



## City Council Agenda Report

Meeting Date: September 18, 2018

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TO: City Council

FROM: Mike Sawley, Senior Planner (879-6812; mike.sawley@chicoca.gov)

RE: **Stonegate Subdivision and General Plan Amendment/Rezone Project**  
**AP Nos: 002-190-041, 018-510-007, 018-510-008, and 018-510-009**

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### REPORT IN BRIEF:

The applicant proposes to: (1) amend the General Plan, (2) change the zoning classifications, and (3) subdivide a 313-acre site located in southeast Chico to accommodate a variety of land uses, including single-family residential, multi-family residential, commercial, office, parks, and approximately one-third of the site set aside as an open space preserve. A use permit is also requested to allow ground-floor residential uses in a Community Commercial (CC) zoning district.

On August 30, 2018, the Planning Commission reviewed the proposal and adopted three resolutions recommending that the City Council: (1) certify the Environmental Impact Report (EIR), (2) adopt certain findings of environmental effect, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program, and (3) approve the project applications, including General Plan Amendment 15-02, Rezone 15-02, Vesting Tentative Subdivision Map 15-05 and Use Permit 18-14.

Staff concurs with the Planning Commission's recommendations and has prepared four resolutions and an ordinance for City Council consideration.

#### Recommendation:

The Planning Commission and Community Development Director recommend that the City Council hold a public hearing on the proposal and, under separate motions, adopt/introduce the following:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT REPORT FOR THE STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND GENERAL PLAN AMENDMENT / REZONE (Attachment 1)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO: 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND GENERAL PLAN AMENDMENT / REZONE (Attachment 2)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT GPA 15-02 (Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone) (Attachment 3)**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE ZONING DISTRICT BOUNDARIES OF PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NOS. 002-190-041, 018-510-007, 018-510-008, 018-510-009 AND 002-220-006 (PORTION) (Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone) (Attachment 4)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CONDITIONALLY APPROVING VESTING TENTATIVE SUBDIVISION MAP 15-05 AND USE PERMIT 18-14 (Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone) (Attachment 5)**

**FISCAL IMPACT:** There is no direct fiscal impact associated with approving the requested entitlements. The applicant is responsible for all City processing costs and will be required to pay proportionate development impact fees for each site within the project prior to construction.

**PLANNING COMMISSION ACTION:**

At its August 30, 2018, meeting the Planning Commission reviewed the proposal and adopted three resolutions recommending that the City Council:

1. Certify the Environmental Impact Report (EIR) prepared for the project (4-2-1 Howlett and Arim-Law opposed, Tuchinsky recused),
2. Adopt certain findings of environmental effect, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program (4-2-1 Howlett and Arim-Law opposed, Tuchinsky recused), and
3. Approve the project applications, including General Plan Amendment 15-02, Rezone 15-02, Vesting Tentative Subdivision Map 15-05 and Use Permit 18-14 (5-1-1 Howlett opposed, Tuchinsky recused).

For a more-detailed analysis of the project, please refer to the entire Planning Commission agenda report for the 08/30/18 meeting, including the three adopted resolutions is provided under **Appendix A**.

**BACKGROUND:**

There is a significant amount of background information pertaining to the project for Council's consideration. The Commission report provides a complete overview and analysis of the project and related environmental review process. An addendum to the Planning Commission agenda report as well as the visual slides presented at the meeting are included under **Appendix A** of this report.

The Draft EIR and Final EIR, previously provided to each Councilmember in hard copy, are available online at: [http://www.ci.chico.ca.us/planning\\_services/DraftEIRStonegateProject.asp](http://www.ci.chico.ca.us/planning_services/DraftEIRStonegateProject.asp).

Importantly, in July 2018, the applicant submitted refinements to the proposed project that eliminated two phases of half-acre suburban residential (RS-20) lots that had been proposed on the east side of the project site along Potter Road/Steve Harrison Memorial Bike Path. Eliminating the 45 RS-20 lots substantially reduces project impacts to Butte County Meadowfoam (BCM), a state and federally-listed endangered species. The refinements also reconfigure the extension of Webster Drive to avoid providing a direct route between Notre Dame Blvd. and Bruce Road.

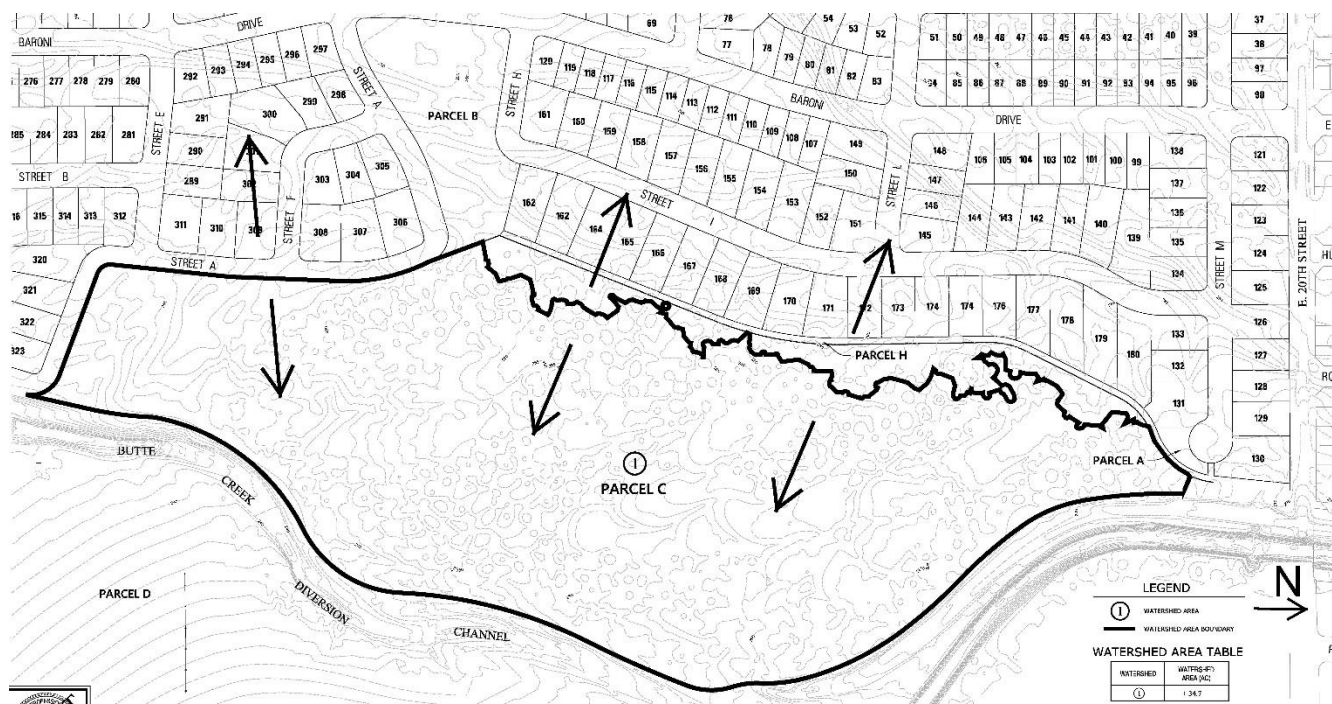
At the 08/30/18 Planning Commission meeting several issues regarding the EIR and development of the site were raised and discussed. These primarily dealt with: potential indirect impacts and mitigation regarding Butte County Meadowfoam (BCM), significant and unavoidable impacts identified regarding greenhouse gas emissions, and the General Plan's treatment of designated Resource Constraint Overlay (RCO) areas. These issues are summarized below, each followed by a staff response.

***Indirect Impacts to BCM***

Several speakers at the Planning Commission meeting were concerned that the project would place residential uses and a neighborhood park adjacent to the 136-acre onsite BCM preserve, and that polluted storm water runoff from the residential uses may enter the preserve resulting in indirect impacts to BCM. Some suggested that hydrological studies were needed to demonstrate that these indirect impacts would not occur.

**Staff Response:** This issue was previously raised in comments received on the Draft EIR and addressed under Master Response 1 in the Final EIR (FEIR Pages II-7 to II-8). California Department of Fish and Wildlife (CDFW) staff expressed concerns about the effectiveness of using a 250-foot buffer to characterize potential indirect impacts from the project to BCM populations located within the preserve (Final EIR comment CDFW-8). The agency suggested that a site-specific hydrologic study be prepared to demonstrate that indirect impacts would be limited to the ones described in the Draft EIR.

During preparation of the Final EIR staff obtained a watershed map from the Applicant's engineer which shows the extent of areas within the preserve located west of the Diversion Channel that drain east, toward the Channel, versus areas that drain west toward Bruce Road (see below).



As noted under Final EIR Master response 1, the map depicts a minor ridgeline, or “rise” traversing the project site between the Diversion Channel and development proposed along the west side of the preserve that generally runs parallel to the edge of proposed development (typically 20-50 feet east of the development, distances vary). Storm water runoff from the development area west of the preserve flows westerly or southwesterly towards Bruce Road (away from the BCM populations in the preserve on proposed Parcel C). Storm water runoff within the BCM preserve generally flows toward the Butte Creek Diversion Channel. Therefore, the largest BCM populations within the preserve – those within Parcel C, are situated “over the rise” from the development on the westerly side of preserve Parcel C.

This hydrologic separation greatly reduces the potential for indirect impacts to BCM habitat that may result from storm water runoff from areas of the project disturbed by construction. With the elimination of the RS-20 lots, no development or impacts are anticipated on the east side of the Diversion Channel.

Due to the existing topography of the Stonegate site, as well as existing regulatory controls and required mitigation measures, most of the potential indirect impacts to BCM identified within the 250-foot buffer along the onsite preserve are not likely to be realized. Nonetheless, Mitigation Measure (MM) BIO-2A would require the applicant to mitigate for any indirect impacts to BCM resulting from the project.

### ***Mitigation for Project Impacts to BCM***

Some speakers at the Planning Commission meeting disputed the feasibility of MM BIO-2A, included to address project impacts to BCM, as it relies on BCM habitat creation within the on-site preserve which cannot be guaranteed to be successful, and the fallback provision of purchasing credits at an approved BCM mitigation bank is also not guaranteed because no such credits are currently available.

Staff Response: This too was covered in the Final EIR after similar comments were made on the Draft EIR. The proposed mitigation for impacts to BCM provides for a range of options for mitigating impacts to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM.

The Final EIR clarifies that, in addition to restoring/creating BCM habitat within the onsite preserve and/or purchasing mitigation credits off-site under MM BIO-2A, the applicant may purchase property off-site that contains existing occupied BCM habitat to fulfill mitigation requirements. Such acquisition of off-site BCM habitat to mitigate for project impacts would require establishment of a long-term conservation easement, funding mechanism for the long-term management of the species, and habitat mitigation and monitoring plan with interim and long-term management goals.

For example, as proposed it is anticipated that the on-site preserve area (the 108-acre on-site preserve plus the 15-acre Doe Mill-Schmidbauer Meadowfoam Preserve) will be established primarily by having a Habitat Mitigation and Monitoring Plan approved by the USFWS. Once the preserve is under long-term protections there will be approximately 4.38 acres of BCM habitat preserved. Using the 19:1 ratio from MM BIO-2A for preservation, this preservation accounts for project impacts up to approximately 0.23 acres of BCM habitat. Large portions of the project site (along the east side of Bruce Road), can be developed with potential impacts to BCM remaining under the mitigated amount of 0.23 acres. Once development is proposed for construction beyond the amount for which mitigation is already in place the City shall withhold approvals for grading or other work until such time that additional mitigation is verified to be in place. This additional mitigation (per MM BIO-2A) may take the form of BCM habitat creation within the preserve, purchasing credits at an approved mitigation bank that has come online in the intervening time, purchasing property containing BCM habitat and preserving it as approved by the resource agencies, or (in the case where onsite creation efforts have begun but the years of monitoring have not yet proven success rates) by securing the option to purchase credits or property with BCM habitat and providing the City with assurance that the acquisition can take place.

Ultimate regulatory authority for determining permissible impacts and appropriate mitigation for endangered species falls to the USFWS and the CDFW and will be negotiated outside of the City process. Mitigation Measure BIO-2A is intended to be flexible enough in its implementation to enable State and federal trustee agencies to complete their permitting requirements pertaining to BCM and require mitigation consistent with those permits for project impacts to BCM. State and federal trustee agencies will have detailed requirements for the applicant, and the resulting permits may require different mitigation ratios from the Recovery Plan standard used in MM BIO-2A.

### ***Greenhouse Gas Emissions***

There was also discussion at the Planning Commission meeting about the significant and unavoidable impacts identified regarding greenhouse gas emissions.

Staff Response: Impacts associated with air quality and greenhouse gas emissions appear high for the Stonegate project for three main reasons. These reasons are listed below followed by a brief explanation:



- 1) It is a large project (approximately 175 acres of development proposed). The Air District's CEQA Handbook uses a "bright-line" threshold for determining when a project's air emissions are significant (e.g., 25 lbs./day of a criteria pollutant). This type of threshold is simple to apply, but it does not distinguish between small sites with high emission rates per acre and large sites with relatively low emission rates per acre. The Stonegate project is anticipated to produce air emissions typical of modern residential and commercial development, but the sheer number of new units and amount of commercial square footage expected from the project yield high overall emission estimates.
- 2) Conservative assumptions were made regarding future development of commercial and multi-family residential uses. This ensures that a variety of apartment housing types and a broad range of commercial uses would fall within the scope of the EIR's analysis. Actual emission rates for uses on these lots cannot be accurately predicted until the uses and specific site design proposals become known.
- 3) Emissions for the full build-out year (2035) were estimated using 2016 modeling technology. This limitation results in a higher-than-likely estimates of future air emissions because the model does not account for potential reductions associated with emergent technologies (e.g., self-driving electric vehicles, mandated use of solar panels, etc.), and likely reductions that will be made in response to Senate Bill 32 – a 2016 law which sets an ambitious statewide goal for reducing greenhouse gas emissions by 2030.

In summary, air and greenhouse gas emissions for the Stonegate project are large because the project itself is large, and the EIR analysis overstates the likely future air emissions due to uncertainties regarding the specific designs/uses for the commercial and multi-family residential lots, as well as technological constraints. Mitigation is included to minimize construction and operational greenhouse gas emissions within the project, however the potential impact remains significant and unavoidable.

### ***General Plan Resource Constraint Overlay***

Some speakers at the Planning Commission meeting noted that the General Plan identifies the project site as a Resource Constraint Overlay (RCO) area where a 15% build-out of the site was assumed due to the presence of sensitive species and habitats, and that the current proposal to develop over half of the site conflicts with this part of the General Plan.

Staff Response: As noted in the Draft EIR and Planning Commission report, the purpose of the General Plan's RCO designation is to identify areas where known sensitive resources, such as BCM, exist which warrant detailed study prior to approval for development. Detailed and site-specific studies have now confirmed the presence and extent of sensitive habitat and the project includes 136-acres of open space preserve to set aside and protect the most-sensitive areas of the site in perpetuity. The General Plan assumed that only 15 percent of the designated RCO sites could be developed to avoid overestimating the amount of overall development potential set forth on the City's Land Use Diagram, not to set limits on the future buildout of the project site. The Land Use element of the General Plan states:

*Fifteen percent of the average development potential for the underlying land use designations on the RCO sites was assumed in estimating the overall density and intensity of General Plan build-out and to conduct environmental review for the General Plan... Land owners of RCO parcels may conduct more detailed studies, including environmental review, and coordinate with resource agencies to determine actual development potential. Such potential may be more or less than the assumed 15 percent, but not more than the maximum development potential allowed by the underlying land use designation. (Pages 3-20 and 3-21)*

*Action LU-2.5.1 (Resource Constraint Overlay) – For development proposals on properties with the Resource Constraint Overlay, which highlights known sensitive resource areas, land owners must conduct detailed environmental studies, adhere to CEQA requirements, and coordinate with resource agencies to determine actual development potential. Development proposals for a density or intensity of use above that assumed for the purposes of General Plan projections and the General Plan EIR will need to address impacts not evaluated as part of the General Plan. (Page 3-31)*

The General Plan acknowledges that development of an RCO area such as the Stonegate site may be more or less than the assumed 15%, pending detailed studies of a development proposal. Detailed studies and environmental analysis has been conducted for the project and the applicant is currently pursuing resource agency permits, consistent with direction provided by the General Plan.

### **Summary**


The Stonegate project includes a land use plan that would result in development compatible with surrounding land uses and would preserve sensitive biological resources by setting aside a large portion of the site as permanent open space. The applicant is required to obtain all State and federal agency permits, and establish a detailed habitat mitigation and monitoring plan prior to issuance of any City permits for grading or construction. Further, mitigation for impacts to BCM is required to be in place prior to issuance of permits for any given phase that may impact BCM directly or indirectly. The issues discussed and considered by the Planning Commission were largely addressed in the Draft and Final EIR, and no new substantial information was introduced at the 08/30/18 meeting that would require revisions to the conclusions reached in the environmental documents.

The overall project, which is now aligned with the Environmentally Superior Alternative identified by the EIR, strikes a good balance between providing additional housing units and preserving sensitive biological resources that exist on the site.

### **PUBLIC CONTACT**

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was also placed in the *Chico Enterprise Record*. A similar 10-day notice was also mailed and published prior to the Planning Commission meeting for this project. A letter that was hand-delivered to staff at the Planning Commission meeting is included under **Attachment 6**.

Reviewed by:

  
Leonardo DePaola, Community  
Development Director

Approved and Recommended by:

  
Mark Orme, City Manager

### **DISTRIBUTION:**

Interested Parties List (via email)

Epick Homes, Attn: Chris Giampaoli, 901 Bruce Road, Suite 100 Chico, CA 95928

George Schmidbauer, 1099 West Waterfront Drive, Eureka, CA 95502

Keith Doglio, Rolls, Anderson & Rolls, 115 Yellowstone Drive, Chico, CA 95973

**ATTACHMENTS:**

1. City Council Resolution Certifying the EIR
2. City Council Resolution Adopting CEQA Findings, SOC and MMRP
3. City Council Resolution Approving GPA 15-02
4. City Council Ordinance Approving Rezone 15-02
5. City Council Resolution Approving S 15-05 and UP 18-14
  - Exhibit I – Mitigation Monitoring and Reporting Program
  - Exhibit II – Conditions of Approval for S 15-05
  - Exhibit III – Subdivision Report for S 15-05
  - Exhibit IV – Plat to Accompany UP 18-14
6. Letter from Altacal Audubon Society, 08/29/18

**Appendix A: Materials from Planning Commission Meeting on 08/30/18**

	PDF page#
• Planning Commission Agenda Report	1-20
○ Attachment A – PC Resolution 18-10 (EIR Certification)	21-23
○ Attachment B – PC Resolution 18-11 (Findings/SOC)	24-86
○ Attachment C – PC Resolution 18-12 (Project Applications)	87-157
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○ Attachment J – Butte County Meadowfoam Figure	170
○ Attachment K - Public Comments Received 08/02/16 - 09/27/16	171-188
• Planning Commission Agenda Report Addendum	189-201
• Presentation Slides Shown at Planning Commission Meeting	202-227

**RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO**  
**CERTIFYING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT REPORT**  
**FOR THE STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND GENERAL**  
**PLAN AMENDMENT / REZONE**  
**(State Clearinghouse Number 2016062049)**

WHEREAS, an Environmental Impact Report (“EIR”) has been prepared for and by the City of Chico for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone (“Project”), pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code § 21000 et seq.), CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), and the local procedures adopted by the City pursuant thereto; and

WHEREAS, upon determining the Project development applications complete, the City issued a Notice of Preparation (“NOP”) of a Draft EIR and filed the NOP with the State Clearinghouse on or about June 20, 2016; and

WHEREAS, the City circulated the NOP for thirty (30) days and received comments from agencies and the public between June 20, 2016, and July 21, 2016; and

WHEREAS, the City conducted a public scoping meeting on the Project on July 12, 2016; and

WHEREAS, the City prepared a Draft EIR and filed a Notice of Completion (“NOC”) for the Draft EIR, with the State Clearinghouse on April 9, 2018; and

WHEREAS, the City issued a Notice of Availability (“NOA”) on April 9, 2018, and mailed or emailed the NOA of the Draft EIR to all persons and organizations having requested notice of same, and caused the NOA of the Draft EIR to be published in a newspaper of general circulation within the City; and

WHEREAS, the public review period for the Draft EIR lasted forty-five (45) days commencing on April 9, 2018, and concluding on May 24, 2018, during which time the City requested comments on the Draft EIR; and

WHEREAS, on May 3, 2018, the Planning Commission conducted a public meeting to receive comments on the Draft EIR; and

1 WHEREAS, subsequent to close of the review and comment period, the City prepared a  
2 Final EIR in accordance with CEQA and the local procedures adopted by the City pursuant thereto,  
3 including City responses to all comments submitted during the Draft EIR public review period,  
4 and to fully address all potential effects of implementation of the Project; and

5 WHEREAS, the Final EIR was forwarded to all commenting agencies on or about August  
6 15, 2018, which was not less than ten (10) days prior to the date established for a Planning  
7 Commission hearing to consider the Project; and

8 WHEREAS, the Planning Commission of the City of Chico considered the Project, staff  
9 report, comments received prior to the public hearing held on August 30, 2018, comments received  
10 at the duly noticed public hearing held on August 30, 2018, and voted 4-2-1 to recommend that  
11 the City Council certify EIR prepared for the Project.

12 NOW THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

13 1. The City Council makes the following findings based upon the entire record before it,  
14 including but not limited to the Draft EIR, all documents incorporated by reference therein, all  
15 comments received and responses provided, the Findings of Fact and Statement of Overriding  
16 Considerations (as provided in Exhibit I to City Council Resolution No. \_\_\_\_-\_\_\_\_), the Mitigation  
17 Monitoring and Reporting Program (as provided in Exhibit II to City Council Resolution No. \_\_\_\_-  
18 \_\_\_\_), and all other evidence in the record of these proceedings:

19 A. The recitals set forth above are true and correct.

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

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

25 D. The City provided written responses to all public agency comments received on the Draft  
26 EIR at least ten (10) days before certification of the Final EIR, pursuant to the provisions  
27 of CEQA.

28 E. A good faith effort has been made to identify potentially feasible mitigation measures and

alternatives to the extent necessary to avoid or substantially lessen the significant adverse effects of the project, and such mitigation measures and alternatives were considered in the review process in accordance with the provisions of CEQA.

F. The EIR for the proposed Project has been properly completed and has identified all significant environmental effects of the Project, and there are no known potential significant environmental effects that are not addressed in the EIR.

G. A good faith effort has been made to seek out and incorporate all points of view in the preparation of the Draft EIR and the Final EIR.

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

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

## 2. Certification of the EIR.

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

3. The City Council hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.

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1 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico  
2 at its meeting held on September 18, 2018, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

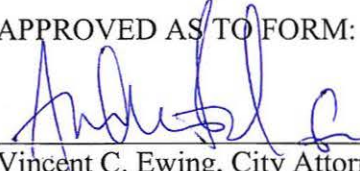
6 ABSTAINED:

7 DISQUALIFIED:

8 ATTEST:

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10 \_\_\_\_\_  
11 Deborah R. Presson  
12 City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
13 Vincent C. Ewing, City Attorney\*  
14 \*Pursuant to The Charter of  
15 the City of Chico, Section 906(E)  
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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO:**  
**1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS,**  
**2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND**  
**3) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**  
**FOR THE STONEGATE VESTING TENTATIVE SUBDIVISION MAP AND**  
**GENERAL PLAN AMENDMENT / REZONE**  
**(State Clearinghouse Number 2016062049)**

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

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

X:\Current Planning\Subdivision\2015\15-05 Stonegate (72195)\City Council\parts\Att 2 - Reso2 - aSOC and MMRP adoption.docx

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

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

8 WHEREAS, a Mitigation Monitoring and Reporting Program for the Project has been  
9 prepared; and

10 WHEREAS, the Planning Commission of the City of Chico considered the Project, staff report,  
11 comments received prior to the public hearing held on August 30, 2018, comments received at the  
12 duly noticed public hearing on August 30, 2018, and voted 4-2-1 to adopt certain CEQA Findings  
13 of Fact regarding environmental effects, adopt a Statement of Overriding Considerations, and  
14 adopt a Mitigation Monitoring and Reporting Program prepared for the Project.

15 NOW, THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

- 16 1. The City Council adopts the CEQA Findings of Fact attached as Exhibit I to this resolution,  
17 as required by Public Resources Code section 21081, subdivision (a); and
- 18 2. The City Council adopts the Statement of Overriding Considerations, included within  
19 Exhibit I to this resolution, as required by Public Resources Code section 21081,  
20 subdivision (b); and
- 21 3. The City Council adopts the Mitigation Monitoring and Reporting Program attached as  
22 Exhibit II to this resolution, as required by Public Resources Code section 21081.6,  
23 subdivision (a).

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1 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico  
2 at its meeting held on September 18, 2018, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

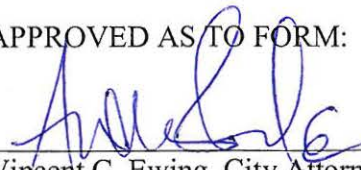
6 ABSTAINED:

7 DISQUALIFIED:

8 ATTEST:

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10 \_\_\_\_\_  
11 Deborah R. Presson  
12 City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
13 Vincent C. Ewing, City Attorney\*  
14 \*Pursuant to The Charter of  
15 the City of Chico, Section 906(E)  
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**Exhibit I**  
**CEQA FINDINGS OF FACT**  
**and**  
**STATEMENT OF OVERRIDING**  
**CONSIDERATIONS**

**I. INTRODUCTION**

The City of Chico (“City”), as lead agency under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact report for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone Project (State Clearinghouse No. 2016062049) (“Final EIR”). The Final EIR is a project-level EIR pursuant to Section 15161 of the Guidelines for implementation of CEQA (“State CEQA Guidelines”). The Final EIR consists of the April 2018 Draft Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone Environmental Impact Report (“EIR”), the Response to Comments on the EIR (“Response to Comments document”), and revisions to the EIR contained in the Final EIR.

In determining to approve the Elimination of RS-20 Lots Alternative to the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone (referred to hereinafter as the “Elimination of RS-20 Lots Alternative” or the “Project”), the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates all of the applicable mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings contained herein. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record. The findings provide the written analysis and conclusions regarding the Elimination of RS-20 Lots Alternative environmental impacts.

**II. STATEMENT OF FINDINGS**

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

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the City Council hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Council with respect to any particular subject matter of the Elimination of RS-20 Lots Alternative must be deemed made if it appears in any portion of these findings or findings elsewhere in the administrative record.

### **III. DEFINITIONS AND ACRONYMS**

“Applicant” means Epick Homes  
“BCAQMD” means Butte County Air Quality Management District  
“BCM” means Butte County Meadowfoam  
“CDFW” means California Department of Fish and Wildlife  
“CEQA” means California Environmental Quality Act.  
“City” means City of Chico.  
“Commission” or “Planning Commission” means the Planning Commission of the City of Chico.  
“Council” or “City Council” means the City Council of the City of Chico.  
“DEIR” or “Draft EIR” means the Draft Environmental Impact Report for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone, dated April 2018.  
“EIR” means Environmental Impact Report, including both the DEIR and FEIR.  
“FEIR” or “Final EIR” means the Final Environmental Impact Report for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment/Rezone, dated July 2018.  
“LOS” means level of service.  
“MM” means mitigation measure.  
“MMRP” means Mitigation Monitoring and Reporting Program.  
“MT CO<sub>2</sub>e” means metric tons of carbon dioxide equivalent.  
“NO<sub>x</sub>” means nitrogen oxide.  
“NOP” means Notice of Preparation.  
“NOP/IS” means Notice of Preparation and Initial Study.  
“PM<sub>2.5</sub>” means particulate matter equal to or less than 2.5 microns in diameter.  
“PM<sub>10</sub>” means particulate matter equal to or less than 10 microns in diameter.  
“ROG” means reactive organic gases.  
“RWQCB” means Regional Water Quality Control Board  
“SCH” means State Clearinghouse.  
“USACE” means U.S. Army Corps of Engineers  
“VOC” means Volatile Organic Compounds

### **IV. DESCRIPTION OF PROJECT AND ELIMINATION OF RS-20 LOTS ALTERNATIVE**

#### ***A. Proposed Project***

As fully described in Chapter III of the Draft EIR, the original proposal would subdivide the project site into a combination of single-family residential standard lots, single-family residential half-acre lots, multi-family residential, commercial uses, open space, public right-of-way and parks, (Proposed Project). The Proposed Project consists of the Stonegate Subdivision Vesting Tentative Subdivision Map, and related permits and approvals necessary for implementation of the subdivision. The Proposed Project includes zone changes and General Plan Amendments to establish Primary Open Space in APN 018-510-008 and 018-510-009 and to reconfigure and change the Residential and Commercial designations throughout the site.

The Proposed Project subdivision would yield the following parcel sizes and uses:

Open Space: 108.8 acres

Public right-of-way dedication: 41.8 acres

Public right-of-way abandonment: 0.3 acres

Bicycle Path: 0.7 acres

Park: 3.3 acres

Single-family residential, standard lots (424 lots): 81.0 acres

Single-family, half-acre lots (45 lots): 22.3 acres

Multi-family residential: 13.4 acres

Commercial: 36.6 acres

Stormwater facility: 5.4 acres

Land transfer from the Project site to the City: 1.0 acre

Land transfer from the City to the Project site: 0.8 acres

Proposed amendments to General Plan land use designations and zoning districts include removal of a Resource Constraint Overlay from four of five parcels involved in the Proposed Project, addition of commercial mixed use designations to three parcels, and other changes outlined in Table 1.

**Table 1. Existing vs. Proposed General Plan Designations and Zoning Districts**

APN/acres	Existing GP	Proposed GP	Existing Zoning	Proposed Zoning
002-190-041 / 48.0 acres	LDR/RCO OMU/RCO	LDR MDR CMU	R1-RC OR-RC	R1 R2 CC
018-510-007 / 100.2 acres	VLDR/RCO POS SOS	VLDR POS SOS	RS-20-PD-RC OS1 OS2	RS-20 OS1 OS2
018-510-008 / 111.1 acres	LDR/RCO MHDR/RCO SOS	LDR CMU POS SOS	R1-RC R3-RC OS2	R1 CC OS1 OS2
018-510-009 / 53.7 acres	LDR/RCO OMU/RCO SOS	LDR CMU MDR POS SOS	R1-RC OR-RC OS2	R1 CC R2 OS1 OS2
002-220-006 / 7.75 acres	SOS	SOS CMU	OS2	OS2 CC

The objectives of the Project are:

- Subdivision of the property into residential, commercial, open space and park lots in a manner that is consistent with the City of Chico's land use plans, policies, and regulations;
- Construction of infrastructure to serve all proposed lots;
- Preserve a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value;
- Enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats;
- Create residential neighborhoods in the project that offer a variety of housing types at various densities and price points to help meet the City's housing needs;
- Development of a project that is consistent with City design policies and Design Guidelines Manual;
- Provide commercial centers near major intersections to serve the surrounding residential neighborhoods and greater community; and
- Provide revenue to local businesses during project construction and operation.

***B. Elimination of RS-20 Lots Alternative***

Under the Elimination of RS-20 Lots Alternative, as fully described in Section B of Chapter VII of the Draft EIR, 45 suburban-residential (RS-20) lots proposed in the southeast portion of the project

site would be eliminated and approximately 13 acres of the 20-acre commercial lot (Lot 471) would be shifted to Low Density Residential (R1) development. All other portions of the project would remain the same as the Proposed Project.

By eliminating the RS-20 lots the Project would not need to extend infrastructure east of the Butte Creek Diversion Channel. The area previously associated with the RS-20 lots, which contains 1.2 acres of occupied Butte County meadowfoam habitat, would be added to the open space preserve and included in the Habitat Mitigation and Monitoring Plan to be established as part of the project.

Under the Elimination of RS-20 Lots Alternative, as fully described in Section B of Chapter VII of the Draft EIR, approximately 13 acres of the 20-acre commercial lot (Lot 471) would be shifted to Low Density Residential (R1) development. The approximately 7-acre commercial lot would still be situated at the intersection of Bruce Road and East 20<sup>th</sup> Street, and the remaining 13 acres (nearest Parkhurst Street and Laredo Way) would be platted-out with R1 lots appropriate for single-family residential development. Based on an average gross density of 5 units per acre, the additional 13 acres of R1-zoned property would correspond to approximately 65 homes. Thus, the Elimination of RS-20 Lots Alternative was described in the Draft EIR as resulting in the following changes to the project totals listed under Section IV.A, above:

Open Space: 131.1 acres (up from 108.8 acres)

Single-family residential, standard lots (489 lots): 94.0 acres

Single-family, half-acre lots (0 lots): 0 acres (down from 22.3 acres)

Commercial: 23.6 acres (down from 36.6 acres)

As a result of comments raised during the public review and comment period, the Applicant has requested two refinements of the Elimination of RS-20 Lots Alternative that are expected to further reduce potential impacts. These include:

- (1) A minor reconfiguration of the layout for Webster Drive to minimize through-trips on Webster Drive between Notre Dame Boulevard and Bruce Road, in response to comments raised by neighbors in that area; and
- (2) A shift to the allocation of commercial and residential uses on Lot 471 as compared to the allocation evaluated under Alternative B in the Draft EIR, in response to the Applicant's input regarding potential retail end-user capacities.

The refinement to Webster Drive is reflected on a revised Vesting Tentative Subdivision Map (dated-stamped Jul 26, 2018). The re-allocation of commercial and residential uses on Lot 471 would be implemented through a use permit (UP 18-14) which would allow between three acres and 13 acres of the 20-acre lot to be developed with ground-floor residential uses, resulting in a mix of commercial and residential uses on Lot 471. Allowing such a range for the relative proportions of future commercial and residential uses on Lot 471 would provide flexibility in situating a future commercial center at the major intersection of East 20<sup>th</sup> Street and Bruce Road, while allowing the remaining portion of the site nearest existing residential uses to be developed with residential uses.

These refinements to the Elimination of RS-20 Lots Alternative would retain the important elements of the initial Elimination of RS-20 Lots Alternative that would result in reduced impacts to biological resources, greenhouse gas emissions, traffic and transportation, and other environmental impacts, relative to the Proposed Project. The refinements, and the Elimination of RS-20 Lots Alternative as refined, do not constitute significant new information pursuant to CEQA Guideline 15088.5 because the refinements do not represent changes that deprive the public of a meaningful opportunity to comment on any substantial adverse environmental effects of the Project or a feasible



way to mitigate or avoid such effects that the project proponents have declined to implement. No aspect of the refinements involve a substantial increase in the severity of an environmental impact, compel the need for additional mitigation measures, or represent a change to the Elimination of RS-20 Lots Alternative that render it considerably different from what was presented in the Draft EIR. In this case, the Applicant proposes to move forward with the Elimination of RS-20 Lots Alternative, which was identified in the Draft EIR as the Environmentally Superior Alternative, with minor refinements. The public has been given the opportunity to meaningfully comment on the Elimination of RS-20 Lots Alternative. Therefore, the project refinements requested by the Applicant do not require recirculation of the Draft EIR.

The Elimination of RS-20 Lots Alternative, as refined, would meet the all of the project objectives in that it would: subdivide the property into residential, commercial, open space and park lots in a manner that is consistent with the City of Chico's land use plans, policies, and regulations; construct infrastructure to serve all proposed lots; preserve a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value; enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats; create residential neighborhoods in the project that offer a variety of housing types at various densities and price points to help meet the City's housing needs; develop a project that is consistent with City design policies and Design Guidelines Manual; provide commercial centers near major intersections to serve the surrounding residential neighborhoods and greater community; and provide revenue to local businesses during project construction and operation.

Similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would have less-than-significant impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, population and housing, public services, recreation, traffic and transportation, utilities and service systems and tribal cultural resources.

Also similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would result in significant and unavoidable impacts with regard to greenhouse gas emissions. With implementation of the Elimination of RS-20 Lots Alternative, these emissions would be reduced by approximately ten percent. The resulting impacts would be approximately 11,090 MT CO<sub>2</sub>e per year or 4.64 MT CO<sub>2</sub>e per service population per year in 2035. The same mitigation as presented in the Greenhouse Gas Emissions section of the Draft EIR would apply under the Elimination of RS-20 Lots Alternative, however, even after implementation of Mitigation Measure AIR-2C/GHG-1, operational GHG emissions would remain significant and unavoidable.

## **V. ENVIRONMENTAL REVIEW PROCESS**

In accordance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City issued a Notice of Preparation (NOP) of an EIR on June 20, 2016 (SCH# 2016062049). This notice was circulated to the public, local, State, and Federal agencies, and other interested parties to solicit comments on the Proposed Project.

Pursuant to CEQA Guidelines Section 15082(c)(1), the City of Chico held a public scoping meeting for the Proposed Project on July 12, 2016 in the Chico City Council Chambers, 421 Main Street, Chico, CA 95927. The meeting was duly noticed in the NOP that was posted on the City's website and directly mailed to public agencies and private parties, as well as in a public notice printed in the Chico Enterprise-Record. Approximately 28 persons attended the meeting, with 19 persons providing oral testimony.

The EIR includes an analysis of the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

An Initial Study of environmental impacts determined that the Proposed Project would have no impact on Agriculture and Forest Resources. Therefore, impacts to this area were not further studied in the EIR.

The City published the DEIR for public and agency review. The public review period was 45 days, beginning April 9, 2018, and ending on May 24, 2018. The City received a number of comment letters from agencies and the public regarding the DEIR. In April 2018, the City published a Final EIR for the project.

## **VI. RECORD OF PROCEEDINGS**

The record of proceedings for the decision on the Proposed Project and the Elimination of RS-20 Lots Alternative consists of the following documents, at a minimum:

- The Notice of Preparation dated June 20, 2016, and all other public notices issued by the City in conjunction with the Project;
- Oral testimony received at the July 12, 2016 public scoping meeting;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- Comments received on the Notice of Preparation issued by the City;
- The DEIR and all appendices to the DEIR for the Project;
- Notices of Completion and of Availability, providing notice that the DEIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the DEIR;
- The Final EIR for the Project dated August 2018, including all documents referred to or

relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:

- All timely comments received on the DEIR and responses to those comments;
- All Technical appendices to the EIR;
- Letters and correspondence submitted to the City following the release of the FEIR;
- The Mitigation Monitoring and Reporting Program for the Project;
- The Notices of Public Hearing issued in connection with Planning Commission and City Council hearings on the Project.
- All findings and resolutions adopted by the City in connection with the Project approvals, and all documents cited or referred to therein;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the DEIR or FEIR;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing.
- Any documentary or other evidence submitted to the City at any other information sessions, public meeting or public hearing;
- The relevant files of the City of Chico Community Development Department for the Project;
- The relevant City files and the materials submitted by the Project applicant;
- The City of Chico General Plan and Chico Municipal Code;
- Matters of common knowledge to the City including, but not limited to Federal, State, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the record is the Community Development Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

## **VII. FINDINGS REQUIRED UNDER CEQA**

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which

will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).)

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially lessen significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a)) With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b))

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Elimination of RS-20 Lots Alternative in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Elimination of RS-20 Lots Alternative as refined, which refinements are described in detail in Section IV.B above and discussed in further detail below.

## **VIII. MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Elimination of RS-20 Lots Alternative and is being approved by the City Council by the same resolution that adopts these findings. The City will use the MMRP to track compliance with the mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

## **IX. FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES**

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Elimination of RS-20 Lots Alternative (“Project”) may cause. Some of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less than significant level and will be significant and unavoidable. For the reasons set forth in Section XI, *infra*, however, the City has determined that overriding economic, social or other considerations outweigh the significant, unavoidable effects of the Project.

The City finds that all impacts related to Aesthetics, Agricultural and Forestry Resources, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Population and Housing, Public Services, and Recreation were all determined to be less than significant without the need for

mitigation.

The City's findings with respect to Project impacts requiring mitigation within the following topical areas are made below. With the exception of these identified impacts, the City finds that other impacts within these topical areas do not require mitigation and are less than significant. Likewise, unless otherwise specifically identified below, all cumulative impacts within these impact areas were determined to be less than significant.

## **A. Air Quality**

- 1. Impact AIR-2:** The DEIR found that the Proposed Project could potentially result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable State or federal ambient area quality standard. Specifically, the construction emissions associated with ROG and NO<sub>x</sub> would exceed BCAQMD standards. Further, construction would generate fugitive dust in the form of PM<sub>10</sub>. Similarly, the operational phase of the Proposed Project would generate ROG, NO<sub>x</sub>, and PM<sub>10</sub> in excess of relevant BCAQMD standards. Mitigation Measure AIR-2A has been provided, and requires that the Applicant include basic measures to control dust and exhaust during construction. Mitigation Measure AIR-2B has been provided to reduce emissions associated with diesel-powered construction equipment and architectural coatings. Mitigation Measure AIR-2C/GHG-1 has been provided to require that the Applicant implement BCAQMD-recommended operational mitigation measures. Implementation of Mitigation Measures AIR-2A through AIR-2C/GHG-1 would reduce these impacts to a less than significant level (**DEIR at IV.C-7 to IV.C-8**).

As described on pages VII-9 and VII-10 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to air quality related to cumulatively considerable net increases of a criteria pollutant for which the project region is non-attainment under an applicable State or federal ambient area quality standard. The Elimination of RS-20 Lots Alternative would have comparable but less impact on air quality emissions than the proposed Project. The Final EIR finds that Mitigation Measures AIR-2A through AIR-2C/GHG-1 would be adequate to reduce the air quality impacts of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact AIR-2 and Mitigation Measures AIR-2A through AIR-2C/GHG-1:** The incorporation of Mitigation Measures AIR-2A through AIR-2C/GHG-1 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 2. Impact AIR-4:** The DEIR found that the Proposed Project may expose sensitive receptors to substantial pollutant concentrations. Construction activities may occur in close proximity to sensitive receptors, potentially exposing them to diesel exhaust, which contains PM<sub>2.5</sub>. Mitigation Measure AIR-4 requires that the applicant to use Best Available Control Technology as recommended by BCAQMD, which would reduce this impact to a less than significant level (**DEIR at IV.C-15 to IV.C-16**).

As described on pages VII-9 and VII-10 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to air quality related to exposing sensitive receptors to substantial pollutant concentrations.

The Elimination of RS-20 Lots Alternative would have comparable but less impact on air quality emissions than the Proposed Project. The Final EIR finds that Mitigation Measure AIR-4 would be adequate to reduce the air quality impacts of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact AIR-4 and Mitigation Measure AIR-4:** The incorporation of Mitigation Measure AIR-4 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

## **B. Biological Resources**

- 1. Impact BIO-1:** The DEIR found that the Proposed Project could adversely impact special-status wildlife such as nesting bird species, pallid bats, the Western Spadefoot Toad, vernal pool crustaceans, and the Valley Elderberry Longhorn Beetle. Mitigation Measure BIO-1A requires that the Applicant implement mitigation measures to reduce impacts to nesting birds prior to the issuance of grading permits. Mitigation Measure BIO-1B mitigates for impacts to pallid bats by requiring that the Applicant implement impact reduction measures prior to issuance of a grading permit for RS-20 lots east of the Diversion Channel. Mitigation measure BIO-1C requires the applicant to implement a series of surveys and protection measures to minimize impacts to the Western Spadefoot. Mitigation Measure BIO-1D requires the applicant to mitigate for vernal pool crustacean habitat loss. Mitigation Measure BIO-1E outlines a series of required mitigation measures to minimize impacts to the Valley Elderberry Longhorn Beetle. Implementation of Mitigation Measures BIO-1A through BIO-1E reduces impacts to special-status wildlife species to a less than significant level (**DEIR at IV.D-46 to IV.D-52**).

As described on pages VII-10 and VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to biological resources related to special status wildlife species. The Elimination of RS-20 Lots Alternative would have comparable but less impact on special status wildlife species than the Proposed Project, as it would avoid Impacts BIO-1B (riparian oak woodland/pallid bat) and BIO-1E (elderberry shrubs/Valley elderberry longhorn beetle). The Final EIR finds that Mitigation Measures BIO-1A, BIO-1C and BIO-1D would be adequate to reduce the biological impacts to special status wildlife species of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impacts BIO-1A, BIO-1C and BIO-1D and Mitigation Measures BIO-1A, BIO-1C and BIO-1D:** The incorporation of Mitigation Measures BIO-1A, BIO-1C and BIO-1D into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- b. Finding Regarding Impacts BIO-1B and BIO-1E and Mitigation Measures BIO-1B and BIO-1E:** Since the Project no longer includes development of RS-20 lots on the east side of the Diversion Channel the project will not impact riparian oak woodland as identified in Impact BIO-1B or elderberry shrub habitat as identified in Impact BIO-1E. Therefore, including Mitigation Measures BIO-1B and BIO-1E is not necessary to avoid

or reduce these potentially significant impacts identified in the EIR.

- 2. Impact BIO-2:** The DEIR found that the Proposed Project could adversely impact special-status plant species such as BCM. Further, the DEIR found that construction activities from the Project may introduce invasive weeds into the on-site preserve. Mitigation Measure BIO-2A requires the Applicant to consult with USFWS and CDFW to develop appropriate compensatory mitigation for impacts to BCM-occupied habitat. Mitigation Measure BIO-2B requires the Applicant to prepare and implement a Weed Control Plan prior to construction activities. Implementation of Mitigation Measures BIO-2A and BIO-2B would reduce impacts to special-status plant species to a less than significant level (**DEIR at IV.D-52 through IV.D-56**).

As described on pages VII-10 and VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to biological resources related to special status plant species. The Elimination of RS-20 Lots Alternative would have significantly less impact on BCM than the proposed Project; impacting 1.13 acres instead of 2.33 acres of BCM habitat. The Final EIR finds that Mitigation Measures BIO-2A and BIO-2B would be adequate to reduce the biological impacts to special status plant species of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact BIO-2 and Mitigation Measures BIO-2A and BIO-2B:** The incorporation of Mitigation Measures BIO-2A and BIO-2B into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 3. Impact BIO-3:** The DEIR found that the Proposed Project could have a substantial adverse effect on riparian habitat and other sensitive natural communities. A utility crossing of the Butte Creek Diversion Channel to serve the RS-20 lots would impact 0.02 acre of Mixed Riparian Woodland. Mitigation Measure BIO-3A requires the Applicant to restore riparian habitat at a minimum ratio of 1:1 for temporary loss and 3:1 for permanent loss, in addition to implementing water quality protection measures. In addition to riparian habitat, the Project would potentially impact depressional seasonal wetlands, vernal pools, perennial marsh, riverine seasonal wetlands, ditches/canals, excavated pits, and ephemeral, intermittent, and perennial drainages. Mitigation Measure BIO-4 requires the applicant to perform a series of mitigation measures for impacts to wetlands prior to issuance of a grading permit. Implementation of Mitigation Measures BIO-3A and BIO-4 would reduce impacts to riparian habitat and other sensitive natural communities to a less than significant level (**DEIR at IV.D-56 to IV.D-61**).

As described on pages VII-10 and VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to biological resources related to riparian habitat and other sensitive natural communities. The Elimination of RS-20 Lots Alternative would avoid impacts to Mixed Riparian Woodland habitat and have comparable but less impact on other sensitive natural communities than the Proposed Project, as it would avoid Impact BIO-3A. The Final EIR finds that Mitigation Measure BIO-4 would be adequate to reduce the biological impacts to riparian habitat and other sensitive natural communities of the Elimination of RS-20 Lots



Alternative to a less than significant level.

- a. Finding Regarding Impact BIO-3 and Mitigation Measure BIO-4:** The incorporation of Mitigation Measure BIO-4 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- b. Finding Regarding Impact BIO-3 and Mitigation Measure BIO-3A:** Since the Project no longer includes development of RS-20 lots on the east side of the Diversion Channel the project will not impact Mixed Riparian Woodland as identified in Impact BIO-1A. Therefore, including Mitigation Measures BIO-3A is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

- 4. Impact BIO-4:** The DEIR found that the Proposed Project could have a substantial adverse effect on federally protected wetlands and waters. The Project could impact 9.35 acres of wetlands directly and 4.51 acres indirectly. If the land transfer proposed by the Project is declined, an additional 0.16 acres would be impacted. Potential impacts include direct modifications to scattered seasonal wetlands and unvegetated drainages to accommodate improvements, and indirect changes associated with the increased potential for erosion and water quality degradation, and alteration of the hydrology through increase in impervious surfaces within the Project site. Mitigation Measure BIO-4 requires the applicant to perform a series of mitigation measures for impacts to wetlands prior to issuance of a grading permit. These actions include obtaining a Lake or Streambed Alteration Agreement and preparing and implementing a compensatory mitigation plan for impacts to waters of the U.S. Implementation of Mitigation Measure BIO-4 would reduce these impacts to a less than significant level (**DEIR at IV.D-60 through IV.D-61**).

As described on pages VII-10 and VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to biological resources related to federally-protected wetlands and waters. The Elimination of RS-20 Lots Alternative would have comparable but less impact on wetlands and waters than the Proposed Project. The Final EIR finds that Mitigation Measure BIO-4 would be adequate to reduce the biological impacts to wetlands and waters of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact BIO-4 and Mitigation Measure BIO-4:** The incorporation of Mitigation Measure BIO-4 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.
- 5. Impact BIO-5:** The DEIR found that the Proposed Project could disturb movement, migration corridors, and nursery sites. The Diversion Channel and seasonal wetland swales provide movement corridors for common and special-status species as well as providing wildlife habitat. Approximately 9.35 acres of vernal pool and seasonal wetland habitats would be directly impacted by the Project, in addition to 4.51 acres that would be indirectly impacted. Mitigation Measure BIO-4 would create, preserve, or restore seasonal wetland habitats. With implementation of Mitigation Measure BIO-4, these impacts would be reduced to a less than significant level (**DEIR at IV.D-61 through IV.D-62**).

As described on pages VII-10 and VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to biological resources related to movement/migration corridors and nursery areas. The Elimination of RS-20 Lots Alternative would have comparable but less impact on movement/migration corridors and nursery areas than the Proposed Project. The Final EIR finds that Mitigation Measure BIO-4 would be adequate to reduce the biological impacts to movement/migration corridors and nursery areas of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact BIO-5 and Mitigation Measure BIO-4:** The incorporation of Mitigation Measure BIO-4 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

### **C. Cultural Resources**

- 1. Impact CULT-2:** The DEIR found that the Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. While a cultural resources survey recovered no significant cultural resources on the site, the potential to discover and disturb cultural resources is considered potentially significant. Mitigation Measure CULT-2 requires the applicant to provide reasonable notice and site access for tribal representatives during ground disturbing activities in areas mapped by the Mechoopda Indian Tribe of Chico Rancheria as high sensitivity areas. The measure further requires that upon discovery of archaeological or paleontological deposits, construction activity must cease until a qualified archaeologist or paleontologist assesses the significance of the find(s) and recommends further action. With implementation of CULT-2, impacts to archaeological and paleontological resources would be reduced to a less than significant level (**DEIR at IV.E-24 through IV.E-25**).

As described on page VII-11 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to cultural resources related to the potential for accidental discovery and disturbance of cultural resources during excavation. The Elimination of RS-20 Lots Alternative would have comparable but less impact in this regard than the Proposed Project. The Final EIR finds that Mitigation Measure CULT-2 would be adequate to reduce this potential cultural resources impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact CULT-2 and Mitigation Measure CULT-2:** The incorporation of Mitigation Measure CULT-2 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

### **D. Greenhouse Gas Emissions**

- 1. Impact GHG-1:** The DEIR found that the Proposed Project could generate greenhouse gas emissions that may have a significant impact on the environment. After accounting for energy consumption, transportation, solid waste generation, water use, and other relevant

factors, the Proposed Project's projected 2035 emissions total approximately 13,680 MT CO<sub>2</sub>e per year, which is considered cumulatively considerable and significant. Upon implementation of Mitigation Measure AIR-2C/GHG-1, which requires the Applicant to utilize BCAQMD-recommended operational mitigation measures, this impact would be reduced to approximately 13,666 tons of CO<sub>2</sub>e per year, which is still considered cumulatively considerable and significant. Additionally, construction emissions would add approximately 1,335 MT CO<sub>2</sub>e to these totals. As such, the residual significance of impacts from greenhouse gas emissions would be significant and unavoidable (**DEIR at IV.G-11 to IV.G-15**).

As described on pages VII-11 and VII-12 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in significant unavoidable impacts regarding greenhouse gas emissions. The Elimination of RS-20 Lots Alternative would have comparable but less greenhouse gas emissions than the Proposed Project, resulting in approximately 11,090 tons of CO<sub>2</sub>e per year from operations and 1,335 MT CO<sub>2</sub>e from construction activities. The Final EIR finds that Mitigation Measure AIR-2C/GHG-1 would reduce greenhouse gas emissions impacts, however *the residual significance of impacts from greenhouse gas emissions would be significant and unavoidable*.

**a. Finding Regarding Impact GHG-1 and Mitigation Measure AIR-2C/GHG-1:** The Project's generation of greenhouse gas emissions can be reduced through Mitigation Measure AIR-2C/GHG-1. The City hereby directs that this mitigation measure be required in or incorporated into the Project. However, implementation of that mitigation will not reduce the identified impact to a less than significant level.

**2. Impact GHG-2:** The DEIR found that the Proposed Project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. The City of Chico's 2020 Climate Action Plan outlines GHG reduction targets consistent with AB 32. While the Proposed Project is generally consistent with the plan, its GHG emissions would exceed the significance threshold of 1,100 MT CO<sub>2</sub>e and 4.6 MT CO<sub>2</sub>e per service population per year in the year 2035. As such, these impacts would be significant and unavoidable (**DEIR at IV.G-15 through IV.G-17**).

As described on pages VII-11 and VII-12 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in significant unavoidable impacts regarding greenhouse gas emissions. The Elimination of RS-20 Lots Alternative would have comparable but less greenhouse gas emissions than the Proposed Project, resulting in approximately 11,090 tons of CO<sub>2</sub>e per year from operations and 1,335 MT CO<sub>2</sub>e from construction activities. The Final EIR finds that Mitigation Measure AIR-2C/GHG-1 would reduce greenhouse gas emissions impacts, however *the residual significance of impacts from greenhouse gas emissions would be significant and unavoidable*.

**a. Finding Regarding Impact GHG-2 and Mitigation Measure AIR-2C/GHG-1:** The Project's generation of greenhouse gas emissions can be reduced through Mitigation Measure AIR-2C/GHG-1. The City hereby directs that this mitigation measure be required in or incorporated into the Project. However, implementation of that mitigation will not reduce the identified impact to a less than significant level.

## **E. Hydrology and Water Quality**

- 1. Impact HYDRO-3:** The DEIR found that the Proposed Project could result in substantial erosion or siltation through alteration of drainage patterns associated with development of the RS-20 lots. Development of the RS-20 lots would: discharge storm water runoff into the Butte Creek Diversion Channel, change existing topography, and place fill and structures within FEMA 100-year and DWR 200-year flood zones. These changes would alter flow and potentially result in substantial erosion and siltation. Mitigation Measure HYDRO-1 requires preparation of a detailed hydraulic evaluation prior to development of the RS-20 lots to identify specific improvements within the 100- and 200-year flood zones and modification of said improvements which may increase erosion or siltation resulting from those specific development plans. Mitigation Measure HYDRO-2 requires the applicant to coordinate any levee modification activities with the California Department of Water Resources and to obtain an encroachment permit from the Central Valley Flood Protection Board before commencing construction activities that could affect the integrity of the existing flood-control system associated with the Butte Creek Diversion Channel. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 reduce these impacts to a less than significant level (**DEIR at IV.I-16 through IV.I-18**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to hydrology and water quality. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it reduces the amount of impervious surfaces to be developed with the project and avoids placing fill or structures within the flood hazard zones located east of the levee. The Final EIR finds that Mitigation Measure HYDRO-2 would be adequate to reduce this potential impact to hydrology and water quality of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact HYDRO-3 and Mitigation Measure HYDRO-2:** The incorporation of Mitigation Measure HYDRO-2 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
- b. Finding Regarding Impact HYDRO-3 and Mitigation Measure HYDRO-1:** Since the Project no longer includes development of RS-20 lots on the east side of the levee the project will not alter drainage patterns in that area in a manner that could result in substantial erosion or siltation as identified in the EIR. Therefore, including Mitigation Measure HYDRO-1 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

- 2. Impact HYDRO-4:** The DEIR found that the Proposed Project could result in increased flooding through alteration of drainage patterns or substantial increases in the rate or amount of surface runoff. Compliance with the Construction General Permit and Small MS4 General Permit would ensure that the rate, volume, and/or duration of storm water discharges during project construction and operation activities would be similar to existing conditions. However, the Proposed Project would encroach on the Butte Creek Diversion Channel and levee and place fill material and structures within the FEMA 100-year flood zones and DWR 200-year flood zones. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 (see above) would reduce these impacts to a less than significant level (**DEIR at IV.I-18 through IV.I-19**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the

Elimination of RS-20 Lots Alternative would also result in less than significant impacts to hydrology and water quality. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it reduces the amount of impervious surfaces to be developed with the project and avoids placing fill or structures within the flood hazard zones located east of the levee. The Final EIR finds that Mitigation Measure HYDRO-2 would be adequate to reduce this potential impact to hydrology and water quality of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. **Finding Regarding Impact HYDRO-4 and Mitigation Measure HYDRO-2:** The incorporation of Mitigation Measure HYDRO-2 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
  - b. **Finding Regarding Impact HYDRO-4 and Mitigation Measure HYDRO-1:** Since the Project no longer includes development of RS-20 lots on the east side of the levee the project will not alter drainage patterns in that area in a manner that could result in substantial increases in the rate or amount of surface runoff as identified in the EIR. Therefore, including Mitigation Measure HYDRO-1 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.
3. **Impact HYDRO-7:** The DEIR found that the Proposed Project could place structures within a 100-year flood hazard area which would impede or redirect the flow of channel floodwater. Placement of structures east of the levee with the RS-20 lots could influence channel flow and cause a redirection and/or impediment of flood flows. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 (see above) would reduce these impacts to a less than significant level (**DEIR at IV.I-20**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to hydrology and water quality. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it avoids placing structures within the flood hazard zones located east of the levee where they could affect channel flows. The Final EIR finds that Mitigation Measure HYDRO-2 would be adequate to reduce this potential impact to hydrology and water quality of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. **Finding Regarding Impact HYDRO-7 and Mitigation Measures HYDRO-2:** The incorporation of Mitigation Measure HYDRO-2 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
- b. **Finding Regarding Impact HYDRO-7 and Mitigation Measures HYDRO-1:** Since the Project no longer includes development of RS-20 lots on the east side of the levee the project will not place structures within the flood hazard zones located east of the levee where they could affect channel flows as identified in the EIR. Therefore, including Mitigation Measure HYDRO-1 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

- 4. Impact HYDRO-8:** The DEIR found that the Proposed Project could result in inundation as a result of the failure of a levee or dam. The levee along the Butte Creek Diversion Channel provides flood protection for the City, and project components that encroach upon the levee could weaken its structural integrity. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 (see above) would reduce this impact of the Proposed Project to a less than significant level (**DEIR at IV.I-20**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to hydrology and water quality. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it avoids placing structures within the flood hazard zones located east of the levee where they could affect channel flows which may in turn weaken the structural integrity of the levee. The Final EIR finds that Mitigation Measure HYDRO-2 would be adequate to reduce this potential impact to hydrology and water quality of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact HYDRO-8 and Mitigation Measure HYDRO-2:** The incorporation of Mitigation Measure HYDRO-2 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
- b. Finding Regarding Impact HYDRO-8 and Mitigation Measures HYDRO-1:** Since the Project no longer includes development of RS-20 lots on the east side of the levee the project will not place structures within the flood hazard zones located east of the levee where they could affect channel flows and impact levee integrity as identified in the EIR. Therefore, including Mitigation Measure HYDRO-1 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

## **F. Noise**

- 1. Impact NOISE-2:** The DEIR found that the Proposed Project could introduce substantial nighttime noise at noise-sensitive uses due to noise associated with commercial parking areas. The configuration of parking areas within commercial lots is not known at this time and a noise assessment determined that, depending on the design, future commercial parking areas may exceed the City's nighttime noise level standards. Mitigation Measure NOISE-2 stipulates that future commercial parking areas shall be designed such that no residentially-zoned property would have 100 or more parking spaces within 100 feet, unless a solid noise barrier of 6 feet in height is included at the interface of the commercial parking area and the residential property. Implementation of Mitigation Measure NOISE-2 would reduce this impact to a less than significant level (**DEIR at IV.K-21 to IV.K-32**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from noise related to future development of commercial uses (parking areas, loading docks and truck routes). The Elimination of RS-20 Lots Alternative would have comparable impacts in this regard to the Proposed Project, though overall noise generation from added vehicle trips would be less than the Proposed Project. The Final EIR finds that Mitigation Measure NOISE-2 would be adequate to reduce this potential noise impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact NOISE-2 and Mitigation Measure NOISE-2:** The incorporation

of Mitigation Measure NOISE-2 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

- 2. Impact NOISE-3:** The DEIR found that the Proposed Project could introduce substantial noise at noise-sensitive uses due to noise associated with commercial delivery routes. The configuration of commercial areas and truck delivery circulation routes are not known at this time and a noise assessment determined, depending on their design, they may expose people to noise in excess of the City's daytime and nighttime noise standards. Mitigation Measure NOISE-3 stipulates that commercial development on Lots 471 and 474 shall be designed to maintain on-site delivery truck circulation routes a minimum distance of 50 feet from property lines shared with existing or future noise-sensitive residences in the vicinity. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design may be used to demonstrate that a lesser separation would meet the City's noise level standards. Implementation of Mitigation Measure NOISE-3 would reduce this impact to a less than significant level (**DEIR at IV.K-23 to IV.K-32**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from noise related to future development of commercial uses (parking areas, loading docks and truck routes). The Elimination of RS-20 Lots Alternative would have comparable impacts in this regard to the Proposed Project, though overall noise generation from added vehicle trips would be less than the Proposed Project. The Final EIR finds that Mitigation Measure NOISE-3 would be adequate to reduce this potential noise impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact NOISE-3 and Mitigation Measure NOISE-3:** The incorporation of Mitigation Measure NOISE-3 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
- 3. Impact NOISE-4:** The DEIR found that the Proposed Project could introduce substantial noise at noise-sensitive uses due to noise associated with delivery truck loading docks. Depending upon the location of the loading docks relative to outdoor activity areas of nearby residential uses, noise exposure from loading dock operations could exceed the City's daytime and nighttime noise standards. Mitigation Measure NOISE-4 stipulates that commercial development on Lots 471, 472 and 474, shall be designed to locate all loading docks a minimum distance of 125 feet from property lines abutting residentially-zoned properties. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design may be used to demonstrate that a lesser separation would meet the City's noise level standards. Implementation of Mitigation Measure NOISE-4 would reduce these impacts to a less than significant level (**DEIR at IV.K-24 to IV.K-32**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from noise related to future development of commercial uses (parking areas, loading docks



and truck routes). The Elimination of RS-20 Lots Alternative would have comparable impacts in this regard to the Proposed Project, though overall noise generation from added vehicle trips would be less than the Proposed Project. The Final EIR finds that Mitigation Measure NOISE-4 would be adequate to reduce this potential noise impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

**a. Finding Regarding Impact NOISE-4 and Mitigation Measure NOISE-4:** The incorporation of Mitigation Measure NOISE-4 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

- 4. Impact NOISE-6:** The DEIR found that the Proposed Project could expose residents of the proposed multi-family residential lots to exterior noise in excess of the City's noise level standard. Exterior noise due to traffic on Bruce Road would be approximately 65 dB at 130 feet from the Bruce Road centerline. Mitigation Measure NOISE-6 requires that future development of common outdoor areas on Lots 470 and 473 shall: (1) maintain a minimum setback distance of 130 feet from the centerline of Bruce Road, (2) be shielded by the proposed structures to completely block the common outdoor area(s) from view of Bruce Road, or (3) include a solid noise barrier meeting specifications outlined in a supporting acoustic study prepared by a qualified professional. Implementation of Mitigation Measure NOISE-6 would reduce this impact to a less than significant level (**DEIR at IV.K-27 to IV.K-32**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from noise. The Elimination of RS-20 Lots Alternative would have comparable impacts in this regard to the Proposed Project, though overall noise generation from added vehicle trips would be less than the Proposed Project. The Final EIR finds that Mitigation Measure NOISE-6 would be adequate to reduce this potential noise impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

**a. Finding Regarding Impact NOISE-6 and Mitigation Measure NOISE-6:** The incorporation of Mitigation Measure NOISE-6 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

- 5. Impact NOISE-7:** The DEIR found that the Proposed Project could expose future residents of the proposed multi-family residential lots adjacent to Bruce Road to interior noise in excess of the City's noise level standard. Exterior noise due to traffic on Bruce Road, some of which is attributable to the project, would be approximately 67 dB at 90 feet from the Bruce Road centerline. Mitigation Measure NOISE-7 requires that, should the building facades of the future multi-family residences be proposed within 90 feet of the centerline of Bruce Road, all upper floor windows of the residential structures located within that setback distance and within line-of-sight of Bruce Road shall be upgraded to STC-32 (Sound Transmission Class rating of 32 or higher). Implementation of Mitigation Measure NOISE-7 reduces this impact to a less than significant level (**DEIR at IV.K-30 to IV.K-32**).

As described on page VII-13 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from noise. The Elimination of RS-20 Lots Alternative would have comparable impacts in this regard to the Proposed Project, though overall noise generation from added vehicle trips would be less than the Proposed Project. The Final EIR finds that Mitigation Measure NOISE-7 would be adequate to reduce this potential noise impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. **Finding Regarding Impact NOISE-7 and Mitigation Measure NOISE-7:** The incorporation of Mitigation Measure NOISE-7 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

## **G. Transportation and Traffic**

1. **Impact TRANSPORTATION-1:** The DEIR found that the Proposed Project could increase delay at Bruce Road / Raley Boulevard and Skyway / Forest Avenue (Intersections 13 and 17) from acceptable to unacceptable conditions. Mitigation Measure TRANSPORTATION-1 requires the Applicant to design, fund, and install a traffic signal at Bruce Road/Raley Boulevard when traffic signal warrants are met. Installation of the signal at this intersection would improve the peak-hour level of service from LOS F to acceptable LOS D. Similarly, Mitigation Measure TRANSPORTATION-2 requires the Applicant to design, fund, and install a traffic signal at Skyway/Forest Avenue when traffic signal warrants are met. Installation of the signal at this intersection would improve the peak-hour level of service from LOS F to acceptable LOS A. Implementation of Mitigation Measures TRANSPORTATION-1 and TRANSPORTATION-2 would reduce these impacts to a less than significant level (**DEIR at IV.O-34 to IV.O-39**).

As described on pages VII-14 and VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from traffic added to the roadway system by the project. The Elimination of RS-20 Lots Alternative would add many fewer vehicle trips than the Proposed Project, however the reduction in overall vehicle trips is not anticipated to affect the conclusions made for the Proposed Project regarding the need to improve Bruce Road / Raley Boulevard and Skyway / Forest Avenue (Intersections 13 and 17). The Final EIR finds that Mitigation Measure TRANSPORTATION-1 and TRANSPORTATION-2 would be adequate to reduce these potential traffic impacts of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. **Finding Regarding Impact TRANSPORTATION-1 and Mitigation Measures TRANSPORTATION-1 and TRANSPORTATION-2:** The incorporation of Mitigation Measures TRANSPORTATION-1 and TRANSPORTATION-2 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
2. **Impact TRANSPORTATION-3:** The DEIR found that the Proposed Project would provide inadequate bike access to the RS-20 lots. These lots would be served by an existing Class 1 bike path along Potter Road, but would not have a direct bike connection to nearby

commercial land uses along Skyway. Mitigation Measure TRANSPORTATION-3 requires the Applicant to provide bike lanes or path connection along Skyway between Potter Road and existing facilities near Bruce Road during Phases 11 and/or 12 of the Project. Implementation of Mitigation Measure TRANSPORTATION-3 would reduce this impact to a less than significant level (**DEIR at IV.O-42 to IV.O-43**).

As described on pages VII-14 and VII-15 of the Draft EIR, unlike the Proposed Project, the Elimination of RS-20 Lots Alternative would alleviate the need to add bike lanes and pedestrian facilities along Skyway between Potter Road and Bruce Road pursuant to Mitigation Measures TRANSPORTATION-3 and TRANSPORTATION-4, respectively. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it avoids placing residences on the east of the Diversion Channel where inadequate bicycle and pedestrian infrastructure exists. The Final EIR finds that Mitigation Measures TRANSPORTATION-3 and TRANSPORTATION-4 are not necessary to address this impact because this impact will not occur under the Elimination of RS-20 Lots Alternative.

**a. Finding Regarding Impact TRANSPORTATION-3 and Mitigation Measure TRANSPORTATION-3:** Since the Project no longer includes development of RS-20 lots on the east side of the Diversion Channel the project will not place residences where inadequate bicycle infrastructure exists. Therefore, including Mitigation Measure TRANSPORTATION-3 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

**3. Impact TRANSPORTATION-4:** The DEIR found that the Proposed Project would provide inadequate pedestrian access for the RS-20 lots. No direct pedestrian facility would be available to the commercial land uses west along Skyway. There is no sidewalk connection present on Skyway between Bruce Road and Potter Road, and none is proposed along this section as part of the project to serve the new homes planned for the RS-20 lots. Mitigation Measure TRANSPORTATION-4 requires the applicant to include sidewalk or path connection along Skyway between Potter Road and facilities located near Bruce Road in subdivision improvement plans during Project Phases 11 and/or 12. Implementation of Mitigation Measure TRANSPORTATION-4 reduces this impact to a less than significant level (**DEIR at IV.O-43**).

As described on pages VII-14 and VII-15 of the Draft EIR, unlike the Proposed Project, the Elimination of RS-20 Lots Alternative would alleviate the need to add bike lanes and pedestrian facilities along Skyway between Potter Road and Bruce Road pursuant to Mitigation Measures TRANSPORTATION-3 and TRANSPORTATION-4, respectively. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it avoids placing residences on the east of the Diversion Channel where inadequate bicycle and pedestrian infrastructure exists. The Final EIR finds that Mitigation Measures TRANSPORTATION-3 and TRANSPORTATION-4 are not necessary to address this impact because this impact will not occur under the Elimination of RS-20 Lots Alternative.

**a. Finding Regarding Impact TRANSPORTATION-4 and Mitigation Measure TRANSPORTATION-4:** Since the Project no longer includes development of RS-20 lots on the east side of the Diversion Channel the project will not place residences where inadequate pedestrian infrastructure exists. Therefore, including Mitigation Measure TRANSPORTATION-4 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

- 4. Impact TRANSPORTATION-5:** The DEIR found that the Proposed Project could result in inadequate access to public transportation, as no new transit service or bus stops are specifically identified in the project description along Bruce Road between E. 20th Street and Skyway through the site, or on Skyway near Potter Road. Mitigation Measure TRANSPORTATION-5 requires the Applicant to coordinate with local public transit providers to determine a suitable transit service concept for the project site prior to City approval of each set of subdivision improvement plans. Implementation of Mitigation Measure TRANSPORTATION-5 reduces this impact to a less than significant level (**DEIR at IV.O-44**).

As described on pages VII-14 and VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts related to transportation and traffic. Mitigation Measure TRANSPORTATION-5 would still apply under the Elimination of RS-20 Lots Alternative to support the provision of future transit service along the Bruce Road corridor. The Final EIR finds that Mitigation Measure TRANSPORTATION-5 would be adequate to reduce this potential transportation impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact TRANSPORTATION-5 and Mitigation Measure TRANSPORTATION-5:** The incorporation of Mitigation Measure TRANSPORTATION-5 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

- 5. Impact TRANSPORTATION-7:** The DEIR found that the Proposed Project could contribute to a cumulative worsening of traffic conditions at Bruce Road / Raley Boulevard and Skyway / Forest Avenue. Mitigation Measure TRANSPORTATION-6 requires that the applicant carry out Mitigation Measure TRANSPORTATION-1. Mitigation Measure TRANSPORTATION-7 requires that the Applicant carry out Mitigation Measure TRANSPORTATION-2. Implementation of Mitigation Measures TRANSPORTATION-6 and TRANSPORTATION-7 reduce this impact to a less than significant level (**DEIR at IV.O-48 through IV.O-54**).

As described on pages VII-14 and VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts from traffic added to the roadway system by the project. The Elimination of RS-20 Lots Alternative would add many fewer vehicle trips than the Proposed Project, however the reduction in overall vehicle trips is not anticipated to affect the conclusions made for the Proposed Project regarding the need to improve Bruce Road / Raley Boulevard and Skyway / Forest Avenue (Intersections 13 and 17). The Final EIR finds that Mitigation Measure TRANSPORTATION-6 and TRANSPORTATION-7 would be adequate to reduce these potential traffic impacts of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact TRANSPORTATION-7 and Mitigation Measures TRANSPORTATION-6 and TRANSPORTATION-7:** The incorporation of Mitigation Measures TRANSPORTATION-6 through TRANSPORTATION-7 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The

City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

## **H. Utilities and Service Systems**

**1. Impact UTIL-3:** The DEIR found that the Proposed Project could result in substantial erosion or siltation through alteration of drainage patterns associated with development of the RS-20 lots. Development of the RS-20 lots would: discharge storm water runoff into the Butte Creek Diversion Channel, change existing topography, and place fill and structures within FEMA 100-year and DWR 200-year flood zones. These changes would alter flood flows and potentially result in substantial erosion and siltation by contributing to stream channel hydromodification downstream of the project site in Butte Creek. These change could result in the need for new or expanded storm water drainage facilities. Implementation of Mitigation Measures HYDRO-1 and HYDRO2 (see above) would reduce this impact to a less than significant level (**DEIR at IV.P-12**).

As described on page VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to utilities and service systems. The Elimination of RS-20 Lots Alternative would have less impact in this regard than the Proposed Project, as it reduces the amount of overall demand upon utilities and avoids placing fill or structures within the flood hazard zones located east of the levee. As noted above, Mitigation Measure HYDRO-1 pertains to development of the RS-20 lots, which would not occur under the Elimination of RS-20 Lots Alternative. The Final EIR finds that Mitigation Measure HYDRO-2 would be adequate to reduce this potential impact to utilities and service systems of the Elimination of RS-20 Lots Alternative to a less than significant level.

- a. Finding Regarding Impact UTIL-3 and Mitigation Measure HYDRO-2:** The incorporation of Mitigation Measure HYDRO-2 into the Project will ensure that this impact is reduced to a less than significant level. The City hereby directs that this mitigation measure be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.
- b. Finding Regarding Impact UTIL-3 and Mitigation Measure HYDRO-1:** Since the Project no longer includes development of RS-20 lots on the east side of the levee the project will not alter flood flows in that area in a manner that could substantially contribute to stream channel hydromodification downstream of the project site in Butte Creek resulting in the need for new or expanded storm water drainage facilities as identified in the EIR. Therefore, including Mitigation Measure HYDRO-1 is not necessary to avoid or reduce this potentially significant impact identified in the EIR.

## **I. Tribal Cultural Resources**

- 1. Impact TCR-1:** The DEIR found that the Proposed Project could cause a significant adverse change in a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). While no cultural resources were identified during a cultural resources survey, most of the Project Site east of Bruce Road is considered an area of High Sensitivity for archaeological resources related to the Mechoopda Indian Tribe of Chico Rancheria. Implementation of Mitigation Measure CULT-2 (see above) reduces this impact to a less than significant level (**DEIR at IV.Q-6 through IV.Q-7**).

As described on page VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to tribal cultural resources related to the potential for accidental discovery and disturbance of cultural resources during excavation. The Elimination of RS-20 Lots Alternative would have impacts comparable in this regard to the Proposed Project. The Final EIR finds that Mitigation Measure CULT-2 would be adequate to reduce this potential tribal cultural resources impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

**a. Finding Regarding Impact TCR-1 and Mitigation Measure CULT-2:** The incorporation of Mitigation Measure CULT-2 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

- 2. Impact TCR-2:** The DEIR found that the Proposed Project could cause a significant adverse change in a resource determined by the City to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. While no cultural resources were identified during a cultural resources survey, most of the Project Site east of Bruce Road is considered an area of High Sensitivity for archaeological resources related to the Mechoopda Indian Tribe of Chico Rancheria. Implementation of Mitigation Measure CULT-2 (see above) reduces this impact to a less than significant level (**DEIR at IV.Q-7**).

As described on page VII-15 of the Draft EIR, similar to the Proposed Project, the Elimination of RS-20 Lots Alternative would also result in less than significant impacts to tribal cultural resources related to the potential for accidental discovery and disturbance of cultural resources during excavation. The Elimination of RS-20 Lots Alternative would have impacts comparable in this regard to the Proposed Project. The Final EIR finds that Mitigation Measure CULT-2 would be adequate to reduce this potential tribal cultural resources impact of the Elimination of RS-20 Lots Alternative to a less than significant level.

**a. Finding Regarding Impact TCR-2 and Mitigation Measure CULT-2:** The incorporation of Mitigation Measure CULT-2 into the Project will ensure that these impacts are reduced to a less than significant level. The City hereby directs that these mitigation measures be required in or incorporated into the Project. The City therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects.

## **X. PROJECT ALTERNATIVES**

### **A. ALTERNATIVES ANALYSIS**

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

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

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of Proposed Project s and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

"[I]n the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

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

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

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

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range

of options. The alternatives evaluated included:

- (1) No Project Alternative;
- (2) Elimination of RS-20 Lots;
- (3) Existing Zoning Alternative.

### **Significant and Unavoidable Impacts**

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

### **Summary of Alternatives Considered**

The EIR examined a reasonable range of alternatives to the Proposed Project to determine whether any of those alternatives could meet most or all of the Project's objectives while avoiding or substantially lessening its significant impacts. The alternatives in the EIR were selected taking into consideration the following factors:

- **Alternative A - No Project.** This alternative assumes that the site remains in its undeveloped state with the existing zoning and General Plan land use designations. **(DEIR at VII-4 to VII-5)**
- **Alternative B- Elimination of RS-20 Lots Alternative.** Under Alternative C, the 45 proposed suburban-residential (RS-20) lots in the southeast portion of the Project site would be eliminated and approximately 13 acres of the 20-acre commercial lot (Lot 471) would be shifted to Low Density Residential (R1) development. The rest of the Project would proceed as proposed. **(DEIR at VII-6 to VII-16).**
- **Alternative C- Existing Zoning Alternative.** Under Alternative C, the Proposed Project would not include amendments to the General Plan and Zoning land use designations. The Project would be developed under the current General Plan and Zoning land use designations. **(DEIR at VII-17 to VII-22).**

### **Alternatives Eliminated from Detailed Consideration**

An alternative including only development west of Bruce Road was considered and rejected based on its failure to meet several Project objectives and its financial infeasibility. An off-site alternative, was deemed infeasible because the Applicant does not own any other property that would be feasible for this Project within the City. Additionally, development south of the Project Site was considered but eliminated because the Applicant does not own the land and the Chico Unified School District plans to construct a high school on the parcel. **(FEIR at VII-3).**

## **B. DISCUSSION OF ALTERNATIVES**

### **1. Alternative A – No-Project**



## **Characteristics and Analysis**

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

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

Under the No Project Alternative, the proposed subdivision, land transfer, General Plan and zoning amendments, and development would not occur. This alternative assumes that the site remains in its mostly undeveloped state and retains its current zoning and land use designations.

## **Conclusions**

Under the No Project Alternative, the Project Site would remain largely undeveloped. Accordingly, this alternative would avoid all of the Proposed Project’s significant impacts (including significant unavoidable impacts), as well as the need to implement any mitigation measures.

The No Project Alternative would avoid the Proposed Project’s significant and unavoidable impacts and would have less impact on all environmental topical areas. However, it would only meet one of eight Project objectives, and would fail in:

- Subdivision of the property into residential, commercial, open space and park lots in a manner that is consistent with the City of Chico’s land use plans, policies, and regulations;
- Construction of infrastructure to serve all proposed lots;
- Preservation of a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value;
- Enhancement of public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats;
- Creation of residential neighborhoods in the project that offer a variety of housing types at various densities and price points to help meet the City’s housing needs;
- Development of a project that is consistent with City design policies and Design Guidelines Manual;
- Provision of commercial centers near major intersections to serve the surrounding residential neighborhoods and greater community; and
- Provision of revenue to local businesses during project construction and operation.

Based on these considerations, the City finds that the No Project Alternative would not meet most of the project objectives and as such, this alternative is rejected as infeasible.

As required by CEQA Guidelines Section 15126.6(e)(2), because the environmentally superior alternative is the No Project Alternative, the EIR identifies an environmentally superior alternative from among the other alternatives. Therefore, the Elimination of RS-20 Lots Alternative, discussed below, would be the Environmentally Superior Alternative for the purpose of this analysis, even though it would still result in a significant and unavoidable impact.

## **2. Alternative B- Elimination of RS-20 Lots**

As discussed above, the City adopts the Elimination of RS-20 Lots Alternative as the Project.

### **Characteristics and Analysis**

Under Alternative B, the 45 proposed suburban-residential (RS-20) lots in the southeast portion of the Project site would be eliminated and approximately 13 acres of the 20-acre commercial lot (Lot 471) would be shifted to Low Density Residential (R1) development, Figure VII.Alt-1. All other portions of the Project would remain the same as the Proposed Project.

#### *Elimination RS-20 Lots*

Alternative B would eliminate the need to extend infrastructure and utilities east of the Butte Creek Diversion Channel with the Project. The area previously associated with the RS-20 lots, which contains 1.2 acres of occupied Butte County meadowfoam habitat, would be added to the open space preserve and habitat monitoring plan to be established as part of the Project.

#### *Commercial-to-Residential Shift*

Under Alternative B, approximately 13 acres of the 20-acre commercial lot (Lot 471) would be shifted to Low Density Residential (R1) development. The approximately 7-acre commercial lot would still be situated at the intersection of Bruce Road and East 20<sup>th</sup> Street, and the remaining 13 acres (nearest Parkhurst Street and Laredo Way) would be platted out with R1 lots appropriate for single-family residential development. Based on an average gross density of 5 units per acre, the additional 13 acres of R1-zoned property would correspond to approximately 65 homes. Thus, Alternative B would result in the following changes to the Project totals listed on Page III-10:

Single-family residential, standard lots (489 lots): 94.0 acres

Single-family, half-acre lots (0 lots): 0 acres (down from 22.3 acres)

Commercial: 23.6 acres (down from 36.6 acres)

Open Space: 131.1 acres (up from 108.8 acres)

#### *Refinements to the Elimination of RS-20 Lots Alternative*

As discussed above, two refinements have been made to this alternative. In response to comments raised during the public review and comment period, the Applicant has requested two refinements of the Elimination of RS-20 Lots Alternative. These include:

- (1) A minor reconfiguration of the layout for Webster Drive to minimize through-trips on

Webster Drive between Notre Dame Boulevard and Bruce Road, in response to comments raised by neighbors in that area; and

- (2) A shift to the allocation of commercial and residential uses on Lot 471 as compared to the allocation evaluated under Alternative B in the Draft EIR, in response to the Applicant's input regarding potential retail end-user capacities.

The refinement to Webster Drive is reflected on a revised Vesting Tentative Subdivision Map (dated-stamped Jul 26, 2018). The re-allocation of commercial and residential uses on Lot 471 would be implemented through a use permit (UP 18-14) which would allow between three acres and 13 acres of the 20-acre lot to be developed with ground-floor residential uses, resulting in a mix of commercial and residential uses on Lot 471. Allowing such a range for the relative proportions of future commercial and residential uses on Lot 471 would provide flexibility in situating a future commercial center at the major intersection of East 20th Street and Bruce Road while allowing the remaining portion of the site nearest existing residential uses to be developed with residential uses.

These refinements to the Elimination of RS-20 Lots Alternative would retain the important elements of the Elimination of RS-20 Lots Alternative that would result in reduced impacts to biological resources, greenhouse gas emissions, traffic and transportation, and other environmental impacts, relative to the Proposed Project. The refinements, and the Elimination of RS-20 Lots Alternative as refined, do not constitute significant new information pursuant to CEQA Guideline 15088.5 because the refinements do not represent changes that deprive the public of a meaningful opportunity to comment on any substantial adverse environmental effects of the Project or a feasible way to mitigate or avoid such effects that the project proponents have declined to implement. No aspect of the refinements: involve a substantial increase in the severity of an environmental impact, compel the need for additional mitigation measures, or represent a change to the Elimination of RS-20 Lots Alternative that render it considerably different from what was presented in the Draft EIR. In this case, the Applicant proposes to move forward with the Elimination of RS-20 Lots Alternative, which was identified in the Draft EIR as the Environmentally Superior Alternative, with minor refinements and the public was given the opportunity to meaningfully comment on the Elimination of RS-20 Lots Alternative. Therefore, the project refinements requested by the Applicant do not require recirculation of the Draft EIR.

### **Conclusions**

Alternative B would meet the all of the project objectives in that it would result in:

- Subdivision of the property into residential, commercial, open space and park lots in a manner that is consistent with the City of Chico's land use plans, policies, and regulations;
- Construction of infrastructure to serve all proposed lots;
- Preserve a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value;
- Enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats;
- Create residential neighborhoods in the project that offer a variety of housing types at

various densities and price points to help meet the City's housing needs;

- Development of a project that is consistent with City design policies and Design Guidelines Manual;
- Provide commercial centers near major intersections to serve the surrounding residential neighborhoods and greater community; and
- Provide revenue to local businesses during project construction and operation.

Alternative B would lessen the severity of significant impacts that can be reduced to a level of less than significant with mitigation (e.g., aesthetics, air quality, biological resources, hydrology and water quality, noise, and traffic and transportation). The Alternative B would meet all of the Project objectives, although several would be advanced to a lesser degree than the Proposed Project primarily because of the reduction in development potential from the elimination of the RS-20 lots and associated infrastructure.

Because Alternative B – the Elimination of RS-20 Lots Alternative would meet all of the Project objectives, while at the same time minimizing the severity of impacts, particularly impacts to BCM and other biological resources, the City adopts the Elimination of RS-20 Lots Alternative and with the refinements described above.

### **3. Alternative C – Existing Zoning**

#### **Characteristics and Analysis**

Under Alternative C, the Proposed Project would not include amendments to the General Plan and Zoning land use designations. The Project would be developed under the current General Plan and Zoning land use designations.

Under Alternative C, the Project would not include any community commercial, as it is not permitted under the existing land use designations. This alternative would retain the open space zoning that conforms to the Butte Creek Diversion Channel corridor (approximately 6 acres), but would not establish a large open space preserve as would the Proposed Project.

Development under Alternative C instead would include more low density residential throughout the Project site. Higher-density multifamily would be shifted from the northern portions of the Project site along Bruce Road to the southern border adjacent to Skyway. A limited amount of office residential would be permitted at the corners of Bruce Road and East 20<sup>th</sup> Street. Half-acre suburban residential (RS-20) lots would be developed on the entire area east of the Diversion Channel.

#### **Conclusions**

Alternative C would not meet the following Project objectives:

- Provide commercial centers near major intersections to serve the surrounding residential neighborhoods and greater community;
- Preserve a significant amount of open space on the site, over 100 acres, so as to retain the areas of highest biological resource value;
- Enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats.

Alternative C would meet the following Project objectives:

- Subdivision of the property into residential, commercial, open space and park lots in a manner that is consistent with the City of Chico's land use plans, policies, and regulations;
- Construction of infrastructure to serve all proposed lots;
- Create residential neighborhoods in the Project that offer a variety of housing types at various densities and price points to help meet the City's housing needs;
- Development of a Project that is consistent with City design policies and Design Guidelines Manual;
- Provide revenue to local businesses during Project construction and operation.

Alternative C would lessen the severity of significant impacts that can be reduced to a level of less than significant with mitigation (e.g., aesthetics, air quality/greenhouse gas emissions, noise, and traffic and transportation). However, it would increase impacts related to biological resources, hydrology and water quality, population and housing, schools, parks, and recreation facilities. Construction and operation activities under Alternative C would impact sensitive biological species more than the Proposed Project and other alternatives, particularly with regard to Butte County meadowfoam where all 5.14 acres of onsite occupied habitat would be removed. These impacts are substantially greater than those associated with the Proposed Project, and it is not apparent if they would be completely mitigated by implementing the mitigation measures listed in Section IV.D.

The Alternative C would not meet the objective of providing a community commercial area to serve the surrounding residential neighborhoods, nor the objective to provide a large open space preserve to protect biological resources. Alternative C would fail to enhance public access to and protect the integrity of the Butte Creek Diversion Channel and adjacent habitats. It would meet other objectives, although several would be met to a lesser degree than the proposed Project, primarily due to the elimination of community commercial land uses. The proposed Project and Alternative B provide a greater balance between the benefits of the Project against its potentially significant impacts after mitigation, particularly with regard to Butte County Meadowfoam.

Accordingly, the Existing Zoning Alternative is rejected as infeasible.

## **XI. RECIRCULATION NOT REQUIRED**

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR but before certification.

Recirculation of the EIR is not required because no significant new information has been received disclosing that: (1) a new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, (3) a feasible mitigation measure or alternative considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project but the project proponents decline to adopt it, or (4) the Draft EIR was so fundamentally and basically

inadequate and conclusory in nature that meaningful public review and comment were precluded.

## **XII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to CEQA Guideline Section 15093, the City has balanced the economic, legal, social, technological or other benefits of the Elimination of RS-20 Lots Alternative and with the refinements discussed above, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts. The City finds that the benefits of the Elimination of RS-20 Lots Alternative outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statements identify the reasons why, in the City's judgment, specific benefits of the Project outweigh the significant and unavoidable effects of the Elimination of RS-20 Lots Alternative. The substantial evidence supporting the benefits of the Elimination of RS-20 Lots Alternative can be found in the preceding sections of these Findings, in the Project itself, and in the record of proceedings as defined above. The City further finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding.

The City has considered the EIR, the public Record of Proceedings and other written materials presented to and prepared by the City, as well as verbal and written testimony received, and hereby determines that implementation of the Elimination of RS-20 Lots Alternative would result in the following substantial public benefits:

1. The Elimination of RS-20 Lots Alternative lays out a variety of different lot sizes of single-family housing, ranging from approximately 5,200 square feet to 17,500 square feet in size, among over 400 total lots. The Elimination of RS-20 Lots Alternative includes two lots that would be zoned R2 (which permits 6 to 14 units per gross acre) suitable for development with multi-family residential units. Up to 233 units may be constructed on these R2 lots. Additional multi-family housing is proposed on Lot 471, which would be zoned CC (Community Commercial, 6 to 22 units per gross acre), providing for a mix of residential and commercial uses on Lot 471. The Elimination of RS-20 Lots Alternative will offer a variety of housing types at various densities and price points to help meet the City's housing needs; and
2. The Elimination of RS-20 Lots Alternative will include approximately 136 acres of open-space preserve. The open space preserve would include grassland habitat intermixed with a variety of seasonal wetlands, vernal pools, natural drainages, and a segment of the Butte Creek Diversion Channel. The open space would preserve, protect and support long-term management of large populations of the federal- and state-endangered Butte County Meadowfoam; and
3. The Elimination of RS-20 Lots Alternative will positively contribute to the local economy by creating jobs. The number of additional jobs realized from the Elimination of RS-20 Lots Alternative will depend upon the actual end-users of the commercial lots. Using a standard commercial development rate of 10,000 square feet per acre and employment rate of 1 employee per 500 square feet, the Elimination of RS-20 Lots Alternative is estimated to create approximately 780 new jobs. New employment opportunities would include full-time and part-time positions. The California Employment Development Department estimated that

there were 6,600 unemployed persons in Butte County as of May 2016. Of this figure, an estimated 2,600 unemployed persons are in Chico. In addition, the Elimination of RS-20 Lots Alternative will create temporary construction jobs; and

4. The Elimination of RS-20 Lots Alternative would create commercial nodes at two major intersections in the southeast portion of the City: Bruce Road at East 20th Street and Bruce Road at Skyway with access via Raley Boulevard. These new commercial nodes will better serve the retail demands of the market area and would reduce vehicle miles traveled by new residents within the project by providing goods and services within walking and biking distance of the new residential uses; and
5. The Elimination of RS-20 Lots Alternative will generate additional property tax revenue and sales tax revenue, as the subdivision will create new lots with substantially increased assessed valuations and additional taxable sales will be generated by the new retail uses and new residents; and
6. The Elimination of RS-20 Lots Alternative will promote economic growth in accordance with the goals and policies set forth in the City of Chico General Plan; specifically, Goal ED-1, which calls for the City to implement an Economic Development Strategy to enhance Chico's long-term prosperity; and
7. The Elimination of RS-20 Lots Alternative will enhance bicycle and pedestrian circulation by creating Class II bike lanes and sidewalks on Bruce Road between East 20th Street and Skyway. The Elimination of RS-20 Lots Alternative would also connect existing bike lanes on Bruce Road, East 20th Street, and Skyway.

After weighing the economic, legal, social, technological, and other benefits of the Elimination of RS-20 Lots Alternative against its significant unavoidable impacts, the City hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Elimination of RS-20 Lots Alternative, and further determines that the significant unavoidable impacts of the Elimination of RS-20 Lots Alternative are acceptable.

Accordingly, the City adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Elimination of RS-20 Lots Alternative. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report and herein; (ii) rejected alternatives to the Project and the Elimination of RS-20 Lots Alternative, as discussed in the Environmental Impact Report and herein; and (iii) recognized the significant unavoidable impacts of the Elimination of RS-20 Lots Alternative, the City hereby finds that the benefits of the Elimination of RS-20 Lots Alternative, as stated herein, are determined to be overriding considerations that warrant approval of the Elimination of RS-20 Lots Alternative and outweigh and override its significant unavoidable greenhouse gas emissions impact, and thereby justify the approval of the Elimination of RS-20 Lots Alternative for the Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone project.

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# Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Mitigation Monitoring and Reporting Program

State Clearinghouse No. 2016062049

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**Lead Agency:**

City of Chico  
Community Development Department, Planning Division  
411 Main Street, 2<sup>nd</sup> Floor  
Chico, CA 95928

**Contact:**

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August 2018







**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Section IV.C—Air Quality					
<p><b>MM AIR-2A:</b> Include basic measures to control dust and exhaust during construction.</p> <p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. The contractor shall implement the following best management practices:</p> <ol style="list-style-type: none"><li>1. Reduce the amount of the disturbed area where possible;</li><li>2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;</li><li>3. All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used;</li><li>4. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</li><li>5. Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established;</li><li>6. All disturbed soil areas non-subject to revegetation should be stabilized using approved chemical soil binders,</li></ol>	Receipt of documentation; Notes on construction plans; Site inspection	Prior to issuance of grading permits; During construction activities	City of Chico		

Attachm

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>jute netting, or other methods approved in advance by the District;</p> <p>7. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</p> <p>9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of fretboard (minimum vertical distances between top of load and top of trailer) in accordance with local regulations;</p> <p>10. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</p> <p>11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible; and</p> <p>12. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.</p>					
<p><b>MM AIR-2B:</b></p> <p>. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA NOx emissions standards for Tier 4 engines or equivalent.</p>	Notes on construction plans; Site inspection	Prior to issuance of grading permits; During construction activities	City of Chico; BCAQMD		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
2. The project sponsor shall require all architectural coatings during construction containing 50 g/L or less.					
<b>MM AIR-2C/GHG-1:</b> The project applicant shall implement the following BCAQMD-recommended operational mitigation measures: <ol style="list-style-type: none"> <li>1. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools;</li> <li>2. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles;</li> <li>3. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible;</li> <li>4. Final designs shall consider buildings that include roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows (passive solar design);</li> <li>5. Utilize high efficiency gas or solar water heaters;</li> <li>6. Utilize built-in energy efficient appliances (i.e., Energy Star);</li> <li>7. Utilize double-paned windows;</li> <li>8. Utilize low energy street lights (i.e. light-emitting diode);</li> <li>9. Utilize energy-efficient interior lighting;</li> <li>10. Utilize low-energy traffic signals (i.e., light-emitting diode);</li> <li>11. The project shall meet all title 24 requirements, including but not limited to;               <ol style="list-style-type: none"> <li>a. Install door sweeps and weather stripping (if</li> </ol> </li> </ol>	Notes on construction plans; Site inspection	Prior to issuance of building permits ; Prior to final occupancy; Prior to final map approval	City of Chico; BCAQMD		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>more efficient doors and windows are not available);</p> <p>b. Install energy-reducing programmable thermostats;</p> <p>c. Use roofing material with a solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling needs; and</p> <p>12. Prior to the recordation of each Final Map, to the extent that cumulative project operational emissions exceed applicable thresholds the project applicant shall participate in an Off-site Mitigation Program coordinated through the Butte County Air Quality Management District (BCAQMD). The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Off-site Mitigation Program.</p>					
<p><b>MM AIR-4:</b> Selection of equipment during construction to minimize emissions. Such equipment selection would include the following.</p> <p>1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) could meet this</p>	Notes on construction plans	Prior to issuance of grading permits; ; During construction activities	City of Chic; BCAQMD		

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**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant;</p> <p>2. Implementing a design measure to minimize emissions from on- and off-road equipment associated with the construction phase. This measure should include but not be limited to the following elements:</p> <ul style="list-style-type: none"> <li>a. Tabulation of on- and off-road construction equipment (type, age, horse-power, engine model year and miles and/or hours of operation);</li> <li>b. Schedule equipment to minimize the amount of large construction equipment operating simultaneously during any given time period;</li> <li>c. Locate staging areas at least 1,000 feet away from sensitive receptors;</li> <li>d. Where feasible, limit the amount of cut and fill to 2,000 cubic yards per day;</li> <li>e. Where feasible, limit the length of the construction work-day period; and</li> <li>f. Where feasible, phase construction activities;</li> </ul> <p>3. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;</p> <p>4. Proposed truck routes should be evaluated to define routing patterns with the least impact to residential communities and sensitive receptors and identify these receptors in a truck route map; and</p>					

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**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
5. Trucks and vehicles should be kept with the engine off when not in use, to reduce vehicle emissions. Signs shall be placed in queuing areas to remind drivers to limit idling to no longer than 5 minutes.					
<b>Section IV.D—Biological Resources</b>					
<p><b>MM BIO-1A:</b> Prior to the issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to nesting birds, including white-tailed kite, grasshopper sparrow, oak titmouse, loggerhead shrike, yellow-billed magpie, Nuttall's woodpecker, and other nesting bird species protected by the MBTA and CFGC.</p> <ul style="list-style-type: none"> <li>• If ground disturbance or vegetation removal is initiated in the non-breeding season (August 16 through January 31), no pre-construction surveys for nesting birds are required and no adverse impact to nesting birds would result.</li> <li>• If ground disturbance or removal of vegetation is initiated during the breeding bird season (February 1 through August 15), pre-construction surveys shall be performed by a qualified biologist no more than 14 days prior to commencement of ground disturbing activities to determine the presence and location of nesting bird species within and adjacent to the proposed project footprint. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior implementation of the following measures if nesting birds are present: <ul style="list-style-type: none"> <li>• If active nests are present, temporary no-work buffers shall be placed around active nests to</li> </ul> </li> </ul>	Notes on construction plans; Receipt of documentation; Site inspection	Prior to issuance of a grading permit	City of Chico; Qualified biologist		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>prevent adverse impacts to nesting birds. Appropriate buffer distance shall be determined by a qualified biologist and is dependent on species and subsequent foraging requirements, legal status of species, surrounding vegetation, and topography. Typical buffer distances vary from 25 feet for common passerines to 500 feet for larger raptors and/or CDFW fully protected species. Work may continue within the buffer area once an active nest becomes inactive due to natural causes (i.e. young fledging the nest, the nest being otherwise depredated, etc.) and no adverse impact to birds would result from the proposed project.</p>					
<p><b>MM BIO-1C:</b> Prior to issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to western spadefoot:</p> <ul style="list-style-type: none"> <li>• Prior to initial ground disturbance, a pre-construction presence/absence survey shall be conducted by a qualified biologist using appropriate site-specific methodology (e.g., visual surveys for adult spadefoots during or immediately following the first heavy rains of the fall/winter period). A qualified biologist may also survey aquatic habitat for breeding adults, eggs, and/or larvae. If western spadefoot is not present, impacts to this species would be avoided. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior implementation of the following measures if western spadefoot is present:</li> <li>• If western spadefoots individuals are found within or</li> </ul>	<p>Notes on construction plans; Receipt of documentation; Site inspection</p>	<p>Prior to issuance of a grading permit; During construction activities</p>	<p>City of Chico; Qualified biologist; CDFW</p>		

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**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>adjacent to the Study Area, the Applicant shall retain a qualified biologist to consult with CDFW to determine appropriate mitigation for impacts to western spadefoot habitat and individuals.</p> <ul style="list-style-type: none"> <li>In addition to consultation with CDFW, construction activities shall take place during the dry season (generally June 1 through September 30) within two kilometers of aquatic habitats. If construction activities extend into the wet season (generally October 1 through May 31), temporary exclusion fencing shall be installed 100 feet from work areas to prevent western spadefoot from entering construction areas. In addition, the following BMPs shall be implemented during construction: <ul style="list-style-type: none"> <li>Escape ramps shall be installed in all trenches or excavations to allow western spadefoot to escape.</li> <li>Biological monitoring shall be provided by an agency-approved biologist during construction in all areas within two kilometers of aquatic habitats. The biological monitor shall identify, capture, and relocate western spadefoot present in the work area to a pre-approved location, if necessary.</li> <li>Water quality of western spadefoot habitat shall be maintained through implementation of appropriate erosion-control measures to reduce siltation and contaminated runoff from the project by maintaining vegetation within buffers and/or through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.</li> </ul> </li> <li>In addition, the proposed project shall be required to</li> </ul>					

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
mitigate for impacts to 9.35 acres (Direct impacts) and 4.51 acres (Indirect Impacts) of aquatic resources that shall result in the creation, preservation, restoration, or purchase of mitigation bank credits for wetlands (see MM BIO-4 below).					
<p><b>MM BIO-1D:</b> Prior to issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to special-status vernal pool crustaceans:</p> <ul style="list-style-type: none"> <li>• Unless a protocol-level presence/absence survey prepared by a qualified biologist demonstrates a lesser amount of occupied habitat within the development area, it shall be assumed that the project will result in the loss of 9.35 acres of occupied special-status vernal pool crustacean habitat.</li> <li>• If VPFS and/or VPTS are either presumed present or determined by surveys to be present, and avoidance is not feasible, then impacts to their habitat shall be mitigated at a 2:1 ratio (two acres mitigated for every one acre lost) through preservation, restoration, and/or creation of suitable vernal pool crustacean habitat or purchase of vernal pool mitigation bank credits. However, final habitat acreages, mitigation ratios and other project-specific compensatory requirements shall be determined through consultation between USFWS and the Corps as part of the Section 404 permitting process.</li> </ul>	Receipt of documentation	Prior to issuance of a grading permit; During Section 404 permitting process	City of Chico; Qualified biologist USFWS; Army Corps of Engineers		
<p><b>MM BIO-2A:</b> Prior to the issuance of a grading permit, the Applicant shall consult with both the USFWS and the CDFW to obtain authorization for project implementation and develop appropriate type and amount of compensatory mitigation for</p>	Receipt of documentation; Approval of mitigation and	Prior to issuance of a grading permit for any phase of development with	City of Chico; USFWS; CDFW; Qualified		

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Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>project impacts to Butte County meadowfoam (BCM) occupied habitat.</p> <p>To compensate for project impacts to occupied BCM habitat the Applicant shall, prior to the issuance of a grading permit for each phase of development that will result in direct impacts to BCM:</p> <p>(1) Preserve and enhance BCM habitat within the 108-acre on-site preserve area and the Doe Mill-Schmidbauer Meadowfoam Preserve areas pursuant to a Habitat Mitigation and Monitoring Plan approved by the USFWS and the CDFW at a minimum 1:1 ratio for temporary impacts (1.0 acres enhanced over pre-project conditions for every one acre of temporarily impacted habitat) and at the ratios described below for permanent impacts. Enhancement activities will be detailed in the Habitat Mitigation and Monitoring Plan and will include vegetation management for non-native, annual grasses. In addition, in areas not previously documented to support BCM, but which consist of the same mapped soils association, BCM habitat will be created at a 1.5:1 ratio for permanent impacts (1.5 acres created over pre-project conditions for every one acre of permanently impacted habitat). Because successful creation of the microhabitat required by BCM cannot be guaranteed, a performance bond, annual letter of credit, or other such form of security acceptable to the City shall be established in an amount equivalent to the costs of purchasing BCM credits or purchasing property shown to support sufficient BCM habitat meeting the ratio requirements outlined in Section (2) of this mitigation, below. The option to purchase the requisite credits or BCM habitat shall be secured by the applicant prior to approval of grading or other work resulting in impacts to BCM for which mitigation is not already in place. Creation of BCM</p>	<p>monitoring plan; Approval for consistency determination or Section 2081 Incidental Take Permit concerning BCM</p>	<p>direct impacts to BCM; Five years following habitat creation</p>	<p>biologist</p>		

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Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>habitat will likely consist of seed collection, contouring areas within the onsite preserve that are currently and historically not occupied by BCM to produce suitable topographical and hydrological conditions for BCM, sowing approximately 50 percent of the collected seed stock (holding the other 50 percent in reserve), and, if necessary, distributing topsoil from impacted BCM areas to the BCM habitat creation area. Biological monitoring for the successful establishment of BCM will be conducted for five years or until the success criteria are met for three years without human intervention. Monitoring will include: (a) monitoring of general conditions within the BCM establishment area including documentation of vegetation community, vegetative cover, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) the extent of BCM occurrence within the creation area will be recorded, following the methodology used to assess occupied habitat, and adjacent known BCM habitat will also be monitored to provide a reference for BCM populations; (c) the creation will be deemed successful when three years of monitoring of occupied BCM habitat within the creation areas meets or exceeds the creation ratio (i.e., 1.5:1); and (d) reserved BCM seed can be used during the monitoring period to supplement areas where BCM establishment is not meeting success criteria. The Habitat Mitigation and Monitoring Plan shall detail methods, locations, and goals for BCM habitat creation efforts, and include contingency measures that address the potential that creation efforts could fall short of stated goals (including security provisions for acquiring off-site BCM habitat as noted above or,</p> <p>(2) Preserve habitat for BCM at a 19:1 ratio (19 acres of</p>					

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Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>preservation for every one acre impacted) for direct impacts and at a 5:1 ratio (five acres of preservation for every one acre impacted) for indirect impacts. However, final habitat acreages, mitigation ratios, and other project-specific compensatory requirements for direct and indirect impacts shall be finalized during consultation between USFWS and the Corps as part of the Section 404 permitting process and during consultation with the CDFW. This compensatory mitigation may include one or a combination of the following options:</p> <ul style="list-style-type: none"> <li>• Purchase BCM credits from an approved mitigation bank within the service area. The actual fee paid shall be that in effect at the time of payment.</li> <li>• Preserve, as described in the Habitat Mitigation and Monitoring Plan, BCM habitat at an existing site where long-term protections encumbering the property are currently not in place. This would likely include habitat within the 108 acre on-site, open space preserve as well as the adjacent 14.76 acre Doe Mill-Schmidbauer Preserve (APN 018-510-002), which was dedicated to the City by the owner of the Stonegate project in 1989 in anticipation of mitigation requirements for a previous project that did not move forward at that time. This option may also include purchasing property off-site that contains existing occupied BCM habitat. In either case, this option would require the preparation of a long-term management plan, subject to approval by USFWS and the City, prior to the start of construction to ensure that the population of BCM is protected in perpetuity.</li> </ul> <p>Final habitat acreages, mitigation ratios, and other project-specific</p>					

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
compensatory requirements shall be determined through consultation between USFWS and the Corps as part of the Section 404 permitting process. The exact cost to purchase preservation credits for project-related impacts shall be determined at the time of purchase. Mitigation credits shall be purchased and/or a conservation area and management plan shall be established prior to any grading or other ground-disturbing activities on the project site. Consultation shall also include requesting a consistency determination or Section 2081 Incidental Take Permit from CDFW concerning Butte County meadowfoam.					
<p><b>MM BIO-2B:</b> Prior to the issuance of a grading permit, the Applicant shall prepare a Weed Control Plan for review and approval by the City. Prior to the start of construction activities, the Applicant shall implement a comprehensive, adaptive Weed Control Plan for pre-construction and construction invasive weed abatement. The long-term Weed Control Plan, shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A pre-construction weed inventory shall be conducted by surveying all areas subject to ground-disturbing activity, including but not limited, to staging areas, access roads, and areas subject to grading.</li> <li>• Weed populations that (1) are rated High or Moderate for negative ecological impact in the California Invasive Plant Database (Cal-IPC) and (2) aid and promote the spread of wildfires (such as cheatgrass, Saharan mustard, and medusa head) shall be mapped and described according to density and area covered.</li> </ul>	Approval of Weed Control Plan; Receipt of documentation	Prior to the issuance of grading permits; Prior to, during, and after construction activities; Periodic verification for ten years after completion of construction	City of Chico; USFWS		

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Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>In areas subject to ground disturbance, weed infestations shall be treated prior to construction according to control methods and practices for invasive weed populations.</li> <li>The Weed Control Plan shall be updated and utilized for eradication and monitoring post-construction.</li> <li>Weed control treatments shall include all legally permitted herbicide, manual, and mechanical methods. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a Pest Control Advisor and implemented by a Licensed Qualified Applicator.</li> <li>The timing of weed control treatment shall be determined for each plant species in consultation with USFWS with the goal of controlling populations before they start producing seeds.</li> <li>Surveying and monitoring of the identified and treated populations shall be require at all sites impacted by construction and shall occur annually for years one to five and bi-annually for years six to ten.</li> <li>During project preconstruction and construction, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) prior to commencing work in off road areas.</li> </ul>					
<b>MM BIO-4:</b> Prior to issuance of any City permits for construction,	Receipt of	Prior to issuance	City of Chico		

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>grading, or other site-disturbing activities, the Applicant shall provide proof to the Chico Community Development Department that all necessary authorizations from the USACE and RWQCB for the discharge of dredged or fill material into the waters of the U.S. identified on the project site have been obtained.</p> <p>Prior to any work affecting the bed or bank of the Butte Creek Diversion Channel, tributaries, or associated riparian areas, the Applicant shall obtain a Lake or Streambed Alteration (LSA) Agreement from the CFW, as required under Section 1602 of the Fish and Game Code. The LSA Agreement shall detail the authorized activities affecting the Butte Creek Diversion Channel, tributaries, and associated riparian areas, and provide specific terms and conditions necessary to protect fish and wildlife resources in the project site. The Applicant shall comply with all requirements of the LSA agreement, including any compensatory mitigation such as replacement of impacted trees. A copy of the fully executed LSA Agreement shall be submitted to the Chico Community Development Department prior to initiation of any work impacting riparian habitats on the project site.</p> <p>To mitigate for the permanent loss of 9.35 acres and potential indirect impacts to 4.51 acres of aquatic resources resulting from the project, the Applicant shall provide a USACE-approved compensatory mitigation plan for impacts to waters of the U.S. The plan shall provide for replacement of waters of the U.S. at a 3:1 ratio (three acres replaced for every one acre removed), or as required by the USACE. The plan shall describe the specific methods for replacement of impacted waters on site, and provide for monitoring plan, including a reporting schedule and success criteria over a specific amount of time. In the event the USACE determines that compensatory mitigation for impacts to waters of</p>	<p>documentation; Approval for LSA Approval of compensatory mitigation plan</p>	<p>of City permits for construction, grading, or other site-disturbing activities; Prior to any work affecting the bed or bank of the Butte Creek Diversion Channel, tributaries, or associated riparian areas</p>	<p>Community Development Department; CDFW; USACE</p>		

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				Date	Initial
the U.S. cannot be fully accomplished on site, the Applicant may purchase credits at a USACE-approved mitigation bank whose service area includes the project site. The type and amount of credits shall be determined in coordination with the USACE. Proof of the purchase of any required mitigation bank credits shall be provided to the Chico Community Development Department prior to initiation of any work impacting waters of the U.S. on the project site.					
<b>Section IV.E—Cultural Resources</b>					
<b>MM CULT-2:</b> Prior to the start of grading operations for each phase of the project the Applicant shall provide reasonable notice and site access for a tribal representative to be present at the project site during any ground disturbing activities in areas mapped by the Mechoopda Indian Tribe of Chico Rancheria as High Sensitivity areas. If any archaeological or paleontological deposits are encountered, all soil-disturbing work shall be halted at the location of any discovery until a qualified archaeologist or paleontologist evaluates the significance of the find(s) and prepares a recommendation for further action. If the project site is expanded beyond its current limits, additional cultural resource studies shall be required.		Prior to start of grading operations for each phase of the project	City of Chico; Qualified archaeologist or paleontologist		
<b>Section IV.G—Greenhouse Gas Emissions</b>					
<b>MM AIR-2C/GHG-1:</b> The project applicant shall implement the following BCAQMD-recommended operational mitigation measures: 1. Incorporate outdoor electrical outlets to encourage the	Notes on construction plans; Site inspection	During project design activities; During project operational phase	City of Chico; BCAQMD		

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>use of electric appliances and tools;</p> <p>2. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles;</p> <p>3. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible;</p> <p>4. Final designs shall consider buildings that include roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows (passive solar design);</p> <p>5. Utilize high efficiency gas or solar water heaters;</p> <p>6. Utilize built-in energy efficient appliances (i.e., Energy Star);</p> <p>7. Utilize double-paned windows;</p> <p>8. Utilize low energy street lights (i.e. light-emitting diode);</p> <p>9. Utilize energy-efficient interior lighting;</p> <p>10. Utilize low-energy traffic signals (i.e., light-emitting diode);</p> <p>11. The project shall meet all title 24 requirements, including but not limited to;</p> <p>    a. Install door sweeps and weather stripping (if more efficient doors and windows are not available);</p> <p>    b. Install energy-reducing programmable thermostats;</p> <p>    c. Use roofing material with a solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling needs; and</p> <p>12. Prior to the recordation of each Final Map, to the</p>					

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Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>extent that cumulative project operational emissions exceed applicable thresholds the project applicant shall participate in an Off-site Mitigation Program coordinated through the Butte County Air Quality Management District (BCAQMD). The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Off-site Mitigation Program.</p>					
<b>Section IV.I—Hydrology and Water Quality</b>					
<p><b>MM HYDRO-2:</b> The project applicant shall coordinate levee modification activities (if any) with the California Department of Water Resources and obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to commencing project construction activities. As required by the encroachment permit, project construction shall comply with the CVFPB's flood control standards described under Title 23 of the California Code of Regulations and (if applicable) the U.S. Army Corps of Engineers construction standards to ensure that the integrity of the existing flood-control system is properly maintained.</p>	<p>Receipt of documentation; Approval for encroachment permit</p>	<p>Prior to commencing construction activities that may result in modification of the levee for the Diversion Channel</p>	<p>City of Chico; DWR/CVFPB</p>		
<b>Section IV.K—Noise</b>					
<p><b>MM NOISE-2:</b> To satisfy the City of Chico's noise level standards at noise-sensitive uses near commercial lots within the project, commercial parking areas within the project shall be designed such that no residentially-zoned property would have 100 or more parking spaces within 100 feet, unless a solid noise barrier of 6 feet</p>	<p>Approval of project design</p>	<p>Site Design and Architectural Review; Prior to issuance of building permits;</p>	<p>City of Chico</p>		

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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in height is included at the interface of the commercial parking area and the residential property.		prior to project occupancy			
<b>MM NOISE-3:</b> To satisfy the City of Chico's noise level standards at noise-sensitive uses near commercial lots within the project, commercial development on Lots 471 and 474 shall be designed to maintain on-site delivery truck circulation routes a minimum distance of 50 feet from property lines shared with existing or future noise-sensitive residences in the project vicinity. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design may be used to demonstrate that a lesser separation would meet the City's noise level standards. Such future acoustic study shall state all assumptions, including specifications for a noise barrier as appropriate, and be subject to review and approval by the Chico Community Development Director.	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		
<b>MM NOISE-4:</b> On-Site Commercial Loading Dock Noise at Noise-Sensitive Uses  To satisfy the City of Chico's noise level standards at residentially-zoned properties nearest Lots 471, 472 and 474, the future commercial development on these commercial lots shall be designed to locate all loading docks a minimum distance of 125 feet from property lines abutting residentially-zoned properties. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design, may be used to demonstrate that a lesser separation would meet the City's noise level standards. Such future acoustic study shall state all assumptions, including specifications for a noise barrier as appropriate, and be subject to review and approval by the Chico	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Community Development Director.					
<p><b>MM NOISE-6:</b> Future Exterior Traffic Noise Levels at Proposed Residences</p> <p>To satisfy the City of Chico's exterior noise level standard at the common outdoor areas of the proposed multi-family residential lots within the development (Lots 470 and 473), these future common outdoor areas shall be designed to: (1) maintain a minimum setback distance of 130 feet from the centerline of Bruce Road, (2) be shielded by the proposed structures to completely block the common outdoor area(s) from view of Bruce Road, or (3) include a solid noise barrier meeting specifications outlined in a supporting acoustic study prepared by a qualified professional, subject to review and approval by the Community Development Director.</p>	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		
<p><b>MM NOISE-7:</b> Future Traffic Noise Levels at Proposed Residences</p> <p>Should the building facades of the future multi-family residences be proposed within 90 feet of the centerline of Bruce Road, all upper floor windows of the residential structures located within that setback distance and within line-of-sight of Bruce Road shall be upgraded to STC-32.</p>	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico		
<b>Section IV.O—Transportation/Traffic</b>					
<p><b>MM TRANSPORTATION-1:</b> Install a Traffic Signal at Bruce Road and Raley Boulevard (Intersection 13)</p> <p>The AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted.</p>	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 13 (Bruce Road at Raley Boulevard);	City of Chico		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes at full project build-out would meet Signal Warrant 3 – Peak Hour Warrant for the AM and PM peak hours. With the implementation of a traffic signal the weekday AM peak hour level of service would improve from LOS F to LOS C, and the PM peak hour level of service would improve from LOS F to LOS D, which would result in a less-than-significant impact after mitigation.</p> <p>The applicant shall design, fund, and install a traffic signal when signal warrants are met. The City shall be responsible for monitoring traffic conditions at the intersection and notifying the applicant, in writing, when traffic signal installation is required. Following such notification from the City that the traffic signal is required, the signal shall be included on any subsequent subdivision improvement plans for the project, and no new building permits for traffic-generating uses shall be issued on Lot 472 until the signal has been installed or progress toward installation is substantially underway. To the extent that the applicant qualifies for reimbursement for a portion of the costs associated with this improvement pursuant to provisions of the Chico Municipal Code, the applicant may pursue a Memorandum of Reimbursable Street Facility Costs with the City.</p>		prior to approving building permits for Lot 472			
<p><b>MM TRANSPORTATION-2:</b> Install a Traffic Signal at Skyway / Forest Avenue (Intersection 17)</p> <p>The PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes meet Signal Warrant 3 – Peak Hour Warrant for the PM peak hour.</p>	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 17 (Skyway at Forest Avenue); prior to approving building permits for Lot 472	City of Chico		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>With the implementation of a traffic signal the weekday PM peak hour level of service would improve from LOS F to LOS A, which would result in a less-than-significant impact.</p> <p>The applicant shall design, fund, and install a traffic signal when signal warrants are met. The City shall be responsible for monitoring traffic conditions at the intersection and notifying the applicant, in writing, when traffic signal installation is required. Following such notification from the City that the traffic signal is required, the signal shall be included on any subsequent subdivision improvement plans for the project, and no new building permits for traffic-generating uses shall be issued on Lot 472 until the signal has been installed or progress toward installation is substantially underway. To the extent that the applicant qualifies for reimbursement for the costs associated with this improvement pursuant to provisions of the Chico Municipal Code, the applicant may pursue a Memorandum of Reimbursable Street Facility Costs with the City.</p>					
<p><b>MM TRANSPORTATION-5: Transit Stops and Routes</b></p> <p>Prior to City approval of each set of detailed subdivision improvement plans, the applicant shall coordinate with local public transit providers to determine a suitable transit service concept for the project site that does not substantially alter existing public transit operations and is consistent with relevant service standards and new service warrants. Potential transit service modifications include a new route or route extension along Bruce Road between E 20th Street and Skyway (consistent with the BCAG Transit and Non-Motorized Plan) and the installation of bus stops internal to the project site. Bus stops should be installed at locations within close proximity to key pedestrian routes (e.g. the Bruce Road /</p>	<p>Confirm stops/turn-outs on improvement drawings</p>	<p>Prior to approval of each set of subdivision improvement plans</p>	<p>Local public transit providers</p>		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Webster Drive and Skyway / Potter Road intersections). Implementation of this mitigation measure would provide adequate access to transit service, therefore, this impact would be reduced to a less-than-significant level.					
<b>MM TRANSPORTATION-6:</b> Install a Traffic Signal at Bruce Road / Raley Boulevard (Intersection 13)  The AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes at full project build-out would meet Signal Warrant 3 – Peak Hour Warrant for the AM and PM peak hours. With the implementation of a traffic signal the weekday AM peak hour level of service would improve from LOS F to LOS C, and the PM peak hour level of service would improve from LOS F to LOS E, which would result in a less-than-significant impact after mitigation.  The applicant shall implement Mitigation Measure TRANSPORTATION-1.	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 13 (Bruce Road at Raley Boulevard); prior to approving building permits for Lot 472	City of Chico		
<b>MM TRANSPORTATION-7:</b> Install a Traffic Signal at Skyway / Forest (Intersection 17)  AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes meet Signal Warrant 3 – Peak Hour Warrant for both peak hours. With the implementation of a traffic signal the weekday AM and PM peak hour level of service would improve from LOS F to LOS B, which would result in a less-than-significant impact after mitigation.	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 17 (Skyway at Forest Avenue); prior to approving building permits for Lot 472	City of Chico		

**Attachment 2**



**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
The applicant shall implement Mitigation Measure TRANSPORTATION-2.					
<b>SECTION IV.P—Utilities and Service Systems</b>					
<p><b>MM HYDRO-1:</b> Prior to development of the RS-20 lots, the project applicant shall prepare a detailed hydraulic evaluation to determine the potential for improvements within the existing Federal Emergency Management Agency (FEMA) 100-year flood zones and California Department of Water Resources (DWR) 200-year flood zones to result in changes to the extent, depth, and velocity of flood flows. The modeling shall be performed and certified by a professional engineer using the U.S. Army Corp of Engineer's Hydrologic Engineering Center's River Analysis System (HEC-RAS) or similar surface water flow modeling software. The modeling shall include an evaluation of both the on-site and off-site flooding impacts under existing flooding conditions and future flood conditions as a result of developing the RS-20 lots.</p> <p>Based on the surface water flow modeling, areas of development that could reduce the overflow storage capacity of floodwater near the channel shall be identified. For any of the RS-20 lots improvements that could reduce overflow storage capacity, the project design shall be modified to ensure there is no net decrease in the floodwater storage capacity. This could include balancing the amount of cut and fill materials within the flood zones.</p> <p>Based on the surface water flow modeling, areas of development that could affect the velocity of floodwater along the Butte Creek Diversion Channel shall be identified. For any improvements that would substantially alter the channel flow velocity, the project design for the RS-20 lots shall be modified to reduce potential</p>	Submission of hydraulic evaluation; Possible submission of changes to RS-20 lots design	Prior to development of RS-20 lots east of Diversion Channel;	City of Chico; Certified professional engineer		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>erosion, siltation, and associated flooding impacts. Modifications to the project design may include, but are not limited to, the following measures.</p> <ul style="list-style-type: none"> <li>Alter the location and design of structures and/or fill materials within the FEMA 100-year flood zones or DWR 200-year flood zones.</li> <li>Install erosion controls systems such as rock protection or erosion resistant vegetation.</li> <li>Increase the size of proposed culverts.</li> <li>Install cross-flow culverts for improvements through flood zones.</li> <li>Improve existing off-site stormwater drainage systems that would receive runoff from the project site.</li> </ul> <p>The detailed hydraulic evaluation and, if necessary, proposed changes to the RS-20 lots design, shall be submitted to the City of Chico and any other regulatory agencies that have jurisdiction over the improvements.</p>					
<p><b>MM HYDRO-2:</b> The project applicant shall coordinate levee modification activities (if any) with the California Department of Water Resources and obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to commencing project construction activities. As required by the encroachment permit, project construction shall comply with the CVFPB's flood control standards described under Title 23 of the California Code of Regulations and (if applicable) the U.S. Army Corps of Engineers construction standards to ensure that the integrity of the existing flood-control system is properly maintained.</p>	<p>Receipt of documentation; Approval for encroachment permit</p>	<p>Prior to commencing construction activities that may result in modification of the levee for the Diversion Channel</p>	<p>City of Chico; DWR/CVFPB</p>		

**Attachment 2**

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Section IV.Q—Tribal Cultural Resources					
<b>MM CULT-2:</b> Prior to the start of grading operations for each phase of the project the Applicant shall provide reasonable notice and site access for a tribal representative to be present at the project site during any ground disturbing activities in areas mapped by the Mechoopda Indian Tribe of Chico Rancheria as High Sensitivity areas. If any archaeological or paleontological deposits are encountered, all soil-disturbing work shall be halted at the location of any discovery until a qualified archaeologist or paleontologist evaluates the significance of the find(s) and prepares a recommendation for further action. If the project site is expanded beyond its current limits, additional cultural resource studies shall be required.		Prior to start of grading operations for each phase of the project	City of Chico; Qualified archaeologist or paleontologist		

**RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO**  
**APPROVING GENERAL PLAN AMENDMENT GPA 15-02**  
**(Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone)**

WHEREAS, the City Council has considered a request for approval of General Plan Amendment 15-02 to change land use designations and amend General Plan text to remove the “Bruce Road/Skyway” site from the listing of areas designated Resource Constraint Overlay (RCO) Sites to accommodate the Stonegate development project that would create approximately 423 lots for low-density residential development, two lots for medium-density residential development, three lots for community commercial development, four secondary open space lots, and two large primary open space lots on an approximately 313-acre site identified as Assessor’s Parcel Numbers 002-190-041, 018-510-007, 018-510-008, 018-510-009, and 002-220-006 (“Project”); and

WHEREAS, the Planning Commission considered the Project, staff report and comments submitted at a noticed public hearing held on August 30, 2018, and recommended approval of the Project, including General Plan Amendment 15-02; and

WHEREAS, the City Council has certified an Environmental Impact Report prepared for the Project and has adopted certain findings regarding the environmental effects, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Project; and

WHEREAS, the City Council considered the staff report and comments submitted at a noticed public hearing held on September 18, 2018.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

1. In approving General Plan Amendment 15-02 the City Council finds that:

- A. The General Plan will remain internally consistent because the proposed land use designations would reinforce the compact urban form through compatible infill development with appropriate transitions (LU-1, LU-1.3, LU-4, LU-4.2, LU-4.3, CD-5 and CD-5.2) and allow for a mix and distribution of uses that meet the identified needs of the community, helping maintain a healthy balance of housing and jobs (LU-2, LU-2.3.3, LU-

4.2.1, H.3, H.3.1, H.3.3, H.3.4 and ED-1.2). Open space designations would help protect sensitive resources and provide locations for active public recreation adjacent to an established creek corridor, consistent with several policies that encourage expanding creekside greenways and promoting public access to them for recreational opportunities (LU-2.5, LU-2.5.1, CD-1.1.1, CD-2.1, ED-1.5.1, OS-1.1, OS-1.1.1, OS-2, OS-2.2, OS-2.5.1, and PPFS-2.1). The environmental review process preceding Project approval considered impacts and identified mitigation and necessary regulatory compliance that will be required prior to construction for air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology, noise, transportation/traffic, and utilities/service systems, consistent with Open Space, consistent with several General Plan policies and actions (CIRC-1.1, CIRC-1.2, CIRC-1.3, CIRC-1.4, CIRC-2.1, CIRC-5.3, CIRC-5.3.1, OS-1.2, OS-1.2.1, OS-3.1.2, OS-4.1.1, N-1.3, N-2.1.1, SUS-5.2, SUS-6.3 and S-2.1.1).

B. There are no physical constraints on the property which would prohibit development and use of the site consistent with the proposed land use designations. Utilities exist in the area and would be extended into the site along with construction of proposed new streets. The Primary Open Space preserve areas are not located downslope from areas proposed for development and are therefore less likely to be negatively affected by residential or commercial uses. City design review of future multi-family residential and commercial land development within the project will ensure that specific elements of those sites are completed in a manner that is compatible with adjoining land uses. Areas proposed for long-term preservation are appropriate to set aside and protect, and areas proposed for development are physically suitable for development.

2. The Chico City Council hereby approves General Plan Amendment 15-02, including: (a) land use designation amendments to Figure LU-1 as set forth in attached Exhibit I, (b) an amendment of Figure LU-2 to remove the “Bruce Road/Skyway” map indicating the Stonegate site as an RCO area, and (c) a text amendment on Page 3-20 of the Land Use Element to remove reference to the “Bruce Road” Resource Constraint Overlay site, also modifying the attendant text to reflect the elimination of this RCO site from the listing of RCO sites.

1 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico  
2 at its meeting held on September 18, 2018, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAINED:

7 DISQUALIFIED:

8 ATTEST:

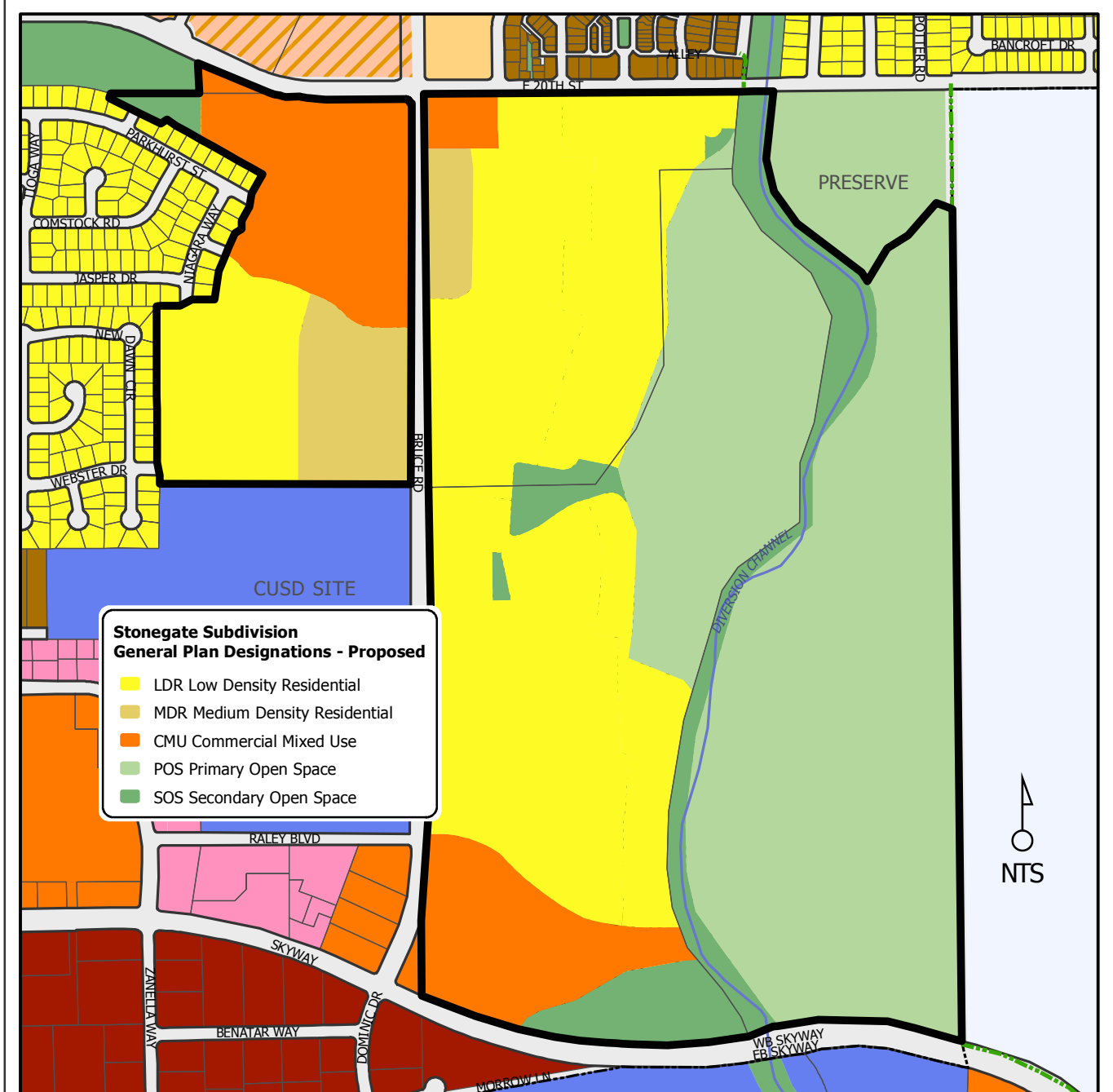
9  
10 \_\_\_\_\_  
11 Deborah R. Presson  
12 City Clerk

APPROVED AS TO FORM:



13 \_\_\_\_\_  
14 Vincent C. Ewing, City Attorney\*

15 \*Pursuant to The Charter of  
16 the City of Chico, Section 906(E)  
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GPA 15-02 (Stonegate Subdivision)

APNs 002-190-041-000, 002-220-006-000, 018-510-007-000, 018-510-008-000, 018-510-009-000

From:  
 SOS Secondary Open Space  
 w/Resource Constraint Overlay  
 VLDR Very Low Density Residential  
 LDR Low Density Residential  
 MHDR Medium-High Density Residential  
 OMU Office Mixed-Use

To:  
 LDR Low Density Residential  
 MDR Medium Density Residential  
 CMU Commercial Mixed-Use  
 POS Primary Open Space  
 SOS Secondary Open Space



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**Section 1.** The zoning of all that real property identified as Assessor's Parcel Nos. 002-90-041, 018-510-007, 018-510-008, 018-510-009, and a portion of 002-220-006 is amended as depicted on Exhibit I.

A. The rezone is consistent with the General Plan, as amended pursuant to General Plan Amendment 15-02 approved by this Council under separate resolution, as it would apply zoning districts that are consistent with the proposed land use designations (LU-2.7), which together are anticipated to facilitate compatible infill development with appropriate transitions (LU-1, LU-1.3, LU-4, LU-4.2, LU-4.3, CD-5 and CD-5.2), allow for a mix and distribution of uses that meet the identified needs of the community, helping maintain a healthy balance of housing and jobs (LU-2, LU-2.3.3, LU-4.2.1, H.3, H.3.1, H.3.3, H.3.4 and ED-1.2), protect sensitive biological resources and provide locations for active public recreation adjacent to an established creek corridor, consistent with several policies that encourage expanding creekside greenways and promoting public access to them for recreational opportunities (LU-2.5, LU-2.5.1, CD-1.1.1, CD-2.1, ED-1.5.1, OS-1.1, OS-1.1.1, OS-2, OS-2.2, OS-2.5.1, and PPFS-2.1); and

B. There are no physical constraints on the property which would prohibit development and use of the site consistent with the proposed zoning designations. Utilities exist in the area and would be extended into the site along with construction of proposed new streets. The Primary Open Space preserve areas are not located downslope from areas proposed for development and are therefore less likely to be negatively affected by residential or



1 commercial uses. City design review of future multi-family residential and commercial  
2 land development within the project will ensure that specific elements of those sites are  
3 completed in a manner that is compatible with adjoining land uses. Areas proposed for  
4 long-term preservation are appropriate to set aside and protect, and areas proposed for  
5 development are physically suitable for development.

6 **Section 3.** This ordinance shall become effective 30 days following the date of its  
7 adoption.

8 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at  
9 its meeting held on September 18, 2018, by the following vote:

10 AYES:

11 NOES:

12 ABSENT:

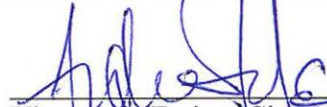
13 ABSTAINED:

14 DISQUALIFIED:

15 ATTEST:

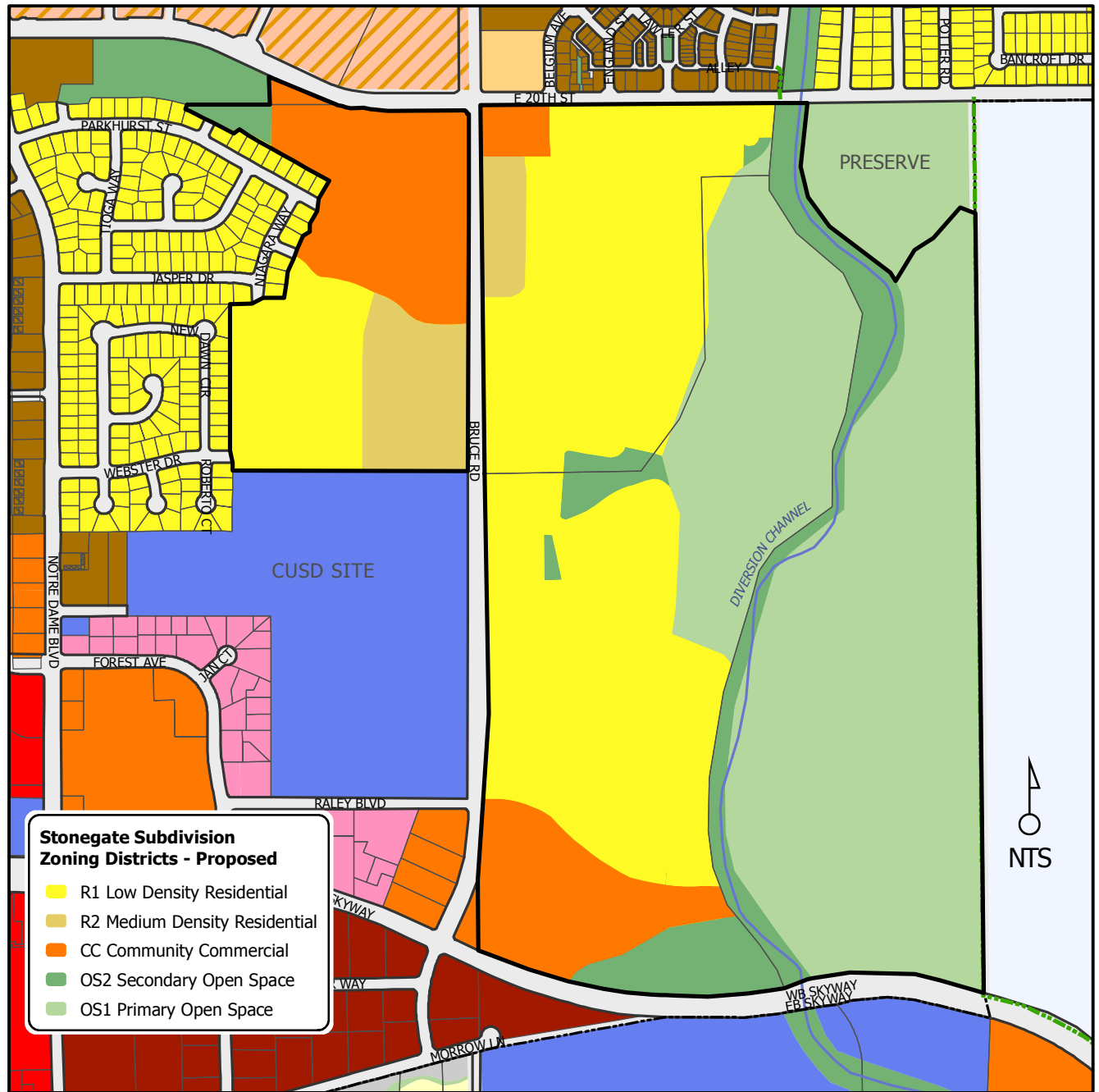
16  
17 \_\_\_\_\_  
18 Deborah R. Presson  
19 City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Vincent C. Ewing, City Attorney\*

\*Pursuant to The Charter of  
the City of Chico, Section 906(E)



## Rezone 15-02 (Stonegate Subdivision)

APNs 002-190-041-000, 002-220-006-000, 018-510-007-000, 018-510-008-000, 018-510-009-000

## From:

OS2 Secondary Open Space  
w/-RC Resource Constraint Overlay  
R1 Low Density Residential  
R3 Medium-High Density Residential  
OR Office Residential  
w/-RC Resource Constraint &  
-PD Planned Development Overlays  
RS-20 Suburban Residential 20,000 sq ft min.

## To:

R1 Low Density Residential  
R2 Medium Density Residential  
CC Community Commercial  
OS1 Primary Open Space  
OS2 Secondary Open Space



**RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO**  
**CONDITIONALLY APPROVING**  
**VESTING TENTATIVE SUBDIVISION MAP 15-05 AND USE PERMIT 18-14**  
**(Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone)**

WHEREAS, the City Council has considered a request for approval of Vesting Tentative Subdivision Map 15-05 to create 423 lots for low-density residential development, two lots for medium-density residential development, three lots for community commercial development, four secondary open space lots, and two large primary open space lots; and Use Permit 18-14 to authorize ground-floor residential uses in the CC (Community Commercial) zoning district on proposed Lot 471 of said map; on an approximately 313-acre site identified as Assessor's Parcel Numbers 002-190-041, 018-510-007, 018-510-008, 018-510-009, and 002-220-006 ("Project"); and

WHEREAS, the Planning Commission considered the Project, staff report and comments submitted at a noticed public hearing held on August 30, 2018, and recommended approval of the Project, including Vesting Tentative Subdivision Map 15-05 and Use Permit 18-14 subject to conditions; and

WHEREAS, the City Council has certified an Environmental Impact Report prepared for the Project and has adopted certain findings regarding the environmental effects, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Project; and

WHEREAS, the City Council considered the staff report and comments submitted at a noticed public hearing held on September 18, 2018.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

1. With regard to Vesting Tentative Subdivision Map 15-05 the City Council finds that:

A. The overall density and proposed uses of the Project are consistent with the General Plan Diagram designations and text amendments pursuant to General Plan Amendment 15-02 and zoning districts pursuant to Rezone 15-02 for the Project.

B. The subdivision is consistent with the General Plan, as amended, because the proposed land use designations would reinforce the compact urban form through compatible infill

development with appropriate transitions (LU-1, LU-1.3, LU-4, LU-4.2, LU-4.3, CD-5 and CD-5.2) and allow for a mix and distribution of uses that meet the identified needs of the community, helping maintain a healthy balance of housing and jobs (LU-2, LU-2.3.3, LU-4.2.1, H.3, H.3.1, H.3.3, H.3.4 and ED-1.2). Open space areas would help protect sensitive resources and provide locations for active public recreation adjacent to an established creek corridor, consistent with several policies that encourage expanding creekside greenways and promoting public access to them for recreational opportunities (LU-2.5, LU-2.5.1, CD-1.1.1, CD-2.1, ED-1.5.1, OS-1.1, OS-1.1.1, OS-2, OS-2.2, OS-2.5.1, and PPFS-2.1). Additionally, the subdivision includes a hierarchical network of complete, interconnected streets that will support multiple modes of travel and connect to proposed new public recreational trails and open spaces, consistent with CD-2.1.1, CD-2.1.2, CIRC-2.1.1, CIRC-2.1.3, CIRC-2.2, CIRC-2.2.1, CIRC-3.1.2, CIRC-4.2, CIRC-4.3, CIRC-5, LU-3, LU-3.1 and OS-4.1.5. The environmental review process preceding Project approval considered impacts and identified mitigation and necessary regulatory compliance that will be required prior to construction for air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology, noise, transportation/traffic, and utilities/service systems, consistent with Open Space, consistent with several General Plan policies and actions (CIRC-1.1, CIRC-1.2, CIRC-1.3, CIRC-1.4, CIRC-2.1, CIRC-5.3, CIRC-5.3.1, OS-1.2, OS-1.2.1, OS-3.1.2, OS-4.1.1, N-1.3, N-2.1.1, SUS-5.2, SUS-6.3 and S-2.1.1).

- C. The site is suitable for the type and density of the proposed development in that the development area gently slopes toward the west/southwest (away from the Diversion Channel and open space preserve area), is adjacent to compatible residential land uses and would locate higher-density/intensity uses along major roadways to accommodate a mix of uses. Based on evidence and mitigation provided by the EIR, the design and improvements associated with the subdivision are not likely to cause substantial environmental damage, substantially injure fish or wildlife or their habitat, or cause serious public health problems. The design of the subdivision would not conflict with public easements for access through the subdivision and would instead extend existing streets to

1 provide additional connectivity in the area.

2 D. The requested modifications to the City's subdivision design criteria and improvement  
3 standards to allow non-radial lot lines, non-standard street sections, shorter block lengths,  
4 tighter horizontal street curvature, lot depths less than 80 feet, double-frontage lots and  
5 back-up lots are desirable because the modifications: (1) facilitate subdivision of the site  
6 with a modified-grid street layout that connects to existing streets and connects different  
7 land uses, (2) minimize conflicts inherent in placing single-family residential uses along  
8 major arterials, (3) provide for an attractive, pedestrian-friendly future streetscape along  
9 Bruce Road consistent with City plans for improving that major roadway, (4) integrate  
10 traffic-calming into the design of smaller streets intended for lower speeds of travel, and  
11 (5) would support compatibility of the project design features with the existing and future  
12 residential uses in the neighborhood and increase General Plan consistency for  
13 development of the site.

14 E. As supported by the Mitigation Monitoring and Reporting Program, Conditions of  
15 Approval, Subdivision Report (attached hereto as Exhibits I, II and II), the EIR, and the  
16 staff report, the proposed subdivision and its design conform with the requirements of Title  
17 18 and Title 19 of the Chico Municipal Code, and is consistent with the Chico General  
18 Plan.

19 F. No substantial evidence has been presented that would require disapproval of the Project  
20 pursuant to Government Code Section 66474.

21 G. The EIR for the Project reflects the City's independent judgment and analysis.

22 2. With regard to Use Permit 18-14 the City Council finds that:

23 A. Chico Municipal Code Section 19.44.020 provides for ground-floor residential uses in the  
24 CC (Community Commercial) zoning district, subject to use permit approval. Use Permit  
25 18-14 has been processed in accordance with the requirements of Chapter 19.24.

26 B. The proposed ground-floor residential use would provide a separation buffer between  
27 existing residential uses that abut the site along Parkhurst Street and provides an  
28 opportunity to carefully plan the interface between the future residential and commercial

1 uses on Lot 471, both of which will be subject to the City's Site Design and Architectural  
2 Review process. The installation of proposed and required improvements on E. 20th Street  
3 and other access points to the site would result in adequate vehicle access. No detrimental  
4 impacts to the health, safety, or welfare of neighborhood workers or residents have been  
5 identified in association with the proposed ground-floor residential use on Lot 471. Based  
6 on the above, the proposed ground-floor residential use on Lot 471 would not be  
7 detrimental to the health, safety, and general welfare of persons residing or working in the  
8 neighborhood of the proposed uses.

9 C. The proposed ground-floor residential use on Lot 471 would take access from new  
10 driveways off E. 20th Street, and possibly also through an off-street parking area associated  
11 with the future commercial uses on Lot 471. Existing regulations require that any public  
12 improvements damaged during the course of construction be repaired or reconstructed by  
13 the developer. Based on the above, the proposed ground-floor residential use on Lot 471  
14 would not be detrimental or injurious to property and improvements in the neighborhood,  
15 or the general welfare of the City.

16 D. The proposed ground-floor residential use on Lot 471 is consistent with the proposed  
17 Commercial Mixed-Use designation for the site, which accommodates a wide variety of  
18 retail and office uses and encourages complementary residential uses. The use permit is  
19 consistent with many of the same General Plan policies cited above for Vesting Tentative  
20 Subdivision Map 15-05 as it would facilitate compatible infill development by allowing  
21 for a mix of uses with appropriate transitions that will assist in maintaining a healthy  
22 balance of housing and jobs. Additionally, the use permit would aide in creating a context-  
23 sensitive transition between future commercial uses on Lot 471 and existing residential  
24 uses that abut Lot 471 along Parkhurst Street, consistent with CD-5.2 and CD-5.3.

25 E. Similar to the future commercial uses in the project, the details of the future ground-floor  
26 residential use on Lot 471 would be subject to the City's Site Design and Architectural  
27 Review process, approval of which requires a series of findings to ensure design  
28 compatibility with existing and anticipated future land uses in the area. Conditions are

1 included at this time to apply R2 (Medium Density Residential) development standards to  
2 the future design of ground-floor residential uses allowed under this permit, and to  
3 specifically require increased 30-foot structural setbacks along the existing residential uses  
4 that abut Lot 471 and front on Parkhurst Street. As conditioned, the proposed residential  
5 use will be compatible with existing and future land uses in the vicinity.

6 3. The City Council hereby approves Vesting Tentative Subdivision Map 15-05 subject to  
7 compliance with the Mitigation Monitoring and Reporting Program set forth in Exhibit I, the  
8 conditions of approval set forth in Exhibits II, and the provisions of the Subdivision Report set  
9 forth in Exhibit III.

10 4. The City Council hereby approves Use Permit 18-14 subject to compliance with the Mitigation  
11 Monitoring and Reporting Program set forth in Exhibit I, the conditions of approval set forth in  
12 Exhibits II, and the Plat to Accompany Use Permit 18-14 set forth in Exhibit IV.

13 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico  
14 at its meeting held on September 18, 2018, by the following vote:

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAINED:

19 DISQUALIFIED:

20 ATTEST:

21  
22  
23 \_\_\_\_\_  
24 Deborah R. Presson  
25 City Clerk

APPROVED AS TO FORM:



26 Vincent C. Ewing, City Attorney\*

27 \*Pursuant to The Charter of  
28 the City of Chico, Section 906(E)

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# Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Mitigation Monitoring and Reporting Program

State Clearinghouse No. 2016062049

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**Lead Agency:**

City of Chico  
Community Development Department, Planning Division  
411 Main Street, 2<sup>nd</sup> Floor  
Chico, CA 95928

**Contact:**

Mike Sawley, AICP  
(530) 879-6812  
mike.sawley@Chicoca.gov

August 2018







**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Section IV.C—Air Quality					
<b>MM AIR-2A:</b> Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. The contractor shall implement the following best management practices: <div><div>1. Reduce the amount of the disturbed area where possible;</div><div>2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;</div><div>3. All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used;</div><div>4. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</div><div>5. Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established;</div><div>6. All disturbed soil areas non-subject to revegetation should be stabilized using approved chemical soil binders,</div></div> <td>Receipt of documentation; Notes on construction plans; Site inspection</td> <td>Prior to issuance of grading permits; During construction activities</td> <td>City of Chico</td> <td></td> <td></td>	Receipt of documentation; Notes on construction plans; Site inspection	Prior to issuance of grading permits; During construction activities	City of Chico		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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<p>jute netting, or other methods approved in advance by the District;</p> <p>7. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</p> <p>9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of fretboard (minimum vertical distances between top of load and top of trailer) in accordance with local regulations;</p> <p>10. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</p> <p>11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible; and</p> <p>12. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.</p>					
<p><b>MM AIR-2B:</b></p> <p>1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA NO<sub>x</sub> emissions standards for Tier 4 engines or equivalent.</p>	Notes on construction plans; Site inspection	Prior to issuance of grading permits; During construction activities	City of Chico; BCAQMD		

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2. The project sponsor shall require all architectural coatings during construction containing 50 g/L or less.					
<b>MM AIR-2C/GHG-1:</b> The project applicant shall implement the following BCAQMD-recommended operational mitigation measures: <ol style="list-style-type: none"> <li>1. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools;</li> <li>2. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles;</li> <li>3. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible;</li> <li>4. Final designs shall consider buildings that include roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows (passive solar design);</li> <li>5. Utilize high efficiency gas or solar water heaters;</li> <li>6. Utilize built-in energy efficient appliances (i.e., Energy Star);</li> <li>7. Utilize double-paned windows;</li> <li>8. Utilize low energy street lights (i.e. light-emitting diode);</li> <li>9. Utilize energy-efficient interior lighting;</li> <li>10. Utilize low-energy traffic signals (i.e., light-emitting diode);</li> <li>11. The project shall meet all title 24 requirements, including but not limited to;               <ol style="list-style-type: none"> <li>a. Install door sweeps and weather stripping (if</li> </ol> </li> </ol>	Notes on construction plans; Site inspection	Prior to issuance of building permits ; Prior to final occupancy; Prior to final map approval	City of Chico; BCAQMD		

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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<p>more efficient doors and windows are not available);</p> <p>b. Install energy-reducing programmable thermostats;</p> <p>c. Use roofing material with a solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling needs; and</p> <p>12. Prior to the recordation of each Final Map, to the extent that cumulative project operational emissions exceed applicable thresholds the project applicant shall participate in an Off-site Mitigation Program coordinated through the Butte County Air Quality Management District (BCAQMD). The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Off-site Mitigation Program.</p>					
<p><b>MM AIR-4:</b> Selection of equipment during construction to minimize emissions. Such equipment selection would include the following.</p> <p>1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days or 20 hours shall meet, at a minimum, a fleet average of U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) could meet this</p>	Notes on construction plans	Prior to issuance of grading permits; ; During construction activities	City of Chic; BCAQMD		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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<p>requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant;</p> <p>2. Implementing a design measure to minimize emissions from on- and off-road equipment associated with the construction phase. This measure should include but not be limited to the following elements:</p> <ul style="list-style-type: none"> <li>a. Tabulation of on- and off-road construction equipment (type, age, horse-power, engine model year and miles and/or hours of operation);</li> <li>b. Schedule equipment to minimize the amount of large construction equipment operating simultaneously during any given time period;</li> <li>c. Locate staging areas at least 1,000 feet away from sensitive receptors;</li> <li>d. Where feasible, limit the amount of cut and fill to 2,000 cubic yards per day;</li> <li>e. Where feasible, limit the length of the construction work-day period; and</li> <li>f. Where feasible, phase construction activities;</li> </ul> <p>3. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;</p> <p>4. Proposed truck routes should be evaluated to define routing patterns with the least impact to residential communities and sensitive receptors and identify these receptors in a truck route map; and</p>					

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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5. Trucks and vehicles should be kept with the engine off when not in use, to reduce vehicle emissions. Signs shall be placed in queuing areas to remind drivers to limit idling to no longer than 5 minutes.					
<b>Section IV.D—Biological Resources</b>					
<p><b>MM BIO-1A:</b> Prior to the issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to nesting birds, including white-tailed kite, grasshopper sparrow, oak titmouse, loggerhead shrike, yellow-billed magpie, Nuttall's woodpecker, and other nesting bird species protected by the MBTA and CFGC.</p> <ul style="list-style-type: none"> <li>• If ground disturbance or vegetation removal is initiated in the non-breeding season (August 16 through January 31), no pre-construction surveys for nesting birds are required and no adverse impact to nesting birds would result.</li> <li>• If ground disturbance or removal of vegetation is initiated during the breeding bird season (February 1 through August 15), pre-construction surveys shall be performed by a qualified biologist no more than 14 days prior to commencement of ground disturbing activities to determine the presence and location of nesting bird species within and adjacent to the proposed project footprint. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior implementation of the following measures if nesting birds are present: <ul style="list-style-type: none"> <li>• If active nests are present, temporary no-work buffers shall be placed around active nests to</li> </ul> </li> </ul>	Notes on construction plans; Receipt of documentation; Site inspection	Prior to issuance of a grading permit	City of Chico; Qualified biologist		

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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<p>prevent adverse impacts to nesting birds. Appropriate buffer distance shall be determined by a qualified biologist and is dependent on species and subsequent foraging requirements, legal status of species, surrounding vegetation, and topography. Typical buffer distances vary from 25 feet for common passerines to 500 feet for larger raptors and/or CDFW fully protected species. Work may continue within the buffer area once an active nest becomes inactive due to natural causes (i.e. young fledging the nest, the nest being otherwise depredated, etc.) and no adverse impact to birds would result from the proposed project.</p>					
<p><b>MM BIO-1C:</b> Prior to issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to western spadefoot:</p> <ul style="list-style-type: none"> <li>Prior to initial ground disturbance, a pre-construction presence/absence survey shall be conducted by a qualified biologist using appropriate site-specific methodology (e.g., visual surveys for adult spadefoots during or immediately following the first heavy rains of the fall/winter period). A qualified biologist may also survey aquatic habitat for breeding adults, eggs, and/or larvae. If western spadefoot is not present, impacts to this species would be avoided. The results of the survey shall be compiled into a report and submitted to the City for review and approval prior implementation of the following measures if western spadefoot is present:</li> <li>If western spadefoots individuals are found within or</li> </ul>	<p>Notes on construction plans; Receipt of documentation; Site inspection</p>	<p>Prior to issuance of a grading permit; During construction activities</p>	<p>City of Chico; Qualified biologist; CDFW</p>		



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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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<p>adjacent to the Study Area, the Applicant shall retain a qualified biologist to consult with CDFW to determine appropriate mitigation for impacts to western spadefoot habitat and individuals.</p> <ul style="list-style-type: none"> <li>In addition to consultation with CDFW, construction activities shall take place during the dry season (generally June 1 through September 30) within two kilometers of aquatic habitats. If construction activities extend into the wet season (generally October 1 through May 31), temporary exclusion fencing shall be installed 100 feet from work areas to prevent western spadefoot from entering construction areas. In addition, the following BMPs shall be implemented during construction: <ul style="list-style-type: none"> <li>Escape ramps shall be installed in all trenches or excavations to allow western spadefoot to escape.</li> <li>Biological monitoring shall be provided by an agency-approved biologist during construction in all areas within two kilometers of aquatic habitats. The biological monitor shall identify, capture, and relocate western spadefoot present in the work area to a pre-approved location, if necessary.</li> <li>Water quality of western spadefoot habitat shall be maintained through implementation of appropriate erosion-control measures to reduce siltation and contaminated runoff from the project by maintaining vegetation within buffers and/or through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.</li> </ul> </li> <li>In addition, the proposed project shall be required to</li> </ul>					

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Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
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mitigate for impacts to 9.35 acres (Direct impacts) and 4.51 acres (Indirect Impacts) of aquatic resources that shall result in the creation, preservation, restoration, or purchase of mitigation bank credits for wetlands (see MM BIO-4 below).					
<p><b>MM BIO-1D:</b> Prior to issuance of a grading permit, the Applicant shall implement the following measures to reduce impacts to special-status vernal pool crustaceans:</p> <ul style="list-style-type: none"> <li>• Unless a protocol-level presence/absence survey prepared by a qualified biologist demonstrates a lesser amount of occupied habitat within the development area, it shall be assumed that the project will result in the loss of 9.35 acres of occupied special-status vernal pool crustacean habitat.</li> <li>• If VPFS and/or VPTS are either presumed present or determined by surveys to be present, and avoidance is not feasible, then impacts to their habitat shall be mitigated at a 2:1 ratio (two acres mitigated for every one acre lost) through preservation, restoration, and/or creation of suitable vernal pool crustacean habitat or purchase of vernal pool mitigation bank credits. However, final habitat acreages, mitigation ratios and other project-specific compensatory requirements shall be determined through consultation between USFWS and the Corps as part of the Section 404 permitting process.</li> </ul>	Receipt of documentation	Prior to issuance of a grading permit; During Section 404 permitting process	City of Chico; Qualified biologist USFWS; Army Corps of Engineers		
<p><b>MM BIO-2A:</b> Prior to the issuance of a grading permit, the Applicant shall consult with both the USFWS and the CDFW to obtain authorization for project implementation and develop appropriate type and amount of compensatory mitigation for</p>	Receipt of documentation; Approval of mitigation and	Prior to issuance of a grading permit for any phase of development with	City of Chico; USFWS; CDFW; Qualified		

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<p>project impacts to Butte County meadowfoam (BCM) occupied habitat.</p> <p>To compensate for project impacts to occupied BCM habitat the Applicant shall, prior to the issuance of a grading permit for each phase of development that will result in direct impacts to BCM:</p> <p>(1) Preserve and enhance BCM habitat within the 108-acre on-site preserve area and the Doe Mill-Schmidbauer Meadowfoam Preserve areas pursuant to a Habitat Mitigation and Monitoring Plan approved by the USFWS and the CDFW at a minimum 1:1 ratio for temporary impacts (1.0 acres enhanced over pre-project conditions for every one acre of temporarily impacted habitat) and at the ratios described below for permanent impacts. Enhancement activities will be detailed in the Habitat Mitigation and Monitoring Plan and will include vegetation management for non-native, annual grasses. In addition, in areas not previously documented to support BCM, but which consist of the same mapped soils association, BCM habitat will be created at a 1.5:1 ratio for permanent impacts (1.5 acres created over pre-project conditions for every one acre of permanently impacted habitat). Because successful creation of the microhabitat required by BCM cannot be guaranteed, a performance bond, annual letter of credit, or other such form of security acceptable to the City shall be established in an amount equivalent to the costs of purchasing BCM credits or purchasing property shown to support sufficient BCM habitat meeting the ratio requirements outlined in Section (2) of this mitigation, below. The option to purchase the requisite credits or BCM habitat shall be secured by the applicant prior to approval of grading or other work resulting in impacts to BCM for which mitigation is not already in place. Creation of BCM</p>	<p>monitoring plan; Approval for consistency determination or Section 2081 Incidental Take Permit concerning BCM</p>	<p>direct impacts to BCM; Five years following habitat creation</p>	<p>biologist</p>		

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<p>habitat will likely consist of seed collection, contouring areas within the onsite preserve that are currently and historically not occupied by BCM to produce suitable topographical and hydrological conditions for BCM, sowing approximately 50 percent of the collected seed stock (holding the other 50 percent in reserve), and, if necessary, distributing topsoil from impacted BCM areas to the BCM habitat creation area. Biological monitoring for the successful establishment of BCM will be conducted for five years or until the success criteria are met for three years without human intervention. Monitoring will include: (a) monitoring of general conditions within the BCM establishment area including documentation of vegetation community, vegetative cover, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) the extent of BCM occurrence within the creation area will be recorded, following the methodology used to assess occupied habitat, and adjacent known BCM habitat will also be monitored to provide a reference for BCM populations; (c) the creation will be deemed successful when three years of monitoring of occupied BCM habitat within the creation areas meets or exceeds the creation ratio (i.e., 1.5:1); and (d) reserved BCM seed can be used during the monitoring period to supplement areas where BCM establishment is not meeting success criteria. The Habitat Mitigation and Monitoring Plan shall detail methods, locations, and goals for BCM habitat creation efforts, and include contingency measures that address the potential that creation efforts could fall short of stated goals (including security provisions for acquiring off-site BCM habitat as noted above or,</p> <p>(2) Preserve habitat for BCM at a 19:1 ratio (19 acres of</p>					

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<p>preservation for every one acre impacted) for direct impacts and at a 5:1 ratio (five acres of preservation for every one acre impacted) for indirect impacts. However, final habitat acreages, mitigation ratios, and other project-specific compensatory requirements for direct and indirect impacts shall be finalized during consultation between USFWS and the Corps as part of the Section 404 permitting process and during consultation with the CDFW. This compensatory mitigation may include one or a combination of the following options:</p> <ul style="list-style-type: none"> <li>• Purchase BCM credits from an approved mitigation bank within the service area. The actual fee paid shall be that in effect at the time of payment.</li> <li>• Preserve, as described in the Habitat Mitigation and Monitoring Plan, BCM habitat at an existing site where long-term protections encumbering the property are currently not in place. This would likely include habitat within the 108 acre on-site, open space preserve as well as the adjacent 14.76 acre Doe Mill-Schmidbauer Preserve (APN 018-510-002), which was dedicated to the City by the owner of the Stonegate project in 1989 in anticipation of mitigation requirements for a previous project that did not move forward at that time. This option may also include purchasing property off-site that contains existing occupied BCM habitat. In either case, this option would require the preparation of a long-term management plan, subject to approval by USFWS and the City, prior to the start of construction to ensure that the population of BCM is protected in perpetuity.</li> </ul> <p>Final habitat acreages, mitigation ratios, and other project-specific</p>					

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compensatory requirements shall be determined through consultation between USFWS and the Corps as part of the Section 404 permitting process. The exact cost to purchase preservation credits for project-related impacts shall be determined at the time of purchase. Mitigation credits shall be purchased and/or a conservation area and management plan shall be established prior to any grading or other ground-disturbing activities on the project site. Consultation shall also include requesting a consistency determination or Section 2081 Incidental Take Permit from CDFW concerning Butte County meadowfoam.					
<p><b>MM BIO-2B:</b> Prior to the issuance of a grading permit, the Applicant shall prepare a Weed Control Plan for review and approval by the City. Prior to the start of construction activities, the Applicant shall implement a comprehensive, adaptive Weed Control Plan for pre-construction and construction invasive weed abatement. The long-term Weed Control Plan, shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A pre-construction weed inventory shall be conducted by surveying all areas subject to ground-disturbing activity, including but not limited, to staging areas, access roads, and areas subject to grading.</li> <li>• Weed populations that (1) are rated High or Moderate for negative ecological impact in the California Invasive Plant Database (Cal-IPC) and (2) aid and promote the spread of wildfires (such as cheatgrass, Saharan mustard, and medusa head) shall be mapped and described according to density and area covered.</li> </ul>	Approval of Weed Control Plan; Receipt of documentation	Prior to the issuance of grading permits; Prior to, during, and after construction activities; Periodic verification for ten years after completion of construction	City of Chico; USFWS		

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<ul style="list-style-type: none"> <li>In areas subject to ground disturbance, weed infestations shall be treated prior to construction according to control methods and practices for invasive weed populations.</li> <li>The Weed Control Plan shall be updated and utilized for eradication and monitoring post-construction.</li> <li>Weed control treatments shall include all legally permitted herbicide, manual, and mechanical methods. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a Pest Control Advisor and implemented by a Licensed Qualified Applicator.</li> <li>The timing of weed control treatment shall be determined for each plant species in consultation with USFWS with the goal of controlling populations before they start producing seeds.</li> <li>Surveying and monitoring of the identified and treated populations shall be require at all sites impacted by construction and shall occur annually for years one to five and bi-annually for years six to ten.</li> <li>During project preconstruction and construction, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) prior to commencing work in off road areas.</li> </ul>					
<b>MM BIO-4:</b> Prior to issuance of any City permits for construction,	Receipt of	Prior to issuance	City of Chico		

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<p>grading, or other site-disturbing activities, the Applicant shall provide proof to the Chico Community Development Department that all necessary authorizations from the USACE and RWQCB for the discharge of dredged or fill material into the waters of the U.S. identified on the project site have been obtained.</p> <p>Prior to any work affecting the bed or bank of the Butte Creek Diversion Channel, tributaries, or associated riparian areas, the Applicant shall obtain a Lake or Streambed Alteration (LSA) Agreement from the CFW, as required under Section 1602 of the Fish and Game Code. The LSA Agreement shall detail the authorized activities affecting the Butte Creek Diversion Channel, tributaries, and associated riparian areas, and provide specific terms and conditions necessary to protect fish and wildlife resources in the project site. The Applicant shall comply with all requirements of the LSA agreement, including any compensatory mitigation such as replacement of impacted trees. A copy of the fully executed LSA Agreement shall be submitted to the Chico Community Development Department prior to initiation of any work impacting riparian habitats on the project site.</p> <p>To mitigate for the permanent loss of 9.35 acres and potential indirect impacts to 4.51 acres of aquatic resources resulting from the project, the Applicant shall provide a USACE-approved compensatory mitigation plan for impacts to waters of the U.S. The plan shall provide for replacement of waters of the U.S. at a 3:1 ratio (three acres replaced for every one acre removed), or as required by the USACE. The plan shall describe the specific methods for replacement of impacted waters on site, and provide a monitoring plan, including a reporting schedule and success criteria over a specific amount of time. In the event the USACE determines that compensatory mitigation for impacts to waters of</p>	<p>documentation; Approval for LSA Approval of compensatory mitigation plan</p>	<p>of City permits for construction, grading, or other site-disturbing activities; Prior to any work affecting the bed or bank of the Butte Creek Diversion Channel, tributaries, or associated riparian areas</p>	<p>Community Development Department; CDFW; USACE</p>		



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the U.S. cannot be fully accomplished on site, the Applicant may purchase credits at a USACE-approved mitigation bank whose service area includes the project site. The type and amount of credits shall be determined in coordination with the USACE. Proof of the purchase of any required mitigation bank credits shall be provided to the Chico Community Development Department prior to initiation of any work impacting waters of the U.S. on the project site.					
<b>Section IV.E—Cultural Resources</b>					
<b>MM CULT-2:</b> Prior to the start of grading operations for each phase of the project the Applicant shall provide reasonable notice and site access for a tribal representative to be present at the project site during any ground disturbing activities in areas mapped by the Mechoopda Indian Tribe of Chico Rancheria as High Sensitivity areas. If any archaeological or paleontological deposits are encountered, all soil-disturbing work shall be halted at the location of any discovery until a qualified archaeologist or paleontologist evaluates the significance of the find(s) and prepares a recommendation for further action. If the project site is expanded beyond its current limits, additional cultural resource studies shall be required.		Prior to start of grading operations for each phase of the project	City of Chico; Qualified archaeologist or paleontologist		
<b>Section IV.G—Greenhouse Gas Emissions</b>					
<b>MM AIR-2C/GHG-1:</b> The project applicant shall implement the following BCAQMD-recommended operational mitigation measures: 1. Incorporate outdoor electrical outlets to encourage the	Notes on construction plans; Site inspection	During project design activities; During project operational phase	City of Chico; BCAQMD		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>use of electric appliances and tools;</p> <p>2. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles;</p> <p>3. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible;</p> <p>4. Final designs shall consider buildings that include roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows (passive solar design);</p> <p>5. Utilize high efficiency gas or solar water heaters;</p> <p>6. Utilize built-in energy efficient appliances (i.e., Energy Star);</p> <p>7. Utilize double-paned windows;</p> <p>8. Utilize low energy street lights (i.e. light-emitting diode);</p> <p>9. Utilize energy-efficient interior lighting;</p> <p>10. Utilize low-energy traffic signals (i.e., light-emitting diode);</p> <p>11. The project shall meet all title 24 requirements, including but not limited to;</p> <p>a. Install door sweeps and weather stripping (if more efficient doors and windows are not available);</p> <p>b. Install energy-reducing programmable thermostats;</p> <p>c. Use roofing material with a solar reflectance values meeting the EPA/DOE Energy Star rating to reduce summer cooling needs; and</p> <p>12. Prior to the recordation of each Final Map, to the</p>					

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
extent that cumulative project operational emissions exceed applicable thresholds the project applicant shall participate in an Off-site Mitigation Program coordinated through the Butte County Air Quality Management District (BCAQMD). The project applicant shall utilize a methodology based on the BCAQMD CEQA Handbook with final details to be approved by the BCAQMD and City for calculating the payment to the Off-site Mitigation Program.					
<b>Section IV.I—Hydrology and Water Quality</b>					
<b>MM HYDRO-2:</b> The project applicant shall coordinate levee modification activities (if any) with the California Department of Water Resources and obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to commencing project construction activities. As required by the encroachment permit, project construction shall comply with the CVFPB's flood control standards described under Title 23 of the California Code of Regulations and (if applicable) the U.S. Army Corps of Engineers construction standards to ensure that the integrity of the existing flood-control system is properly maintained.	Receipt of documentation; Approval for encroachment permit	Prior to commencing construction activities that may result in modification of the levee for the Diversion Channel	City of Chico; DWR/CVFPB		
<b>Section IV.K—Noise</b>					
<b>MM NOISE-2:</b> To satisfy the City of Chico's noise level standards at noise-sensitive uses near commercial lots within the project, commercial parking areas within the project shall be designed such that no residentially-zoned property would have 100 or more parking spaces within 100 feet, unless a solid noise barrier of 6 feet	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits;	City of Chico		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
in height is included at the interface of the commercial parking area and the residential property.		prior to project occupancy			
<b>MM NOISE-3:</b> To satisfy the City of Chico's noise level standards at noise-sensitive uses near commercial lots within the project, commercial development on Lots 471 and 474 shall be designed to maintain on-site delivery truck circulation routes a minimum distance of 50 feet from property lines shared with existing or future noise-sensitive residences in the project vicinity. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design may be used to demonstrate that a lesser separation would meet the City's noise level standards. Such future acoustic study shall state all assumptions, including specifications for a noise barrier as appropriate, and be subject to review and approval by the Chico Community Development Director.	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		
<b>MM NOISE-4:</b> On-Site Commercial Loading Dock Noise at Noise-Sensitive Uses  To satisfy the City of Chico's noise level standards at residentially-zoned properties nearest Lots 471, 472 and 474, the future commercial development on these commercial lots shall be designed to locate all loading docks a minimum distance of 125 feet from property lines abutting residentially-zoned properties. Alternatively, a future acoustic study prepared by a qualified professional and based on the specific commercial site design, may be used to demonstrate that a lesser separation would meet the City's noise level standards. Such future acoustic study shall state all assumptions, including specifications for a noise barrier as appropriate, and be subject to review and approval by the Chico	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Community Development Director.					
<p><b>MM NOISE-6:</b> Future Exterior Traffic Noise Levels at Proposed Residences</p> <p>To satisfy the City of Chico's exterior noise level standard at the common outdoor areas of the proposed multi-family residential lots within the development (Lots 470 and 473), these future common outdoor areas shall be designed to: (1) maintain a minimum setback distance of 130 feet from the centerline of Bruce Road, (2) be shielded by the proposed structures to completely block the common outdoor area(s) from view of Bruce Road, or (3) include a solid noise barrier meeting specifications outlined in a supporting acoustic study prepared by a qualified professional, subject to review and approval by the Community Development Director.</p>	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico Community Development Director; Qualified acoustic professional		
<p><b>MM NOISE-7:</b> Future Traffic Noise Levels at Proposed Residences</p> <p>Should the building facades of the future multi-family residences be proposed within 90 feet of the centerline of Bruce Road, all upper floor windows of the residential structures located within that setback distance and within line-of-sight of Bruce Road shall be upgraded to STC-32.</p>	Approval of project design	Site Design and Architectural Review; Prior to issuance of building permits; prior to project occupancy	City of Chico		
<b>Section IV.O—Transportation/Traffic</b>					
<p><b>MM TRANSPORTATION-1:</b> Install a Traffic Signal at Bruce Road / Raley Boulevard (Intersection 13)</p> <p>The AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted.</p>	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 13 (Bruce Road at Raley Boulevard);	City of Chico		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes at full project build-out would meet Signal Warrant 3 – Peak Hour Warrant for the AM and PM peak hours. With the implementation of a traffic signal the weekday AM peak hour level of service would improve from LOS F to LOS C, and the PM peak hour level of service would improve from LOS F to LOS D, which would result in a less-than-significant impact after mitigation.</p> <p>The applicant shall design, fund, and install a traffic signal when signal warrants are met. The City shall be responsible for monitoring traffic conditions at the intersection and notifying the applicant, in writing, when traffic signal installation is required. Following such notification from the City that the traffic signal is required, the signal shall be included on any subsequent subdivision improvement plans for the project, and no new building permits for traffic-generating uses shall be issued on Lot 472 until the signal has been installed or progress toward installation is substantially underway. To the extent that the applicant qualifies for reimbursement for a portion of the costs associated with this improvement pursuant to provisions of the Chico Municipal Code, the applicant may pursue a Memorandum of Reimbursable Street Facility Costs with the City.</p>		prior to approving building permits for Lot 472			
<p><b>MM TRANSPORTATION-2:</b> Install a Traffic Signal at Skyway / Forest Avenue (Intersection 17)</p> <p>The PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes meet Signal Warrant 3 – Peak Hour Warrant for the PM peak hour.</p>	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 17 (Skyway at Forest Avenue); prior to approving building permits for Lot 472	City of Chico		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>With the implementation of a traffic signal the weekday PM peak hour level of service would improve from LOS F to LOS A, which would result in a less-than-significant impact.</p> <p>The applicant shall design, fund, and install a traffic signal when signal warrants are met. The City shall be responsible for monitoring traffic conditions at the intersection and notifying the applicant, in writing, when traffic signal installation is required. Following such notification from the City that the traffic signal is required, the signal shall be included on any subsequent subdivision improvement plans for the project, and no new building permits for traffic-generating uses shall be issued on Lot 472 until the signal has been installed or progress toward installation is substantially underway. To the extent that the applicant qualifies for reimbursement for the costs associated with this improvement pursuant to provisions of the Chico Municipal Code, the applicant may pursue a Memorandum of Reimbursable Street Facility Costs with the City.</p>					
<p><b>MM TRANSPORTATION-5:</b> Transit Stops and Routes</p> <p>Prior to City approval of each set of detailed subdivision improvement plans, the applicant shall coordinate with local public transit providers to determine a suitable transit service concept for the project site that does not substantially alter existing public transit operations and is consistent with relevant service standards and new service warrants. Potential transit service modifications include a new route or route extension along Bruce Road between E 20th Street and Skyway (consistent with the BCAG Transit and Non-Motorized Plan) and the installation of bus stops internal to the project site. Bus stops should be installed at locations within close proximity to key pedestrian routes (e.g. the Bruce Road /</p>	Confirm stops/turn-outs on improvement drawings	Prior to approval of each set of subdivision improvement plans	Local public transit providers		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Webster Drive and Skyway / Potter Road intersections). Implementation of this mitigation measure would provide adequate access to transit service, therefore, this impact would be reduced to a less-than-significant level.					
<b>MM TRANSPORTATION-6:</b> Install a Traffic Signal at Bruce Road / Raley Boulevard (Intersection 13)  The AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes at full project build-out would meet Signal Warrant 3 – Peak Hour Warrant for the AM and PM peak hours. With the implementation of a traffic signal the weekday AM peak hour level of service would improve from LOS F to LOS C, and the PM peak hour level of service would improve from LOS F to LOS E, which would result in a less-than-significant impact after mitigation.  The applicant shall implement Mitigation Measure TRANSPORTATION-1.	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 13 (Bruce Road at Raley Boulevard); prior to approving building permits for Lot 472	City of Chico		
<b>MM TRANSPORTATION-7:</b> Install a Traffic Signal at Skyway / Forest (Intersection 17)  AM and PM peak hour traffic volumes at this intersection were analyzed to determine if a traffic signal would be warranted. According to the California Manual on Uniform Traffic Control Devices (MUTCD), Caltrans 2014, the projected traffic volumes meet Signal Warrant 3 – Peak Hour Warrant for both peak hours. With the implementation of a traffic signal the weekday AM and PM peak hour level of service would improve from LOS F to LOS B, which would result in a less-than-significant impact after mitigation.	Traffic monitoring; Submission of notification	Ongoing following construction near Intersection 17 (Skyway at Forest Avenue); prior to approving building permits for Lot 472	City of Chico		



**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures		Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
					Date	Initial
The applicant shall implement	Mitigation Measure					
<b>SECTION IV.P—Utilities and Service Systems</b>						
<p><b>MM HYDRO-1:</b> Prior to development of the RS-20 lots, the project applicant shall prepare a detailed hydraulic evaluation to determine the potential for improvements within the existing Federal Emergency Management Agency (FEMA) 100-year flood zones and California Department of Water Resources (DWR) 200-year flood zones to result in changes to the extent, depth, and velocity of flood flows. The modeling shall be performed and certified by a professional engineer using the U.S. Army Corp of Engineer's Hydrologic Engineering Center's River Analysis System (HEC-RAS) or similar surface water flow modeling software. The modeling shall include an evaluation of both the on-site and off-site flooding impacts under existing flooding conditions and future flood conditions as a result of developing the RS-20 lots.</p> <p>Based on the surface water flow modeling, areas of development that could reduce the overflow storage capacity of floodwater near the channel shall be identified. For any of the RS-20 lots improvements that could reduce overflow storage capacity, the project design shall be modified to ensure there is no net decrease in the floodwater storage capacity. This could include balancing the amount of cut and fill materials within the flood zones.</p> <p>Based on the surface water flow modeling, areas of development that could affect the velocity of floodwater along the Butte Creek Diversion Channel shall be identified. For any improvements that would substantially alter the channel flow velocity, the project design for the RS-20 lots shall be modified to reduce potential</p>		Submission of hydraulic evaluation; Possible submission of changes to RS-20 lots design	Prior to development of RS-20 lots east of Diversion Channel;	City of Chico; Certified professional engineer		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>erosion, siltation, and associated flooding impacts. Modifications to the project design may include, but are not limited to, the following measures.</p> <ul style="list-style-type: none"> <li>• Alter the location and design of structures and/or fill materials within the FEMA 100-year flood zones or DWR 200-year flood zones.</li> <li>• Install erosion controls systems such as rock protection or erosion resistant vegetation.</li> <li>• Increase the size of proposed culverts.</li> <li>• Install cross-flow culverts for improvements through flood zones.</li> <li>• Improve existing off-site stormwater drainage systems that would receive runoff from the project site.</li> </ul> <p>The detailed hydraulic evaluation and, if necessary, proposed changes to the RS-20 lots design, shall be submitted to the City of Chico and any other regulatory agencies that have jurisdiction over the improvements.</p>					
<p><b>MM HYDRO-2:</b> The project applicant shall coordinate levee modification activities (if any) with the California Department of Water Resources and obtain an encroachment permit from the Central Valley Flood Protection Board (CVFPB) prior to commencing project construction activities. As required by the encroachment permit, project construction shall comply with the CVFPB's flood control standards described under Title 23 of the California Code of Regulations and (if applicable) the U.S. Army Corps of Engineers construction standards to ensure that the integrity of the existing flood-control system is properly maintained.</p>	<p>Receipt of documentation; Approval for encroachment permit</p>	<p>Prior to commencing construction activities that may result in modification of the levee for the Diversion Channel</p>	<p>City of Chico; DWR/CVFPB</p>		

**Table 1: Stonegate Vesting Subdivision Map and General Plan Amendment / Rezone  
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Verification Method	Verification Timing	Responsible for Verification	Verification of Completion	
				Date	Initial
Section IV.Q—Tribal Cultural Resources					
<b>MM CULT-2:</b> Prior to the start of grading operations for each phase of the project the Applicant shall provide reasonable notice and site access for a tribal representative to be present at the project site during any ground disturbing activities in areas mapped by the Mechoopda Indian Tribe of Chico Rancheria as High Sensitivity areas. If any archaeological or paleontological deposits are encountered, all soil-disturbing work shall be halted at the location of any discovery until a qualified archaeologist or paleontologist evaluates the significance of the find(s) and prepares a recommendation for further action. If the project site is expanded beyond its current limits, additional cultural resource studies shall be required.		Prior to start of grading operations for each phase of the project	City of Chico; Qualified archaeologist or paleontologist		

**EXHIBIT “II”**  
**CONDITIONS OF APPROVAL**  
**Stonegate Subdivision and Use Permit (S 15-05, UP 18-14)**

**Vesting Tentative Subdivision Map 15-05 (S 15-05)**

1. The subdivider shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney’s fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy of any of the following: (i) the approval of applications associated with the Stonegate Subdivision and General Plan Amendment/Rezone Project (Application Nos. GPA 15-02, RZ 15-02, S 15-05 and UP 18-14, together the “Project”); (ii) the environmental impact report prepared in connection with the approval of the Project, or any subsequent approvals or permits issued in relation to the Project; (iii) the proceedings undertaken in connection with the adoption or approval of any of the above; (iv) any subsequent approvals or permits relating to the Project; (v) the processing of occupancy permits and (vi) any amendments to the approvals for the Project. The City of Chico shall promptly notify the subdivider of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.
2. The proposed vesting tentative subdivision map to divide the site (AP Nos: 002-190-041, 018-510-007, 018-510-008, and 018-510-009) into low density residential (423 units, 81 acres), medium density residential (13.4 acres, two parcels), community commercial (36.6 acres, three parcels), parks (3.5 acres, three parcels), open space preserve (136 acres), public right-of-way, and storm water retention parcels is authorized, as depicted on the “Public Street Subdivision Vesting Tentative Subdivision Map (S 15-05), Stonegate, for EPICK Homes, Inc.” date-stamped Jul 26, 2018, by Chico Planning Services, except as revised by the accompanied Subdivision Report or any of the following conditions of approval.
3. This approval includes authorization for the subdivider and City officials to effectuate the proposed Land Transfer, resulting in the transfer of ownership of an approximately 0.80-acre triangle-shaped parcel owned by the City to Lot 471 in exchange for a similarly-shaped approximately 1.0-acre parcel located at the northwestern extremity of Lot 471, by Boundary Line Modification or similar application process.
4. The subdivision shall be developed in compliance with all other applicable State and local Code provisions, including those of the Public Works Department and the Fire Department. The applicant is responsible for contacting these offices to verify the need for permits.

5. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

"In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel. Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees."

6. Prior to recording the final map(s), any taxes and/or assessments against the property shall be paid.
7. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.
8. Should any tree removal occur with the project, all qualifying trees pursuant to CMC 16.66 that are removed shall be replaced by the subdivider as follows:
  - a. On-site. For every six inches in DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved, and shall be placed in areas dedicated for tree plantings. The survival of replacement trees shall be ensured for three years, and if any should die or fail within the first three years of their planting, then the subdivider shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
  - b. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
9. In conjunction with filing each final map the subdivider shall provide a verification of an adequate water supply, consistent with California Government Code Section 66473.7, for the subdivision based on a written verification from California Water Service Company.

10. Subdivision improvement plans for each phase of development shall be accompanied by a grading plan that conspicuously delineates the limits of ground disturbance to be allowed under the requested phase and shall specify physical barriers to be erected in the field during construction activities to provide a constant visual demarcation of the work area. Additional plans and specifications, including but not limited to hydrological evaluations, spill prevention plans and limiting construction dates to avoid wet times of year, may be required by City staff (with justification) to avoid previously-unanticipated adverse effects from proposed construction activities.
11. Street tree planting locations within parkway strips in the project shall be adequately excavated and backfilled with amended or imported soils which are conducive to successful tree growth, as deemed necessary by the City's Urban Forest Manager.
12. Recreational park lots within the project shall be improved as follows:
  - a. Parcel A, the 0.2-acre open space viewing area, shall be fully improved in conjunction with the map phase which creates the lot. Final hardscape improvements (curb, gutter, sidewalk, etc.) shall be completed prior occupancy of any other structures developed within the same phase, landscape improvements may be deferred for up to six months to avoid planting during the hottest months.
  - b. Parcel B, the 2.9-acre neighborhood park, shall be fully improved with play equipment and other appropriate amenities prior to occupancy of over one-half (212) of the single-family homes within the project. Should any of the multi-family residential projects within the site be developed without comparable shared outdoor amenities within their complex, those new units shall count against the 212-unit total that necessitates completion of the neighborhood park.
  - c. Parcel I, the 0.4-acre pocket park, shall be fully improved with benches, landscaping and other appropriate amenities in conjunction with the map phase which creates the lot. Final hardscape improvements shall be completed prior occupancy of any other structures developed within the same phase, landscape improvements may be deferred for up to six months to avoid planting during the hottest months.
13. The project's entitlements will expire three (3) years from the date of approval, unless (i) they are exercised as specified in the Municipal Code, or (ii) a written request for extension is received and approved by the City. If, however, a legal challenge is filed against the City's approval of any of the project's entitlements, including but not limited to General Plan Amendment 15-02, Rezone 15-02, Subdivision 15-05, Use Permit 18-14, and any related building or grading permits, the time period to exercise the entitlements shall be stayed for the duration of the litigation.

**Use Permit 18-14 (Ground-Floor Residential Uses on Lot 471)**

14. Use Permit 18-14 authorizes a ground-floor residential uses on Lot 471, in substantial accord with the "Plat to Accompany Use Permit 18-14 (Conceptual Site Plan Proposed on a Portion of Lot 471 - Stonegate)" and in compliance with all other conditions of approval.
15. The extent of future ground-floor residential uses may range from three to 13 acres in size on Lot 471 of Vesting Tentative Subdivision Map 15-05, and the approved Conceptual Site Plan may be amended by the Architectural Review and Historic Preservation Board during future Site Design and Architectural Review in compliance with Chico Municipal Code Section 19.18.
16. The future residential development under this permit shall meet the following (adapted from the R2 Medium-Density Residential zoning regulations):
  - a. Residential density for the portion of the site to be developed with ground-floor residential uses shall be in the range of 6 to 14 dwelling units per acre,
  - b. Primary structures shall be limited to 35 feet in height and accessory structures shall be limited to 15 feet in height,
  - c. Minimum structural setbacks shall be 10 feet along E. 20<sup>th</sup> Street, 5 feet along side (and functionally-side) property lines, and 30 feet along the rear property line abutting existing residential uses fronting on Parkhurst Street, and
  - d. Other R2 zoning district development standards deemed necessary by the Architectural Review and Historic Preservation Board in conjunction with Site Design and Architectural Review.
17. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.

**Mitigation Measures from the EIR (SCH#2016062049)**

18. The developer shall comply with all mitigation measures contained in the concurrently-adopted "Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Mitigation Monitoring and Reporting Program". The Mitigation Monitoring and Reporting Program is hereby incorporated by reference in its entirety and compliance with each identified mitigation measure therein shall be enforced during future requests for City entitlements, permits or other authorizations needed to proceed with project implementation, as applicable.
19. Concurrent with each request for City approval of subdivision improvement plans, final maps, planning entitlement, or building permits on commercial lots the

developer shall submit a Mitigation Progress Report to document the applicability and compliance efforts for each mitigation measure identified in the adopted "Stonegate Vesting Tentative Subdivision Map and General Plan Amendment / Rezone Mitigation Monitoring and Reporting Program". City staff shall only issue the permit or provide a positive recommendation thereon if compliance with all applicable mitigation measures is confirmed.

X:\Current Planning\Subdivision\2015\15-05 Stonegate (72195)\Planning Commission\bit and bobs\PC Reso 18-12 - Exhibit II - draft Conditions of Approval.docx





## Subdivision Report

Meeting Date 9/18/18

DATE: September 5, 2018

File: S 15-05

TO: CITY COUNCIL

FROM: Matt Johnson, Senior Development Engineer, 879-6910  
Public Works Department

RE: **Vesting Tentative Subdivision Map S 15-05 Stonegate**

### Exhibit "III"

This office has reviewed the vesting Tentative Subdivision Map S 15-05 Stonegate and herewith submits the following findings and recommendations for same.

#### **A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE**

The Subdivider has requested certain modifications to Titles 18R of the Chico Municipal Code (CMC). These requests have been listed on the Tentative Map application, described by the Subdivider and/or their engineer, or appear on the Tentative Map. The requests and staff recommendations are as follows:

1. **Request:** Allow non-radial lot lines.

**Recommendation:** Acceptable.

2. **Request:** Allow non-standard road sections.

**Recommendation:** Acceptable.

3. **Request:** Allow intersection spacing less than as specified in 18R.08.020 at the intersections of Street G/Baroni Drive and Street H/Baroni Drive.

**Recommendation:** Acceptable.

4. **Request:** Allow horizontal curves less than as specified in 18R.08.020.D.

**Recommendation:** Acceptable.

5. **Request:** Allow minimum residential lot depths less than 80 feet.

**Recommendation:** Acceptable.

6. **Request:** Allow Double Frontage lots

**Recommendation:** Acceptable.

**7. Request:** Allow Back-Up lots.

**Recommendation:** Acceptable.

**THE CONDITIONS CONTAINED IN THE REMAINDER OF THIS REPORT REFLECT, WHERE APPLICABLE, THE RECOMMENDATIONS ABOVE.**

**B. ENVIRONMENTAL IMPACT REPORT AND MITIGATION MEASURES LIST**

The Environmental Impact Report (EIR) contains a number of both offsite and onsite Transportation and Circulation mitigation measures. The EIR is intended to be used as the basis for determining both the nature and timing of the required offsite and onsite roadway mitigation measures. The Subdivider shall prepare a detailed list of required Transportation and Circulation mitigation measures describing both the nature and timing of the required offsite and onsite mitigation measures. The list shall be summarized in text, tables, figures, along with any appropriate drawings for staff review and will be used to ensure that both current/future required mitigation measures will be constructed and operational at the appropriate time.

An Environmental Impact Report Mitigation List shall be submitted, reviewed, and approved by the Community Development Director and the Senior Development Engineer prior to initial submittal of the improvement plans for this subdivision.

**C. TIMING AND NATURE OF PUBLIC IMPROVEMENTS**

The Public Works Director will determine the nature, extent, timing and limits of required offsite and onsite road/street public improvements to be constructed as part of any development (including phased development) versus payment of an in-lieu fee as well as reimbursements for construction of future Nexus/CIP facilities.

**D. PUBLIC FACILITY CONSTRUCTION**

**1. Streets**

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the typical sections as depicted on the Tentative Map or as determined by the Public Works Director:
  - 1) Interior to subdivision - Full urban improvements.
  - 2) Adjacent to subdivision: Bruce Road and East 20<sup>th</sup> Street - Full and half-width conforming urban improvements.
  - 3) Webster Drive on CUSD Property - Timing of the construction of Webster Drive urban improvements to be determined by the Public Works Director.
- b) All corner lots shall be subject to intersection sight distance criteria as established by the Public Works Director. Appropriate easements shall be dedicated as needed on the Final Map.

- c) Notice is hereby given to future owners of lots within this subdivision that the City of Chico will require the construction of additional traffic circulation improvements under the circumstances described below. An appropriate note shall be placed on the Final Map.
- d) Street names shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.

## **2. Roundabout**

The Subdivider shall design and construct a roundabout in the Laredo Way and Street Q intersection in a manner acceptable to the Director of Public Works.

## **3. Storm Drainage**

### **a) Facility Construction**

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Interior to Subdivision - Curb, gutter, and an underground storm drain system with all appurtenances.

Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built within this subdivision. Said improvements shall be constructed by the Subdivider.

- 2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.

Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

- 3) Exterior to Subdivision - The Subdivider shall work with the Chico Unified School District to design and construct storm drain infrastructure across their property.

### **b) Post Construction Standard Plans**

Implement City Post Construction Standard Plans to evapo-transpire, infiltrate, harvest and reuse, or bio treat storm water runoff.

### **c) NPDES Requirements**

Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Chico NPDES Requirements.

d) Parcel G - Storm Water Facility

The Subdivider shall design and construct a storm water facility in accordance with the EIR and the Storm Drainage Master Plan below.

e) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Public Works Department for review and approval. Said Master Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The Storm Drainage Master Plan shall address the following elements:

1) Storm Water Runoff Management

The runoff management plan shall establish specific measures to accomplish the following:

- No net increase in peak flow from the Stonegate development.
- Erosion control.
- Pollutant runoff control, including first flush mitigation, (the first 1/2-inch of runoff shall be intercepted and treated).
- Restricted area protection.
- Reference CASQA BMP Hand Book.

The plan shall stipulate the measures to be implemented and the means of implementation by the Subdivider during construction and after construction but prior to lot development.

The plan shall establish any design constraints to be placed upon both public and private facility construction.

2) Storm Drainage Analysis

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Open, natural swales.
- Improved channels.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

f) Statement of Effective Storm Water Disposal

The storm drainage system for this project shall meet the following standards:

- No net increase in the peak flow from the Stonegate development.
- Intercept and treat the first flush runoff (defined as the first 1/2-inch of runoff).

These standards are to be met through the preparation and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP) which shall incorporate CASQA BMPs. A review of this project, including the project location, has been made. Based on this review, it has been concluded that the use of one or more such BMPs will provide an adequate mechanism to meet the standards set forth herein and, therefore, provide the required mitigation of storm drainage effects resulting from the project.

- g) The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Chico Municipal Code, prior to recordation of the Final Map.

**4. Sanitary Sewer**

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

- 1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.
- 2) Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.
- 3) Exterior to Subdivision - Underground sanitary sewer has been previously extended and exists at the site for connection in compliance with Application for Sewer Connection.

b) Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to recordation of the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits. All of the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

The vesting Tentative Subdivision Map S 15-05 Stonegate is entirely located in the Southeast Sewer Assessment District and has previously paid any and all remaining assessment balance.



**5. Street Signs and Striping**

The Subdivider shall install City standard street signs, regulatory signs, No Parking signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct. All signage shall be High Intensity Prismatic, no less than Grade V.

**6. Street Lights**

The Subdivider shall install City standard street lights on steel poles with concrete bases on all streets that they are required herein to construct. Alternatives to standard street lights shall be subject to the approval of the Public Works Director, provided the following criteria are met:

- a) The alternative standard must be consistent throughout the entirety of this subdivision.
- b) Levels of illumination equivalent to City standards must be achieved.
- c) The Subdivider must deliver to the City a full inventory of replacement parts equal to 10% of the total number of street lights in the subdivision.

**7. Bicycle Facilities**

The Subdivider shall construct the following bicycle facilities:

- a) City Standard Class I bicycle path along the west side of Bruce Road and within Parcel H in conformance with the typical sections as depicted on the Tentative Map.
- b) City Standard Signing and striping for Class II bicycle lanes in conformance with the typical sections as depicted on the Tentative Map.

**8. Transportation Facilities**

The Subdivider shall construct bus turnouts and benches and shelters as required in consultation with Butte County Association of Governments.

**9. Street Trees**

Street trees shall be planted in accordance with Public Works Department - Parks Division requirements.

#### **10. Landscaping**

The Subdivider shall install landscaping and an irrigation system at the following locations:

- a) Within existing and future raised median and rights-of-way along both Bruce Road and East 20<sup>th</sup> Street.
- b) Within any specific entry features and/ or amenities.
- c) Within the Laredo Way/Street Q roundabout.
- d) Within Parcels A, B, H, and I.
- e) Within Parcel G.

#### **E. MAINTENANCE**

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall be:

1. Existing and future raised median and rights-of-way along both Bruce Road and East 20<sup>th</sup> Street.
2. Masonry Wall with Decorative Cap.
3. Any specific entry features and/or amenities.
4. The Laredo Way/Street Q roundabout.
5. Class 1 bicycle paths.
6. Parcels A, B, H, and I.
7. Parcels C and D.
8. Parcel G.

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district shall be complete and formed prior to recordation of the Final Map.

#### **F. SUBDIVISION GRADING**

##### **1. Soils Report**

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

- a) An investigation of the nature, distribution and strength of existing soils.
- b) A description of site geology.
- c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
- d) Verification that the site is suited to proposed BMPs.

##### **2. Grading Standards**

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

### **3. Grading Plan**

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

- a) The subdivision limits, contours and details of existing terrain and drainage.
- b) Existing structures or other topographic features that are to remain undisturbed.
- c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
- d) Existing ground elevations at all corners of proposed lots.
- e) Proposed finished lot corner grades and finished pad grades.
- f) Proposed lot grades indicating lot drainage.
- g) Pertinent recommendations from the above required Geological and/or Soils Report.
- h) Pertinent construction details to assure compliance with City of Chico Grading Standards.

### **4. Final Grading Report**

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

- a) That final grading complies with the approved grading plan or any approved revisions.
- b) That the subdivision grading complies with the recommendations included in the Geological and/or Soils Report. Any changes made during grading that affected these recommendations shall be assessed.
- c) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Chico Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the Public Works Director for review and approval prior to the start of any work and shall be considered as part of the construction plans.

## **G. PROPERTY CONVEYANCES**

### **1. Dedications**

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

- a) Bruce Road and East 20<sup>th</sup> Street - Dedicate public rights-of-way as depicted on the Tentative Map.
- b) Webster Drive - The Subdivider shall work with the Chico Unified School District to ensure dedication of public right-of-way to the City as depicted on the Tentative Map.
- c) Potter Road - Dedicate public right-of-way as depicted on the Tentative Map.
- d) New Subdivision Streets - Dedicate public rights-of-way as depicted on the Tentative Map.



- e) Chico Unified School District Property - The Subdivider shall work with the Chico Unified School District to ensure dedications of storm drain easements to support needed storm drain conveyance infrastructure.
- f) Parcels A in "Fee Simple" for "Public Open Space Viewing Area" purposes.
- g) Parcels B and I in "Fee Simple" for "Park" purposes.
- h) Parcels C and D in "Fee Simple" for "Open Space Preserve" purposes.
- i) Parcel G in "Fee Simple" for "Storm Water Facility" purposes.
- j) Parcel H in "Fee Simple" for "Bicycle Path" purposes.
- k) Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.

## **2. Abandonments**

The right-of-way and easement abandonments depicted on the Tentative Map are approved. Said abandonments, in accordance with the provisions of the Subdivision Map Act, shall become effective upon Final Map recordation:

- a) Easement for Open Storm Drain Swale per Book 2234 O.R. Page 227 and Book 2234 O.R. Page 363.
- b) Storm Drain Easement per O.R. 85-20683.
- c) 20-foot wide easement for the benefit of PG&E per 93-23585.
- d) A southerly portion of existing East 20<sup>th</sup> Street right-of-way.

## **3. Land Transfer**

The City and Subdivider shall affect a land transfer on the south side of East 20<sup>th</sup> Street as depicted on the Tentative Map.

# **H. OTHER PUBLIC SERVICES**

## **1. Public Utilities**

- a) **Underground Requirements**

The Subdivider shall install the following utilities underground:

- 1) All new utilities serving this subdivision.

- b) **Easement Obstructions**

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

c) **Utility Company Comments**

- 1) AT&T, as of the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company, in its letter dated 8/14/18 attached hereto as Exhibit A, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.
- 3) California Water Service Company, as of the date of this report, did not respond to a request for comments.

**2. Fire Protection**

The Subdivider shall comply with the recommendations of the Fire Department, City of Chico.

**3. United States Postal Service**

The Subdivider shall install concrete pads for NDCBU delivery to the lots of this subdivision. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the Community Development Department.

**4. Butte County Association of Governments (BCAG)**

The Butte County Association of Governments, in its letter dated 3/16/17 attached hereto as Exhibit B, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**5. Butte County Department of Public Works**

The Butte County Department of Public Works, in its letter dated 8/6/18 attached hereto as Exhibit C, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**6. California Department of Fish and Wildlife**

The California Department of Fish and Wildlife, in its e-mail dated 3/17/17 attached hereto as Exhibit D, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**7. California Department of Transportation**

The California Department of Transportation, in its letter dated 5/23/18 attached hereto as Exhibit E, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**8. Central Valley Flood Protection Board**

The Central Valley Flood Protection Board, in its letter dated 5/2/17 attached hereto as Exhibit F, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**9. California Water Boards**

The California Water Boards, in its letter dated 3/10/17 attached hereto as Exhibit G, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**10. United States Department of the Interior**

The United States Department of the Interior, in its letter dated 3/13/17 attached hereto as Exhibit H, has made certain comments which shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**I. PERMITS FROM OUTSIDE AGENCIES**

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

**J. DESIGN CRITERIA AND IMPROVEMENT STANDARDS**

All public improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public improvements.

All public improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

**K. ADMINISTRATIVE REQUIREMENTS**

**1. Revised Tentative Map**

If applicable, the Subdivider shall prepare a Project Map, consisting of a copy of the Tentative Map modified to depict all requirements of this subdivision report or the resolution of approval that alter the street layout, the lot configuration, or any other substantive item depicted on the Tentative Map as originally submitted.

The revised tentative map shall be submitted, reviewed, and approved by the Community Development Department Director and the Senior Development Engineer prior to initial submittal of the improvement plans or Final Map for this subdivision.

**2. Subdivision Improvement Agreement**

If the public improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

**3. Subdivision Fees**

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

An initial deposit of 1½% of the estimated cost of all public improvements exclusive of private utility facilities (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public improvements exclusive of private utility facilities. A final fee equal to actual City costs.

Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Community Development Department.

  
Matt Johnson, Senior Development Engineer

**Distribution:**

Original - Community Development Department S 15-05 File  
Development Engineering Subdivision File

**Attachments:**

Exhibit A - Pacific Gas and Electric Company  
Exhibit B - Butte County Association of Governments (BCAG)  
Exhibit C - Butte County Department of Public Works  
Exhibit D - California Department of Fish and Wildlife  
Exhibit E - California Department of Transportation  
Exhibit F - Central Valley Flood Protection Board  
Exhibit G - California Water Boards  
Exhibit H - United States Department of the Interior



August 14, 2018

Mike Sawley  
City of Chico-Community Development Department  
411 Main St., 2<sup>nd</sup> Floor  
Chico, CA 95927

Re: Vesting Tentative Subdivision Map S 15-05; Stonegate Subdivision

Dear Mr. Sawley:

Thank you for giving us the opportunity to review the proposed Vesting Tentative Subdivision Map S 15-05; Stonegate Subdivision. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at [www.pge.com/eco](http://www.pge.com/eco) for additional services you may require, or for any modification and/or relocation requests.

Sincerely,

Jonathan Lockhart  
Land Management  
925-244-3613

EXHIBIT A  
1 of 1





326 Huss Drive, Suite 150  
Chico, California 95928  
(530) 809-4616 FAX (530) 879-2444  
[www.bcag.org](http://www.bcag.org)

March 16, 2017

City of Chico Community Development Dept.  
Attn: Mike Sawley, Senior Planner  
P.O. Box 3420  
Chico, CA 95927-3420

RE: Vesting Tentative Subdivision Map S 15-05 and GPA/RZ 15-02 (Stonegate)

Dear Mr. Sawley:

The Butte County Association of Governments (BCAG) appreciates the opportunity to comment on the project listed above. Based on the information reviewed, BCAG has the following comments related to its planning activities:


*Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS):* As the federally designated Metropolitan Planning Organization for the Butte County region, BCAG is responsible for preparing the area's RTP/SCS. The RTP/SCS specifies the policies, projects, and programs necessary over a 20+ year period to maintain, manage, and improve the region's transportation system. In 2008, these responsibilities were expanded by the State of California to include the SCS. The SCS demonstrates the integration of land use, housing, and transportation for the purpose of reducing greenhouse gas emissions from passenger vehicles.

BCAG's last RTP/SCS was adopted in December 2016 and did not incorporate or consider the land use, housing, or transportation assumptions included in the project listed above. If the project is approved, BCAG would encourage the City of Chico to coordinate with staff to include any assumptions related to land use, housing, and transportation in order for the RTP/SCS to be updated or amended.

*Butte Regional Conservation Plan (BRCP):* A revised draft of the BRCP is currently under development and is expected to include the removal of the project listed above from the BRCP permit area. This change will eliminate any conflict between the BRCP and the project, and will allow the project to move forward separately via the existing state and federal permitting processes. As such, there are no expected conflicts between the project and the BRCP.

If you have any questions, please do not hesitate to call (530-809-4616) or email me ([blasagna@bcag.org](mailto:blasagna@bcag.org)).

Sincerely,



Brian Lasagna,  
Regional Analyst

EXHIBIT B

1 OF 1  
Attachment 5



**Department of Public Works**

Dennis Schmidt, Director  
Radley Ott, Assistant Director

7 County Center Drive  
Oroville, California 95965

T: 530.538.7681  
F: 530.538.7171

[buttecounty.net/publicworks](http://buttecounty.net/publicworks)

August 6, 2018

City of Chico Community Development Dept.  
Attn: Mike Sawley, Senior Planner  
P.O. Box 3420  
Chico, CA 95927-3420

**RE: Tentative Subdivision Map – S 15-05 and GPA/RZ 15-02**  
**APN 002-190-041, 018-510-007, -008, and -009**

Dear Mr. Sawley:

Reference is made to your request for comments dated July 27, 2018 on the above noted development.

1. Development of this subdivision will increase flows into the Comanche Creek watershed. The storm drain system should be designed to not exacerbate existing flooding problems on this system.
2. Provide a permanent solution for drainage designed to not allow peak flows from the site to exceed current undeveloped levels.
3. Portions of the development are located within Federal Emergency Management Agency flood boundaries. The proposed development should not adversely affect the carrying capacity of the base flood elevation within the boundaries nor allow any increase in base flood elevation which adversely affects any neighboring property.
4. Install full urban improvements including curb, gutter and sidewalk.
5. Some roads appear narrow for on street parking.

If you have any questions concerning this matter, please contact this office at (530) 538-7266, Monday through Friday, 8:00 a.m. to 4:00 p.m.

Sincerely,

Thomas A. Fossum, P.E.  
Deputy Director  
Butte County Public Works

EXHIBIT C

Attachment 5

## Mike Sawley

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**From:** Torres, Juan@Wildlife <Juan.Torres@wildlife.ca.gov>  
**Sent:** Friday, March 17, 2017 2:03 PM  
**To:** Mike Sawley  
**Subject:** Vesting Tentative Subdivision Map S 15-05 and GPA/RZ 15-02 (Stonegate)  
**Attachments:** 2081 Application help (3).doc

The California Department of Fish and Wildlife (Department) has reviewed the Vesting Tentative Subdivision Map S 15-05 and GPA/RZ 15-02 (Stonegate), APNs 002-190-041, 018-510-007, and 018-510-009 from the City of Chico.

Based on the maps provided and aerial photographs the proposed project footprint contains areas under CDFW jurisdiction per section 1602 of the Fish and Game Code that may be impacted by the proposed project. These areas include all perennial, intermittent, and ephemeral streams, swales and any other habitats supported by these features such as wetlands, vernal pools, and riparian habitats. The proposed project proponents shall submit a Notification to the Department. The Notification shall include the appropriate fee payment and all the documentation required in the instructions located at:

<https://www.wildlife.ca.gov/Conservation/LSA/Forms>

Documentation typically required for this project include, but is not limited to a jurisdictional delineation depicting all the impacts to each habitat type under Department jurisdiction, hydrologic studies, recent vegetation surveys, mitigation measures to avoid, minimize, and mitigate impacts to these resources.

Butte County Meadowfoam (*Limnanthes floccosa ssp. californica*) is present within the project footprint and is expected to be impacted by the proposed project. Take authorization pursuant to the California Endangered Species Act (CESA) in the form of an Incidental Take Permit (ITP) or a consistency determination shall be obtained prior to any construction starting. Please note that the project proponent shall include the appropriate CESA fee with the permit application. Information relating to CESA Take authorizations and fees can be found at: <https://www.wildlife.ca.gov/Conservation/CESA>. For your convenience I have attached a copy of a 2081 Application that can be used to prepare an ITP. Please note that any impacts to this species shall be fully mitigated.

The Department encourages early coordination to determine appropriate measures to offset project impacts and facilitate future permitting processes and to coordinate with the U.S. Fish and Wildlife Service to coordinate specific measures if federally-listed species are present within the project limits.

Please note that when acting as a responsible agency, CEQA guidelines section 15096, subdivision (f) requires CDFW to consider the CEQA environmental document prepared by the lead agency prior to reaching a decision on the project. The Department will review that proposed activities are adequately addressed in the CEQA document and the impacts have been appropriately disclosed and mitigated.

If you have any questions please do not hesitate to contact me.

**Juan Lopez Torres**  
**Senior Environmental Scientist (Specialist)**



**NORTH CENTRAL REGION**  
**HABITAT CONSERVATION PROGRAM**

1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Office: (916) 358-2951

Fax: (916) 358-2912

[Juan.Torres@wildlife.ca.gov](mailto:Juan.Torres@wildlife.ca.gov)

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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Every Californian should conserve water. Find out how at:

EXHIBIT D

1 of 5  
Attachment 5



**STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND GAME**

**APPLICATION FOR INCIDENTAL TAKE OF ENDANGERED SPECIES,  
THREATENED SPECIES AND CANDIDATE SPECIES**

Applications for incidental take permits must include all of the information listed in the California Code of Regulations, Title 14, sections 783.2 and 783.3. This form is provided to assist you in preparing complete responses to the required sections. Consultation with a qualified wildlife biologist should be considered if the project applicant cannot completely respond to the species-specific information requested. Include all CEQA documents prepared in association with any other related permitting requirements (e.g., local agencies, etc.) to assist the Department in timely processing of the application.

Applications must be submitted to the Regional Manager. Any questions regarding the application and/or process should be directed to Department staff located in the Region where the project or activity will be conducted.

## I. GENERAL INFORMATION

- A. DATE OF APPLICATION:
- B. APPLICANT: Full name, complete mailing address, phone number, and fax number of individual, business, agency, or institution for which permit is requested.
- C. IF "APPLICANT" IS A CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION, INSTITUTION OR PUBLIC OR PRIVATE AGENCY PROVIDE:
- Name, address, telephone number, and e-mail address, if available, of the person responsible for the project or activity requiring the permit, the president or principal officer, and the registered agent for the service of process.
- D. A BRIEF DESCRIPTION OF THE PROJECT OR ACTIVITY FOR WHICH THE PERMIT IS SOUGHT:
- E. LOCATION WHERE PROJECT OR ACTIVITY IS TO BE CONDUCTED: Provide a description of the physical location such as street address, town or city, etc; Assessor's Parcel Number (APN); and Township, Range, Section. Attach U.S.G.S. map with location marked.
- F. PROPOSED PERMIT DURATION: Based on the expected duration of project activities, including any activities related to implementation of mitigation requirements.
- G. OTHER PERMITS REQUIRED: List any other permits required/sought for this project (i.e., Stream Alteration Agreement, Federal ESA Authorization, CESA Scientific Collecting, CORPS Permit, etc.)
- H. CEQA LEAD AGENCY: Name of the Local or State approving agency. Name, address, telephone number, and fax number of the Lead Agency contact person.
- I. CEQA DOCUMENTATION: A statement as to whether an environmental impact report, negative declaration, or mitigated negative declaration has been prepared or is being considered, or whether another document prepared pursuant to a certified regulatory program (Public Resources Code section 21080.5) has been prepared or is being considered.

## II. BIOLOGICAL ANALYSIS

- A. SPECIES TO BE COVERED: List the common and scientific names of all species for which incidental take coverage is being sought. List each species' status under CESA, and whether the species is the subject of rules and guidelines pursuant to Fish and Game Code sections 2112 and 2114.
- B. PROJECT DESCRIPTION: Provide a complete and detailed description of the project or activity for which the permit is sought, including the project site, staging areas, access roads, etc. Provide an estimate of the acreage that will be affected by the project and related activities.
- C. EXTENT OF TAKE: Provide an analysis of whether and to what extent the project or activity could result in the taking of the species to be covered by the permit. Include a discussion of habitat impacts and the project activities that could cause take of covered species. Use a table or chart, if necessary, to display impacts of different aspects of the project. Attach results of field surveys and qualifications of individuals conducting surveys, if applicable.
- D. IMPACT ON THE SPECIES: Present an analysis of the impacts of the proposed taking on the species. For example, will the project impact a significant share of the population? Does the project create a barrier that will isolate remaining populations from each other?
- E. JEOPARDY: Present an analysis of whether issuance of the incidental take permit would jeopardize the continued existence of a species. This analysis shall include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of: 1) known population trends; 2) known threats to the species; and 3) reasonably foreseeable impacts on the species from other related projects and activities.
- F. MITIGATION MEASURES: Propose and explain measures to minimize and fully mitigate all impacts of the proposed taking.
- G. COMPLIANCE: Provide a plan to monitor and report compliance with and effectiveness of the minimization and mitigation measures. The plan should include specific, measurable goals or success criteria as well as remedial measures and thresholds for triggering those remedial measures.
- H. FUNDING: A description of the funding source and the level of funding available for implementation of the minimization and mitigation measures.

## **CERTIFICATION**

**I certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to civil and criminal penalties under the laws of the State of California.**

---

Signature

Date

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-4286  
FAX (530) 741-5346  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

May 23, 2018

GTS# 03-BUT-2018-00084  
03-BUT-99 PM 30.645  
SCH# 2016062049

Mr. Mike Sawley  
City of Chico Community Development  
411 Main Street  
Chico, CA 95928

**Stonegate Vesting Tentative Map**

Dear Mike Sawley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental/application review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

The applicant proposes to subdivide 313 acres of land into a combination of 109 acres of open space, public right-of-way (ROW), 3.3 acres of park, 81 acres of single-family residential standard lots (424 lots), 22.3 acres of single-family half-acre lots (45 lots), 13.4 acres of multi-family residential lots, and 36.6 acres of commercial lots. The project site is located along the east and west side of Bruce Road, between E. 20<sup>th</sup> Street and Skyway. The following comments are based on the Draft Environmental Impact Report (DEIR) received.

**Hydraulics**

- No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Further, the developer must maintain, or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of stormwater management Best Management Practices (BMPs) (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for

*"Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability"*

EXHIBIT E

1 OF 2

Attachment 5

Mr. Mike Sawley, City of Chico Community Development  
May 23, 2018  
Page 2

future damages due to impacts for which adequate mitigation was not undertaken or sustained.

- Should any runoff from the proposed project enter the State's highway right of way and/or Caltrans drainage facilities, it must meet all Regional Water Quality Control Board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate stormwater quality BMPs (i.e., oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.
- All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Nima Kabirinassab, Intergovernmental Review Coordinator for Butte County, by phone (530) 741-5452 or via email at [Nima.Kabirinassab@dot.ca.gov](mailto:Nima.Kabirinassab@dot.ca.gov).

Sincerely,



KEVIN YOUNT, Branch Chief  
Office of Transportation Planning  
Regional Planning Branch—North



**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682

**RECEIVED**

MAY 05 2017

CITY OF CHICO  
PLANNING SERVICES

May 2, 2017

Mr. Mike Sawley, Senior Planner  
Community Development Department  
City of Chico  
P.O. Box 3420  
Chico, California 95927

Subject: Permit Needed for Proposed Stonegate Development Project in Chico, California

Dear Mr. Sawley

The Central Valley Flood Protection Board (Board) staff reviewed your letter dated February 28, 2017 regarding the proposed Stonegate development project in Chico, California. The proposed project is located in Butte County on the east and west sides of Bruce Road, between East 20th Street and the Skyway Subdivision and covers APNs 002-190-041, 018-510-007, 018-510-008, and 018-510-009.

Our research indicates that the property for the Stonegate Development Project includes features related to the Butte Creek Diversion Canal that are under the Board's jurisdiction, including Sacramento-San Joaquin Drainage District easements, a regulated stream, and a State Plan of Flood Control levee on the west side of the creek. In addition, it appears the canal is a federal channel under the United States Army Corps of Engineers jurisdiction. Therefore, your project requires engagement with the Board staff and may require a Board permit prior to construction.

The Board's jurisdiction covers the entire Central Valley including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins south of the San Joaquin River.

The Board enforces California Code of Regulations, Title 23, Division 1 (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways. Pursuant to Title 23, Section 6, a Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.

Unpermitted work may be subject to the imposition of remedial and enforcement actions, including, but not limited to corrections of the violation by the Board at the responsible party's expense, and penalties. The penalties can range from \$500 to \$50,000, and additional penalties may apply under certain circumstances. See California Water Code Sections 8704 and 8704.1 for penalty provisions.

**EXHIBIT F**1 of 2  
**Attachment 5**

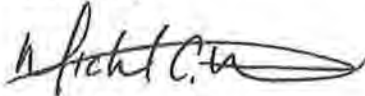
Board permit applications and Title 23 regulations are available on Board's website at <http://www.cvpfb.ca.gov/>. Maps of the Board's jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Board staff would also like to draw your attention to several bills enacted in 2007 by California Legislature to improve flood management in the Sacramento-San Joaquin Valley. California Government Code (CGC) Section 65865.5 places restrictions on development agreements for properties located within a flood hazard zone. While CGC Section 65962 places restrictions on the construction of new buildings or construction that would result in an increase in allowed occupancy for an existing building, and the construction of a new residence within a flood hazard zone unless the city or county has made one of several findings. CGC Section 65865.5 (a) requires cities and counties within the Sacramento-San Joaquin Valley to make findings based on substantial evidence.

According to CGC Section 65302.7 each city or county located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the California Water Code, shall submit the draft safety element of General Plan to the Board at least 90 days prior to the adoption of the Plan.

If you have any questions, please contact Mr. Michael Wright at (916) 574-0698, or via email at [Michael.Wright@CVFlood.ca.gov](mailto:Michael.Wright@CVFlood.ca.gov).

Sincerely,



FOR Mitra Emami  
Acting Chief Engineer

EXHIBIT F

3 of 2  
Attachment 5





## Central Valley Regional Water Quality Control Board

10 March 2017

City of Chico Community Development Department  
Attn: Mike Sawley, Senior Planner  
PO Box 3420  
Chico, CA 95927-3420

RECEIVED

MAR 14 2017

CITY OF CHICO  
PLANNING SERVICES

### **COMMENTS REGARDING VESTING TENTATIVE SUBDIVISION MAP S 15-05 and GPA/RZ 15-02 (STONEGATE) APNs 002-190-041, 018-510-007, 018-510-008, AND 018-510-009; CITY OF CHICO, BUTTE COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has reviewed the tentative subdivision map for Butte County parcel numbers 002-190-041, 018-510-007, 018-510-008, and 018-510-009, located on the east and west sides of Bruce Road, between East 20<sup>th</sup> Street and Skyway, within the City of Chico (Project). Based on information provided, the Central Valley Water Board is submitting the following comments pertaining to the proposed Project.

#### **Project Description**

The proposed Project is the subdivision of 313.3 acres into 107.7 acres of open space, a 3.3 acre public park, and 467 single family lots, 2 multi-family lots, and 3 commercial lots.

#### **City of Chico Water Pollution Control Plant**

The development of the proposed Project will require connection to the City of Chico's sewage collection system and wastewater treatment plant. The discharge of treated wastewater from the Chico Water Pollution Control Plant (WPCP) is regulated by the Central Valley Water Board pursuant to Waste Discharge Requirements (WDRs) Order R5-2016-0023, NPDES Permit No. CA0079081. The WDRs and NPDES permit programs regulate, amongst other things, the discharge volume and quality of treated wastewater from the WPCP. Currently, the WPCP is permitted to discharge a maximum average monthly flow of 12 million gallons per day (MGD) based upon the average dry weather design flow of the WPCP. Please be advised that the applicant should receive confirmation of available capacity at the WPCP and a formal approval to connect to the sewage collection system prior to property development and discharging untreated wastewater from any areas within the overall Project area.

#### **Isolated Wetlands and other Waters not Covered by the Federal Clean Water Act**

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has

potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/wqc\\_application.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf)

**General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)**

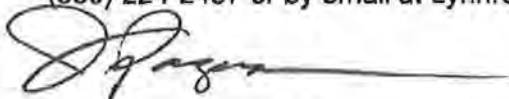
Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/gen\\_const.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml)

**Post-Construction Storm Water Requirements**

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

If you have any questions or comments regarding this matter please contact Jeremy Pagan at (530) 224-4850 or by email at [Jeremy.Pagan@waterboards.ca.gov](mailto:Jeremy.Pagan@waterboards.ca.gov) or Lynn Coster at (530) 224-2437 or by email at [Lynn.Coster@waterboards.ca.gov](mailto:Lynn.Coster@waterboards.ca.gov).



Jeremy M. Pagan, PE  
Senior Water Resource Control Engineer  
NPDES Unit

cc w/o

enclosures: Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento  
Department of Fish and Wildlife, Region 2, Rancho Cordova

EXHIBIT G

2 of 2

Attachment 5



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



In Reply Refer to:  
08ESMF00-2016-  
TA-0236-2

**RECEIVED** MAR 13 2017

Mr. Mike Sawley  
Senior Planner  
City of Chico Community Development Department  
P.O. Box 3420  
Chico, California 95927-3420

MAR 20 2017

CITY OF CHICO  
PLANNING SERVICES

Subject: Comments on the Vesting Tentative Subdivision Map S15-05 and GPA/RZ 15-02,  
for the Stonegate Project, Chico, California (Service File #1-1-93-F-0054)

Dear Mr. Sawley:

This letter is in response to the February 28, 2017, letter and accompanying Stonegate tentative subdivision map and exhibits prepared by Epick Homes, for the city of Chico (city), which were received on March 2, 2017, by the U.S. Fish and Wildlife Service (Service). Your letter requested recommendations which would be included into the final conditions of approval for the map and/or improvement plans for the Stonegate project in Chico, Butte County. The recommendations in this letter are made pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

Our comments remain unchanged as outlined in our enclosed November 24, 2015, letter written to Mr. Bob Summerville of the city. In summary, we issued our biological opinion (Service File # 1-1-93-F-0054) to the U.S. Army Corps of Engineers (Corps) on August 31, 1995. New information for the Stonegate project, as described in our November 24, 2015, letter, warrants reinitiation of the biological opinion under the Act because it reveals that effects of the Stonegate project will affect listed species to an extent not considered in our 1995 biological opinion. Final conditions of approval for the Stonegate map should include measures from a reinitiated biological opinion with the Corps.

If you have questions regarding this response, please contact Kellie Berry, Chief, Sacramento Valley Division, ([kellie\\_berry@fws.gov](mailto:kellie_berry@fws.gov)), at the letterhead address or at (916) 414-6631.

Sincerely,

Jennifer M. Norris  
Field Supervisor

Enclosure:

cc:

Nancy Haley, U.S. Army Corps of Engineers, Sacramento, CA  
Kursten Sheridan, CA Department of Fish and Wildlife, Sacramento, CA

Exhibit H  
1 of 4



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



In Reply Refer to:  
08ESMF00-  
2016-TA-0236

NOV 24 2015

Mr. Bob Summerville  
Community Development Department  
City of Chico  
411 Main Street, 2<sup>nd</sup> Floor  
P.O. Box 3420  
Chico, California 95927

Subject: Stonegate Project, City of Chico, Butte County, California

Dear Mr. Summerville:

The U.S. Fish and Wildlife Service (Service) received your October 21, 2015, letter and accompanying information regarding the Stonegate Project, in Chico, Butte County. The City of Chico Planning Division (City) is reviewing a proposed Tentative Subdivision Map and General Plan Amendment/Rezone for the proposed Stonegate Project. Due to the significant environmental resources that would be impacted by the proposed project, the City has asked the U.S. Fish and Wildlife Service (Service) to provide preliminary comments and provide an assessment of the environmental issues including necessary approvals, permits, and regulatory clearances. The recommendations and comments in this letter are made pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)(Act).

Your October 21, 2015, letter specifically requests that the Service comment on the current legal standing of the August 31, 1995, Biological Opinion for the Stonegate Residential Project (Service file number 1-1-93-F-0054). This Biological Opinion was issued to the U.S. Army Corps of Engineers (Corps) and analyzed the effects of the project, as it was then proposed, and authorized the incidental take of the federally-endangered Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*) and vernal pool tadpole shrimp (*Lepidurus packardii*), and the federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*). As stated in the Biological Opinion, the Act requires that the Corps reinstate formal section 7 consultation when new information reveals effects of the action that may affect federally-listed species in a manner or to an extent not previously considered in our Biological Opinion (50 CFR § 402.16(b)) or if the identified action is subsequently modified in a manner that causes an effect to the listed species that was not considered in the biological opinion (50 CFR § 402.16(c)) (see page 13, *Reinitiation - Closing Statement* of the 1995 Biological Opinion). The Service believes that reinitiation of section 7 consultation is warranted due to the following:

1. The 1995 Biological Opinion for the proposed project was based on Butte County meadowfoam surveys conducted in 1992. The biological opinion states that Butte County

Exhibit H  
2 of 4



- meadowfoam had not been observed within the southern 1/3 portion of the property (see page 6). However, botanical inventories conducted in 2002 and 2004 detected previously unknown occurrences of Butte County meadowfoam within the southern portion of the property. Because these additional occurrences were not known at the time of preparation of the 1995 Biological Opinion, the effects to these additional occurrences were not analyzed.
2. The City has not provided information to the Service regarding the amount of federally-listed species habitat that would be impacted as a result of the proposed project as currently proposed, including indirect effects on avoided habitat from adjacent land use. Without this information we are unable to determine if these amounts differ from what was analyzed in the 1995 Biological Opinion. However, the current proposed project appears to be substantially different from the proposed project analyzed in the 1995 Biological Opinion. For example, the information provided by the City states that the proposed project is 284 acres in size and the proposed project analyzed in the 1995 Biological Opinion is 165 acres.
  3. All project impacts need to be analyzed in the context of a current baseline of Butte County meadowfoam, vernal pool tadpole shrimp, and vernal pool fairy shrimp to ensure that the Service utilizes the best available scientific and commercial data to make findings regarding the status of a listed species, the effects of a proposed action on the species, and the determination of jeopardy/no jeopardy. The 1995 Biological Opinion is now over twenty years old and the status and baseline for these three federally-listed species has changed significantly over this period of time. There has been extensive urban development and conversion of lands to agricultural uses within the Chico area since 1995. These projects have significantly reduced, fragmented, and degraded vernal pool habitat in the Chico area and these effects need to be adequately analyzed in a new biological opinion for the proposed project.
  4. The project description analyzed in the 1995 Biological Opinion proposes conservation and compensation measures for adverse effects to federally-listed species that are no longer viable options. For example, the project applicant proposed purchasing approximately 70 acres of vernal pool habitat at the Foothill Park Preserve in northern Chico as compensation for adverse effects associated with the proposed project. Currently, we understand this 70-acre portion of the Foothill Park Preserve is not available to be used for compensation for this or any other projects.

In addition, we note that the Service's 2006 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Recovery Plan) recommends that 99% of the known occurrences of Butte County meadowfoam be protected. In the Recovery Plan, core areas are ranked as Zone 1, 2, or 3 in order of their overall priority for recovery, with Zone 1 reflecting the highest priority areas. Butte County meadowfoam can be recovered (*i.e.*, delisted) primarily through the protection of Zone 1 core areas. The proposed project site has a designation of Zone 1. Even partial development of this site could potentially preclude our ability to achieve our recovery goal of 99% because the avoided Butte County meadowfoam habitat would likely be significantly and adversely impacted by edge effects of development.

Exhibit H  
3 of 4

Mr. Bob Summerville

3

The Service thanks the City of Chico for the opportunity to comment on the proposed project. If you require additional information please contact Rick Kuyper, Senior Fish and Wildlife Biologist, at (916) 414-6649 or [richard\\_kuyper@fws.gov](mailto:richard_kuyper@fws.gov).

Sincerely,



Jennifer M. Norris  
Field Supervisor

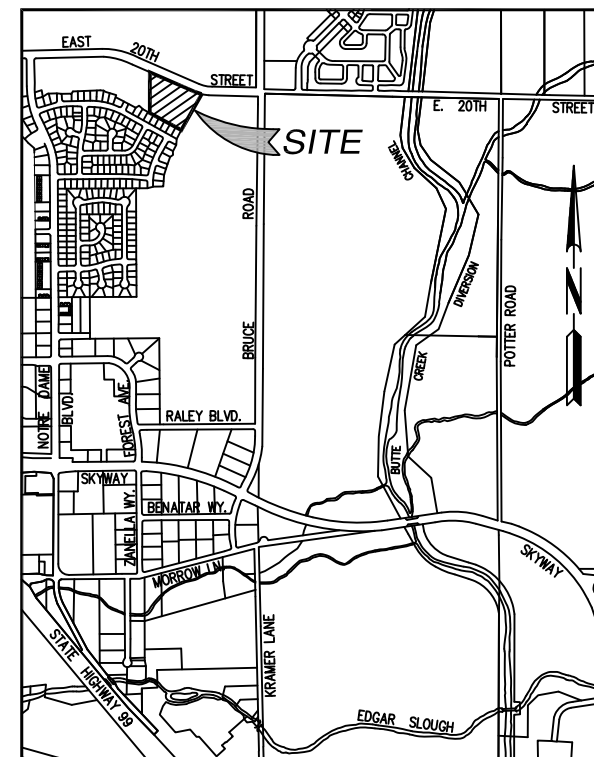
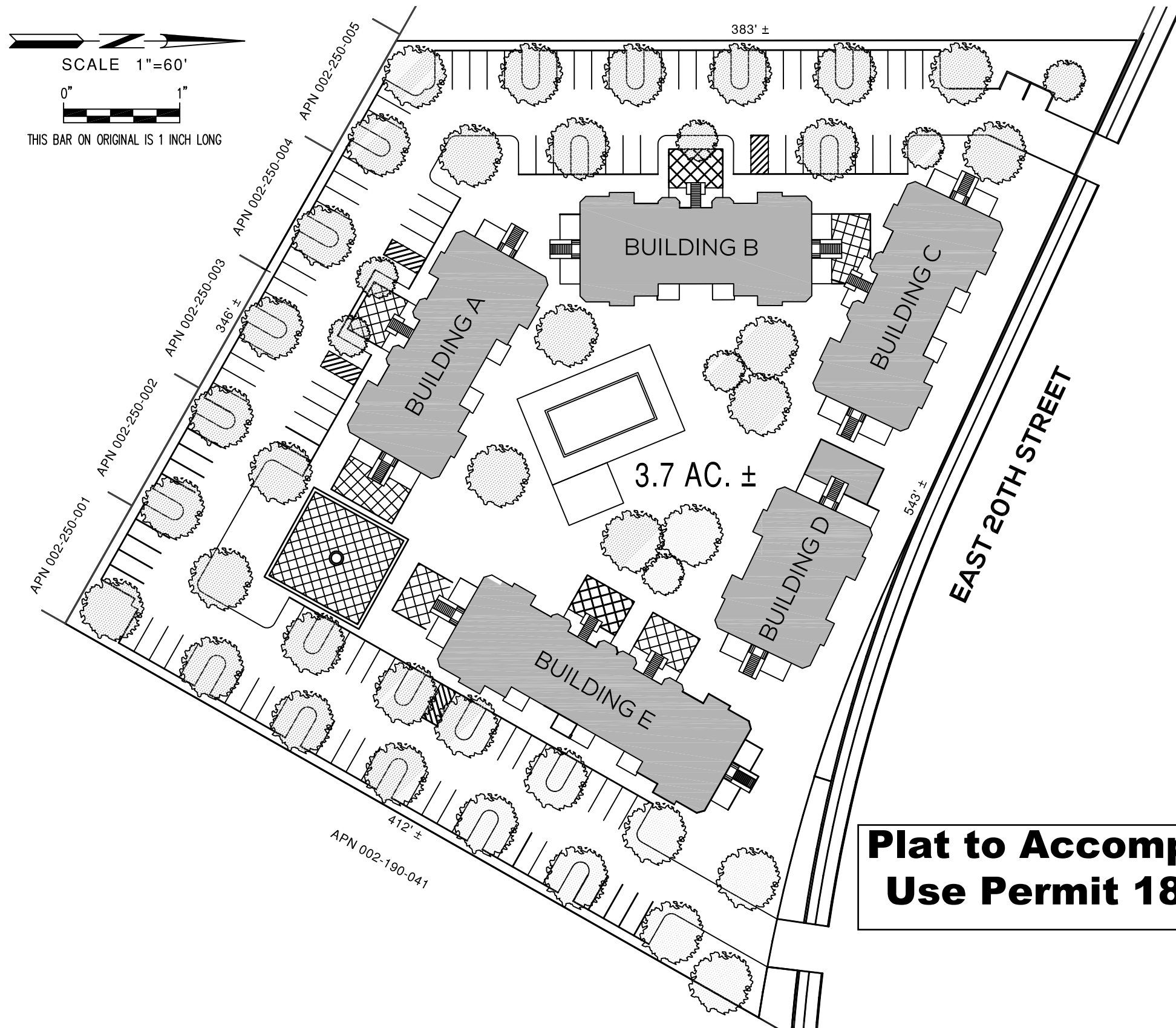
cc:

Nancy Haley, U.S. Army Corps of Engineers, Sacramento, California

Jenny Marr, California Department of Fish and Wildlife, Chico, California

Exhibit H  
4 of 4

S:\CIVIL\_3D\_2016 PROJECTS\15128 Revd Planning 5-3-18\ACAD-Stoengate Planning 2018.dwg 06/22/18 6:34:06 AM



VICINITY MAP  
NO SCALE

## CONDITIONAL USE PERMIT CONCEPTUAL SITE PLAN

PROPOSED ON A PORTION OF LOT 471  
AS DEPICTED ON  
STONEGATE VESTING TENTATIVE SUBDIVISION MAP  
DATED JUNE 22, 2018



FOR  
EPICK HOMES, INC.

**RAR**  
**ROLLS ANDERSON & ROLLS**  
**CIVIL ENGINEERS**

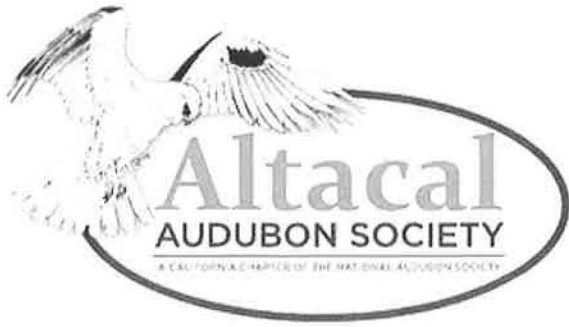
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811  
TELEPHONE 530-895-1422

JUNE 22, 2018

15128

SHEET 1 OF 1

**Plat to Accompany  
Use Permit 18-14**



August 29, 2018

Dear Chico Planning Commissioners,

Altacal Audubon Society, on behalf of our more than seven hundred members, respectfully requests that the approval of the Final EIR for the Stonegate Subdivision be denied at this time, based on the following.

The plan calls for onsite mitigation to repopulate endangered Butte County Meadowfoam destroyed during development, however there is no guarantee that the newly planted Meadowfoam will survive under artificial conditions. There is currently no State approved mitigation bank to serve as a back-up in case on-site replanting fails. The project should not go forward until there is an approved back-up mitigation site that helps to assure the success of the replanting

There is a need for hydrologic studies to ensure long-term viability of the established preserve, and confirm that there will not be impacts beyond what is described in the environmental review documents. The narrow scope of on-site studies was limited to drought years, and the connectivity of the vernal pools, and their relationship to runoff patterns has not been fully researched. Local farmers are concerned about runoff impacts downstream.

The Butte Regional Conservation Plan and Habitat Conservation Plan are not completed yet, and this property should not be excluded from the region-wide consideration of where best to allow development. Consideration of this project should not occur until those plans are completed.

The Chico General Plan Annual Review and Sustainability Indicators Reports, which may impact decisions on this project have not yet taken place for this year. Consideration of this project should not take place prior to this review and reporting.

Respectfully yours

Dawn Garica

Conservation Co-chair

Altacal Audubon Society

Wildlife Biologist, MS