



DATE: August 28, 2017

TO: PLANNING COMMISSION

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

RE: Use Permit 17-08 (Humboldt Skate Park Expansion) 371 Humboldt Avenue
AP Nos. 004-432-006 and 004-432-007

REPORT IN BRIEF

The Chico Area Recreation and Park District (CARD) has proposed to redesign and expand the Humboldt Avenue Skate Park, located on the south side of Humboldt Avenue between Orient and Flume Streets. The project would expand skate park features into an adjacent lawn area in the eastern portion of the site. No major issues have been identified.

Recommendation:

Planning staff recommends adoption of Resolution No. 17-13 (**Attachment A**), approving Use Permit 17-08 Humboldt Skate Park Expansion, subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 17-13, approving Use Permit 17-08, subject to the conditions as set forth therein.

BACKGROUND

The one-acre project site is located at 371 Humboldt Avenue between Flume Street and Orient Street and consists of two developed parcels (APNs 004-432-006 and 004-432-007) (see Location Map, **Attachment B**). The site is zoned OS2-L-SD8 (Secondary Open Space with Landmark and Special Design Considerations Overlay districts) and is designated Secondary Open Space by the General Plan.

The site was historically used by the City of Chico as a corporation yard. After closure of the corporation yard, the site underwent environmental remediation in 1998 due to an underground storage tank (UST) leak. Following remediation, the site was monitored for soil and groundwater contamination and in May 2000 the Regional Water Quality Control Board closed the case.

The skate park was constructed in 1998 and a bathroom building was added in 2004. The existing park contains approximately 13,000 square feet of hardscape, most of which is dedicated to skate track.

Proposed Project

The project involves a redesign and expansion of the Humboldt Skate Park. Most of the existing skateboard track is located on the westerly parcel (APN 004-432-006), with

improvements proposed on both of the subject parcels (see Site Plan to Accompany UP 17-08, **Attachment C**). Approximately 20 percent of the existing skate track would be removed and replaced with updated features that will provide a transition into new features planned on the easterly parcel, which currently contains an underutilized lawn area. Fencing would also be extended across the eastern portion of the site such that entire perimeter of the park is secured.

Project components include new concrete features and decks that would blend with existing elevations, cap and ledge modifications, new metal grind edges, bank features, and new transition forms. The new elements/features include an advanced bowl, 6 to 10.5 feet deep. The proposed improvements would add approximately 2,400 square feet of impervious surfaces, reducing unpaved open space at the site approximately six percent.

Six of the eight existing sycamore trees on-site are proposed for removal as part of the project. The project plans call for 15 replacement trees, including five Holly oak and 10 ginkgo biloba, to be planted around the expanded skate park features (see Landscape Plan, **Attachment D**). Additional shrubs and groundcover plantings are also proposed.

New fencing that matches the existing six-foot, decorative no-climb fencing at the entrance of the skate park would be added along the public sidewalk such that the entire street frontage is fenced. The same style of fencing would be added along the easterly boundary of the park and behind (south of) the proposed landscape improvements to preclude creek access. Images of project fencing, as well as other existing and proposed features are provided under **Attachment E**.

There is one existing “arched inverted lantern” light pole that would be relocated during construction. No changes to the hours of operation are proposed, and the existing on-site public restrooms would remain.

ENVIROMENTAL REVIEW

An Initial Study was prepared for the project. Based on the results, a Mitigated Negative Declaration was prepared and circulated for a 30-day comment period from 7/26/17 to 8/25/17. The Initial Study identifies five mitigation measures that would be required to reduce potential impacts to a less-than-significant level including:

- 1) Incorporating air quality Best Management Practices (BMPs) during construction,
- 2) Avoiding impacts to nesting birds during tree removal and construction activities,
- 3) Avoiding impacts to bats during tree removal and construction activities,
- 4) Halting construction if cultural resources are discovered during construction, and
- 5) Minimizing potential for improper disposal or release of contaminated water if encountered during construction.

The Mitigated Negative Declaration and Mitigation Monitoring Program is included as Exhibit I of the approving resolution, and all the mitigation measures have been included as conditions of approval in Exhibit II of the resolution (see **Attachment A**). Details of the environmental analysis can be found in the Initial Study (**Attachment F**).

Correspondence received during the public review period is included under **Attachment G**. Issues raised by the commenters are summarized below, followed by a staff response:

Mittman email (7/31/17)

The commenter requests that a noise abatement study be conducted as part of the environmental review due to existing noise from the skateboard park.

Staff Response: Under CEQA, the scope of review is limited to evaluating only those impacts that could result from the proposed project. This is in contrast to evaluating existing conditions, which are not attributable to the proposed project. As noted in the Initial Study, expanding the size of the skate track by 20 percent is not likely to substantially increase the number of park users or the associated noise levels generated by park users.

Native American Heritage Commission (NAHC) letter (8/4/17)

The letter notes that (1) no Tribal Cultural Resources section was contained in the Initial Study, (2) no documentation of government-to-government tribal consultation was contained in the Initial Study, and (3) no mitigation measures specifically addressing Tribal Cultural Resources were contained in the Initial Study.

Staff Response: While no section specifically dedicated to Tribal Cultural Resources was contained in the Initial Study, the conclusions and mitigation from the Cultural Resources section of the Initial Study are sufficient to address potential impacts of the project on Tribal Cultural Resources. As noted in the Initial Study, a Phase I Archaeological Study was conducted for the project, which provided the basis for determining that no known cultural resources are present at the site and that standard mitigation is applicable regarding the potential discovery of previously-unknown cultural resources. The mitigation measure pertaining to Cultural Resources, which is included as a condition of approval, contains a specific contingency for contacting local tribes and the NAHC in the event that cultural resources are discovered during construction. Separate from the CEQA review process, staff sent a letter to the Mechoopda Indian Tribe of Chico Rancheria inviting them to comment or initiate formal consultation on the proposed project. As of the date of this report no response has been received. Lastly, staff has added a Tribal Cultural Resource section to the Initial Study template and this section will be included on future project reviews where an Initial Study is required.

Regional Water Quality Control Board letter (8/18/17)

This is a standard letter generated by the Regional Board, no response is necessary.

FINDINGS

Following a public hearing, the Planning Commission may approve a use permit application, with or without conditions, only if all of the following findings can be made:

Use Permit Findings

- A. *The proposed use is allowed within the subject-zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Chico Municipal Code Section 19.50.020 allows parks and playgrounds in the Secondary Open Space zoning district, subject to use permit approval. This use permit has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*) and 19.50 (*Special Purpose Zones*).

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

The proposed project is an expansion of existing skate park facilities and is surrounded by commercial and single-family residences. The project would not conflict with the established character or functioning of the surrounding community, as it has been part of the established character of the neighborhood for approximately 20 years. The designated skating area will be completely fenced in and appropriate safety signage will remain posted at the park. The redesign and expansion of the skate park will be constructed to Chico Municipal Code Standards (e.g. lighting and landscaping requirements), which are intended to promote the health, safety, and general welfare of the public.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The proposed project involves the redesign and expansion of existing skate park facilities. Existing regulations require that any property or public improvements damaged during the course of construction be repaired or reconstructed by the applicant. No other impacts to property or improvements outside of the project site have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed expansion is consistent with the Secondary Open Space designation for the site, which accommodates a wide variety of recreational uses. Approval of the project is also consistent with General Plan goals and policies to provide a broad range of high quality parks and recreation facilities (PPFS-1), utilize creeks, greenways and preserves as a framework for a system of open space (PPFS-2) and promote land use compatibility through use restrictions and development standards (LU-2.4). The project is consistent with the General Plan's vision of enhancing and providing recreational opportunities to all residents. Additionally, the skate park is within the boundaries of the Southwest Chico Neighborhood Plan, which describes the larger parcels along Little Chico Creek as well suited for active urban parks such as the Humboldt Skate Park. However, this plan does not contain development regulations, goals or policies applicable to the project.

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

The proposed expansion of the existing skate park by approximately 20 percent does not represent a substantial change such that it would result in incompatibilities with existing land uses in the vicinity. The new skate track features, fencing and landscaping would be substantially similar to existing features, and compliance with the City's land use and development standards will further ensure compatibility with surrounding land uses. The proposed use is consistent with the site's General Plan land use designation and several goals found in the General Plan's Parks, Public Facilities, and Services Element.

PUBLIC CONTACT

A 30-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the Chico Enterprise Record. Comments received during the comment period and as of the date of this report are included as **Attachment G**.

DISTRIBUTION

PC Distribution

C.A.R.D., Attn: Terry Zeller, 545 Vallombrosa Avenue, Chico, CA 95926

NorthStar, Nicole Ledford, 111 Mission Ranch Blvd., Suite 100, Chico, CA 95926

ATTACHMENTS

- A. Resolution 17-13
 - Exhibit I – Mitigated Negative Declaration and Mitigation Monitoring Program
 - Exhibit II – Conditions of Approval
- B. Location Map
- C. Site Plan to Accompany UP 17-08
- D. Landscape Plan
- E. Architectural Details
- F. Initial Study
- G. Public Review Correspondence

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RESOLUTION NO. 17-13
RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
APPROVING USE PERMIT 17-08
(Humboldt Skate Park Expansion)

WHEREAS, Chico Area Recreation and Park District has submitted a use permit application to expand the Humboldt Skate Park located at 371 Humboldt Avenue, further identified as Assessor's Parcel Nos. 004-432-006 and 004-432-007 (the "Project"); and

WHEREAS, the Planning Commission considered the use permit application, staff report, and comments submitted at a noticed public hearing held on September 7, 2017; and

WHEREAS, the Planning Commission has considered the Initial Study and proposed mitigated negative declaration which conclude that the Project, with mitigation included, will not result in a significant impact on the environment.

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

1. With regard to the mitigated negative declaration the Planning Commission finds that:
 - A. The mitigation measures set forth in Exhibit I attached hereto are appropriate and will substantially reduce or avoid the described environmental impacts to a less than significant level if included as part of the Project; and
 - B. There is no substantial evidence supporting a fair argument that the Project may have a significant effect on the environment; and
 - C. The mitigated negative declaration has been prepared in conformance with the provisions of the California Environmental Quality Act and the Chico Municipal Code (CMC), Chapter 1.40, "Environmental Review Guidelines; and
 - D. The mitigated negative declaration prepared for the Project reflects the independent judgment of the City of Chico.
2. With regard to the use permit the Planning Commission finds that:
 - A. The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits) in that, pursuant to Chico Municipal

1 Code (CMC) Section 19.50 (Special Purpose Zones), parks and playgrounds may be
2 allowed in the OS2 (Secondary Open Space) zoning district, subject to use permit approval.

3 This use permit has been processed in accordance with CMC 19.24 and 19.50; and

4 B. The proposed project is an expansion of existing skate park facilities and is surrounded by
5 commercial and single-family residences. The project would not conflict with the
6 established character or functioning of the surrounding community, as it has been part of
7 the established character of the neighborhood for approximately 20 years. The designated
8 skating area will be completely fenced in and appropriate safety signage will remain posted
9 at the park. The redesign and expansion of the skate park will be constructed to Chico
10 Municipal Code Standards (e.g. lighting and landscaping requirements), which are
11 intended to promote the health, safety, and general welfare of the public; and

12 C. The proposed project involves the redesign and expansion of existing skate park facilities.
13 Existing regulations require that any property or public improvements damaged during the
14 course of construction be repaired or reconstructed by the applicant. No other impacts to
15 property or improvements outside of the project site have been identified; and

16 D. The proposed expansion is consistent with the Secondary Open Space designation for the
17 site, which accommodates a wide variety of recreational uses. Approval of the project is
18 also consistent with General Plan goals and policies to provide a broad range of high quality
19 parks and recreation facilities (PPFS-1), utilize creeks, greenways and preserves as a
20 framework for a system of open space (PPFS-2) and promote land use compatibility
21 through use restrictions and development standards (LU-2.4). The project is consistent with
22 the General Plan's vision of enhancing and providing recreational opportunities to all
23 residents; and

24 E. The proposed expansion of the existing skate park by approximately 20 percent does not
25 represent a substantial change such that it would result in incompatibilities with existing
26 land uses in the vicinity. The new skate track features, fencing and landscaping would be
27 substantially similar to existing features, and compliance with the City's land use and
28 development standards will further ensure compatibility with surrounding land uses. The

1 proposed use is consistent with the site's General Plan land use designation and several
2 goals found in the General Plan's Parks, Public Facilities, and Services Element.

3 3. Based on all of the above, the Planning Commission hereby approves the Project subject to the
4 conditions set forth in Exhibit II attached hereto.

5 4. The Planning Commission hereby specifies that the materials and documents which
6 constitute the record of proceedings upon which its decision is based are located at and
7 under the custody of the City of Chico Community Development Department.

8 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission at its
9 meeting held on September 7, 2017, by the following vote:

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAINED:

14 DISQUALIFIED:

15 ATTEST:

APPROVED AS TO FORM:

16
17 _____
18 Brendan Vieg
19 Planning Commission Secretary

20 _____
21 Vincent C. Ewing, City Attorney*

22 *Pursuant to the Charter of the City of
23 Chico, Section 906(E)



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME AND NUMBER: Humboldt Skate Park Expansion (UP 17-08)

APPLICANT'S NAME: Chico Area Recreation and Park District, Attn: Terry Zeller
545 Vallombrosa Avenue, Chico, CA 92926

PROJECT LOCATION: 371 Humboldt Avenue
Chico, Butte County, CA
AP Nos. 004-432-006 and 004-432-007

PROJECT DESCRIPTION: The project entails a redesign and expansion of the existing Humboldt Skate Park. The project would expand the skate park into the adjacent lawn area in the eastern portion of the site. Project components include concrete features and decks that would blend with existing elevations, cap and ledge modifications, new metal grind edges, bank features, and new transition forms. The new elements/features include an advanced bowl, 6 to 10.5 feet deep. Approximately 20 percent of the existing skate park would be removed and replaced with updated features. The existing on-site public restroom building would remain. The project would retain or remove portions of the existing fencing and construct new fencing at various locations to enclose the expanded skate park and preclude access to the channel of Little Chico Creek.

FINDING: As supported by the attached Initial Study there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for the project:

MITIGATION C.1 (Air Quality): To minimize air quality impacts during the construction phase of the project, specific best practices shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the Butte County Air Quality Management District's CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf> Examples of these types of measures include but are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer's specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

MITIGATION MONITORING C.1: Prior to approving grading permits or construction plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate.

Implementation of the above measure will minimize potential air quality impacts to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.1 (Biological Resources): If tree removal, grading, or initial construction is scheduled to occur within the nesting season (February 1 – August 31), the project applicant shall hire a qualified biologist to conduct a survey for all birds protected by the MBTA and CFGC within (7) days prior to vegetation removal or construction activities within 25 feet of all work areas. If an active nest is found, the biologist shall map the nest location and establish an appropriate “no disturbance” buffer around the active nest(s) as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young have fledged or nest fails. Nests shall be monitored at least once per week and a report submitted monthly. If construction activities stop for more than (15) days, the biologist shall conduct an additional survey within (7) days prior to continuation of construction activities or vegetation removal.

MITIGATION D.2 (Biological Resources): If tree removal, grading, or initial construction is scheduled to occur within the maternity season for bats (September 1 – October 15 and March 1 – March 31), the project applicant shall hire a qualified biologist to conduct a focused survey to determine if an active bat roost is present on the project site. The biologist shall conduct pre-construction bat roost survey within (2) week of vegetation removal that involves the removal of potential diurnal roosting trees (e.g., trees 24” DBH and great snags and hollow trees). Surveys shall be conducted within the entire area where potential diurnal roosting trees are proposed for removal and within 100 feet of diurnal roosting trees or vegetation. If a maternity roost with young is observed then the biologist shall map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited with the buffer until the young are Volant (i.e., flying). Roosts shall be monitored a minimum of once a week and monthly reports submitted to the County. If a roost is observed without the young, the biologist shall establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.

MITIGATION MONITORING D.1 and D.2: Planning and Engineering staff will require submittal of a bird nest survey and bat roost survey prior to issuance of any grading or building permit for the project, unless the work will commence during the non-breeding season and/or non-maternity roosting season.

Implementation of the above measure will avoid conflicts between City approvals and protection biological species, and will reduce potential impacts to biological resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION E.1. (Cultural Resources): A note shall be placed on all grading and construction plans which informs the construction contractor that if any bones, pottery fragments or other potential cultural resources are encountered during construction, all work shall cease within the area of the find pending an examination of the site and materials by a professional archaeologist. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 530-879-6800. A professional archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. Further, City Planning staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the

archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Director, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

Mitigation Monitoring E.1: Planning staff will verify that the above wording is included on construction plans. Should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff, and contacting a professional archaeologist, in consultation with Planning staff, to evaluate the find.

Implementation of the above measure will minimize potentially significant impacts to previously unknown cultural resources that could be unearthed during construction activities, and will reduce potential impacts to cultural resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION H.1. (Hazardous Materials): Should excavations encounter groundwater and dewatering become necessary, the contractor shall collect and store pumped groundwater in a Baker tank or similar water-tight receptacle and shall test samples to assess potential groundwater pollutant concentrations. The test results shall be used to evaluate appropriate disposal options for the groundwater samples.

Mitigation Monitoring H.1: Planning staff will verify that the above wording is included on construction plans. Should groundwater be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff. City staff will coordinate with the contractor to identify proper testing protocols and appropriate disposal methods.

Implementation of the above measure will minimize potential for improper disposal or release of contaminated water encountered during construction activities, and will reduce potential impacts from hazardous materials to a level that is considered **less than significant with mitigation incorporated**.

PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for the Humboldt Skate Park Expansion (UP 17-08), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.



Authorized Signature, Project Applicant

TERRY ZELLER

Printed Name

Prepared by:



Mike Sawley, Senior Planner
Community Development Department

7/20/17

Date

Adopted via: Resolution No: _____

City of Chico Planning Commission

Date

EXHIBIT "II"
CONDITIONS OF APPROVAL
Humboldt Skate Park Expansion
(UP 17-08)

1. Use Permit 17-08 authorizes a redesign and expansion of the Humboldt Skate Park at 371 Humboldt Avenue, in substantial accord with the "Site Plan to Accompany Use Permit 17-08 (Humboldt Skate Park)" and in compliance with all other conditions of approval.
2. 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.
3. Prior to issuance of Building Permits for the new construction, Planning staff shall conduct administrative site design and architectural review regarding the details. Staff may modify and condition the site as deemed necessary.

Mitigation Measures from the Humboldt Skate Park Expansion Initial Study/Mitigated Negative Declaration:

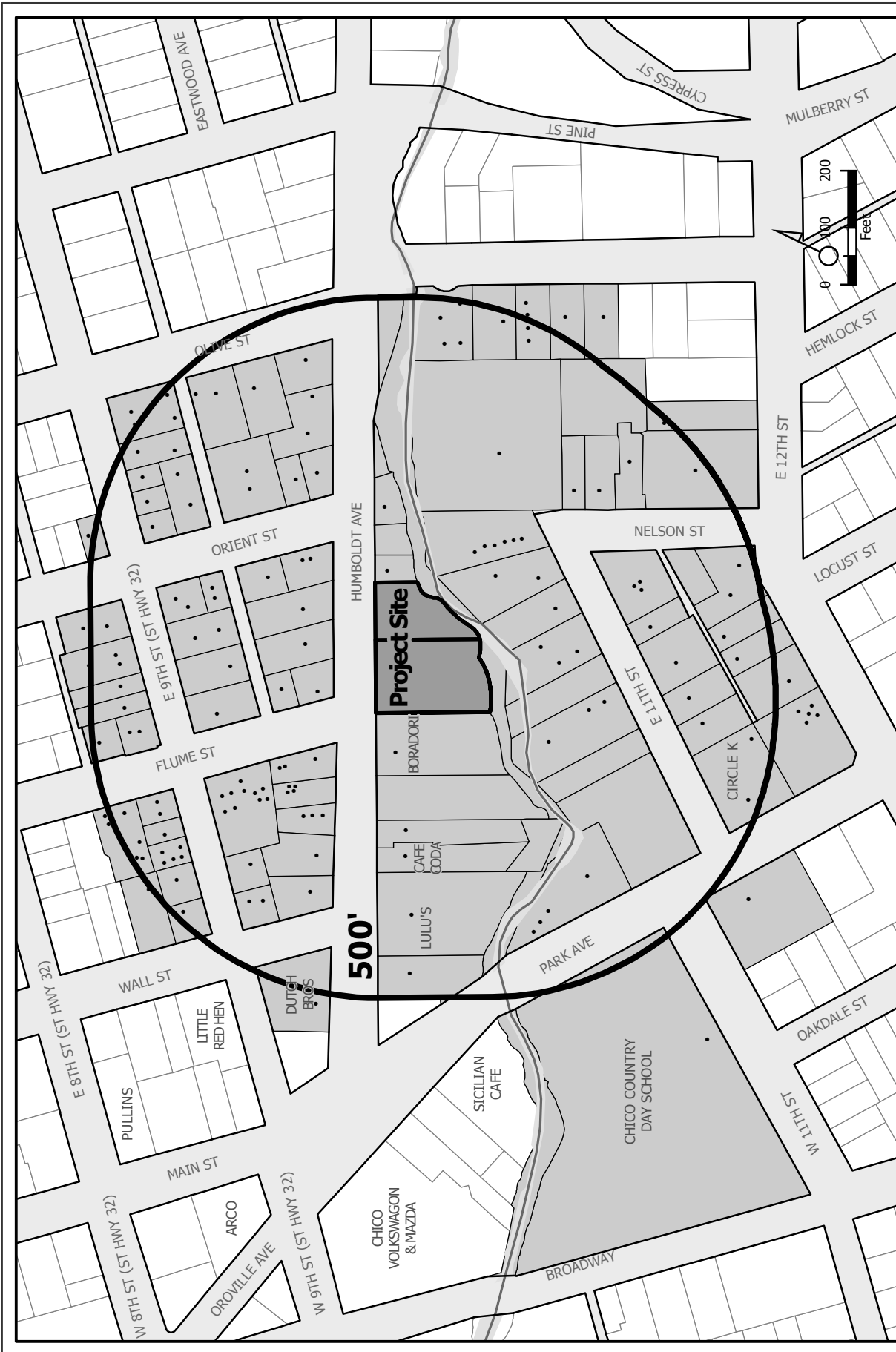
4. MITIGATION C.1 (Air Quality): To minimize air quality impacts during the construction phase of the project, specific best practices shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the Butte County Air Quality Management District's CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>. Examples of these types of measures include but are not limited to:
 - a. Limiting idling of construction vehicles to 5 minutes or less.
 - b. Ensuring that all small engines are tuned to the manufacturer's specifications.
 - c. Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
 - d. Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner.
 - e. Using electric powered equipment when feasible.
5. MITIGATION D.1 (Biological Resources): If tree removal, grading, or initial construction is scheduled to occur within the nesting season (February 1 – August 31), the developer shall hire a qualified biologist to conduct a survey for all birds protected by the MBTA and CFGC within (7) days prior to vegetation removal or construction activities within 25 feet of all work areas. If an active nest is found, the biologist shall map the nest location and establish an appropriate "no disturbance" buffer around the active nest(s) as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young have fledged or nest fails.

Nests shall be monitored at least once per week and a report submitted monthly. If construction activities stop for more than (15) days, the biologist shall conduct an additional survey within (7) days prior to continuation of construction activities or vegetation removal.

6. MITIGATION D.2. (Biological Resources): If tree removal, grading, or initial construction is scheduled to occur within the maternity season for bats (September 1 – October 15 and March 1 – March 31), the project applicant shall hire a qualified biologist to conduct a focused survey to determine if an active bat roost is present on the project site. The biologist shall conduct pre-construction bat roost survey within (2) week of vegetation removal that involves the removal of potential diurnal roosting trees (e.g., trees 24" DBH and great snags and hollow trees). Surveys shall be conducted within the entire area where potential diurnal roosting trees are proposed for removal and within 100 feet of diurnal roosting trees or vegetation. If a maternity roost with young is observed then the biologist shall map the location and establish an appropriate "no disturbance" buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are Volant (i.e., flying). Roosts shall be monitored a minimum of once a week and monthly reports submitted to the County. If a roost is observed without the young, the biologist shall establish a "no disturbance" buffer until the bats are excluded from the roost or there are no roosting bats present.

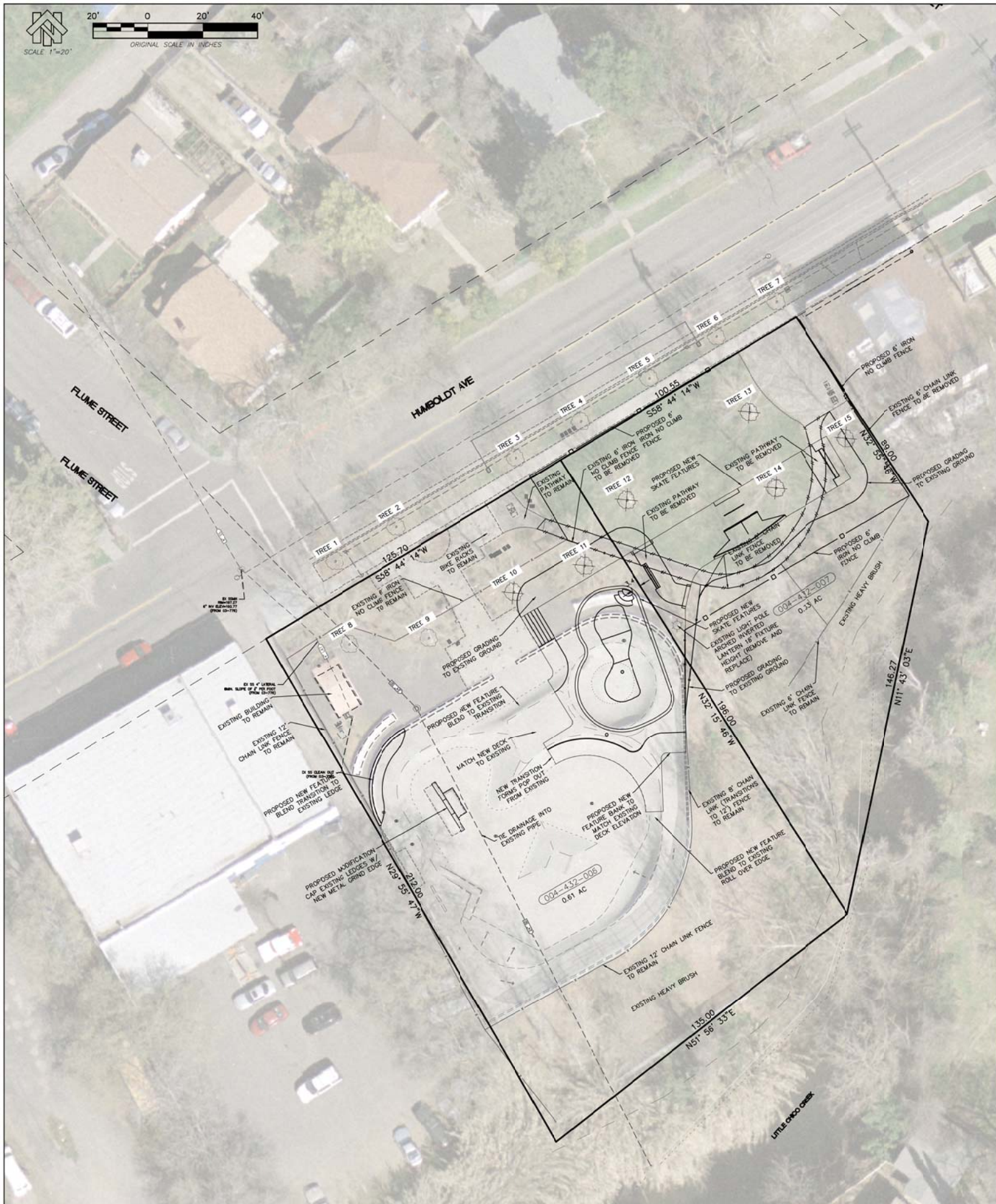
7. MITIGATION E.1. (Cultural Resources): A note shall be placed on all grading and construction plans which informs the construction contractor that if any bones, pottery fragments or other potential cultural resources are encountered during construction, all work shall cease within the area of the find pending an examination of the site and materials by a professional archaeologist. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 879-6800. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. Further, Planning staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Director, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

8. MITIGATION H.1. (Hazardous Materials): Should excavations encounter groundwater and dewatering become necessary, the contractor shall collect and store pumped groundwater in a Baker tank or similar water-tight receptacle and shall test samples to assess potential groundwater pollutant concentrations. The test results shall be used to evaluate appropriate disposal options for the groundwater samples.



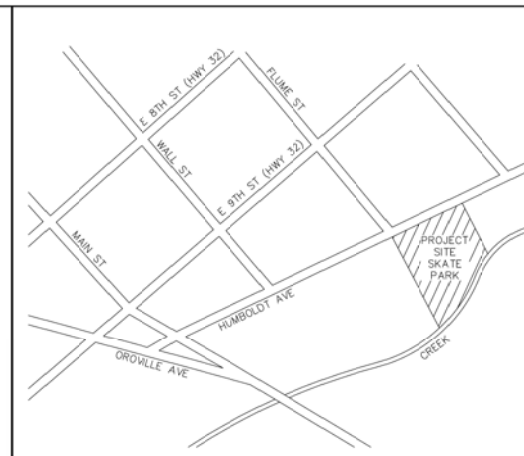
- Notified Addresses
- ▭ Notified Parcels

Humboldt Avenue Skate Park
 371 Humboldt Avenue
 APNs 004-432-006-000, 004-432-007-000



TREE SCHEDULE				
TREE NUMBER	TREE STATUS	TREE TYPE	DRIP LINE	TREE SIZE
TREE 1	TO REMAIN	CHINESE PISTACHE	18'	8"
TREE 2	TO REMAIN	CHINESE PISTACHE	18'	12"
TREE 3	TO REMAIN	CHINESE PISTACHE	16'	8"
TREE 4	TO REMAIN	CHINESE PISTACHE	18'	10"
TREE 5	TO REMAIN	CHINESE PISTACHE	17'	8"
TREE 6	TO REMAIN	CHINESE PISTACHE	26'	10"
TREE 7	TO REMAIN	CHINESE PISTACHE	18'	10"
TREE 8	TO REMAIN	SYCAMORE	31'	14"
TREE 9	TO REMAIN	SYCAMORE	30'	14"
TREE 10	TO BE REMOVED	SYCAMORE	27'	18"
TREE 11	TO BE REMOVED	SYCAMORE	24'	18"
TREE 12	TO BE REMOVED	SYCAMORE	19'	16"
TREE 13	TO BE REMOVED	SYCAMORE	27'	14"
TREE 14	TO BE REMOVED	SYCAMORE	28'	16"
TREE 15	TO BE REMOVED	SYCAMORE	25'	16"
			TOTAL(N)=	98" TO BE REMOVED

SITE AREAS				
STAGE	BUILDING	IMPERVIOUS	OPEN SPACE	% OPEN SPACE
EXISTING	171 SF	13,359 SF	27,380 SF	66.9%
PROPOSED	171 SF	15,789 SF	24,950 SF	61 %

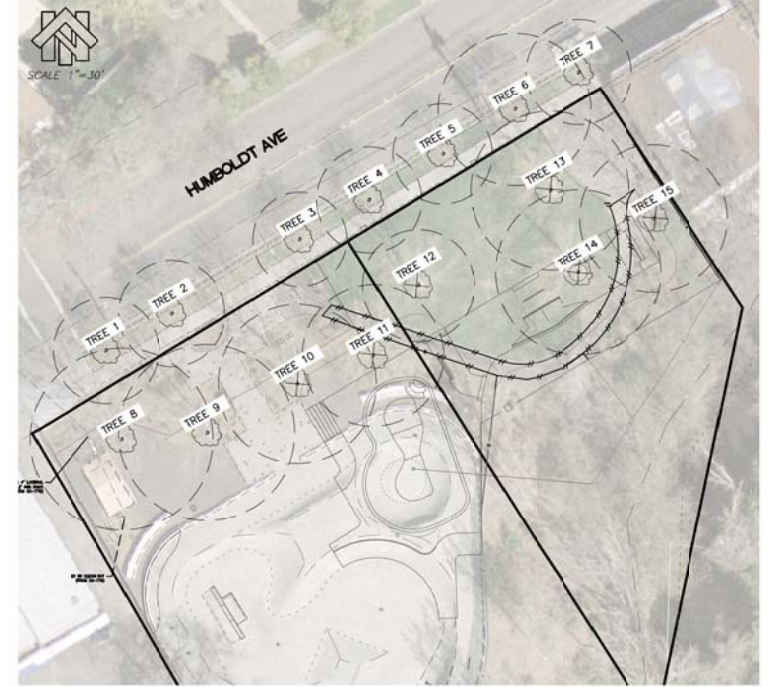


LOCATION MAP
NTS

LEGEND

	FOUND MONUMENT AS NOTED
	EXISTING WATER METER
	EXISTING POWER POLE WITH ANCHOR
	EXISTING STORM DRAIN MANHOLE
	EXISTING STORM DRAIN INLET
	EXISTING ELECTRIC BOX
	EXISTING WATER VALVE
	EXISTING IRRIGATION CONTROL VALVE
	EXISTING SIGN
	EXISTING GAS VALVE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING FENCE LINE
	PROPOSED FENCE LINE
	EXISTING ROAD IMPROVEMENTS
	EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
	SAWCUT LINE
	EXISTING SANITARY SEWER LINE WITH SIZE
	EXISTING STORM DRAIN LINE WITH SIZE
	PROPOSED STORM DRAIN LINE WITH SIZE
	PROPERTY BOUNDARY
	EXISTING TREE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE DRIP LINE

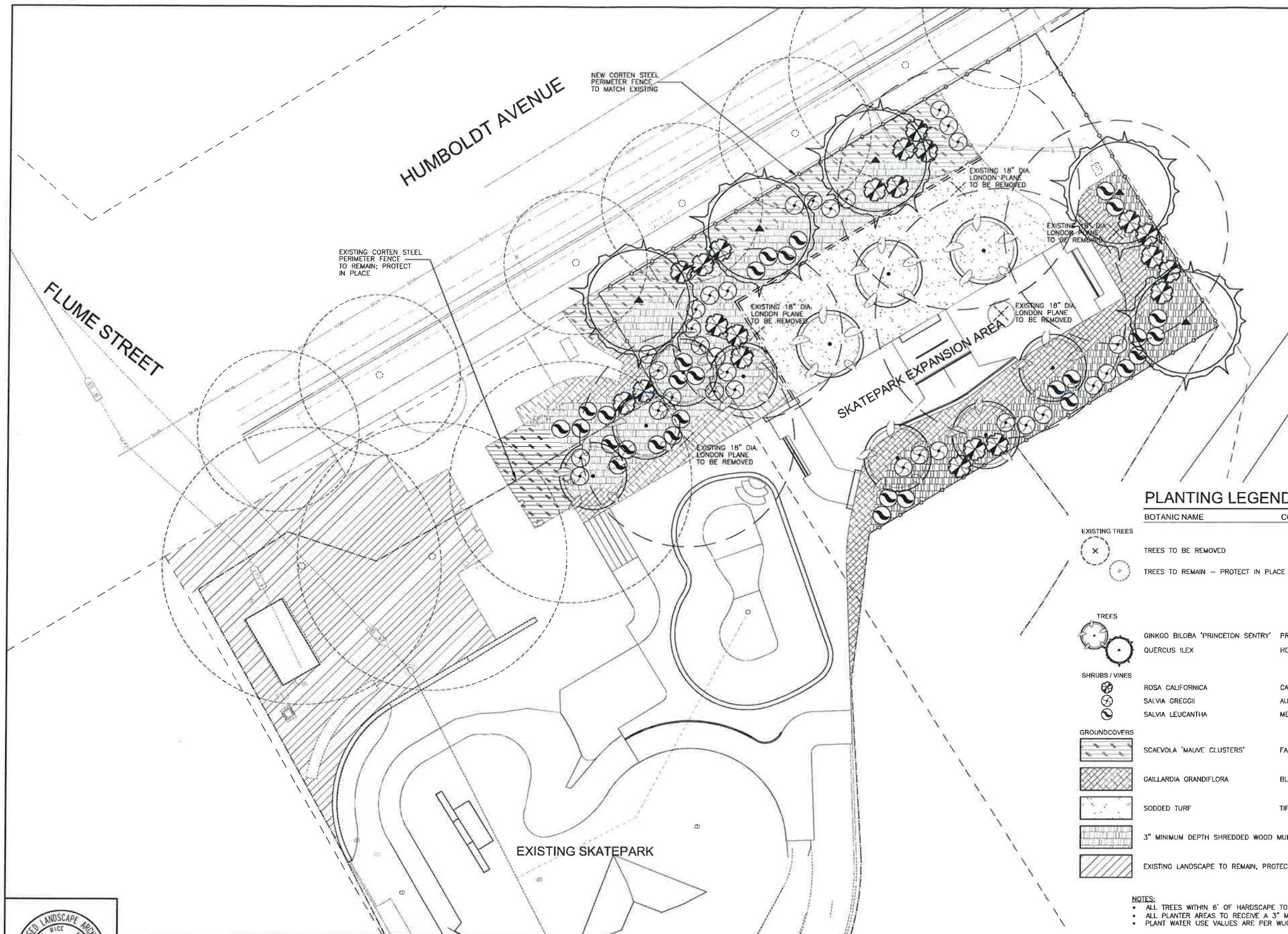
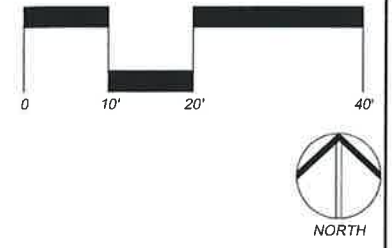
TREE DRIP LINE



- NOTES
- ZONING: CS2 (-L, -S08)
 - GENERAL PLAN: SECONDARY OPEN SPACE
 - LAND USE: EXISTING - SKATE PARK
PROPOSED - SKATE PARK
 - SEWAGE: CITY OF CHICO
 - STORM DRAINAGE: ON-SITE QUALITY MITIGATION
 - WATER: CALIFORNIA WATER SERVICE
 - POWER: PG&E
 - TELEPHONE: AT&T
 - CABLE TV: COMCAST
 - NO EXISTING WELLS OR SEPTIC SYSTEMS TO BE ABANDONED
 - STANDARD EROSION CONTROL MEASURES (BMP's) WILL BE USED IN COMPLIANCE WITH THE CITY OF CHICO AND THE WATER QUALITY CONTROL BOARD
 - OWNER: CHICO AREA RECREATION DISTRICT
545 VALLOBROSA AVENUE
CHICO, CA 95926
 - DEVELOPER: CHICO AREA RECREATION DISTRICT
545 VALLOBROSA AVENUE
CHICO, CA 95926
 - PROJECT SURVEYOR: MICHAEL MAYS PLS6667

CONDITIONAL USE PERMIT
HUMBOLDT SKATE PARK
FOR
CHICO AREA RECREATION DISTRICT
PORTION OF SECTION 26 AND 35,
TOWNSHIP 22 NORTH, RANGE 1 EAST,
MOUNT DIABLO MERIDIAN
CITY OF CHICO
COUNTY OF BUTTE STATE OF CALIFORNIA

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PLANTING LEGEND:

BOTANIC NAME	COMMON NAME	SIZE / SPACING	WUCOLS
EXISTING TREES			
(X)	TREES TO BE REMOVED		
(O)	TREES TO REMAIN - PROTECT IN PLACE		
TREES			
(G)	GINKGO BILOBA 'PRINCETON SENTRY'	PRINCETON SENTRY GINKGO	15 GAL. MODERATE
(Q)	QUERCUS ILEX	HOLLY OAK	15 GAL. LOW
SHRUBS / VINES			
(R)	ROSA CALIFORNICA	CALIFORNIA WILD ROSE	5 GAL. LOW
(S)	SALVIA GREGGII	AUTUMN SAGE	1 GAL. LOW
(L)	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	5 GAL. LOW
GROUNDCOVERS			
(Scaevola)	SCAEVOLA 'MAUVE CLUSTERS'	FAIRY FAN FLOWER	1 GAL @ 24" O.C. LOW
(Gaillardia)	GAILLARDIA GRANDIFLORA	BLANKET FLOWER	FLATS @ 12" O.C. LOW
(Sodded Turf)	SODDED TURF	TIFGREEN HYBRID BERMUDA	HIGH
(Mulch)	3" MINIMUM DEPTH SHREDDED WOOD MULCH		
(Existing Landscape)	EXISTING LANDSCAPE TO REMAIN, PROTECT IN PLACE		

NOTES:
 • ALL TREES WITHIN 6' OF HARDSCAPE TO RECEIVE ROOTBARRIER
 • ALL PLANTER AREAS TO RECEIVE A 3" MINIMUM DEPTH LAYER OF SHREDDED WOOD MULCH
 • PLANT WATER USE VALUES ARE PER WUCOLS IV PLANT LIST



Designed:	KCK	Revision		Date		By	
Drawn By:	KCK						
Approved:							
Date:	5/31/17						

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 http://www.comworksgd.com

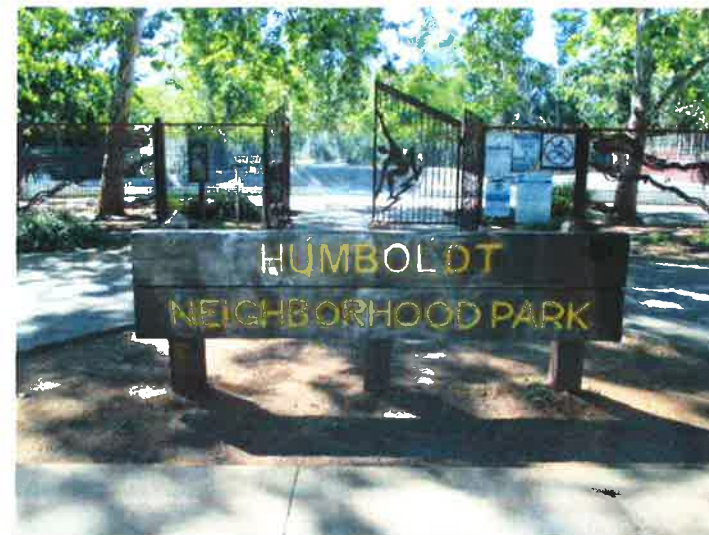
CHICO, CALIFORNIA

**PRELIMINARY PLANTING PLAN
 HUMBOLDT SKATE PARK**

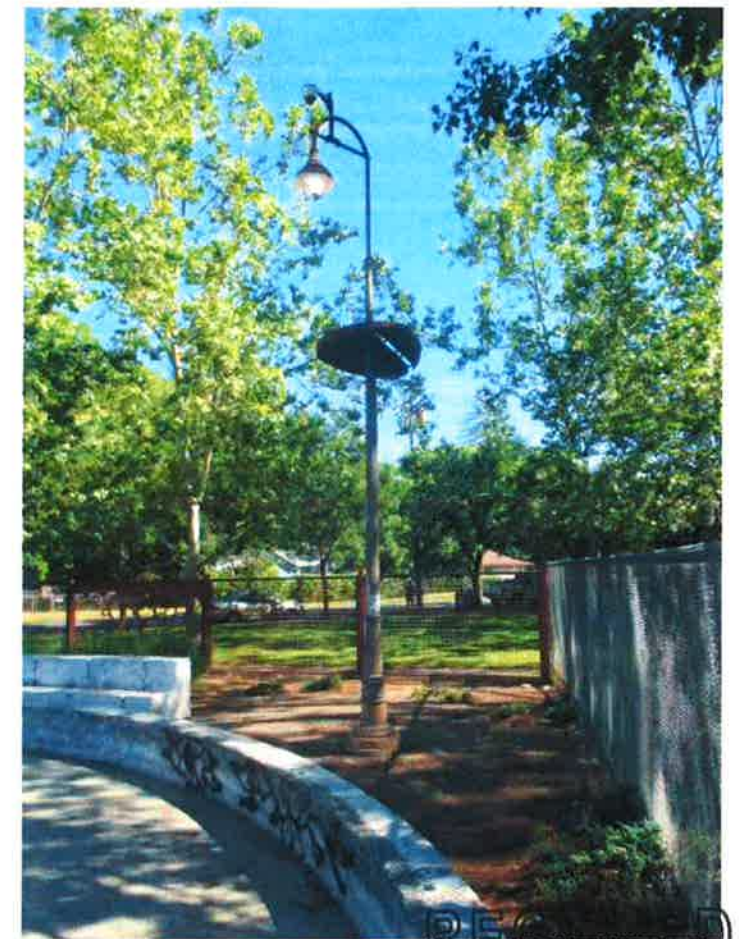
APN Number 000-000-000	Job Number 16-134	Scale 1" = 10' Horz. N/A Vert.	Sheet 2 Of 2
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6' NO CLIMB FENCE
(TO REMAIN AND FOR ADDITIONAL FENCING)



TYPICAL MONUMENT SIGN
(TO REMAIN)



FREE STANDING AREA LIGHT POLE
(TO BE RELOCATED)
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PUBLIC RESTROOM
(TO REMAIN)



BIKE PARKING
(TO REMAIN)



FRONT IRON GATE
(TO REMAIN)



6' IRON NO CLIMB FENCE TO
6' CHAIN LINK FENCE
TRANSITION



6' TO 8" CHAIN LINK
FENCE TRANSITION



6' IRON NO CLIMB FENCE TO 12"
CHAIN LINK FENCE TRANSITION



SAFETY SIGNAGE

CITY OF CHICO
PLANNING SERVICES



Designed:	Revision	Date	By
R. KAMPMANN			
Drawn By:			
C. LOW			
Approved:			
Date:			
5/26/17			

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CHICO AREA RECREATION AND PARK DISTRICT
545 VALLOMBROSA AVENUE
CHICO, CALIFORNIA

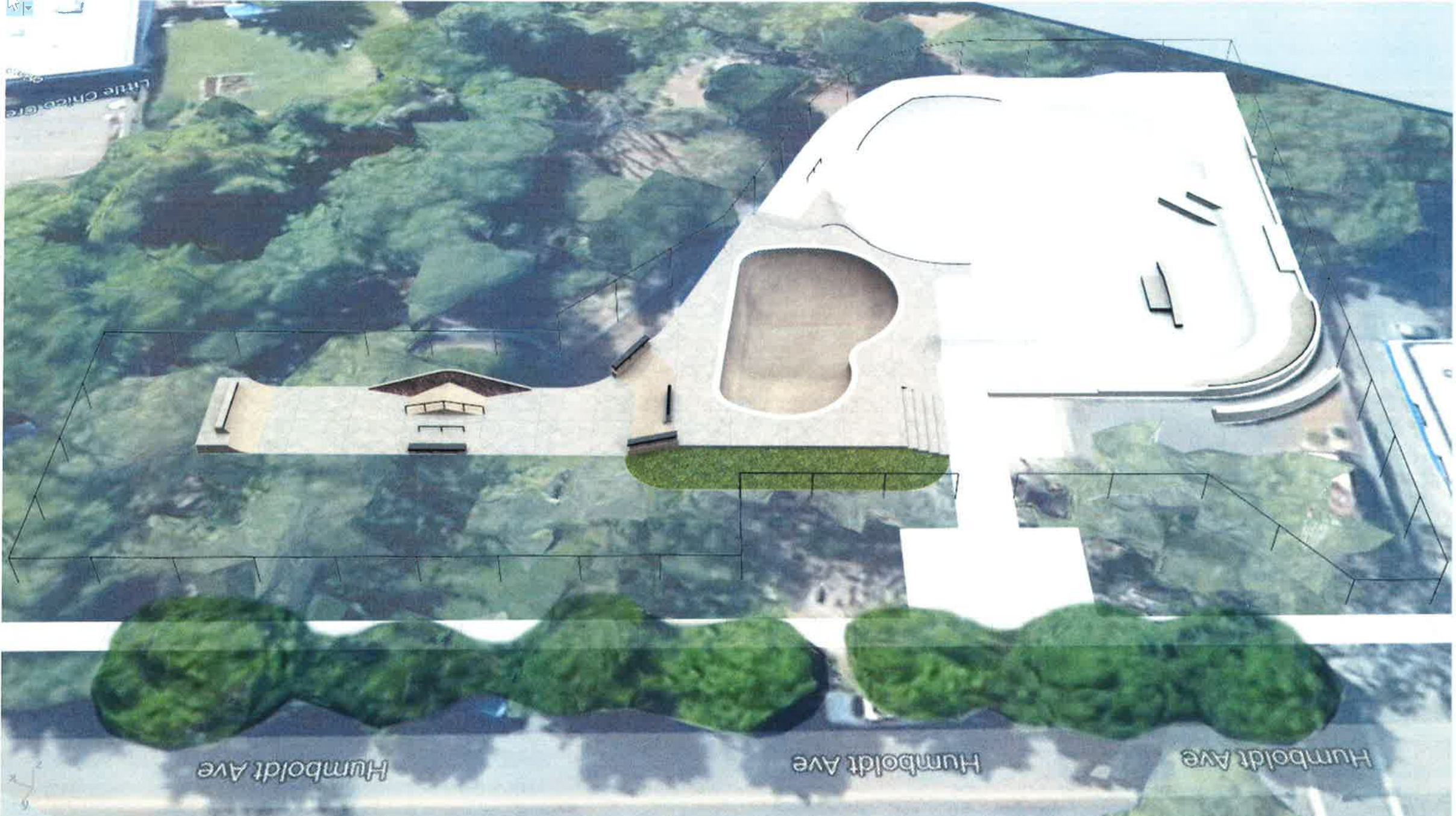
TYPICAL ARCHITECTURAL FEATURES
HUMBOLDT SKATE PARK RENOVATION

APN Number 004-432-006 + 007	Job Number 16-134	Scale N/A Horz.	Scale N/A Vert.	Sheet 2 Of 2
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**Chico Skatepark Renovation
Preliminary Concept**

GRINDLINE
CONCRETE SKATEPARK DESIGN & CONSTRUCTION



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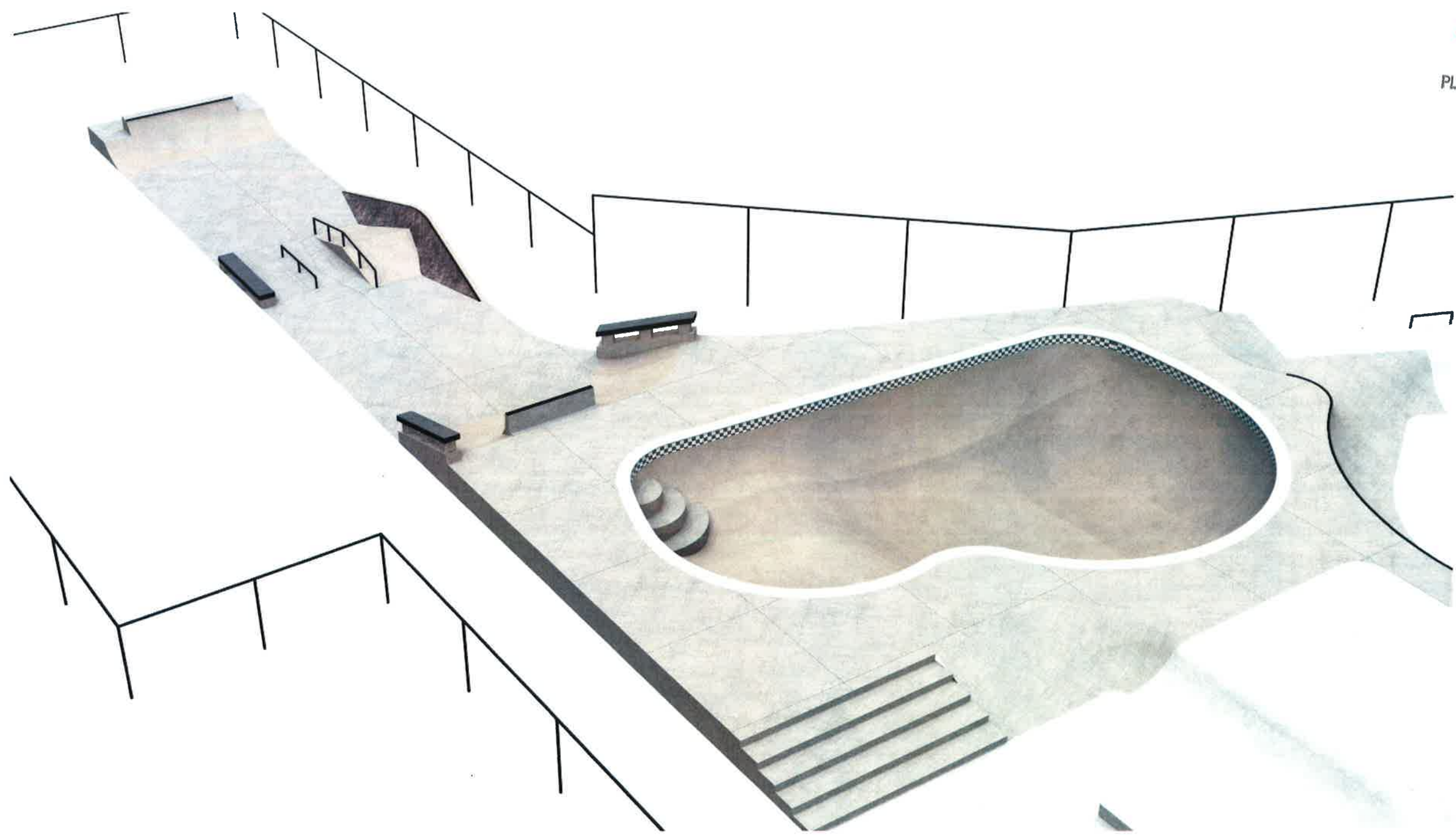
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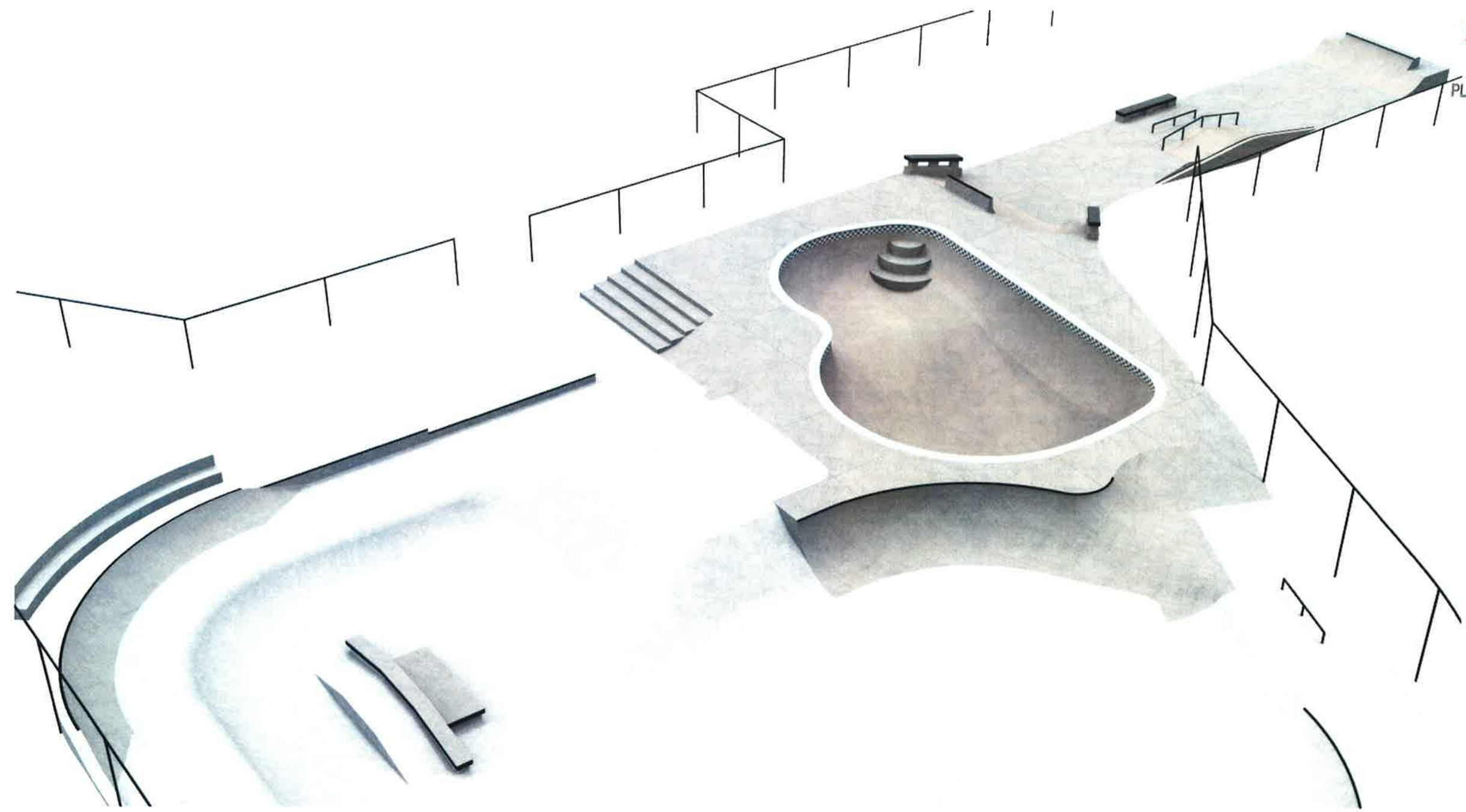
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**Draft Initial Study / Environmental Checklist
City of Chico
Environmental Coordination and Review**

I. PROJECT DESCRIPTION

- A. Project Title:** Humboldt Skate Park Expansion (UP 17-08)
- B. Project Location:** 371 Humboldt Avenue. Located on the south side of Humboldt Avenue between Flume Street and Orient Street
- C. Application:** Conditional Use Permit
- D. Assessor's Parcel Number (APN):** 004-432-006 and 004-432-007
- E. Parcel Size:** 0.84 acres
- F. General Plan Designation:** Secondary Open Space (SOS)
- G. Zoning:** OS2-L-SD8 (Secondary Open Space with Landmark and Special Design Overlay districts)
- H. Environmental Setting:**

The project site consists of two developed parcels (APNs 004-432-006 and 004-432-007). The site was historically used by the City of Chico as a corporation yard. After closure of the corporation yard the site underwent environmental remediation due to an underground storage tank (UST) leak. The majority of the site was cleared during construction of the existing skate park and building in 1998. The existing park contains approximately 11,875 square feet of skate track and approximately 1,340 square feet of hardscape.

Surrounding development and land uses include residential development to the north and east, Little Chico Creek greenway to the south, and commercial developments to the west. The site is characterized as urban habitat adjacent to riverine and open space habitat (Little Chico Creek). Little Chico Creek traverses the site's southern boundary and is considered "Waters of the United States" which falls under jurisdiction of the U.S. Army Corp of Engineers (USACE) per Section 404 of the Clean Water Act (CWA). The Little Chico Creek riparian corridor is composed of native and non-native trees and understory vegetation. The site has 15 trees consisting of sycamores and Chinese pistache. On-site soils are primarily Vina fine sandy loam, which typically occur on alluvial fans and fan terraces with slopes from 0-1%. There is an existing 24-inch underground storm drain pipe that runs parallel to the site's western boundary. This storm drain collects on-site storm water and conveys it to an outfall in Little Chico Creek. Due to the on-site trees and portions of the site being located within the riparian corridor of Little Chico Creek, the site may contain suitable habitat for birds protected under the Migratory Bird Treaty Act (MBTA) and other special status wildlife. The majority of the site is located in FEMA flood Zone X which is outside the 100-year flood plain, and portions of the site within the creek channel are within Zone AE, where base 100-year flood elevations have been determined.

I. Project Description:

The project entails a redesign and expansion of the existing Humboldt Skate Park. The majority of the existing park is on located on parcel 004-432-006 with the proposed improvements proposed on both APNs. The project would include expanding the skate park into the adjacent lawn area in the eastern portion of the site. Approximately 20% of the existing skate park would be removed and replaced with updated features. Project components include concrete features and decks that would blend with existing elevations, cap and ledge modifications, new metal grind edges, bank features, and new transition forms. The new elements/features include an advanced bowl, 6 to 10.5 feet deep. The proposed improvements would add approximately 1,830 square feet of impervious surface. The existing on-site public restroom building would remain. There is one existing light pole and lantern that will be removed and replaced in kind. The project would retain or remove portions of the existing fencing and construct new fencing at various locations. The existing 6-foot, no-climb

fencing at the entrance of the skate park would remain. There is a 12 foot chain-link fence along the site's eastern boundary and southern boundary that transitions to an 8-foot fence, along the top of the bank of Little Chico Creek, which will be retained. The 6-foot chain-link fence on APN 004-432-007 that runs along the top bank of Little Chico Creek would also remain. The existing 6-foot fences along the western boundary and along portions of the walkway near the entrance would be removed. New 6-foot, no-climb fencing is proposed along the southern, western, and northern boundaries of APN 004-432-007.

J. Public Agency Approvals:

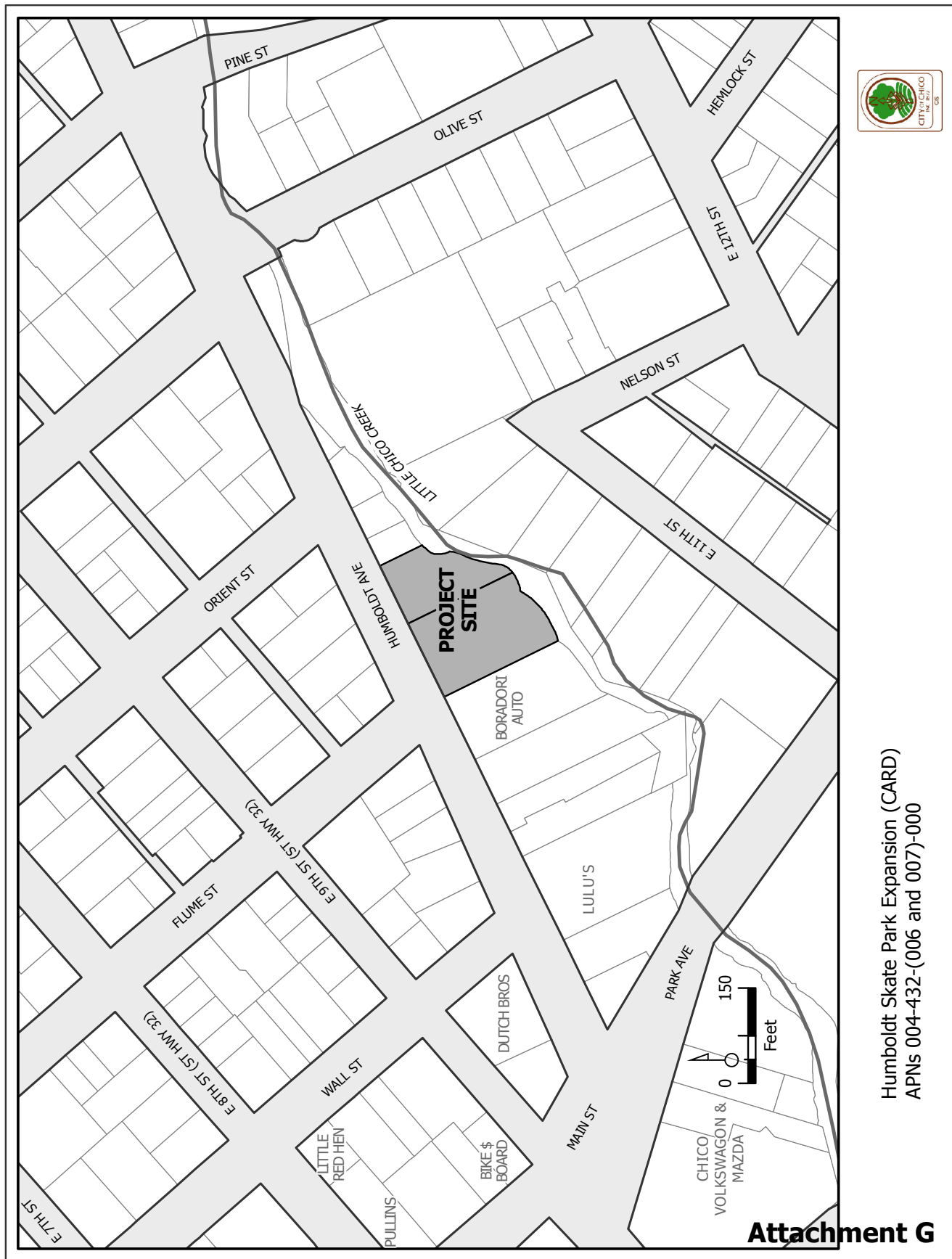
1. Conditional Use Permit – Architectural Review (City of Chico)
2. Prior to development, Grading and Building (City of Chico)
3. Water Quality Certification Permit (California Regional Water Quality Control Board)

K. Applicant: Chico Area Recreation and Park District, 545 Vallombrosa Avenue, Chico, CA 95926; (530) 895-4711

L. City Contact:

Mike Sawley, Senior Planner (530) 879-6812 or email: mike.sawley@chicoca.gov, City of Chico, 411 Main Street, Chico, CA 95928

LOCATON MAP



Humboldt Skate Park Expansion (CARD)
APNs 004-432-(006 and 007)-000

PROPOSED PROJECT



II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

III. COMMUNITY DEVELOPMENT DIRECTOR DETERMINATION

On the basis of this initial evaluation:

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


Signature

Mike Sawley, Senior Planner

Printed Name

7/20/17
Date

IV. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

DISCUSSION:

A.1. Views from the project site are limited to surrounding residential and commercial development, on-site trees and vegetation, and Little Chico Creek and riparian corridor to the south. As such, there are no scenic vista views available from the site that would be adversely affected by project implementation. There are no state scenic highways in the City of Chico or locally designated scenic roadways in the vicinity of the project. Little Chico Creek and riparian corridor make up the majority of the site’s southern boundary; however, the creek does not qualify as a Federal or Scenic River and the project would have a **Less than Significant** impact on scenic vista, roadway, and river resources.

A.2. As indicated, the project site is not located vicinity of a scenic highway. The site has been historically used as a corporation yard for the City of Chico and the existing skate park. The proposal includes removing six existing on-site trees, which will require compliance with Chico Municipal Code (CMC) Chapter 16.66 regarding re-planting onsite or payment of in-lieu fees for tree replacement. Trees not removed would be preserved in compliance with CMC 19.68.060. The on-site building does not qualify as a historic building and is proposed to be retained. The project would not damage any on-site scenic resources or features and **Less than Significant** impacts would result.

A.3. The site is not protected under a scenic easement or contract. Scenic easement impacts are considered **Less than Significant**.

A.4. As indicated, the project site has been repeatedly disturbed from past uses as a City of Chico corporation yard and construction and operation of the existing skate park. Due to the location, surrounding development, and surrounding trees, there are no distant views or views of the foothills available from the project site. The project would expand upon the existing skate park and would not change the character of the site. Implementation of the project would not substantially degrade the visual character of the site or immediate vicinity, **Less Than Significant** impacts would result.

A.5. One existing light pole would be removed and replaced in kind. No other lighting features are proposed as part of the project. Additionally, the project must comply with CMC lighting requirements which would ensure there are **No Impacts** related to light or glare.

MITIGATION: None Required.

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

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

The project would not conflict with existing zoning for agricultural use or forest land and the site is not under a Williamson Act Contract. The site is surrounded by residential and commercial development; as such, project implementation would not result in the loss of forest land, conversion of forest land, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land. The site is located on previously disturbed parcels used for the City of Chico corporation yard and the existing park/skate park, thus, contains no agriculture or timber resources. The site is surrounded by existing low density residential and commercial development, open space, and is designated for development consistent with the proposed project; therefore, there would be **No Impact** to Agriculture and Forest Resources.

MITIGATION: None required.

C. Air Quality Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plans (e.g., Northern Sacramento Valley Planning Area 2012 Triennial Air Quality Attainment Plan, Chico Urban Area CO Attainment Plan, and Butte County AQMD Indirect Source Review Guidelines)?		X		

2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	X
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X
4. Expose sensitive receptors to substantial pollutant concentrations?	X
5. Create objectionable odors affecting a substantial number of people?	X

DISCUSSION:

C.1. – C.3. The project proposes to expand the existing skate park and add additional concrete features and fencing on a previously disturbed site. The project includes excavation, site preparation, removal of some existing trees, and general construction. As such, project implementation would not conflict with nor obstruct implementation of an applicable air quality plan for the Northern Sacramento Valley or Butte County, nor would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would result in temporary construction related impacts but not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

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

BUTTE COUNTY AMBIENT AIR QUALITY ATTAINMENT STATUS (September, 2014)		
POLLUTANT	STATE	FEDERAL
1-hour Ozone	Nonattainment	--
8-hour Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10**	Nonattainment	Attainment
BUTTE COUNTY AMBIENT AIR QUALITY ATTAINMENT STATUS (September, 2014)		
24-Hour PM2.5**	No Standard	Nonattainment
Annual PM10**	Attainment	No Standard
Annual PM2.5**	Nonattainment	Attainment
** PM10: Respirable particulate matter less than 10 microns in size. PM2.5: Fine particulate matter less than 2.5 microns in size.		

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

- 1) Temporary impacts resulting from construction-related activities (earth moving and heavy-duty vehicle emissions), and
- 2) Long-term indirect source emission impacts related to ongoing operations, such as motor vehicle usage, water and space heating, etc.

Project construction-related activities such as grading, excavation, and operation of construction vehicles would create a temporary increase in fugitive dust within the immediate vicinity of the project site and contribute temporarily to increases in vehicle emissions (ozone precursor emissions, such as reactive organic gases (ROG) and oxides of nitrogen (NOx), and fine particulate matter). All stationary construction equipment, other than internal combustion engines less than 50 horsepower, require an "Authority to Construct" and "Permit to Operate" from the District. Emissions are prevented from creating a nuisance to surrounding properties under BCAQMD Rule 200 *Nuisance*, and visible emissions from stationary diesel-powered equipment are also regulated under BCAQMD Rule 201 *Visible Emissions*.

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

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

The project is subject to the City's requirements that grading plans and improvement plans include fugitive dust BMPs and comply with existing BCAQMD rules, which would ensure that construction related dust impacts are minimized.

Additionally, BCAQMD's CEQA Air Quality Handbook provides screening criteria identifying when a quantified air emissions analysis is required to assess and mitigate potential air quality impacts from non-exempt CEQA projects. Projects that fall below screening thresholds are still required to implement BMPs to ensure that operational air quality impacts remain less than significant. The screening criteria are as follows:

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

The proposed project is not subject to the screening criterion in the table above; therefore, a quantified, project specific air emissions analysis is not required.

Although no detailed, project specific modeling is required, implementing standard construction BMPs is still necessary to lessen construction related impacts and potential cumulative air quality impacts in the region. **Mitigation C.1** would ensure that appropriate BCAQMD BMPs are selected and applied to the construction

phase of the project. Implementation of **Mitigation C.1**, below, would reduce the project’s construction and cumulative and air quality standard impacts to **Less Than Significant with Mitigation Incorporated**.

C.4. - C.5. The proposed project would involve site preparation, excavation and construction activities that typically do not involve large amounts or high concentrations of air related pollutants. Excavation and construction activities would result in a temporary increase of odors on-site and to adjacent properties. The proposed project would not expose sensitive receptors (nearby residential developments or park users) to substantial pollutant concentrations, or create significant objectionable odors that are inconsistent with the surrounding residential uses. Additionally, implementation of **Mitigation C.1** would require BMPs to reduce potential construction and other short-term odor related air quality impacts, to a **Less Than Significant** level.

MITIGATION C.1 (Air Quality): To minimize air quality impacts during the construction phase of the project, specific BMPs shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the BCAQMD’s CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>.

Examples of these types of measures include but are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer’s specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

MITIGATION MONITORING C.1 (Air Quality): Prior to approving grading permits or subdivision improvement plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate.

D. Biological Resources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.			X	
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife		X		

corridors, or impede the use of native wildlife nursery sites?

5. Result in the fragmentation of an existing wildlife habitat, such as blue oak woodland or riparian, and an increase in the amount of edge with adjacent habitats.

X

6. Conflict with any local policies or ordinances, protecting biological resources?

X

DISCUSSION:

D.1. A Biological Constraints Analysis (Analysis) was conducted for the project by in February 2017. The analysis concluded that no special-status species or plants were present during biological surveys conducted on the site. However, special-status species with the potential to occur adjacent to or within the project site include birds protected under the Migratory Bird Treaty Act (MBTA), several bat species, northwestern pond turtle (NWPT), and giant garter snake (GGS). The Analysis determined that potential impacts to NWPT and GGS would only occur if construction activities are planned within the Little Chico Creek channel and conducted during the wet season when water is present. No project related activities would take place within 25 feet of the top of the back/high water mark of Little Chico Creek; thus, no impacts to NWPT or GGS would result.

The removal of the six on-site trees, as proposed, could potentially affect special-status bat species and birds protected under the MBTA (Section 16 USC 703) and California Fish and Game Code (Section 3503). A tree protection plan pursuant to CMC 16.66.110 is required prior to the issuance of demolition, grading, or building permits. Any vegetation removal for the project should be conducted during the non-breeding and non-maternity season: non-breeding season for birds (September 1 – February 28) and maternity season for bats (September 1 – October 15 and March 1 – March 31). If vegetation removal or construction activities are proposed during the avian breeding or bat maternity season implementation of **Mitigation D.1** and **Mitigation D.2** would ensure the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and **Less Than Significant with Mitigation Incorporated Impacts** would result.

D.2. No project related activities would occur within the banks, riparian corridor or within the channel of Little Chico Creek. The project complies with General Plan Policy OS-2.5, Action OS-2.5.1 which requires development to be setback a minimum of 25 feet from the top of bank from any creek or riparian area in the City. All proposed improvements are in excess of 25 feet from the top of bank/riparian corridor of Little Chico Creek; therefore, the project would have **Less than Significant** impacts on riparian habitats and other sensitive natural communities.

D.3. Little Chico Creek is considered "Waters of the United States." Section 404 of the Federal Clean Water Act defines Waters of the U.S. to include intrastate waters, including lakes, rivers, streams, wetlands, and natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce. Wetlands are defined for regulatory purposes as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Based on the Analysis, the project site does not contain any wetlands marshes, vernal pools, or critical habitat for special-status species wildlife that would be adversely affected by project development and there is **No Impact**.

D.4. – D.5. Less than Significant with Mitigation Incorporated. See discussion **D.1. - D.2.**

D.6. The project would not conflict with adopted policies including the preservation and protection of native and special-species and habitat; therefore, there is **No Impact**.

MITIGATION:

MITIGATION D.1 (Biological Resources):

If tree removal, grading, or initial construction is scheduled to occur within the nesting season (February 1 – August 31), the project applicant shall hire a qualified biologist to conduct a survey for all birds protected by the MBTA and CFGC within (7) days prior to vegetation removal or construction activities within 25 feet of all work areas. If an active nest is found, the biologist shall map the nest location and establish an appropriate “no disturbance” buffer around the active nest(s) as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young have fledged or nest fails. Nests shall be monitored at least once per week and a report submitted monthly. If construction activities stop for more than (15) days, the biologist shall conduct an additional survey within (7) days prior to continuation of construction activities or vegetation removal.

MITIGATION D.2 (Biological Resources): If tree removal, grading, or initial construction is scheduled to occur within the maternity season for bats (September 1 – October 15 and March 1 – March 31), the project applicant shall hire a qualified biologist to conduct a focused survey to determine if an active bat roost is present on the project site. The biologist shall conduct pre-construction bat roost survey within (2) week of vegetation removal that involves the removal of potential diurnal roosting trees (e.g., trees 24” DBH and great snags and hollow trees). Surveys shall be conducted within the entire area where potential diurnal roosting trees are proposed for removal and within 100 feet of diurnal roosting trees or vegetation. If a maternity roost with young is observed then the biologist shall map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited with the buffer until the young are Volant (i.e., flying). Roosts shall be monitored a minimum of once a week and monthly reports submitted to the County. If a roost is observed without the young, the biologist shall establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.

MITIGATION MONITORING D.1 and D.2 (Biological Resources): Planning and Engineering staff will require submittal of a bird nest survey and bat roost survey prior to issuance of any grading or building permit for the project, unless the work will commence during the non-breeding season and/or non-maternity roosting season.

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

DISCUSSION:

E.1. – E.4. The project site is in an area of high archaeological sensitivity as designated by the Northeast Center of the California Historical Resources Information System (CHRIS) and the General Plan. A Phase I

Archeological Study (Study) was conducted for the project in March 2017. The Study included record searches and an intensive pedestrian survey and concluded that no pre- or historic archeological sites or isolates have been recorded within or adjacent to the project site. Additionally, the intensive pedestrian survey was negative for all cultural content as there was no evidence of pre- or historic sites, features, artifacts or isolates and project implementation would have no adverse impacts on known cultural resources.

There is a chance of encountering unknown cultural/archeological/paleontological resources during site preparation and construction activities. Halting construction work and observing standard protocols for contacting appropriate City staff and arranging for an evaluation of cultural resources in the case of a discovery is a required standard City practice, typically noted on all grading and building plans. **Mitigation E.1**, below, would minimize the potential damage to unknown cultural, paleontological archeological resources or human remains in the event that such resources are unearthed during construction and would reduce this potential impact to a level that is **Less Than Significant With Mitigation Incorporated**.

MITIGATION:

MITIGATION E.1. (Cultural Resources): A note shall be placed on all grading and construction plans which informs the construction contractor that if any bones, pottery fragments or other potential cultural resources are encountered during construction, all work shall cease within the area of the find pending an examination of the site and materials by a professional archaeologist. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 530-879-6800. A professional archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. Further, City Planning staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Director, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist’s report. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

Mitigation Monitoring E.1 (Cultural Resources): Planning staff will verify that the above wording is included on construction plans. Should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff, and contacting a professional archaeologist, in consultation with Planning staff, to evaluate the find.

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

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

DISCUSSION:

F.1. - F.4. The City of Chico is located in one of the least active seismic regions in California and contains no known active faults. Currently, there are no designated Alquist-Priolo Special Studies Zones on or near the project site, nor are there any known or inferred active faults. The potential for ground rupture and strong seismic ground shaking within the Chico area is considered very low. The General Plan EIR identified the project site as having low risk potential associated with liquefaction. The site is relatively flat and void of any topography and has low to no potential for landslides. The proposed project would not involve the removal of large amounts of top soil or result in substantial amounts of erosion. Development of the site is subject to the City’s grading ordinance, which requires the inclusion of appropriate erosion control and sediment transport BMPs as standard conditions of grading permit issuance. The project site is adjacent to the Little Chico Creek corridor. According to the General Plan EIR, soils with no or low expansion potential occur along stream and river slopes and valleys. As indicated, potential impacts associated with ground-shaking and other seismic related events at the project site are considered low. General Plan policies require structural precautions and compliance with California Building Code to reduce the risk associated with geologic hazards. Further, the City and the BCAQMD require implementation of all applicable fugitive dust control measures, which further reduces the potential for construction-generated erosion. Development of the site will meet all requirements of the California Standards Building Code which address potential issues of ground shaking, soil swell/shrink of expansive soils, and the potential for liquefaction. As a result, potential future impacts relating to geology and soils are considered to be **Less Than Significant**.

F.5. The existing skate park is already connected to the City of Chico’s sanitary sewer system and the proposed project would not include the construction of septic or other alternative wastewater disposal systems; thus, there is **No Impact**.

MITIGATION: None Required

G. Greenhouse Gas Emissions Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

DISCUSSION:

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

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

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

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

Chico’s CAP, in conjunction with the General Plan, meet the criteria listed above. Therefore, the proposed project is consistent with development anticipated in the General Plan and CAP; therefore, potential impacts with regard to GHG emissions are considered **Less Than Significant**.

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

- Consistency with key General Plan goals, policies, and actions that address sustainability, smart growth principles, multi-modal circulation improvements, and quality community design
- Compliance with California’s Title 24 Building Energy Efficiency Standards for Residential and Non-Residential Buildings
- Compliance with the City’s tree preservation ordinance
- Incorporation of street trees and landscaping consistent with the City’s Municipal Code
- Consistency with the City’s Design Guidelines Manual
- Consistency with the State’s Water Efficient Landscape Ordinance (AB 1881)
- Compliance with the City’s Residential Energy Conservation Ordinance, which requires energy and water efficiency upgrades at the point-of-sale, prior to transfer of ownership (e.g., attic insulation, programmable thermostats, water heater insulation, hot water pipe insulation, etc.)
- Provision of bicycle facilities and infrastructure pursuant to the City’s Bicycle Master Plan
- Installation of bicycle and vehicle parking consistent with the City’s Municipal Code
- Consistency with the Butte County Air Quality Management District’s CEQA Handbook
- Adherence to Butte County Air Quality Management District mitigation requirements for construction sites (e.g., dust suppression measures, reducing idling equipment, maintenance of equipment per manufacturer specs, etc.)
- Diversion of fifty percent (50%) of construction waste
- Compliance with the City’s Capital Improvement Plan, which identifies new multi-modal facilities and connections
- Consistency with the City’s Storm Drainage Master Plan

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

MITIGATION: None Required.

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

H. Hazards /Hazardous Materials Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. For a project located within the airport land use plan, would the project result in a safety hazard for people residing or working in the Study Area?				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Study Area?				X
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

DISCUSSION:

H.1. – H.3 and H.7. – H.8. The proposed skate park expansion would not generate significant amount of hazardous materials, result in significant amounts of hazardous emissions, or necessitate the handling or transportation of acutely hazardous materials. Limited amounts of hazardous materials would be used for equipment and during construction activities. The project is subject to mandatory compliance with all Federal, State and local regulations regarding the handling, storage and transportation of hazardous materials. The nearest school is the Chico Country Day Charter, located at 102 W 11th St., approximately 650 feet southwest of the site. The project would not result in a safety hazard for people residing or working in the area, nor would it interfere with adopted emergency response or emergency evacuation plans. The project site is surrounded by urbanized development and not within a Very High Fire Hazard Severity Zone as defined by the California Department of Forestry and Fire Protection. Therefore, the project is considered to have **No Impact** with regard to hazardous materials, emergency response and wildland fire impacts.

H.4. The State of California Department of Toxic Substances Control (DTSC) protects California citizens and the environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. DTSC maintains databases and list for hazardous material sites and underground storage tank facilities. Hazardous Waste and Substances Site List, also known as the Cortese List, is used by state and local agencies and by private developers to comply with CEQA requirements providing information about the location of hazardous materials sites.

As indicated above, the site was previously used as a corporation yard for the City of Chico. In January 1998, two 1,000 gallon gasoline underground storage tanks (USTs) and associated fueling islands and plumbing were removed from the site. Following the removal of the USTs and fueling equipment, the site underwent environmental remediation due to a leak (UST Case No. 04169). The remediation included approximately 359 cubic yards of contaminated soil being over excavated, removed and disposed of at an appropriately permitted facility. Subsequent site and record review was conducted in February 2017 to assess whether contaminated soil and/or groundwater previously identified at the site were adequately characterized and remediated. The subsequent review concluded that no residual soil contamination was present on the site following over excavation and removal during remediation activities. Groundwater depths at the site are approximately 11-12 feet below ground level. There is a chance of encountering groundwater during excavation activities. Should groundwater be encountered, implementation of Mitigation H.1.would ensure the pumped groundwater is collected, stored, evaluated, and disposed appropriately. The subsequent review also concluded that based on Regional Water Quality Control Board Low-Threat Underground Storage Tank Closure Policy (Adopted

August 17, 2012), the site meets the general and specific policy eligibility criteria for closure, as it is considered to have a low threat to human health, safety and the environment pursuant to California Health and Safety Code Section 25296.10. Therefore, this impact would be **Less than Significant with Mitigation Incorporated**.

H.5. – H.6. The project site is not located within the boundaries of the Chico Airport Comprehensive Land Use Plan. Additionally, there are no private airstrips in the vicinity of the project. As such, the proposed skate park expansion would have **No Impact** with regard to safety hazards or risks for construction personnel or residences in the area.

MITIGATION H.1. (Hazardous Materials): Should excavations encounter groundwater and dewatering become necessary, the contractor shall collect and store pumped groundwater in a Baker tank or similar water-tight receptacle and shall test samples to assess potential groundwater pollutant concentrations. The test results shall be used to evaluate appropriate disposal options for the groundwater samples.

Mitigation Monitoring H.1 (Hazardous Materials): Planning staff will verify that the above wording is included on construction plans. Should groundwater be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff. City staff will coordinate with the contractor to identify proper testing protocols and appropriate disposal methods.

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

I. Hydrology/ Water Quality	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
Flood Insurance Rate Map or other flood hazard delineation map?				
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
10. Inundation by seiche, tsunami, or mudflow?				X

DISCUSSION:

I.1., I.3. – I.6. The proposed project is an expansion of existing skate park facilities; as such, the development would increase surface water runoff due to the additional impervious surface area but would not substantially alter the existing on-and off-site drainage patterns. The project would result in approximately 1,830 square feet of additional impervious surfaces over existing conditions. The project would not alter the course of Little Chico Creek or any other waterway. The project is subject to Regional Water Quality Control Board (RWQCB) regulations which requires the project to obtain a water quality certification or waiver from the RWQCB. Through the RWQCB’s permitting process, the project would be required to avoid, minimize, and/or compensate for potential discharges into regulated waterways based on a detailed review of the storm drain system design. The project would also be required incorporate Best Management Practices (BMPs) to collect all onsite storm water runoff and convey it to the storm drain system in manner that avoids substantial flooding or on- or off-site erosion. The project’s storm water would be collected on-site and conveyed to Little Chico Creek via an existing 24” storm drain that runs along the site’s western boundary. The BMPs require storm water drainage improvements to provide quality treatment of “first flush” contaminants (soil, grease, metals, oils, and organic debris) that accumulate during the dry season, and ensure that peak flows from the site do not exceed existing levels and result in no-net increase over existing conditions. The project is required to meet City of Chico storm water system design requirements. Additionally, the project is subject Low Impact Development (LID) standards apply techniques that infiltrate, filter, store, evaporate and detain runoff close to the source of rainfall to maintain a site’s pre-development runoff rates and volumes. Mandatory compliance with RWQCB regulations, implementation of BMPs, and strict adherence to permitting and water quality requirements would ensure that the project would not substantially degrade water quality drainage systems, provide substantial additional sources of polluted runoff, or exceed storm water drainage facilities and **Less Than Significant** impacts would result.

I.2. The project site is currently supplied water by the California Water Service Company. Although the existing public restroom would be retained, the proposed expansion would not result in an increase of water demand over existing conditions; therefore, would not result in a lowering of the groundwater table, net change to groundwater volume in the aquifer, or adversely affect nearby wells. As indicated, the project proposes to remove approximately 20% of the existing impervious surfaces and replace it with the new features. The project would increase the amount of impervious surfaces by approximately 1,830 square feet. However, the minor increase of impervious surfaces would not impede or interfere with groundwater recharge and groundwater depletion and groundwater recharge impacts are considered **Less Than Significant**.

I.7. - I.9. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate for the City of Chico and the General Plan EIR, the majority of the project’s southern boundary is located in a Special Flood Hazard Area (SPHA) as defined by FEMA and within Zone AE, which is considered a high risk flood zone, with 1-percent annual chance or flooding. The AE zone is also referred to as the base flood or 100-year flood zone. The remainder of the project site is located in Zone X which is the 100-year flood plain, or river/stream flood plain characterized by a 1% or greater annual chance of flooding, generally in the form of sheet flow

with maximum depths from 1-3 feet. The project site is outside dam failure inundation areas, would not impede or redirect flood flows, or expose people or structures to increased risk of injury or flooding and impacts are considered **Less Than Significant**.

I.10. The project is not subject to inundation by seiche, tsunami, or mudflow; therefore, the project will result in **No Impact**.

MITIGATION: None Required

J. Land Use and Planning Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Result in physically dividing an established community?			X	
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the City of Chico General Plan, Title 19 "Land Use and Development Regulations", or any applicable specific plan) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
3. Results in a conflict with any applicable Resource Management or Resource Conservation Plan?			X	
4. Result in substantial conflict with the established character, aesthetics or functioning of the surrounding community?			X	
5. Result in a project that is a part of a larger project involving a series of cumulative actions?			X	
6. Result in displacement of people or business activity?				X

DISCUSSION:

J.1. – J.5. The project is an expansion of existing facilities and surrounded by commercial and single-family residences; as such, implementation would not physically divide an established community, conflict with any applicable plans or ordinances adopted to mitigate environmental impacts, or conflict with the established character, aesthetics or functioning of the surrounding community. There are no adopted City of Chico Resource Conservation Plans or Resource Management programs or plans applicable to the project site. The project would not conflict with adopted Butte County Resource Plans: Integrated Water Resources Plan, Groundwater Management Plan, Drought Preparedness Plan, or Butte County Air Quality Management rules or regulations for the protection of environmental resources. Additionally, the proposed expansion is not part of a larger project or associated with any other development proposals that would result in cumulative actions or environmental impacts. The site is designated as Secondary Open Space (SOS) on the General Plan Land Use Diagram and within the Secondary Open Space (OS2) zoning district, with Landmark (-L) and Special Design Considerations (-SD8) zoning overlays. The Landmark overlay zone is intended to identify landmarks and historic sites in compliance with the General Plan, so that development and new land uses are designed and operated in a manner compatible with the preservation of these resources. The Special Design Consideration overlay zone is intended for areas of the City where the General Plan has highlighted existing neighborhood characteristics, environmental features, or other concerns that require special attention in project design. The project is subject to all CMC regulations regarding development/expansion of the site and would be consistent with all applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental impact; therefore, this impact is considered **Less Than Significant**.

J.6. The proposed project is an expansion of an existing recreational facility. The project would not displace people or businesses and there is **No impact**.

MITIGATION: None Required.

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

DISCUSSION:

K.1. - K.2. The General Plan EIR concluded that there are no active mines or known important mineral resources in the City of Chico; therefore, the project would not result in the loss of availability of a known mineral resource or mineral resource recovery site and **No Impacts** would result.

MITIGATION: None Required.

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

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

X

DISCUSSION:

L.1. - L.5. Expansion of the skate park would result in minor noise level increases over existing conditions; however, the increases would be temporary and related to construction activities and no permanent increases over existing levels would result. The expansion will add advanced features and increase the amount of area for skaters but is not expected to substantially increase the amount of park users or result in permanent, operational noise levels. There are no sources of excessive groundborne vibration or groundborne noise levels in the project vicinity. Any groundborne vibration due to construction at the site would be temporary in nature and cease once the project is constructed.

As indicated, the construction activities would be temporary in nature and are subject to all CMC regulations regarding construction noise, specifically, General Plan Policy N-1.6 which requires the CMC to maintain special standards to allow temporary construction activity to exceed established levels with limits on the time of disturbance to lessen impact to nearby residents and other sensitive receptors and land uses. CMC 9.38.060 sets specific noise level limits and times for temporary increases related to construction. Under section 9.38 of the CMC, construction activities are limited to occur between the hours of 7 a.m. and 9 p.m. on most days, and 10 a.m. to 6 p.m. on Sundays and holidays. During the warmest summer months, June 15 - September 15, construction is allowed between the hours of 6 a.m. and 9 p.m. on most days, and 10 a.m. to 6 p.m. on Sundays and holidays. CMC Section 19.38.060 exempts construction noise that is limited to these hours.

During the allowable times for construction outlined above, noise-generating activities are limited by the following criteria:

- No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment, and
- The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

These existing noise limitations imposed by the municipal code for temporary construction activities would ensure that the project would not result in substantial temporary or permanent noise increases over existing levels, expose sensitive receptors to permanent or temporary noise levels exceeding General Plan or CMC levels and **Less than Significant** impacts would result.

L.6 and L.7. There are no private airstrips in the project’s vicinity. The project site is not located within the boundaries of the Chico Municipal Airport Land Use Compatibility Plan or within a land use compatibility zone. Therefore, the project would not expose construction personnel or future residents to excessive noise levels from aircraft operations and there in **No Impact**.

MITIGATION: None Required

M. Open Space/ Recreation	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Affect lands preserved under an open space contract or easement?			X	

2. Affect an existing or potential community recreation area?	x
3. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	X
4. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	X

DISCUSSION:

M.1. The project site is adjacent to Little Chico Creek which is designated and protected as Secondary Open Space (SOS) in the General Plan. Implementation of the project would not adversely affect this resource. No-climb perimeter fencing is proposed to prohibit pedestrians and other materials from entering the creek corridor. The project would use the existing 24" storm drain that runs from north to south along the site's western boundary to collect and convey storm water to Little Chico Creek. The proposed fence and mandatory compliance with the RWQCB and City of Chico requirements and regulations regarding the treatment and discharge of storm water would ensure that project construction, storm water flows, or operation activities would not adversely affect Little Chico Creek and **Less than Significant** open space easement related impacts would result.

M.2. – M.4. The project would expand the existing facilities at the skate park and include other upgrades and improvements. The proposed expansion would include advanced features and modifications but is not expected to result in a substantial increase in the amount of users over existing levels. All construction related impacts (i.e., noise, air quality, etc.) would be temporary in nature and are subject to mandatory compliance with RWQCB, City of Chico and mitigation measures identified in this initial study for the purposes of eliminating, reducing and/or avoiding an environmental impact and **Less than Significant** impacts would result.

MITIGATION: None Required.

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

DISCUSSION:

N.1. - N.3. The proposed project is an expansion of an existing recreational facility and would tie into to existing City infrastructure. The proposed features and upgrades are not expected to substantially increase users of the park or result in direct or indirect population growth. The project would not induce substantial

population growth, displace people or necessitate the construction of new or replacement housing; therefore, there is **No impact** related to population/housing.

MITIGATION: None Required.

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

DISCUSSION:

O.1. - O.5. The project is an expansion of an existing facility within the City of Chico. No new or increased public services would be required to adequately serve the project nor would the proposed expansion adversely affect response times or the existing provision of public services or result in the need for altered government services; therefore, public service related impacts are considered **Less than Significant**.

MITIGATION: None Required.

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

P. Transportation/Circulation Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Result in inadequate emergency access?				X
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

DISCUSSION:

P.1. - P.6. As previously discussed, the proposed project would include the expansion of an existing recreational facility and would not substantially increase park users, the number of vehicle trips to or from the site, or the demand for other transportation modes in the vicinity of the project. The project site is outside the boundaries of the Chico Airport Land Use Compatibility Plan area and does not include activities that would not affect air traffic patterns. The project does not include transportation related components or design features that would contribute or produce unsafe circulation patterns nor would it result in inadequate emergency access or impede fire or police response times or service to the site. As such, project implementation would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, nor would it conflict with an applicable congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or the safety of such facilities and **No Impacts** would result.

MITIGATION: None Required.

Q. Utilities Will the project or its related activities have an effect upon or result in a need for new systems or substantial alterations to the following utilities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Water for domestic use and fire protection?			X	
2. Natural gas, electricity, telephone, or other communications?			X	
3. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
4. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
5. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
6. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

Q. Utilities	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities have an effect upon or result in a need for new systems or substantial alterations to the following utilities:				
7. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
8. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
9. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

DISCUSSION:

Q.1. – Q.7. All necessary utilities (water, storm drain, sewer, gas, phone or other communications, and electric facilities) are currently at the site and adequate to serve the proposed expansion activities. No additional or expanded utilities would be required to serve the project. Sewer service and underground storm drainage would be provided by the City of Chico. The storm drainage would be discharged to Little Chico Creek via the existing 24-inch storm drain near the western boundary of the site. California Water Service Company (Cal Water) would provide water service, PG&E electric service, and AT&T and Comcast, telephone and cable, respectively. Consistent with existing skate park operations and regulations, the expansion project must meet adequate fire flows and other City of Chico Fire Department requirements. The project would not result in increased wastewater flows or the demand for expanded wastewater facilities or infrastructure. General Plan policies ensure adequate wastewater capacity and infrastructure to serve the proposed project. The project would temporarily increase water use during construction activities but would not require additional or expanded entitlements. As indicated, all utilities are at or near the site, and are adequate to serve the proposed uses. Therefore, the project would not require the construction new or expanded utilities or exceed the capacity of water or wastewater systems serving the project and **Less than Significant** impacts would result.

Q.8. - Q.9. According to the General Plan EIR, which analyzed development on the project site consistent with the existing uses and current proposal, the Neal Road Landfill has adequate capacity to accommodate the solid waste generated by the project. Additionally, the project must comply with State laws and regulations regarding the provisions of recycling containers and service which would reduce solid waste impacts to **Less Than Significant**.

MITIGATION: None Required.

V. MANDATORY FINDINGS OF SIGNIFICANCE

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

important examples of the major periods of California history or prehistory.

B. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current and probable future projects).

X

C. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

X

DISCUSSION:

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

VI. REFERENCES

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- SWRCB. 2017. State Water Resources Control Board. <http://geotracker.swrcb.ca.gov>. 2017.

Mike Sawley

From: Alan L. Mittman <alm63@cornell.edu>
Sent: Monday, July 31, 2017 11:12 AM
To: Mike Sawley
Cc: Alan L. Mittman; Stevi Mittman
Subject: Humboldt Skate Park Expansion

Dear Mr. Sawley,

We reside at 187 E 11th Street in Chico. We write to request that you include in the MND review process pursuant to CEQA a noise abatement study. This is necessary and required due to the repeated loud noises made by skate boards pounding the surface of the park. It literally sounds like ongoing construction which we thought it was (being new to the neighborhood) until we realized it came from the park. These continuous, repeated jarring noises continue until dark.

Please confirm that the environmental review will indeed include noise abatement measures prior to finalization.

Thank you for your attention to this matter.

Sincerely,

Alan and Stephanie Mittman
187 East 11th Street
Chico, CA 95928
607-280-6655

Attachment H

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471



August 4, 2017

Mike Sawley
City of Chico
P. O. BOX 3420
CHICO, CA 95927

Sent via e-mail: Mike.sawley@chicoca.gov

Re: SCH# 2017072054, Proposed Humboldt Skate Park Expansion (UP 17-08) Project, City of Chico; Butte County, California

Dear Mr. Sawley:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, the Environmental Checklist, section E, Cultural Resources, and the Mitigation and Monitoring Program prepared by the City of Chico. We have the following concerns:

1. There is no Tribal Cultural Resources section or subsection in the Executive Summary or Environmental Checklist as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>
2. There is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes. Discussions under AB-52 may include the type of document prepared; avoidance, minimization of damage to resources; and proposed mitigation. Contact by consultants during the Cultural Resources Assessments is not formal consultation.
3. There are no mitigation measures specifically addressing Tribal Cultural Resources separately and distinctly from Archaeological Resources. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, **with or without consultation** occurring. **Mitigation language for archaeological resources is not always appropriate for or similar to measures specifically for handling Tribal Cultural Resources.** For sample mitigation measures, please refer to California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"⁵, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."⁶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁷ Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁸ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,⁹ and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."¹⁰

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.¹¹

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹³

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program,** if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).¹⁷

An environmental impact report **may not be certified,** nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

⁹ Pub. Resources Code § 21080.3.1, subs. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (c)(1)

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸
This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**¹⁹
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
 - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - If part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have been already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

¹⁸ Pub. Resources Code § 21082.3 (d)

¹⁹ (Gov. Code § 65352.3 (a)(2)).

²⁰ pursuant to Gov. Code section 65040.2,

²¹ (Gov. Code § 65352.3 (b)).

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

Central Valley Regional Water Quality Control Board

18 August 2017

Mr. Mike Sawley
City of Chico Planning Department
P.O. Box 3420
Chico, CA 95927

RECEIVED

AUG 22 2017

CITY OF CHICO
PLANNING SERVICES

COMMENTS ON THE HUMBOLDT SKATE PARK EXPANSION PROJECT (UP 17-08) SCH 2017072054, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 26 July 2017, we received your request for comments on the Notice of Completion & Environmental Document Transmittal for the Humboldt Skate Park Expansion Project.

The applicant is proposing to expand the skate park features into an adjacent lawn area in the eastern portion of the site. New features include concrete elements and decks, cap and ledge modifications, new metal grind edges, bank features, and new transition forms. Approximately 20% of the existing skate park would be removed and replaced with updated features. The project would retain or remove portions of the existing fencing and construct new fencing at various locations to enclose the expanded skate park and preclude access to the channel of Little Chico Creek.

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

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 Humboldt Skate Park Expansion 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/constpermits.shtml

Post-Construction Storm Water Requirements

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on a 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 me at (530) 224-4784 or by email at Scott.Zaitz@waterboards.ca.gov.

Scott A. Zaitz for

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

SAZ:hc

cc w/o
enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova