitigation measure BIO-3 includes creation of non-disturbance buffers consistent with the 2012 guidance.

9-39 The comment asserts that mitigation for impacts to Swainson's hawk should include avoidance of pesticide use during operation of the project or a buffer zone of pesticide use, presumably between developed areas and preserved areas. The comment further asserts that removal of potential habitat will have an adverse impact on the species.

The Draft EIR analyzes effects to Swainson's hawk and concludes that there are no recent nesting occurrences within 10 miles of the project site. The species tends to nest and forage on the valley floor and near agricultural operations, and loss of a portion of the grassland and oak savannah on the project site would not constitute a significant impact to the species if the species in not currently using this habitat. The project site has been subject to regular biological resource surveys over several years, including during the times when Swainson's hawks are present in California. This species is easy to detect when foraging, and if present, would have been recorded by the professional biologists conducting surveys at the site. However, mitigation measure BIO-4 is

intended to provide adequate protection to the species in the event it moves toward the foothill areas. Regarding the effects of pesticides on Swainson's hawk, the article cited in the comment addresses large-scale aerial spraying of a pesticide outside California on open ranch lands to treat massive grasshopper outbreaks. This does not describe a situation likely to occur within the project site or surrounding area.

9-40 The comment asserts that removing habitat and the species is not mitigation for impacts on western pond turtle.

As stated on page 4.3-29 of the Draft EIR, western pond turtle has a low potential to be present on the project site. Therefore, construction and other activities within the project area are not expected to affect individuals or their habitat. The Draft EIR did identify potential impacts to western pond turtle from off-site utility improvements, because there is one recorded occurrence near Comanche Creek, which does have suitable habitat for the turtle. The proposed project does include off-site improvements in this area. Impacts to western pond turtle habitat from these improvements would be temporary; thus, the most effective mitigation for these impacts is to move the individuals out of harm's way or ensure that construction does not affect them by creating and monitoring a buffer area, as the Draft EIR proposes (mitigation measure BIO-6).

9-41 The commenter reiterates information provided in Table 4.3-6 regarding cumulative impacts on burrowing owl, pallid bat and western red bat habitat. The comment also asserts that the impact to burrowing owl through habitat loss is not effectively mitigated in the Draft EIR.

While all species experience adverse effects from habitat loss, burrowing owl does not appear to be a frequent or abundant occupant of the project site. During many years of surveys, the species has been very infrequently detected. A lack of suitable burrows has been noted on the site by biologists conducting surveys, which could contribute to this lack of burrowing owl use. Therefore, the proposed mitigation to detect and avoid direct impacts to burrowing owls, if they happen to occur on the project site, is considered sufficient.

Cumulative impacts on burrowing owl and bats are addressed in Impact 4.3-5 on pages 4.3-64 through 4.3-67 of the Draft EIR.

9-42 The comment asserts that the project will cause impacts to a range of species during construction from noise, dust, pollution, and human presence; and will also cause impacts during operation due to human presence. The comment further states that the project will cumulatively contribute to loss of habitat and species.

These direct and indirect impacts were fully evaluated in the Draft EIR in Section 4.3, Biological Resources and Section 4.9, Hydrology, Water Quality and Drainage, including at a cumulative level, and mitigation was proposed to mitigate these impacts to the extent feasible.

9-43 The comment notes that the Draft EIR identifies Valley Foothill Riparian Woodland as a Sensitive Natural Community. The comment then states that the Draft EIR proposes mitigation for several impacts to species and to riparian areas.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

9-44 The commenter asserts the VESP is not a compact development due to the proposed low-density housing, and specifically calls out a section of very-low density zoning completely disconnected from the rest of the plan area on Honey Run Road. The commenter further asserts that because of the project's location and topography, the project's transportation value of the bicycle paths is undermined.

See Chapter 3, Changes to the Draft EIR for information regarding updates to the proposed project description. The VESP has been updated to eliminate the Equestrian Ridge planning area and six others along the more-sensitive Comanche Creek watershed on Honey Run Road.

Based on the National Household Travel Survey (NHTS), trips by bicycling and walking are shorter distances that would not typically be undermined by the topography of the project, given the mix of land uses in the project and the proximity of residents to goods and service. By proposing a mix of land uses and connecting them with a multimodal network of streets and trails, the project design emphasizes alternative modes of transportation and automotive trip reduction. The project would support the use of electric-powered vehicles (NEVs, EVs, scooters, etc.), bikes and footpaths to make various areas accessible, reducing the need for residents to drive in a gasoline-powered vehicle to the urban core. Including electric vehicle options on project streets and off-street paths helps residents reach areas that one might only otherwise consider driving, such as the Village Core or a nearby park.

9-45 This comment refers to the vehicle miles traveled (VMT) threshold of significance used in the Draft EIR and claims it is exaggerated by comparing the project to rural and suburban areas where there is a need to travel longer distances on a regular basis.

The City's General Plan requires an analysis of VMT for those projects requiring a traffic analysis. Specifically, Action CIRC-1.5.1 (VMT CEQA Analysis) states:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For projects that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The Office of Planning Research (OPR) Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. Senate Bill (SB) 743 requires that impacts to transportation network performance be viewed through a perspective that promotes the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. An evaluation of a project's VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions and is aligned with the objectives of Senate Bill (SB) 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory since the analysis uses the service population efficiency metric, it is important to have consistent units in the denominator of the equation. The OPR Technical Advisory does not recommend the use of a citywide average for employment land uses. The regional average is also consistent with the intent of SB 743 (i.e., to

promote the reduction of GHG emissions) and supports the Butte County 2020 Regional Transportation Plan/Sustainable Communities Strategy (RPT/SCS) 2020-2040, BCAG December 10, 2020, since it encourages development in more VMT efficient areas of Butte County, which reduces GHG. The 2020 RTP/SCS contains multiple policies supportive of VMT reduction and associated air pollution and GHG reduction. Although the plan does not contain a specific VMT reduction goal, the SCS did achieve GHG per capita recommendations in excess of SB 743 targets for the region.

9-46 The comment notes that the project's VMT is reduced due to its proximity to the City, inclusion of commercial services, an elementary school, and an age-restricted component.

The comment is accurate in that certain elements of the project, outlined below, contribute to its VMT efficiency of the proposed project:

- *Location* – The VESP is located adjacent to the City, which is VMT efficient relative to other communities in the region. A diverse land use mix that places jobs, goods, and services located close to where people live reduces VMT.
- *Land Use Diversity* – The VESP includes a mix of land uses, including local-service commercial (Village Commercial) and an elementary school. Having a good housing-jobs balance within a relatively small area reduces VMT.
- *Senior Adult (age-restricted) Residential* – The VESP includes 1,385 senior adult housing units (i.e., about 50% of total dwelling units). Senior adult housing generates about half the daily trip generation of general market-rate single family residential dwellings.
- *Medium-High Density Residential (Multi-Family)* – The VESP includes higher density residential land use, with an approximate density of 18 dwelling units per acre, located within walking distance to the Village Core and Village Commercial land use.

These factors influence the model calculations of total number of vehicle miles attributable to the project and help to reduce the project's VMT.

9-47 The comment notes that the project's VMT per service population of 26.1 is higher than the City's average of 22.4 and only a 1.4% reduction is required to meet the significance threshold.

The commenter references VMT estimates provided for the City's General Plan Update Draft Environmental Impact Report (September 2010). These estimates predate the methodology and guidance provided in OPR's Technical Advisory, which were developed using a different travel forecasting model and using a different performance metric (i.e., VMT per residential unit). The 2010 methodology did not account for travel beyond the model limits (i.e., city limits). In contrast, the project's VMT analysis used the current version of the regional Butte County Association of Governments (BCAG) travel demand forecasting model (available at the time the NOP was released), uses VMT per service population, and accounts for travel beyond the limits of the travel model. Comparison of the two VMT metrics is not consistent and does not create an 'apples to apples' comparison. In addition, the OPR Technical Advisory states that the methodology used to estimate the VMT threshold should be the same methodology used to analyze the project. Otherwise, the analysis is not meaningful.

The City's General Plan Action CIRC-1.5.1 (VMT CEQA Analysis) addresses VMT and identifies the following:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For projects that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The OPR Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. SB 743 requires that impacts to transportation network performance be viewed through a perspective that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. The analysis of a project's VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection as the recommended analysis is aligned with the objectives of SB 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory but also the intent of SB 743 to promote the reduction of GHG emissions.

The OPR technical advisory specifies that "Lead agencies should not truncate any VMT analysis because of Jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary." Accordingly, trip lengths beyond the model area (i.e., Butte County) were estimated to account for VMT beyond the model area.

9-48 The comment references the VMT projections included in the City's General Plan and the breakdown based on residents per household. Based on this approach the commenter surmises the project's VMT per service population would be 19.04 resulting in the need for a 27% reduction to attain the threshold.

As outlined in Response to Comment 9-47, comparing the VMT analysis of the proposed project to the analysis conducted for the City's 2030 General Plan does not create an appropriate comparison, since they are different metrics, were developed using different tools, and use different calculation methodologies. Therefore, such a comparison is not meaningful. However, the analysis approach used for the VESP is consistent with the City's General Plan Action CIRC- 1.5.1 (VMT CEQA Analysis), which states that VMT analysis for CEQA be performed consistent with the OPR Technical Advisory, as addressed in Responses to Comments 9-45, 9-47, and 9-49.

9-49 The commenter suggests the standard to evaluate the project's VMT should be limited to specific neighborhoods and goes on to state if the project results in an increase in vehicle trips it would affect the safety and efficiency of biking, walking, transit and will impact surrounding neighborhoods that are better suited to relying on alternative transportation modes.

Please see Responses to Comments 9-45 and 9-47 for background on how the project's VMT was evaluated. The City's General Plan policies and actions address VMT analysis. Specifically, Action CIRC-1.5.1 (VMT CEQA Analysis) identifies the following:

- Action CIRC-1.5.1 (VMT CEQA Analysis) – For project that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning Research CEQA Guidelines.

The OPR Technical Advisory includes specifications for VMT methodology and recommendations for thresholds and mitigation measures. SB 743 requires that impact to transportation network performance be viewed through a perspective that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people) and emissions so its selection as the recommended analysis is aligned with the objects of SB 743. The use of the regional average VMT per service population as the threshold applied in the analysis is consistent with the recommendations of the OPR Technical Advisory. Since service population is used as the efficiency metric, it is important to have consistent units in the denominator of the equation. The OPR Technical Advisory does not recommend the use of a citywide average for employment land uses. The regional average is also consistent with the intent of SB 743 (i.e., to promote the reduction of GHG emissions) and supports the Butte County 2020 Regional Transportation Plan/Sustainable Communities Strategy (RPT/SCS) 2020-2040, BCAG December 10, 2020, since it encourages development in more VMT efficient areas of Butte County, which reduces GHG. The 2020 RTP/SCS contains multiple policies supportive of VMT and associated air pollution and GHG reduction. Although the plan does not contain a specific VMT reduction goal, the SCS did achieve GHG per capita recommendations in excess of SB 375 targets for the region.

The commenter is concerned that if transportation improvements are not made to accommodate vehicle trips generated by the VESP that could hinder the safety and efficiency of walking, biking, and transit use and that residents of Doe Mill, Meriam Park, and surrounding neighborhoods would be disproportionately affected by VESP traffic.

A General Plan consistency analysis was conducted, and improvements recommended to accommodate development of the VESP. Therefore, consistent with the following General Plan policy and actions that address transportation improvements, the VESP would not hinder the safety and efficiency of walking, biking, and transit use in neighborhoods adjacent to the VESP:

- Policy CIRC-1.1 (Transportation Improvements) – Safely and efficiently accommodate traffic generated by development and redevelopment associated with build-out of the General Plan Land Use Diagram.
- Action CIRC-1.1.1 (Road Network) – Enhance existing roadways and intersections and develop the roadway system shown in Figure CIRC-1 (Roadway System Map) over the life of the General Plan as needed to accommodate development.
- Policy CIRC-1.2 (Project-Level Circulation Improvements) – Require new development to finance and construct internal and adjacent roadway circulation improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities.
- Policy CIRC-1.3 (Citywide Circulation Improvements) – Collect the fair share cost of circulation improvements necessary to address cumulative transportation impacts, including those to state highways, local roadways, and transit, pedestrian and bicycle facilities, through the City's development impact fee program.

Except for traffic added to E. 20th Street, project traffic is not expected to travel through Doe Mill, Meriam Park, and other nearby neighborhoods, except to access goods, services, and schools available in those neighborhoods. Regional connections to SR 99, south of these neighborhoods, also provide access to commercial areas and downtown Chico.

Each development application would be subject to review and approval by the City, including the City's Public Works and Fire Department, which would include a review of the project's consistency with the City's design criteria to ensure safe access for all system users, including access for vehicles (cars, light trucks, and trucks), bicycles, pedestrians, buses, and emergency vehicles. Development of the VESP would occur over many years; consequently, the transportation infrastructure improvements would also be concurrent with development. As development occurs, the City will require the project to construct new transportation infrastructure (vehicle, bicycle, pedestrian, and transit facilities) in and adjacent to the project site, which may include completing gaps in the existing network as needed to accommodate project travel, consistent with the City's implementation of Action CIRC 1.1.1.

All infrastructure improvements are designed in accordance with the City's Code of Ordinances Title 18R – Design Criteria and Improvement Standards which includes design criteria to ensure that residential subdivisions and non-subdivision public rights-of-way and private street improvements are designed to meet or exceed uniform levels of sound engineering practice. The design criteria address vehicle speed, sight distance, minimum and maximum roadway grade, minimum curve radius, and lighting. As part of general engineering practice, all roadway facilities would also be designed to meet applicable industry standards from the Caltrans Highway Design Manual (HDM), the California Manual on Uniform Traffic Control Devices (CAMUTCD), and The American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets.

9-50 The comment addresses the VMT assumed for the age-restricted component of the project, and questions if the reductions in VMT associated with this component of the project are overly optimistic. The comment claims that federal Office of Highway Policy Information (OHPI) data from 2017 shows that drivers aged 55-64 drive more than the other age groups.

Current information from OHPI no longer supports the claims made in this comment. The data now indicate, as one might expect, that drivers aged 35-54 drive the most (15,291 miles/year, on average), followed by drivers aged 20-34 (15,098 miles/year), then drivers in the 55-64 age group with 11,972 miles/year (https://www.fhwa.dot.gov/ohim/onh00/bar8.htm). As noted on page 4.13-24 of the Draft EIR, the trip generation rate for senior adult housing (detached) is about half of the trip generation rate of non-senior single-family detached housing. This difference is due primarily to the demographic and socioeconomics of the senior adult housing. Households with older demographics travel less. The lower travel characteristics are due, in part, to fewer workers per household but also due to fewer people per household. The surveyed sites (*Trip Generation Manual 10th Edition* [Institute of Transportation Engineers, 2017]) used to develop the senior adult trip generation rate includes a range of residential developments with very active, working residents to communities with older, retired residents. These data have been collected over time, so they account for the change in travel behavior of older drivers referenced in the comments (Summary of Travel Trends, 2017 National Household Travel Survey, FHWA). A project's VMT is calculated by multiplying trip generation by trip length. Given the diversity of the surveyed sites used to develop the trip generation rate, it is appropriate for this application.

9-51 The comment provides information specific to retirement age assumptions as it relates to the age-restricted component of the project and suggests that due to a variety of factors people are working longer increasing the potential for an increase in VMT.

Please see Response to Comment 9-50. The data that support the trip generation rates used in the Draft EIR are based on existing survey data, and therefore provide a reasonable approach to assessing project impacts compared to existing conditions, as required by CEQA (Guidelines Section 15162.2(a)).

9-52 The comment references an article that correlates household income with vehicle trips.

Please see Response to Comment 9-50. The surveys conducted with respect to trip generation included a range of income levels and would therefore account for differences between the earnings of various households.

9-53 The comment claims the project's VMT, which factors in proximity to commercial services and access to transit, is underestimated and not supported by transit ridership or market analyses. The comment goes on to discuss residential density in asserting that transit is not feasible for the project.

The analysis of the project's VMT provided in Section 3.14 of the Draft EIR did not include reductions for transit service because the project does not include the expansion of transit services to the project site. Therefore, the project's VMT analysis is not underestimated.

As discussed under Impact 4.13-3 starting on page 4.13-21 of the Draft EIR, the Butte Regional Transit B-Line bus service receives funding from state sources (Transit Development Act [TDA] funds), federal sources (Federal Transportation Administration), and through fare collection. State and federal funds are generally allocated based on population, with a portion of TDA funds derived from a ¼-cent general sales tax and a sales tax on diesel fuel. Therefore, development of the proposed project would increase funding for transit, through these sources, because of population growth. Butte Regional Transit's 2019/2020 operating budget identifies proposed non-operating revenue from state and federal sources totaling about $8.6 million.

The need to extend the B-Line to serve more areas accessible to the VESP would be a function of demand and under the discretion of Butte Regional Transit as part of an evaluation of the overall transit system. As discussed on page 4.13-7 of the Draft EIR, transit routes near the proposed project site generally have low demand and productivity. Therefore, excess seating and standing capacity would be available.

In order to accommodate the potential extension of transit service to serve the project, the VESP includes actions that would support and accommodate transit service. Specifically, Action C-1.5 promotes locating commercial land uses at the western edge of the plan area to facilitate public access by transit to the project's commercial land use; Action C-1.8 creates a park-and-ride lot in the western part of the project site to encourage use of transit; and Action C-1.9 addresses the placement of transit stops within the plan area.

The VESP proposes bus stops that would be included in the Village Core and at the elementary school and community park with final designs and locations to be determined in coordination with BCAG at the time of improvement. In addition, a park and ride lot would also be located at the community park and would act as a hub for commuters and carpoolers. The proposed project is designed to encourage and support access to transit, so it would not adversely affect public transit operations or fail to adequately provide access to transit.

9-54 The comment asserts that the Draft EIR lacks an analysis of the feasibility of basic retail services, and states that the types of commercial uses likely to develop in the project site would consist of specialties that people travel to access.

The Draft EIR analyzes the project as proposed, which includes the provision of commercial services within the core of the plan area. The stores and services that are established would depend on demand and other factors. However, it is the intent of the proposed project to provide neighborhood-scale services in the Village Core, such as small retail shops and services, and food and beverage establishments, that would serve the local population. The Village Commercial areas would provide a broader mix of uses. Future proposed uses that substantially modify the project as analyzed in the EIR may require further environmental review pursuant to Public Resources Code section 21166.

As noted in the Draft EIR on page 4.13-17, the project's VMT analysis was developed using a modified version of the Butte County Association of Governments (BCAG) travel demand forecasting model that was developed for the preparation and analysis of the 2016 Regional Transportation Plan/Sustainable Communities Strategies. The use of the BCAG travel demand model accounts for the intersection between employment land uses within the project and employees coming from outside of the project site. The reverse interaction is also accounted for in the modeling. Therefore, the VMT analysis accounts for employees coming from outside of the project site to work in the proposed commercial uses and the VMT analysis is not underestimated.

9-55 The commenter asserts that the Draft EIR does not reflect a "good faith effort at full disclosure" of the project's VMT because the approach used does not "generate a fuller and more accurate estimation of VMT impacts."

The commenter's opinion is noted and forwarded to the decision makers for their consideration. The transportation analysis included in Section 4.13, Transportation and Circulation of the Draft EIR uses the most current tools available to evaluate the project's VMT including methodologies outlined in OPR's Technical Advisory. Please also see Responses to Comments 9-44 through 9-54.

9-56 The comment asserts that the Draft EIR inadequately analyzes impacts to groundwater recharge of the shallowest aquifer, which supports the area's groundwater dependent ecosystems, including riparian and aquatic ecosystems, as well as City's urban forest and valley oak woodlands.

As indicated on page 4.9-25 of the Draft EIR, impacts would only be considered significant if the project interferes *substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin*. As indicated on page 4.9-30, both the Preliminary Hydrogeologic Assessment (GeoPlus 2010) and the Preliminary Geotechnical Investigation Report (Draft EIR, Appendix E) support the conclusion that the site is underlain by impermeable bedrock. However, shallow localized aquifers are present beneath major drainages/ creeks, as well as possibly along boundaries between rock types.

Plate 3 of the Geotechnical Report illustrates that, with the exception of Quaternary Upper Modesto Formation mapped at the surface within two largest on-site drainages, the site is underlain by impermeable, lithified lahar rock (Unit C) of the Tuscan Formation, which inhibits the percolation of surface water. Unit C of the Tuscan Formation is estimated to be approximately 200 feet thick on site. This rock unit also acts as an aquiclude and thus confines groundwater to underlying, more permeable aquifers.

The Modesto Formation consists of older stream deposits and is permeable and capable of transmitting surface waters to shallow groundwater within the two drainages identified in the Preliminary Hydrogeologic Assessment. However, the project design would prevent construction within these drainages and allow recharge in the creek/drainage areas.

Similarly, the Preliminary Geotechnical Investigation Report indicates that the site is underlain by Unit C of the Tuscan Formation, with an estimated thickness of 150 feet in the site vicinity. Similar to that observed in the Preliminary Hydrogeologic Assessment, lenses of conglomerate and channel fill deposits were observed in a few areas within eroded stream channels. These permeable deposits were estimated to be only 2 to 8 feet thick, overlying impermeable Tuscan Formation. However, several springs/seepage areas were observed off the main drainages, indicating that localized shallow groundwater is present. These seeps appear to be related to boundaries between individual impermeable lahar units and more permeable sedimentary conglomerate lenses. Concentrations of trees along lahar unit boundaries at slope breaks indicates that seasonal shallow groundwater flows along the boundaries. In addition, many of the trees on the broad mesa areas are located along rock fractures or at fracture intersections, indicating that the fractures act as pathways for seasonal shallow groundwater flow.

Because the project design would collect storm water runoff from largely impervious areas of the developed site and retain the water along existing streams the effect of development would be neutral or beneficial to groundwater recharge in the drainage areas. Construction of impervious surfaces could occur over some of the rock fractures in the area, however, the addition of irrigated landscapes over other rock fractures may introduce new water sources for isolated areas of shallow groundwater.

The environmental threshold under consideration relates to potential denied recharge that could impede sustainable management of the underlying groundwater basin. Any denied recharge of isolated pockets of shallow groundwater beneath the site would not impede sustainable groundwater management of the Tuscan Formation aquifers (Units A and B) lying beneath the thick, impermeable lahar rock units of Unit C. However, biological impacts could occur as a result of shallow aquifer denied recharge. See Response to Comment 9-32 regarding effects to biological resources resulting from changes in seeps or springs on the project site. For the above reasons, the Draft EIR adequately analyzes the project's potential impacts to groundwater recharge.

9-57 The comment indicates that the Draft EIR fails to acknowledge where the impermeable Lahar bedrock is absent and potentially conducive to groundwater recharge. The comment requests preparation of a map illustrating areas of impermeable Lahar overlain by the proposed development, to further demonstrate that significant groundwater recharge is not occurring.

Please see Response to Comment 9-56 above. In addition, a new figure, Figure 4.9-2 has been added to the Draft EIR, illustrating that the proposed development would not overlie areas of alluvium that allow recharge of shallow, isolated groundwater, which in turn supports trees. See Chapter 3, Changes to the Draft EIR, for the new figure.

9-58 The comment asserts that project impacts on water quality are significant and that thorough analysis justifying the conclusion of less than significant is absent. The comment also asserts that the buffer zones along creeks and certain design considerations do not reasonably justify the finding of less than significant.

Potential project-related water quality impacts during future project operations are qualitative in nature, as nonpoint source stormwater runoff during operation of development projects such as the proposed project are not yet measured or quantified. Rather, the impact analysis on page 4.9-28 of the Draft EIR, *Project Operation Effects on Surface Water Quality*, describes in detail how qualitative water quality impacts would be avoided or substantially reduced through compliance with the following: (1) VESP actions/goals, which require runoff to be treated prior to discharge into natural drainages, and promote the preservation of natural features, including creeks, and which require "avoidance by design" strategies and the preservation of open space, (2) compliance with Phase II MS4 Permit requirements, as described in Section 4.9.2, Regulatory Setting; and (3) components of the Project Description, as described in detail in the second paragraph of page 4.9-29, including but not limited to vegetated creek setbacks, which provide areas where pollutants in stormwater can be filtered by vegetation, and immobilized and decomposed by bacteria in the soil, thereby reducing the pollutant load in runoff water entering on-site creeks.

As concluded on page 4.9-29, "Compliance with the Phase II MS4 Permit post-construction stormwater management requirements and conformity with VESP goals, actions, and development standards would minimize the discharge of urban pollutants from future projects within the VESP area into receiving waters. Consequently, the potential for the development of the VESP to degrade water quality would be less than significant."

The Draft EIR's discussion of environmental impacts on water quality during project operations is adequate and sufficient in that the discussion and does the following: (1) reasonably describes the nature and magnitude of the adverse effect, and (2) sufficiently performs the function of facilitating informed agency decision-making and informed public participation. To that end, the Draft EIR justifies that the design considerations are adequate to protect water quality from pollutants resulting from future project operation.

9-59 The comment asserts that the Draft EIR does not prove that project design buffers from creeks would reduce water quality impacts to less-than-significant levels.

Please see Responses to Comments 9-34 and 9-58.

9-60 The comment asserts that there is no guarantee that the best management practices or BMPs and low impact design or LID features would be successfully implemented throughout the entire project. The comment further asserts that the Draft EIR failed to provide adequate mitigation or justify that the design considerations are adequate to protect water quality and suggests the impact should be potentially significant or significant and unavoidable if the concerns analyzed above (see Comments 9-58 through 9-60) are not rectified.

Please see Response to Comment 9-58 above. In addition, as specified in the last paragraph of page 4.9-28 of the Draft EIR, individual projects and permits completed under the VESP would be reviewed by the City and the Homeowners Association for conformance with VESP actions/goals and Phase II MS4 Permit requirements. These processes would ensure that appropriate BMPs and LID features are implemented over time throughout the project.

9-61 The comment asserts that any increase in electricity consumption at the project site increases the potential for PG&E to shut off power or to have rotating outages to reduce the risk of wildfire and asserts that the project site is listed as a potential Public Safety Power Shutoff (PSPS) area due to high fire risk.

PSPS events do not occur in response to rising electricity demands, they are undertaken during high wind events when trees or debris is more likely to damage existing electric lines and cause wildfires. As of July 2022, the project area is not shown within a potential PSPS area on the web link provided in this comment. The Draft EIR evaluates and quantifies the project's increase in energy demand in Section 4.5, Energy. The analysis evaluates whether the project would result in an impact due to the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, or obstruct or conflict with a state or local plan for renewable energy or energy efficiency. The potential for rotating power shut offs and how it may or may not be affected by project-related energy use is speculative, depends on a host of factors outside of the City and applicant's knowledge and control, and there is no threshold or other criterion to evaluate if temporarily shutting off power to the project would result in a potential environmental impact. The Draft EIR evaluates the project's increase in energy demand and if the project would conflict or obstruct with an adopted renewable energy or energy efficiency plan under Impacts 4.5-1 and 4.5- 2 starting on page 4.5-19. The analysis, as provided, adequately addresses potential impacts associated with the project's increase in energy demand in compliance with CEQA.

9-62 The comment asserts the project's generation of photovoltaic or solar power is not provided so the project's energy demand is not accurate. The comment also suggests the addition of batteries to store the solar power generated as part of the project would help offset the likelihood of rotating outages.

The Draft EIR evaluates the project's increase in energy demand associated with operation assuming compliance with the 2019 Title 24 Building Efficiency Standards (Draft EIR p. 4.5-18). It is not known how much of the project would install more than the minimum amount of rooftop solar or other solar installations and buildout of the VESP. As noted on page 7-7 of the VESP, incremental development "would occur over an extended period of time, and in response to market demand and other economic forces." Part 6 of Title 24 of the California Code of Regulations, which includes Title 24 is updated on a regular basis and all development would be required to comply with whatever version of the Building Standards is in place at that time. It is anticipated the energy efficiency standards will become more efficient over time and subsequent phases of the project would realize even greater energy efficiency than the current 2019 Building Efficiency Standards. Therefore, it is not feasible to quantify the project's generation of energy from solar.

9-63 The comment notes the Draft EIR does not specify the required number of electric vehicle (EV) chargers nor if the charging locations would be accessible.

See Response to Comment 9-62. Compliance with CALGreen and other portions of Title 24 of the building code is assessed at the time of building permits, including details specific to the location and number of EV chargers. All new multi-family units and non-residential buildings would be required to obtain additional approvals from the City as explained in Chapter 2, Project Description. In addition, subsequent development would be required to comply with the version of Title 24 in effect at the time, which includes accessibility requirements.

9-64 The comment is referencing carbon sequestration and asserts the EIR must address this concern, in accordance with CEQA.

Please see Responses to Comments 9-1 and 9-2 that address carbon sequestration.

9-65 The comment is requesting the Draft EIR include a population and housing section to address population growth and increased demand on services.

The reasonably foreseeable direct, indirect, and cumulative impacts associated with developing new residential units and the addition of new residents are addressed throughout the Draft EIR in Sections 4.2 through 4.14. The Draft EIR evaluates direct impacts due to land disturbance and construction activities to develop new residential and commercial uses in Sections 4.3, 4.3, 4.4, 4.6, 4.7, 4.8, 4.9, 4.10, 4.13, and 4.14. The increase in demand for energy, public services and utilities is evaluated in Sections 4.5, 4.11 and 4.12. The growth inducing impacts of the project associated with extending infrastructure to serve the project site and development of new residential and commercial uses are evaluated in Chapter 5, CEQA Considerations starting on page 5-3. Inclusion of a separate population and housing section is not required because the project's reasonably foreseeable direct, indirect, and cumulative impacts due to an increase in population have been adequately addressed in the Draft EIR.

9-66 The comment claims the specific plan's proposed mix of land uses conflicts with state and local goals and policies associated with housing and environmental justice because housing units will likely sell to buyers within income categories for which the City has already met its regional target. The comment also asserts that the cost of housing will further increase as a result of homeowner association (HOA) membership fees required of future homeowners.

The comment makes general references to goals and policies associated with housing and environmental justice in relation to the proposed mix of land uses in the project and does not raise any issues pertaining to the adequacy of the environmental analysis contained in the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The specific price points for housing within the project site cannot be known at this time. However, the proposed project includes a range of housing types and densities, so it can be assumed that there would be a range of housing prices. It is not known at this time if the project would be developed with or without any affordable housing, or that such an outcome would conflict with the City's Regional Housing Needs Assessment (RHNA) requirements or any other state or local goals or policies associated with housing and environmental justice. The project is not required by any state or local goal or policy to provide affordable housing.

Regarding HOA dues and maintenance obligations, it is important that the project's HOA cover the costs associated with vegetative fuel reduction in the open space areas and maintaining the proposed trail system, electric vehicle (EV) lanes, water features and other common areas benefitting residents within the project. It is true that HOA dues would increase costs for homeowners within the project. However, it cannot be assumed that because future owners or residents within the project would be required to pay their fair share for access to shared facilities, the project would conflict with goals and policies pertaining to housing and environmental justice. Without more specifics on which goals or policies are referenced by the commenter, no further response can be provided.

9-67 The comment contends that residents of the 9-acre apartment site will be required to pay HOA costs for maintaining services and infrastructure serving other areas of the project site. The comment refers to this as an example of "inequality of return on public services" that contrasts unfavorably when compared to the Meriam Park project.

The comment raises an economic concern that does not address the adequacy of the environmental analysis contained in the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

It is speculative to assume how HOA dues may factor into rents or condominium ownership obligations for future apartment residents within the Valley's Edge project. Some form of HOA dues may apply to apartment residents in the future, however, HOA dues paid by residents of the 9-acre apartment site for improvements or services would directly benefit the residents. The structure and membership of the HOA is not known at this time. The apartment site might become part of a property owners association (POA) along with commercial owners within the Village Core, entirely separate from the HOA for the low- and medium-density residential areas. The determination of what type of homeowners or property owners' association would be required would be made in by the developer in the future.

9-68 The comment references General Plan Goal LU-6 (which states: "Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs,") and contends that the project is not tailored to meet state housing targets for producing affordable housing. The comment points to the need for available/suitable land to provide affordable housing units and claims that the project site represents the last area proposed for development in the foothills south of Little Chico Creek.

The proposed project's land use plan seeks to meet housing and job needs by accommodating multiple levels of residential density and including a mix of land uses that would provide flexibility for project buildout and reduce external vehicle trips (or vehicle miles traveled) relative to a single-use development. The project is not intended to resolve the City's needs for specific types of housing or industry; rather, it seeks to provide a long-term inventory of land for residential and non-residential development to benefit Chico.

It is premature at this time to theorize if, or how much affordable housing would be constructed within the project. For example, no affordable housing was initially identified for the Oak Valley Subdivision when it was approved in 2005, and as of 2022 approximately 350 affordable housing units are under construction. Similarly, no affordable housing projects were known for the Northwest Chico Specific Plan (NWCSP) when it was approved in 2006; however, in January 2022, the City approved a second affordable housing project within the NWCSP area, raising the total number of affordable units to over 150 units. The production of affordable housing is directly tied to the availability of funding and the availability of land located in proximity to amenities and infrastructure for a project to be competitive to receive public funds. Typically, multiple sources of public funding are needed to bring affordable housing projects to fruition. Notably, multi-family residential is permitted up to 35 units per acre in both the Village Core and Village Commercial districts in the draft specific plan, so dense residential uses are not limited to the identified 9-acre multi-family site.

The VESP, beginning on page 4-41, spends several pages articulating a vision for "Workforce/ Attainable Housing," which means workforce housing and housing attainable for seniors across income spectrums or entry-level home buyers, also referred to as "Missing Middle Housing" or "affordable by design housing." The specific plan illustrates and describes several modest housing types that would be developed in areas zoned R2 (Medium Density Residential) within the project

to produce lower cost housing (i.e., attached and detached cottages, patio homes, small lot homes, nested homes and courtyard homes).

The commenter's statement that the project site represents the last area proposed for development in the foothills south of Little Chico Creek is noted. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

9-69 The comment lists the City's 2014 RHNA numbers for affordable housing requirements and claims that the project is not responsive to those needs. The comment provides relative percentages for the proposed land uses within the VESP and notes that the City's 2014 Housing Element (Adequate Sites Inventory) included twice the acreage (17 acres instead of the 9 acres proposed) of Medium-High Density Residential for this Special Planning Area. The comment points out that Medium-Density Residential acreage remained about the same (91 acres) and that the VESP provides more acreage than anticipated by the 2014 Housing Element for low and very low density residential, which will serve above-moderate income households. The comment concludes that the need for affordable housing has grown more acute, and the VESP will provide less land for affordable housing than forecasted by the General Plan.

The comment focuses on the VESP land use plan and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration. The comment references the 2014 RHNA and Housing Element, which is superseded by the 2022 RHNA and Housing Element. Though affordable housing may be developed within VESP, the Adequate Sites Inventory for the 2022 Housing Element Update does not include sites from the project to demonstrate RHNA capacity for the city.

The VESP land use plan is designed, in large part, to minimize potential viewshed impacts of new development to surrounding areas. This design intention is reflected in the open space buffers and less-dense housing located near the northern, eastern and southern sides of the site, and by limiting the placement of Medium-High Density Residential (in which three-story development is expected) to the lower elevations adjacent to the Steve Harris Memorial Bike Path. This lower portion of the project site would also support the community park, elementary school, Village Core and Village Commercial, which both limit space for placement of Medium-High Density Residential development and surrounds it with complementary land uses.

This comment misses two notable facts about the future potential for affordable housing to be developed within the project: (1) affordable housing can be developed in areas designed for single-family residences, not just multi-family apartment buildings (see Martha's Vineyard, Habitat at 19th Street, Habitat Greens and Manzanita Pointe projects, listed in Table 2 of the 2014 Housing Element), and (2) the "Village Core" and "Village Commercial" areas within the project comprise over 56 acres of land where multi-family housing would be allowed by right, up to 35 units per acre (possibly higher, depending on the applicability of state Density Bonus laws). These commercial areas are situated at lower elevations and adjacent to the 9-acre Medium-High Density Residential site, offering flexibility for project build-out. See Appendix C of the VESP for a complete listing of permitted and conditionally permitted land uses within the specific plan area.

Therefore, the commenter is incorrect that only 1.5% of the land use plan contains designations that can serve the needs of lower income groups. Within the VESP there would be more opportunities to provide affordable housing than only the 9-acre site zoned Medium-High Density Residential.

9-70 This comment expresses a concern that limiting higher density housing to 9-acres will preclude opportunities for affordable housing providers to arrange for public subsidies and other incentives. The comment claims that ongoing pressure to satisfy low-income housing needs will induce the City to seek new growth areas during later stages of the project. The comment goes on to claim that the Draft EIR must acknowledge that the proposed land use plan is not commensurate with the use of government subsidies for below-market housing and concludes by asserting the Draft EIR lacks any analysis of the impacts of the project on the City's housing targets.

As stated in Responses to Comments 9-68 and 9-69, above, affordable housing can be built elsewhere within the VESP besides the proposed 9-acre Medium-High Density Residential site, and the project would include a variety of workforce housing types that would not be deed-restricted to meet specified income levels but are nonetheless relatively affordable compared to typical new units. As noted on page 2-38 in Chapter 2, Project Description, of the Draft EIR, the project does not require development to occur in any sequence, so it may not occur in the numerical order shown on Figure 2-12 in the Draft EIR. It is also noted that Figure 2-12 of the Draft EIR has since been updated (see Chapter 3, Changes to the Draft EIR for the revised figure) and should match Figure 7-1 from the VESP ("Phasing Map"). Figure 7-1 from the VESP shows the 9-acre apartment site in "Multi-Generational Phase 2, Mid," which indicates development of the 9-acre site in a second phase. However, the same caveat applies, and actual project phasing may not follow the numeric sequence shown on the conceptual phasing figures.

It is not confirmed that the 9-acre apartment site would be developed too early in the project for affordable builders to plan the site for other affordable housing projects, and it is incorrect that the 9-acre site would be the only location within the VESP site where affordable housing could be developed. Without the support for these prior claims, it is speculative to assume that limiting the application of the Medium-High Density Residential land use designation to nine acres within the VESP site would induce the City to seek new growth areas. There is no precedent to support claims that failing to obtain affordable housing in a particular planning area subsequently resulted in the need for the City to seek out other growth areas to make up for the lost opportunity to construct affordable housing. Lastly, land designated for a school, commercial core, and multiple parks will enhance scoring opportunities to make the site desirable for affordable housing funding and tax credits. As noted previously, multiple opportunities for development of future affordable housing within the VESP would exist if the project is approved as proposed.

9-71 This comment claims that having one large HOA burdens residents with the costs of design inefficiencies considered unacceptable for the City as a whole. The comment also alleges that allowing a restricted-access HOA over the entire project area insulates the City from the obligation of maintaining some basic infrastructure and that burden is passed on to the residents.

This comment deals with economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The "design inefficiencies" asserted in the comment are discussed in Responses to Comments 9-72 and 9-73, below.

Having the HOA be responsible for maintaining certain infrastructure within the project is an alternative to having those costs borne by the City as a whole. The HOA (or similar localized funding mechanism) would be responsible for funding the maintenance costs of shared facilities within the project site because residents have a vested interest in ensuring the facilities are maintained. Although specialized infrastructure can be inefficient (and inequitable) to manage on a citywide basis, it doesn't necessarily follow that those features are inefficient to manage at an HOA level.

As explained in Section 7.3.6 of the VESP, the HOA would be responsible for maintaining the "infrastructure elements such as private roadways, storm water facilities, utilities, landscaping, street lighting, signage and other such facilities and amenities." Maintenance costs for these types of infrastructure features are required of the property owners within most newer projects in the City, either through creation of an HOA, formation of a Chico Maintenance District (CMD), or a Landscape and Lighting (L&L) District, or similar mechanism. Similar to a neighborhood park, the responsibilities fall upon the property owners within the benefitting area to fund the maintenance and replacement costs for these types of basic infrastructure. The approach of establishing a localized benefit district to carry ongoing costs is not new or unique to the project, and identification of an HOA as the funding mechanism for shared facilities does not support the notion that the project includes design inefficiencies.

9-72 The comment describes the arrangement of proposed land use designations along the main collector street within the project and claims it marginally reflects the characteristics sought by the General Plan for an efficient and sustainable land use pattern, such as "mixing of uses, diversified housing types, clustered development, [and] design for 'complete neighborhoods.'" The comment contrasts the mix of land use designations proposed along the main collector with "the periphery east of the main collector" which does not reflect those characteristics sought by the General Plan. The comment asserts that infrastructure serving the project core is required for access and servicing of development on the higher elevations (except Equestrian Ridge), but the inverse is not true. Lastly, the comment suggests that design inefficiencies attributable to the eastern side of the project will unfairly burden residents along the main collector on the west side of the project.

This comment provides opinions regarding the proposed land use plan and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration. It is true that the VESP contains a mix of uses that embrace development characteristics sought by the General Plan to achieve an efficient and sustainable land use pattern, and this is most clearly seen along the project's main collector roadway. However, contrary to the commenter's opinion, the contiguous areas that extend toward the project's eastern periphery are appropriately considered separate and apart from the mixed-use core of the project, as those residential uses will be important to support the viability of the mixed-use commercial core area.

Regarding the concern that residents on the west side of the project will be unfairly required to pay for the maintenance of basic infrastructure on the east side of the project, state law prohibits

leveeing assessments on residents for improvements from which the assessed residents do not benefit. Future assessments for infrastructure maintenance are required to bear a reasonable relationship to the benefits associated with that infrastructure. Please also see Responses to Comments 9-67 and 9-71.

9-73 The comment asserts that, in addition to the geological constraints, the project includes features that would increase the cost of living with no ability to opt for a more-affordable lifestyle (citing wildfire suppression systems, park with a private lake, and other indoor and outdoor recreational facilities). The comment suggests more development in the higher elevations of the site would require more services and facilities. The comment references California Park, where HOA dues apparently include "rigorous landscaping and private security."

This comment deals with opinions regarding the proposed land use plan and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

As stated in the Response to Comment 9-66, it is important that the project's HOA cover the costs associated with vegetative fuel reduction in the open space areas and maintaining water features and other common areas that will benefit project residents more than they would benefit members of the Chico community at large. It is not disputed that new development, whether into higher elevations or in undeveloped areas, results in an increased demand for services and facilities.

9-74 The comment claims the distribution of expenses for private amenities cannot be squared with many of the goals and policies of the City's 2014 Housing Element, or the stated purpose for Special Planning Areas "to meet the city's housing and job needs."

The comment generally references the City's 2014 Housing Element policies and does not call out any specific policy with which the expense of providing private amenities is inconsistent. The Draft EIR addresses consistency of the project with the 2014 Housing Element goals and policies pertaining to development projects on pages 3-23 and 3-24 in Chapter 3, Land Use and Planning. The analysis finds the proposed specific plan is generally consistent with Housing Element goals and policies as follows:

- The VESP includes a range of housing types to address a range of income levels (Goal H.3).
- The VESP includes a mix of commercial and office uses to serve the needs of project residents. The project is generally consistent with this policy because 477,155 square feet of neighborhood-serving commercial uses are proposed (Policy H.3.1).
- The VESP includes a mix of single-family and multi-family units at a range of densities, housing for seniors, and also smaller work force housing units (Policy H.3.3).
- It is anticipated some of the multi-family housing units may be available as rentals (Policy H.3.4).
- The project includes a range of housing types to meet the needs of both families and seniors. Specific housing types are not available at this time (Goal H.4).
- It is anticipated the senior housing would be ADA accessible and other units may also meet ADA requirements; however, specific housing types are not available at this time (Policy H.4.1).
- The project includes housing for seniors 55+ (Policy H.4.4 and Action H.4.4.1)

The Draft EIR addresses consistency of the VESP with General Plan goals and policies pertaining to Special Planning Area's providing for the community's needs on page 3-18. The analysis finds the proposed specific plan is generally consistent with Land Use Element goals and policies as follows:

- Goal LU-6: *"Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs,"* the Draft EIR finds the VESP consistent as the project includes a Specific Plan that provides a comprehensive plan consistent with General Plan direction for Special Planning Areas.
- Policy LU-6.1: *"To meet the City's growth needs, support development in the following five Special Planning Areas: Bell Muir, Barber Yard, Doe Mill/Honey Run, North Chico, South Entler,"* the Draft EIR finds the VESP consistent as the project proposes a Specific Plan to develop SPA-5, Doe Mill/Honey Run.
- Policy LU-6.2: *"Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs,"* the Draft EIR finds the VESP generally consistent as the proposed project includes a Specific Plan that provides a more refined land use plan, infrastructure phasing plans and financing and implementation plans. The Specific Plan includes a range of housing options and densities for ownership and rental including for individuals 55+. The Draft EIR prepared for the project evaluates the environmental impacts associated with construction and operation of the project. Based on the Draft EIR impacts would generally not be significantly greater than what was identified in the General Plan EIR.

None of the 2014 Housing Element or General Plan goals or policies pertaining to SPAs or providing for the needs of the community discourage development projects from incorporating amenities that may increase the marginal cost of living there.

9-75 The comment claims that the project layout, in relation to the Southeast Chico neighborhoods, would generate conditions for a concentration of poverty resulting in environmental justice issues. The comment describes certain neighborhoods and development projects in southeast Chico, tracing a line from the City's disadvantaged communities of Chapman and Mulberry, through an area "of largely moderate and low-income housing stretching from Highway 32 south to the regional commercial stores, continuing along Notre Dame Boulevard to Forest Avenue [featuring] a mix of apartments, townhomes, and compact single-family homes." The comment praises Meriam Park as developing "into one of the most compact and livable communities in Chico," and notes that the presence of affordable housing has drawn public grant funding to make infrastructure improvements in the area. The comment compares those nearby areas to the proposed project by concluding: "development of high-income restricted access communities with separate provisioning for maintenance of basic infrastructure in the foothills above more compact and affordable neighborhoods reliant on municipal services entails some likely adverse impacts on the latter."

With regard to the "likely adverse impacts" associated with infrastructure to serve development in the foothills, please see Responses to Comments 9-76 through 9-78, below. It is true that much growth is occurring in southeast Chico as of 2022, including several affordable housing projects in and around Meriam Park. The project is not considered "above" more compact and affordable neighborhoods. The VESP presents a land use mosaic appropriate for development in the foothills, in addition to other development types.

CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). A social or economic change related to a physical change (e.g., urban decay) may be considered in determining whether the physical change is significant (CEQA Guidelines Section 15382). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The comment does not indicate if or how such environmental impacts would result from the socioeconomic effects that are cited concerns raised in the comment. An analysis of housing types is not a CEQA issue and is not required to be evaluated in the Draft EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

Claims that project will be "high-income restricted access" are refuted by information contained in the Draft EIR in Chapter 2, Project Description, which enumerates 36 acres for a community park and 10 acres for an elementary school. The project also includes 420 acres for a regional park and 178 acres for creekside greenway and linear parkland. It is clarified in the VESP on page 3-24 that *"the Regional Park would be offered for dedication to the City of Chico. Unless and until such time as the dedication of land is accepted, the Regional Park will be owned, maintained, and managed by the Valley's Edge HOA, during which period access would be open to planning area residents and guests, as well as non-resident members registered with the Valley's Edge HOA."* Members of the public may obtain a non-resident membership to use the 420-acre Regional Park (and likely the creekside greenway network) from the HOA, and the HOA is allowed to administer basic rules and ensure proper disclosures for non-resident users. The exact nature of these conditional use arrangements is not known at this time. It is anticipated that, in general, the public would have access to these open space areas; however, individual access can be revoked if someone is found abusing their access privileges.

Compared to the existing condition in which the entire 1,448-acre project site is private property with no rights for public access, the project affords an opportunity to gain conditional public access to hundreds of acres of open space, significantly increasing recreational opportunities for the general public in southeast Chico.

Please see Response to Comment 9-72 for an explanation of why the infrastructure provisioning plans for the project do not substantially differ from other newer subdivisions in terms of maintaining basic infrastructure. It is not a matter of the infrastructure being inefficient, it's a result of the City's improved practices over the years to require maintenance of various components of infrastructure serving a particular subdivision to be financed by the property owners within that subdivision.

9-76 This comment asserts that project impacts related to air quality, aesthetics, transportation, and biological resources and diversity would affect those "communities lying beneath Valley's Edge", and that adopting overriding considerations to justify the project would place an unfair burden on the southeast Chico neighborhoods which is not addressed in the Draft EIR. The comment goes on to claim that impacts are made worse by the city street network that favors high volumes of high-speed traffic on arterial roadways, which is also where Chico concentrates multifamily zoning, which in turn exposes residents to higher levels of contaminants, noise, and traffic danger. The

comment claims that the Bruce Road Widening Project is needed, in part, as a result of anticipated traffic from the project and that the roadway improvement project would negatively affect access between Oak Valley and Doe Mill with Meriam Park. The comment suggests that it would be helpful for the Draft EIR to explicitly acknowledge that impacts related to air quality, aesthetics, transportation, and "biological wealth and diversity" would be more pronounced for neighborhoods near the project site as opposed to neighborhoods that are more distant.

Project impacts do not necessarily radiate outward from a project site, however; it depends on the impact. Some impacts, such as air emissions, GHG's and water demand would have a diffused effect, while others would be site specific.

Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The direct and indirect impacts related to air quality, aesthetics, transportation, and biological resources are addressed in Sections 4.1, Aesthetics, 4.2, Air Quality, 4.3, Biological Resources, and 4.13, Transportation and Circulation. Implementation of the project would result in significant and unavoidable impacts to the existing visual character or quality of public views of the site and its surroundings under both project level and cumulative conditions, greenhouse gas emissions, and conflict with a plan, policy, or regulation to reduce greenhouse gas emissions. Preparation of a Statement of Overriding Considerations would be required for these impacts.

The project would have greater impacts to the adjacent neighborhoods of Belvedere Heights, Hillview Terrace, Stilson Canyon and Horse Run Lane off Honey Run Road, which have been identified in the Draft EIR. Moving outward from there, project impacts (e.g., short-term construction air emissions, greenhouse gas emissions) would extend to the Doe Mill, Olive Grove Estates, New Dawn Circle and Skyway Park neighborhoods. Meriam Park, Parkway Village and Banner Peak Drive would be the next closest, rounding out the main neighborhoods within one mile of the project site. These are all more affluent neighborhoods located closer to the project site than the less affluent neighborhoods and disadvantaged communities identified under Comment 9-75. Thus, some neighborhoods may experience greater impacts due to their proximity to the project site, but that does not mean the project would have disproportionate impacts on neighborhoods comprised of low-income and/or minority residents.

Regarding the Bruce Road Widening Project, CEQA no longer requires an analysis of level of service on local roadways so an analysis of whether or not the project would contribute to the need to widen this road is not evaluated. However, it appears the comment mistakenly links the need for the Bruce Road Widening Project to increased traffic from the project. The Bruce Road Widening Project was identified as needed infrastructure dating back to the 1994 Chico General Plan, in anticipation of development planned at that time. The project site was not contemplated for development or included within the City's Sphere of Influence for the 1994 Chico General Plan. Therefore, while capacity improvements on Bruce Road will help reduce traffic congestion including traffic from the project, the Bruce Road Widening Project is needed and will proceed independently from the project.

9-77 This comment claims that neighborhoods in southeast Chico will "be prone to decline into a condition of environmental disadvantage" due to reliance on the automobile if the project is permitted. The comment goes on to assert that project traffic would inhibit local connectivity

limiting access and connection to the natural environment. The second part of the comment states that affordable housing projects rely on public subsidies which are based on various factors and asserts that the project would adversely affect affordable housing projects by creating conditions to transform the area into poverty. The comment concludes by asserting "[t]he presence of compact low-income communities supports the public services, beguiles the infrastructure grant funding, and sources the workers for the restaurants, retail, construction, landscaping, and other employment anticipated in the project. This is exactly the kind of situation that planning for environmental justice and jobs/housing balance is meant to avoid."

As noted in Response to Comment 9-75, CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. The type of housing to be developed and whether or not affordable housing would be constructed is not required to be evaluated under CEQA. Only the physical impacts associated with the construction and operation of new housing is required to be analyzed in an EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The comment suggests that project residents would generate so much traffic on local roads that residents from other neighborhoods in southeast Chico would no longer be able to travel by foot or bicycle in a practical manner. The comment does not indicate the locations or describe the situations where this loss of pedestrian or bicycle connectivity would occur, it simply concludes that these negative outcomes would result from project traffic, combined with a shielding effect that the project would create between southeast Chico neighborhoods and "the natural environment" (which is intended to reference the foothill area on the easterly side of Chico).

The comment does not provide any evidence supporting its claim that traffic from the project would inhibit connectivity for bicyclists and pedestrians in southeast Chico neighborhoods to a degree that sets them on a downward spiral of urban decline. Local connectivity of bicycle infrastructure would be preserved during and following construction of the project for reasons stated in Section 4.13 of the Draft EIR, specifically that the project would not adversely affect existing and planned bicycle facilities identified in the Chico Bicycle Plan 2019 Update (Draft EIR p. 4.13-19), and roadway improvements in the area would be designed to meet applicable industry standards from the Caltrans Highway Design Manual (HDM), the California Manual on Uniform Traffic Control Devices (CAMUTCD), and the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Draft EIR p. 4.13-22). Designing street improvements to industry standards would ensure that bicycle and pedestrian facilities are included and meet standards for safe use.

Please see Response to Comment 9-76 which explains that the nearest neighborhoods that may be affected due to their proximity to the project site do not support the suggestion that the project would have disproportionate impacts on neighborhoods with a majority comprised of low-income and/or minority residents.

Lastly, no aspect of the proposed project would reduce the amenity scores for the approved affordable housing projects in the southeast Chico area. The project would not change the proximity of any of the affordable housing projects to existing services, it would not undermine the principle of integration (the respective Census tracts would remain relatively affluent) and the project would not inhibit anyone's access to the natural environment. The latter is not recognized as a scoring criterion for affordable housing projects, but the proposed project only stands to increase access for residents in southeast Chico to undeveloped open space for reasons explained in Response to Comment 9-75, above. It is anticipated that members of the public would be able to access the Regional Park within the project, subject to enrolling with the HOA as a non-resident member. Compared to the existing condition of the project site being private property with no rights for public access, this approach of providing conditional public access to hundreds of acres of open space represents a significant gain in the provision of recreational opportunities to the general public.

9-78 The comment claims that the proposed project would create a "civic divide" because allowing the HOA to finance the maintenance of infrastructure within the project would "harm support for public projects serving the broader community." The comment suggests that communities like Valley's Edge incentivize the prioritization of through traffic on arterial roads over safety and residential access in the wider street network. The comment concludes with a paragraph repeating concerns that restricting public access to the project site affects a sense of place and community and reinforces social inequities.

As noted in Response to Comment 9-75, CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are connected to physical environmental effects (Section 15131(a)). Physical environmental impacts resulting from development of the project site are discussed in the applicable technical sections in Chapter 4 of the Draft EIR. This comment deals with opinions regarding the proposed land use plan and social and economic concerns for future residents within the VESP area and does not address the accuracy or adequacy of the Draft EIR. The commenter's opinions regarding the proposed project will be forwarded to the decision makers for their consideration.

The comment mischaracterizes the project as an "exclusively maintained" community due to the "decoupling of local services in the SPA from the financial standing of the municipality." For example, the project's street sections provided in Chapter 5 of the Specific Plan show that the width of most of the streets in the VESP would comply with City roadway standards and would be maintained by the City. Utilities would be provided by the same agencies and companies that provide fire, police, schools, water, sewer and electricity to other services to the greater community. It is predominantly the unique, non-standard features like the trail network (VESP Chapter 5), the roadside ditches (VESP Chapter 5), and the large Regional Park (VESP Chapter 3), that necessitate maintenance obligations from the HOA. Therefore, it is not proposed for the project to be exclusively maintained by the HOA, or to have its local services entirely decoupled from the City. The notion that the project would lead to a civic divide because residents do not rely on municipal services is not supported by facts.

Contrary to the comment, having the HOA be responsible for certain services could improve the future availability of City resources to serve older areas of the City. Requiring the users of a project to fund ongoing maintenance costs within the project is common and consistent with standard

practices in Chico and throughout California. Doing so means that municipal resources will have fewer calls for service in the VESP in the future because ongoing maintenance would be regimented and operability of elements like storm drain inlets and roadside ditches is better assured. By minimizing service calls to newer areas of the City through the establishment of maintenance districts and similar localized funding mechanisms, more municipal response capacity is available for service calls to other areas of the City.

Regarding the statement that roadway improvement projects would favor capacity enhancements over safety. Most capital improvement roadway projects enhance or heavily weigh safety concerns, and they only sometimes add to the roadway capacity. Roadway safety features prominently in the roadway design manuals listed in Response to Comment 9-77, above. Many considerations go into deciding which roadway improvement projects get built; it often has to do with matching a demonstrable need in the city's road network with federal and state funding opportunities.

9-79 The comment states that only Alternative 1 adequately addresses the project's significant environmental impacts and notes that Alternative 4 addresses the project's significant impacts but contains fewer low-income housing units and converts more land than under Alternative 2.

The comment is noted. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required.

9-80 The comment notes that Alternative 2 includes 23% more open space than Alternative 4, and that Alternative 2 should receive a reduction in VMT since it includes a greater increase in MHDR units than Alternative 4.

The Draft EIR addresses project alternatives in Chapter 6. The comment is correct that Alternative 2 would contain more open space than Alternative 4, although the exact percentage increase is not confirmed with this response. On page 6-12 of the Draft EIR, Alternative 2 is acknowledged to have similar, although lower VMT than the proposed project. However, it was because Alternative 2 would have fewer residents and less on-site commercial square footage. Alternatives 2 and 4 are both shown to have less transportation impacts than the proposed project, as shown in Table 6- 12 of the Draft EIR. The commenter's observations are noted and do not require any changes to the Draft EIR.

9-81 The comment notes that Alternative 2 would provide for a reduction in housing units and commercial square footage relative to the proposed project and asserts that comparing the built acreage, density and housing types would reveal that the increase in residential units in the proposed project is entirely due to low density and very low density housing.

The statements made under this comment are essentially correct, additional details for Alternative 2 would show that the increased acreage of areas planned for low density and very low density residential development would account for the increased number of units anticipated within the proposed project, despite the proposed project also reducing the acreage allotted to medium-high density residential. The analysis of alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR complies with CEQA, which requires the EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project (CEQA Guidelines section 15126.6(d)). The analysis compares each

alternative to the proposed project across a range of potentially significant or significant environmental impacts (see Table 6-12 on page 3-32 of the Draft EIR). Alternative 2 evaluates the City's conceptual land use plan for the Doe Mill-Honey Run Special Planning Area as presented in the General Plan. The General Plan does not include a detailed breakdown of estimated housing units by land use designation; therefore, this level of detail is not provided for Alternative 2 as it is for the other alternatives. However, even absent this level of detail the Draft EIR adequately addresses the project alternatives as required by CEQA.

9-82 The comment offers an observation that the analysis of Alternative 4 provides more detail as compared to Alternative 2.

The commenter's observations are noted. Please see Responses to Comment 9-81 and 9-86.

9-83 The comment asserts that the community is unable to properly balance the need for housing with goals to reduce dependence on automobiles, prevent loss of habitat and preserve the foothills for public enjoyment because none of the alternatives do so. The comment goes on to assert that the range of alternatives is improperly portrayed because it should include an alternative that addresses housing needs "while retaining the reduced development footprint of the 2030 General Plan Alternative." This comment also introduces an idea for a new alternative.

Chapter 6 of the Draft EIR evaluates project alternatives. As noted on page 6-1 of the Draft EIR, Section 15126.6(a) of the CEQA Guidelines states there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. Section 15126.6(f) of the CEQA Guidelines further explains that the "range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." As defined in Section 15126.6(f), the rule of reason limits alternatives analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those potential alternatives, an EIR only needs to examine in detail the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of alternatives that was selected for analysis includes those that would result in reduced impacts when compared to those of the project.

The range of project alternatives selected for analysis in the Draft EIR complies with CEQA, as each alternative would avoid or substantially lessen one or more of the significant effects of the project and, together, they help to foster informed decision-making and public participation. The range of alternatives evaluated in the Draft EIR is adequate and complies with CEQA. Please see Response to Comment 9-86 regarding the commenter's suggestion for a new alternative.

9-84 The comment asserts that the City needs to include another alternative, that increases the project's proposed density more than Alternative 4, concentrates development along the collector roadways (thereby also increasing the amount of open space), requires the City to maintain all the basic infrastructure and guarantees full public access of the area.

As explained in the Response to Comment 9-83, above, only a reasonable range of alternatives is required to "permit a reasoned choice" by City decision-makers. No additional alternatives to the proposed project are necessary.

Please see Response to Comment 9-86 regarding guidance provided in the CEQA Guidelines for identifying and addressing project alternatives.

9-85 The comment asserts that the alternative referenced in the comment above would reduce impacts to sensitive species and wetlands, reduce vehicle miles traveled, and potentially reduce greenhouse gas emissions and would meet a majority of the project objectives.

Please see Responses to Comments 9-83, 9-84 and 9-86.

9-86 The comment suggests an alternative to rezone the project site from SPA to Open Space with a Resource Constraint Overlay which would prohibit development of the project site.

While this suggested alternative would reduce impacts of the project, it would not achieve any of the project objectives, with the exception of using open space to preserve and protect sensitive biological and cultural resources. Such an alternative would be similar to Alternative 1, the No Project Alternative, in which no urban development would occur on the project site. Please see Response to Comment 9-83

9-87 The comment notes that the Butte Environmental Council supports Alternative 1, which is the No Project alternative.

The commenter's support of Alternative 1 is noted and forwarded to the decision-makers for their consideration.

Comment Letter 10

CENTER for BIOLOGICAL DIVERSITY
Because life is good.

AQUALLIANCE
DEFENDING NORTHERN CALIFORNIA WATERS

12/13/2021

Sent via email

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Re: Valley's Edge Specific Plan Draft Environmental Impact Report, SCH No. 2019089041

Dear Mr. Sawley:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") and AquAlliance regarding the Valley's Edge Specific Plan (the "Project"). The Center and AquAlliance have reviewed the Draft Environmental Impact Report ("DEIR") closely and are concerned the DEIR fails to adequately disclose, analyze and mitigate the Project's impacts to biological resources, water supply and wildfire, among other impacts. The Center and AquAlliance urge the City to Chico (the "City") to revise the DEIR to better analyze and avoid the Project's significant environmental impacts. 10-1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Butte County, including Chico.

AquAlliance is a public benefit corporation established to defend Northern California waters and to challenge threats to the hydrologic health of the northern Sacramento River watershed to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools and recreation.

CEQA and the CEQA Guidelines impose numerous requirements on public agencies proposing to approve or carry out projects. Among other things, CEQA mandates that significant environmental effects be avoided or substantially lessened where feasible. (Pub. Res. Code §

21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Unfortunately, the DEIR for the Project fails to comply with CEQA and the CEQA Guidelines in numerous respects.

I. The DEIR Fails to Adequately Disclose, Assess, and Mitigate Impacts of New Development in High Fire-prone Areas to Wildfire Risk.

Wildfires ignited by lightning strikes and Indigenous cultural burning have occurred on California's landscapes for millennia. They're a natural and necessary process for many of California's ecosystems. But in the past 200 years since European colonization, poor land-use planning and land management have shifted historical fire regimes, causing exceptional harm to communities and wildlife.

Between 2015 and 2020 almost 200 people in the state were killed in wildfires, more than 50,000 structures burned, hundreds of thousands of people had to evacuate their homes and endure power outages, and millions were exposed to unhealthy levels of smoke and air pollution. This includes the 2018 Camp Fire, which occurred very close to the Project area in Paradise, CA. It moved west and north, threatening Chico and requiring evacuations on the eastern side of the city. Meanwhile costs for fire suppression and damages have skyrocketed. Increased human-caused ignitions and the conversion of native habitats to more flammable non-native grasses have led to increased fire activity in the urban wildland interface, which is harmful to numerous biological resources and people.

10-2

A. The DEIR Fails to Adequately Assess the Potential Impacts of More Fire Ignitions from Placing More Homes and People in Fire-Prone Areas.

According to a report from Governor Gavin Newsom's Office, construction of more homes in the wildland-urban interface is one of the main factors that "magnify the wildfire threat and place substantially more people and property at risk than ever before" (Governor Newsom's Strike Force, 2019). Syphard et al. (2019) found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss. This is not new information; scientists have been reporting it for many years in scientific, peer-reviewed journals, and firefighters have observed it.

As outlined in the Center's recent report, *Built to Burn* (Yap et al., 2021), increasing housing development in fire-prone wildlands is putting more people in harm's way and contributing to a dramatic increase in costs associated with fire suppression and damages. Sprawl developments with low/intermediate densities extending into habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Balch et al., 2017; Bistinas et al., 2013; Keeley et al., 1999; Keeley & Fotheringham, 2003; Keeley & Syphard, 2018; Radeloff et al., 2018; Syphard et al., 2007, 2012, 2019). However, a recent study stated that "[d]enser developments, built to the highest standards, may protect subdivisions against direct flame impingement of a vegetation fire, but density becomes a detriment once buildings ignite and burn" (Knapp et al., 2021).

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The DEIR fails to adequately assess and disclose the impacts of increased wildfire beyond the project area's boundaries. Such developments do not only affect future residents. The increased wildfire risk affects existing communities adjacent and downwind of the project area. Fires ignited in or near the project area could lead to the destruction of homes within the new development as well as homes downwind of the project area. Homes can also add fuel to fires and increase spread (Knapp et al., 2021). Impacts to areas beyond one development is exemplified by the Camp Fire, which was sparked by a powerline in Pulga, CA and spread to Paradise and East Chico. Not only were families in these areas affected by burned homes and lost loved ones, but they, along with families hundreds of miles away, were affected by severe air pollution from the wildfire smoke. And unlike wildland wildfires, the burning of 19,000 structures resulted in high levels of heavy metals like lead and zinc being detected in air pollution more than 150 miles away in Modesto, CA (CARB, 2021). In addition, there are significant economic impacts of wildfires on residents throughout the state. One study estimated that wildfire damages from California wildfires in 2018 cost $148.5 billion in capital losses, health costs related to air pollution exposure, and indirect losses due to broader economic disruption cascading along with regional and national supply chains (Wang et al., 2021). Such impacts should be disclosed in the EIR.

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B. The DEIR Fails to Adequately Disclose the Public Safety Threats of Increased Wildfire Ignition Risk Due to the Proposed Project.

The EIR must fully disclose the danger of fast-moving wildfires and mitigate the resulting impacts. Public safety threats are often exacerbated by infrastructure unable to accommodate the consequences of more human-caused fires at the wildland urban interface. Thus, it is imperative that adequate safety plans for residents and construction/maintenance workers that reflect real-world experience associated with wildfires in California are in place prior to an emergency. Notification systems may not function as expected during an emergency, and evacuation routes can get clogged with traffic quickly, endangering the lives of those trying to evacuate (Johnson & Hovik, 2018). In addition, the combination of smoke obscuring roads and signage, trees collapsing or being flung into roadways by the wind, and the emotional state of those fleeing for their lives can lead to deadly collisions and roadblocks. And survivors are left to cope with the death of loved ones, physical injuries, and emotional trauma from the chaos that wildfires have inflicted on their communities. These issues are heartbreakingly depicted in an article published in the Sacramento Bee on Oct 22, 2017 (Lundstrom et al., 2017).

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It is important to note that even if an adequate evacuation plan is in place, in natural areas with high fire threat where fires have historically burned, a public safety or evacuation plan may not be enough to safeguard people and homes from fires. Having warning systems and evacuation routes in place is important for fire preparedness and fire safety, but these are not guaranteed to function when a fire occurs. And wildfires may ignite with little or no notice, and, as mentioned previously, in severe weather conditions, wind-driven fires can spread quickly—they can cover 10,000 hectares in one to two days as embers are blown ahead of the fires and towards adjacent fuels (e.g., flammable vegetation, structures) (Syphard et al., 2011). This occurred in the Camp Fire in Butte County, which spread at a rate of 80 hectares a minute (about one football field per second) at its fastest, and in its first 14 hours burned over 8,000 hectares (Chico Enterprise Record, 2018; Sabalow et al., 2018). And the 2018 Hill Fire in Ventura

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County spread three miles in 15 minutes (County of Los Angeles, 2019). In these types of emergencies warning systems can be slow and ineffective at reaching all residents in harm's way, and planned evacuation routes may not be sufficient. These issues were observed during the Camp Fire, which led to at least 85 deaths and 13,000 burned homes (Sabalow et al., 2018), as well as in last year's Tubbs Fire in Sonoma County and Thomas Fire in Lake County and Ventura County, which led to more than 40 deaths and almost $12 billion in property damage (Lundstrom et al., 2017; St. John, 2017).

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Impacts of wildfire disproportionately affect vulnerable communities with less adaptive capacity to respond to and recover from hazards like wildfire. Low-income and minority communities, especially Native American, Black, Latino and Southeast Asian communities, are the most marginalized groups when wildfires occur (Davies et al., 2018). Past environmental hazards have shown that those in at-risk populations (*e.g.,* low-income, elderly, disabled, non-English-speaking, homeless) often have limited resources for disaster planning and preparedness (Richards, 2019). Vulnerable groups also have fewer resources to have cars to evacuate, buy fire insurance, implement defensible space around their homes, or rebuild, and they have less access to disaster relief during recovery (Davis, 2018; Fothergill & Peak, 2004; Harnett, 2018; Morris, 2019; Richards, 2019). In addition, emergency services often miss at-risk individuals when disasters happen because of limited capacity or language constraints (Richards, 2019). For example, evacuation warnings are often not conveyed to disadvantaged communities (Davies et al., 2018). In the aftermath of wildfires and other environmental disasters, news stories have repeatedly documented the lack of multilingual evacuation warnings leaving non-English speakers in danger. (Axelrod, 2017; Banse, 2018; Gerety, 2015; Richards, 2019). Survivors are left without resources to cope with the death of loved ones, physical injuries and emotional trauma from the chaos that wildfires have inflicted on their communities.

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C. The DEIR Fails to Adequately Mitigate the Project's Impacts to Wildfire Risk to Less Than Significant.

The project area is sited in a moderate fire hazard severity zone that has burned in 1999, 2007, and 2018 in a county where 78% of wildfires (51/65) between 2008 and 2018 have been started accidentally by people. Clearly, it's a matter of if, not when, a wildfire will occur in the project area. Yet the DEIR downplays the risk, stating that "no substantial evidence has been identified that links increases in wildfires with the development of ignition resistant communities" (DEIR at 4.14-26). Conversely, there is no evidence that building ignition resistant communities is even possible. In addition, this insinuates that they are developing ignition resistant communities, which is not substantiated with scientific evidence. But there is substantial evidence indicating that more people in high fire-prone areas leads to increased ignitions(Yap et al., 2021).

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Mitigation Measure WFIRE-2 simply states that structures will be in compliance with California Fire Code, which is required by law. But compliance with the fire code has not shown an improvement in fire safety or ignition reduction. A 2021 study found that 56% of homes built during or after 2008 (when the new fire building code went into effect) burned in the Camp Fire (Knapp et al., 2021). The researchers show that there was no significant difference in fire survival between buildings built between 1997 - 2007 and 2008 - 2018 (11 years before and after

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code was in effect) (Knapp et al., 2021). This study also found that homes can add fuel to fires and fire safety is not guaranteed (Knapp et al., 2021). The authors sum it up succinctly here: "Denser developments, built to the highest standards, may protect subdivisions against direct flame impingement of a vegetation fire, but density becomes a detriment once buildings ignite and burn" (Knapp et al., 2021). 10-12 Cont.

First and foremost, the primary policy to minimize impacts to wildfire risk should be to avoid placing human infrastructure in high fire-prone areas. *Second*, developers should be required to go above and beyond current state and federal standards and building codes to further minimize wildfire risk. The project requires defensible space "within 20-30 feet of the rear property line adjacent to the WUI perimeter to reduce fire hazards" (DEIR at 4.14-29), but such mitigation has not been found to be effective at reducing ignition risk. Defensible space is most effective within 5 to 30 feet immediately adjacent to structures (Knapp et al., 2021; Syphard et al., 2014), and, in combination with ember-resistant vents and roofing, such measures may help make homes *fire-resistant*. But even the best mitigation cannot make a development *fire-proof*. 10-13

There are other mitigation measures that should be implemented to minimize wildfire impacts of sprawl development in fire-prone areas. For example, external sprinklers with an independent water source would reduce flammability of structures (California Chaparral Institute, 2018). Although external sprinklers are not required by law, water-protected structures are much less likely to burn compared to dry structures. The DEIR should require 30 feet of irrigated defensible space immediately adjacent to structures and external sprinkler systems for any new development in wildfire zones. In addition, rooftop solar and clean energy microgrids should be required for all structures. 10-14

Mitigation Measure WFIRE-3 is also insufficient. While post-fire flooding and landslides/erosion are a concern after wildfires occur, understanding the post-fire conditions should include fire ecologists, not just engineers and firefighters. Fire ecology is complex in California's landscapes, and understanding the post-fire landscape requires those knowledgeable of how different species in different ecosystems respond to and recover from wildfire. For example, some species of oaks can survive wildfires, and, even if they appear dead aboveground, they may have extensive root systems that survive fire and allow them to regrow (basal or epicormic resprouting). Salvage logging and compacting the soil could lead to more harm than good for both the ecosystem and erosion control. WFIRE-3 should require coordination with CDFW or fire ecology experts when assessing post-fire landscapes. 10-15

D. The Negative Declaration Fails to Adequately Assess and Mitigate the Potential Health and Air Quality Impacts from Increased Smoke from Human-caused Ignitions.

Human-caused wildfires at the urban wildland interface that burn through developments are becoming more common with housing extending into fire-prone habitats. This is increasing the frequency and toxicity of smoke exposure to communities in and downwind of the fires. This can lead to harmful public health impacts due to increased air pollution not only from burned vegetation, but also from burned homes, commercial buildings, cars, etc. Buildings and structures often contain plastic materials, metals, and various stored chemicals that release toxic 10-16

chemicals when burned, such as pesticides, solvents, paints, and cleaning solutions (Weinhold, 2011). The California Air Resources Board found that the Camp Fire burning 19,000 structures resulted in high levels of heavy metals like lead and zinc being detected in air pollution more than 150 miles away in Modesto, CA (CARB, 2021). Such impacts should be disclosed in the EIR.

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Wildfire due to human activity and ill-placed developments lead to increased occurrences of poor outdoor and indoor air quality from smoke (*e.g.*, Phuleria et al. 2005), which can have public health effects. Hospital visits for respiratory symptoms (*e.g.*, asthma, acute bronchitis, pneumonia, or chronic obstructive pulmonary disease) and cardiovascular symptoms have been shown to increase during and/or after fire events (Delfino et al., 2009; Künzli et al., 2006; Jia C. Liu et al., 2015; Rappold et al., 2012; Reid, Brauer, et al., 2016; Viswanathan et al., 2006). Children, elderly, and those with underlying chronic disease are the most vulnerable to the harmful health effects of increases in wildfire smoke. And, as discussed in the Center's Built to Burn report, health impacts from wildfires, particularly increased air pollution from fine particulates ($PM_{2.5}$) in smoke, also disproportionately affect vulnerable populations, including low-income communities, people of color, children, the elderly and people with pre-existing medical conditions (Delfino et al., 2009; Hutchinson et al., 2018; Jones et al., 2020; Künzli et al., 2006; Reid, Jerrett, et al., 2016).

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Increased $PM_{2.5}$ levels during wildfire events have been associated with increased respiratory and cardiovascular emergency room visits and hospitalizations, which were disproportionately higher for low socioeconomic status communities and people of color (Hutchinson et al., 2018; Jones et al., 2020; Jia Coco Liu et al., 2017; Reid, Jerrett, et al., 2016). Similarly, asthma admissions were found to have increased by 34% due to smoke exposure from the 2003 wildfires in Southern California, with elderly and child age groups being the most affected (Künzli et al., 2006).

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Farmworkers, who are majority people of color, often have less access to healthcare due to immigration or economic status. They are more vulnerable to the health impacts of poor air quality due to increased exposure to air pollution as they work. Yet farmworkers often have to continue working while fires burn, and smoke fills the air, or risk not getting paid (Herrera, 2018; Kardas-Nelson et al., 2020; Parshley, 2018).

Unprecedented California wildfires in the urban wildland interface are increasing negative health impacts within and beyond its borders. A recent study found that wildfire smoke now accounts for up to 50% of ambient fine particle pollution in the western United States (Burke et al., 2021). Land-use planning must improve now. The DEIR fails to adequately assess, disclose, and mitigate potential impacts of increased smoke exposure due to human-caused ignitions.

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E. The DEIR Fails to Adequately Assess and Mitigate the Impact of Increased Wildfires on Fire Protection Services and Utilities.

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The DEIR fails to adequately consider the impacts on firefighters and first responders of the proposed project. Adding more development to these wild areas will necessitate significant

firefighting costs from both state and local authorities. Cal Fire is primarily responsible for addressing wildfires when they occur, and its costs have continued to increase as wildfires in the wildland urban interface have grown more destructive. During the 2017-2018 and the 2018-2019 fiscal years, Cal Fire's fire suppression costs were $773 million and an estimated $635 million, respectively (Cal Fire, 2019). Note that this does not include the cost of lives lost, property damage, or clean up during these years, which is estimated to be billions of dollars. The vast majority of wildfires in California are caused by humans (Balch et al., 2017; Keeley & Syphard, 2018), and building more roads and inducing more sprawl development in high fire hazard areas will increase the frequency and likelihood of such fires (Radeloff et al., 2018; Syphard et al., 2012, 2013, 2019). This project will burden future generations of California with the costs of defending and recovering even more cities from dangerous blazes.

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According to Captain Michael Feyh of the Sacramento Fire Department, California no longer has a fire season (Simon, 2018); wildfires in California are now year-round because of increased human ignitions in fire-prone areas. Emergency calls to fire departments have tripled since the 1980s (Gutierrez & Cassidy, 2018), and firefighters (and equipment) are being spread thin throughout the state. Firefighters often work 24- to 36-hour shifts for extended periods of time (often weeks at a time), and they are being kept away from their homes and families for more and more days out of the year (Ashton et al., 2018; Bransford et al., 2018; Del Real & Kang, 2018; Gutierrez, 2018; Simon, 2018). In addition, the firefighting force often must rely on volunteers to battle fires year-round.

The extended fire season is taking a toll on the physical, mental, and emotional health of firefighters, as well as the emotional health of their families (Ashton et al., 2018; Del Real & Kang, 2018; Simon, 2018). The physical and mental fatigue of endlessly fighting fires and experiencing trauma can lead to exhaustion, which can cause mistakes in life-or-death situations while on duty, and the constant worry and aftermath that family members endure when their loved ones are away working in life-threatening conditions can be harrowing (Ashton et al., 2018). According to psychologist Dr. Nancy Bohl-Penrod, the strain of fighting fires without having sufficient breaks can impact firefighters' interactions with their families, their emotions, and their personalities (Bransford et al., 2018). There have also been reports that suicide rates and substance abuse have been increasing among firefighters (Greene, 2018; Simon, 2018). This is not sustainable.

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The EIR must adequately assess and mitigate the impacts to fire protection services and first responders. Placing more roads and development in fire-prone areas will further burden already strained people and resources. Funding is already lacking for the increasing costs of fire suppression in California. According to Cal Fire, costs were over $4.6 billion in the past five years (2016-2020) (Cal Fire, 2021). But the DEIR does not provide a mechanism for developers to reimburse Cal Fire for the many millions (or billions) of dollars Cal Fire will likely expend when—not if—Butte County community members need to be defended from natural or human-caused wildfires in the vicinity. If costs are not sufficiently covered by the developers, California and federal residents end up paying in the form of fire insurance premiums and taxes that support Cal Fire and federal government subsidies and grants for homes in high-risk areas. And these costs do not include other indirect/hidden costs associated with wildfires, such as the costs of doctors' appointments, medication, sick days taken from places of work, funerals, etc. As the

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costs of housing in California continues to increase, these costs will also continue to rise. Given the current lack of funding and shortage of firefighting personnel, any development in high fire-prone areas should be required to provide adequate funding and resources for firefighting operations and safety measures.

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II. The DEIR's Water Supply Analysis is Inadequate

A. The EIR must disclose, analyze, and mitigate the Project's impacts on groundwater

The Project has the potential to negatively impact groundwater supplies, yet an analysis of these impacts is absent from the DEIR. A lead agency is not bound by the thresholds of significance provided in appendix G of the CEQA guidelines, it has discretion to develop their own thresholds. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Given the Project's water demand will be met exclusively with groundwater (DEIR at 4.12-2), the city should establish a project-specific threshold of significance to address potential drawdown of groundwater within the Vina Subbasin.

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CEQA requires that an EIR assess potentially significant environmental impacts (Cal. Pub. Res. Code § 21100(b)(1); 14 Cal Code Regs §§15126.2(a), 15143), and the drawdown of groundwater basins is an established negative impact, exemplified by the passage and ongoing implementation of the Sustainable Groundwater Management Act ("SGMA"). The project will drawdown groundwater by approximately 1 foot in order to supply the city's demand, accounting for the project. (DEIR at 4.12-20.) The DEIR makes the erroneous claim that "groundwater withdrawals within the Chico District are not limited by regulation, the theoretical water supply is the total design capacity of all the active wells, which is 99,200 AFY (City of Chico 2010)." (DEIR at 4.12-22.) This statement ignores the facts and current legal requirements relevant to the Project.

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A draft Groundwater Sustainability Plan for the Vina Subbasin ("draft GSP"), which encompasses the Project site, will be submitted to the California Department of Water Resources for final review in January of 2022. (Vina draft GSP.) The draft GSP includes the following assessment of groundwater trends in the subbasin:

> Since the year 2000, there has been a cumulative decline in March 1 groundwater storage of about 400,000 acre-feet (AF). This indicates that the cycles of groundwater pumping are not in balance with the cycles of recharge that replenish the aquifer, and that groundwater depletion has occurred consistent with long-term decline in groundwater levels.

(Vina draft GSP at 94.)[1] To say that groundwater extraction is unregulated is at best an outdated reference included by error, and at worst a misrepresentation of fact and law employed to overstate the amount of water available for the Project. The DEIR must be revised to accurately

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[1] Vina GSA, 2021. Draft Vina Subbasin Groundwater Sustainability Plan, December 15, 2021. Available at https://www.vinagsa.org/files/48795fc14/Vina_GSP_12.09.2021_redline.pdf. Viewed 12/13/2021.

disclose the Project's impacts on groundwater, and how much groundwater will be available for Project use throughout the 20-year water supply planning horizon. 10-25 Cont.

A revised water supply analysis is needed to determine whether there is sufficient groundwater to supply the Project, as the DEIR states. If a legally adequate analysis of available water supplies concludes that current groundwater supplies in insufficient to supply the Project's demand, alternative supplies must be identified, and the environmental impacts associated with procuring that supply must be analyzed. (See *Vineyard Area Citizens for Smart Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434.) The amount of water used is a critical component of a Project's CEQA analysis, but it is not the full extent of the inquiry. The source of water, and the timing of extraction or diversion, has environmental consequences that must be disclosed, analyzed, and mitigated. 10-26

III. The DEIR Fails to Adequately Disclose, Analyze and Mitigate the Project's Impacts to Biological and Hydrological Resources

A. The DEIR fails to adequately disclose, evaluate, and consider impacts to Waters of the U.S., uplands, adjacent preserves, and species dependent on the vernal pool landscape

Preserves and Open Space

The DEIR does not contain sufficient detail and analysis concerning the establishment, management and long-term success of the onsite preserve and open space areas. Many of the preserve areas are small and linear, and raise the following concerns: 10-27

a. "The size of small preserves presents unique management challenges related to higher levels of human and domestic animal (pet) impacts as compared with larger preserves, especially when situated within heavily developed or fragmented areas. Small preserves have a much higher edge to area ratio, especially for preserves that are more linear in shape, as well as a much shorter distance into the center of the preserve. As a result, as shown in this study, small preserves, especially those in proximity to moderate to high density residential areas, are generally prone to much higher levels of human and domestic animal impact as compared with large preserves or more remote small preserves." (Vollmar 2009, pp. 18-19)

b. "The size of small preserves also presents unique management challenges related to thatch management and invasive plant control. As discussed extensively below, thatch management through regular grazing or mowing is generally critical for maintaining ecological health within pools and associated upland annual grasslands (Marty 2005, Pollak and Kan 1998; Tu, Hurd, and Randall 2001). This is easier to achieve on large preserves where the owner or a lessee will graze the site as part of a separate, economically feasible ranching operation." (Vollmar 2009, p. 19) How will the open space and preserves be managed for biological values? 10-28

c. "In combination, these unique management challenges translate into the need for much more intensive management and monitoring efforts and 10-29

consequently much higher funding requirements on a per acre basis for small preserves as compared with large preserves. Preserve managers and regulatory agencies should take this into consideration when determining the size of endowments for new small preserves." (Vollmar 2009, p. 19) Will an endowment be required for preserve and open space management into perpetuity? 10-29 Cont.

d. "Preserves varied in shape from square or oval to linear; preserve shape is an important consideration size [as] more linear preserves have a greater edge to area ratio and thus greater potential edge effects." Edge effects include exotic weed invasions, wildlife harassment and/or collection, trash accumulation, management challenges, and more. (Vollmar 2009, p. 20) 10-30

Butte County Meadowfoam

In addition to the impacts to species and waters from the proposed Project, the impacts to Butte County meadowfoam (BCM) are considerable and not properly disclosed, analyzed or mitigated by the DEIR. The DEIR fails to discuss how the Project will maintain a healthy BCM population and habitat in light of the Vollmar research provided above and the following facts. 10-31

a. The Project's BCM preserves are surrounded by hardscape that will cause significant impacts to the species. "Another ongoing degradation of Limnanthes floccosa ssp. californica habitat involves illegal trash dumping and off-highway vehicle use (U.S. Fish and Wildlife Service 1992). Also, competition from grasses and other weedy non-native plants poses a potential problem to four occurrences of L. floccosa ssp. californica (California Natural Diversity Data Base 2003). For example, at the II-43 Doe Mill Preserve, competition from the non-native grass Taeniatherum caput-medusae (medusahead) apparently has reduced population size and seed set in L. floccosa ssp. californica (Center for Natural Lands Management 1997). In addition, threats are also continuing due to inappropriate grazing practices in certain instances such as insufficient grazing at the Doe Mill Preserve." (USFWS 2006, p. II-43) 10-32

b. "[t]wo populations of L. floccosa ssp. californica are small enough (fewer than 500 plants even in favorable years) that random events could lead to their extirpation (C. Sellers in litt. 2001, California Natural Diversity Data Base 2003). Moreover, the narrow geographic range of the taxon increases the likelihood that a single catastrophic event could destroy all or most of the occurrences." (USFWS 2006, p. II-43) 10-33

c. "Another potential threat is lack of pollinators. Although *Limnanthes floccosa* ssp. *californica* is capable of setting seed in the absence of insect pollinators, continuing adaptation to environmental changes is not possible without the genetic recombination that occurs during cross-pollination. Considering the widespread habitat destruction and degradation in the area where *L. floccosa* ssp. *californica* is endemic, breeding habitat for pollinators could well be declining." (USFWS 2006, p. II-43) 10-34

Vernal Pool wildlife species

The DEIR erroneously reports that there are no branchiopods "adjacent to the project site." (p. 4.3-19) However, the Army Corps of Engineers contradicts this assertion when it revealed that the Schmidbauer property, due west of the proposed Project, contained two shrimp species: "The annual grassland landscape is interspersed with vernal pool/vernal swale complexes that are known to support the federally-listed endangered Butte County meadowfoam, federally threatened vernal pool fairy shrimp (Branchinecta lynchi) and the federally endangered vernal pool tadpole shrimp (Lepidurus packardi)."[2] Next, the DEIR concludes that there is "low potential" for crustaceans to occur within the proposed Project. This is unsupported. The U.S. Fish and Wildlife Service indicates that "Although the vernal pool fairy shrimp has been collected from large vernal pools, including one exceeding 10 hectares (25 acres) in area (Eriksen and Belk 1999), it tends to occur in smaller pools (Plantenkamp 1998), and is most frequently found in pools measuring less than 0.02 hectare (0.05 acre) in area (Gallagher 1996, Helm 1998). The vernal pool fairy shrimp typically occurs at elevations from 10 meters (33 feet) to 1,220 meters (4,003 feet) (Eng et al. 1990)…" (USFWS 2006, p. II-200) The fairy shrimp and tadpole shrimp are found just next door, as it were, and it is highly probable that at the very least fairy shrimp could be found in the small pools on the proposed Project site. Biological assessments by third-parties unattached to the proposed Project and its funders would be essential to provide accurate information about branchiopod presence and/or potential for restoration.

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The DEIR must also disclose, analyze and mitigation the Project's potentially significant impacts on the Stonegate and Doe Mill vernal pool preserves that are immediately to the west of the Project site. Project construction and operation has the potential to impact the hydrology of the adjacent preserves, in addition to the risk introducing pollutants to the sensitive habitat preserves.

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Additionally, vernal wetlands provide habitation and foraging for many special status species. Shrimp are an integral part of this wetland landscape, providing food chain support for migratory waterfowl and other native animals (Krapu 1974; Swanson et al., 1974; Silveira 1996). Numerous listed birds rely on the grasslands surrounding vernal wetlands for foraging, including: Swainson's hawk (*Buteo swainsoni*), Aleutian Canadian goose (*Branta canadensis leucopareia*), ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), American peregrine falcon (*Falco peregrinus anatum*), merlin (*Falco columbarius*), northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicamus*), sharp-shinned hawk (*Accipiter striatus*), white-tailed kite (*Elanus leucurus*), greater sandhill crane (*Grus canadensis tabida*), long-billed curlew (*Numenius americanus*), short-eared owl (*Asio flammeus*), western burrowing owl (*Athene cunicularia hypugea*), and loggerhead shrike (*Lanius ludovicianus*).

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In summary, the characterization of impacts in the DEIR is inadequate, particularly where high value resources are in close proximity to the Project hardscape and/or where resources are without adequate wildland and/or waters to thrive due to the Project's design. Much of the impacts that will occur in these areas were not discussed in the DEIR. These include destruction or degradation by vehicles, mountain bikes, joggers, pedestrians, pets, trash dumping, pollution,

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[2] U.S. Army Corps of Engineers, 2020. Department of the Army Environmental Assessment and Statement of Findings (SPK-1994-00040). p. 2.

etc. Over time, direct and indirect impacts and the effects of isolation will likely reduce the functions and values of the vernal pools, swales, and uplands to near zero. These impacts and suitable mitigation are not adequately addressed in the DEIR

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B. The DEIR failed to disclose the cumulative impacts to Waters of the U.S., uplands, and dependent species

The DEIR fails to provide an accounting of the losses of wetlands, uplands, and wetland dependent species in Chico, so the public and policy makers have an opportunity to consider how the Project is but one of many projects that have destroyed native vernal pool landscapes. This is most assuredly a significant cumulative impact within the City of Chico, in the region, and in the State of California.

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In addition to the cumulative direct losses of Waters of the U.S., upland habitat losses are cumulatively significant as well. Uplands are not only vital for hydrologic connectivity, but also for species survival. For example, loss of pollinators can seriously impact special status plants. "Although Limnanthes floccosa ssp. californica is capable of setting seed in the absence of insect pollinators, continuing adaptation to environmental changes is not possible without the genetic recombination that occurs during cross-pollination. Considering the widespread habitat destruction and degradation in the area where L. floccosa ssp. californica is endemic, breeding habitat for pollinators could well be declining." (USFWS 2006, p. II-43)

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IV. Conclusion

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Valley's Edge Specific Plan. The Project poses a multitude of improperly potentially significant impacts to the environment that are not properly analyzed or mitigated in the DEIR. The Center urges the City to revise the DEIR to address the legal and factual deficiencies identified in this letter.

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Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

10-43

Please add the Center and AquAlliance to your notice list for all future updates to the Project and do not hesitate to contact the Center and AquAlliance with any questions at the numbers or emails listed below.

10-44

Sincerely,

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Response to Letter 10

**Center for Biological Diversity (Ross Middlemiss, Staff Attorney)
and AquAlliance (Barbara Vlamis, Executive Director)**

10-1 The comment states that the Center for Biological Diversity and AquAlliance have reviewed the Draft EIR and it is their opinion that the Draft EIR does not adequately disclose, analyze or mitigate potential impacts to biological resources, water supply and wildfire and request the City revise the Draft EIR to better analyze potential impacts.

The comment is noted and forwarded to the decision makers for consideration. The responses provided to the individually bracketed comments in this letter address all of the concerns regarding the adequacy of the Draft EIR raised by the commenter.

10-2 The comment asserts that the Draft EIR fails to adequately disclose, assess and mitigate impacts of development in a high fire-prone area, and provides a historical overview of wildfires dating over the past 200 years and provides a general overview of the physical and economic effects of wildfires.

To clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area. No information is provided in this comment to support the statement that the Draft EIR fails to adequately disclose, assess and/or mitigate impacts of the proposed project relative to wildfire risk. Please see Master Response 1 which addresses specific concerns regarding wildfires.

10-3 The comment states that the Draft EIR fails to adequately assess the potential impacts of more fire ignitions from placing more people and homes in fire-prone areas. The comment also references reports that evaluate the hazards of constructing homes in fire-prone areas, including in the wildland-urban interface that results in increased costs for fire suppression and how development patterns are affected by wildfires.

Please see "Wildfire Risks" under Master Response 1 which addresses increased development in the WUI and the potential to exacerbate wildfire risk.

10-4 The comment states that the Draft EIR fails to adequately assess and disclose how the project would increase wildfire potential beyond the project area boundaries. The comment states that development can affect communities adjacent and downwind due to fire being ignited in or near a developed area resulting in home ignition that could potentially spread beyond the project boundary. The comment offers the Camp Fire as evidence, which was sparked by a powerline in Pulga, California and spread to the Town of Paradise and East Chico.

Please see "Wildfire Risks" under Master Response 1 which addresses concerns regarding increased wildfire potential beyond the project boundaries. Further, the comment provides no information that development or human activity associated with the uninhabited gold rush town of Pulga bears any relationship to the failure of the PG&E transmission tower which caused the Camp Fire and is located in the general vicinity of Pulga.

10-5 The comment asserts that the Draft EIR inadequately assess the impacts of increased wildfire beyond the project area's boundaries. The comment also refers to effects on air quality from the Camp fire due to air pollutants from buildings that were burned that contributed to heavy metals being emitted.

Please see "Wildfire Risks" under Master Response 1 which addresses concerns regarding increased wildfire risk beyond the project boundaries and air quality impacts resulting from wildfires.

10-6 The comment notes that wildfires result in significant economic impacts that can be experienced throughout the state. The comment goes on to state these impacts are related to direct loss in capital and other indirect losses that should be disclosed in the EIR.

CEQA provides that economic or social effects are not considered significant effects on the environment unless the social and/or economic changes are causal factors connected to subsequent physical environmental effects. A social or economic change resulting in a physical change may be considered in determining whether the physical change is significant (CEQA Guidelines Section 15382). The guidance for assessing economic and social effects is set forth in Section 15131(a) of the CEQA Guidelines:

> Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on physical changes.

In this case, the Draft EIR did not address the economic effects of wildfire because it is not known what or when wildfires would occur, how extensive one would be, and what the economic effects resulting from the environmental effects would be, if any. Section 15145 of the CEQA Guidelines recognizes that some impacts may be too speculative for evaluation due to the inability to predict a future outcome. The ability to predict when and where a wildfire would erupt is highly speculative. Also, the commenter does not indicate what, if any, environmental effects would result from the economic loses and/or disruption.

Please see Master Response 1 with respect to the environmental effects regarding wildfires.

10-7 The comment asserts the Draft EIR failed to adequately disclose the threat to public safety and public infrastructure and claims the project is unable to accommodate increased wildfire risk in the wildland-urban interface due to challenges associated with evacuation.

Please see "Public Safety and Evacuation" under Master Response 1 which addresses concerns regarding public safety and evacuation as they relate to wildfires.

10-8 This comment provides background information regarding how wildfires survivors are impacted by the loss of loved ones, physical injuries, and emotional trauma.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Please see Master Response 1 which addresses concerns regarding wildfires. The project includes a multi-layered approach to ignition management, fire prevention, and fire protection. The emotional impact to wildfire survivors is not considered an environmental effect of the project and is not required to be evaluated in a CEQA document. The comment is forwarded to the decision makers for their consideration.

10-9 The comment suggests that public safety or evacuation plans may not be adequate to protect homes and people from wildfires. The comment notes wildfires can spread rapidly within little or no notice and references the rate of fire spread from the 2018 Camp Fire and the 2018 Hill Fire in Ventura County. The comment further asserts emergency warning systems are not always effective and planned evacuation routes are not always sufficient.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. The comment is forwarded to the decision makers for their consideration. Please see Master Response 1 which addresses concerns regarding wildfires.

10-10 The comment asserts that wildfires disproportionately effect vulnerable communities. The comment further indicates that disadvantaged communities such as low-income and minority groups often have limited resources for disaster planning and are less likely to have the adaptive capacity to respond and recover from wildfires. Additionally, the comment asserts evacuation warnings often are often not well-conveyed to disadvantaged communities.

The comment describes social conditions that are not environmental impacts of the project (e.g., at-risk populations having limited resources for disaster preparedness and insurance). The commenter's information and opinion are forwarded to the decision makers for their consideration.

For a discussion of wildfire impacts both within and outside the project site, please see Master Response 1 which addresses wildfires.

10-11 The comment states that the project site is in a moderate fire hazard severity zone that has burned three times in 1999, 2007, and 2018 and that wildfire will clearly occur in the project area again. The comment asserts there is no evidence that ignition resistant communities are possible and further suggests that more people in high fire-prone areas lead to increased ignitions and fires.

To clarify, the project site is designated by CAL FIRE as a moderate fire severity area. Please see Master Response 1 which addresses concerns regarding wildfires.

10-12 The commenter asserts that mitigation measure WFIRE-2 is not adequate because it simply requires compliance with fire code requirements which already apply to the project, and which the comment asserts have not been shown to improve fire safety or ignition reduction.

Please see "Ignition Resistant Construction and Building Codes" under Master Response 1 which addresses concerns regarding wildfires. It is not correct that mitigation measure WFIRE-2 simply requires compliance with the California Fire Code, because once the project site is annexed into the City of Chico it would no longer be subject to CalFire WUI standards for development within a Wildfire Hazard Severity Zone within the State Responsibility Area. Therefore, WFIRE-2 creates continuity for the application of these fire-wise development standards and adds several components to the Draft VESP Firewise Guidelines, Standards & Vegetation Management Standards, which, as discussed on page 4.14-27 of the Draft EIR would ensure all feasible steps are taken to minimize the potential for wildfires to expose future residents to hazards.

10-13 The comment states an opinion that the primary policy should be to minimize wildfire risk by avoiding placing human infrastructure in high fire-prone areas and that developers should go above and beyond what is required in the state and local building codes. The comment suggests that defensible space is most effective within 5 to 30 feet of structures and the project's defensible space of "within 20-30 feet of the rear property line adjacent to the WUI perimeter" would not be effective in reducing ignition risk. The comment further suggests that defensible space is most effective in combination with ember-resistant vents and roofing.

To clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area. The defensible space standard referenced in this comment would apply to the outer perimeter of a subdivision along the WUI and would be in addition to the defensible space required around homes and other structures within individual lots. The draft specific plan includes multiple layers of wildfire protection, and wildfire mitigation measures ensure that all feasible efforts are applied to minimize wildfire risks. Please also see Master Response 1 which addresses concerns regarding wildfires.

10-14 The commenter asserts that additional mitigation measures should be implemented such as external sprinklers and the Draft EIR should require 30 feet of irrigated defensible space immediately adjacent to structures.

Please see Master Response 1 which addresses concerns regarding wildfires. The comment does not indicate how requiring rooftop solar and clean energy microgrids would reduce fire risk; however, the request is forwarded to the decision makers for their consideration.

10-15 The commenter asserts that mitigation measure WFIRE-3 is not sufficient because it does not require coordination with the California Department of Fish and Wildlife or fire ecology experts when assessing post-fire landscapes. Due to the complexity of California landscapes and ecosystem variability, salvage logging and soil compacting could result in increased harm to the environment.

A wide variety of experts are brought to bear in the assessment of post-fire conditions after a major wildfire, many more than just engineers and firefighters as the comment suggests. To address these concerns mitigation measure WFIRE-3 has been revised to include post-fire review by CDFW or a fire ecologist. Please see Chapter 3, Changes to the Draft EIR for the revised text. Please also see Master Response 1 which addresses concerns regarding wildfires.

10-16 The comment states that the Draft EIR fails to adequately assess and mitigate the potential health and air quality impacts from increased smoke from human-caused ignitions. The commenter asserts that the health impacts associated with toxic smoke resulting from human-caused wildfires should be disclosed as project impacts in the EIR.

It is not agreed that the project would significantly increase human-caused ignitions of wildfires and therefore have the effect of increasing harmful smoke in the air, considering the proposed application of the VESP Firewise Guidelines and compliance with mitigation measures WFIRE-1 and WFIRE-2. Since the project would not result in an increase of toxic smoke from wildfires that would exacerbate the health impacts of people exposed to wildfire smoke, no changes to the Draft EIR are required and impacts would be less than significant.

10-17 The commenter states that wildfire due to human activity and ill-placed development leads to increased occurrences of poor outdoor and indoor air quality and health impacts from wildfires, particularly due to an increase in fine particulates ($PM_{2.5}$) in smoke, which disproportionality affects vulnerable populations and leads to hospital visits for respiratory issues.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Since the project would not result in an increase of smoke from wildfires, no changes to the Draft EIR are warranted pursuant to this comment. Please see Response to Comment Master Response 1.

10-18 The commenter states that increased $PM_{2.5}$ levels during wildfire events have been associated with increased respiratory and cardiovascular emergency room visits and hospitalizations. The comment also refers to farmworkers being affected by poor air quality due to wildfires.

The comment does not raise any issues regarding the adequacy of analysis contained in the Draft EIR. Since the project would not result in an increase of smoke from wildfires, no changes to the Draft EIR are warranted pursuant to this comment. Please see Master Response 1 and Response to Comment 10-17.

10-19 The commenter states that wildfires in the urban wildland interface are increasing negative health impacts, and the EIR fails to adequately assess, disclose, and mitigate potential impacts of increased smoke exposure due to human-caused ignitions.

Please see Master Response 1. Considering the proposed application of the VESP Firewise Guidelines and the addition of mitigation measures WFIRE-1 and WFIRE-2, the project would not significantly increase human-caused ignitions of wildfires and, therefore, it would not have the effect of increasing harmful smoke in the air. No changes to the Draft EIR are required.

10-20 The comment provides information specific to the economic burden of wildfire suppression efforts and alleges development of the project would burden the state with the costs of fire suppression.

It is not agreed that the proposed specific plan would burden future generations with the costs of defending and recovering even more cities from dangerous blazes. The commenter's opinion regarding future financial obligations for the state caused by the project is noted and forwarded to the decision makers for their consideration. As discussed in Master Response 1, the project and Draft EIR contain numerous measures to minimize the risk of ignition and wildfire spread, which would reduce the severity of the wildfire impact. With respect to the costs of firefighting and loss of property and life, CEQA does not require an evaluation of the economic effects unless it would result in physical environmental impacts. The comment offers opinions and speculation but does not indicate how the described negative events would be attributable to the project. Please see Response to Comment 10-6 and Master Response 1.

10-21 The comment provides background as to the effect fighting wildfires has on fire personnel, including the physical, emotional, and mental health concerns due to the demanding aspects of the job.

The information provided is noted and forwarded to the decision makers for their consideration. The comment does not address the accuracy or adequacy of the Draft EIR; therefore, no further response is required. Please also see Master Response 1 for a discussion of measures that would reduce the likelihood and extent of a wildfire occurring within the project area.

10-22 The comment suggests the EIR must address impacts to fire protection services and first responders and states the Draft EIR does not provide a mechanism for developers to reimburse CAL FIRE for the cost of wildfires in Butte County. The comment further states an opinion that due to the lack of funding any development in high fire-prone areas should be required to provide adequate funding to cover these costs.

The Draft EIR addresses impacts to local fire protection resources due to developing additional residential and commercial uses at the project site in Section 4.11, Public Services. Because wildfires are considered existing impacts of the environment which could affect a project or plan (as opposed to impacts of a project or plan on the environment) and are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473). Please see Master Response 1 which addresses concerns related to wildfire including if the project would exacerbate existing hazards, and Response to Comment 10-6 which addresses how potential economic and social effects are regarded under CEQA. It is not agreed that it would be appropriate, or necessarily legal, for the City to require developers in Butte County to reimburse CAL FIRE for wildfire damage that may occur in the area. Lastly, to clarify, the project site is designated by CAL FIRE as a "Moderate" fire severity area.

10-23 The comment asserts that the Draft EIR does not address potential negative impacts to groundwater supplies. The comment further asserts that the lead agency is not bound by the thresholds provided in Appendix G of the CEQA Guidelines and has discretion to develop its own thresholds. The comment goes on to suggest that the City should establish a project-specific threshold of significance to address potential drawdown of groundwater within the Vina Subbasin.

The Draft EIR does analyze potential impacts to groundwater supplies. Specifically, in Section 4.9, Hydrology and Water Quality, the impacts of groundwater withdrawals needed to supply the project are evaluated (see Impact 4.9-2 on pp. 4.9-30 through 4.9-32; Impact 4.9-6 on pp. 4.9-41 and 4.9- 42; and Impact 4.9-9 on pp. 4.9-44 through 4.9-46 of the Draft EIR). The availability of an adequate water supply is also evaluated in Impact 4.12-2 on page 4.12-20 and Impact 4.12-6 on page 4.12-22 of the Draft EIR.

As the commenter notes, the City does have the discretion to adopt its own CEQA thresholds, although it is not required to do so. However, the City, in its discretion, has opted to use the checklist questions provided in Appendix G of the CEQA Guidelines in lieu of adopting separate thresholds, as there is nothing unique about the project that would warrant a different, more specific threshold. Meeting domestic water demand exclusively with groundwater is common in the Chico area.

The project's Water Supply Assessment (WSA), the 2015 Cal Water – Chico/Hamilton Urban Water Management Plan (UWMP), and the Sustainable Groundwater Management Act (SGMA) protocol were used as a basis in determining the level of significance to evaluate potential impacts to

groundwater. (Note: the updated 2020 UWMP was reviewed and the findings were generally the same as the 2015 UWMP.)

The Vina groundwater subbasin is currently not in critical overdraft but is a high priority basin with respect to SGMA, indicating the basin must achieve groundwater sustainability by 2042. As noted on page 4.9-11 of the Draft EIR, the main factors driving the high priority designation of the Vina Subbasin include population growth (4 out of 5 possible ranking points), production well density (5 out of 5 possible points), irrigated acreage per square mile (4 out of 5 possible points), and groundwater reliance (5 out of 5 possible points). Based on these factors, current groundwater withdrawals are not critical (or substantial) but must be addressed by 2042. The Groundwater Sustainability Plan (GSP) for the Vina Subbasin was finalized December 15, 2021 and is anticipated to be adopted by Butte County sometime in 2022. The projected growth in the GSP is based on the Butte County 2030 (estimates of population and per capita water use over time).

A determination of the adequacy of groundwater supplies for the project would not be directly dictated by the GSP. Rather, the GSP evaluates current conditions in the Vina Subbasin, establishes sustainable groundwater management criteria, includes provisions for ongoing groundwater data gathering and analysis, and summarizes the findings. Please see Response to Comment 10-24 for an overview of the GSP. The provisions and criteria in the GSP are required to be evaluated annually and every five years (in more depth) and updated as necessary. GSP implementation will begin upon approval of the document by the Department of Water Resources. In addition, the Vina and Rock Creek Reclamation District Groundwater Sustainability Agencies (GSAs) will continue their efforts with public engagement and to secure funding to monitor and manage groundwater resources. Please also see Response to Comment 10-24 for more information on the GSP.

Because adequacy of groundwater supplies for the project would not be directly dictated by the iterative GSP process, the project-specific WSA, which is based on the UWMP, establishes whether the project would result in groundwater withdrawals substantial enough to impede sustainable groundwater management of the basin. The UWMP concludes sufficient groundwater supplies are available to meet future demands in within the Chico-Hamilton service area in normal and multiple dry year periods through 2045. The 2020 UWMP specifically references the VESP in the water demand projections (UWMP p. 36), as adding 2,900 new residential and commercial services by 2040 and 1,750 AFY of additional water demand. As a result, the UWMPA indicates there is sufficient water for the project, in combination with other proposed growth in the area.

Based on the above analysis and the information already provided in Section 4.9 of the Draft EIR, the CEQA Guidelines (Appendix G) threshold regarding groundwater supplies is the appropriate threshold to evaluate potential project impacts.

10-24 The comment states that CEQA requires an EIR to assess potentially significant impacts associated with drawdown of groundwater basins, as exemplified by SGMA. The comment asserts that the Draft EIR makes an erroneous claim that “groundwater withdrawals within the Chico District are not limited by regulation. Rather, the theoretical water supply is the total design capacity of all the active wells, which is 99,200 AFY (City of Chico 2010).” (Draft EIR p. 4.12-22.) The commenter further asserts that this statement ignores the facts and current legal requirements relevant to the project.

The comment is correct in that the text indicating that withdrawals are not limited by regulation, which traces back to 2010, does not reflect the most recent regulations established under SGMA in 2014. The sentence on page 4.12-22 of the Draft EIR has been deleted, as shown in Chapter 3, Changes to the Draft EIR. However, the remainder of the paragraph remains correct, as it is based on the project-specific WSA and the 2015 UWMP. The environmental threshold indicates that groundwater impacts would be significant in the event that groundwater supplies are substantially decreased. As indicated on page 4.9-32 of the Draft EIR, both with and without the proposed project, groundwater usage in the Chico District would result in water level declines of less than 1.0 feet per year. These rates of decline are slow enough to not result in sudden or unexpected undesirable effects on groundwater beneficial uses and users. Furthermore, the rates of decline are consistent with historical fluctuations in groundwater levels within and near the Chico District which have ranged from -1.0 feet per year to +0.04 feet per year between 2005 and 2018. Because the Vina subbasin is not in a state of critical overdraft, continued annual groundwater declines of less than 1.0 feet per year would not be significant or abnormal.

Consistent with this analysis from the WSA, the Draft December 2021 Vina Groundwater Subbasin Groundwater Sustainability Plan (GSP), which has not been approved by the Department of Water Resources, indicates that "an undesirable result caused by the chronic lowering of groundwater levels is experienced if sustained groundwater levels are too low to provide a water supply of adequate quantity and quality to support rural areas and communities, and the agricultural economic base of the region, or if significant and unreasonable impacts to environmental uses of groundwater occur."

Consistent with the criteria established in the GSP with respect to declining groundwater levels, annual groundwater declines of less than 1.0 feet per year in the Vina subbasin would not be significant or unreasonable. The GSP defines undesirable results with respect to ground storage, and those are similar to the undesirable results defined for groundwater levels. Because groundwater levels and groundwater storage are closely related, measured changes in groundwater levels can serve as a proxy for changes in groundwater storage.

As stated in Response to Comment 10-23, a determination of the adequacy of groundwater supplies for the project would not be directly dictated by the GSP. Rather, the GSP evaluates current conditions in the Vina Subbasin, establishes sustainable groundwater management criteria, includes provisions for ongoing groundwater data gathering and analysis, and summarizes the findings. The provisions and criteria in the GSP are required to be evaluated annually and every five years (in more depth) and updated, as necessary. GSP implementation will begin upon approval of the document by the Department of Water Resources.

In addition, as indicated in the GSP, to achieve the sustainability goal and therefore preserve the desired condition for the groundwater basin over time, the Groundwater Sustainability Agencies, in setting groundwater sustainable management criteria for the basin, will implement appropriate projects and/or management actions as necessary to maintain groundwater levels within operational flexibility to limit the decline in groundwater levels to certain values and manage groundwater levels within certain ranges at representative management locations in the basin.

10-25 The comment states that the draft GSP for the Vina Subbasin will be submitted for final review in January 2022 and goes on to quote the draft plan. The commenter repeats their disagreement with the sentence in the Draft EIR concerning regulation of groundwater extraction that was addressed in Comment 10-24, above.

Please see Response to Comment 10-24, the outdated reference on page 4.12-22 of the Draft EIR has been deleted, as shown in Chapter 3, Changes to the Draft EIR.

10-26 The comment asserts that a revised water supply analysis is needed to determine impacts to groundwater supplies and that alternative water supplies must be secured if groundwater supplies are inadequate to support the project. The comment goes on to suggest that the Draft EIR should analyze impacts associated not only with the water demand quantity, but also the timing of extraction or diversion and the related environmental consequences.

Adequate groundwater supplies are available to support the project through 2045, as discussed in Response to Comment 10-23 and explained on page 4.9-32 of the Draft EIR. Therefore, a revised water supply analysis is not required and the analysis in the Draft EIR is adequate.

10-27 The comment states that the Draft EIR does not contain sufficient detail and analysis concerning the establishment, management and long-term success of the on-site preserve and open space areas. The comment also questions the effectiveness of smaller preserves such as those proposed for the project, due to their potential for indirect effects from surrounding human development.

Please see Master Response 2 for additional detail on the on-site preserves and regarding the effectiveness of smaller preserves for BCM preservation. While it is generally true in conservation planning that larger preserve areas better maintain habitat value, the unique narrow distribution of the biological resources protected under the VESP's proposed preserves make smaller preserves functional. The community park would be transferred to the Chico Area Recreation District (CARD), and the other park areas within the site would be owned and managed by the HOA or other private entity with interest in the project.

10-28 The comment questions how small preserves will be managed for thatch buildup and invasive plant control and asks how the preserves will be managed for biological values.

There are existing BCM preserves in the City that are small and adjacent to extensive urban development that continue to maintain healthy BCM populations, with minimal thatch buildup and few invasive species issues. For instance, the Doe Mill Preserve adjacent to the project site and E. 20th Street is approximately 15 acres and maintains a significant BCM population. BCM populations have also persisted for several years in the City outside of preserves in roadside drainages despite the effects of roadway runoff and the potential effects from being driven over by vehicles and the complete lack of a preserve or other management tools, including thatch management. Site conditions on the project site are unique in that the naturally thin soils may not result in the build-up of thatch or influx of ants or other species that tend be more problematic on richer soils. Refer to revisions to mitigation measure BIO-1 on page 4.3-54 of the Draft EIR in Chapter 3, Changes to the Draft EIR. The proposed changes to the mitigation measure include monitoring of the preserve for evidence of any erosion or sedimentation that may be detrimental to the long-term preservation of the species, as well as evidence of public access impacts. Management proposed under mitigation measure BIO-1 to retain biological values include controls on introduction and spread of invasive plant species, remediation of erosion and sedimentation, and requirements for fencing to control public access and pet entry into preserves. However, the revisions to BIO-1 also include a performance standard of maintaining meadowfoam population extent at equivalent or greater areas than under baseline (pre-project) conditions, which would demonstrate that biological values are maintained.

10-29 This comment continues to note the complications of managing smaller preserves and asks whether an endowment would be established to ensure management of the preserves and other open space in perpetuity.

Consistent with anticipated future state and federal permitting processes, funding for ongoing management and monitoring of the preserves and open space would be required under mitigation measure BIO-1 (Draft EIR p. 4.3-54). That measure has been revised in this Final EIR to specifically require that the VESP Habitat Mitigation Monitoring Plan must include "a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves." See Chapter 3 for the revised language.

10-30 This comment continues to note the complications of managing smaller preserves, specifically as it relates to preserve shapes with a greater edge to volume ratio including exotic weed invasions, wildlife harassment and /or collection, trash accumulation, management challenges and more.

Refer to response to Comment 10-28 and Master Response 2 regarding the effectiveness of smaller preserves.

10-31 The comment states that project impacts to BCM are not properly disclosed, analyzed, or mitigated in the Draft EIR.

Please refer to Master Response 2 regarding impacts to and mitigation for BCM.

10-32 The comment supports comment 10-31 and asserts that being surrounded by hardscape will cause significant impacts on BCM, and in support provides excerpts from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a 30-year-old reference to trash dumping and off-highway vehicle use and a 25-year-old invasion of medusahead grass at the Doe Mill Preserve.

Please refer to Master Response 2 regarding BCM. The early concerns in the 1990s over invasive species extirpating BCM from the Doe Mill-Schmidbauer Preserve were proven unfounded in 2018 when thousands of BCM plants were surveyed on the site. BCM maintained healthy populations in the Doe Mill Preserve despite the fact that no active management (such as annual grazing or periodic burning) occurred over the prior 20 years.

10-33 The comment supports comment 10-31 and provides an excerpt from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a statement that two populations of BCM are small enough (fewer than 500 individuals even in favorable years), that random events could lead to their extirpation.

Please refer to Master Response 2 regarding BCM preserves. It is generally true of biological groups that populations with fewer individuals are more susceptible to disturbance and possible extirpation from random events. The comment does include any linkage relating the excerpt from the Recovery Plan to the BCM preserves contemplated for the proposed project.

10-34 The comment supports comment 10-31 and provides excerpts from the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2006), specifically a statement regarding the importance of pollinators to the species.

Please refer to Master Response 2 regarding BCM.

10-35 The comment claims that the Draft EIR is incorrect when it states no branchiopods are present adjacent to the project site. It cites an Army Corps EA that analyzed development of the adjacent property.

The analysis cited in the comment is stating generally that vernal pool/vernal swale complexes support BCM and federally listed branchiopods but is not stating or providing evidence that they exist in that location or on that property. There are no records of federally listed branchiopod species occurring on the referenced property.

10-36 The commenter claims the Draft EIR lacks support for the statement that there is a low potential for vernal pool branchiopods to occur within the project site. The comment cites sources that vernal pool branchiopods commonly occur in small pools. The comment also suggests that biological assessments by third parties would be essential to provide accurate information.

The smaller wetlands that provide potential habitat for vernal pool branchiopods were included in the several rounds of protocol-level vernal pool branchiopod surveys conducted at the site. Of the 132 wetlands delineated on the project site, 67 were determined to be potentially suitable habitat for invertebrates. This determination was based on lack of sufficient ponding to support the life cycle of large branchiopods, or flow velocities that would make the presence of branchiopods infeasible. Of the 67 features with potentially suitable habitat, there are 11 features that were not fully sampled because they were planned for avoidance. Since that initial iteration, the preserve design has been revised and now one of these unsampled pools may be directly or indirectly impacted. Of the 56 pools that have been surveyed during both wet and dry season conditions, none have resulted in positive observations of listed vernal pool branchiopods. The surveys conducted by Gallaway biologists were independently reviewed by a third-party consultant (Dudek) prior to preparation of the Draft EIR and found to be valid surveys. These survey findings, plus the lack of documented occurrences at adjacent properties, support the Draft EIR conclusion that listed vernal pool branchiopods have a low potential to occur within the project site.

10-37 The commenter requests that the Draft EIR include an analysis of indirect impacts to the Stonegate and Doe Mill vernal pool preserves west of the project site. Specifically, the comment suggests that the project could impact hydrology of adjacent preserves and introduce additional pollutants.

Regarding hydrologic effects to off-site wetlands, drainage from the project site is contained in storm drains and ditches and is topographically located below the protected vernal pools and swales of the adjacent Stonegate and Doe Mill-Schmidbauer BCM preserves. The vernal pools and swales containing the sensitive BCM habitat are also located upslope from the drainage ditches that carry storm water runoff exiting the site to the Butte Creek Diversion Channel. Therefore, minor changes to the hydrologic output from the project site would not impact the Stonegate or Doe Mill-Schmidbauer preserves. Similarly, any pollutants that may be present in drainage from the project site would not enter those preserves for the same reasons. The text on page 4.3-61 in the Draft EIR has been updated to clarify the hydrologic connection between the properties and is provided in Chapter 3, Changes to the Draft EIR.

10-38 The commenter states that vernal pools and surrounding grasslands provide habitat for a variety of special-status species, specifically listing various special-status bird species.

The Draft EIR notes that several of the species called out in the comment have some potential to occur on the project site, including but not limited to burrowing owl, loggerhead shrike, and American peregrine falcon. The potential for these and other species to occur on the project site was considered in the BRA prepared for the project (Draft EIR, Appendix C) as well as in the body of the Draft EIR (Draft EIR p. 4.3-20 for western burrowing owl, p. 4.3-27 for loggerhead shrike and American peregrine falcon). In addition, the BRA notes there are no-special status shrimp present on the site, as well as other invertebrates that provide food sources.

10-39 The commenter provides a summary of their comments. The comment reiterates assertions that project occupancy and operation will result in a range of impacts to avoided resources. Specific impact mechanisms cited in the letter include degradation by vehicles, mountain bikes, joggers, pedestrians, pets, trash dumping, and others.

The vernal pools present on the project site have been subject to extensive study over several years and most do not provide sufficient water to support vernal pool species lifecycles. Impacts to sensitive riparian habitats from public access are described on page 4.3-58 of the Draft EIR and are considered potentially significant. Impacts to avoided aquatic resources are described on page 4.3-61 of the Draft EIR, and as described, the project includes a variety of measures to avoid and minimize indirect effects to these avoided areas, including trail drainage, trash controls, and protective fencing. The Draft EIR includes measures (mitigation measure BIO-1) to reduce public access impacts to preserves, including fencing to control public access and pet access that must be detailed in a Habitat Mitigation and Monitoring Plan approves by USFWS and/or the City prior to permit issuance.

10-40 The comment asserts that the Draft EIR did not account for cumulative losses of wetlands, uplands, and wetland dependent species in the City.

Impacts 4.3-5, 4.3-6 and 4.3-7 starting on page 4.3-64 of the Draft EIR, evaluates cumulative impacts on uplands, wetlands, and special-status plant and wildlife species (including wetland-dependent species), due to other recent and pending projects that are included on the City's Active Development Map. The impact analysis incorporates the finding from the City's General Plan EIR that losses from these and other projects would be cumulatively considerable and significant and unavoidable. The analysis under Impact 4.3-5 incorporates the extensive analysis done for the Butte Regional Conservation Plan (BRCP), which is cumulative in nature, and compares the development footprint for the project to the estimated acreages of each impacted land cover type in the BRCP Plan area. The analysis notes that without mitigation provided for under the BRCP, the project would constitute a cumulatively considerable contribution to potentially significant cumulative impacts even with the project-level mitigation and proposed avoidance of over 40% of the project site as open space.

10-41 The comment continues the assertions made in comment 10-40 but focuses on upland habitat losses.

Please see Response to Comment 10-40 regarding cumulative impacts to habitat.

10-42 The comment asserts that based on prior comments in the letter the Draft EIR did not properly analyze significant impacts to the environment and urges the City to revise the Draft EIR.

The commenter's opinion is noted and forwarded to the decision makers for consideration. Please see Responses to Comments 10-1 through 10-41.

10-43 The comment reminds the City of the lead agency's duty to maintain and preserve all sources and communications relied upon to prepare the Draft EIR that constitutes the administrative record.

The comment appears to incorrectly refer to the "county" as the lead agency for the purposes of CEQA. The City of Chico is the lead agency and is the jurisdiction processing the project application. As lead agency, the City will maintain the Administrative Record pursuant to legal requirements.

10-44 The comment requests that the Center for Biological Diversity and AquAlliance be added to the City's list to receive notification for all future updates to the project.

The Center for Biological Diversity and AquAlliance has been on the Interested Parties list for this project and will continue to receive notifications and updates related to the project.

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