



## Planning Commission Agenda Report

Meeting Date: 02/18/16

DATE: February 5, 2016

Files: DA 15-01,  
AR15-17, RZ 15-06

TO: PLANNING COMMISSION

FROM: Jake Morley, Associate Planner (879-6810; jake.morley@chicoca.gov)

RE: Chico Scrap Metal (Development Agreement 15-01, Architectural Review 15-17, Rezone 15-06) - 878 East 20<sup>th</sup> Street; APNs 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017

### SUMMARY

On April 21, 2015, the City Council considered a request from the owner of Chico Scrap Metal (CSM) to discuss alternatives to a City ordinance requiring amortization of CSM, which called for the use to cease by December 31, 2011. Council directed City staff to work with CSM to develop a mechanism by which CSM might continue its operations. Council directed that the proposed mechanism address noise considerations, hours of operations, site aesthetics, and potential concerns with respect to site contamination.

The applicant has submitted applications seeking:

- Elimination of the amortization requirements found in the Chapman/Mulberry Neighborhood Plan and in the Chico Municipal Code.
- Approval of architectural review, which includes site improvements and landscaping to improve aesthetics and neighborhood compatibility.
- Approval of a Development Agreement under which CSM would modify and regulate its operations in order to improve its compatibility with the surrounding neighborhood.

### Recommendation:

Planning staff recommends that the Planning Commission adopt Resolution No. 15-11 (**Attachment A**), recommending that the City Council adopt a negative declaration for the project and approve Development Agreement 15-01, Architectural Review 15-17, and Rezone 15-06 based upon the findings and conditions herein.

### Proposed Motion:

I move that the Planning Commission adopt Resolution No. 15-11, recommending that the City Council adopt a negative declaration for the project and approve Development Agreement 15-01, Architectural Review 15-1, and Rezone 15-06 based upon the findings and conditions herein.

## BACKGROUND

Between the 1960's to 1970's the site was operated as an active large scale collection and auto wrecking business (AA Auto Wreckers and Scotty's Auto Wreckers). Prior to the site being occupied as an auto wrecking/salvage facility, an auto repair business operated at the location.

In 1983, CSM purchased the location. At the time of purchase, the site was uneven and not paved, which did not allow for operation of equipment. Over the course of two years, CSM graded the site and poured a 14-inch layer of concrete over the areas in which CSM operates. The excess surface soils from the grading operation were stockpiled on the northern portion of the site, and removed in 2007 and disposed of at a Class 1 waste disposal facility located near Buttonwillow, California.

In 2004, the Chapman Mulberry Neighborhood Plan (Plan) was adopted by the City Council. The Plan reflects a desire to improve the neighborhood in ways that celebrate its diversity, heritage, and unique sense of place within Chico. The development standard portion of the Plan was incorporated into Chico Municipal Code (CMC) as a Special Design consideration overlay zoning district in 2006. This overlay zone (SD-6 – Chapman Mulberry Neighborhood) includes a requirement that nonconforming commercial and industrial uses, including Chico Scrap Metal (CSM), cease operations by December 31, 2011. Before this amortization date occurred, the City Council granted an extension of three years to CSM, as the applicant was still investigating relocation options. This extension was set to expire on December 31, 2014.

On December 28, 2014, the owners' of CSM approached the City Council requesting that the Chico Scrap amortization item be placed on its January 6, 2015 agenda. CSM requested that Council extend its operations and allow CSM to seek an alternative to the amortization of its use. Council directed City staff to work with CSM to develop a mechanism by which CSM might continue its operations.

On July 7, 2015, CSM applied for Architectural Review to install improvements and aesthetic enhancements (see Site Improvements Plans, **Attachment B**), and a Rezone which would amend the Chico Municipal Code (Section 19.51.070) and the Chapman-Mulberry Neighborhood Plan to remove the requirement for amortization. The applicant also submitted a Development Agreement application, which, among other things, proposes that site improvements and changes to operational characteristics occur within certain timeframes.

## PROJECT PROPOSAL

The applicant proposes to:

- 1) Amend the Chapman-Mulberry Neighborhood Plan and Chico Municipal Code section 19.51.070 – *Special Design considerations (SD) overlay zone* to remove references to, and any requirement to, amortize the current use. This would be accomplished through approval of Rezone 15-06.
- 2) Install on-site improvements including:
  - Removing and replacing fencing along East 16th and East 20th Streets, including installing new entrance and exit gates.

- Providing art elements along the new fence that are made of recycled materials.
  - Façade remodels to 3 existing structures.
  - Improving on-site parking and circulation for both customers and employees, including the relocation of stored materials away from vacant residential zoned property.
  - Installing landscaping along both public right-of-ways and on-site, including shade trees, shrub screens, chip mulch, and drip irrigation. These improvements are proposed as Architectural Review 15-17.
- 3) Modify operational standards including:
- Upgrade, replace, and maintain equipment located on site including a new baler (2011 Model 580 CL), which has already replaced an older, louder model. The baler is placed along the West 20<sup>th</sup> Street frontage, the furthest location from existing residential uses.
  - Maintain existing operating hours which are 8:00 am to 4:00 pm, Monday through Friday, Saturday 8:00 am to Noon and closed on Sundays.
  - Develop and maintain a new comprehensive Best Management Practices Manual which will address on-site operations, incident and emergency planning and response requirements, and consolidate permit requirements from regulatory agencies.
  - Continue dust suppression measures, including installation of gravel over the unused portions of the site that are not paved.
  - New and updated signage informing customers of CSM best practices and requirements for material intake.
  - Prohibiting on-site baling and shredding of vehicle bodies. Vehicles bodies may still be collected on-site, so long as they do not contain any liquid material. These modifications are included as part of Development Agreement 15-01.

A more in depth project description has been submitted by the applicant (see Project Description, **Attachment C**). The project description outlines the types and weights of specific materials collected and recycled, highlights economic contribution of CSM's operations, notes existing environmental oversight and regulations, provides a history of the site, and lists various companies that utilize CSM's services.

## **REGULATORY OVERSIGHT**

### Department of Toxic Substance Control

The project site is currently listed on the Cortese List (Government Code Section 65962.5) as a result of low level PCBs found on site after an investigation conducted by the California Department of Toxic Substance Control (DTSC). As a result, DTSC has active oversight of the project site under State regulations.

In compliance with DTSC requirements, CSM has submitted a *Remedial Investigation and Feasibility Study* (RIFS), which is an assessment prescribed by DTSC used to determine whether hazardous substances are present, and, if so, to determine the nature of related impacts upon soils, surface water, and groundwater. The RIFS concluded that metals and other potentially organic contaminants were at “background” or insignificant concentrations in the soil samples taken. The groundwater samples were also determined to have no significant contamination. A human-health risk assessment was prepared as part of the RIFS and it concluded there was no significant human health risk from the identified on-site contaminants. Existing environmental conditions can best be summarized from Chapter 5 of the RIFS – Findings and Comparisons to Health Risk Screening Levels and a letter dated April 20, 2015 from Lawrence and Associates to Kim Scott, Chico Scrap Metal (see **Attachments D and E**).

DTSC concluded that the prepared RIFS was sufficient to consider the investigation complete (see DTSC Approval Letter Dated April 12, 2012, **Attachment F**).

Based on the findings of the RIFS, DTSC subsequently requested the submittal of a *Removal Action Workplan* (RAW) detailing the evaluation and selection of the most appropriate remedial action. A RAW is defined as “a work plan prepared or approved by DTSC or a California Regional Water Quality Control Board which is developed to carry out a removal action, in an effective manner, that is protective of the public health and safety and the environment” (California HSC 25323.1).

In this case, the RAW represents a work plan that will serve to manage soils impacted by shallow sources of low levels of PCBs at the project site. The focus of the RAW is the northeastern portion of the property. DTSC is reviewing the draft RAW and will direct standard remedial activities, which include containment by capping, activity use limitations (e.g., deed restrictions limiting future land uses), and/or removal and off-site disposal of soils (see RAW Executive Summary, **Attachment G**).

The RIFS and RAW documents, in their entirety, are available for review at the Community Development Department and on the Planning Services Division website.

#### State Water Resource Control Board

CSM operations are subject to an Industrial Activities Storm Water permit through the Regional Water Quality Control Board (Board). Under this permit (# 5R04102784) an annual report for storm water discharges associated with CSM activities is submitted to the Board. The Board also requires Best Management Practices (BMPs) be implemented to minimize or prevent pollutants from discharging off-site.

Pursuant to the Board’s authority, CSM is subject to regulatory site inspections and oversight.

#### Butte County Public Health Department – Environmental Health Division

A yearly site inspection is conducted by the Butte County Public Health Department – Environmental Health Division to ensure that the facility is in compliance with the Hazardous Materials Release Response Plan as specified in Chapter 6.95 of the California Health and Safety Code, and Title 19 of the California Code of Regulations. These regulations require submission of a materials inventory, implementation of on-site BMPs, and training of employees for handling waste and emergency procedures. As recently as June 27, 2014, the Health Department inspected the site, and concluded there were no violations observed.

## **DISCUSSION**

### Aesthetics

The applicant is proposing to enhance the streetscape along East 16<sup>th</sup> and East 20<sup>th</sup> Streets by removing the existing fence, and installing a new 8-foot tall fence, with 2-feet of wire mesh on top, and new gates. As illustrated on the site improvement drawings (see **Attachment B**), these elements will be softened and enhanced by landscaping along the public right-of-way and with additional interest provided through the introduction of art mounted on the fence. The art will utilize recycled materials found on site.

Inside the CSM facility, existing structures will receive façade remodels. New employee and customer parking, and associated improvements, will be placed along the East 16<sup>th</sup> Street portion of the site to serve as a buffer to residentially zoned lots to the west.

As noted in the applicant's project description, the goal of the aesthetic improvements is to create an "urban funk" feel, by integrating the site into the urban fabric and being complimentary to the community instead of looking out of place (see Landscape Project Description, **Attachment H**).

### Operations

Currently, physical operations at the site remain within the existing footprint of the poured concrete, which is primarily located on the southern portion of the site, along the East 20<sup>th</sup> Street frontage. With the exception of new employee parking to be located at the northern end of the property, all operations are proposed to remain in this area.

All storage and recycling activities take place on concrete slabs. Noise generated from the site has been reduced by replacing an old baler with a new model (2011 Model 580 CL). The baler is utilized to compress material into compact bales that are easy to handle, transport, and store. All recyclable material collected on site must be void of liquids, otherwise CSM turns them away (see **Exhibit D in Development Agreement, Attachment I**). Current CSM operations does not include auto dismantling.

Operational hours are proposed to remain the same, which are Monday through Friday from 8 a.m. to 4 p.m., Saturday 8 a.m. to noon, and closed Sunday. The proposed Development Agreement would allow CSM to perform necessary on-site tasks beyond the hours open to the public, including staging of equipment for the next business day, implementation of Storm Water Pollution Prevention Plan requirements, etc.

New on-site signage is proposed to inform customers of prohibited materials, and that sweeping of trailers and truck beds is prohibited. To further minimize dust, the applicant will utilize a sweeper twice a day along the path of travel for customers. In areas with exposed soils, a layer of gravel will be placed.

CSM's conformance to these operational requirements is discussed in the attached Development Agreement (Agreement) (see **Attachment I**). The Agreement governs and regulates the development and operational aspects conducted at the CSM site. It further contains a timing mechanism which requires all improvements to be installed no later than 18-months after final approval of the project. The Agreement also contains language which

provides the City with the ability to levy fines against CSM if they are found to be out of compliance with the Agreement.

Amendments to the Chico Municipal Code and Chapman/Mulberry Neighborhood Plan

The applicant is requesting a text amendment to Chico Municipal Code Section 19.51.070 – Special Design Considerations (SD-6) and the Chapman/Mulberry Neighborhood Plan, specifically removing text regarding amortization of the use at CSM (see **Attachment J and K**).

**GENERAL PLAN CONSISTENCY**

Implementation of the project is supported by General Plan Goals, Policies and Actions related to balancing the environment and economy, creating a sustainable Chico (Goal SUS-1), promoting use of environmentally friendly, local products and services, meeting the needs of the community, enhancing community character and identity (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3 and LU-3.4), and encouraging economic development and recycling (Goal ED 1.3, ED-1.0, Goal PPF8-8, Policy PPF8-8.1 and Action PPF8-8.1.1). Further, aspects of the project such as removal and replacement of fencing, incorporation of art, and on-site improvements are consistent with the General Plan in that they help create a sense of place, provide distinctive character, contribute to the quality of life and economic vitality of Chico, and enhance diverse neighborhoods and surrounding development (Goal CD-3, CD-4, CD-5, CD-7).

The following General Plan Goals, Policies and Actions are applicable to the project:

Goal SUS-1: Balance the environment, economy and social equity, as defined in the General Plan, to create a sustainable Chico.

Policy SUS-3.1: (Sustainable Products and Services) – Promote the use of environmentally-friendly and local products and services.

GOAL LU-2: Maintain a land use plan that provides a mix and distribution of uses that meet the identified needs of the community.

GOAL LU-3: Enhance existing neighborhoods and create new neighborhoods with walkable access to recreation, places to gather, jobs, daily shopping needs, and other community services.

GOAL LU-4: Promote compatible infill development.

Policy LU-3.3: (Neighborhood Services) - Recognize existing neighborhoods and continue to facilitate the development of neighborhood plans in partnership with residents and property owners to preserve and enhance neighborhood character, identity, and livability.

Policy LU-3.4: (Neighborhood Enhancement) - Strengthen the character of existing residential neighborhoods and districts.

Policy LU-4.2: (Infill Compatibility) - Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

Goal CD-3: Ensure project design that reinforces a sense of place with context sensitive elements and a human scale.

Goal CD-4: Maintain and enhance the character of Chico's diverse neighborhoods.

Goal CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.

Goal CD-7: Celebrate public art and expand the significant role the arts play in the quality of life and economic vitality of Chico.

Policy CD-4.1: (Distinctive Character) – Reinforce the distinctive character of neighborhoods with design elements reflected in the streetscape, landmarks, public art, and natural amenities.

Policy CD-5.1: (Compatible Infill Development) – Ensure that new development and redevelopment reinforces the desirable elements of its neighborhood including architectural scale, style, and setback patterns.

Policy CD-7.2: (Community and Art) – Foster civic pride with the use of public art that highlights Chico's natural resources, cultural heritage, and community character.

Policy ED-1.3: (Regulatory Environment) – Ensure that regulations and permitting processes for the conduct of commerce and land development do not unreasonably inhibit local business activity.

Policy ED-1.9: (Chico Based Businesses) – Encourage Chico residents and visitors to support businesses that are located in the City of Chico.

Goal PPF8-8: Ensure that solid waste and recyclable collection services are available to City residents.

Policy PPF8-8.1: (Waste Recycling) – Provide solid waste collection services that meet or exceed state requirements for source reduction, diversion, and recycling.

Action PPF8-8.1.1: (Green Waste) – Encourage recycling, composting, and organic waste diversion within the City and continue providing green yard waste recycling services, seasonal leaf collection and street sweeping services.

The improvements are also supported by the City of Chico Design Guidelines Manual which discusses art elements, incorporating interest into projects, creating awareness, and creating a sense of place by including elements and materials from the site (DG 6.1.45, DG 6.1.6, DG 1.4.11, DG 1.2.32 and DG 1.4.13)

## **FINDINGS**

### Architectural Review

Pursuant to the Chico Municipal Code Section 19.18.060, a determination must be made as to whether or not a project adequately meets adopted City standards and design guidelines, based upon the following findings:

1. The proposed development is consistent with the General Plan, any applicable specific plan, and any applicable neighborhood or area plans.

Implementation of the project is supported by General Plan Goals, Policies and Actions related to balancing the environment and economy, creating a sustainable Chico (Goal SUS-1), promoting use of environmentally friendly, local products and services, meeting the needs of the community, enhancing community character and identity (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3 and LU-3.4), and encouraging economic development and recycling (ED 1.3, ED-1.0, Goal PPFS-8, Policy PPFS-8.1 and Action PPFS-8.1.1). Further, aspects of the project such as removal and replacement of fencing, incorporation of art, and on-site improvements are consistent with the General Plan in that they help create a sense of place, provide distinctive character, contribute to the quality of life and economic vitality of Chico, and enhance diverse neighborhoods and surrounding development (Goal CD-3, CD-4, CD-5, CD-7).

The project is consistent with the Chapman/Mulberry Neighborhood Plan in that it seeks to create buffers between residential and non-residential uses, preserve the single-family residential character of the neighborhood, retain and expand the urban forest through the addition of landscaping and parking lot shade trees, and screen vehicles from the public right-of-way.

2. The proposed development, including the character, scale, and quality of design are consistent with the purpose/intent of this chapter and any adopted design guidelines.

The proposal meets a number of City of Chico Design Guidelines Manual goals. The new fencing will provide site screening (DG 1.1.14, DG 6.1.29). With the fence indentations, a rhythm design is proposed which will contain climbing vine lattice frames, thereby softening the walls and bringing additional visual interest to the project (DG 6.1.45, DG 6.1.6). The inclusion of art elements along the fence is consistent with goals in the Manual that discuss and encourage public art that creates a focal point, enhances Chico's image, provides an overall increase in artistic awareness to the community, and creates a sense of place by including elements and materials from the site (DG 1.4.11, DG 1.2.32 and DG 1.4.13).

3. The architectural design of structures, including all elevations, materials and colors are visually compatible with surrounding development. Design elements, including screening of equipment, exterior lighting, signs, and awnings, have been incorporated into the project to further ensure its compatibility with the character and uses of adjacent development.

The Project includes visually interesting colors and materials to create an "urban funk" theme by utilizing a color pallet of greens and browns that are softened with landscaping. Landscaping will also provide additional textures and colors throughout the changing seasons, with the incorporation of different leaf shapes and flowering elements. Materials such as board and batten, concrete, and metal trellis with creeping vines, will bring additional interest and relief. Consistent with the City's Municipal Code, project lighting is angled downward with full cut-offs thereby eliminating night time glare or light spillover. All mechanical equipment is contained within the project site and is not visible from the public right-of-way. Additional screening is proposed including an

on-site shrub screen to block views of material stock piles. New on-site directional signage, collection rules, and best management signage will be installed to inform customers of best practices, such as the prohibition of sweeping trailers.

4. The location and configuration of structures are compatible with their sites and with surrounding sites and structures, and do not unnecessarily block views from other structures or dominate their surroundings.

The height of the structures and the associated improvements are at a pedestrian scale, and do not block views or dominate the site. All on-site improvements will be buffered by the construction of a new fence and the installation of landscaping along East 16th and East 20th Streets.

5. The general landscape design, including the color, location, size, texture, type, and coverage of plant materials, and provisions for irrigation and maintenance, and protection of landscape elements, have been considered to ensure visual relief, to complement structures, and to provide an attractive environment.

The project contains landscaping in areas that are currently void of such improvements. Selected plant material is designed to provide shade to parking and driveways, while providing an assortment of visual textures, types, and seasonal colors. Existing trees along East 16<sup>th</sup> and East 20th Streets have been incorporated into the design. Fence improvements are softened with the introduction of a flowering creeping vine on wire mesh elements. Landscaping has been selected and placed into hydrozones to reduce water use and will be irrigated by automatic controls utilizing low volume drip irrigation systems. Groundcover, such as chip mulch or bark, will be placed throughout all landscaped areas, typically at 3 to 4 inch depth, thereby further reducing the need for irrigation.

#### Neighborhood Plan Amendment

Pursuant to Chico Municipal Code Section 19.06.050 A, an amendment to a neighborhood plan, may be approved only if all of the following findings are made:

1. The proposed amendment is internally consistent with the plan being amended.

Project approval would result in improved compatibility of CSM's aesthetics and operations with the surrounding neighborhood, which is a key goal of the Chapman Mulberry Neighborhood Plan (Plan). With the proposed amendment to the Plan, the Plan would remain internally consistent as other aspects of the Plan, such as the development standards for single and multi-family residential projects, street designs, and lighting requirements are still applicable to properties located in the adopted overlay zoning district.

2. If the proposed amendment is to a specific plan, neighborhood plan or area plan, it is consistent with the General Plan.

The project is consistent with the General Plan, in that it support numerous General Plan Goals, Policies and Actions that call for balancing the environment and economy to create a sustainable Chico (Goal SUS-1), promoting use of environmentally friendly,

local products and services that meet the needs of the community, enhancing community character and identity (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3 and LU-3.4), encouraging economic development, and ensuring that recycling services and waste diversion are available to City residents (ED 1.3, ED-1.9, Goal PPFS-8, Policy PPFS-8.1 and Action PPFS-8.1.1). Further, aspects of the project such as removal and replacement of fencing, incorporation of art, and on-site improvements are consistent with the General Plan in that they help create a sense of place, provide distinctive character, contribute to the quality of life and economic vitality of Chico, and enhance diverse neighborhoods and surrounding development (Goal CD-3, CD-4, CD-5, CD-7).

With the amendment, the Neighborhood Plan would remain consistent with the General Plan's broad public policy direction for the community, and the neighborhood. The Neighborhood Plan is intended to be a refinement to the General Plan and its vision and policy objectives for the neighborhood remain applicable.

3. The site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

The subject 2.02 acre site has been in operation, in some capacity, as a recycling and scrap metal collection facility since 1964. Since 1983, the site has been improved with concrete slab over all working and storage areas, and operational aspects have been kept to the southern portion of the site and operational standards have gravitated towards a large scale collection facility. The site is designed for vehicles to enter and exit the site in a loop, which allows for vehicles to be forward facing when exiting, and allows for optimal processing for CSM. Through site improvements, which include fencing, landscaping, art, covering of exposed soils, as well as operational standard limitations, the proposed use is compatible with the adjoining land uses.

#### Development Regulation Amendment

Pursuant to Chico Municipal Code Section 19.06.050 B, an amendment to the City's Development Regulations may be approved only if all of the following findings are made:

1. The proposed amendment is consistent with the General Plan, any applicable specific plan, and any applicable neighborhood and area plans.

Implementation of the project is supported by General Plan Goals, Policies and Actions related to balancing the environment and economy, creating a sustainable Chico (Goal SUS-1), promoting use of environmentally friendly, local products and services, meeting the needs of the community, enhancing community character and identity (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3 and LU-3.4), and encouraging economic development and recycling (ED 1.3, ED-1.9, Goal PPFS-8, Policy PPFS-8.1 and Action PPFS-8.1.1). Further, aspects of the project such as removal and replacement of fencing, incorporation of art, and on-site improvements are consistent with the General Plan in that they help create a sense of place, provide distinctive character, contribute to the quality of life and economic vitality of Chico, and enhance diverse neighborhoods and surrounding development (Goal CD-3, CD-4, CD-5, CD-7).

With the amendment, the Neighborhood Plan would remain consistent with the General Plan's broad public policy direction for the community. The Neighborhood Plan is intended to be a refinement to the General Plan and its vision and policy objectives for the neighborhood remain applicable.

2. The proposed amendment is consistent with other applicable provision of these Regulations and compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning districts for which it is proposed.

The regulations and development standards found in the Chico Municipal Code would continue to be compatible and internally consistent with the uses it authorizes and regulates. Approval of the project would only result in the removal of an amortization requirement applicable to CSM.

#### Development Agreement

Pursuant to Chico Municipal Code Section 19.32.50 the proposed for Development Agreements may be approved only if the following two findings are made:

1. The development agreement would be in the best interest of the City.

The Development Agreement is in the best interest of the City in that furthers a number of General Plan Economic Development, Land Use, Sustainability, Community Design, and Parks and Public Facilities Element Goals, Policies and Actions (Goal SUS-1 Policy SUS-3.1, Goal LU-2, LU-3, LU-4, Policy LU-3.3, LU-3.4, LU-4.5 Goal CD-3, CD-4, CD-5, CD-7, Policy CD-4.1, CD-5.1, CD-7.2, Goal, ED 1.3, ED-1.9, Action ED-1.3.3, Policy ED-1.9, Goal PPFS-8, Policy PPFS-8.1 and Action PPFS-8.1.1). Ultimately, the project will aesthetically improve and enhance the project site through the addition of new structural improvements along the public right-of-way, façade remodels to existing structures, and comprehensive landscape improvements. Further, the Development Agreement would ensure timely implementation of the proposed operational standards and aesthetic improvements, and provide a mechanism for enforcement and annual reporting.

2. The development agreement would promote the public interest and welfare of the City.

The Development Agreement would promote public interest and welfare of the City by promoting neighborhood compatibility, enhancing site aesthetics and operational improvements, and providing a mechanism for enforcement. Further, continuation of the use will serve the public and businesses through the collection of recyclable goods, and provide economic benefit.

#### **ENVIRONMENTAL REVIEW**

The proposed project is subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA (Public Resources Code Sections 21000 et seq.) and the CEQA Guidelines, an Initial Study was conducted by the City to determine if the proposed project would have a significant effect on the environment (see **Attachment L**). The Initial Study evaluated the potential environmental impacts of the proposed project.

The Initial Study concluded that implementation of the proposed project would not degrade the quality of the environment or adversely affect human beings. Therefore, the Initial Study determined that the proposed project could not have a significant effect on the environment and that a Negative Declaration should be prepared.

The Negative Declaration, along with the Initial Study, was circulated for public review from January 27, 2016 through February 16, 2016. To date, no comment letters have been received regarding the environmental review.

## **PUBLIC CONTACT**

A 20-day public hearing notice was mailed to all landowners and residents within 500 feet of the site (see Public Notice Map, **Attachment M**), and a legal notice was published in the *Chico Enterprise Record*. All correspondence received related to the project is included as **Attachment N**.

### Neighborhood Meeting

On September 25, 2015, a neighborhood meeting was held at 1940 Mulberry Street (Eagles Lodge). The intent and goal of the neighborhood meeting was to solicit feedback from the community regarding the proposal before a formal application was submitted to the City. The project was presented by the applicant and her representatives (see **Attachment O**, Sign In-Sheet).

The applicant presented the project, including proposed façade remodels, improvements along East 16th and East 20th Street, and the new operational requirements. Several neighbors expressed concern that the Chapman-Mulberry Neighborhood Plan notes that the subject site should be developed as a neighborhood commercial area. Others felt that CSM is a welcomed use as its hours of operation and the current use of the site are known factors, and that they are a good neighbor.

Those who spoke in opposition to the project discussed relocation of the business, amortization requirements, neighborhood compatibility, and environmental concerns associated with CSM operations (see **Attachment O**, Applicant's Neighborhood Meeting Notes).

In response to comments received at the neighborhood meeting, the applicant modified the proposal to include lighting to illuminate areas in which trash and waste are left near a residential neighbor, the inclusion of gravel over areas that are exposed soil to minimize on-site dust, an increased fence height along the East 20<sup>th</sup> Street portion of the site, and a new fence along existing single family residences along the northern property line.

### **DISTRIBUTION:**

PC Distribution

AP Morley

Files: DA 15-01, RZ 15-06, AR 15-17

### External

Kim Scott, Chico Scrap Metal, 878 E. 20<sup>th</sup> Street, Chico, CA 95928

Shane Scott, Chico Scrap Metal, 878 E. 20<sup>th</sup> Street, Chico, CA 95928

Scott Gibson, P.O. Box 2306, Paradise, CA 95967

Therese Y. Cannata, 100 Pine Street, Suite 350, San Francisco, CA 94111  
Jon Luvaas, 1980 Wild Oak Lane, Chico, CA 95928

**ATTACHMENTS:**

- A. Planning Commission Resolution 15-1  
Exhibit I – Negative Declaration  
Exhibit II – Conditions of Approval
- B. Site Improvement Plans
- C. Applicant's Project Description
- D. RIFS – Chapter 5.1 – Findings and Comparisons to Health Risks and Screening Levels
- E. Lawrence & Associates Letter – Dated April 20, 2015
- F. DTSC RIF Approval Letter – Dated April 12, 2012
- G. RAW – Executive Summary
- H. Landscape Project Description
- I. Draft Development Agreement
- J. Chico Municipal Code Section 19.51.070 – Redlined
- K. Chapman/Mulberry Neighborhood Plan – Redlined
- L. Initial Study
- M. Public Notice Map
- N. Public Comments
- O. Pre-Application Neighborhood Meeting – Sign in Sheet
- P. Pre-Application Neighborhood Meeting – Applicant's Notes



# EXHIBIT I

## NEGATIVE DECLARATION

### CITY OF CHICO PLANNING SERVICE DEPARTMENT

Based upon the analysis and findings contained within the attached initial study, a  negative declaration  mitigated negative declaration was adopted by the City of Chico Planning Commission on February 18, 2016, for the following project:

**PROJECT NAME:** Chico Scrap Metal

**PROJECT NUMBERS:** DA 15-01, RZ 15-06 and AR 15-17

**APPLICANTS NAME:** Chico Scrap Metal, 878 East 20<sup>th</sup> Street, Chico, CA 95928

**PROJECT LOCATION:** 878 East 20<sup>th</sup> Street, Chico, CA 95928 (005-422-009, 005-422-013, 005-422-017, 005-450-030 and 005-450-014).

#### **PROJECT DESCRIPTION:**

The project involves the continued operation of CSM as a large scale collection and recycling facility, by removing an amortization requirement found in Chico's Municipal Code (CMC) as directed by the Chapman-Mulberry Neighborhood Plan. The amortization requirement directs that nonconforming commercial and industrial uses to be amortized, or terminated no later than December 31, 2014. Through a series of City Council actions, CSM has been granted extensions and allowed to continue to operations. Removal of the amortization requirement would allow the existing use to continue at the site with modifications to operational standards and site aesthetics as called for by other project components discussed in more detail below. The project includes the following:

- 1) An amendment the Chapman-Mulberry Neighborhood Plan and Section 19.51.070 – Special Design considerations (SD) zoning overlay of the CMC to remove language regarding the amortization of the scrap metal use at the project site (Rezone 15-06).
- 2) Installation of onsite improvements, including:
  - Remove and replace fencing along East 16th and East 20th Streets along with the installation of new entrance and exit gates.
  - Inclusion of art elements along the new fence that are made from recycled materials found on site.
  - Façade remodels to 3 existing structures.

- Reorganizing and improving onsite parking and circulation for both customers and employees, including the relocation of stored materials away from vacant residential property.
  - Comprehensive landscaping along both public right-of-ways and on-site including shade streets, shrub screens, chip mulch and drip irrigation (Architectural Review 15-17).
- 3) Modifications to operational standards, including:
- Upgrade, replace and maintain equipment located on site including a new bailer (2011 Model 580 CL), which has already replaced an older, louder model. The bailer is placed along the West 20th Street frontage, the furthest location from existing residential uses.
  - Maintain existing operating hours which are 8:00 am to 4:00 pm, Monday through Friday, Saturday 8:00 am to Noon and closed on Sundays.
  - Develop and maintain a new comprehensive Best Management Practices manual, which will address on-site operations, incident and emergency planning and response requirements, and house permit requirements from regulatory agencies.
  - Continue dust suppression measures, including installation of gravel over unused portions of the site that are not paved.
  - Install new and updated signage informing customers of CSM best practices and requirements for material intake.
  - Prohibit on-site bailing and shredding of whole vehicle shells. Vehicles shells may still be collected on site, so long as they do not contain any liquid material. The shells would then be transferred off-site for processing (Development Agreement 15-01).

**PREPARED BY:** Jake Morley

**FINDING:** The attached Initial Study indicated that:

- There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- The project could result in potentially significant effects, and mitigation measures were adopted for the project which will reduce the significant effects to a less than significant level.

**ATTACHMENT:** Initial Study

**EXHIBIT "II"**  
**CONDITIONS OF APPROVAL**

1. All development shall comply with all other State and local Code provisions, as well as any applicable requirements of the Fire Department, the Public Works Department, Butte County Environmental Health, and the Community Development Department. The developer is responsible for contacting these offices to verify the need for permits.
2. All approved building plans and permits shall note on the cover sheet that the project shall comply with AR 15-17 (Chico Scrap Metal). No building permits related to this approval shall be finalized without authorization of the Community Development Department.
2. On-site directional, collection, and rules signage shall be presented to, and reviewed and approved by, the Community Development Department prior to installation by Chico Scrap Metal to inform customers of which materials are not collected on site, and that sweeping of trailer and other transportation devices is strictly prohibited.



- 1 B. The negative declaration has been prepared in conformance with the provision of the  
2 California Environmental Quality Act and the Chico Municipal Code, Chapter 1.4  
3 “Environmental Review Guidelines.”
- 4 C. The negative declaration prepared for the Project reflects the independent judgment of  
5 the City of Chico.
- 6 2. With regard to the Architectural Review, the Planning Commission finds that:
- 7 A. Implementation of the project is supported by General Plan Goals, Policies and Actions  
8 related to balancing the environment and economy, creating a sustainable Chico (Goal  
9 SUS-1), promoting use of environmentally friendly, local products and services,  
10 meeting the needs of the community, enhancing community character and identity  
11 (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3 and LU-3.4), and encouraging  
12 economic development and recycling (ED 1.3, ED-1.0, Goal PPFS-8, Policy PPFS-8.1  
13 and Action PPFS-8.1.1). Further, aspects of the project such as removal and  
14 replacement of fencing, incorporation of art, and on-site improvements are consistent  
15 with the General Plan in that they help create a sense of place, provide distinctive  
16 character, contribute to the quality of life and economic vitality of Chico, and enhance  
17 diverse neighborhoods and surrounding development (Goal CD-3, CD-4, CD-5, CD-7).  
18 The project is consistent with the Chapman/Mulberry Neighborhood Plan in that it  
19 seeks to create buffers between residential and non-residential uses, preserve the single-  
20 family residential character of the neighborhood, retain and expand the urban forest  
21 through the addition of landscaping and parking lot shade trees, and screen vehicles  
22 from the public right-of-way.
- 23 B. The proposal meets a number of City of Chico Design Guidelines Manual goals. The  
24 new fencing will provide site screening (DG 1.1.14, DG 6.1.29). With the fence  
25 indentations, a rhythm design is proposed which will contain climbing vine lattice  
26 frames, thereby softening the walls and bringing additional visual interest to the project  
27 (DG 6.1.45, DG 6.1.6). The inclusion of art elements along the fence is consistent with  
28 goals in the Manual that discuss and encourage public art that creates a focal point,

1 enhances Chico's image, provides an overall increase in artistic awareness to the  
2 community, and creates a sense of place by including elements and materials from the  
3 site (DG 1.4.11, DG 1.2.32 and DG 1.4.13).

- 4 C. The Project includes visually interesting colors and materials to create an "urban funk"  
5 theme by utilizing a color pallet of greens and browns that are softened with  
6 landscaping. Landscaping will also provide additional textures and colors throughout  
7 the changing seasons, with the incorporation of different leaf shapes and flowing  
8 elements. Materials such as board and batten, concrete, and metal trellis with creeping  
9 vines, will bring additional interest and relief. Consistent with the City's Municipal  
10 Code, project lighting is angled downward with full cut-offs thereby eliminating night  
11 time glare or light spillover. All mechanical equipment is contained within the project  
12 site and is not visible from the public right-of-way. Additional screening is proposed  
13 including an on-site shrub screen to block views of material stock piles. New on-site  
14 directional signage, collection rules, and best management signage will be installed to  
15 inform customers of best practices, such as the prohibition of sweeping trailers.
- 16 D. The height of the structures and the associated improvements are at a pedestrian scale,  
17 and do not block views or dominate the site. All on-site improvements will be buffered  
18 by the construction of a new fence and the installation of landscaping along East 16th  
19 and East 20th Streets.
- 20 E. The project contains landscaping in areas that are currently void of such improvements.  
21 Selected plant material is designed to provide shade to parking and driveways, while  
22 proving an assortment of visual textures, types, and seasonal colors. Existing trees  
23 along East 16th and East 20th Streets have been incorporated into the design. Fence  
24 improvements are softened with the introduction of a flowering creeping vine on wire  
25 mesh elements. Landscaping has been selected and placed into hydrozones to reduce  
26 water use and will be irrigated by automatic controls utilizing low volume drip  
27 irrigation systems. Groundcover, such as chip mulch or bark, will be placed throughout  
28 all landscaped areas, typically at 3 to 4 inch depth, thereby further reducing the need for

1 irrigation.

2 3. With regard to the Neighborhood Plan amendment the Planning Commission finds that:

3 A. Project approval would result in improved compatibility of CSM's aesthetics and  
4 operations with the surrounding neighborhood, which is a key goal of the Chapman  
5 Mulberry Neighborhood Plan (Plan). With the proposed amendment to the Plan, the  
6 Plan would remain internally consistent as other aspects of the Plan, such as the  
7 development standards for single and multi-family residential projects, street designs,  
8 and lighting requirements are still applicable to properties located in the adopted  
9 overlay zoning district.

10 B. The project is consistent with the General Plan, in that it support numerous General  
11 Plan

12 Goals, Policies and Actions that call for balancing the environment and economy to  
13 create a sustainable Chico (Goal SUS-1), promoting use of environmentally friendly,  
14 local products and services that meet the needs of the community, enhancing  
15 community character and identity (Policy SUS-3.1, Goal LU-2, LU-3, Policy LU-3.3  
16 and LU-3.4), encouraging economic development, and ensuring that recycling services  
17 and waste diversion are available to City residents (ED 1.3, ED-1.9, Goal PPF8-8,  
18 Policy PPF8-8.1 and Action PPF8-8.1.1). Further, aspects of the project such as  
19 removal and replacement of fencing, incorporation of art, and on-site improvements are  
20 consistent with the General Plan in that they help create a sense of place, provide  
21 distinctive character, contribute to the quality of life and economic vitality of Chico,  
22 and enhance diverse neighborhoods and surrounding development (Goal CD-3, CD-4,  
23 CD-5, CD-7).

24 With the amendment, the Neighborhood Plan would remain consistent with the General  
25 Plan's broad public policy direction for the community, and the neighborhood. The  
26 Neighborhood Plan is intended to be a refinement to the General Plan and its vision and  
27 policy objectives for the neighborhood remain applicable.

28 C. The subject 2.02 acre site has been in operation, in some capacity, as a recycling and

1 scrap metal collection facility since 1964. Since 1983, the site has been improved with  
2 concrete slab over all working and storage areas, and operational aspects have been  
3 kept to the southern portion of the site and operational standards have gravitated  
4 towards a large scale collection facility. The site is designed for vehicles to enter and  
5 exit the site in a loop, which allows for vehicles to be forward facing when exiting, and  
6 allows for optimal processing for CSM. Through site improvements, which include  
7 fencing, landscaping, art, covering of exposed soils, as well as operational standard  
8 limitations, the proposed use is compatible with the adjoining land uses.

9 4. The Planning Commission recommend that the City enter into a Development Agreement  
10 with Chico Scrap Metal which provides for the following:

11 A. The Development Agreement is in the best interest of the City in that furthers a number  
12 of General Plan Economic Development, Land Use, Sustainability, Community Design,  
13 and Parks and Public Facilities Element Goals, Policies and Actions (Goal SUS-1 Policy  
14 SUS-3.1, Goal LU-2, LU-3, LU-4, Policy LU-3.3, LU-3.4, LU-4.5 Goal CD-3, CD-4,  
15 CD-5, CD-7, Policy CD-4.1, CD-5.1, CD-7.2, Goal, ED 1.3, ED-1.9, Action ED-1.3.3,  
16 Policy ED-1.9, Goal PPF8-8, Policy PPF8-8.1 and Action PPF8-8.1.1). Ultimately, the  
17 project will aesthetically improve and enhance the project site through the addition of  
18 new structural improvements along the public right-of-way, façade remodels to existing  
19 structures, and comprehensive landscape improvements. Further, the Development  
20 Agreement would ensure timely implementation of the proposed operational standards  
21 and aesthetic improvements, and provide a mechanism for enforcement and annual  
22 reporting. That Chico Scrap Metal is a legal non-conforming land use, established in  
23 some form prior to annexation into City limits and prior to adoption of the current  
24 zoning designation and prior to adoption of the Chapman-Mulberry Neighborhood Plan;  
25 and

26 B. The Development Agreement would promote public interest and welfare of the City by  
27 promoting neighborhood compatibility, enhancing site aesthetics and operational  
28 improvements, and providing a mechanism for enforcement. Further, continuation of the

1 use will serve the public and businesses through the collection of recyclable goods, and  
2 provide economic benefit.

3 Based on all of the above, the Planning Commission hereby:

- 4 1. Recommends adoption of the negative declaration as set forth in Exhibit I, attached hereto;  
5 and
- 6 2. Recommends approval of the Project, subject to the conditions set forth in Exhibit II,  
7 attached hereto; and
- 8 3. Recommends approval of the Project, subject to the requirements set forth in the  
9 Development Agreement, attached hereto.
- 10 4. The Planning Commission hereby specifies that the materials and documents which  
11 constitute the record of proceedings upon which its decision is based are located at and  
12 under the custody of the City of Chico Community Development Department.

13 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning  
14 Commission of the City of Chico held on February 18, 2016, by the following vote:

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAIN:

19 DISQUALIFIED:

20 ATTEST:

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\_\_\_\_\_  
MARK WOLFE  
Planning Commission Secretary

APPROVED AS TO FORM:



\_\_\_\_\_  
ANDREW L. JARED  
Assistant City Attorney

**PLAN LEGEND**

SYMBOL	DESCRIPTION
1	EXISTING FENCING
2	TO REMAIN RETAIN AND PROTECT
3	ACCESS ONLY
4	TO REMAIN RETAIN AND PROTECT
5	EXISTING FENCING
6	EXISTING STREET TREE
7	EXISTING TREES
8	TO REMAIN RETAIN AND PROTECT
9	TO REMAIN RETAIN AND PROTECT
10	TO REMAIN RETAIN AND PROTECT
11	TO REMAIN RETAIN AND PROTECT
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27	TO REMAIN RETAIN AND PROTECT

**PLANTING LIST**

SYMBOL	COMMON NAME / BOTANICAL NAME	WATER USE CONTAINER SIZE	OFF-BEARING	REMARKS
1	CELIS (FRUITING)	MEDIUM	5	WALNUT TRUNK
2	CELIS (FRUITING)	MEDIUM	7	STANDARD
3	CELIS (FRUITING)	MEDIUM	7	STANDARD
4	CELIS (FRUITING)	MEDIUM	7	STANDARD
5	CELIS (FRUITING)	MEDIUM	7	STANDARD
6	CELIS (FRUITING)	MEDIUM	7	STANDARD
7	CELIS (FRUITING)	MEDIUM	7	STANDARD
8	CELIS (FRUITING)	MEDIUM	7	STANDARD
9	CELIS (FRUITING)	MEDIUM	7	STANDARD
10	CELIS (FRUITING)	MEDIUM	7	STANDARD
11	CELIS (FRUITING)	MEDIUM	7	STANDARD
12	CELIS (FRUITING)	MEDIUM	7	STANDARD
13	CELIS (FRUITING)	MEDIUM	7	STANDARD
14	CELIS (FRUITING)	MEDIUM	7	STANDARD
15	CELIS (FRUITING)	MEDIUM	7	STANDARD
16	CELIS (FRUITING)	MEDIUM	7	STANDARD
17	CELIS (FRUITING)	MEDIUM	7	STANDARD
18	CELIS (FRUITING)	MEDIUM	7	STANDARD
19	CELIS (FRUITING)	MEDIUM	7	STANDARD
20	CELIS (FRUITING)	MEDIUM	7	STANDARD
21	CELIS (FRUITING)	MEDIUM	7	STANDARD
22	CELIS (FRUITING)	MEDIUM	7	STANDARD
23	CELIS (FRUITING)	MEDIUM	7	STANDARD
24	CELIS (FRUITING)	MEDIUM	7	STANDARD
25	CELIS (FRUITING)	MEDIUM	7	STANDARD
26	CELIS (FRUITING)	MEDIUM	7	STANDARD
27	CELIS (FRUITING)	MEDIUM	7	STANDARD

**COMPLIANCE CHECKLIST**

SYMBOL	DESCRIPTION	STATUS
1	PLANTING PLAN WITH LEGEND	✓
2	PLANTING LIST WITH TREE SPECIFICATIONS	✓
3	PLANTING LIST WITH TREE SPECIFICATIONS	✓
4	PLANTING LIST WITH TREE SPECIFICATIONS	✓
5	PLANTING LIST WITH TREE SPECIFICATIONS	✓
6	PLANTING LIST WITH TREE SPECIFICATIONS	✓
7	PLANTING LIST WITH TREE SPECIFICATIONS	✓
8	PLANTING LIST WITH TREE SPECIFICATIONS	✓
9	PLANTING LIST WITH TREE SPECIFICATIONS	✓
10	PLANTING LIST WITH TREE SPECIFICATIONS	✓
11	PLANTING LIST WITH TREE SPECIFICATIONS	✓
12	PLANTING LIST WITH TREE SPECIFICATIONS	✓
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25	PLANTING LIST WITH TREE SPECIFICATIONS	✓
26	PLANTING LIST WITH TREE SPECIFICATIONS	✓
27	PLANTING LIST WITH TREE SPECIFICATIONS	✓

**SHADE CALCULATIONS**

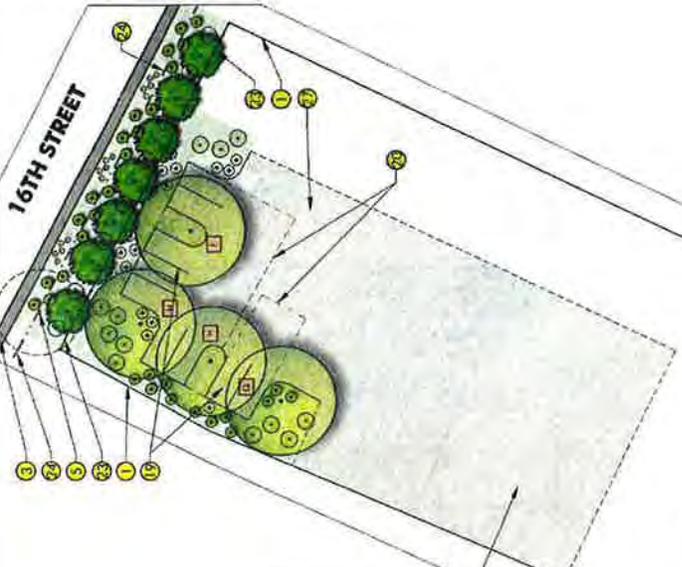
DESCRIPTION	AREA	%
TOTAL PLANTING AND CANOPY AREA	4,785 SF	
SHADE AREA PROVIDED (LARGE CANOPY SPECIES)		
FULL CANOPY (70% OF EA X 1)	707 SF	14.8%
HALF CANOPY (50% OF EA X 1)	1,765 SF	36.9%
QUARTER CANOPY (17.5% OF EA X 1)	178 SF	3.7%
INCLUDES EXISTING TREES TO REMAIN		
TOTAL SHADE AREA PROVIDED	2,448 SF	51.3%

**LANDSCAPE IRRIGATION**

ALL LANDSCAPE IRRIGATION SHALL BE INSTALLED AS A PERMANENT SYSTEM. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL.

**SOILS STATEMENT**

THIS SITE IS LOCATED IN A SOIL TYPE OF TYPICAL FORMATIONS ONLY. THE SOILS ARE CLASSIFIED AS TYPICAL FORMATIONS ONLY. THE SOILS ARE CLASSIFIED AS TYPICAL FORMATIONS ONLY. THE SOILS ARE CLASSIFIED AS TYPICAL FORMATIONS ONLY.



**SITE LIGHTING**

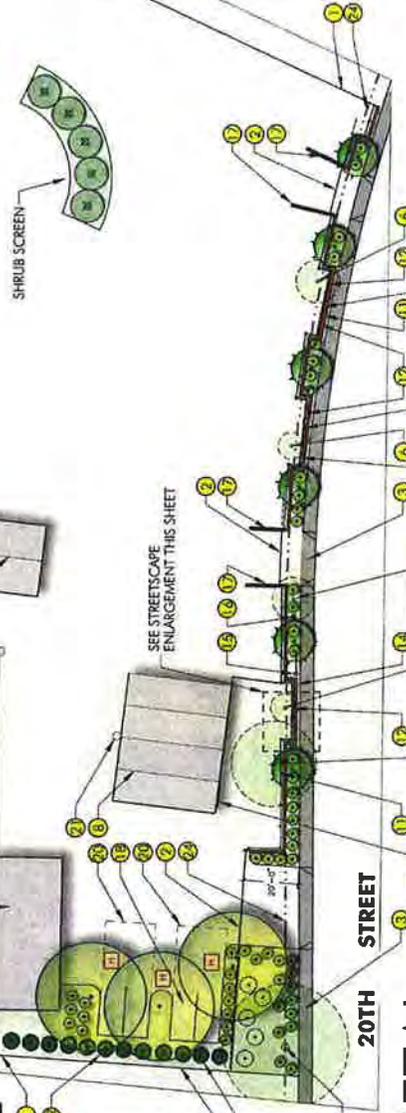
1. ALL EXISTING LIGHTING TO REMAIN  
2. NEW LIGHTING TO BE INSTALLED AT CUTOFF AND FULLY SHIELDED FIXTURES.

**PARKING LOT LANDSCAPE**

DESCRIPTION	AREA	%
PARKING LOT PAVING	4,785 SF	
PARKING LOT LANDSCAPE	455 SF	9.5%

**SYMBOLS**

SYMBOL	DESCRIPTION
1	SQUARE FOOTAGE OF SHADE PROVIDED PER TREE (QUARTER, HALF, FULL) SQUARE
2	QUARTER CANOPY (17.5% OF EA X 1)
3	HALF CANOPY (50% OF EA X 1)
4	FULL CANOPY (70% OF EA X 1)
5	TREE LIST: 6-09



**STREETSCAPE ENLARGEMENT**

SCALE: 1/4" = 1'

**CHICO SCRAP METAL**

**PRELIMINARY PLAN SHEET L-1**

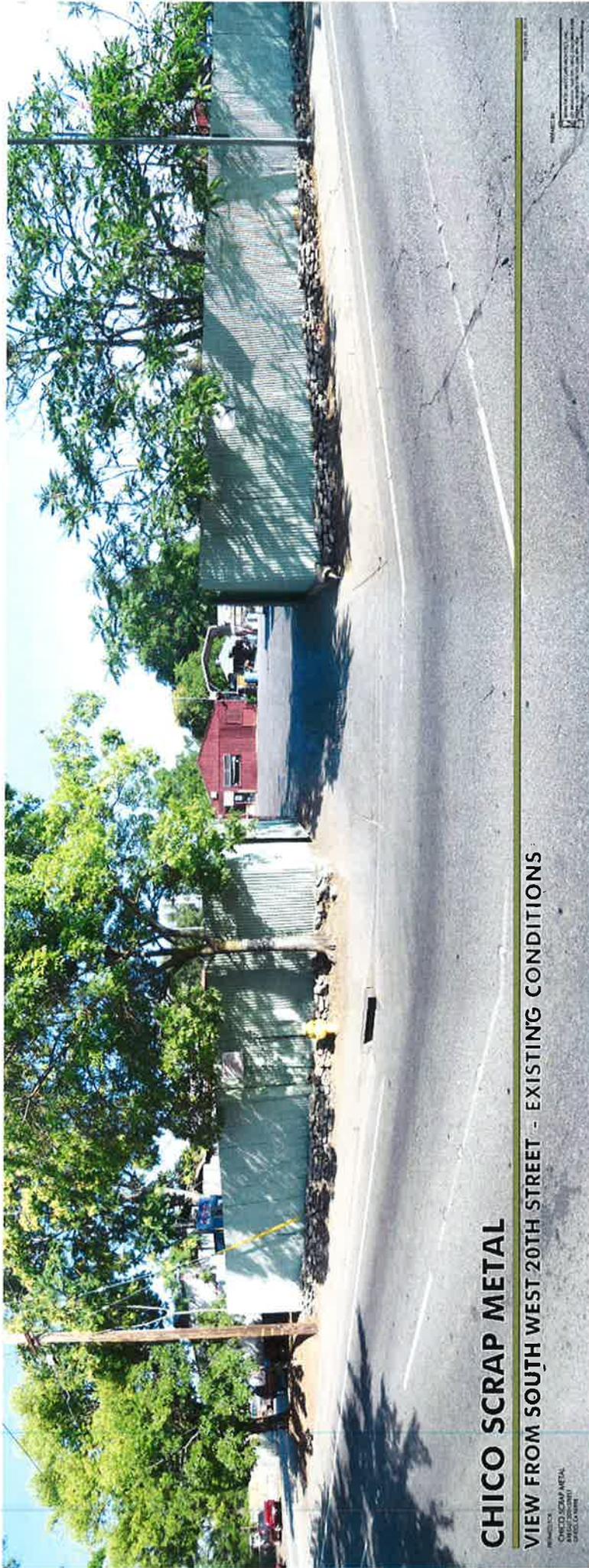
PREPARED FOR:  
CHICO SCRAP METAL  
878 EAST 20TH STREET  
CHICO, CA 95928

DESIGNED BY:  
BRUN FRIEDLAND ARCHITECT, INC.  
677 BROADWAY, SUITE 220, CHICO, CALIFORNIA 95928  
PHONE: (530) 899-1130 FAX: (530) 899-1920  
www.brun-friedland.com

DATE: JULY 7, 2015  
REVISED DATE: OCTOBER 7, 2015  
PROJECT NUMBER: 1834







## CHICO SCRAP METAL

VIEW FROM SOUTH WEST 20TH STREET - EXISTING CONDITIONS

PROJECT NO.  
CHICO SCRAP METAL  
DATE: 04/20/2011

PROJECT NO.  
CHICO SCRAP METAL  
DATE: 04/20/2011



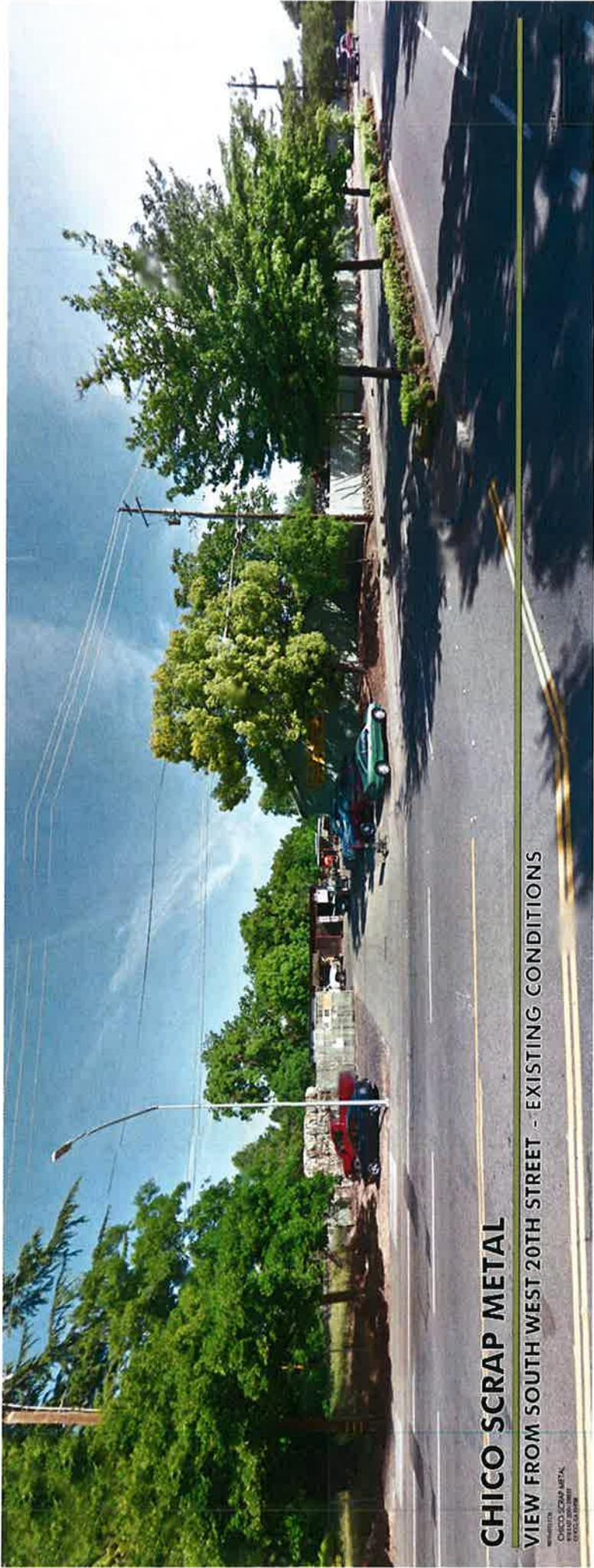
## CHICO SCRAP METAL

VIEW FROM SOUTH WEST 20TH STREET , CENTER ENTRANCE - PROPOSED IMPROVEMENTS

PROJECT NO. CHICO SCRAP METAL  
DATE: 08/11/2017

SCALE: 1/8" = 1'-0"





## CHICO SCRAP METAL

VIEW FROM SOUTH WEST 20TH STREET - EXISTING CONDITIONS

WWW.CHICO  
CHICO SCRAP METAL  
CHICO, CALIFORNIA



## CHICO SCRAP METAL

VIEW FROM SOUTH WEST 20TH STREET - PROPOSED IMPROVEMENTS

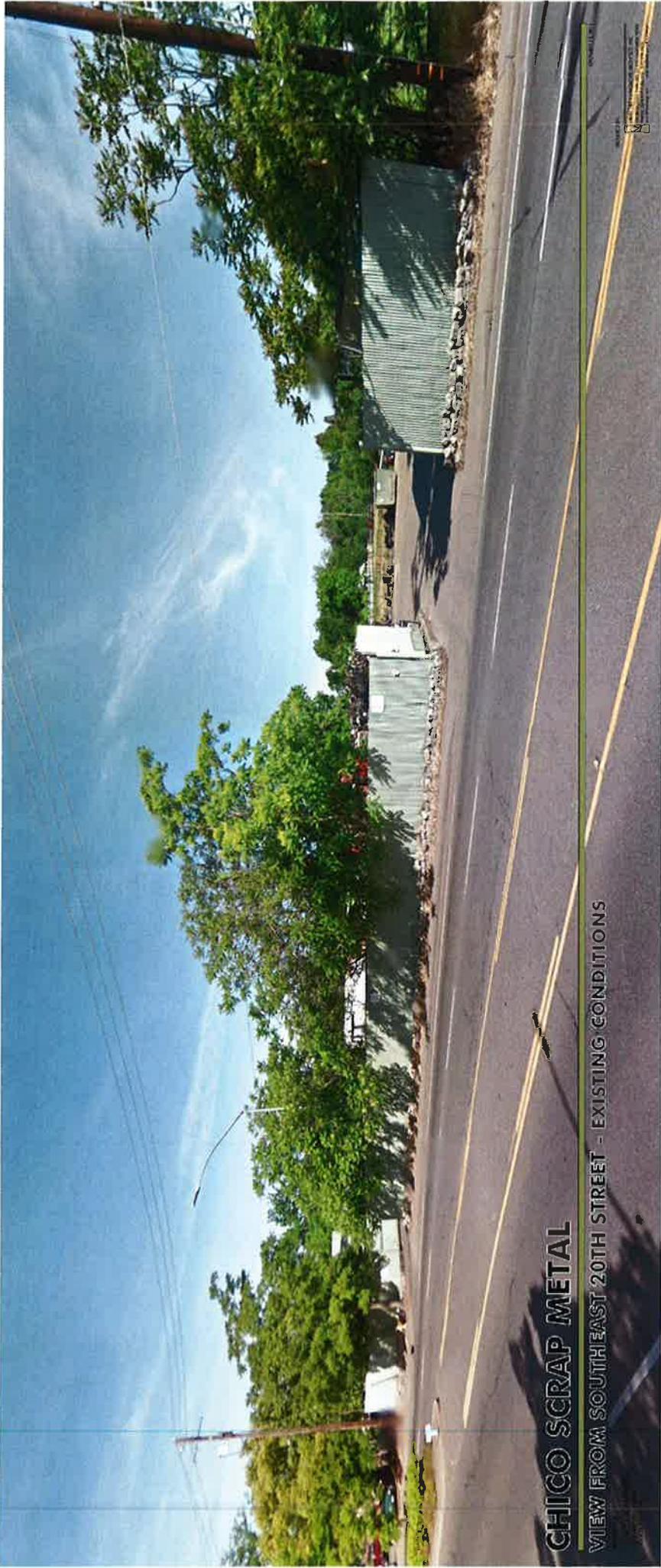
© 2014 CHICO SCRAP METAL  
CHICO SCRAP METAL  
CHICO, CA 95926



# CHICO SCRAP METAL

VIEW FROM SOUTH WEST 20TH STREET - PROPOSED IMPROVEMENTS

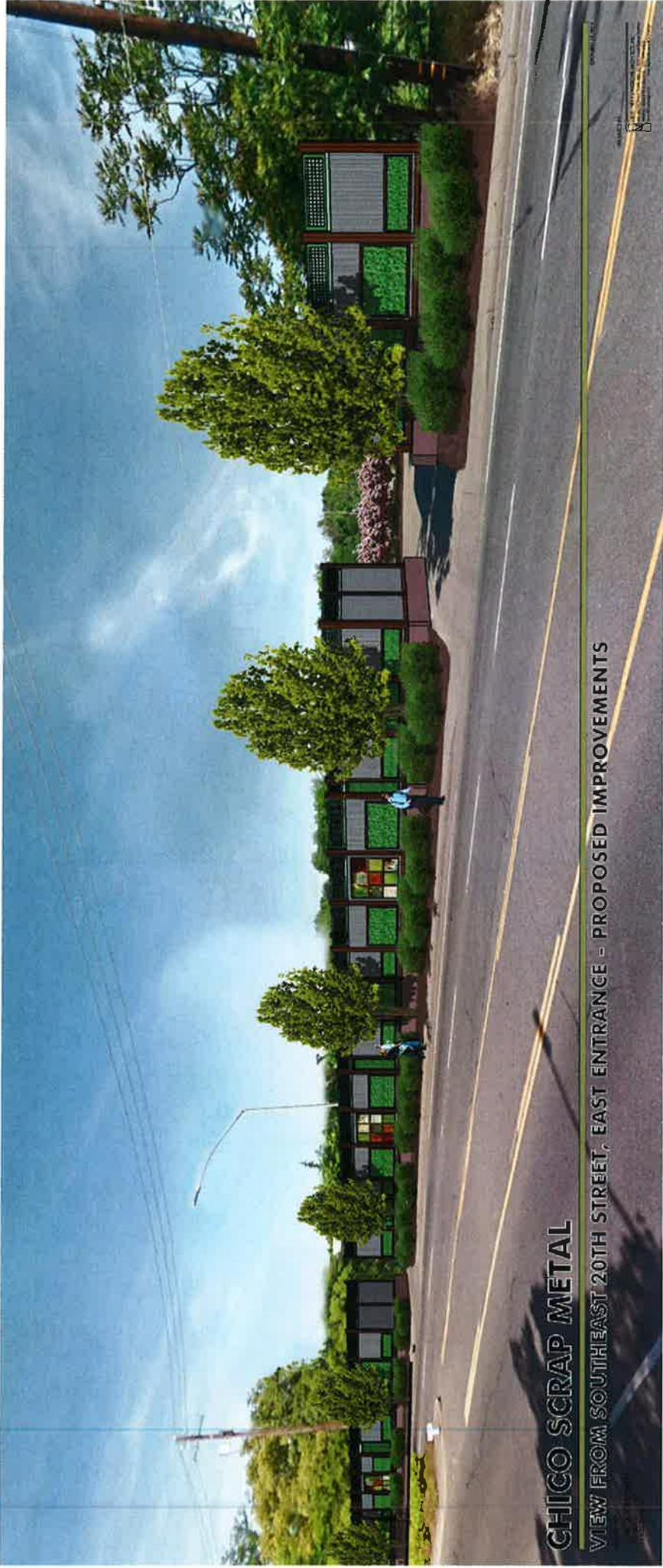
RENDERING BY  
CHICO SCRAP METAL  
PHOTOGRAPHY



**CHICO SCRAP METAL**

**VIEW FROM SOUTHEAST 20TH STREET - EXISTING CONDITIONS**

DATE: 08/11/2023  
PROJECT: CHICO SCRAP METAL  
DRAWING: 02 - EXISTING CONDITIONS



**CHICO SCRAP METAL**

**VIEW FROM SOUTHEAST 20TH STREET, EAST ENTRANCE - PROPOSED IMPROVEMENTS**

DATE: 11/11/2024  
PROJECT: CHICO SCRAP METAL  
DRAWING: 01 - EXTERIOR



**CHICO SCRAP METAL**

**VIEW FROM EAST 16TH STREET - EXISTING CONDITIONS**

PHOTO BY  
CHICO SCRAP METAL  
16TH STREET



**CHICO SCRAP METAL**

**VIEW FROM EAST 16TH STREET - PROPOSED IMPROVEMENTS**

CHICO SCRAP METAL  
ARCHITECTURE  
16TH STREET

RECEIVED

DEC 16 2015

CITY OF CHICO  
PLANNING SERVICES

**TO: City of Chico Planning Department**

**FROM: Kim Scott, Chico Scrap Metal**

**DATE: December 15, 2015**

**Project Location**

The proposed project is located at 878 E. 20th St., in the City of Chico, CA. It comprises five adjacent parcels totaling approximately 2.02 acres:

APN#	SIZE (Acres)	ZONING
005-422-009	0.19	CN-PD-SD6
005-422-013	0.16	CN-PD-SD6
005-422-017	1.26	CN-PD-SD6
005-450-014	0.37	R1-SD6
005-450-030	0.04	CN-PD-SD6

**Request**

1. Text amendments to Title 19 and Neighborhood Plan – Removing amortization language.
2. Façade remodel to existing structures and installation of new fencing and landscaping along right-of-way.
3. Development agreement, incorporating operational changes and triggers for site improvements

**Project Description**

CSM proposes various site and building upgrades and operational changes as part of a Development Agreement with the City of Chico to remove the amortization of the current land use, through a text amendment to the Municipal Code and Neighborhood Plan as needed to achieve this end. The improvements have taken into account various concerns and suggestions that include comments made by the City of Chico Council members, City of Chico staff, neighbors of the project, and directly from the Neighborhood Meeting held September 25, 2015 for this project. Operational changes have been a part of regular updates to standards and inclusive sensitivity to neighbors.

The site; landscaping, building, and operational changes address noise, traffic control, environmental concerns, and the overall aesthetics of the site. Many aspects of the site improvements have placed emphasis on the fact that CSM is a vital resource of the community, part of the urban fabric, and an integral component of sustainability for the City of Chico. The design therefore pulls away from the idea that a scrap metal and recycling center should hide completely behind a screen but should embrace standing out with the intent of enhancing the overall image of recycling.

Site and landscape improvements:

Site and landscaping improvements will begin upon approval of the Development Agreement which includes the Site Design and Architectural Review. The proposed plan is given in detail with the attached design illustrations provided by Brian Firth, Landscape Architect.

The proposed changes include a new fence and landscaping at both East 20<sup>th</sup> and 16<sup>th</sup> Streets, new gates with additional pull-in space, additional customer parking, additional employee parking, additional site parking lot coverage with base rock, multiple landscaped areas, retaining walls, public art, 8’ fencing along some of the residential border, and exterior upgrades to two of the buildings on site.

Scope of site and landscape improvements include:

- Two new gates facing 20<sup>th</sup> St. (#2 on site drawings) 78 lf
- 6' High Fence along 16<sup>th</sup> St. (#23 on site drawings) 132 lf
- 8' High Fence (#25 on site drawings) 375 lf
- Retaining Wall ( #14 on site drawings) 282 lf
- Landscaped Area 9,522 sf
  - Trees 20
  - Shrubs 161
- Base rock for parking adjacent to 16<sup>th</sup> St. 16,320 sf
- Art elements along 20<sup>th</sup> St
- Building #1,#2,#3 upgrades to exteriors

Art in Public Places:

As an additional measure to enhance the site appeal and soften the image, CSM will provide artwork on its 20<sup>th</sup> St frontage. It is intended for this artwork to incorporate elements and themes from the business by using material from the site. The full scope is yet to be determined.

### Building improvements:

Three buildings exist on these parcels that serve the needs of Chico Scrap Metal (CSM) operations (please see attached site plan). All will receive façade improvements:

1. Building #1 ( 1,560 sq. ft.) is a wood construction and contains a restroom and is used for storage of tools and batteries
2. Building #2 (806 sq. ft.) is a wood construction and contains the service counter for customers, the administrative office, and holds business records
3. Building #3 (1,824 sq. ft.) is a metal building and is used to maintain glass machines and secure storage of non-ferrous materials

### Scope of building improvements include:

Buildings will be repaired like-for-like for materials where possible and buildings will be painted. In addition, building #1 will receive roof eaves to accent the look as customers pull into the site. All wood-sided buildings will be treated with a board and batten design to enhance the aesthetic appeal of the buildings. The paint color choices are shown on the color board provided by Brian Firth, Landscape Architect. The choices fit well with site and are consistent between buildings.

### Operational improvements:

All operational improvements are focused on site access, employee parking, customer parking, dust control, and noise reduction measures. Safety and environmental issues are a constant that are already regulated. Additionally, a new comprehensive Best Management Practices manual is being developed with industry professionals and consultants. Signage on the site is being improved to reduce the chances of certain materials being brought to the site and any vehicle sweeping at the site. Many operational standards at CSM have already been put in place to address the surrounding neighborhood. These include site dust removal, the operation hours, location of operations on the site, and noise reduction measures. Many operational improvements have already begun in response to feedback from City staff.

Dust is regularly addressed with a sweeper that is used in areas that are first misted with water. Additionally, vehicles are not allowed to sweep out their vehicle after dropping off materials.

Operational hours are already reduced to less than what most commercial operations would allow. Current hours are as follows;

Monday – Friday	8:00AM to 4:00 PM
Saturday	8:00AM to 12:00PM
Sunday	CLOSED

Operations on the site are very limited in relation to the size of the site itself. Operations occur on the portion of the property most adjacent to 20<sup>th</sup> St. The portion adjacent to 16<sup>th</sup> is not being used as part of operations and will be landscaped and covered in base for future employee parking.

Noise reduction is accomplished by some of the measures already discussed. These include the location of operations on the site and the hours of operation.

Operational changes that have already been implemented include stopping all vehicle shell baling on site (vehicle shells are taken, but transported off the site), and the former baler was replaced with a newer quieter baler. Both of these changes have a direct impact on reducing noise from the site.

### **CSM Contribution to Community**

CSM is the largest recycling facility between Redding and Sacramento. Service at this site serves to meet a State of California requirement to establish convenience zones (PRC - Public Resource Code 14571 and 14571.2) within a half mile radius to businesses that sell California redemption value products, and serves the mission of diverting recyclable material from landfills. CSM serves a diverse population and provides multi-modal access to surrounding Chapman-Mulberry neighborhood and beyond. CSM customers walk, bike, and drive to the site. Additionally, CSM provides employment to ten people at his location.

In greater Chico and the surrounding communities approximately 1,000 stoves, 1,000 refrigerators, and 2,000 water heaters are discarded annually.

In just the period of January – August of 2015, CSM has recycled:

MATERIAL	JAN-AUG 2015 WEIGHT RECYCLED IN LBS
Ferrous material (iron – equipment parts, bolts, screws, posts, appliances, lawn mowers, etc.)	1,918,877
Non-ferrous material (coppers, brass, wire, aluminum, stainless, etc.)	752,544
Batteries (auto and truck)	29,290
Aluminum cans	142,000
Plastic bottles	120,201
Glass	482,227
Cardboard	187,781

It's fair to say that if not for the convenience of this urban location many of these items would end up dumped on the side of the road, in our creeks, or in landfills, and not recycled.

It is also important to note that CSM isn't just a place recycle/leave scrap metal, it is a common place that people come directly to CSM for materials to use for their projects. CSM regularly sells items such as recycled fence post that are reused for that same purpose. Material commonly purchased for re-use includes:

- Wire for electrical components
- Starters for rebuilds
- Lead for weights
- Stainless steel for flooring
- Angle iron for framing
- Copper wire for jewelry
- Iron for repairs, frames, building trailers
- Corrugated sheeting for sheeting
- T-post for fencing
- Wheels for various uses
- Parts for mowers and other equipment
- Various metals for artwork
- Metals for various welding projects

According to the Waste Management website on Recycling Facts and Tips:

#### ALUMINUM RECYCLING

Recycling one ton of aluminum:

Saves 14,000 kWh of energy

Saves 39.6 barrels (1,663 gallons) of oil

Saves 237.6 million Btu's of energy

Saves 10 cubic yards of landfill space

Recycling aluminum takes 95% less energy than making aluminum from raw materials.

Two out of three aluminum cans were recycled in the United States in 1995.

#### CARDBOARD RECYCLING

Recycling one ton of cardboard:

Saves 390 kWh of energy

Saves 1.1 barrels (46 gallons) of oil

Saves 6.6 million Btu's of energy

Recycling one ton of cardboard saves over 9 cubic yards of landfill space.

Recycled cardboard saves 24% of the total energy needed for virgin cardboard.

#### GLASS RECYCLING

Recycling one ton of glass:

Saves 42 kWh of energy

Saves 0.12 barrels (5 gallons) of oil

Saves 714,286 Btu's of energy

Saves 2 cubic yards of landfill space

Saves 7.5 pounds of air pollutants from being released

Recycling glass saves 30% of the energy required when producing glass from raw materials (soda, ash, sand and limestone). Crushed glass, called *cullet*, melts at a lower temperature than the raw materials, which saves energy.

The United States throws away enough glass bottles and jars to fill a 1,350 square foot building every week.

Refillable glass bottles use 19,000 Btu's of energy as compared to 58,000 Btu's used by throwaway glass bottles.

## PLASTICS RECYCLING

Recycling one ton of plastic:

Saves 5,774 kWh energy

Saves 16.3 barrels (685 gallons) of oil

Saves 98 million Btu's of energy

Saves 30 cubic yards of landfill space

Enough plastic bottles are thrown away each year to circle the earth four times.

Approximately 88% of the energy is saved by producing plastic from plastic as opposed to manufacturing plastic from the raw materials of oil and gas.

## STEEL RECYCLING

Recycling one ton of steel:

Saves 642 kWh of energy

Saves 1.8 barrels (76 gallons) of oil

Saves 10.9 million Btu's of energy

Saves 4 cubic yards of landfill space

Steel cans, which are used for holding coffee, vegetables and other food products are often referred to as tin cans, but there is only 0.15% tin in a steel can.

The United States throws away enough iron and steel to continuously supply all the nation's automakers.

The average passenger tire contains approximately 10% steel wire by weight.

### **Economic Contribution to the Community**

Beyond the indirect value created by a scrap and metal recycler saving on landfill cost and cleanup efforts, CSM contributes nearly \$200,000 per year in employee wages, pays out nearly \$1.5M per year to customers for materials, spends more than \$225,000 per year in expenses, and contributes more than \$6,000 per year for local property taxes.

### **Environmental**

Although much has been rumored about the CSM site, no hazardous waste was ever detected at CSM. There is a current work plan in review with DTSC to remediate some minor surface level contamination in dirt in an area that is not currently being disturbed and poses no danger to the workers on the site or the neighbors of the site. The Remedial Action Work (RAW) plan, along with numerous other documents have been turned over to the City for their review.

Chico Scrap Metal (CSM) has conducted a Remedial Investigation and Feasibility Study (RIFS) to determine the risk of public health and the environment both on-site and the surrounding environment. This study was under the directions of the Department of Toxic Substances Control (DTSC) which is part of the California Environmental Protection Agency. This study was conducted by independent contractors following strict guidelines from the both the United States Environmental Protection Agency and the California Environmental Protection Agency. The investigation included soils taken on-site and adjacent but off-site, and from groundwater beneath the 20<sup>th</sup> St. location.

The samples taken were collected by and independent contractor and tested at a commercial laboratory that is accredited and certified by the California Environmental Laboratory Accreditation Program in the Californian Environmental Protection Agency. The results are in a report and three subsequent amendments completed by Lawrence and Associates after additional samples were taken for DTSC. That report was recently given, in its entirety to Jake Morley in the Planning Department for their review.

The report is comprehensive and includes a Health Risk Assessment (HRA) for the area at and near CSM. The report considered cumulative total human exposure due to inhalation (breathing suspended dust), dermal absorption (through the skin), and soil ingestion. It overestimated the concentration of metals and PCB's on-site by using a 95% Upper Confidence Level's in the risk calculations. This method uses the highest concentrations of metals and PCB's and is greater than the average concentration with a confidence of 95%. The conclusions of the HRA were that the metals and PCBs present at CSM pose an insignificant cancer risk (less than 1 in-a-million chance) for residents, school children, and workers near and employed by CSM. For other health problems, CSM also poses an insignificant risk of disease to students, residents and workers. It also found that because of the lack of wildlife habitats and low level of plants and animals, an Ecological Risk Assessment was not justified. DTSC, which has oversight of CSM, has overseen all stages of the RIFS, and it has approved the RIFS report inclusive of amendments.

DTSC also required a Remedial Action Work plan (RAW) based on the conclusions of the RIFS report. The RAW has been drafted and submitted to DTSC, and CSM is waiting for DTSC's comments. Changes might be made in the RAW, and once approved by DTSC, it will be implemented by CSM and its contractors. Because the RIFS found no significant risks off-site, implementation would only involve on-site soils with low PCB contamination.

CSM is a highly regulated business with environmental over site by:

Department of Toxic Substances Control	Ongoing supervision
Butte County Public Health, Division of Environmental Health	Annual
California Regional Quality Water Board	Annual
Weights and Measures	Bi-annual

Much has been rumored about lead and other metals being found outside of CSM and of contaminated groundwater and CSM “shredding” material. Below is a summary provided by Lawrence and Associates:

**Lead:**

Lead was found in the soil outside of CSM but the levels are consistent with what would be found on any similar well-traveled road or street. This is because although lead has been long phased out of gasoline, the lead from automobile exhausts remains in surface soil. Nevertheless, soil outside the fence was excavated and properly disposed.

**Other metals:**

All other metals found at CSM are naturally-occurring elements that can be found in any soil and the RIFS did not find significantly higher levels outside of CSM.

**Groundwater:**

The RIFS did not find any contamination from metals or PCB's

**Shredding:**

CSM operations do not include the shredding of material. The metals found at CSM are all naturally-occurring elements, and they can be found in any soil. The RIFS did not find significantly higher levels of metals outside CSM.

All activities of sampling were supervised on site by DTSC staff.

## **History**

Chico Scrap Metal (CSM) has been a local family business since the late 60s. Three generations of family the family are currently actively involved in the business. George W. Scott, Sr, fondly known as “Scotty” with his two sons George W Scott, Jr., and Shane Scott, Sr. established Chico Scrap Metal, Inc. July of 1983. George stopped attending school at the eighth grade and from there on was solely focused on working (selling newspapers, doing odd jobs) and eventually getting old enough to join the armed forces. He did exactly that, at age 17 he joined the Navy. In 1955/56’ George Sr. returned from the Korean War to Chico, his home town. Initially he worked and operated an auto wrecking/dismantling yard in Orland, CA. As well, in an effort to earn extra money, as he had five children to raise, he purchased an old pickup truck for \$10, bought a metal torch on credit and began traveling from home to home asking people if they had old cars that could be cut up and sold as scrap metal. The young entrepreneur charged around five dollars to dismantle each vehicle, thus enabling his customers to sell their iron pieces to a local scrap metal company.

After a couple years he had the opportunity to own an auto wrecking/dismantling yard in Chico, and thus he opened at 2512 Fair Street as Scotty’s Auto Wreckers. He operated Scotty’s Auto Wreckers into the late 1960’s / early 1970’s. About this time as business practices began to change in the auto wrecking industry he started to venture into the scrap metal recycling business.

In the 1970's Scotty opened Discount Auto Wreckers and began branching into scrap metal at 1197 Humboldt Ave. Eventually the city of Chico took the property at 1197 Humboldt Ave. under eminent domain and facilitated the relocation of his business to its current site at 878 E. 20<sup>th</sup> Street, where he opened up for business in 1983. The site had formally been an auto wrecking/dismantling yard and was interested in selling the site. CSM used the money the City paid for the property on Humboldt to purchase and move operations to the current site. The City of Chico assisted CSM in locating a site and encouraged the relocation to the current site. Ultimately, CSM was encouraged and allowed to transfer their operation to their current site.

We (his family) couldn't be prouder of his accomplishments and the foresight he had to be *Green* before *Green* was *Green* , as we carry on the family business of Recycling Today for a Green Tomorrow.

### **Summary**

Chico Scrap Metal & Recycling is providing an important service to the local community and its location is where it should be, woven into the fiber of the community. CSM has been given the responsibility to properly recycle "end of life" material which it receives from the community. The recycling industry was created in order to provide an alternative to materials ending up at the local landfill and/or on the side of the street or in alley ways.

The solution for recycling services does not seem practical, in that every 20-30yrs it must relocate due to urban sprawl – but rather as an evolving community/society looking to embrace and include this important service within its fiber.

Due diligence, the environmental investigation as well as antidotal evidence (our employees and family members and their children directly involved with the business for forty plus years) support no health risk to the residents and/or community.

CSM is a vital asset to assist Chico's goals of becoming more sustainable, clean, and successfully divert waste from landfills and illegal dumping. CSM's presence in the current location is a critical component of the neighborhood, providing economic and entrepreneur support for the community.

A&A Concrete	3578 Esplanade, Chico
A.E.S.	Hwy 99 North
Almanor Precision (Almanor Mfg)	763 Main St, Chester
ALSCO	Red Bluff
Appliance Resale	2205 Nord Ave, Chico
Appliance Resale	5370 Skyway, Paradise
ARC	2020 Park Ave, Chico
Baked Industries	265 Burns Dr, Yuba City
Beymer Well Serv.	2826 Live Oak Blvd, Yuba City
Beymer Well Serv.	2402 State Hwy 20, Marysville
Bidwell Marina	801 Bidwell Canyon Rd, Oroville
Big Red Box	2001 Esplanade, Chico
Butte College (Welding shop & Business Area)	Butte Campus Dr, Oroville
Butte County Yard	14 County Cntr, Oroville
Butte Steel & Fab. Inc.	13290 Contractors Ln, Chico
C.I.M	1221 Independent, Gridley
Cal Trans	Chico
Cal Water	2222 Dr Martin Luther King Jr Pkwy, Chico
Cannery (Pac Coast Producers)	1601 Mitchell Ave, Oroville
Cemex	West Sacramento
Chico State Farms	Hegan Ln, Chico
Compass Equipment	4688 Pacific Heights Rd, Oroville
Comptons	2434 Dayton Rd, Chico
Crain Walnut	Los Molinos
Danielson Company	435 Southgate Ct, Chico
D.C. Fabrications	4742 Skyway, Paradise, CA
Desseret Farms	6100 Wilson Landing Rd, Chico
Door Company	2251 Ivy St, Chico
Dubose Ranch	Chico/Durham
Duche Nut Co.	1502 Railroad Ave, Orland
Duckback	Chico
Durham High School	Durham
Durham Pump	2313 Durham-Dayton Hwy, Durham
Elite Construction	8676 Shasta Blvd, Los Molinos

Ernies Shop (E & D)	3053 Southgate, Chico
Fanno Saw	8th Ave, Chico
Feather River Electric Motors	2313 Durham Dayton Hwy, Durham
Flynn Welding	6850 Hwy 32, Orland
Franklin Construction	217 Flume St, Chico
Jessee Equip Mnfg/Gene M. Jessee	2434 Dayton Rd #2, Chico
Gianella Ranch	13054 Gianella Rd, Chico
Ginno's	2505 Zanella Way, Chico
Golden West Stairs	13291 Contractors Lane, Chico
Granite Construction	4714 Pacific Heights Rd, Oroville
Home Depot	2580 Notre Dame Blvd, Chico
Hudson's Appliances	454 Pearson, Paradise, CA
Hupp Signs	70 Loren Ave, Chico
James Thomas Volvo	3199 Plummers Dr # 9, Chico
Jeff Truck Service	13514 Hwy 99, Chico
Jessee Heating & Air	3025 Southgate Ln, Chico
Josiassen Farms	1405 Lofgren Rd, Richvale, CA
Knife River Const.	2965 Hooper Rd, Marysville
Knife River Const.	6415 Co Rd 7, Orland
Knife River Const. (Baldwin Const.)	1764 Skyway Rd, Chico
Knockout Collision	3225 Esplanade, Chico
Lely Pump	211 E. Walker St, Orland
Les Schwab	2420 Notre Dame Blvd, Chico
Les Schwab	201 W East Ave, Chico
Lundberg Family Farms	5311 Midway, Richvale
Matthew's Ready Mix	Oroville/Gridley
Metal Works	Chico
Metal Works	550 Georgia Pacific Way, Oroville
Midway Industrial (Mitchell Lewis)	11254 Midway, Chico
Mike's Appliances	Oroville
Miller Glass	745 Cherry St, Chico
Mitchell's Pump	415 Otterson, Chico
Norfield	609 Entler Ave #10, Chico
Neal Road Landfill	1023 Neal Rd, Paradise
No. Mech. & Equip	3760 Co Rd 99W, Orland
Norfield	725 Entler Ave, Chico
North State Auto	1814 Park Ave, Chico

North State Rendering	15 Shippee Rd, Oroville
Oroville Airport	225 Chuck Yeager Way, Oroville
Pacific Distributing	3195 Durham Dayton Hwy
Paradise Transmission	5820 Clark Rd, Paradise
Peterson Tractor	425 Southgate, Chico
Peterson Tractor	411 S Tehama St, Willows
PG&E	Cotton Rd
Pro Pacific Fresh	70 Pepsi Way, Durham, CA 95938
Putney Custom Auto Machine	40 Rash Lane, Chico
Recology	2720 S 5th Ave, Oroville
Red Bluff Collision	215 S Main St, Red Bluff
Red Bluff High School	1260 Union St, Red Bluff
Red Hot Metals	24 Bellarmine Ct #1, Chico
Royal Air	2530 Zanelle Way, Chico
Ruhrpumpen	Orland
Seely Construction	
Selig Construction	337 Huss Lane, Chico
Sheraton Services (Climate Masters)	1170 E. Lassen Ave, Chico
Sierra Nevada Brewery	1075 E. 20th St, Chico
Sierra Heating and Air	6899B Clark Rd, Paradise
Siller Brothers	1250 Smith Rd, Yuba City
Solar City	349 Huss, Chico
Sohnrey & Sons	299 Skillen Ln, Durham
Staller Garage	11025 Midway (by Baird), Chico
Sunset Moulding	1856 Skyway Rd, Chico
Tacklebox	375 East Park Ave, Chico, CA
Tank Farms	2570 Hegan Lane, Chico, Ca
Technical Steel	3674 Esplanade, Chico, CA 95973
Ted's Electric	11025 E. 9th St, Chico
Tinks	1361 Durham Dayton Hwy, Durham
Transmatic	2140 Fair St, Chico
Transfer Flow	1444 Fortress St, Chico
Union Pacific RR	Oroville
Valley Truck & Tractor	489 Country Drive, Chico
Water Resources @ Oroville Dam	5746 OroDam Blvd East, Oroville
Water Treatment	4827 Chico River Rd, Chico

Weiss McNair	531 Country Dr, Chico
West Valley Construction	1126 Midway, Chico
Western Woods	275 Sikorsky Ave, Chico
Wittmeir Ford	2288 Forest Ave, Chico
Wizard	2244 Ivy St, Chico

## **5.1. FINDINGS AND COMPARISONS TO HEALTH RISK SCREENING LEVELS**

All laboratory test results are presented in **Tables 5** through **10** (following text).

### **5.1.1. SURFACE SOIL**

PCBs were detected at four of the 10 surface locations, at S-2 through S-6 (**Figure 5, Table 5**). Of these four detections, three exceeded the commercial/industrial CHSSL of 300 µg/Kg and one exceeded the residential CHSSL of 89 µg/Kg. One of the four locations (S-5) showed a detectable concentration of PCB (53 µg/Kg) at the depth of 2-2.5'. These detected PCB concentrations in soil are well below the State of California's Total Threshold Limit Concentration (TTLC) of 50,000 µg/Kg for PCB which is used to determine if PCB-contaminated soil can be classified as a hazardous waste.

### **5.1.2. NEAR-SURFACE SOIL**

All metals detected in near-surface soils at the Site were at concentrations similar or lower than the offsite background samples (**Table 6**). All were below California Human Health Screening Levels (CHHSLs), with the exception of arsenic, which was detected below background concentrations. The sample with the highest total chromium detection also was tested for hexavalent chromium, which was found to be below reporting limits. All TPH diesel and motor oil soil samples were analyzed with silica gel cleanup; in addition, the laboratory inadvertently analyzed samples NS-1 through NS-6 without silica gel cleanup, too, so all results were reported in **Table 6**. At low levels, there was very little difference in these samples. Low-level diesel was detected in all six samples (five of six were at or immediately above reporting limits and one was well below ESLs.) No motor oil or VOCs were detected.

### **5.1.3. SUBSURFACE SOIL**

Subsurface soil samples were collected at the five-foot depth interval at test borings B-1 through B-6. **Tables 7 and 9** show subsurface soil data. Relatively low levels of diesel and motor oil were detected at five feet at test-boring B-1 and relatively low levels of diesel and 4-isopropyltoluene were detected at test-boring B-3. No PAHs were detected at either of these locations where diesel or motor oil was detected. Detected concentrations were well below State of California Environmental Screening Levels (ESLs).

### **5.1.4. GROUNDWATER**

**Tables 8 and 10** present groundwater data. Groundwater was generally free of contamination, including PCBs, significant concentration of metals, PAHs, motor oil, and most VOCs. Diesel and 4-isopropyltoluene just above reporting limits were detected at B-3, and relatively low levels of dichlorobromomethane and chloroform were detected in B-3 through B5. The diesel and VOC detections are all below drinking water MCLs or ESLs if no MCLs were established.

B-3 was a slow-producing monitoring well, and was slightly turbid (probably <50 but >5 nephelometric turbidity units), which may have affected the sample quality as suspended solids have an affinity for some organic compounds.

Metals concentrations in nearly all the groundwater samples met MCLs or ESLs if no MCLs were established, with the exception of chromium in B-6 and cobalt in B-1, B-5, and B-6. Based on the regional groundwater gradient (to the southwest) as discussed above on Page 6, B-1

represents an upgradient monitoring point, which indicates that elevated cobalt is not necessarily caused by Site influences.

The uppermost groundwater underlying the project site and vicinity is a shallow zone (15 to 20 feet below ground surface) that is not used as a drinking water source. Drinking water for the site and vicinity is provided by a piped municipal system (California Water Service). California Water Service supplies Chico with drinking water from deeper wells, ranging in depth from 402 to 968 feet<sup>1</sup>, that are sealed off from the uppermost groundwater zones by deep sanitary seals. Because the shallow groundwater zone tested at this site is not a current or foreseeable drinking water source, the chromium at B-6 and cobalt at B-1, B-5, and B-6 does not represent a significant human health risk.

## **5.2. CONCLUSIONS**

The presence of PCBs in surface soils represents the most significant potential risk to human health and the environment at the Site. However, the Site has been and is currently a scrap metal recycling facility. This historic use of the property has not impacted more than the surface areas with PCBs. Scrap metals will continue to be present and processed at the ongoing operating scrap recycling yard, however, as indicated above, metals detections in soil were below CHHSLs or background. This industrial Site use will continue with the current use for the foreseeable future.

Potential health risk from the elevated PCBs in surface soils can be reduced or eliminated by a number of remedial actions, ranging in cost and complexity of implementation. These remedial action options to address PCB concentrations in shallow soil that exceed 300 µg/kg (or 89 µg/kg if the Site is considered for future residential use) include (1) natural attenuation, which involves no action other than natural degradation, (2) placing base material over areas, (3) consolidating and capping soils, (4) placing asphalt or concrete paving over areas, and (5) removal/disposal of the materials impacted with PCBs greater than 300 (or 89) µg/kg. Areas of elevated PCBs are shown on **Figure 5**. Cost estimates for the remedial action options are provided in **Section 8.4.2**. Remedial action options that involve allowing the materials with higher detected concentrations to remain onsite will require that Land Use Controls (LUCs) are recorded for the parcel of concern (parcel 005-422-017) with Butte County. Any capped area(s) should be surveyed and a deed restriction tied to coordinates measured by a licensed surveyor. CSM's preferred option is excavation and proper disposal of the significant PCB-impacted areas.

There is no need to conduct a soil-gas surface survey because VOCs were either absent from subsurface soils or at concentrations (4-isopropyltoluene) below ESLs and significant health risk.

Groundwater appears to be free of contamination, excepting the low level diesel and trace VOCs in some of the sampling points that do not appear to be a significant health or ecological risk.

## **5.3. RECOMMENDATIONS**

- Surface soils impacted with PCBs should be excavated where analytical testing resulted in greater than 300 or 89 µg/kg (5' x 5' x 2' per sampled detection point) from each area where PCB concentrations exceeded the industrial CHHSLs and disposed of at an approved disposal facility.

<sup>1</sup> *Water Inventory and Analysis Report*, Butte County Department of Water and Resource Conservation, 3/30/2001



007170.03

April 20, 2015

Ms. Kim Scott  
Chico Scrap Metal, Inc.  
766 Chico Oro Hwy  
Durham, CA 95938

**SUBJECT: SUMMARY OF RECENT INVESTIGATION AND REMEDIAL ACTION  
ACTIVITIES, 878 EAST 20<sup>TH</sup> STREET, CHICO, CALIFORNIA**

Dear Ms. Scott:

This letter has been prepared in response to concerns presented in the report, *Environmental Study of an Urban Scrap Metal Processing Site: Chico Scrap Metal in Chico, Butte County, California, prepared by CSUC Environment IV Class (GEOS 365)*, dated 27 March 2015. The report evaluates 2007 test data from soils that were subsequently removed from the Chico Scrap Metal property and disposed at an off-site hazardous waste disposal facility. The contaminants of concern were metals and oils commonly derived from scrap metal recycling operations.

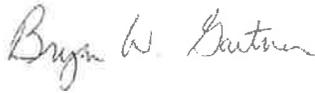
Under the oversight of the California Department of Toxic Substances Control (DTSC), a Remedial Investigation and Feasibility Study was conducted at the site between 2010 and 2012, investigating soil and groundwater for a wide range of potential contaminants. The investigation detected relatively low levels of polychlorinated biphenyls (PCBs), well below hazardous thresholds, in surface soils within a limited area on the property. PCBs have historically been ubiquitous to the scrap metal industry, so this was an expected finding for an operating scrap metal recycling business. Fortunately, with time, PCBs are gradually disappearing from the waste stream throughout California.

The investigation found that metals and other potential organic contaminants were at background or insignificant concentrations in soil. Groundwater was investigated but was found to have no significant contamination. A human-health risk assessment was prepared as part of the Remedial Investigation and Feasibility Study, and determined no significant human health risk from the identified onsite contaminants. DTSC provided written approval of the Remedial Investigation and Feasibility Study in correspondence to Chico Scrap Metal dated April 12, 2012.

Based on the findings of the Remedial Investigation and Feasibility Study, DTSC subsequently requested the submittal of a Removal Action Workplan (RAW) detailing the evaluation and selection of the most appropriate remedial action. Chico Scrap Metal has submitted several RAW drafts, and expects DTSC will approve the most recent submittal. The remedial action proposed in the most recent RAW involves the placement of an aggregate and geotextile barrier layer that covers the area where low levels of PCBs were detected.

Please don't hesitate to contact me at (530) 275-4800 or via email at [bgartner@lwrnc.com](mailto:bgartner@lwrnc.com) with any questions or requests for clarification.

Sincerely,



Bryan W. Gartner  
Project Geologist





**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Deborah O. Raphael, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Edmund G. Brown Jr.**  
Governor

April 12, 2012

Ms. Kim Scott  
2600 Fair Street  
Chico, California 95928

**APPROVAL OF REMEDIAL INVESTIGATION/FEASIBILITY STUDY REPORT FOR  
CHICO SCRAP METAL, INC. LOCATED AT 878 EAST 20<sup>TH</sup> STREET CHICO,  
CALIFORNIA**

Dear Ms. Scott:

The Department of Toxic Substances Control (DTSC) has received and reviewed the revised document titled "Remedial Investigation and Feasibility Report Addendum No. 3" (Report Addendum No. 3) dated March 16, 2012. The Report Addendum No. 3 should define the full extent of the contamination in site soil. This work was conducted pursuant to Item No. 5.3 of the Imminent and Substantial Endangerment Determination and Remedial Action Consent Order (Consent Order). After a review of the revised Report, DTSC has determined that the information provided is sufficient to consider the investigation complete and hereby approves the Report Addendum No. 3. Please move forward by revising the Removal Action Workplan and submitting it to DTSC by May 10, 2012.

DTSC appreciates your efforts to address conditions at the Site and looks forward to working with you to complete the assessment and remediation of the Site in an efficient and timely manner.

If you should have any questions, please call me at (916) 255-6679.

Sincerely,

Leona Winner  
Hazardous Substances Scientist  
San Joaquin & Legacy Landfills Office  
Brownfields & Environmental Restoration Program

cc: Mr. Bryan W. Gartner (sent via email)  
Lawrence & Associates  
2001 Market Street  
Redding, California 96001

## EXECUTIVE SUMMARY

Chico Scrap Metal, Inc. (CSM) is an operating scrap metal recycling facility. CSM has determined and hereby reports that, in October 2008, DTSC improperly obtained CMS's consent to submit to a Health & Safety Code Chapter 6.8 Site Mitigation and Cleanup Order for its CSM-20<sup>th</sup> Street site ("DTSC Order"). CSM discovered approximately one year later, in October 2009, that the DTSC Order was based upon unreliable scientific data and numerous false assumptions, and in fact there was no rational basis in the first instance to place CSM under the DTSC Order. DTSC disputes CSM's findings but has nonetheless consented to the inclusion of this information in this report in the interest of full disclosure of all information potentially relevant to the members of the public and other regulatory agencies. In obedience to the DTSC Order, CSM prepared a Remedial Investigation Feasibility Study (RIFS) Work Plan, implemented that Work Plan, and prepared an RIFS. The sampling at this site was comprehensive. The results of that investigation were that CSM-20<sup>th</sup> Street site showed detections of low levels of polychlorinated biphenyl (PCB) in surface soils, as would be expected for an operating scrap metal site. Having conferred with its consultants, CSM has been advised that there is no need for remediation or cleanup of any kind at this site. This Removal Action Workplan (RAW) is prepared to meet a formality required by DTSC and in fact proposes no work to be done because none is necessary based upon the results of the extensive investigation conducted under the supervision of DTSC.

The Site is occupied by an operating scrap metal recycling business and is located in a commercial/residential/industrial area; bounded on the north and west by a residential neighborhood and to the south and east by a commercial/industrial zone. The Site is entirely fenced, mostly paved with concrete, and includes five structures: an office, warehouse, garage, and two sheds. The Site has had a variety of historic uses, including residential, walnut processing, and automotive salvaging, before the property was acquired by CSM in 1983. Previous owners included Gus Biebert and William Hunt.

The investigation conducted at the Site, as set forth in the RIFS Study dated July 15, 2010 (amended June 30, 2011, September 28, 2011, and March 16, 2012) detected low levels of PCBs (well below hazardous thresholds) in surface soil. Because PCBs have historically been ubiquitous to the scrap metal industry, this was an expected finding for an operating scrap metal business. Metals and other potential organic contaminants were at background or insignificant concentrations in soil. Groundwater was investigated but was found to have no significant contamination. There is no surface water at issue for this Site, and there are no indications of air contaminants at the Site.

The 95% upper confidence limit (UCL), which is a value based on a statistical derivative of all test results and a commonly applied remediation standard, was determined to be 0.786 mg/kg PCBs for all soil samples (surface and near-surface) at the site, and 1.68 mg/kg PCBs for just the surface soil samples. Neither of these values exceeds the risk-based cleanup thresholds calculated for the site's current commercial/industrial use, including: 2.0 mg/kg PCBs to protect the health of offsite residential receptors, 49 mg/kg PCBs for the offsite industrial/commercial worker, and 240 mg/kg PCBs for the off-site student exposure. The calculated health risks for the PCBs are:

Receptor Scenario	Cancer Risk	Hazard Index (goal is <1)
Offsite residential receptors	$9.7 \times 10^{-7}$	0.048
Offsite industrial/commercial worker	$3.6 \times 10^{-8}$	0.0025
Student at the nearby school	$2.2 \times 10^{-8}$	0.0032

The calculations of health risk and risk-based cleanup levels are discussed in greater detail in **Appendix H**.

CSM continues to assert that its 20<sup>th</sup> Street site is an operating scrap metal facility and, therefore, the health and safety of its onsite workers is legally under the sole authority of Cal-OSHA to regulate workplace exposure to toxic substances and require employers to protect workers from health and safety risks. Thus, DTSC does not have the authority to require that the health risk assessment include an onsite worker scenario.

The proposed removal action alternative is Barrier Placement over surface soils containing low levels of PCBs that were slightly in excess of 0.208 mg/Kg. Low levels of PCBs in surface areas were the expected and ordinary byproduct of the historical commercial uses of the site (i.e. auto dismantling and scrap metal recycling). These small amounts PCBs are gradually disappearing from the waste stream throughout the state. In addition, CSM has ongoing management standards to address any potential onsite risk of exposure, including dust mitigation best management practices.

CSM has no present plans to redevelop the site or change its current land use. Should that occur in the future, CSM would meet all requirements necessary for redevelopment including, if necessary, addressing site remediation requirements, if any, directed by local and state regulatory agencies at that time.

The public may review and comment on the remedy selection process during the CEQA public comment period.

July 2, 2015

City of Chico Planning Department  
411 Main Street  
Chico, CA 95928

## **Project Description-**

**Chico Scrap Metal**  
**828 East Twentieth Street**  
**Chico, California**

The focus of this project is to upgrade the aesthetics of this property to more nearly match the urban fabric of the exiting twentieth street corridor.

The goal is to create an "urban funk" type look, which can incorporate materials suggestive of recycled materials, both in the functioning parts such as screen walls but in additional art-type installations such as wall face treatments.

We wish to match other communities recycled material businesses that have successfully integrated into their urban fabric aesthetic, being complimentary to their community instead of looking out of place.

We propose to redesign the fence with a rhythm of indentations to provide variation and interest. Where the fence is forward, there will be vine support lattices to reduce glare and heat. These lattices can frame opportunities for art. Where the fence is setback, there is ample room for plantings of trees and shrubs to soften the fence and more nearly match the design of the parking lot screen plantings in front of the brewery. The wall will be anchored by a concrete retaining wall with a horizontal form board finish to give it a rustic look.

### **SITE DESIGN-COMMUNITY IDENTITY**

With car and truck parking, mostly behind the screen wall, views of automobiles are minimized from the public right of way (DG 1.1.14)

### **ART IN PUBLIC PLACES**

Include elements or themes that reinforce the site's sense of place (DG 1.4.11)  
Incorporate functional design elements as well as aesthetic, whenever possible (DG 1.4.13)

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO

City of Chico

Attn: City Clerk

Space Above This Line for Recorder's Use  
(Exempt from Recording Fees per Gov't Code § 27383)

**DEVELOPMENT AGREEMENT**

**BY AND BETWEEN**

**THE**

**CITY OF CHICO**

**AND**

**CHICO SCRAP METAL, a California corporation,**

**and GEORGE W. SCOTT, TRUSTEE OF THE GEORGE W. SCOTT, SR.  
REVOCABLE INTER VIVOS TRUST DATED SEPTEMBER 25, 1995, AS  
AMENDED**

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## **DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (hereinafter "Agreement") is made and entered into this day of \_\_\_\_\_, 2016, by and between the **CITY OF CHICO**, a political subdivision of the State of California (hereinafter "City"), and **CHICO SCRAP METAL, a California corporation**, and **GEORGE W. SCOTT, TRUSTEE OF THE GEORGE W. SCOTT, SR. REVOCABLE INTER VIVOS TRUST DATED SEPTEMBER 25, 1995, AS AMENDED**, (hereinafter "CHICO SCRAP"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code .

### **RECITALS**

#### **A. Enabling Statute.**

To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted Sections 65864-65869.5 of the California Government Code ("Development Agreement Act" or "Act") enabling a city, and an applicant for a development project who has a legal or an equitable interest in the property to be improved or developed, to enter into a development agreement establishing the zoning standards, land use regulations and development standards of the city that will govern project improvement and development.

#### **B. Property Description.**

CHICO SCRAP owns a legal or equitable interest in that certain real property which real property is generally referred to as Assessor Parcel Nos. 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017. Said Property is more particularly shown on Exhibit "A" attached hereto and incorporated herein by this reference ("Property").

#### **C. Property Use History**

Since December 17, 1963, the Property was within the jurisdiction of the City, was General Plan designated as Warehouse and Manufacturing and Low Density Residential, and was zoned M-L (Light Industrial/Manufacturing) and R-1 (low Density Residential). The Property was used as a scrap metal yard and metal recycling center since approximately the late 1960's. Chico Scrap located to the Property in 1983. In 2004 the City adopted the Chapman/Mulberry Neighborhood Plan ("Plan") which resulted in the Property becoming a legal nonconforming use and being rezoned to CN (Neighborhood Commercial) and R1 (Low Density Residential) with an SD-6 overlay zone.

#### **D. Amortization of Chico Scrap**

The Plan recognizes the legal nonconforming use status of Chico Scrap. The Plan further requires the City to adopt an ordinance providing for the amortization of such nonconforming use. The City has adopted ordinances requiring the amortization and termination of the Chico Scrap non-conforming use by December 31, 2014.

**E. Development Agreement Goals.**

City and CHICO SCRAP desire to enter into this Agreement relating to the Property to facilitate current improvements to the Property in a timely manner. Due and reasonable consideration has been given to the history of the site and use, the environmental benefits, utility and convenience of the services CHICO SCRAP provides to the community, the economic impact CHICO SCRAP has on the community and financial feasibility and costs of moving the CHICO SCRAP to a location which permits the use.

**F. Mutual Benefits**

City and CHICO SCRAP desire the installation of physical improvements to enhance the aesthetics and landscaping to the site and changes to operational characteristics. CHICO SCRAP recognizes that required improvements to the Property will involve investment by CHICO SCRAP. The City recognizes and has determined that the provisions of the Agreement for the improvements to the Property, and the continued use of the Property for recycling by CHICO SCRAP would assist both the City and CHICO SCRAP and achieve a public benefit and viable economic solution for both parties

NOW, THEREFORE, in further consideration of the above recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and covenants of the parties contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**SEC. 1. GENERAL PROVISIONS**

**Sec. 1.1 Property Description and Binding Covenants.**

The Property is that improved real property owned by CHICO SCRAP described in Exhibit "A" attached hereto and incorporated herein by reference. It is intended and determined that the provisions of this Agreement, to the extent permitted by law, shall constitute covenants which shall run with the Property and the benefits and burdens of this Agreement shall be binding upon and inure to the benefit of the parties and to their successors in interest.

**Sec. 1.2 Interest of CHICO SCRAP.**

CHICO SCRAP holds a fee interest in the Property and all other persons in the future holding legal or equitable interests in the Property shall be bound by this Agreement.

**Sec. 1.3 Term and Amendment.**

The term of this Agreement shall commence on the effective date of the ordinance authorizing the approval and execution of this Agreement ("Effective Date") and shall continue until the current use of the Property voluntarily ceases by CHICO SCRAP or its successor in interest, is terminated pursuant to the process under Chico Municipal Code Chapter 19.14, or is otherwise terminated pursuant to the terms of this Agreement. This Agreement may be amended from time to time by mutual consent of the City and CHICO SCRAP, or its successors in interest, and pursuant to noticed public hearings in accordance with the Act.

## **Sec. 1.4 Definitions**

This Agreement uses a number of terms having specific meanings, as defined below. These specially defined terms are distinguished by having the initial letter capitalized when used in this Agreement. The defined terms include the following:

“*Agreement*” means this Development Agreement.

“*City*” means the City of Chico, a California municipal corporation.

“*City Council*” means the City Council of City.

“*Development Approvals*” means any and all permits, licenses, consents, rights and privileges, and other actions approved or issued by City in connection with the Development on or before the Effective Date, including but not limited to:

- i) General plans and general plan amendments;
- ii) Specific plans and specific plan amendments
- iii) Zoning, rezoning, change of zone and zoning amendments;
- iv) Approved conceptual site design and architectural plans for the Project, with conditions;
- v) Tentative and final parcel maps;
- vi) Applicable environmental documentation pursuant to the California Environmental Quality Act; and
- vii) Grading and building-related permits.

“*Development Requirement*” means any requirement of City in connection with or pursuant to any Development Approval for the dedication of land, the construction or improvement of public facilities, the payment of fees or assessments in order to lessen, offset, mitigate or compensate for the impacts of the Development on the environment, or the advancement of the public interest.

“*Developer*” means Integral CHICO SCRAP and, where specified in this Agreement, its successors in interest to all or any part of the Property.

“*Effective Date*” means the date that this Agreement shall take effect as defined in Section 1.3 of this Agreement.

“*Heavy Equipment*” means vehicles, tractors and equipment used in construction, moving, loading, and/or processing of on-site operations. Typically such equipment contains hydraulics, power trains and controls. Such definition shall not include trucks entering or exiting the premises after operating hours but which have been loaded or unloaded during operating hours or off site.

“*Land Use Regulations*” means all ordinances, resolutions, codes, rules, regulations and official policies of City, including but not limited to City’s development impact fees, adopted and effective on or before the Effective Date governing the Development and use of the Property, including, without limitation, the permitted use of land, the density or intensity of use, the rate of development of land, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the Development, including, but not limited to, the Development Approvals.

“*Project*” means the improvement, development and use of the Property for the purposes of completing the structures, improvements and facilities comprising the Project, including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; and the installation of landscaping and improvements., including the use, maintenance and repair, of any building, structure, improvement, landscaping or facility after the construction and completion thereof on the Property.

“*Property*” means the real property described in Exhibit “A”.

“*Reservation of Authority*” means the rights and authority excepted from the assurances and rights provided to CHICO SCRAP under this Agreement and reserved to City under Section 5.

“*Subsequent Development Approvals*” means all Development Approvals issued subsequent to the Effective Date in connection with the Development.

“*Subsequent Land Use Regulations*” means any Land Use Regulations adopted and effective after the Effective Date governing development and use of the Property.

## **SEC. 2. IMPROVEMENT AND DEVELOPMENT OF THE PROPERTY**

### **Sec. 2.1 Vested Rights.**

By entering into this Agreement, City hereby grants CHICO SCRAP a vested right to proceed with the improvement, development and use of the Property in accordance with the terms and conditions of this Agreement. CHICO SCRAP'S vested right to proceed with the project shall be subject to any subsequent discretionary approvals required in order to complete the project, provided that any conditions, terms, restrictions and requirements for such subsequent discretionary approvals shall not prevent development of the land for the uses and to the density or intensity of development set forth in this Agreement and provided CHICO SCRAP is not in default under this Agreement.

### **Sec. 2.2 Schedule of Improvements and Development**

(a) CHICO SCRAP shall commence and complete improvements and development of the Property ("Improvements") in accordance with the “Improvement Schedule” attached hereto as Exhibit “B” and incorporated herein by reference. CHICO SCRAP shall obtain all permits and approvals for commencement and completion of the Improvements.

(b) If CHICO SCRAP fails to commence or complete any line item improvement listed in the Improvement Schedule, by the date specified in the Improvement Schedule, then

CHICO SCRAP shall pay to the City as liquidated damages the sum of One Hundred Dollars (\$100.00) per day for the first ten late days, Two Hundred Dollars (\$200.00) per day for the next ten late days and Three Hundred Dollars (\$300.00) per day until the work of improvement is commenced or completed in addition to or alternate to any other remedy or termination provided in this Agreement. After thirty (30) late days, the City, in its sole discretion, may suspend all operations and activities on the Property until the improvement is completed.

(c) CHICO SCRAP and City agree that the liquidated damages sum in subsection (b) above is a reasonable sum considering all of the circumstances existing on the date of this Agreement, including the relationship of the sum to the range of harm to Agency that reasonably could be anticipated and the anticipation that proof of actual damages would be costly or inconvenient. In placing their initials at the place provided, each Party specifically confirms the accuracy of the statements made above and the fact that each Party was represented by counsel who explained the consequences of this liquidated damages provision at the time this Agreement was made.

CHICO SCRAP \_\_\_\_\_ (initials) City \_\_\_\_\_ (initials)

**Sec. 2.3 Processing Fees and Charges.**

CHICO SCRAP shall pay those processing fees and charges of every kind and nature imposed or required by City or other entities covering the actual costs of City in (i) processing applications and requests for permits, approvals and other actions, and (ii) monitoring compliance with any permits issued or approvals granted or the performance of any conditions with respect thereto or any performance required of CHICO SCRAP hereunder.

**Sec. 2.4 Compliance with Conditions of Project Approval.**

CHICO SCRAP shall, in consideration of the City's commitments set forth in this Agreement, comply with all of those specific conditions of Project approval in the improvement, development and use of the Property contained in this Agreement.

**SEC. 3. PERMITTED USES OF THE PROPERTY.**

During the term of this Agreement the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and location of public improvements, and other terms and conditions of improvement and development applicable to the Property shall be those set forth in this Section 3 as follows:

**Sec. 3.1 Legal Nonconforming Use Status**

The effectiveness of this Agreement is contingent upon the approval by the City of an effective amendment of the Chico Municipal Code and/or the Chapman/Mulberry Neighborhood Plan which eliminates the requirements of amortization and termination of the CHICO SCRAP use. Such amendment is within the sole and absolute discretion of the City and cannot be required by this Agreement. If such an amendment is approved and remains effective, CHICO SCRAP shall be allowed to continue its existing operations as a legal nonconforming use during the term of this Agreement, subject to the conditions contained in this Agreement. Completion of the Improvements is a condition precedent to the legal nonconforming use status of the Property provided by this agreement.

### **Sec. 3.2 Land Use Zoning, Rules and Regulations**

During the term of this Agreement the zoning regulations the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and location of public improvements, and other terms and conditions of improvement and development applicable to the Property shall be as follows:

- (a) Existing buildings, infrastructure, accessory buildings and fences which existed on the effective date of this Agreement may continue to exist.
- (b) Any expansion of buildings, structures, accessories or fences, the construction of new structures, the expansion or intensification of uses or the construction of any new infrastructure shall comply with the zoning rules and regulations in effect at the time the activity is undertaken.
- (c) Any revision, alteration or expansion of buildings, structures, accessories, landscaping or fence that are proposed by CHICO SCRAP as part of this Agreement, shall be reviewed and processed in accordance with the appropriate provision of the Chico Municipal Code, if any. Such review and approval shall be consistent with the terms of this Agreement and shall not unreasonably delay or prevent the attainment of the terms of this Agreement. Any revision, alteration or expansion of buildings, structures, accessories, landscaping, fencing or uses that is not a part of this Agreement shall require subsequent review and permitting at a future date.

### **Sec. 3.3 Specific Prohibited Uses**

During the term of this Agreement CHICO SCRAP shall not engage in any of the following activities on the Property:

- (a) Shredding or baling of truck, automobile or other vehicle bodies on site.
- (b) Operating on any portion of the Property that is not capped with concrete, or equivalent protective barrier such as rock base with underlayment approved by Community Development Developer.
- (c) Receiving for recycling nonhazardous or hazardous liquids. Exhibit C contains the list of materials that can be accepted by CHICO SCRAP, and the list of materials that CHICO SCRAP does not accept. CHICO SCRAP shall not accept any materials not listed on Exhibit C, or any expressly prohibited materials listed on Exhibit C.
- (d) Operating heavy equipment outside of the operational hours noted in Section 3.4.

### **Sec. 3.4 Conditions and Limitations on Use of the Property**

During the term of this Agreement the use of the Property by CHICO SCRAP shall be subject to the following conditions, rules and regulations:

- (a) Hours of Operations shall be limited to:
  - Monday-Friday: 8:00 a.m. to 4:00 p.m.
  - Saturday: 8:00 a.m. to Noon (12:00 p.m.)
  - Sunday: Closed

The foregoing Hours of Operation represents the hours open to the public and shall not prevent CHICO SCRAP from staging equipment for use on the next business day before 7:00 p.m. on weekdays and 4:00 p.m. on weekends, or

engaging in activities after such Hours of Operation required to be completed by CHICO SCRAP under its SWPPP or otherwise comply with conditions or regulations imposed by the City or other governmental agencies.

- (b) All operational aspects, including storage of and moving of materials shall be done on a concrete, equivalent, or equivalent protective barrier such as rock base with underlayment approved by Community Development Manager.
- (c) If operational aspects, involving the processing of materials need to take place or expand into locations that are currently void of such operations as of the date of this Agreement, a Use Permit shall be secured by the applicant prior to such expansion. CHICO SCRAP is not prohibited by this Agreement from utilizing such areas (i.e. those on which processing of material does not currently take place) for other business purposes such as storage, offices, and parking.
- (d) All improvements shall be constructed on the Project site. Landscaping is permitted within the public right of way, so long as it is maintained and up kept by CHICO SCRAP. Installation of landscaping shall be done in conformance with the Municipal Code.
- (e) On-site directional, collection and rules signage shall be presented to, and reviewed and approved by, the Community Development Director prior to installation by CHICO SCRAP to inform customers of which materials are not collected on site, and that sweeping of trailer and other transportation devices is strictly prohibited.
- (f) The entire length and width of the path of travel at the subject site, from entrance gate to exit gate, shall be swept at least twice a day (business days only) by the applicant. As a minimum, such activity shall be conducted once during normal business hours, and once at the end of each business day to minimize fugitive dust.
- (g) Baler equipment shall be maintained in good working condition to minimize noise impacts, and comply with the City's operative noise ordinance.

## **SECTION 4. OBLIGATIONS OF CHICO SCRAP**

### **Sec. 4.1 Conditions of Approval.**

The CHICO SCRAP shall complete and operate the Project in accordance with the terms of this Agreement in a timely manner and in cooperation with the City.

### **Sec. 4.2 Dedications and Improvements.**

CHICO SCRAP shall offer dedications to City or other applicable public agency, or complete those public improvements in connection with the Project, as specified in the Development Approvals or Conditions of Approval.

### **Sec. 4.3 Indemnification.**

(a) CHICO SCRAP agrees to and shall indemnify, hold harmless, and defend, City and its respective officers, officials, members, agents, employees, and representatives, from liability or claims for death or personal injury and claims for property damage which may arise from the acts, errors, and/or omissions of CHICO SCRAP or its contractors, subcontractors,

agents, employees or other persons acting on its behalf in relation to the Project and/or in any manner arising from this Agreement. The foregoing indemnity applies to all deaths, injuries, and damages, and claims therefor, suffered or alleged to have been suffered by reason of the acts, errors, and/or omissions referred to in this Section 4.7, regardless of whether or not City prepared, supplied, or approved plans or specifications, or both. In the event of litigation, City agrees, at no cost to City, to cooperate with CHICO SCRAP.

(b) In the event of any court action or proceeding challenging the validity of this Agreement, any of the Development Approvals or any environmental documentation (CEQA) prepared and adopted for the Project, CHICO SCRAP shall defend, at its own expense, the action or proceeding. In addition, CHICO SCRAP shall reimburse City for City's costs in defending itself in any court action or proceeding challenging the validity of this Agreement, any of the Development Approvals or environmental documents, with counsel to be chosen by City and approved by CHICO SCRAP, with such approval not to unreasonably be withheld. In addition, the City shall provide CHICO SCRAP the opportunity in such court action or proceeding to provide a defense to the City, subject to the City's approval, which the City, through its counsel, will monitor. CHICO SCRAP shall cooperate with City in any such defense as City may reasonably request and may not resolve such challenge without the agreement of City. In the event CHICO SCRAP fails or refuses to provide such defense of any challenge to this Agreement, the Development Approvals or the environmental documents, City shall have the right not to defend such challenge, and to resolve such challenge in any manner it chooses in its sole discretion, including termination of this Agreement.

#### **Sec. 4.4 Nexus/Reasonable Relationship Challenges.**

The CHICO SCRAP consents to, and waives any rights it may have now or in the future to challenge the legal validity of, the conditions, requirements, policies or programs required by the Existing Land Use Regulations or this Agreement including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax.

#### **Sec. 4.5 Cooperation By CHICO SCRAP.**

CHICO SCRAP will, in a timely manner, provide City with all documents, applications, plans and other information necessary for City to carry out its obligations hereunder, and cause CHICO SCRAP's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

#### **Sec. 4.6 Other Governmental Permits.**

CHICO SCRAP shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Subject Property as may be required for the development of, or provision of services to, the Project.

### **Sec. 5. RESERVATION OF CITY AUTHORITY**

#### **Sec. 5.1 Limitations, Reservations and Exceptions.**

Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the Development:

(a) Processing fees and charges of every kind and nature imposed by City to cover the estimated actual costs to City of processing applications for Development Approvals.

(b) Procedural regulations consistent with this Agreement relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matters of procedure.

(c) Changes adopted by the International Conference of Building Officials, or other similar body, as part of the then most current versions of the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, or National Electrical Code, and also adopted by City as Subsequent Land Use Regulations.

(d) Regulations that may be in conflict with the Development Approvals but which are reasonably necessary to protect the public health, safety, and welfare.

(e) Regulations that are not in conflict with the Development Approvals and this Agreement.

(f) Regulations that are in conflict with the Development Approvals provided CHICO SCRAP has given written consent to the application of such regulations to the Development.

(g) Federal, State, County, and multi-jurisdictional laws and regulations which City is required to enforce as against the Property or the Development.

#### **Sec. 5.2 Future Discretion of City.**

Notwithstanding any other provision of this Section 5.1, this Agreement shall not prevent City, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Approvals, or in accordance with any provision of the Chico Municipal Code, nor shall this Agreement prevent City from denying or conditionally approving any Subsequent Development Approval on the basis of the existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Approvals.

#### **Sec. 5.3 Modification or Suspension by Federal, State, County, or Multi-Jurisdictional Law.**

In the event that Federal, State, County, or multi-jurisdictional laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such Federal, State, County, or multi-jurisdictional laws or regulations, and this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provision impractical to enforce.

**Sec. 5.4 Intent.**

City acknowledges that CHICO SCRAP has reasonably entered into this Agreement and will proceed with the Project on the assumption that City has adequately provided for the public health, safety and welfare through the Land Use Regulations. In the event that any future, unforeseen public health or safety emergency arises, City agrees that it shall attempt to address such emergency in such a way as not to impact the Development in accordance with the Development Approvals.

**Sec. 5.5 Regulation by Other Public Agencies.**

It is acknowledged by the Parties that other public agencies not subject to control by City may possess authority to regulate aspects of the Development, and this Agreement does not limit the authority of such other public agencies.

**Sec. 5.6 Additional Applicable Codes and Regulations.**

Notwithstanding any other provision of this Agreement, City also reserves the right to apply the following to the Development:

(a) Building, electrical, mechanical, fire and similar building codes based upon uniform codes adopted in, or incorporated by reference into, the Pomona Municipal Code, as existing on the Effective Date or as may be enacted or amended thereafter, applied to the Project in a nondiscriminatory manner.

**Sec. 6. MORTGAGEE PROTECTION; CERTAIN RIGHTS TO CURE.**

**Sec. 6.1 Encumbrances on the Project.**

This Agreement shall not prevent or limit CHICO SCRAP from encumbering the Property or any portion thereof or any improvements thereon with any mortgage, deed of trust, sale and leaseback arrangement, or any other form of conveyance (“Mortgage”) in which the Property, or a portion thereof or interest therein, is pledged as security, and contracted for in good faith and fair value in order to secure financing with respect to the construction, development, use or operation of the Project.

**Sec. 6.2 Mortgage Protection.**

This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Property or any portion thereof by a holder of a beneficial interest under a Mortgage, or any successor or assignee to said holder (“Mortgagee”), whether pursuant to foreclosure, trustee’s sale, deed in lieu of foreclosure, lease termination or otherwise, shall be subject to all of the terms and conditions of this Agreement.

**Sec. 6.3 Mortgagee Not Obligated.**

No Mortgagee will have any obligation or duty under this Agreement to perform the obligations of CHICO SCRAP or other affirmative covenants of CHICO SCRAP hereunder, or to guarantee such performance. In addition, the Mortgagee shall have no right to develop or operate the Property, and to the extent that any covenant to be performed by CHICO SCRAP is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder.

**Sec. 6.4 Notice of Default to Mortgagee; Right of Mortgagee to Cure.**

City shall, upon written request to City, deliver to each Mortgagee a copy of any notice of default given to CHICO SCRAP under the terms of this Agreement, at the same time such notice of default is provided to CHICO SCRAP. The Mortgagee shall have the right, but not the obligation, to cure, correct, or remedy the default, within ten (10) days after the receipt of such notice from City for monetary defaults, or within thirty (30) days for non-monetary defaults, or, for such defaults that cannot reasonably be cured, corrected, or remedied within such period, the Mortgagee may cure, correct, or remedy the default if the Mortgagee commences to cure, correct, or remedy such default within such ten (10) day or thirty (30) day period, and continuously and diligently prosecutes such cure to completion. If the default is of a nature which can only be remedied or cured by such Mortgagee upon obtaining possession of the Property, such Mortgagee shall have the right to seek to obtain possession with diligence and continuity through foreclosure, a receiver or otherwise, and shall be permitted thereafter to remedy or cure the default within such time as is reasonably necessary to cure or remedy said default but in no event more than thirty (30) days after obtaining possession. If any such default cannot, with diligence, be remedied or cured within such thirty (30) day period, then such period shall be extended to permit the Mortgagee to effect a cure or remedy so long as Mortgagee commences said cure or remedy during such thirty (30) day period, and thereafter diligently pursues such cure to completion.

**SEC. 7. DEFAULT; REMEDIES; DISPUTE RESOLUTION.**

**Sec. 7.1 Notice of Default.**

In the event of failure by either party substantially to perform any material term or provision of this Agreement, the non-defaulting party shall have those rights and remedies provided herein, provided that such non-defaulting party has first provided to the defaulting party a written notice of default in the manner required by Section 8.9 identifying with specificity the nature of the alleged default and the manner in which said default may satisfactorily be cured.

**Sec. 7.2 Cure of Default.**

Upon the receipt of the notice of default, the alleged defaulting party shall promptly commence to cure, correct, or remedy the identified default at the earliest reasonable time after receipt of the notice of default and shall complete the cure, correction or remedy of such default not later than ten (10) days after receipt of notice thereof if the breach of this Agreement involves the payment of money, or not later than thirty (30) days after receipt of notice thereof if the breach of this Agreement does not involve the payment of money; provided, however, that if such breach may not reasonably be cured within such thirty (30) day period, then a default shall

exist only if the cure of such breach is not commenced within such thirty (30) day period or thereafter is not diligently prosecuted to completion.

**Sec. 7.3 City Remedies.**

In the event of an uncured default by CHICO SCRAP of the terms of this Agreement, City, at its option, may impose liquidated damages in accordance with this Agreement, may institute legal action in law or in equity to cure, correct, or remedy such default, enjoin any threatened or attempted violation, or enforce the terms of this Agreement. Furthermore, City, in addition to or as an alternative to exercising the remedies set forth in this Section 8.2, in the event of a material default by CHICO SCRAP, may give notice of its intent to terminate or modify this Agreement, in which event the matter shall be scheduled for consideration and review by the City Council in the manner set forth in the Development Agreement Act.

**SECTION 8. MISCELLANEOUS PROVISIONS**

**Sec. 8.1 Authority to Execute.**

The person or persons executing this Agreement on behalf of CHICO SCRAP warrant and represent that they have the authority to execute this Agreement on behalf of CHICO SCRAP and represent that they have the authority to bind CHICO SCRAP to the performance of their obligations hereunder.

**Sec. 8.2 Transfers Of Interest In Property Or Agreement.**

CHICO SCRAP may not assign or transfer the Property, Project or this Agreement without the prior written consent of City, which consent shall not be unreasonably withheld. In the event of a proposed transfer of interest in the Property or in this Agreement by CHICO SCRAP, CHICO SCRAP agrees to provide City at least thirty (30) days written notice of such proposed assignment prior to the proposed transfer and shall provide satisfactory evidence that the assignee will assume in writing through an assignment and assumption agreement all obligations of CHICO SCRAP under this Agreement. Notwithstanding the foregoing, the terms, covenants and conditions of this Agreement shall be binding upon any transferee whether or not such an assignment and assumption agreement is signed by the assignee upon acquiring the Property.

Assignment and Assumption of Obligations. For all proposed transfers of interest in the Property or in this Agreement, CHICO SCRAP shall provide to City an assignment and assumption agreement in a form reasonably satisfactory to the City Attorney.

Successors and Assigns. All of the terms, covenants and conditions of this Agreement shall be binding upon CHICO SCRAP and its successors and assigns. Whenever the term "CHICO SCRAP" is used in this Agreement, such term shall include any other successors and assigns as herein provided.

**Sec. 8.3 Consent.**

Where the consent or approval of a party is required in or necessary under this Agreement, such consent or approval shall not be unreasonably withheld.

**Sec. 8.4 Construction of Agreement.**

The language in all parts of this Agreement shall, in all cases, be construed as a whole and in accordance with its fair meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. This Agreement shall be governed by the laws of the State of California. Any dispute between the parties shall be submitted to the Butte County Superior Court.

**Sec. 8.5 Covenants of Good Faith and Fair Dealing.**

No party to this Agreement shall do anything which shall have the effect of harming or injuring the right of the other parties to receive the benefits of this Agreement; each party shall refrain from doing anything which would render its performance under this Agreement impossible; and each party shall do everything which this Agreement contemplates that such party do to accomplish the objectives and purposes of this Agreement.

**Sec. 8.6 Further Actions and Instruments.**

Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of any party at any time, the other parties shall promptly execute, file or record any required instruments and writings necessary to evidence or consummate the transactions contemplated by this Agreement, and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement.

**Sec. 8.7 No Third Party Beneficiaries.**

This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have the right of faction based upon any provision in this Agreement.

**Sec. 8.8 No Waiver.**

No delay or omission by any party in exercising any right or power accruing upon non-compliance or failure to perform by the other party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by any party of any of the covenants or conditions to be performed by the other parties shall not be construed as a waiver of any succeeding breach or nonperformance of the same or other covenants and conditions hereof.

**Sec. 8.9 Notices.**

All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Landowner, or Landowner's assigns and successors. Notice shall be effective on

the date delivered in person, or the date when such notice is mailed to the address of the receiving party indicated below:

Notice to the City:                   City of Chico  
  Attention: City Manager  
  P. O. Box 3420  
  Chico, CA 95927

Notice to CHICO SCRAP:   Chico Scrap Metals, Inc.  
  Attention: George W. Scott, Sr.  
  2600 Fair Street  
  Chico, CA 95928

**Sec. 8.10           General Plan Consistency.**

The effectiveness of this Agreement is contingent upon the approval by the City of an effective amendment of the Chico Municipal Code and/or the Chapman/Mulberry Neighborhood Plan which eliminates the requirement of amortization and termination of the CHICO SCRAP use. Such amendment is within the sole and absolute discretion of the city and cannot be required by this Agreement. If such an amendment is approved and remains effective, the City hereby finds this Agreement and CHICO SCRAP's Plans of Improvement are consistent with the City of Chico's General Plan and the Chapman/Mulberry Neighborhood Plan as amended.

**Sec. 8.11           Review for Compliance.**

City shall review this Agreement at least once during every twelve (12) months following the Effective Date during the Term of this Agreement, in accordance with City's procedures and standards for such review set forth in the Development Agreement Resolution. During such periodic review by City, CHICO SCRAP shall provide to City, utilizing the Compliance Reporting Form included herein at Exhibit D, evidence sufficient to demonstrate to the City of good faith compliance with the terms of this Agreement; provided, however, that CHICO SCRAP will not be required to disclose confidential or trade secret business information for such review. The failure of City to take any action after receipt of the Compliance Reporting Form as provided herein or in accordance with the Development Agreement Act shall not impact the validity of this Agreement

**Sec. 8.12           Force Majeure.**

In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or failures to perform are due to the elements, fire, earthquakes or other acts of God, strikes, labor disputes, lockouts, acts of the public enemy, riots, insurrections, or governmental restrictions imposed or mandated by other governmental entities. City and CHICO SCRAP may also extend times of performance under this Agreement in writing. Notwithstanding the foregoing, CHICO SCRAP is not entitled pursuant to this Section 9.2 to an extension of time to perform because of past, present, or future

difficulty in obtaining suitable construction financing or permanent financing for the Development, or because of economic or market conditions.

**Sec. 8.13 Binding Effect.**

This Agreement, and all of the terms and conditions hereof, shall be binding upon and inure to the benefit of the Parties, any subsequent owner of all or any portion of the Project or the Property, and their respective assigns, heirs or successors in interest, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

**Sec. 8.14 Independent Entity.**

The Parties acknowledge that, in entering into and performing this Agreement, each of CHICO SCRAP and City is acting as an independent entity and not as an agent of the other in any respect.

**Sec. 8.15 Agreement Not to Benefit Third Parties.**

This Agreement is made for the sole benefit of the Parties, and no other person shall be deemed to have any privity of contract under this Agreement nor any right to rely on this Agreement to any extent for any purpose whatsoever, nor have any right of action of any kind on this Agreement nor be deemed to be a third party beneficiary under this Agreement, other than as expressly provided in this Agreement.

**Sec. 8.16 Non-liability of City Officers and Employees.**

No official, officer, employee, agent or representative of City, acting in his/her official capacity, shall be personally liable to CHICO SCRAP, or any successor or assign, for any loss, costs, damage, claim, liability, or judgment, arising out of or connection with this Agreement, or for any act or omission on the part of City.

**Sec. 8.17 No Waiver.**

No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought and referring expressly to this Section 9.10. No delay or omission by either party in exercising any right or power accruing upon non-compliance or failure to perform by the other party under any of the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof, except as expressly provided herein. No waiver by either party of any of the covenants or conditions to be performed by the other party shall be construed or deemed a waiver of any succeeding breach or nonperformance of the same or other covenants and conditions hereof.

**Sec. 8.18 Severability.**

If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect, to the extent that the invalidity or unenforceability does not impair the application of this Agreement as intended by the Parties.

**Sec. 8.19      Recordation.**

This Agreement shall be recorded with the County Recorder of Butte County at CHICO SCRAP's cost, if any, within the period required by California Government Code Section 65868.5. Amendments approved by the Parties, and any cancellation or termination of this Agreement, shall be similarly recorded.

**Sec. 8.20      Recitals & Exhibits Incorporated; Entire Agreement.**

The Recitals to this Agreement and all of the exhibits attached to this Agreement are, by this reference, incorporated into this Agreement and made a part hereof. This Agreement, including all exhibits attached hereto, constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement, and this Agreement supersedes all previous negotiations, discussions and agreements between the Parties, and no parole evidence of any prior or other agreement shall be permitted to contradict or vary the terms hereof.

**Sec. 8.21      Counterpart Signature Pages.**

For convenience the Parties may execute and acknowledge this Agreement in counterparts and when the separate signature pages are attached hereto, shall constitute one and the same complete Agreement.

**Sec. 8.22      Governing Law; Litigation Matters.; Attorney's Fees.**

The laws of the State of California shall govern the interpretation and enforcement of this Agreement without regard to conflicts of law principles. Any action at law or in equity brought by any party hereto for the purpose of enforcing, construing, or interpreting the validity of this Agreement or any provision hereof shall be brought in the Superior Court of the State of California in and for the County of Butte, or such other appropriate court in said county, and the Parties hereto waive all provisions of law providing for the filing, removal, or change of venue to any other court. Service of process on City shall be made in accordance with California law. Service of process on CHICO SCRAP shall be made in any manner permitted by California law and shall be effective whether served inside or outside of California. In the event of any action between the Parties hereto seeking enforcement of any of the terms of this Agreement or otherwise arising out of this Agreement, the prevailing party in such litigation shall be awarded, in addition to such relief to which such party is entitled, its reasonable attorney's fees, expert witness fees, and litigation costs and expenses.

IN WITNESS WHEREOF, the parties have duly signed this Agreement as of the date first above written.

(Signatures appear on next page)

**CHICO SCRAP:**

CHICO SCRAP METAL, A California Corporation

By: \_\_\_\_\_  
GEORGE W. SCOTT, SR.

GEORGE W. SCOTT, SR. REVOCABLE INTERVIVOS TRUST DATED SEPTEMBER 25, 1995, AS AMENDED

By: \_\_\_\_\_  
GEORGE W. SCOTT, SR. TRUSTEE

**CITY:**

CITY OF CHICO, a California municipal corporation

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

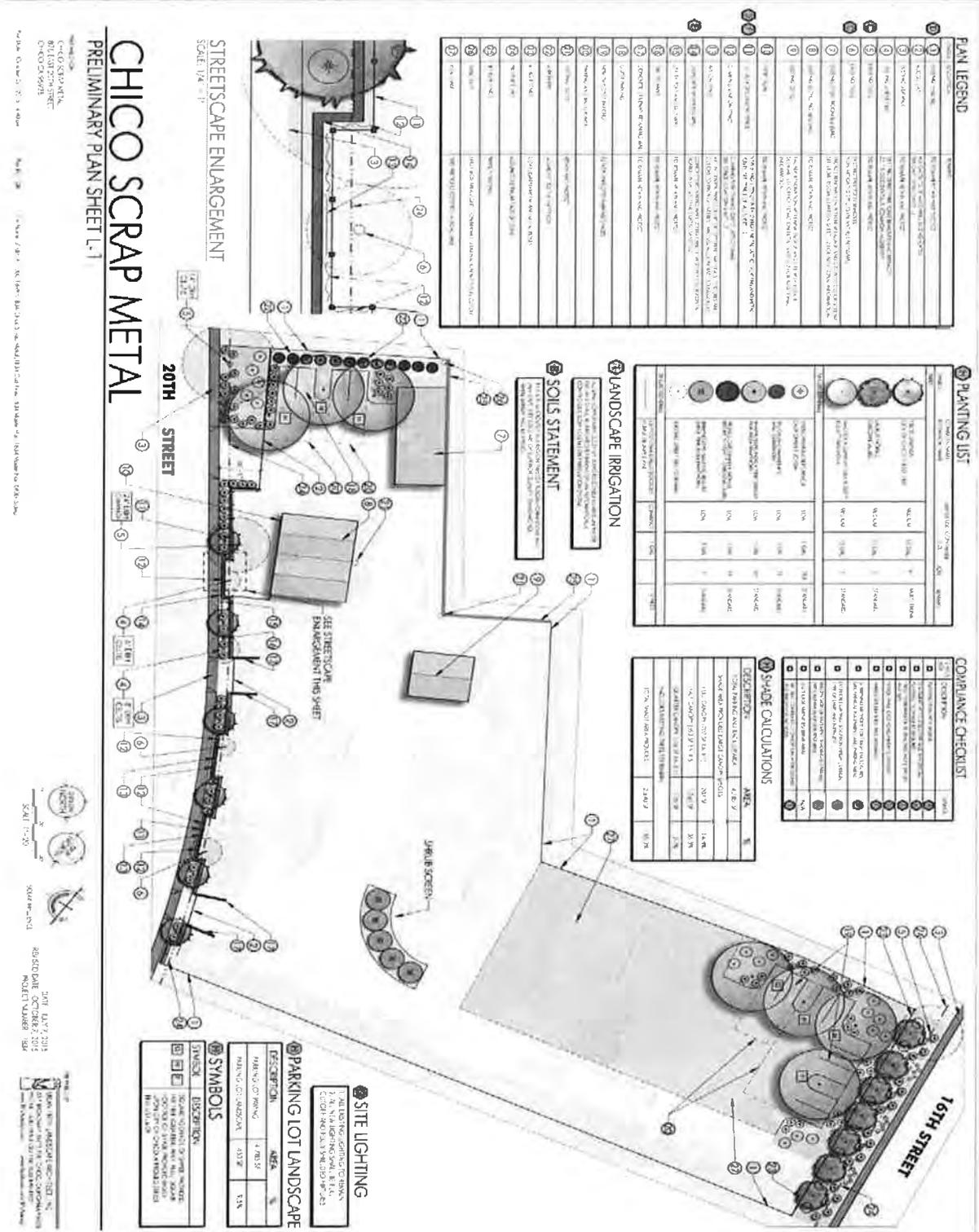
Approved as to form:

\_\_\_\_\_  
City Attorney

\*Approved pursuant to The Charter of the City of Chico § 906(E)

# EXHIBIT "A"

## (Property Description)



### PLAN LEGEND

1	Asphalt Paving	20	Concrete Paving
2	Grass	21	Gravel
3	Concrete	22	Soil
4	Asphalt	23	Grass
5	Gravel	24	Gravel
6	Grass	25	Grass
7	Grass	26	Grass
8	Grass	27	Grass
9	Grass	28	Grass
10	Grass	29	Grass
11	Grass	30	Grass
12	Grass	31	Grass
13	Grass	32	Grass
14	Grass	33	Grass
15	Grass	34	Grass
16	Grass	35	Grass
17	Grass	36	Grass
18	Grass	37	Grass
19	Grass	38	Grass

### PLANTING LIST

Planting Code	Plant Name	Quantity	Notes
1	Small Tree	10	Plant in parking lot
2	Medium Tree	5	Plant along sidewalk
3	Large Tree	3	Plant in front yard
4	Shrub	20	Plant in front yard
5	Flower Bed	1	Plant in front yard

### COMPLIANCE CHECKLIST

1	Site Plan	Yes
2	Site Map	Yes
3	Site Description	Yes
4	Site Photos	Yes
5	Site Survey	Yes
6	Site Inspection	Yes
7	Site Assessment	Yes
8	Site Report	Yes
9	Site Plan	Yes
10	Site Map	Yes
11	Site Description	Yes
12	Site Photos	Yes
13	Site Survey	Yes
14	Site Inspection	Yes
15	Site Assessment	Yes
16	Site Report	Yes
17	Site Plan	Yes
18	Site Map	Yes
19	Site Description	Yes
20	Site Photos	Yes
21	Site Survey	Yes
22	Site Inspection	Yes
23	Site Assessment	Yes
24	Site Report	Yes
25	Site Plan	Yes
26	Site Map	Yes
27	Site Description	Yes
28	Site Photos	Yes
29	Site Survey	Yes
30	Site Inspection	Yes
31	Site Assessment	Yes
32	Site Report	Yes
33	Site Plan	Yes
34	Site Map	Yes
35	Site Description	Yes
36	Site Photos	Yes
37	Site Survey	Yes
38	Site Inspection	Yes
39	Site Assessment	Yes
40	Site Report	Yes

### SHADE CALCULATIONS

Area	Shade %
Front Yard	15%
Parking Lot	10%
Back Yard	20%
Side Yard	12%
Overall	14%

### LANDSCAPE IRRIGATION

Soils Statement: The soils in this area are primarily heavy clay soils with low permeability. This requires a slow drip irrigation system to ensure adequate water penetration to the root zone of the plants.

### SOILS STATEMENT

Soils Statement: The soils in this area are primarily heavy clay soils with low permeability. This requires a slow drip irrigation system to ensure adequate water penetration to the root zone of the plants.

### STREETSCAPE ENLARGEMENT

Scale: 1/4" = 1'-0"

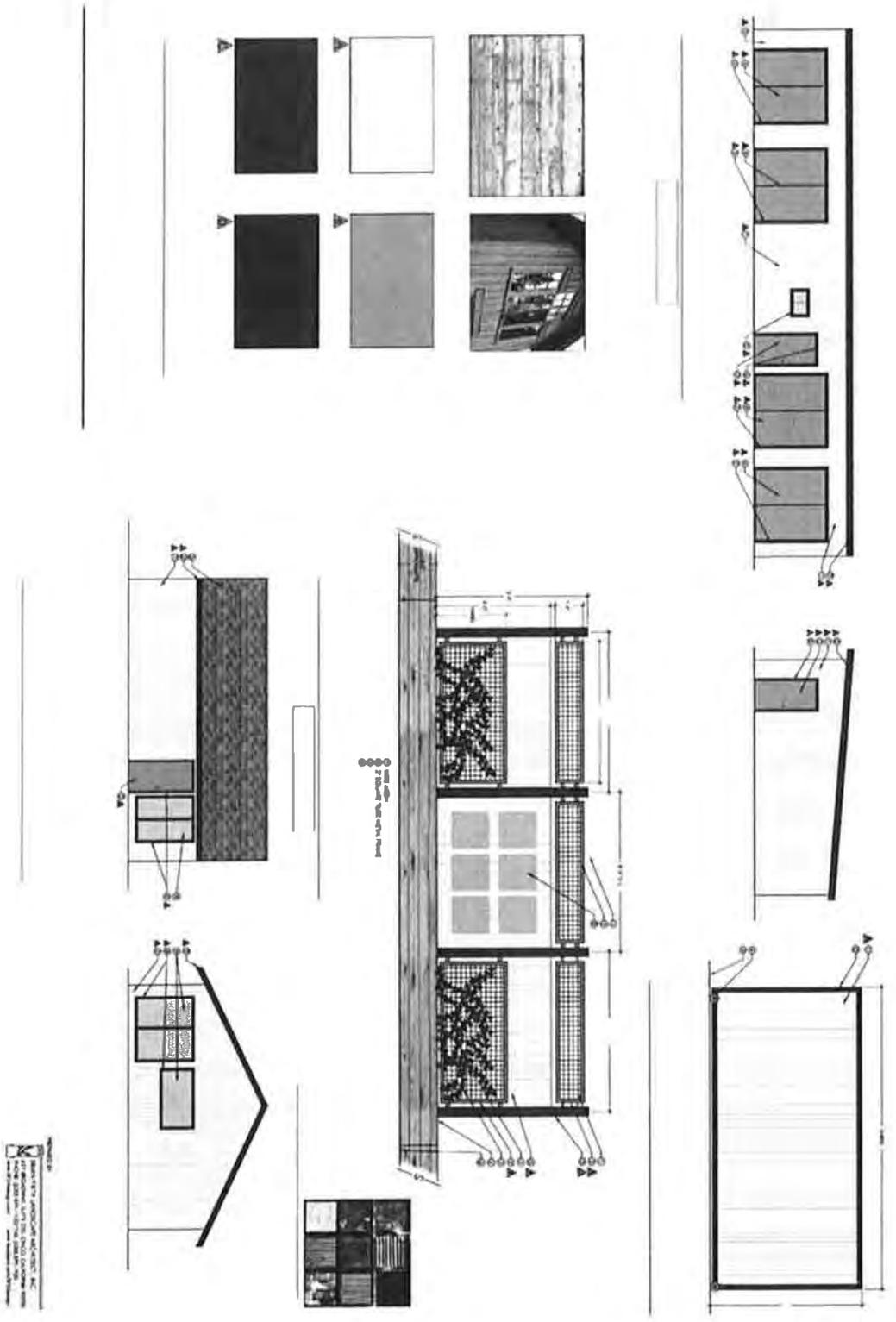
### 20TH STREET

### 16TH STREET

### CHICO SCRAP METAL

### PRELIMINARY PLAN SHEET L-1

Scale: 1/4" = 1'-0"




 ARCHITECTS  
 1300 K STREET, N.W.  
 WASHINGTON, D.C. 20004  
 TEL: 202-638-2000  
 FAX: 202-638-2001  
 WWW: www.aia.org

**EXHIBIT “B”**  
**(Improvement Schedule)**

WORK TO BE PERFORMED	START DATE	COMPLETION DATE	ACTUAL DATE	COMMENTS
<p>1. Installation of new fencing along West 16<sup>th</sup> Street, consisting of:</p> <p>A 6-foot tall corrugated metal fence and metal fence post.</p> <p>Materials shall be finished with: Benjamin Moore “Bath Salts” – Fence Benjamin Moore “Natural Brown” – Fence post</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		
<p>2. Installation of new fencing and gates along West 20<sup>th</sup> Street consisting of:</p> <p>An approximately 2-foot tall concrete retaining wall, of which a 10-foot tall decorative fence will be constructed on top. The bottom eight feet of the fence shall be corrugated metal while the upper two feet shall be metal lattice screens/wire mesh with 2-inch steel tubing frame. A 3-inch metal fence post shall be utilized.</p> <p>Matching metal lattice screen/wire mesh that varies in height from three to seven feet shall be placed on the West 20<sup>th</sup> Street side of the fence.</p> <p>Fence panels that do not contain metal lattice screen/wire mesh shall contain public art. Public art shall have an “urban funk/recyclable materials” theme to it.</p> <p>Three (3) gates at the entrances, and exits that are constructed and designed of the same materials of the fence.</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		

<p>Height of the gates shall be 8-feet tall and finished to match the fence.</p> <p>Materials shall be finished with:</p> <ul style="list-style-type: none"> <li>• Benjamin Moore “Bath Salts” – Fence</li> <li>• Benjamin Moore “Cedar Green” – lattice screen/wire mesh</li> <li>• Benjamin Moore “Natural Brown” – Fence post</li> <li>• Concrete Retaining Wall – Horizontal form board finish</li> </ul> <p>(Material finishes may be substituted with similar color and quality paint by approval of the Community Development Director).</p>				
<p>2. Landscaping and irrigation improvements along West 16<sup>th</sup> Street consisting of:</p> <p>Removal of all Ailanthus (tree of Heaven) trees.</p> <p>Retention of existing Oak tree.</p> <p>Installation of</p> <ul style="list-style-type: none"> <li>• Seven (7) 5-gallon Laurus nobilis (Bay laurel) shrubs, approximately</li> <li>• Twenty (20) 2-gallon Zauchneria California (Hummingbird flower) shrubs,</li> <li>• Fifteen (15) 5-gallon Rhamnus Indica (Indian hawthorn) shrubs, and</li> <li>• Associated improvements such as 3-inches of chip mulch and drip irrigation.</li> </ul> <p>All landscaping shall be installed to City standards found in Title 18R.</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		
<p>4. Landscaping and irrigation</p>		<p>Eighteen (18)</p>		

<p>improvements along West 20<sup>th</sup> Street consisting of:</p> <p>Retention of three (3) existing trees (14-inch Common Hackberry and 24-inch Camphor).</p> <p>Removal of two (2) existing trees (Common Hackberry's, 6-inch and 8-inch DBH).</p> <p>Installation of</p> <ul style="list-style-type: none"> <li>• Six (6) 15-gallon City of Chico street trees, species to be determined by the Capital Services Department at the time of final plan submittal,</li> <li>• Forty-two (42) 2-gallon <i>Zauchneria California</i> (Hummingbird flower) shrubs,</li> <li>• Five (5) 5-gallon <i>Raphiolepis Indica</i> (Indian hawthorn) shrubs,</li> <li>• A minimum of twenty-four (24) 1-gallon <i>Clytostoma Callistegioides</i> (Purple trumpet vine) and,</li> <li>• Associated improvements such as 3 inches of chip mulch and drip irrigation.</li> </ul> <p>All landscaping shall be installed to City Standards found in Title 18R of the Municipal Code.</p>		<p>months after approval of this Development Agreement</p>		
<p>5. Customer parking lot improvements consisting of:</p> <p>Four (4) surface parking stalls constructed to City Standards found in Title 19 of the Municipal Code.</p> <p>One (1) 15 foot tall (maximum) shoe-box light directed downward with full cutoff</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		
<p>6. Customer parking lot landscape and irrigation improvements consisting of:</p>		<p>Eighteen (18) months after approval of this</p>		

<p>Installation of a 6-foot side island planter, and 10-foot wide landscape planter along the western property line.</p> <p>Installation of 12 5-gallon Prunus Caroliniana ‘monus’ (Carolina Cherry) along the western property line, 3 15-gallon Magnolia Gradifloa ‘Russett’ (Russett Magnolia) shade trees, 13 2-gallon Zauschneria California (California fuchsia) shrubs.</p>		<p>Development Agreement</p>		
<p>7. Employee parking lot improvements consisting of:</p> <p>Nine (9) surface parking stalls constructed to City Standards found in Title 19 of the Municipal Code.</p> <p>One 15-foot tall shoe-box light directed downward with full cutoff</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		
<p>8. Employee parking lot landscape and irrigation improvements consisting of:</p> <p>Ten-foot wide landscape strips along the northern and western property lines, with two (2) 6-foot wide by 20-foot long landscape islands.</p> <p>Installation of</p> <ul style="list-style-type: none"> <li>• Four (4) 15-gallon Magnolia Gradifolia ‘Russett’ (Russett Magnolia) shade trees,</li> <li>• Twelve (12) 5-gallon Rhamphiolepis Indica ‘Pink Dancer’ (Pink India Hawthorn) shrubs, and</li> <li>• Eighteen (18) 2-gallon Zauschneria California (California fuchsia)</li> </ul>		<p>Eighteen (18) months after approval of this Development Agreement</p>		
<p>9. Façade remodel to</p> <ul style="list-style-type: none"> <li>• Building No.1 (1,560 square feet),</li> <li>• Building No. 2 (806 square feet), and</li> <li>• Building No. 3 (1,824 square</li> </ul>		<p>Eighteen (18) months after approval of this Development Agreement</p>		

<p>feet)</p> <p>Which consist of a Board and Batten wood siding design, that will be painted with:</p> <ul style="list-style-type: none"> <li>• Benjamin Moore “Bath Salts” – Body</li> <li>• Benjamin Moore “Cedar Green” – Trim</li> <li>• Benjamin Moore “Rainforest Foliage” – Trim accent</li> </ul> <p>(Material finishes may be substituted with similar color and quality paint by approval of the Community Development Director).</p>				
<p>10. Areas of the site not covered by asphalt or concrete shall be covered by road base gravel.</p>		<p>Eighteen (18) months after approval of this Development Agreement</p>		

**Excerpted from Chico Municipal Code Section 19.52.070 (Special Design Considerations  
Overlay Zone)**

6. SD-6 (Chapman/Mulberry Neighborhood)
- a. Development shall be consistent with the Chapman/Mulberry Neighborhood Plan adopted by the city council.
  - b. The following land uses are not permitted within the CN zone: retail liquor stores, gas stations, automobile sales and vehicle repair and maintenance.
  - c. The following design standards shall apply to the development of single-family residences:
    - (1) Front yard setbacks shall be consistent with the average of the existing front yard setback of adjoining parcels, but in no case less than fifteen (15) feet or greater than thirty (30) feet.
    - (2) Front entries for all single-family residences shall be oriented toward the street. This requirement shall not apply to second dwelling units located on the rear of a parcel which have primary access from an alley.
    - (3) Garages shall be set back at least ten (10) feet from the front edge of the dwelling. Garages located in rear yards are encouraged. Detached, single-story garages shall be set back at least five (5) feet from the rear property line.
    - (4) All single-family dwellings shall include a front porch with minimum dimensions of four feet by eight feet.
    - (5) Front yard fences are permitted only when they are of an open, not solid, design. Front yard landscaping shall not obscure views of the street or adjoining neighbors.
    - (6) One new tree, 15 gallons or greater in size, shall be planted in the front yard of each new single-family residence, as a condition of the building permit for such residence. The species of tree planted shall be selected from the list "Recommended Street Trees for Chico" maintained by the City.
  - d. The following design standards shall apply to the development of multi-family dwellings:
    - (1) Parking lots shall primarily be located in the rear or side area of the parcel or in the interior of a building cluster and shall be screened from view from the street by vegetation or fencing that is no more than four feet in height. No parking lots shall be located within the required front or side set back area.
    - (2) All multi-family buildings located within 40 feet of a front lot line shall be oriented to the street frontage. The main entrance of ground floor units located within 40 feet of a street must face the front lot line. Main entrances may be to either individual units, clusters of units or common lobbies or courtyards. Main entrances for multi-family residences on corner lots may be oriented toward either street frontage, or toward the corner.

- (3) Pedestrian walkways shall be provided from street sidewalks to the front entrance of each multi-family dwelling unit.
- e. It shall be a condition of the development of any new commercial or industrial use located on property which abuts residentially zoned property, that an 8 foot masonry wall be constructed between the new commercial or industrial use and the residentially zoned property. Such wall shall be constructed on the property on which the new commercial or industrial use is located and shall include landscaping along the side of the wall facing the residentially zoned property. Earthen landscape berms with a wall may be utilized to meet this requirement.
- f. A nonconforming commercial or industrial use shall not be expanded, enlarged, or extended. If a structure used for a nonconforming commercial or industrial use is destroyed or demolished, regardless of cause, or the nonconforming use thereof is abandoned for six months or more, or is converted to or replaced by a conforming use, the right to continue the nonconforming use therein shall cease.
- g. Nonconforming uses shall be amortized as follows:
- (1) ~~Nonconforming commercial and industrial uses which were located in the City prior to the date of the City's adoption of the Chapman/Mulberry Neighborhood Plan on October 5, 2004, shall be amortized and terminated no later than December 31, 2011.~~
  - (2) Nonconforming commercial and industrial uses which are annexed into the City after adoption of the Chapman/Mulberry Neighborhood Plan on October 5, 2004, and which were nonconforming prior to annexation pursuant to the land use regulations of Butte County, shall be amortized and terminated as follows:
    - (a) No later than January 25, 2010, if the nonconforming use is annexed into the City prior to January 25, 2007.
    - (b) No later than three years after the date the property on which the use is located is annexed into the City if the annexation occurs on or after January 25, 2007.
  - (3) Requests to extend the time period by which a nonconforming use must terminate may be made to the planning commission and may be granted only for good cause upon a consideration of the following factors.
    - (a) The total cost of the property and lawfully installed or constructed improvements.
    - (b) The depreciated value of the property.
    - (c) The remaining useful life of the improvements.
    - (d) The original length and remaining term of the lease, if any, under which the premises is occupied.
    - (e) The percentage of the business conducted on the premises compared to the percentage conducted elsewhere.
    - (f) The cost of moving and reestablishing the business

elsewhere.

- (g) The nature and extent of efforts made by the owner or operator of the nonconforming use to relocate and/or reestablish the use in a properly zoned location.
  - (h) The nature of the nonconforming use, as compared to the character of the surrounding neighborhood.
  - (i) The harm to the public if the use remains beyond the amortization period.
  - (j) The feasibility of converting the use of the premises to an allowed use or a use allowed with a use permit.
  - (k) Other related factors.  
Extension requests must be submitted no later than two years before the date the nonconforming use is required to be terminated. Such applications shall be on a form approved by the planning director and must include the information pertaining to all of the above factors which the applicant believes are applicable to the request. The planning commission shall act on all requests for an extension after holding a public hearing and may condition any extension granted as it deems necessary to reduce impacts from the nonconforming use on the surrounding neighborhood. The public hearing shall be noticed and held in the same manner as public hearings for use permits.
- (4) Nothing in this paragraph 6 shall preclude the conversion of a nonconforming use to a lawful use if: 1) the nonconforming use could be permitted with a use permit; 2) a use permit is obtained; and 3) the use is thereafter conducted in conformance with the terms and conditions of the use permit and all applicable provisions of this code.

Time Frame: FY 2004-2005

Amortization of Nonconforming Uses

Prior to the annexation of areas that continue to have non-conforming uses as identified in the County's Chapman/Mulberry Neighborhood Plan (excluding Chinca's Market), the City shall adopt an ordinance providing for the amortization of such businesses pursuant to the County's Chapman/Mulberry Neighborhood Plan. The County has already notified owners of legal nonconforming uses of their status and the County's amortization policy and period.

Time Frame: Ongoing

Amortization of Chico Scrap Metal Yard

~~The Chico Scrap Metal Yard is located within the Chapman/Mulberry Neighborhood Plan area and is proposed to be the site of a future mixed-use neighborhood core. Upon City adoption of the Chapman/Mulberry Neighborhood Plan, the Chico Scrap Metal Yard will become a non-conforming use. Once the Chico Scrap Metal Yard becomes a non-conforming use, the City shall adopt an ordinance providing for its amortization.~~

~~Time Frame: Ongoing~~

**Neighborhood Rehabilitation**

Neighborhood Clean-Up

The City and County shall assist community based organizations in their efforts to organize a neighborhood clean-up program.

Time Frame: Ongoing

Relocation of the Chico Scrap Metal Yard

~~The City and County shall cooperatively take the necessary steps to relocate the Chico Scrap Metal Yard to a more appropriate location.~~

~~Time Frame: Ongoing~~

**Community Design**

Neighborhood Design Guidelines

The City Community Development Department shall institute procedures that will ensure that all development proposals and building permits approved in the Chapman/Mulberry Neighborhood are consistent with the Chapman/Mulberry Design Standards contained in the -SD overlay district.

Time Frame: Ongoing

Chapman/Mulberry Neighborhood Streets

The City Community Development Department, Planning Division and the Public Works Department shall ensure that all new discretionary development proposals that affect existing

**Draft Initial Study / Environmental Checklist  
City of Chico  
Environmental Coordination and Review**

**I. PROJECT DESCRIPTION**

- A. Project Title:** Chico Scrap Metal (DA 15-01, RZ 15-06 and AR 15-17)
- B. Project Location:** 878 East 20<sup>th</sup> Street, Chico, CA 95928
- C. Application:** Development Agreement, Rezone (text amendment) and Architectural Review
- D. Assessor's Parcel Number (APN):**  
005-422-009, 005-422-013, 005-422-017, 005-450-030 and 005-450-014
- E. Total Parcels Size:** 2.02 acres
- F. General Plan Designation**  
005-422-009, 005-422-013, 005-422-017 and 005-450-030: Neighborhood Commercial  
005-450-014 – Low Density Residential
- G. Zoning**  
005-422-009, 005-422-013, 005-422-017 and 005-450-030 – CN-PD- SD6 (Neighborhood Commercial with Plan Development and Special Design Considerations 6 overlay zone)  
005-450-014 – R1-SD6 – (Single Family Residential with Special Design Considerations 6 overlay zone)
- H. Environmental Setting:** The project site is 2.02 acres, located at 878 East 20<sup>th</sup> Street within an urbanized area of incorporated City of Chico, Butte County, California. The Site is between East 16<sup>th</sup> Street and East 20<sup>th</sup> Street and northeast of C Street in the Chapman neighborhood of Chico. The site is bounded on the north and west by a residential neighborhood and to the south and east by commercial and industrial uses and zones. The Chapman Elementary School is located within 300 feet of the northern edge of the site. The site is served by existing utilities.

As early as 1964 the site was an active auto wrecking business. The site was purchased by Chico Scrap Metal (CSM) in 1983, which conducts a business of a scrap metal collection and recycling facility (not auto wrecking or dismantling of vehicles). After purchasing the site, CSM poured concrete over portions of the site between 1983 and 1984 (APNs 005-450-014 and 005-422-017). Parcel 005-450-003 was paved with a concrete driveway installed in 1983 and is utilized as employee parking. The site contains 5 structures, which are used for storage of tools and batteries, service counter for customers, the administrative office and a metal building used to maintain equipment and secure storage of non-ferrous materials.

The topography of the project site is flat, and there are no trees or other prominent vegetation on the site with the exception of street trees along East 20<sup>th</sup> Street. Most of the ground is either exposed soil or paved with concrete.

**Project Description:**

The project involves the continued operation of CSM as a large scale collection and recycling facility, by removing an amortization requirement found in Chico's Municipal Code (CMC) as directed by the Chapman-Mulberry Neighborhood Plan. The amortization requirement directs that nonconforming commercial and industrial uses to be amortized, or terminated no later than December 31, 2014. Through a series of City Council actions, CSM has been granted extensions and allowed to continue to operations. Removal of the amortization requirement would allow the

existing use to continue at the site with modifications to operational standards and site aesthetics as called for by other project components discussed in more detail below. The project includes the following:

- 1) An amendment the Chapman-Mulberry Neighborhood Plan and Section 19.51.070 – Special Design considerations (SD) zoning overlay of the CMC to remove language regarding the amortization of the scrap metal use at the project site (Rezone 15-06).
- 2) Installation of onsite improvements, including:
  - Remove and replace fencing along East 16th and East 20th Streets along with the installation of new entrance and exit gates.
  - Inclusion of art elements along the new fence that are made from recycled materials found on site.
  - Façade remodels to 3 existing structures.
  - Reorganizing and improving onsite parking and circulation for both customers and employees, including the relocation of stored materials away from vacant residential property.
  - Comprehensive landscaping along both public right-of-ways and on-site including shade streets, shrub screens, chip mulch and drip irrigation (Architectural Review 15-17).
- 3) Modifications to operational standards, including:
  - Upgrade, replace and maintain equipment located on site including a new bailer (2011 Model 580 CL), which has already replaced an older, louder model. The bailer is placed along the West 20th Street frontage, the furthest location from existing residential uses.
  - Maintain existing operating hours which are 8:00 am to 4:00 pm, Monday through Friday, Saturday 8:00 am to Noon and closed on Sundays.
  - Develop and maintain a new comprehensive Best Management Practices manual, which will address on-site operations, incident and emergency planning and response requirements, and house permit requirements from regulatory agencies.
  - Continue dust suppression measures, including installation of gravel over unused portions of the site that are not paved.
  - Install new and updated signage informing customers of CSM best practices and requirements for material intake.
  - Prohibit on-site bailing and shredding of whole vehicle shells. Vehicles shells may still be collected on site, so long as they do not contain any liquid material. The shells would then be transferred off-site for processing (Development Agreement 15-01).

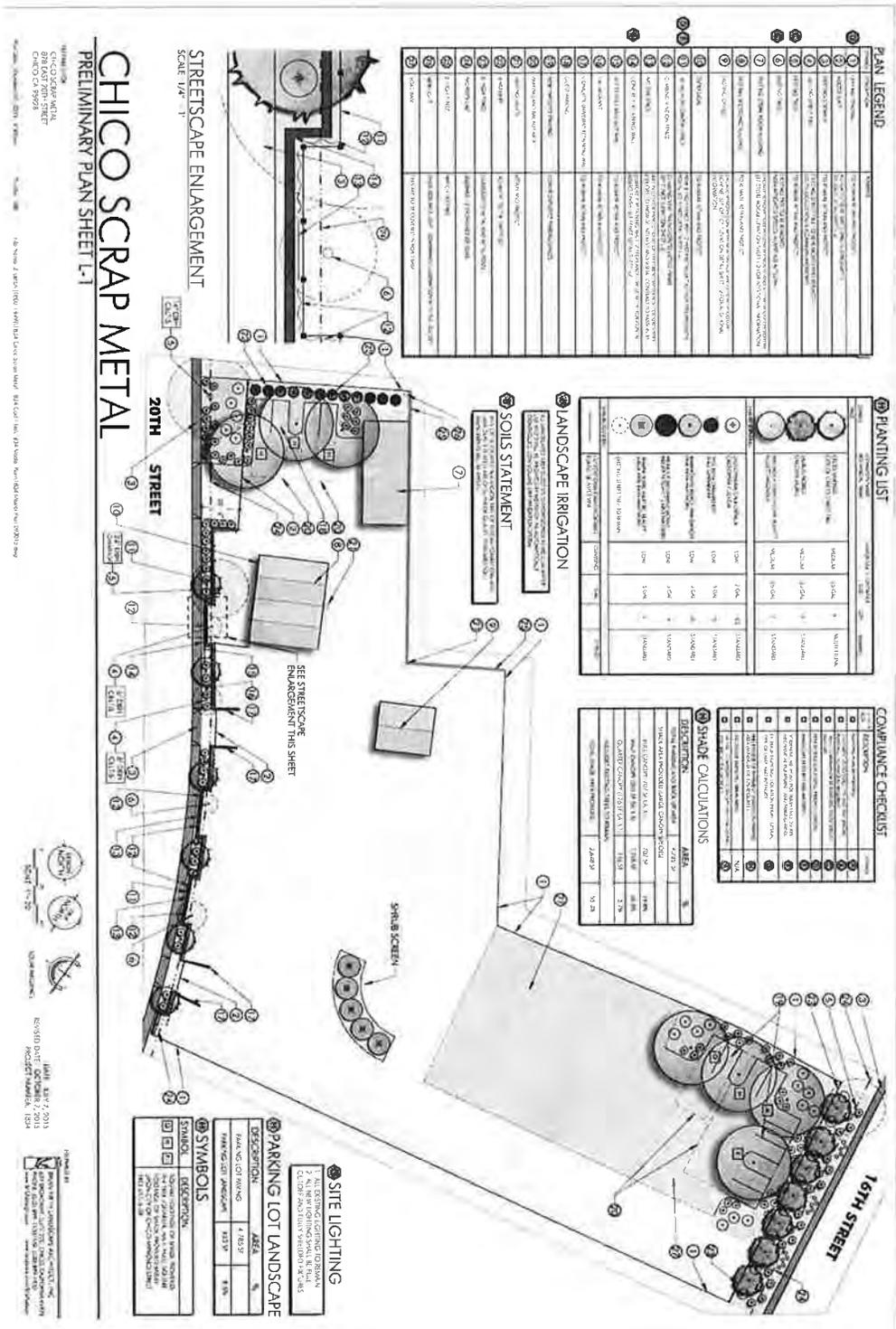
**I. Public Agency Approvals:**

1. Rezone (text amendment) to Chico Municipal Code 19 and Chapman/Mulberry Neighborhood Plan (City of Chico).
2. Architectural Review (City of Chico).
3. Development Agreement (City of Chico).

**J. Applicant:** Chico Scrap Metal, Attention: Kim Scott, 878 East 20<sup>th</sup> Street, Chico, CA 95928

**K. City Contact:**  
Jake Morley, Associate Planner, City of Chico, 411 Main Street, Chico, CA 95928  
Phone: (530) 879-6810, email:jake.morley@chicoca.gov

## PROPOSED SITE IMPROVEMENTS



### PLAN LEGEND

Symbol	Description
1	1" x 4" x 8" SIGN
2	2" x 4" x 8" SIGN
3	3" x 4" x 8" SIGN
4	4" x 4" x 8" SIGN
5	5" x 4" x 8" SIGN
6	6" x 4" x 8" SIGN
7	7" x 4" x 8" SIGN
8	8" x 4" x 8" SIGN
9	9" x 4" x 8" SIGN
10	10" x 4" x 8" SIGN
11	11" x 4" x 8" SIGN
12	12" x 4" x 8" SIGN
13	13" x 4" x 8" SIGN
14	14" x 4" x 8" SIGN
15	15" x 4" x 8" SIGN
16	16" x 4" x 8" SIGN
17	17" x 4" x 8" SIGN
18	18" x 4" x 8" SIGN
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21	21" x 4" x 8" SIGN
22	22" x 4" x 8" SIGN
23	23" x 4" x 8" SIGN
24	24" x 4" x 8" SIGN
25	25" x 4" x 8" SIGN
26	26" x 4" x 8" SIGN
27	27" x 4" x 8" SIGN
28	28" x 4" x 8" SIGN
29	29" x 4" x 8" SIGN
30	30" x 4" x 8" SIGN

### PLANTING LIST

Planting Callout	Plant Name	Quantity	Notes
1	Small Tree	1	
2	Medium Tree	1	
3	Large Tree	1	
4	Shrub	1	
5	Flowering Shrub	1	
6	Groundcover	1	
7	Perennial	1	
8	Annual	1	
9	Grass	1	
10	Decorative Grass	1	
11	Low Shrub	1	
12	Medium Shrub	1	
13	Large Shrub	1	
14	Small Tree	1	
15	Medium Tree	1	
16	Large Tree	1	
17	Shrub	1	
18	Flowering Shrub	1	
19	Groundcover	1	
20	Perennial	1	
21	Annual	1	
22	Grass	1	
23	Decorative Grass	1	
24	Low Shrub	1	
25	Medium Shrub	1	
26	Large Shrub	1	
27	Small Tree	1	
28	Medium Tree	1	
29	Large Tree	1	
30	Shrub	1	

### COMPLIANCE CHECKLIST

Item	Requirement	Compliance
1	Site Plan	Yes
2	Site Map	Yes
3	Site Description	Yes
4	Site History	Yes
5	Site Boundaries	Yes
6	Site Access	Yes
7	Site Easements	Yes
8	Site Encroachments	Yes
9	Site Obstructions	Yes
10	Site Utilities	Yes
11	Site Hazards	Yes
12	Site Contaminants	Yes
13	Site Noise	Yes
14	Site Air Quality	Yes
15	Site Water Quality	Yes
16	Site Wetlands	Yes
17	Site Cultural Resources	Yes
18	Site Historical Resources	Yes
19	Site Archaeological Resources	Yes
20	Site Paleontological Resources	Yes
21	Site Seismicity	Yes
22	Site Geology	Yes
23	Site Soils	Yes
24	Site Vegetation	Yes
25	Site Wildlife	Yes
26	Site Fish and Aquatic Life	Yes
27	Site Wetlands	Yes
28	Site Cultural Resources	Yes
29	Site Historical Resources	Yes
30	Site Archaeological Resources	Yes

### LANDSCAPE IRRIGATION

Proposed irrigation system for the site. Details include:
 

- 1. Irrigation System
- 2. Main Line
- 3. Submains
- 4. Lateral Lines
- 5. Emitters

### SOILS STATEMENT

Soils are primarily composed of [soil type]. The site is located in a [soil type] area. The soil is [soil type]. The soil is [soil type]. The soil is [soil type].

### SITE LIGHTING

Item	Description	Area	Notes
1	Light Pole	1	
2	Light Fixture	1	
3	Light Fixture	1	
4	Light Fixture	1	
5	Light Fixture	1	
6	Light Fixture	1	
7	Light Fixture	1	
8	Light Fixture	1	
9	Light Fixture	1	
10	Light Fixture	1	
11	Light Fixture	1	
12	Light Fixture	1	
13	Light Fixture	1	
14	Light Fixture	1	
15	Light Fixture	1	
16	Light Fixture	1	
17	Light Fixture	1	
18	Light Fixture	1	
19	Light Fixture	1	
20	Light Fixture	1	

**CHICO SCRAP METAL**  
PRELIMINARY PLAN SHEET L-1

SCALE: 1/4" = 1'

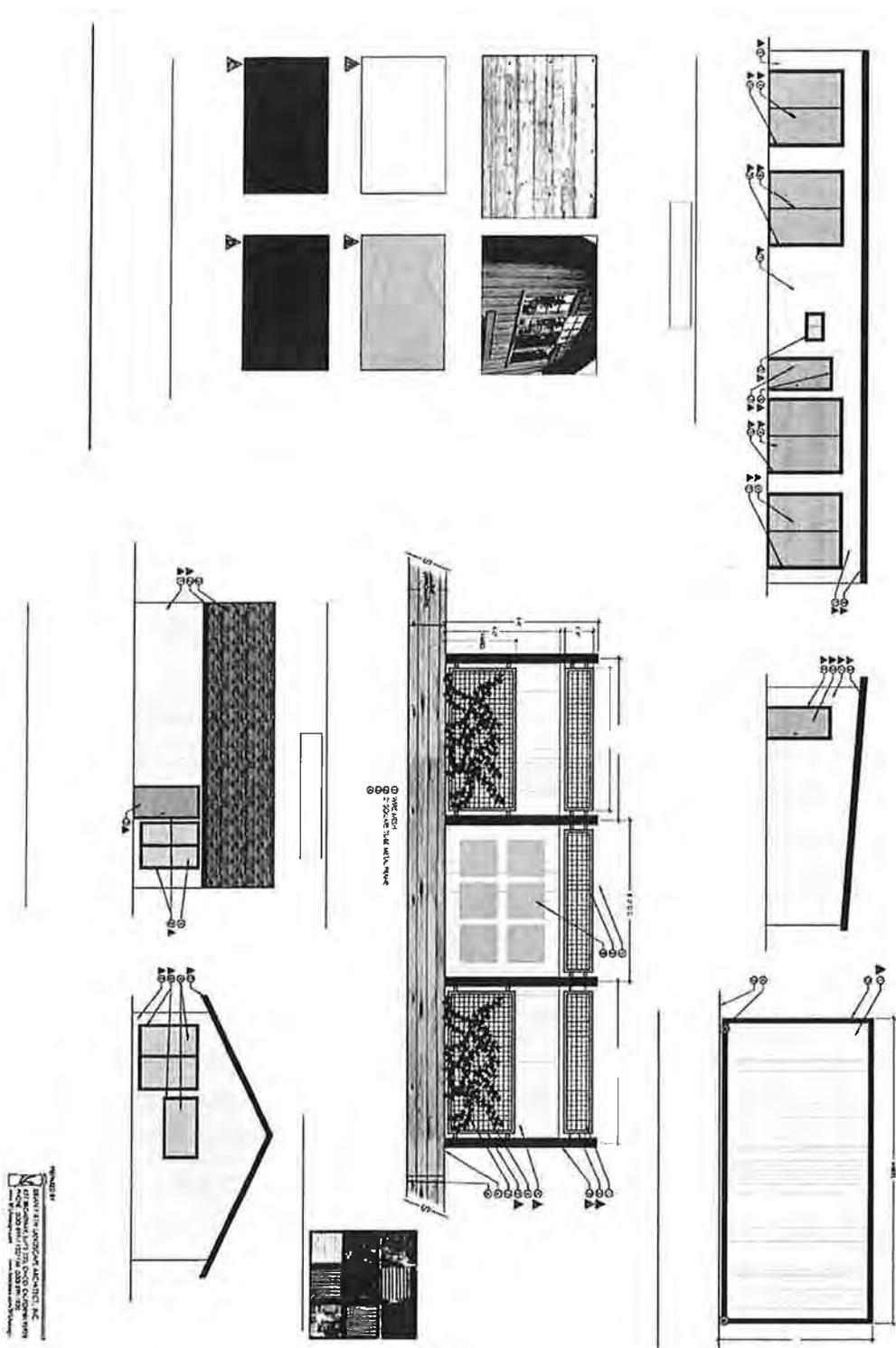
20TH STREET

16TH STREET

SHRUB SCREEN

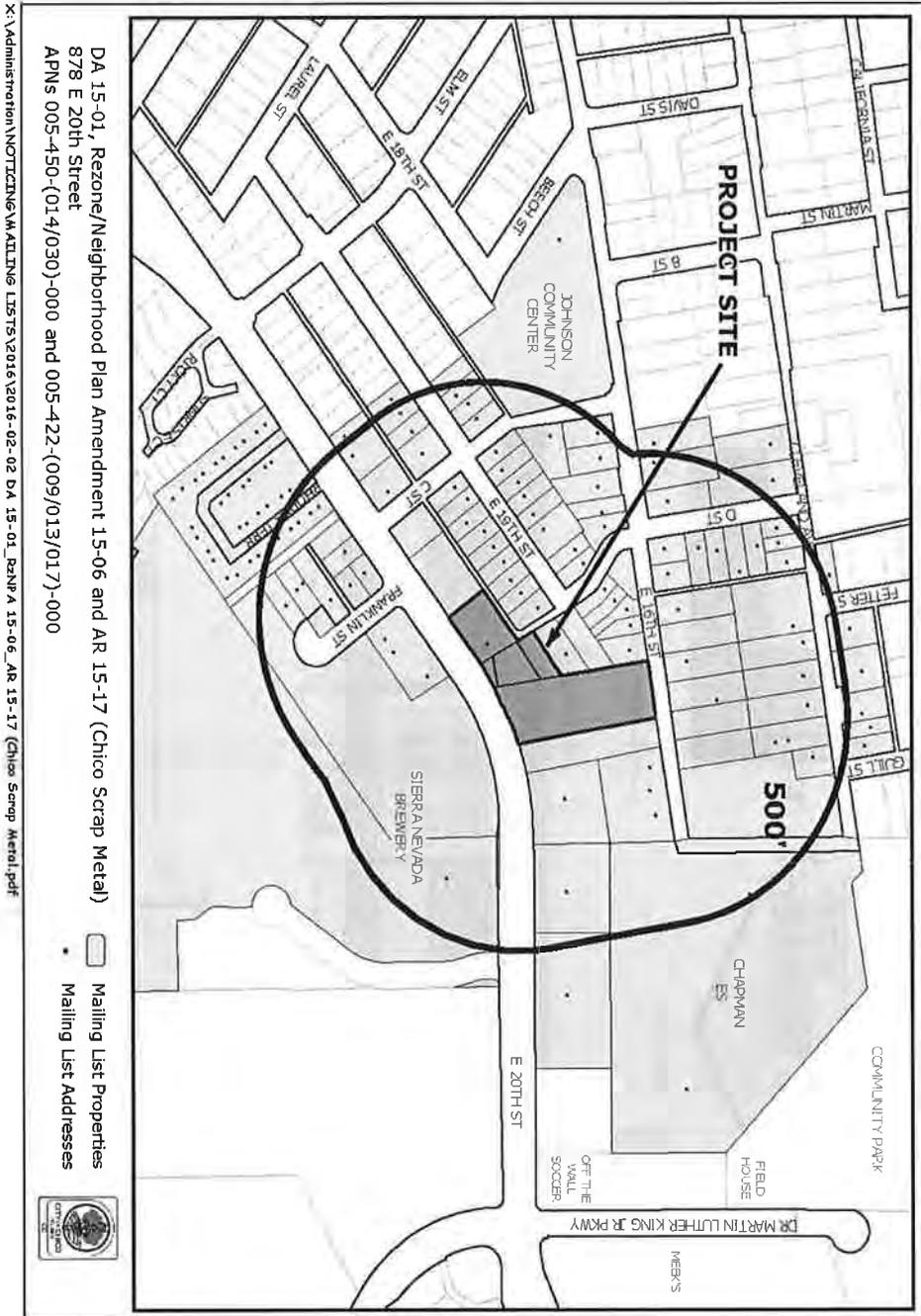
SEE STREETSCAPE ENLARGEMENT THIS SHEET

DATE: 10/17/2013  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
PROJECT NUMBER: 10134



ARCHITECT  
1000 N. ST. JAMES ST., SUITE 100  
CHICO, CA 95926  
TEL: (530) 893-1111  
WWW.ARCADIAARCHITECTS.COM

### PROJECT LOCATION



**II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Geology/Soils               | <input type="checkbox"/> Noise                      |
| <input type="checkbox"/> Agriculture and Forest | <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Open Space/Recreation      |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Population/Housing         |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Hydrology/Water Quality     | <input type="checkbox"/> Public Services            |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Land Use and Planning       | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Utilities              |  |   |

**III. COMMUNITY DEVELOPMENT DIRECTOR DETERMINATION**

On the basis of this initial evaluation:

- 
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
  - I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
  - I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
  - I find that the proposed project MAY have a potentially significant impact or have a potentially significant impact unless mitigated, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
  - I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project. No further study is required.

Signature

Jake Morley, Associate Planner, for

Printed Name (for Mark Wolfe, Community Development Director)

Date

#### **IV. EVALUATION OF ENVIRONMENTAL IMPACTS**

- Responses to the following questions and related discussion indicate if the proposed project will have or potentially have a significant adverse impact on the environment.
- A brief explanation is required for all answers except "No Impact" answers that are adequately supported by referenced information sources. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors or general standards.
- All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- Once it has been determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there is at least one "Potentially Significant Impact" entry when the determination is made an EIR is required.
- Negative Declaration: "Less than Significant with Mitigation Incorporated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The initial study will describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 4, "Earlier Analysis," may be cross-referenced).
- Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)].
- Initial studies may incorporate references to information sources for potential impacts (e.g. the general plan or zoning ordinances, etc.). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list attached, and other sources used or individuals contacted are cited in the discussion.
- The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

<b>A. Aesthetics</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Have a substantial adverse effect on a scenic vista, including scenic roadways as defined in the General Plan, or a Federal Wild and Scenic River?				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
3. Affect lands preserved under a scenic easement or contract?				X
4. Substantially degrade the existing visual character or quality of the site and its surroundings including the scenic quality of the foothills as addressed in the General Plan?			X	
5. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

**DISCUSSION:**

**A.1, A.3.** The project will not have a substantial adverse effect on a scenic vista, including scenic roadways as defined in the General Plan, Federal Wild and Scenic River, historic buildings, or state scenic highway as there are no designated scenic vistas or designated scenic resources associated with or neighboring the project site. The project site is neither located in the vicinity of a designated Wild and Scenic River, nor is it preserved under a scenic easement or contract. The project will have **No Impact** on any scenic vista or roadway, and **No Impact** on any lands preserved under a scenic easement or contract.

**A.2, A.4.** Development associated with the project will improve the visual character along East 16<sup>th</sup> and East 20<sup>th</sup> Street with the installation of a new fence, art and landscaping. All other improvements are located on-site and not visible from the public right of way. Improvements on-site consist of a façade remodels of existing structures and parking lot improvements, landscaping such as shrub screens, climbing vegetation to soften fences, chip mulch and drip irrigation system. Proposed improvements are consistent with the City of Chico Design Guideline Manual (DG), in that the manual discusses art elements, providing interest to projects, creating awareness and creating a sense of place that by including elements and materials found on site (DG 6.1.45, DG 6.1.6, DG 1.4.11, DG 1.2.32 and DG 1.4.13). The proposed project is a visual enhancement over existing conditions, specifically along the public right-of-ways where the majority of landscaping and improvements will take place. The site is not considered sensitive with regard to scenic resources, therefore, the project would have **Less Than Significant** impact on the visual character or quality of the site and its surroundings.

**A.5.** The project will introduce pedestrian scale lighting on site in areas that are currently devoid of such improvements. Proposed lighting will be a shoe-box design, downward directed illumination with full cutoffs. Proposed lighting is typical for the urban environment. The project would have **Less Than Significant** impact on light or glare that could affect day or nighttime views.

**MITIGATION:** None Required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>B. Agriculture and Forest Resources:</b> Would the project or its related activities:				
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
4. Result in the loss of forest land or conversion of forest land to non-forest use?				X
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**B.1.–B.5.** The project will not convert Prime or Unique Farmland, or Farmland of Statewide Importance. The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program’s ‘Butte County Important Farmland 2010’ map, the project site is identified as “Other Land” (see <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/but10.pdf>).

The project will not conflict with existing zoning for agricultural use or forest land and is not under a Williamson Act Contract. The project will not result in the loss of forest land, conversion of forest land, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land. The site is located on a parcel that is already developed with a scrap metal and recycling facility that does not contain agriculture or timber resources, is surrounded by existing urban development. Therefore, the project will result in **No Impact** to Agriculture and Forest Resources.

**MITIGATION:** None required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>C. Air Quality</b> Will the project or its related activities:				
1. Conflict with or obstruct implementation of the applicable air quality plans (e.g., Northern Sacramento Valley Planning Area 2012 Triennial Air Quality Attainment Plan, Chico Urban Area CO Attainment Plan, and Butte County AQMD Indirect Source Review Guidelines)?				X
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>C. Air Quality</b>				
Will the project or its related activities:				
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
4. Expose sensitive receptors to substantial pollutant concentrations?			X	
5. Create objectionable odors affecting a substantial number of people?				X

**DISCUSSION:**

**C.1–C.4.** The project will neither conflict with nor obstruct implementation of the applicable air quality plan for the Northern Sacramento Valley, nor will the project violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

According to Butte County Air Quality Management District (BCAQMD or Air District) CEQA Air Quality Handbook, October 23, 2014, <http://www.bcaqmd.org/page/files/CEQA-Handbook-Appendices-2014.pdf>, Butte County is designated as a federal and state non-attainment area for ozone and particulate matter.

<b>POLLUTANT</b>	<b>STATE</b>	<b>FEDERAL</b>
1-hour Ozone	Nonattainment	--
8-hour Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10**	Nonattainment	Attainment
24-Hour PM2.5**	No Standard	Nonattainment
Annual PM10**	Attainment	No Standard
Annual PM2.5**	Nonattainment	Attainment
** PM10: Respirable particulate matter less than 10 microns in size. PM2.5: Fine particulate matter less than 2.5 microns in size.		

Potential air quality impacts related to development are separated into two categories:

- 1) Temporary impacts resulting from construction-related activities (earth moving and heavy-duty vehicle emissions), and
- 2) Long-term indirect source emission impacts related to ongoing operations.

Construction-related activities such as grading and operation of construction vehicles would create a temporary increase in fugitive dust within the immediate vicinity of the project site and contribute temporarily

to slight increases in vehicle emissions (ozone precursor emissions, such as reactive organic gases (ROG) and oxides of nitrogen (NOx), and fine particulate matter). All stationary construction equipment, other than internal combustion engines less than 50 horsepower, require an "Authority to Construct" and "Permit to Operate" from the District. Emissions are prevented from creating a nuisance to surrounding properties under BCAQMD Rule 200 *Nuisance*, and visible emissions from stationary diesel-powered equipment are also regulated under BCAQMD Rule 201 *Visible Emissions*.

With regard to fugitive dust, the majority of the particulate generated as a result of grading operations is anticipated to quickly settle. Under the Air District's Rule 205 (Fugitive Dust Emissions) all development projects are required to minimize fugitive dust emissions by implementing Best Management Practices (BMPs) for dust control. These BMPs, include but are not limited to, the following:

- Watering de-stabilized surfaces and stock piles to minimize windborne dust.
- Ceasing operations when high winds are present.
- Covering or watering loose material during transport.
- Minimizing the amount of disturbed area during construction.
- Seeding and watering any portions of the site that will remain inactive for 3 months or longer.
- Paving, periodically watering, or chemically stabilizing on-site construction roads.
- Minimizing exhaust emissions by maintaining equipment in good repair and tuning engines according to manufacturer specifications.
- Minimizing engine idle time, particularly during smog season (May-October).

Continuing the City practice of ensuring that grading plans include fugitive dust BMPs and compliance with existing BCAQMD rules will ensure that construction related dust impacts are minimized.

The District's CEQA Air Quality Handbook provides screening criteria for when a quantified air emissions analysis is required to assess and mitigate potential air quality impacts from non-exempt CEQA projects. Projects that fall below screening thresholds need only to implement best practices to ensure that operational air quality impacts remain less than significant. The screening criteria are as follows:

<b>LAND USE TYPE</b>	<b>Model Emissions for Project Greater Than:</b>
Single Family Unit Residential	30 units
Multi-Family Residential	75 units
Commercial	15,000 square feet
Retail	11,000 square feet
Industrial	59,000 square feet

The proposed project would not result in any expansion of CSM operations. Therefore, impacts related to air quality would be considered **Less Than Significant**.

**C.5.** The proposed project does not involve the introduction objectionable odors. **No Impact.**

<b>D. Biological Resources</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
2. 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.				X
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
5. Result in the fragmentation of an existing wildlife habitat, such as blue oak woodland or riparian, and an increase in the amount of edge with adjacent habitats.				X
6. Conflict with any local policies or ordinances, protecting biological resources?				X

**DISCUSSION:**

**D.1, D.2, D.4 – D. 6.** The subject site is substantially developed and allowing the proposed project will not result in an impact upon habitat, as the site does not contain any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The site does not contain any riparian habitat, including oak wood lands, riparian corridors or other natural communities as identified in plans, policies or regulations. Therefore, the project will have **No Impact** upon special status species.

**D.3:** The project site has been in operation, in some capacity, as a scrap metal and recycling collection facility since 1964. The site is developed, and has historically been graded several times and routinely heavily disturbed, including the removal of contaminated soils in 2007. There are no federally protected wetlands on site. **No Impact.**

<b>E. Cultural Resources</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of an historical resource as defined in PRC Section 15064.5?				X
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC Section 15064.5?				X
3. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				X
4. Disturb any human remains, including those interred outside of formal cemeteries?			X	

**DISCUSSION:**

**E.1. – E.3.** The project site is in an area of medium archaeological sensitivity as designated the Chico 2030 General Plan. The subject site has been in operation as a scrap metal and recycling collection facility since 1964. The site is developed, and has historically been graded several times, including the removal of soils in 2007. There are no historic resources on site as defined by PRC Section 15064.5, nor any unique paleontological resources or geological features. Due to the chronically disturbed nature of the site, and historical activities that were/are present there would be **No Impact** on cultural resources.

**E.4.** Grading and construction activities for the project will be required to adhere to BMP protocols in the instance that archaeological resources or human skeletal remains are discovered during excavation activities. Halting construction work and observing BMP protocols for evaluating cultural resources in the case of a discovery is standard notation required on grading and building plans. Since existing regulations require implementation of BMPs for archaeological resources, potential future impacts to archaeological resources are considered **Less Than Significant**.

<b>F. Geology/Soils</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Expose people or structure to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Div. of Mines & Geology Special Publication 42)?			X	
b. Strong seismic ground shaking?			X	
c. Seismic-related ground failure/liquefaction?			X	

<b>F. Geology/Soils</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
d. Landslides?			X	
2. Result in substantial soil erosion or the loss of topsoil?			X	
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, or is otherwise not consistent with the Chico Nitrate Action Plan or policies for sewer service control?				X

**DISCUSSION:**

**F.1.** The City of Chico is located in one of the least active seismic regions in California and contains no active faults. Currently, there are no designated Alquist-Priolo Special Studies Zones within the Planning Area, nor are there any known or inferred active faults. Thus, the potential for ground rupture within the Chico area is considered very low. Under existing regulations, structural improvements structures will incorporate California Building Code standards into the design and construction that are designed to minimize potential impacts associated with ground-shaking during an earthquake. The potential for seismically-related ground failure, or landslides is considered **Less Than Significant**.

**F.2.-F.4.** No aspect of the proposed project will cause a substantial amount of soil erosion or soil instability. No new structural foundations are proposed that would be effected by expansive soils. As a result, potential future impacts relating to geology and soils are considered to be **Less Than Significant**.

**F.5.** The project is already connected to the City sewer system, resulting in **No Impact** relative to policies governing sewer service control.

**MITIGATION:** None Required

<b>G. Greenhouse Gas Emissions</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

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2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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X

**DISCUSSION:**

**G.1.-2.** In 2012, the Chico City Council adopted a Climate Action Plan (CAP) which sets forth objectives and actions that will be undertaken to meet the City's GHG emission reduction target of 25 percent below 2005 levels by the year 2020. This target is consistent with the State Global Warming Solutions Act of 2006 (AB 32, Health & Safety Code, Section 38501[a]).

Development and implementation of the CAP are directed by a number of goals, policies and actions in the City's General Plan (SUS-6, SUS-6.1, SUS-6.2, SUS-6.2.1, SUS-6.2.2, SUS-6.2.3, S-1.2 and OS-4.3). Growth and development assumptions used for the CAP are consistent with the level of development anticipated in the General Plan Environmental Impact Report (EIR). The actions in the CAP, in most cases, mirror adopted General Plan policies calling for energy efficiency, water conservation, waste minimization and diversion, reduction of vehicle miles traveled, and preservation of open space and sensitive habitat.

Section 15183.5(b) of Title 14 of the California Code of Regulations states that a GHG Reduction Plan, or a Climate Action Plan, may be used for tiering and streamlining the analysis of GHG emissions in subsequent CEQA project evaluation provided that the CAP does the following:

- A. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- B. Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
- C. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- E. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- F. Be adopted in a public process following environmental review.

Chico's CAP, in conjunction with the General Plan, meet the criteria listed above. Therefore, to the extent that a development project is consistent with CAP requirements, potential impacts with regard to GHG emissions for that project are considered to be less than significant.

New development and redevelopment must adhere to a number of City policy documents, building code requirements, development standards, design guidelines, and standard practices that collectively further the goals and, in many cases, directly implement specific actions required by the CAP. Below is a list of measures found in the CAP which are applied on a project-by-project basis, and which aid in implementing the CAP:

- Consistency with key General Plan goals, policies, and actions that address sustainability, smart growth principles, multi-modal circulation improvements, and quality community design
- Compliance with California's Title 24 Building Energy Efficiency Standards for Residential and Non-Residential Buildings
- Compliance with the City's tree preservation ordinance
- Incorporation of street trees and landscaping consistent with the City's Municipal Code
- Consistency with the City's Design Guidelines Manual
- Consistency with the State's Water Efficient Landscape Ordinance (AB 1881)
- Compliance with the City's Residential Energy Conservation Ordinance, which requires energy and water efficiency upgrades at the point-of-sale, prior to transfer of ownership (e.g., attic insulation, programmable thermostats, water heater insulation, hot water pipe insulation, etc.)
- Provision of bicycle facilities and infrastructure pursuant to the City's Bicycle Master Plan

- Installation of bicycle and vehicle parking consistent with the City’s Municipal Code
- Coordination with the Butte County Association of Governments to provide high quality transit service and infrastructure, where appropriate
- Consistency with the Butte County Air Quality Management District’s CEQA Handbook
- Adherence to Butte County Air Quality Management District mitigation requirements for construction sites (e.g., dust suppression measures, reducing idling equipment, maintenance of equipment per manufacturer specs, etc.)
- Requirement for new employers of 100+ employees to submit a Transportation Demand Management Plan
- Diversion of fifty percent (50%) of construction waste
- Compliance with the City’s Capital Improvement Plan, which identifies new multi-modal facilities and connections
- Option to incorporate solar arrays in parking areas in lieu of tree shading requirements
- Consistency with the City’s Storm Drainage Master Plan

As part of the City’s land use entitlement and building plan check review processes, development projects in the City are required to include and implement applicable measures identified in the City’s CAP. As the proposed project is consistent with the City’s General Plan, includes development contemplated in the scope of the General Plan Update EIR, and is subject to measures identified in the City-adopted CAP, it is therefore considered to be **Less Than Significant**.

**MITIGATION:** None Required.

<b>H. Hazards /Hazardous Materials</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
2. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
5. For a project located within the airport land use plan, would the project result in a safety hazard for people residing or working in the Study Area?				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Study Area?				X

<b>H. Hazards /Hazardous Materials</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**DISCUSSION:**

**H.1. – H.4, H.6 – H.8.** The project site has been in operation as a scrap metal and recycling collection facility since 1964, and conducts all operational aspects (storage, moving, process, etc.) of material on concrete paved surfaces. Council approval of the proposed project would ensure that CSM operations do not include the collection or storage of hazardous materials, including liquids.

The project site is currently listed on the Cortese List (Government Code Section 65962.5) as a result of low level PCBs found on site after an investigation conducted by the California Department of Toxic Substance Control (DTSC). As a result, DTSC has active oversight of the project site under State regulations. In compliance with DTSC requirements, CSM has submitted a Remedial Investigation and Feasibility Study (RIFS), which is an assessment prescribed by DTSC used to determine whether hazardous substances are present, and, if present, determine the nature of the impacts upon soils, surface water, and groundwater. DTSC provided written approval of the RIFS in correspondence to CSM dated April 12, 2012 (attached). The RIFS concluded that metals and other potentially organic contaminants were at background or insignificant concentrations in the soil samples taken. The groundwater samples were also determined to have no significant contamination. A human-health risk assessment was prepared as part of the RIFS and it concluded there was no significant human health risk from the identified on-site contaminants.

Based on the findings of the RIFS, DTSC subsequently requested the submittal of a Removal Action Workplan (RAW) detailing the evaluation and selection of the most appropriate remedial action. A RAW is defined as “a work plan prepared or approved by DTSC or a California Regional Water Quality Control Board which is developed to carry out a removal action, in an effective manner, that is protective of the public health and safety and the environment” (California HSC 25323.1). Attached is a copy of an April 20, 2015 letter from Lawrence & Associates which contains a summary of the RIFS and remedial actions activities.

In this case, the RAW represents a work plan that will serve to manage soil impacted by shallow sources of low levels of PCBs under at the project site. The focus of the RAW is APN 005-422-017 (the northeastern portion of the property). DTSC will consider the draft RAW and will direct a series of remedial activities, which include containment by capping, activity use limitations (e.g., deed restrictions limiting land uses), and/or removal and off-site disposal of soils.

Approval of the project as defined in the Project Description would authorize CSM to continue operations on-site with modifications to operational standards and installation of site aesthetics and improvements. Project implementation will not prevent CSM’s implementation of DTSC requirements discussed above. Rather, by installing improvements proposed in the project, such as employee parking at the northeastern portion of the property, the project would be implementing recommendations found in the draft RAW by capping in place the low level PCBs, and reducing fugitive dust from leaving the site. Because the proposed project will aide implementation of the RAW, the project has a **Less Than Significant Impact** with regards to the releasing of hazardous materials into the environment.

**H.5 and H.6.** The project site is located over 4 miles south from the Chico Municipal Airport, and not within an airport land use plan or the vicinity of the airport. Therefore there would be **No Impact** on airport land uses or on people residing or working near the airport.

**H.8.** The project site is located in an urbanized area, not located near an area dominated by wildlands, therefore there is **No Impact** to risk of loss, injury or death involving wildland fires.

**MITIGATION:** None Required

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

**DISCUSSION:**

**I.1 and I.6.** Existing and future CSM operations are subject to an Industrial Activities Storm Water permit through the Regional Water Quality Control Board (Board). Under this permit (number 5R04102784) a annual report for storm water discharges associated with CSM activities is submitted to the Board. The Board requires Best Management Practices (BMPs) to be implemented to minimize or prevent pollutants from discharging off-site.

As part of the Board’s BMPs requirements, a Storm Water Pollution Prevention Plan (SWPPP) has been developed by CSM, and is annually submitted to the Board. Pursuant to the Board’s authority, CSM is subject to regulatory site inspections and oversight. Since water quality standards and waste discharge requirements are regulated through an existing state permitting process the project would have **Less Than Significant** impacts on water quality.

Further, at time of issuance of building permits for implementation of new construction components of the project, a construction Storm Water Pollution Prevention Plan (SWPPP) will be required and will incorporate water quality control Best Management Practices (BMP’s). Implementing storm water BMP requirements would minimize the impacts from project related construction to a level that is **Less Than Significant**.

**I.2.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). California Water Service Company (Cal Water) is the local water provider in the Chico area with the sole source of water for the Chico District, including the project site. Therefore, the proposed project is anticipated to result to a level that is **Less Than Significant**.

**I.3.** No aspects of the proposed project would substantially alter existing drainage patterns at the site. Adherence to erosion control measures required under the existing SWPP regulations will ensure that no substantial erosion or siltation results from the project. **Less Than Significant**.

**I.4 and H.5.** Development could result in an increase in surface water runoff due to reduced absorption from the addition of impervious surfaces. However as of July 1, 2015, the City of Chico is responsible for implementation of Low Impact Development (LID) requirements as part of the State Water Resource Control Board’s MS4 General Permit (Water Quality Order No. 2013-0001-DWQ, National Pollution Discharge System General Permit No. CAS000004). With implementation of these existing requirements, the potential impacts from changing drainage patterns and increasing surface runoff would be **Less Than Significant**.

**I.7.-I.10.** No substantial evidence has been identified to suggest that the long-standing levee system in the City would potentially fail and expose people or structures in the project area to significant risk of loss, injury or death involving flooding as a result of the failure of a levee. Therefore, it is concluded that the project would not expose people or structures to a significant risk of loss, injury or death involving flooding events and potential flooding impacts are considered **No Impact**. The project is not located in a Federal Emergency Management Agency (FEMA) flood zone, and would not be subject to inundation by seiche, tsunami, or mudflow; therefore, the project will result in **No Impact**.

**MITIGATION:** None Required

<b>J. Land Use and Planning</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Result in physically dividing an established community?				X

2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the City of Chico General Plan, Title 19 "Land Use and Development Regulations", or any applicable specific plan) adopted for the purpose of avoiding or mitigating an environmental effect?	X
3. Results in a conflict with any applicable Resource Management or Resource Conservation Plan?	X
4. Result in substantial conflict with the established character, aesthetics or functioning of the surrounding community?	X
5. Result in a project that is a part of a larger project involving a series of cumulative actions?	X
6. Result in displacement of people or business activity?	X
7. Conversion of viable prime agricultural land and/or land under agricultural contract to non-agricultural use, or substantial conflicts with existing agricultural operations? (Viable agricultural land is defined as land on Class I or Class II agricultural soils of 5 acres or greater, adjacent on no more than one side to existing urban development.)	X

**DISCUSSION:**

**J.1** - The project site is existing and in an urbanized area and continuation of CSM operations would not physically divide an established community. **No Impact.**

**J.2** - The Chapman/Mulberry Neighborhood Plan was subject to the California Environmental Quality Act at its time of adoption, and a Negative Declaration was prepared. Amending the Plan as proposed would not conflict or negate any mitigation measures adopted for the Plan. The Neighborhood Plan and CMC discuss amortization of CSM, by approving the proposed project, the result would be an improved and enhanced compatibility with the surrounding neighborhood which was the intent of the amortization noted in the Neighborhood Plan and CMC. Therefore, the impact is **Less Than Significant.**

**J.3** - There are no resource management or resource conservation plans for the area. Therefore there would be **No Impact.**

**J.4** - The subject site has been in operation, in some capacity, as a scrap metal and recycling collection facility since 1964, with the community developing around the use since that time. The project includes aesthetics enhancements which would visually enhance and improve the overall look of the facility. The improvement would improve the aesthetic character of the site, but the impact on the surrounding community would not change. Therefore, **Less Than Significant Impact.**

**J.5** - The project includes all necessary discretionary entitlements, and does not involve a series of cumulative actions. **No impact.**

**J.6** - No people or businesses would be displaced by the project, therefore, this impact is considered to have **No Impact.**

**J.7** - The subject site is not located on prime agricultural soils as identified by the California Dept. of Conservation's Farmland Mapping and Monitoring Program, which maps the site as "Urban and Built-up Land." Therefore, the project will not affect farmlands and there would be **No impact**.

**MITIGATION:** None Required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>K. Mineral Resources.</b>				
Would the project or its related activities:				
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**DISCUSSION:**

**K.1.-2.** The project would not result in the loss of availability of a known mineral resource or mineral resource recovery site. Mineral resources are not associated with the project or located on the project site. **No Impact.**

**MITIGATION:** None Required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>L. Noise</b>				
Will the project or its related activities result in:				
1. Exposure of persons to or generation of noise levels in excess of standards established in the Chico 2030 General Plan or noise ordinance.			X	
2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
3. Exposure of sensitive receptors (residential, parks, hospitals, schools) to exterior noise levels (CNEL) of 65 dBA or higher?			X	
4. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
5. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
6. For a project located within the airport land use plan, would the project expose people residing or working in the Study Area to excessive noise levels?				X

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7. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the Study Area to excessive noise levels?	X
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**DISCUSSION:**

**L.1- L.4.** Providing for the continuation of the existing use would not result in any new noise impacts beyond those associated with current operations. The proposed project would ensure that noise levels associated with onsite activity operate within specific operational hours, and require equipment, such as the bailer, to be kept in good working order. Aspects of the proposal contain improvements that would itself decrease noise associated with the project (e.g., higher fences along street frontages, increased landscaping widths and new parking areas against vacant residential lots). Noise levels associated with the project site would result in noise exposure levels that are equal to the existing uses and are therefore considered **Less Than Significant**.

**L.5.** Temporary noise events will be generated during the improvement, or construction phase, however these impacts are considered to be less than significant because they are short term, and project contractors will be required to comply with the City's existing noise regulations which limit the hours of construction and maximum noise levels. Therefore the impact is considered to be **Less Than Significant**.

**L.6.** The project site is located approximately four miles from the nearest runway at the Chico Municipal Airport, which is not close enough to be subject to significant aircraft noise levels. **No Impact** on noise exposure levels due to proximity to a public airstrip.

**L.7.** The project site is not located within vicinity of a private airstrip, therefore noise exposure levels from aircraft would be **Less Than Significant**.

**MITIGATION:** None Required

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>M. Open Space/ Recreation</b>				
Will the project or its related activities:				
1. Affect lands preserved under an open space contract or easement?				X
2. Affect an existing or potential community recreation area?				X
3. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
4. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

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**DISCUSSION:**

**M.1.-4.** The project site is private property that is not in an open space contract, nor does it contain an open space easement, or affect potential community recreation areas. The project does not involve the creation of additional residential structures nor increase users of these facilities. Therefore, with respect to open space and potential community recreation areas, the proposed project would have **No Impact**.

**MITIGATION:** None Required.

<b>N. Population/ Housing</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**DISCUSSION:**

**N.1.-N.3.** The proposed project would not induce substantial population growth, nor would it displace people or housing as it does not contain new residential structures or the removal of existing homes. Project impacts to population/housing are therefore considered to have **No Impact**.

**MITIGATION:** None Required.

<b>O. Public Services</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities have an effect upon or result in a need for altered governmental services in any of the following areas:				
1. Fire protection?				X
2. Police protection?				X
3. Schools?				X
4. Parks and recreation facilities? (See Section J Open Space/Recreation)				X
5. Other government services?				X

**DISCUSSION:**

**O.1.-5.** The project site is currently being served by City services including police, fire and sewer as well as water services from Cal Water. The project does not involve the creation of residential structures therefore there would be no need for park and recreation facilities nor would it impact schools. **No Impact**.

**MITIGATION:** None Required.

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

**DISCUSSION:**

**P.1-P.6.** No aspect of the proposed project has been identified to be in conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, nor will the project conflict with an applicable congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or safety of such facilities. The project does not contain new streets, or require additional emergency access. The site is not located in an Airport Overlay zone and would not affect air traffic patterns. **No Impact.**

**MITIGATION:** None Required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Q. Utilities</b>				
Will the project or its related activities have an effect upon or result in a need for new systems or substantial alterations to the following utilities:				
1. Water for domestic use and fire protection?				X
2. Natural gas, electricity, telephone, or other communications?				X
3. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

<b>Q. Utilities</b> Will the project or its related activities have an effect upon or result in a need for new systems or substantial alterations to the following utilities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
5. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
6. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
7. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
8. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
9. Comply with federal, state, and local statutes and regulations related to solid waste?				X

**DISCUSSION:**

**Q.1.-Q.9.** All necessary utilities (water, storm drain, sewer, gas, phone or other communications, and electric facilities) are servicing the site therefore no extension, construction or additional services are required. **No Impact.**

**MITIGATION:** None Required.

**V. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.			X	

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B. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current and probable future projects).	X
C. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.	X

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**DISCUSSION:**

**A-C:** The project does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Based on the preceding environmental analysis, the application of existing regulations and incorporation of identified mitigation measures will ensure that all potentially significant environmental impacts associated with the project, including those related to air quality, biological resources, and cultural resources would be minimized or avoided, and the project will not result in direct or indirect adverse effects on human beings or the environment, nor result in significant cumulative impacts. Therefore, with the incorporation of the identified mitigation measures, the project will result in a **Less Than Significant** impact.

**VI. REFERENCES**

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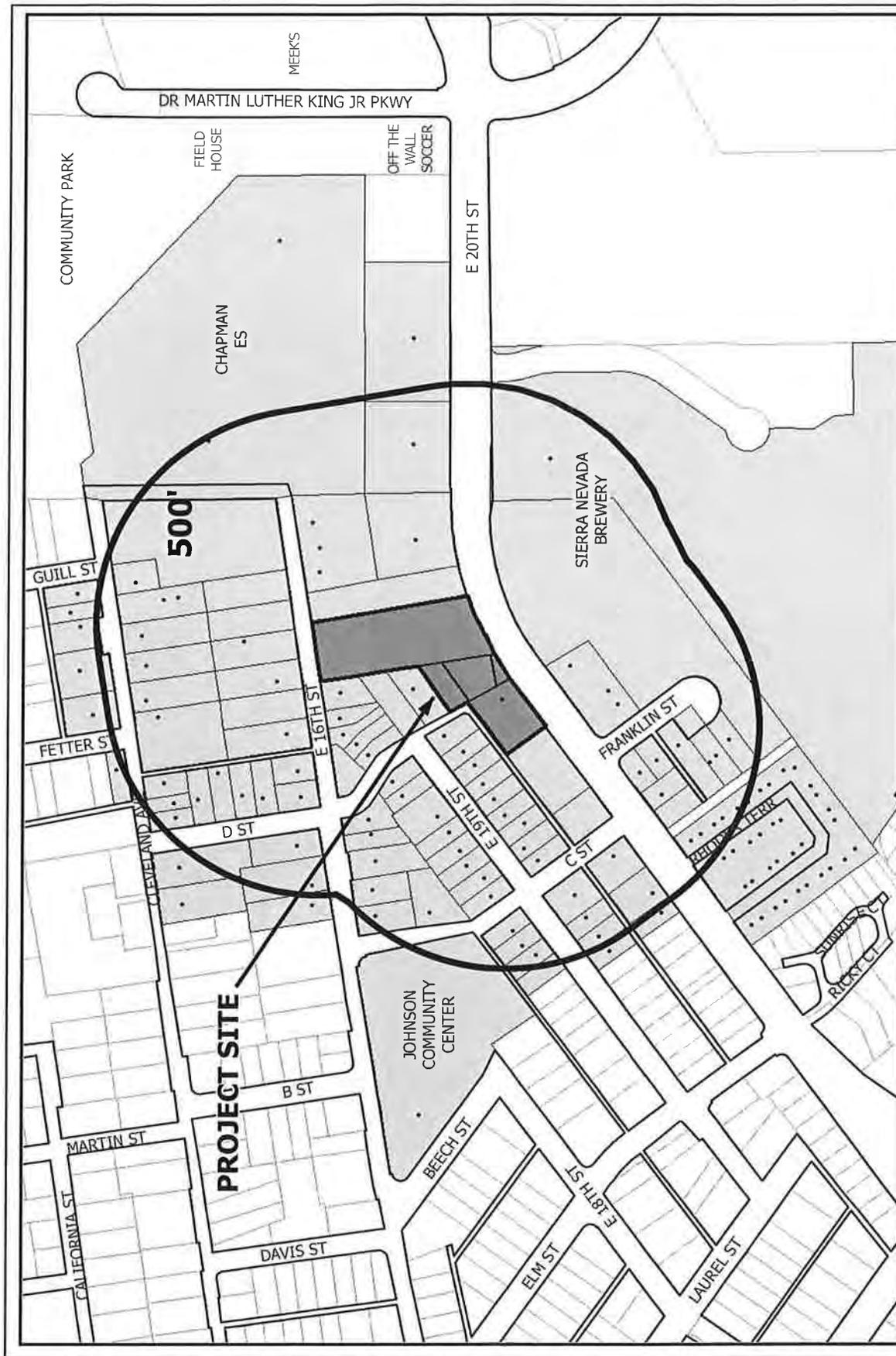
Lawrence & Associates, Remedial Investigation and Feasibility Report, submitted to Department of Toxic Substance Control, Dated July 15, 2010 (amended June 30, 2011, September 28, 2011 and March 16, 2012)

Lawrence & Associates, Summary of Recent Investigation and Remedial Action Activities (RIFS), 878 East 20th Street, Chico, CA, Letter Dated April 20, 2015

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Scott, Kim, Chico Scrap Metal - Project Description Dated December 15, 2015, Date Stamped December 16, 2015



- Mailing List Properties
- Mailing List Addresses

DA 15-01, Rezone/Neighborhood Plan Amendment 15-06 and AR 15-17 (Chico Scrap Metal)  
 878 E 20th Street  
 APNs 005-450-(014/030)-000 and 005-422-(009/013/017)-000

## Jake Morley

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**From:** Ann Seymour <aseymour95928@gmail.com>  
**Sent:** Friday, January 29, 2016 1:06 PM  
**To:** Jake Morley  
**Subject:** Scrapyard

Dear Mr. Morley,

I stopped into the planning department this morning to talk to you about the proposed zoning changes for the scrapyard on 20th St.

It looks like a good solution to me. A local business is kept and environmental concerns are addressed.

We have lived less than 250 yards from the scrapyard for over 20 years and have no problem with it staying where it is.

We are more aware of the presence of Sierra Nevada Brewery. Luckily we like the smell of brewing beer.

Sincerely, Ann Seymour

## Jake Morley

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**From:** Adela Jacobson <adelajacobson@icloud.com>  
**Sent:** Tuesday, February 02, 2016 5:32 AM  
**To:** Jake Morley  
**Cc:** chicocrap07@yahoo.com  
**Subject:** Chico Scrap metal

Dear Me. Morley,

This letter is being sent to you to request support for keeping Chico Scrap Metal in its current location. This business is a part of the community, is family owned and run and has done everything necessary to remain in good standing with city and county regulations.

As a taxpayer, California resident and concerned citizen, I support family owned and operated small business and ask that you give this business the opportunity to remain in its current location.

Many thanks,  
Adela Jacobson,  
Concerned Citizen

Sent from my iPhone

## Jake Morley

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**From:** kktilton50@gmail.com  
**Sent:** Wednesday, February 03, 2016 11:34 PM  
**To:** Jake Morley  
**Cc:** chicoscrap07@yahoo.com  
**Subject:** Re: Recycling at 20th St in Chico

To whom it may concern:

Please allow CSM (Chico Scrap Metal) to continue having their 20th Street location open and operating for business. This location is perfect for convenience for my recycling efforts and others in the community. I do notice it helps out so many in the near by neighborhood who are on foot or bicycle who recycle there daily. I notice these customers every time I'm there recycling. Everyone I know in Chico goes to this location and has been since the late 90's when they opened and were the ONLY recycling in town. I also know people who travel from out of town to patronize this location by recycling at 20th Street too.

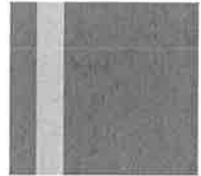
We all appreciate your considerations and understanding in keeping Chico Green and helping CSM continue business in its presents location. I thank you, Chico citizens and customers near and far thank you!

Sincerely,  
Katherine Tilton

Sent from my iPhone

## Bob's Plumbing Co.

1116 Orchard Way  
Chico, CA 95928  
530 892-1231



February 6, 2016

Mr. Jake Morley  
Associate Planner  
City of Chico  
411 Main Street - 2<sup>nd</sup> Floor  
PO Box 3420  
Chico, CA 95927

Dear Mr. Morley,

I am a second generation plumber and moved to Chico in 1970 with my family. My Dad started Bob's Plumbing at that time and I became his partner in 1983. Through all those years we have experienced the growth of Chico and surrounding businesses. We have used the services of then Scotty's Auto Dismantlers and Chico Scrap Metals for over 46 years.

Their business is a necessity to environmental safekeeping and their location in Chico no doubt helps keep our city and surrounding areas cleaner by providing a convenient location to dispose of metal items and recyclables. There is no doubt in my mind that the number of discarded items along or creeks and roadways would rise dramatically if the ability to recycle it for a few dollars disappears locally.

Please work with the Scott family to help keep a valuable resource here in Chico. Their efforts to be responsible with the materials they handle are commendable and should be supported. Thank you very much for your support!

Warm regards,

Bob Francis

Bob's Plumbing Co.



## Jake Morley

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**From:** chicoscrap07@yahoo.com  
**Sent:** Monday, February 08, 2016 9:35 AM  
**To:** Jake Morley  
**Subject:** Fw: Support of Chico Scrap Metal

Morning Jake, forwarding customer email

----- Forwarded Message -----

**From:** Aden Cullens <aden@plumbingmail.com>  
**To:** chicoscrap07@yahoo.com  
**Sent:** Monday, February 8, 2016 9:14 AM  
**Subject:** Support of Chico Scrap Metal

To whom it may concern,

My name is Aden Cullens and I am the President/CEO for PlumbingSupply Group, LLC which is located just east of Chico Scrap Metal on 20th street. I was also born and raised in Chico and have many memories tied to Chico Scrap Metal.

Business wise, Chico Scrap is located just up the street from us. This is very convenient as our business collects a fair amount of recyclable material through the course of our business. Having Chico Scrap so close makes it very easy to recycle the different types of metal we collect. Even if we were not next door to Chico Scrap, their central location in Chico makes it easy for anyone to bring their traditional recyclable items as well as hard to discard large metal items.

As I said, I was born and raised here in Chico. I was also introduced to the Silver Dollar Speedway and the very active automotive culture here in Chico at an early age. In my youth, Chico Scrap was a central component to my introduction into the local automotive culture. My father built race cars and I remember trips to Chico Scrap when it was time to get rid of all the unused parts of the car. I remember watching Shane Scott at Silver Dollar Speedway when I was a child and thought it was so cool that his family owned a scrap yard. I went to high school with members of the Scott family and years later have established a nice business relationship with our 20th street neighbors.

I fully support Chico Scrap Metal in the recycling capabilities and services it offers our community. I also support its historic and central location here in Chico. Furthermore, I support Chico Scrap for being an integral part of our local automotive community and the racing activities at Silver Dollar Speedway.

Without Chico Scrap, our town would definitely lose a great resource

## Jake Morley

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**From:** alfred coppa <bornagain96022@yahoo.com>  
**Sent:** Monday, February 08, 2016 1:18 PM  
**To:** Jake Morley  
**Subject:** Chico scrap metal on 20th street

Mr. Jake Morley  
Associate Planner  
City of Chico

For several years now I have been going to the Chico Scrap Metal yard on 20th Street. The location is centrally located making it very easy to get to and very easy to exit from. The layout of the exits and entrance make it a very safe place to do business in a very busy town.

Just in the last week I have visited the yard twice looking for scrap aluminum to use in the construction of a vertical wind turbine that I am thinking about building.

The scrap metal yard performs a necessary function in a growing community made up of people who are forward thinking on the future direction of the town of Chico. It is a good and necessary thing that this yard exists and is located where it is and that it continues to function in the capacity that it does.

Yours Truly, Al Coppa

Gerald Joiner  
1186 Harper Valley Lane  
Chico, CA 95928

February 9, 2016

To Whom It May Concern

RE: Chico Scrap Metal, Inc.

This letter addresses the need for Chico Scrap Metal to remain at its current location.

As a former business owner located on the south end of town, I repeatedly utilized Chico Scrap Metal from 1973 to 1980, for the disposal of scrap materials generated from the manufacturing of farm equipment. From 1981 to 1992, we moved our operation to the Chico Municipal Airport Complex and continued using Chico Scrap Metal for our disposals.

Since 1996, Chico Scrap Metal has hired high school welding students from the Butte County ROP Career Vocational Education programs. Also, Chico Scrap Metal continues to donate and recycle scrap metals to and from high school welding classes.

Chico Scrap Metal provides a convenient location and service to many residents and local businesses for unwanted materials to be recycled.

Sincerely,

Gerald (Jerry) Joiner  
Retired Business Owner and Educator  
[g.joiner@sbcglobal.net](mailto:g.joiner@sbcglobal.net)

**NOTICE FOR PRE-APPLICATION  
NEIGHBORHOOD MEETING**

September 14, 2015

A pre-application meeting will be held on **Friday September 25th, 2015, at 5:30 p.m.** at **Eagles' Hall at 1940 Mulberry Street, in Chico, CA** regarding the following request:

**Chico Scrap Metal:**

A proposal to install a new fence and landscaping along both East 20<sup>th</sup> and 16<sup>th</sup> Streets of the project frontage, while also proposing a façade remodel to the existing structures. The project involves other site improvements such as landscaping and parking improvements. The proposal is in connection with a request to remove the current amortization requirement in Chico Municipal Code and therefore to allow Chico Scrap Metal to continue operating as a scrap metal collection site located at 878 E. 20<sup>th</sup>, St. in Chico, CA. APN's: 005-450-014, 005-450-030, 005-422-009, 005-422-013, and 005-422-017.

This meeting is intended to provide an opportunity for neighbors to meet with the project applicants, to review and comment on the proposed application in advance of any formal hearing. No decision will be made at this meeting. A City staff member will be present to answer questions about the development process.

For further information regarding this project, please contact the applicant's representative:

Steven Gibson  
PO Box 2306  
Paradise, CA 95967  
(530) 872-3427  
[sgib@jps.net](mailto:sgib@jps.net)

For further information regarding Chico's development process and regulations, please contact:

City of Chico Planning Services Department  
Attn: Jake Morley  
411 Main Street  
P.O. Box 3420  
Chico, CA 95927  
(530) 879-6810  
[jake.morley@chicoca.gov](mailto:jake.morley@chicoca.gov)

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**Distribution:** Property owners/residents within 500 feet of project site, mailed 10 days before meeting. City of Chico Planning Services Department

Attendees list - 9/25/15 Eagles Hall 5:30 pm

<u>Name</u>	<u>Address</u>
Karl Ory	Chico
Ed Caldwell	Chico
Larry Wahl	Chico
Dan Everhart	Chapmantown
Woody Elliott	287 Pignon Hills, Chico, Ca 95928
Mike Lash	2242 Park Ave, Chico
Alfap Villaflos	Chico, Ca
Mark Stemen	Chico, Ca
Pat White	E. 19 <sup>th</sup> St, Chico, Ca
Marvin White	3247 Burdick Rt, Chico, Ca 95928
Chris Nelson	Chico, Ca 95928
Therese Cannata	
Moe Whitehead	1239 Bruce St
Sandree Sidney	953 Cleveland Ave, 95928-6212
Patrick Kelly	900 E. 19 <sup>th</sup> Street
Ashiah Scharager	400 E. Park Ave, Chico Chico E-R
Jon Luvaas	1980 Wild Oak Lane, Chico
Mark Collins	796 E. 20 <sup>th</sup> St, Chico, Ca 95928
Victoria Birdseye	818 W. 5 <sup>th</sup> St #5
Ken Smith	417 W. 1 <sup>st</sup> Ave
Adrienne Edwards	877 E. 16 <sup>th</sup> St
Chris Ivey	877 E. 16 <sup>th</sup> St.

# CSM Community Meeting

9/25/15

NAME

ADDR Etc

Karl Ory  
Ed Caldwell  
HARRY WAHL  
\* DAN EVERHART  
Woody Elliott  
MIKE OLSON  
Alef. Villafra  
MAMIE STEWART  
Lester White  
Marvin White  
  
Chris Nelson  
Theresa Cannata  
MOE Whitehead

CHICO  
CHICO  
CHICO  
CHAPMAN TOWN  
287 PINGON HILLS 95928  
2242 PARK AVE CHICO  
CHICO, CA  
CHICO, CA  
875 E 19<sup>th</sup> ST CHICO CA  
3247 BORDAK RT  
CHICO, CA 95928  
CHICO, CA 95928  
  
1239 Bruce ST

# CSM Community Meeting

<u>NAME</u>	<u>ADDRESS</u>
Samuel Sidney	953 Cleveland Ave Chico 95925-6212
Patrick Kelly	900 East 19th Street
Ashiah Scharaga	400 E Park Ave, Chico Chico ER
Jay Lyueas	1980 Wild Oak Lane Chico
Mark Collins	796 E 20th St Chico CA 95925

# CCM Community Meeting

<u>NAME</u>	<u>ADDRESS</u>
Victoria Birdseye	818 west 5th street #5
Ken Smith	417 W. 6th Ave.
Adrienne Edwards	877 E. 16th St.
Chris Ivey	877 E. 16th St.

## NEIGHBORHOOD MEETING SUMMARY

The neighborhood meeting was held as announced on September 25<sup>th</sup>, 2015, at 5:30PM at the Eagles Lodge located at, Chico, California. The sign-in sheet indicates that 22 people attended the meeting in addition to the applicant and her representatives. A copy of the notice and the sign-in sheet has been provided to the City of Chico. Chico Scrap Metal was represented by:

Kim Scott	Project applicant, Chico Scrap Metal
Steven Gibson	Consultant, Gibson and Associates
Bryan Gartner	Principle Geologist, Lawrence and Associates
Dr. Bart Simmons	Environmental Chemist and Independent Consultant
Therese Cannata	Environmental and Regulatory Law Attorney, Cannata/O'Toole/Almazon/Fickes

The City of Chico was represented by:

Jake Morley,	Associate Planner, Planning Services Department
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Kim Scott facilitated the meeting. After introductions were made she opened the meeting with a brief description of the proposed changes to the site. Following this she welcomed everyone to take a look at the poster board with site plans and opened up questions to the audience

The meeting veered to issues off the subject of the site improvements when attendee Adrienne Edwards expressed concerns about dust coming from the site. At this time many of the actual neighbors of CSM expressed that CSM had been good neighbors and that they didn't have any big concerns from CSM being there. One of them, Pat Kelly, stated that had been there the longest (since 1982) and that he had not experienced any health problems even though his fence borders theirs. He also expressed that he appreciated that the noise levels were kept down, the dust wasn't an issue, and that the operation hours didn't start until 8:00AM and were done by 4:00PM. He also stated that he had more problems with the density and the noise generated from the Habitat homes than he did with CSM.

Dan Everhart stated that he had no desire for CSM to leave, but he wanted to know if they could help with problems of his trash can being gone through by transients. Others chimed in that this is a problem throughout the City. Kim stated that she would look into an offsite collection as another way of addressing the problem and would come to Mr. Everhart's home to look first hand at the issue with him.

Mark Collins spoke to concerns of strip mall replacing CSM and that he had heard that this was the part of the City plan. He stated that he would rather have CSM than a strip mall.

Moe Whitehead stated that he had been in a similar situation when asked to move his commercial property, but wanted the group to understand how difficult moving a business is without help from the City.

Most major concerns were not about the design and centered around two issues; 1) environmental issues that could cause harm to neighbors of the site, and 2) legal concerns related to the original amortization not being followed by the City.

Karl Ory spoke primarily to the City responsibility to maintain the amortization and to assist the move for CSM. He also stated to Ms. Scott that he could help them to move from the current site.

Jon Luvaas

Adrienne Edwards spoke to environmental concerns, in particular dust carrying harmful elements from the site. She also spoke to concerns that the scrap metal could cause a fire.

Woody Elliott also spoke to his concerns of contaminated dust leaving the site.

All of the questions were addressed by Ms. Scott. Environmental questions were further addressed by the geologist and the chemist, both confirming that there were no dangers to the neighbors of the site. They cited studies, including a health risk assessment that had been performed on the site. They also helped the audience to understand the technical issues of the reports, as some of this was being misinterpreted. An example of this was what "background" meant in terms of values of substance that might be found. Another example was to explain that averaging wasn't being done to hide a high level of contaminant.

City concerns were addressed by Jake Morley who reminded the audience of the actual proposal from CSM and that the primary reason for the Neighborhood Meeting was to solicit information from the neighbors of the project and that no decisions would be made at that time.

The project applicant, Kim Scott, has also walked around the neighborhood to solicit feedback. She reports that the feedback had been positive. One neighbor did speak to additional lighting that would provide some light to an adjacent alleyway, and she has added that to her proposed site plan.