



DATE: May 3, 2018

Files: S 17-06

TO: Planning Commission

FROM: Kimber Gutierrez, Associate Planner (879-6810, kimber.gutierrez@chicoca.gov)

RE: Marigold Heights Vesting Tentative Subdivision Map (S 17-06)

SUMMARY

The applicant proposes to subdivide an approximately five-acre parcel into 24 lots for single-family residential development. The site is located on the east side of Marigold Avenue, opposite Westerdahl Court. The site is currently undeveloped. No major issues have been identified.

Recommendation:

Planning staff recommends that the Planning Commission review and consider the Mitigated Negative Declaration and adopt Resolution 18-08 (**Attachment A**) approving the Marigold Heights Vesting Tentative Subdivision Map (S 17-06), subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution 18-08, approving the Mitigated Negative Declaration and the proposed Marigold Heights Vesting Tentative Subdivision Map (S 17-06), based on the required findings and subject to the conditions contained therein.

BACKGROUND

The project site consists of an approximately five gross acre, undeveloped parcel located on the east side of Marigold Avenue, opposite Westerdahl Court, in northeast Chico (see Location Map, **Attachment B**). The site is designated Low Density Residential in the General Plan Diagram and zoned R1-AOC (Low Density Residential within an Airport Overflight Zone C overlay).

The tentative map illustrates 24 lots arranged around a single cul-de-sac street (see Vesting Tentative Subdivision Map, **Attachment C**). The average lot size would be 6,999 square feet, and typical lots would be 46 feet wide and 140 feet deep. Gross density for the project would be 4.8 units per acre (u/ac), within the allowable range of 2.1 u/ac to 7 u/ac. As part of the improvements the developer would construct adjacent portions of Marigold Avenue as well as the internal street and cul-de-sac. Additional right-of-way at the end of the cul-de-sac would be offered for dedication to the city to allow for a potential future connection to Rusty Lane. All utilities are available nearby to serve the project and the new homes would be connected to Cal Water and City sewer.

Site Conditions and Context

The site's western portion has been minimally disturbed and the eastern portion has been historically used as a horse pasture. The topography of the site is relatively flat with annual

grassland habitat with vernal pools, seasonal wetlands and swales. Surrounding uses include single-family residential development to the west, south, and east with undeveloped grassland habitat to the north. The vacant 17-acre parcel adjacent to the north is located in the R2 (Medium Density Residential) zoning district which could accommodate approximately 200 multi-family units. Existing single-family residences in the Hampton Court Subdivision adjacent to the west is developed with an average lot size of 9,000 SF, and to the south and east are single-family residences on lots of approximately a half acre to an acre in size.

Neighborhood Meeting

A neighborhood meeting was conducted on January 22, 2018. Approximately four neighbors of the project area attended the meeting, including two members of the applicant team and planning staff from the City of Chico. Issues of concern voiced by the neighbors included storm water drainage. The applicant noted that current ponding of storm water on Marigold Avenue in front of the site should be alleviated by the frontage and drainage improvements associated with the development.

GENERAL PLAN

The General Plan's Low Density Residential designation is characterized by "the traditional single-family neighborhoods with a majority of single-family detached homes and some duplexes." With a residential density of 4.8 units per acre, the project is within the allowable range of 2.01 to 7 units per acre. Furthermore, this allowable base density was included in the 2030 General Plan and its Environmental Impact Report as the intended build-out of the site.

The following General Plan policies are applicable to the project:

- CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.*
- CD-5.1: Ensure that new development and redevelopment reinforces the desirable elements of its neighborhood including architectural scale, style, and setback patterns.*
- H-1: Increase equal housing opportunities for all persons and households in Chico.*
- H-3: Promote the construction of a wide range of housing types.*
- LU-4: Promote compatible infill development.*
- LU-4.2: Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.*
- LU-4.2.3: For projects proposed on or adjacent to residentially zoned property, which require a discretionary approval by the Planning Commission or City Council, require applicants to have a pre-application neighborhood meeting with interested parties in the respective neighborhood to hear issues and consider input.*

LU-4.3: For residential infill projects outside of Opportunity Sites and Special Planning Areas, maintaining neighborhood character may take precedence over meeting density goals. It may be necessary to limit project density, within the allowable density range, to ensure compatibility.

The proposal is consistent with General Plan policies that encourage compatible infill development (CD-5, LU-4 and LU-4.2), holding a pre-application neighborhood meeting (LU-4.2.3), and providing a variety of property sizes while maintaining neighborhood character (H-1, H-3, and LU-4.3). In summary, the proposal is consistent with the General Plan in several aspects as noted above.

DISCUSSION

Subdivision Design

The proposed subdivision design provides compatible residential infill development with lot sizes, density, and cul-de-sac design that are consistent with surrounding development. At 4.8 units per acre, the project density is in the middle of the range for the Low Density Residential designation. Existing subdivisions in the vicinity have been developed with slightly less density, although in single-family detached residential development format.

As a result of the site's location within Airport Overflight Zone C for the Chico Municipal Airport, standard conditions are included on Exhibit II of the resolution requiring certain airspace easements and notifications to be recorded on the project parcels.

Requests for Modifications of Subdivision Design Criteria and Improvement Standards

Due to the configuration of the existing development, modifications of Title 18R *Subdivision Design Criteria and Improvement Standards* are requested as part of the approval, including:

1. Non-right angle and non-radial lot lines;
2. Cul-de-sac length greater than 500 feet; and
3. Lot depth greater than three times lot width.

Staff believes the requested modifications to design criteria are justified due to the parcel depth, surrounding development, and street pattern (See Resolution No. 15-07, **Attachment A**, for findings of Modification Requests).

Environmental Review

Based on the results of an Initial Study a Mitigated Negative Declaration was prepared for the project and circulated for a 30-day comment period, commencing on 04/12/18, and extending until 05/11/18. No correspondence has been received during and prior to the public review period as of the date of this report. Any correspondence received after the date of this report will be presented at the public hearing. The Mitigated Negative Declaration is Exhibit I of the resolution, and all the mitigation measures have been included as conditions of approval on Exhibit II of the resolution (**Attachment A**).

The Initial Study identifies nine mitigation measures, including:

- 1) Incorporating air quality Best Management Practices (BMPs) during construction,
- 2) Conducting a protocol-level survey for western spadefoot,
- 3) Conducting a migratory bird and raptor survey should ground disturbance occur during the avian breeding season,
- 4) Obtaining tree removal permits for all proposed removals,
- 5) Conducting a protocol-level survey for slender Orcutt grass,
- 6) Providing compensation for direct impacts to vernal pool tadpole and fairy shrimp habitat,
- 7) Incorporating biological resource avoidance and minimization measures during construction,
- 8) Obtaining state and federal permits for impacts to wetlands prior to issuance of grading permits, and
- 9) Halting construction if cultural resources are discovered during excavation activities.

Details of the environmental analysis can be found in the Initial Study (**Attachment D**).

FINDINGS

Modification to Subdivision Design Criteria Finding

As established in CMC 18.44, a modification to the city's subdivision design criteria or improvement standards may only be approved if one of the six findings listed in that chapter can be made. For this project, the finding in CMC 18.44.020 (D) and (E) can be made:

D. That the subdivision or any part thereof is located in an area which contains existing streets, sanitary sewers, storm water management systems or other improvements which do not conform to the design criteria and improvement standards, as set forth in Title 18R of this code, and that modification of such design criteria and improvement standards in the case of the proposed subdivision is necessary in order to make the streets, sanitary sewers, storm water management systems and other improvements to be constructed and installed incident to or as a condition of approval of such subdivision compatible with such existing and nonconforming improvements.

E. That the subdivision is of such a size or shape, and/or is affected by such topographic or soil conditions that render it impossible, impractical or undesirable, in the particular case, to conform to the design criteria and improvement standards, as set forth in Title 18R of this code, and that modification of such design criteria and improvement standards is necessary by reason of such subdivision characteristics or conditions.

In the case of the proposed map, allowing non-right angle and non-radial lot lines, a cul-de-sac greater than 500 feet in length, and greater lot depths would allow for an efficient lot layout and overall subdivision design that fits within the parcel and is compatible with Title 18R and 19. The existing lot is a wide and deep rectangular shape with only one street abutting the west side of the parcel. Therefore, pursuant to Finding D and E, the existing improvements and parcel shape renders it impractical to have standard lot sizes. The modifications requested are necessary to meet other standards within Title 18R and 19.

The requested modifications are relatively minor in scope and balances neighborhood

compatibility with detached single-family residential development and General Plan consistency.

Subdivision Findings (CMC Section 18.18.070.B)

Pursuant to Chico Municipal Code Section 18.18.070, the Planning Commission is to consider the evidence presented in the application materials, staff report, Mitigated Negative Declaration, and public hearing, and then base its action on the conformity of the subdivision map with the subdivision regulations and on the design of the proposed subdivision. In order to approve a subdivision map, the Planning Commission must find that the map and its design conform with all applicable requirements of Title 18 and Title 19 of the Chico Municipal Code, and that the subdivision map and its design are consistent with the Chico General Plan.

As supported by the conditions of approval and the Subdivision Report (Exhibits I and II to Resolution No. 18-08, **Attachment A**) and this staff report, the proposed map and its design conform with the applicable requirements of Title 18 and Title 19 of the Chico Municipal Code and would be consistent with the Chico General Plan.

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*.

DISTRIBUTION:

PC Distribution
Kimber Gutierrez, Associate Planner
Files: S 17-06

External

MK West Investments, LLC, P.O. Box 6414, Chico, CA 95927
Wesley E. Gilbert/W. Gilbert Engineering, 140 Yellowstone Dr., Suite 110, Chico, CA 95973

ATTACHMENTS:

- A. Planning Commission Resolution No. 18-08
 - Exhibit I Mitigated Negative Declaration
 - Exhibit II Conditions of Approval
 - Exhibit III Subdivision Report
- B. Location Map
- C. Vesting Tentative Subdivision Map
- D. Initial Study

1 **RESOLUTION NO. 18-08**

2 **RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION**
3 **APPROVING THE MARIGOLD HEIGHTS SUBDIVISION S 17-06**
4 **(MK West Investments, LLC)**

5 WHEREAS, an application has been submitted to subdivide a five gross acre site into 24
6 lots on the east side of Marigold Avenue, opposite Westerdahl Court, identified as Assessor's
7 Parcel No. 016-120-001 (the "Project"); and

8 WHEREAS, the Planning Commission considered the Project, staff report, and comments
9 submitted at a noticed public hearing held on May 17, 2018; and

10 WHEREAS, the noticing of the California Environmental Quality Act review of the Initial
11 Study and Mitigated Negative Declaration, which opened on Thursday, April 12, 2018 and
12 concluded on Friday, May 11, 2018 (SCH No. 2018042030); and

13 WHEREAS, the Planning Commission has considered the Initial Study and Mitigated
14 Negative Declaration which conclude that the Project, with mitigation included, will not result in
15 a significant impact on the environment.

16 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF
17 THE CITY OF CHICO AS FOLLOWS:

- 18 1. With regard to the mitigated negative declaration the Planning Commission finds that:
- 19 A. There is no substantial evidence supporting a fair argument that the Project may have a
20 significant effect on the environment;
- 21 B. The mitigated negative declaration has been prepared in conformance with the provisions
22 of the California Environmental Quality Act and the Chico Municipal Code (CMC),
23 Chapter 1.40, "Environmental Review Guidelines"; and
- 24 C. The mitigated negative declaration prepared for the Project reflects the independent
25 judgment of the City of Chico.
- 26 2. With regard to the vesting tentative subdivision map the Planning Commission finds that:
- 27 A. The overall density of the Project is 4.8 dwelling units per gross acre, which is consistent
28 with the Chico General Plan Diagram designation of Low Density Residential and the

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- provisions in Title 19 of the Chico Municipal Code;
 - B. No substantial evidence has been presented that would require disapproval of the Project pursuant to Government Code Section 66474; and
 - C. The requested modifications to the City’s subdivision design criteria and improvement standards are acceptable, due to the parcel depth, surrounding development, and street pattern, rendering it undesirable to strictly conform to the design criteria and improvement standards set forth in Title 18R; and
 - D. As supported by the subdivision report prepared for the Project, and the agenda report, the Project and its design conform with both the requirements of Title 18 and 19 of the Chico Municipal Code and the Chico General Plan.
3. Based on all of the above, the Planning Commission hereby:
- A. Adopts the mitigated negative declaration and mitigation monitoring program as set forth in Exhibit I, attached hereto; and
 - B. Approves the Project, subject to the conditions set forth in Exhibit II, and the provisions of the Subdivision Report set forth in Exhibit III, attached hereto.
4. The Planning Commission hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.
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THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning Commission of the City of Chico held on May 17, 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- DISQUALIFIED:

ATTEST:

BRUCE AMBO
Planning Commission Secretary

APPROVED AS TO FORM AND
CONTENT:

Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of the City of 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: Marigold Heights Subdivision (S 17-06)

APPLICANT'S NAME: MK West Investments, LLC.
P.O. Box 6414, Chico, CA 95927

PROJECT LOCATION: East side of Marigold Avenue, opposite Westerdahl Court,
Chico, Butte County, CA
AP No. 016-120-001

PROJECT DESCRIPTION: The proposal would divide the 4.7-acre site into 24 parcels for future development with single-family homes. The average lot size would be approximately 6,999 square feet, and typical lots would be 46 feet wide and 140 feet deep. Gross density for the project would be 4.8 units per acre. As part of the improvements the developer would construct adjacent portions of Marigold Avenue as well as the internal street and cul-de-sac. A right-of-way dedication for a potential future connection to Rusty Lane will be offered on the final map for acceptance by the City at a later date. All utilities are available to serve the project and the new homes would be connected to Cal Water and City sewer.

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 (BCAQMD) CEQA Air Quality Handbook, October 23, 2014, available at http://www.bcaqmd.org/page/_files/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 subdivision improvement plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate. City inspection staff will ensure that construction, grading, and erosion control operations are conducted in accordance with BCAQMD standards.

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

MITIGATION D.1 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (following a rain event during the breeding season, identification of other known active breeding populations in the region). The focused survey will include a minimum of three (3) site visits including both day and night surveys. If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records.

If western spadefoot are found, consultation with CDFW shall occur prior to ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.

This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.

MITIGATION MONITORING D.1: Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential impacts to western spadefoot to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.2 (Biological Resources): If vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the BSA. A qualified biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Commission (CFGF) within seven (7) days prior to vegetation removal or initial ground disturbances (whichever activity comes first), and map all active nests located within 250 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING D.2: If initial ground disturbance is proposed to be conducted during

the avian breeding season, Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site. If active nests are encountered, the qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential impacts to migratory birds and raptors to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.3 (Biological Resources): Prior to tree removal, the applicant shall obtain a tree removal permit from the City of Chico Parks Department. As required by Chico Municipal Code (CMC) Chapter 16.66, existing trees removed from the site shall be replaced as follows:

- On-site. For every six inches in DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
- Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
- Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the CMC.
- All trees not approved for removal shall be preserved on and adjacent to the project site. A tree preservation plan, including fencing around drip lines and methods for excavation within the drip lines of protected trees to be preserved shall be prepared by the project developer pursuant to CMC 16.66.110 and 19.68.060 for review and approval by planning staff prior to any ground-disturbing activities.

MITIGATION MONITORING D.3: Planning and Engineering staff will require final copies of the required permits, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential impacts to trees to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.4 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall obtain a qualified biologist to conduct a protocol-level survey for slender Orcutt grass. If slender Orcutt grass is determined to occur, the applicant shall purchase habitat/species credits for the loss of the 0.216 acre of slender Orcutt grass at a 2:1 ratio at the Stillwater Mitigation Bank or other approved mitigation bank resulting in a total of 0.252 acre of habitat/species credits, or as defined by the United States Fish and Wildlife Service (USFWS) Biological Opinion if different than the above stated values.

MITIGATION MONITORING D.4: Planning and Engineering staff will require final copies of the required protocol-level surveys for slender Orcutt grass, prior to issuance of any grading or other permits that will result in disturbances to the site. Should the species occur on the project site documentation of the habitat/species credit purchase shall be provided to Planning and Engineering staff, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential impacts to slender Orcutt grass to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.5 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall compensate for direct impacts to 0.285 acre of habitat that may support vernal pool tadpole and fairy shrimp. The applicant shall purchase 0.29 acre of vernal pool creation (1:1 ratio) and 0.57 acre of vernal pool preservation (2:1 ratio) credits at the Meridian Ranch Mitigation Bank or other approved mitigation bank, or as defined by the USFWS Biological Opinion if different than the above stated values. The following table summarizes the proposed mitigation plan.

Vernal Pool Invertebrate Habitat Direct Impact Areas and Mitigation Acres Summary

Vernal Pools/Invertebrate Habitat Credit Type	Acres Impacted	Mitigation Ratio	Acres to be Mitigated
Creation	0.285	1:1	0.29
Preservation	0.285	2:1	0.57
Total Mitigation Acres			0.86

MITIGATION MONITORING D.5: Planning and Engineering staff will require final copies of the purchased credits documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential project impacts to vernal pool tadpole and fairy shrimp to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.6 (Biological Resources): The following avoidance and minimization measures shall be confirmed prior to issuance of a grading permit and conducted during construction activities;

- a. The applicant shall include a copy of the Biological Opinion (BO), as applicable, within its construction documents making the primary contractor responsible for implementing all requirements and obligations included within the BO, and to educate and inform all other contractors involved in the project as to the requirements of the BO.
- b. The contractor will be responsible for understanding and following the guidelines set forth in the Section 404 permit and Section 401 water quality certification and the contractor will avoid and minimize potential construction-related water quality impacts through compliance with the RWQCB by preparing and submitting the following water quality permits and plans.
 - i. A National Pollutant Discharge Elimination System (NPDES) storm water permit

- for general construction activities.
- ii. A Notice of Intent to obtain proper coverage under the State Construction General Permit.
 - c. The contractor shall ensure, when feasible, that activities that are inconsistent with the maintenance of the suitability of vernal pool crustacean habitat and the associated on-site watershed are prohibited. These include, but are not limited to:
 - i. the alteration of existing topography that may alter hydrology into habitat for Federally-listed vernal pool crustaceans;
 - ii. the placement of any equipment within suitable habitat; and
 - iii. dumping, burning, and/or burying of rubbish, garbage, or any other wastes and fill materials.
 - d. Prior to the commencement of construction activities, high visibility fencing will be erected around the habitats of the federally listed species to identify and protect these Environmentally Sensitive Areas (i.e. vernal pools) from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
 - e. Construction timing will be confined to the summer months when Waters of the United States and suitable habitat within the project site are dry.
 - f. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated.
 - g. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance.
 - h. During construction operations, stockpiling of construction materials, portable equipment, vehicles and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs.

MITIGATION MONITORING D.6: Planning and Engineering staff will require final copies of the required permits or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will minimize potential biological resources impacts to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION D.7 (Biological Resources): Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site the applicant shall provide Planning staff with final copies of the permits required by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.7: Planning and Engineering staff will require final copies of the required permits or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

Implementation of the above mitigation measure and monitoring reporting program will avoid

potential timing conflicts between City approvals and permit approvals issued by state and federal agencies, and will reduce potential impacts associated with wetland disturbance 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 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.

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 mitigation measure and monitoring reporting program 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**.

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

I have reviewed the Initial Study for the Marigold Heights Subdivision (S 17-06), 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

MARK WEST

Printed Name

Prepared by: Kimber Gutierrez 4-6-18
Kimber Gutierrez, Associate Planner
Community Development Department
Date

Adopted via: Resolution No: 18-08 5-17-18
City of Chico Planning Commission
Date

EXHIBIT "II"
CONDITIONS OF APPROVAL
Marigold Heights Subdivision S 17-06
(MK West Investments, LLC)

1. The creation and improvement of 24 lots is authorized, as depicted on the "Marigold Heights (S 17-06) Vesting Tentative Subdivision Map" date stamped January 24, 2018, except as revised by any other condition of approval. The expiration date of this Vesting Tentative Subdivision Map shall be 36 months from the approval date of Resolution No. 18-08. A final map shall be recorded prior to the expiration of the Vesting Tentative Subdivision Map.
2. All development shall comply with all other State and local Code provisions, as well as any applicable requirements of the Fire Department, the Public Works Department, Butte County Environmental Health, and the Community Development Department. The developer is responsible for contacting these offices to verify the need for permits.
3. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

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

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.

5. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.
6. Prior to recordation of the final map, record as a separate instrument an Avigation Easement granting the right of continued use of the airspace above the proposed parcel(s) by the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts.
7. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "An Avigation Easement is recorded above the parcels for the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts."
8. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "The project parcels are in the proximity of the Chico Municipal Airport and are subject to aircraft overflight."
9. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "Airspace review by the Airport Land Use Commission is required for all objects over 100 feet in height above ground level."
10. Prior to issuance of a grading permit the applicant shall provide a deposit to the Community Development Department for the administration of the Mitigation Monitoring and Reporting Program (MMRP). The deposit shall be based upon the estimated staffing expenses in administering the MMRP for review and approval of any preconstruction biological surveys, documentation of any archaeological surveys, site inspections for habitat and tree protection fencing, coordination with interagency approvals (US Army Corp. of Engineers, US Fish & Wildlife Service, California Dept. of Fish & Wildlife, etc.), and any other follow up associated with the MMRP. A minimum deposit of \$500 is required, which may be increased based upon the project specific monitoring and reporting requirements.

Mitigation Measures from the Marigold Heights Subdivision Initial Study/Mitigated Negative Declaration:

11. 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 (BCAQMD) CEQA Air Quality Handbook, October 23, 2014, available at http://www.bcaqmd.org/page/_files/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.

12. MITIGATION D.1 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (following a rain event during the breeding season, identification of other known active breeding populations in the region). The focused survey will include a minimum of three (3) site visits including both day and night surveys. If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records.

If western spadefoot are found, consultation with CDFW shall occur prior to ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.

This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.

13. MITIGATION D.2 (Biological Resources): If vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the BSA. A qualified biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Commission (CFG) within seven (7) days prior to vegetation removal or initial ground disturbances (which ever activity comes first), and map all active nests located within 250 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall

determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

- If construction activities stop for more than 15 days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

14. MITIGATION D.3 (Biological Resources): Prior to tree removal, the applicant shall obtain a tree removal permit from the City of Chico Parks Department. As required by Chico Municipal Code (CMC) Chapter 16.66, existing trees removed from the site shall be replaced as follows:

- On-site. For every six inches in DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
- Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
- Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the CMC.
- All trees not approved for removal shall be preserved on and adjacent to the project site. A tree preservation plan, including fencing around drip lines and methods for excavation within the drip lines of protected trees to be preserved shall be prepared by the project developer pursuant to CMC 16.66.110 and 19.68.060 for review and approval by planning staff prior to any ground-disturbing activities.

15. MITIGATION D.4 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall obtain a qualified biologist to conduct a protocol-level survey for slender Orcutt grass. If slender Orcutt grass is determined to occur, the applicant shall purchase habitat/species credits for the loss of the 0.216 acre of slender Orcutt grass at a 2:1 ratio at the Stillwater Mitigation Bank or other approved mitigation bank resulting in a total of 0.252 acre of habitat/species credits, or as defined by the United States Fish and Wildlife Service (USFWS) Biological Opinion if different than the above stated values.

16. MITIGATION D.5 (Biological Resources): Prior to any ground-disturbing activities, the applicant shall compensate for direct impacts to 0.285 acre of habitat that may support vernal pool tadpole and fairy shrimp. The applicant shall purchase 0.29 acre of vernal pool creation (1:1 ratio) and 0.57 acre of vernal pool preservation (2:1 ratio) credits at the Meridian Ranch Mitigation Bank or other approved mitigation bank, or as defined by the USFWS Biological Opinion if different than the above stated values. The following table summarizes the proposed mitigation plan.

**Vernal Pool Invertebrate Habitat Direct Impact Areas and Mitigation Acres
 Summary**

Vernal Pools/Invertebrate Habitat Credit Type	Acres Impacted	Mitigation Ratio	Acres to be Mitigated
Creation	0.285	1:1	0.29
Preservation	0.285	2:1	0.57
Total Mitigation Acres			0.86

17. MITIGATION D.6 (Biological Resources): The following avoidance and minimization measures shall be confirmed prior to issuance of a grading permit and conducted during construction activities;
- a. The applicant shall include a copy of the Biological Opinion (BO), as applicable, within its construction documents making the primary contractor responsible for implementing all requirements and obligations included within the BO, and to educate and inform all other contractors involved in the project as to the requirements of the BO.
 - b. The contractor will be responsible for understanding and following the guidelines set forth in the Section 404 permit and Section 401 water quality certification and the contractor will avoid and minimize potential construction-related water quality impacts through compliance with the RWQCB by preparing and submitting the following water quality permits and plans.
 - i. A National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activities.
 - ii. A Notice of Intent to obtain proper coverage under the State Construction General Permit.
 - c. The contractor shall ensure, when feasible, that activities that are inconsistent with the maintenance of the suitability of vernal pool crustacean habitat and the associated on-site watershed are prohibited. These include, but are not limited to:
 - i. the alteration of existing topography that may alter hydrology into habitat for Federally-listed vernal pool crustaceans;
 - ii. the placement of any equipment within suitable habitat; and
 - iii. dumping, burning, and/or burying of rubbish, garbage, or any other wastes and fill materials.
 - d. Prior to the commencement of construction activities, high visibility fencing will be erected around the habitats of the federally listed species to identify and protect these Environmentally Sensitive Areas (i.e. vernal pools) from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the contractor until completion of the Project. The fencing may be removed only when the construction of the

Project is completed.

- e. Construction timing will be confined to the summer months when Waters of the United States and suitable habitat within the project site are dry.
 - f. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated.
 - g. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance.
 - h. During construction operations, stockpiling of construction materials, portable equipment, vehicles and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs.
18. MITIGATION D.6 (Biological Resources): Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site the applicant shall provide Planning staff with final copies of the permits required by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board, or copies of relevant correspondence documenting that no permit is required, as applicable.
19. 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.



Subdivision Report

Meeting Date 5/17/18

DATE: May 2, 2018

File: S 17-06

TO: PLANNING COMMISSION

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

RE: **Vesting Tentative Subdivision Map S 17-06 Marigold Heights**

Exhibit "III"

This office has reviewed the Vesting Tentative Subdivision Map S 17-06 Marigold Heights and herewith submits the following findings and recommendations for same.

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

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

1. **Request:** Allow residential lot depths greater than three times width.

Recommendation: Acceptable.

2. **Request:** Allow non-right angle and non-radial lot lines.

Recommendation: Acceptable.

3. **Request:** Cul-de-sac length longer than 500 feet.

Recommendation: Acceptable.

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

B. PUBLIC FACILITY CONSTRUCTION

1. Streets

- a) The Subdivider shall construct City standard streets and appurtenant facilities in conformance with the typical sections depicted on the Tentative Map. Street structural sections to be determined in conjunction with the Soils Report.

- 1) Interior to subdivision - Full urban improvements.

- 2) Adjacent to subdivision - Half street urban improvements consistent with City Standards and as depicted on the Tentative Map.
- b) All corner lots shall be subject to intersection sight distance criteria as established by the Public Works Director. Appropriate easements shall be dedicated as needed on the Final Map.
- c) Street name shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.

2. Storm Drainage

a) Facility Construction

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

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

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

- 2) Lot 12/13 Maintenance Access - Underground storm drain facilities with all appurtenances.
- 3) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.
- 4) Exterior to Subdivision - An underground storm drain system discharging to existing facilities in Sandi Drive.

b) Post Construction Standard Plans

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

c) NPDES Requirements

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

d) Storm Drainage Master Plan

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

The Storm Drainage Master Plan shall address the following elements:

1) Storm Water Runoff Management

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

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

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

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

2) Storm Drainage Analysis

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

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

e) Statement of Effective Storm Water Disposal

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

- No net increase in the peak flow into existing City infrastructure.
- Intercept and treat the first flush runoff (defined as the first 1/2-inch of runoff).

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

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

3. Sanitary Sewer

a) Facility Construction

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

- 1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.
- 2) Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.

b) Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

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

If applicable, the Subdivider shall pay the remaining balance owed on any "Assessment In Lieu of Payment of Sewer Connection Fees" prior to filing the Final Map.

4. Well and Septic Abandonment

If applicable, the Subdivider shall obtain all necessary permits from Butte County Environmental Health Department and abandon all wells and septic systems in accordance with their requirements.

5. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets that they are required herein to construct.

6. Street Lights

The Subdivider shall install City standard street lights on steel poles with concrete bases on all streets that they are required herein to construct.

7. Street Trees

Street trees shall be planted in accordance with Public Works Department recommendations.

8. Landscaping

The Subdivider shall install landscaping and an irrigation system between the back of curb and sidewalk (parkway) along the Marigold Avenue frontage.

C. MAINTENANCE

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

1. Landscape and irrigation between the back of curb and sidewalk (parkway) along the Marigold Avenue frontage.
2. Underground storm water interceptor, oversized storm drain pipes, and leach trenches.
3. The 12' wide paved storm drain maintenance access shown on Lots 12 and 13 including underground storm drain facilities.

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

D. SUBDIVISION GRADING

1. Soils Report

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

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

2. Grading Standards

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

3. Grading Plan

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

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

4. Final Grading Report

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

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

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

E. PROPERTY CONVEYANCES

1. Dedications

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

- a) Marigold Avenue: Dedicate additional right-of-way to the City of Chico to achieve a total of 40 feet.
- b) Street A: Dedicate right-of-way to the City of Chico as depicted on the Tentative Map.
- c) Lots 12, 13, and 14: An irrevocable offer of right-of-way and public utility dedication over Lots 12, 13, and 14 to the City of Chico as depicted on the Tentative Map.
- d) Lots 12 and 13: An access and storm drain easement to the City of Chico over Lots 12 and 13 as depicted on the Tentative Map.
- e) Convey to the City all abutter's rights of access along the Marigold Avenue frontage.

- f) Dedicate an Avigation Easement to the City over the existing lots within the subdivision boundary as required by the Public Works Director.
- g) Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.
- h) Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.

F. OTHER PERMITS

If applicable, the Subdivider shall submit a completed "Application Requesting Permission to Plant, Remove, Alter, or Disturb Public Trees" form to the Public Works Department. The Subdivider shall comply with any and all recommendations/requirements prior to commencing any construction activities on the site.

G. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements

The Subdivider shall install the following utilities underground:

- 1) All new utilities serving this subdivision.

b) Easement Obstructions

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

c) Utility Company Comments

- 1) AT&T, as of the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company, as of the date of this report, did not respond to a request for comments.
- 3) California Water Service Company, as of the date of this report, did not respond to a request for comments.

2. Fire Protection

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

3. United States Postal Service

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

H. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to commencing any construction activities on the site.

I. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

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

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

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

J. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

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

2. Subdivision Fees

a) Plan Checking Fee

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

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

b) Inspection Fee

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

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

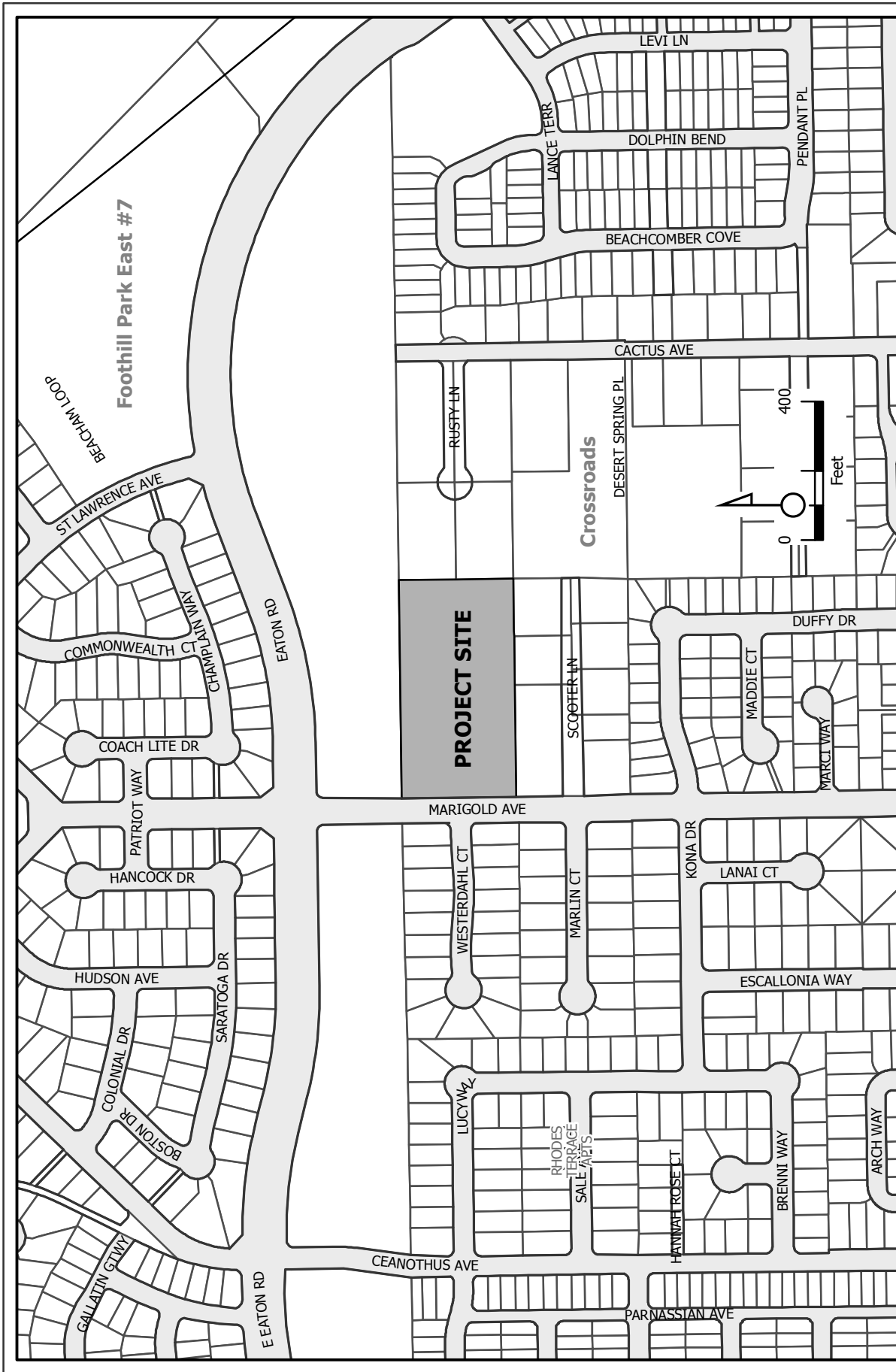
Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Community Development Department.



Matt Johnson, Senior Development Engineer

Distribution:

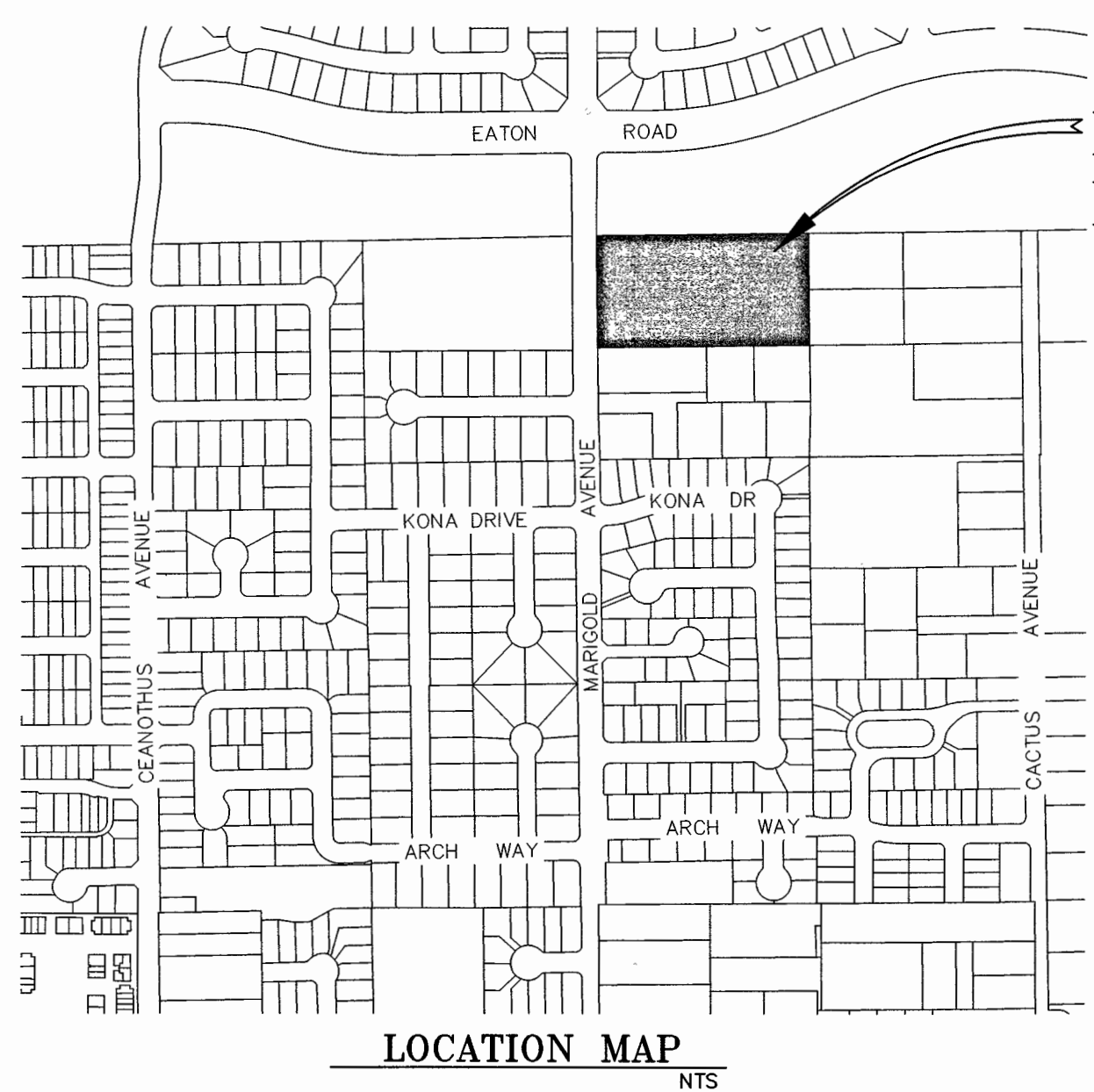
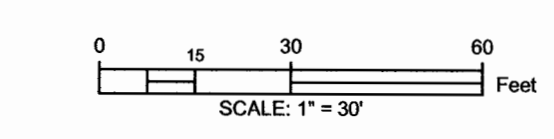
Original - Community Development Department S 17-06 File
Development Engineering Subdivision File



S 17-06 (Marigold Heights Subdivision)
 APN 016-120-001-000

LEGEND:

—246—	EXISTING GROUND CONTOUR (CITY OF CHICO DATUM)	EG	EXISTING GROUND ELEVATION	←	DIRECTION OF SEASONAL DRAINAGE FLOW
---	SUBDIVISION BOUNDARY	FG	FINISH GRADE ELEVATION	—	CONCRETE RETAINING WALL (2.2' MAX HEIGHT, SEE DETAIL ON SHEET 2)
---	PROPOSED LOT LINE	PUE	PUBLIC UTILITY EASEMENT	—	EXISTING FENCE
---	CENTER LINE	PSE	PUBLIC SERVICE EASEMENT	///	NEAT SAW CUT LINE
---	EASEMENT	ROW	RIGHT OF WAY	⊕	EXISTING FIRE HYDRANT
---	EXISTING EDGE OF PAVEMENT	BOC	BACK OF CURB	⊕	PROPOSED FIRE HYDRANT
---	EXISTING CURB, GUTTER AND SIDEWALK	BOW	BACK OF WALK		
---	EXISTING SANITARY SEWER MAN HOLE AND SEWER LINE	SDE	STORM DRAIN EASEMENT		
---	PROPOSED CURB AND GUTTER				
---	PROPOSED CONCRETE AREA				
---	EXISTING AND FINISH GRADE				
⊙	EXISTING TREE TO REMAIN (SEE SHEET 2)				
⊗	EXISTING TREE TO BE REMOVED (SEE SHEET 2)				



PROJECT LOCATION

SUBDIVISION NOTES:

- 1) PARCEL MAP INFORMATION:
TOTAL ACREAGE (TO CL): 5.008
NET ACREAGE: 4.712
TOTAL NUMBER OF UNITS: 24
UNITS PER GROSS ACRE: 4.79
AVERAGE LOT SIZE: 6,999 SF
- 2) GRADING WILL CONSIST OF THE CONSTRUCTION OF ROADWAYS AND BUILDINGS PADS. PRELIMINARY FINISH GRADES ARE SHOWN ON THE TENTATIVE MAP AND TYPICAL SECTIONS FOR THE SUBDIVISION STREETS ARE SHOWN ON SHEET 2.
- 3) THE FINAL MAP WILL INCLUDE A 10' WIDE P.S.E. ALONG ALL STREET RIGHT OF WAYS AND A 3' WIDE P.U.E. ALONG EACH LOT LINE.
- 4) SANITARY SEWER SERVICE FOR THE PARCEL MAP WILL COMPLY WITH THE APPLICATION FOR SEWER CONNECTION #7591.
- 5) THE SUBDIVISION MAP LIES IN SHADED FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0339E DATED JANUARY 6, 2011.
- 6) STORM WATER QUALITY MITIGATION WILL BE PROVIDED THROUGH THE USE OF A STORM WATER INTERCEPTOR. STORM WATER QUANTITY MITIGATION WILL BE PROVIDED BY OVERSIZED STORM DRAIN PIPES AND STORM DRAIN LEACH TRENCHES BENEATH STREET "A".
- 7) THE EXISTING DRAINAGE THRU THE PARCEL WILL BE INTERCEPTED ALONG THE EAST AND SOUTH LINES OF THE PARCEL AND CONVEYED UNDERGROUND ALONG THE PROPOSED 12' STORM DRAIN EASEMENTS AND STREET "A" TO CONNECT TO THE EXISTING STORM DRAIN PIPELINE RUNNING ALONG THE EAST SIDE OF MARIGOLD AVENUE. THE SUBDIVISION RUNOFF WILL BE COLLECTED IN A SEPARATE SYSTEM AND TREATED FOR QUANTITY AND QUALITY MITIGATION AS DESCRIBED IN NOTE 6 ABOVE BEFORE CONNECTING TO THE EXISTING STORM DRAIN PIPE RUNNING ALONG THE EAST SIDE OF MARIGOLD AVENUE.
- 8) NO WELLS ARE KNOWN TO EXIST ON THE SUBDIVISION MAP PROPERTY.
- 9) NO SEPTIC TANKS OR LEACH FIELDS ARE KNOWN TO EXIST ON THE SUBDIVISION MAP PROPERTY.

OWNER AND SUBDIVIDER:

MK WEST INVESTMENTS, LLC
P.O. BOX 6414
CHICO, CA 95927-6414
(530) 624-4454

ENGINEER:

W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:

016-120-001

LAND USE:

PRESENT: VACANT
FUTURE: SINGLE FAMILY RESIDENTIAL

ZONING:

PRESENT: R1-AOC
FUTURE: R1-AOC

UTILITIES:

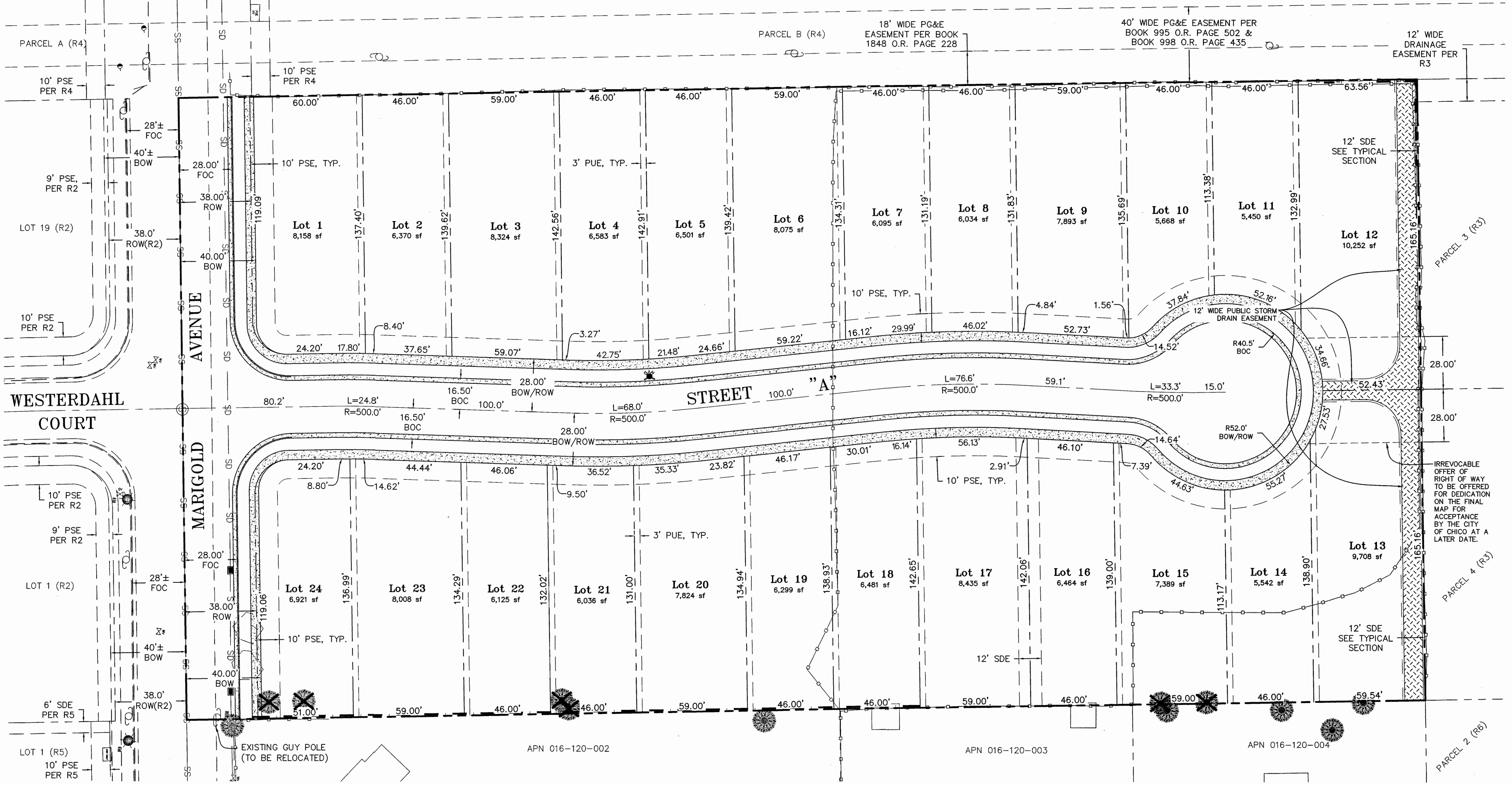
SANITARY SEWER: CITY OF CHICO
WATER: CALIFORNIA WATER SERVICE COMPANY
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF CHICO

REQUESTED SUBDIVISION DESIGN CRITERIA MODIFICATIONS:

- 1) NON-RIGHT ANGLE AND NON-RADIAL LOT LINES (18R.08.010.C.4).
- 2) CUL-DE-SAC LENGTH LONGER THAN 500' (18R.08.020.H).
- 3) LOT DEPTH GREATER THAN THREE TIMES WIDTH (18R.08.010.C.2).

RECORD REFERENCES:

- R1 - EIGHTEENTH SUBDIVISION OF THE JOHN BIDWELL RANCHO, BOOK 7 OF MAPS, PAGE 26
- R2 - HAMPTON COURT SUBDIVISION, BOOK 187 OF MAPS, PAGES 1-3
- R3 - PARCEL MAP, BOOK 94 OF MAPS, PAGES 66-67
- R4 - FOOTHILL PARK EAST UNIT 1 SUBDIVISION, BOOK 150 OF MAPS, PAGES 17-19
- R5 - MARIGOLD VILLAGE SUBDIVISION, BOOK 152 OF MAPS, PAGES 82 AND 83
- R6 - PARCEL MAP, BOOK 75 OF MAPS, PAGE 9



MARIGOLD HEIGHTS VESTING TENTATIVE SUBDIVISION MAP S 17-06

THE NORTH 330 FEET OF LOT 28 PER MAP ENTITLED "EIGHTEENTH SUBDIVISION OF THE JOHN BIDWELL RANCHO" RECORDED IN BOOK 7 OF MAPS, AT PAGE 26. CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA

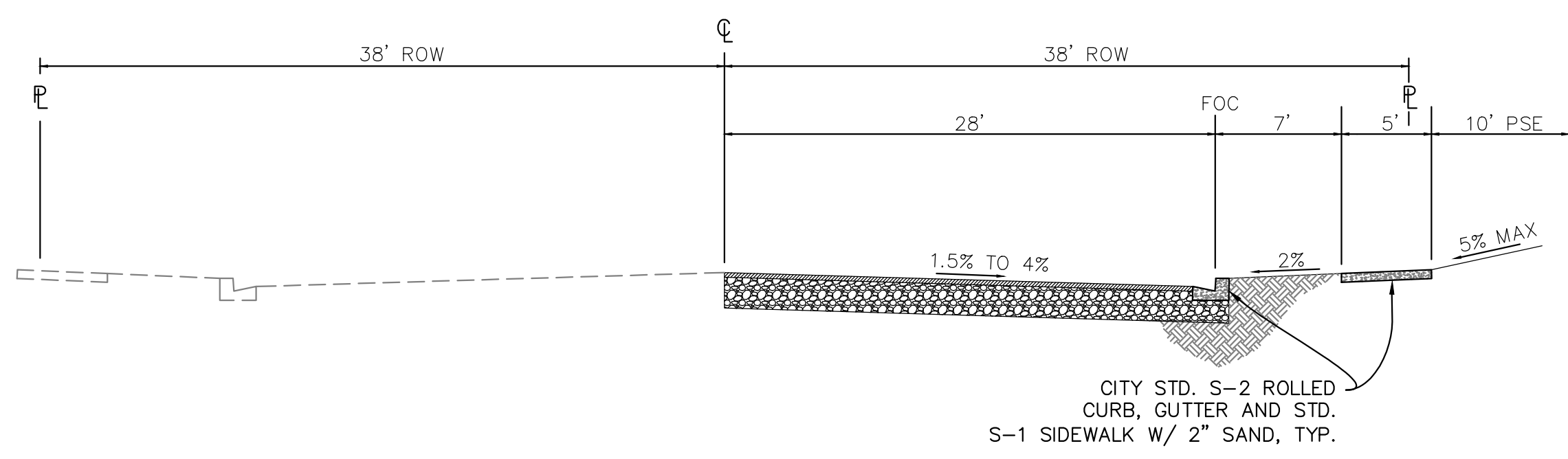
for
MK WEST INVESTMENTS, LLC.

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

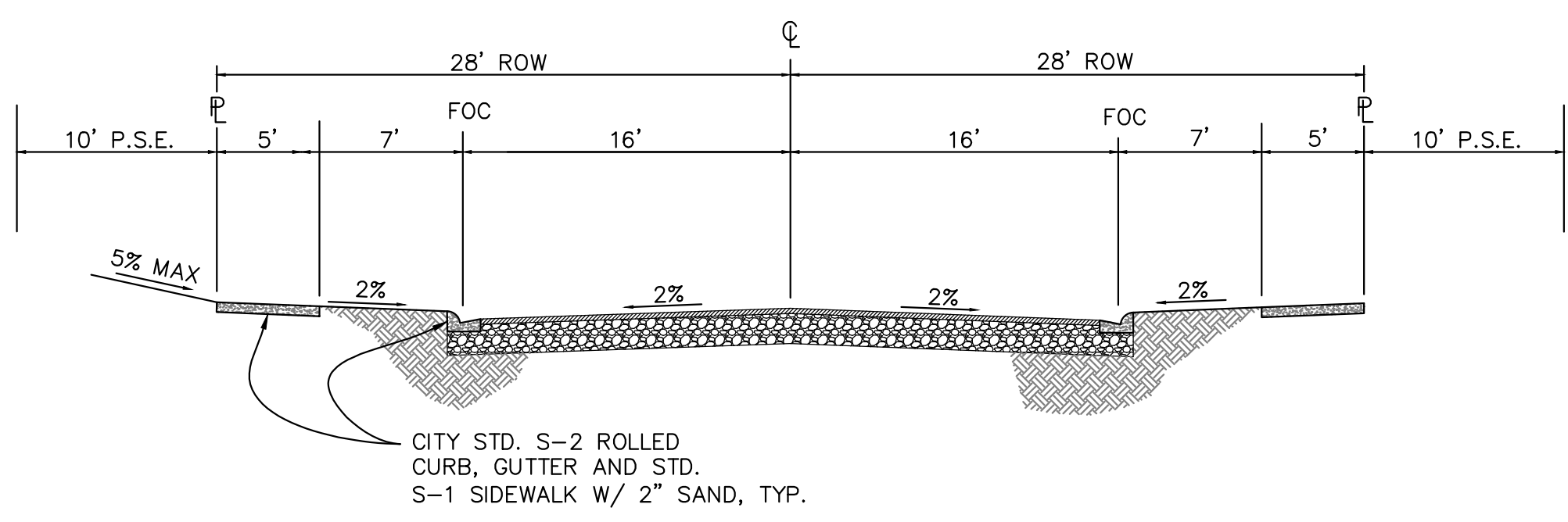
THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: *Wesley E. Gilbert* DATE: 12/20/17
WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/18

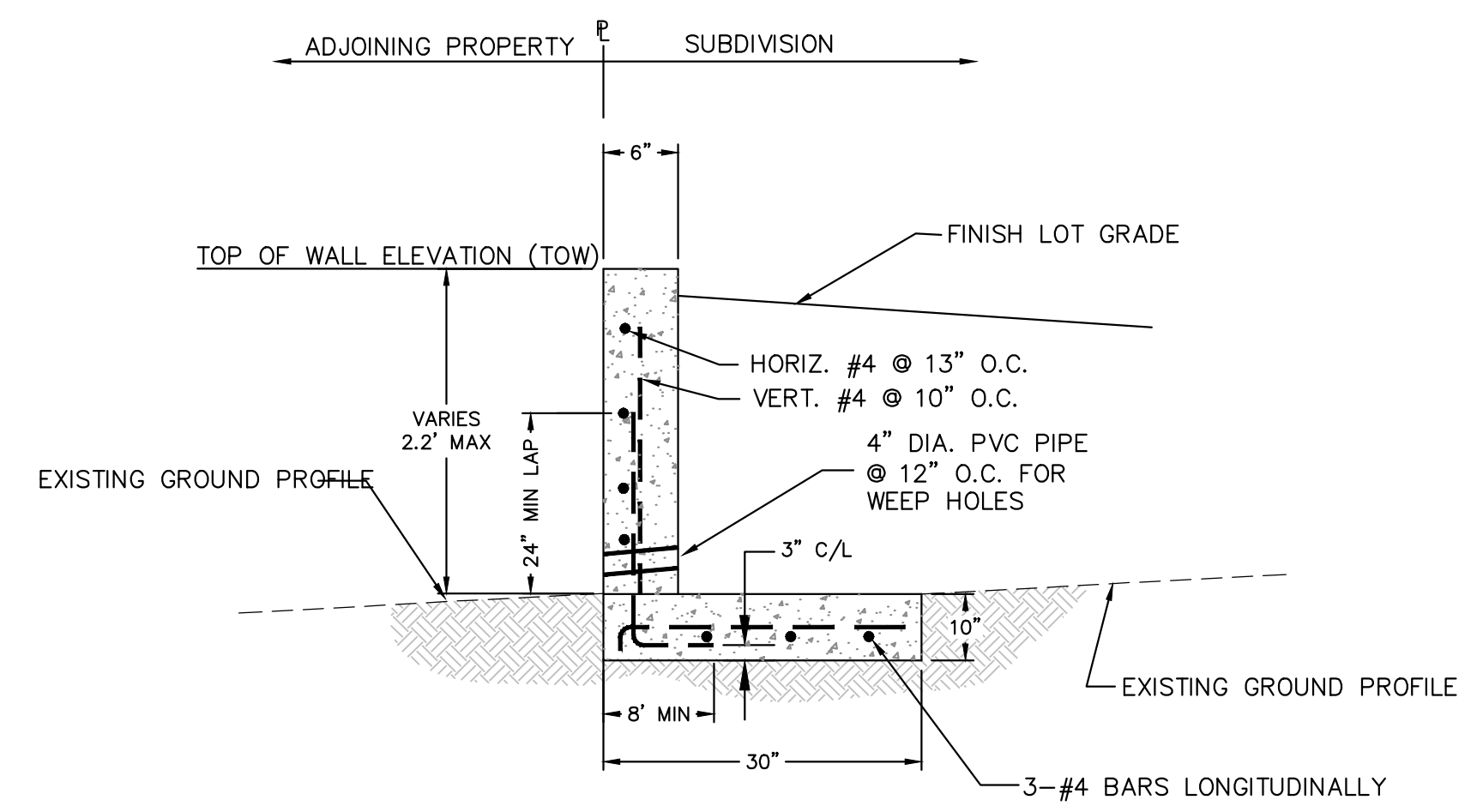




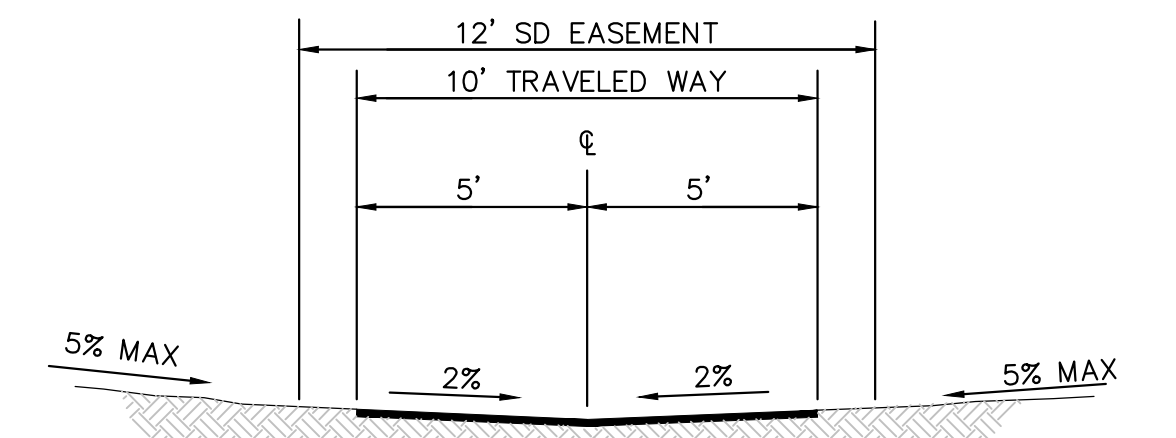
MARIGOLD AVENUE WITH ON-STREET PARKING TYPICAL SECTION
N.T.S.



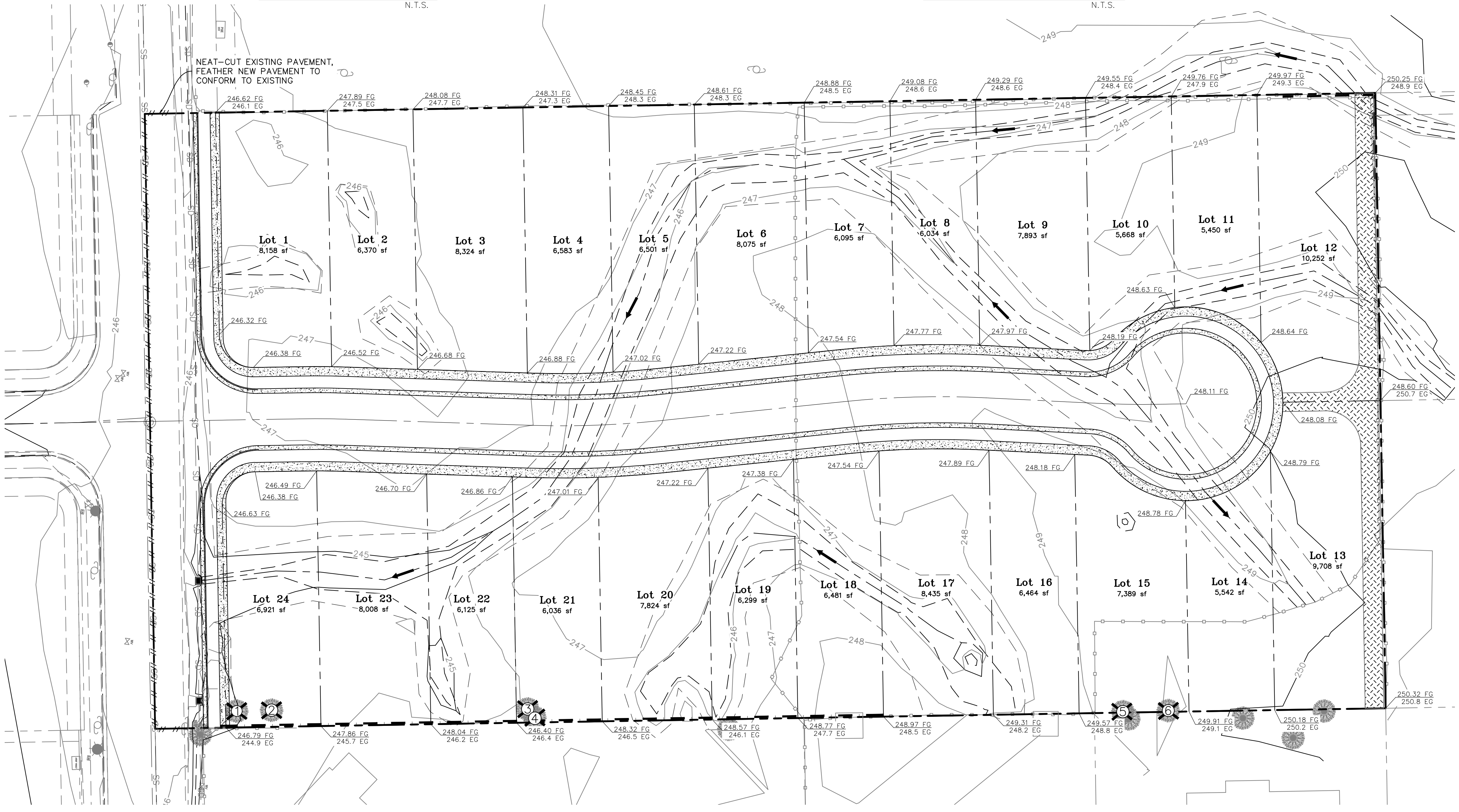
STREET "A" PUBLIC STREET WITH ON-STREET PARKING TYPICAL SECTION
N.T.S.



RETAINING WALL TYPICAL SECTION
N.T.S.



STORM DRAIN MAINTENANCE ACCESS TYPICAL SECTION
N.T.S.



GRADING PLAN & TREE MAP

TREE INVENTORY TABLE*

TREE NO.	TREE SPECIES	TREE DIAMETER	DRIFLINE RADIUS	PROTECT/REMOVE	DIAMETER SUBJECT TO REPLACEMENT/IN-LIEU FEES
1	SILVER MAPLE	12"	10'	REMOVE	0" - DOES NOT QUALIFY
2	SILVER MAPLE	28"	15'	REMOVE	28"
3	VALLEY OAK	14"	10'	REMOVE	14"
4	VALLEY OAK	6"	8'	REMOVE	0" - DOES NOT QUALIFY
5	WEeping WILLOW	8"	17'	REMOVE	0" - DOES NOT QUALIFY
6	WEeping WILLOW	8"	13'	REMOVE	0" - DOES NOT QUALIFY

*SCOTT VASQUEZ, ISA CERTIFIED ARBORIST WITH NORTH VALLEY TREE SERVICE IDENTIFIED TREES GREATER THAN 6"
TOTAL INCHES REQUIRING MITIGATION = 42" DIVIDED BY 6 → 7 REPLACEMENT TREES REQUIRED.

MARIGOLD HEIGHTS VESTING TENTATIVE SUBDIVISION MAP S 17-06

THE NORTH 330 FEET OF LOT 28 PER MAP ENTITLED "EIGHTEENTH SUBDIVISION OF THE JOHN BIDWELL RANCHO" RECORDED IN BOOK 7 OF MAPS, AT PAGE 26. CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA

for
MK WEST INVESTMENTS, LLC.

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

Draft Initial Study

Marigold Heights Subdivision S 17-06

Marigold Avenue, APN 016-120-001



Lead Agency:
City of Chico
411 Main Street
Chico, CA 95928

April 2018

**Draft Initial Study / Environmental Checklist
City of Chico
Environmental Coordination and Review
Marigold Heights Subdivision (S 17-06)**

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List of Appendices

Each appendix listed below is available at City Hall (411 Main Street, 2nd Floor) or on the City of Chico’s website at http://www.chico.ca.us/planning_services/OtherPlanningDocumentsandReports.asp (Public Review Documents - Marigold Heights Project).

- Appendix A** – Biological Resource Assessment
- Appendix B** – Tree Health Assessment
- Appendix C** – Biological Resource Assessment
- Appendix D** – Aquatic Resources Delineation Report
- Appendix E** – AB 52 Consultation Initiation

I. PROJECT DESCRIPTION

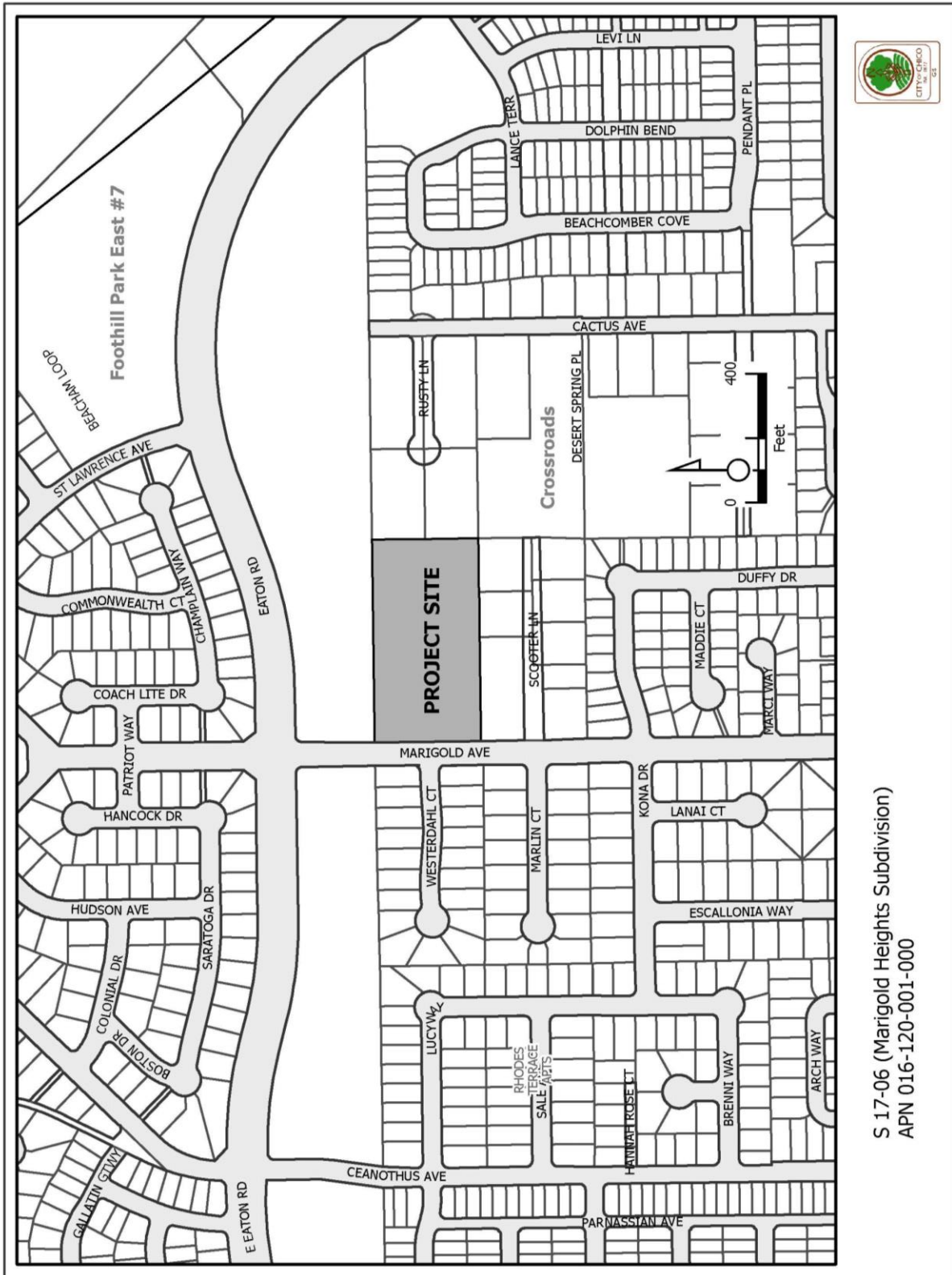
- A. **Project Title:** Marigold Heights Subdivision (S 17-06)
- B. **Project Location:** The project site is located on the east side of Marigold Avenue, opposite Westerdahl Court and south of Eaton Road.
- C. **Application:** Vesting Tentative Subdivision Map
- D. **Assessor's Parcel Number (APN):** 016-120-001
- E. **Parcel Size:** 4.7 acres
- F. **General Plan Designation**
Low Density Residential
- G. **Zoning**
R1-AOC (Low Density Residential within Airport Overflight Zone C)
- H. **Environmental Setting:** The project site consists of an approximately five-acre, infill parcel located in Butte County, California within northeast Chico city limits on Marigold Avenue, opposite Westerdahl Court (see Figure 1 - Location Map). The site is relatively undisturbed besides a small portion of the southeast area of the site, which has been used to keep a horse. Surrounding land uses include single-family residential south, east and west of the site, and undeveloped land to the north.

The topography of the project site is relatively flat with a few trees along the south property line. Most of the ground is annual grassland habitat with a number of wetland and large vernal pool features. The wetland and vernal pools make up approximately 0.4-acres of sensitive aquatic habitat. No special status species have been found at the site during biological surveys.

Project Description: The proposal involves dividing the five-acre site into 24 parcels for future single-family home development. The average lot size would be approximately 6,999 square feet, and typical lots would be 46 feet wide and 140 feet deep (see Figure 2 – Proposed Subdivision). Gross density for the project would be 4.8 units per acre. As part of the improvements the developer would construct public improvements to the adjacent portion of Marigold Avenue as well as the internal street and cul-de-sac. A right of way dedication for a potential future connection to Rusty Lane will be offered on the final map for acceptance by the City at a later date. All utilities are available to serve the project and the new homes would be connected to Cal Water and City sewer.

- I. **Public Agency Approvals:**
1. Subdivision Map (City of Chico)
 2. Nationwide Permit (U.S. Army Corps of Engineers)
 3. Water Quality Certification Permit (California Regional Water Quality Control Board)
- J. **Applicant:** MK West Investments, LLC., P.O. Box 6414, Chico, CA 95927; (530) 895-0586
- K. **City Contact:**
Kimber Gutierrez, Associate Planner, City of Chico, 411 Main Street, Chico, CA 95928
Phone: (530) 879-6810, email: kimber.gutierrez@chicoca.gov
- L. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**
City Staff requested consultation with the Mechoopda Tribe on 01/25/18 and received no response as of 02/26/18.

FIGURE 1 - LOCATION MAP



S 17-06 (Marigold Heights Subdivision)
APN 016-120-001-000

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 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"/> Tribal Resources |
| <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	04/05/18 _____ Date
Kimber Gutierrez, Associate Planner, for _____ Printed Name (for Leonardo DePaola, Community Development Director)	

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

A.2, A.4. Development associated with the project will change the visual character of the vacant 5-acre site, consistent with residential zoning and surrounding development character. The site is not considered sensitive with regard to scenic resources, therefore, the project would have **Less Than Significant** impact on the visual character or quality of the site and its surroundings.

A.5. The project will introduce street lighting and typical residential outdoor lighting, similar to surrounding developed areas. The project would have **Less Than Significant** impact on light or glare that could affect day or nighttime views.

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

DISCUSSION:

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

The project will not conflict with existing zoning for agricultural use or forest land and is not under a Williamson Act Contract. The project will not result in the loss of forest land, conversion of forest land, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land. The site is located on a vacant parcel with no agriculture or timber resources, is bounded by open space on the north and existing residential development to the east, west, and south, and is designated for residential development in the Chico 2030 General Plan. The project will result in **No Impact** to Agriculture and Forest Resources.

MITIGATION: None required.

C. Air Quality	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Conflict with or obstruct implementation of the applicable air quality plans (e.g., Northern Sacramento Valley Planning Area 2012 Triennial Air Quality Attainment Plan, Chico Urban Area CO Attainment Plan, and Butte County AQMD Indirect Source Review Guidelines)?			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		X		
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.1-3. The project consists of developing approximately 5 acres of undeveloped land with 24 new single-family residences. The project will neither conflict with nor obstruct implementation of the applicable air quality plan for the Northern Sacramento Valley, nor will the project violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

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

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
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:

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

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

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

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

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

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

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 subdivision would result in the creation of 24 lots for future development with single-family residential units. Since the number of units is less than the applicable screening criteria in the table above, no enhanced mitigation is required.

Although no enhanced mitigation is required, implementing standard construction BMP's is still necessary to reduce potentially significant contributions to cumulative air quality impacts in the region. No air quality BMP's were included as part of the proposed project, therefore Mitigation C.1 is included below to ensure that Air District BMPs are selected and applied to the construction phase of the project. With Mitigation C.1 below, air quality impacts would be **Less Than Significant with Mitigation Incorporated**.

C.4.-5. Apart from the potential for temporary odors associated with construction activities (i.e., paving operations), the proposed project will neither expose sensitive receptors to substantial pollutant concentrations, nor create significant objectionable odors. These potential impacts are short-term in nature, anticipated in an urban area, and considered **Less Than Significant**.

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://www.bcaqmd.org/page/_files/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 subdivision improvement plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate. City inspection staff will ensure that construction, grading, and erosion control operations are conducted in accordance with BCAQMD standards.

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 corridors, or impede the use of native wildlife nursery sites?			X	
5. Result in the fragmentation of an existing wildlife habitat, such as blue oak woodland or riparian, and an increase in the amount of edge with adjacent habitats.			X	
6. Conflict with any local policies or ordinances, protecting biological resources?			X	

DISCUSSION:

D.1-2: A *Biological Resource Assessment* (BRA) was prepared for the project site in February 2018 by Gallaway Enterprises (Appendix A). The purpose of the BRA is to document the current endangered, threatened, sensitive and rare species, and their critical habitats that occur in the biological survey area of the project.

The BRA concluded that surveys for Butte County Meadowfoam (BCM) and Red Bluff dwarf rush were conducted within the BSA in 2016 and 2017 by Northstar Engineering with negative results. Further, no protocol-level survey for slender Orcutt grass was conducted. Due to the moderate potential for slender Orcutt grass to occur within the deep seasonal wetland within the BSA, a protocol-level survey conducted by a qualified botanist for this species is recommended.

Wetlands were identified within the BSA, which provide suitable habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp (see Impact D.3 below for discussion regarding wetlands). As such, unless

protocol-level surveys are conducted to determine their presence or absence, vernal pool fairy shrimp and vernal pool tadpole shrimp should be assumed to be present. If protocol-level surveys are conducted, the protocol will require one wet-season survey and one dry season survey. If vernal pool fairy shrimp and vernal pool tadpole shrimp are assumed to be present, mitigation will be required for the loss of species habitat. Section 7 consultation with the United States Fish and Wildlife Service (USFWS) will be required.

Due to the moderate potential for western spadefoot toads to occur within the deepest seasonal wetland within the BSA, a protocol-level survey conducted by a qualified biologist for this species is recommended to determine their presence or absence. If western spadefoot toads are determined to be present, consultation with the CDFW will be required. Mitigation Measure D.1 has been included to mitigate impacts to western spadefoot toads to less than significant.

To avoid impacts to bird and raptor species, including Swainson's hawks, protected under the MBTA and the California Fish and Game Commission (CFGF), Mitigation Measure D.2 has been included to mitigate impacts to bird and raptor species.

A *Tree Health Assessment* was prepared by North Valley Tree Service on December 18, 2017 (Appendix B). The proposal to create 24 residential lots will result in the removal of existing vegetation and trees located on the south boundary of the project site. Currently, there are six existing trees on-site. The applicant is proposing to remove all six trees. The applicant will be required to comply with tree preservation measures as set forth in CMC Chapter 16.66 - *Tree Preservation Regulations* (Mitigation Measure D.3). Any removal of trees shall take place outside the bird nesting season (February 1 to August 31). In the event trees need to be removed during the nesting season, a nesting bird study shall be submitted noting that no birds are present.

A *Biological Assessment* (BA) was prepared for the project site in March 2018 by Gallaway Enterprises (Appendix C). The purpose of the BA is to review the proposed project area in sufficient detail to determine to what extent the proposed action may affect any of the threatened, endangered, proposed, candidate or sensitive species, and their habitats that have potential to occur within the project area. The BA analyzed Vernal pool tadpole shrimp (*Lepidurus packardi*), Butte County Meadowfoam (*Limnanthes floccose ssp. californica*), Vernal pool fairy shrimp (*Branchinecta lynchi*), and Slender Orcutt grass (*Orcuttia tenuis*), as there is a high potential for their occurrence within the project area.

The BA had similar conclusions for BCM and slender Orcutt grass as the BRA. BCM is not anticipated to be affected by the project since BCM has not been observed within the project area based on past surveys conducted on the site. Slender Orcutt grass is not anticipated to be affected by the project if the protocol-level survey to be conducted in summer of 2018 results in a negative finding. Only the one deepest seasonal wetland identified contains suitable habitat for this species, which encompasses a total of 0.126 acre. A mitigation measure has been included to ensure the results of the 2018 survey will be provided to staff and if the survey results in a positive finding proper measures to mitigate the impact to the species will be provided (Mitigation Measure D.4).

The BA states that the project will directly impact 0.285 acre of vernal pools within the Project area that potentially support vernal pool tadpole shrimp and vernal pool fairy shrimp. Both species may be directly impacted by the filling of vernal pools as a result of Project. Mitigation Measure D.5 has been included to compensate for direct impacts to both vernal pool tadpole shrimp and vernal pool fairy shrimp through the purchasing of creation credits at a ratio of 1:1 and preservation credits at a ratio of 2:1.

Lastly, the BA provided recommended avoidance and minimization measures during the construction phase of the proposed project included as Mitigation Measure D.6 below. With this mitigation and others discussed, potential impacts to species and habitat at the site will be **Less Than Significant with Mitigation Incorporated**.

D.3: According to a *Draft Aquatic Resources Delineation Report* (Appendix D) prepared for the project site in 2016 by NorthStar, the site contains approximately 0.42 acres of wetlands and vernal pools that would be eliminated by development associated with the proposed subdivision.

The proposed filling of wetlands requires permits from both the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board. Part of the Corps permitting process includes consultation with the U.S. Fish and Wildlife Service regarding impacts to listed species, including the shrimp species with potential habitat at the project site.

These state and federal permitting processes are anticipated to result in permits with specific conditions that will require compensation in the form of purchasing wetland credits at a certified mitigation bank for the loss of wetlands and for the loss of potential listed shrimp habitat. It is therefore not necessary for the city to require offsite mitigation for impacts of the project on biological resources, but the city should verify that the state and federal permits have been obtained by the developer prior to issuance of any grading permits for the project.

To ensure proper timing of any city approvals for grading or other site-disturbing activities, Mitigation Measure D.7, below will require the applicant to provide the city with copies of final permits from the Army Corps of Engineers and California Regional Water Quality Control Board as a pre-condition for issuing such permits authorizing disturbance of the site. With this mitigation, potential impacts to biological resources at the site will be **Less Than Significant with Mitigation Incorporated**. See Mitigation, below.

D.4.-6: The project will not result in the fragmentation of an existing wildlife habitat nor conflict with any local policies or ordinances protecting biological resources. The project's impact would be **Less Than Significant** on these resources.

MITIGATION:

MITIGATION D.1 (Biological Resources):

Prior to any ground-disturbing activities, the applicant shall retain a qualified biologist to conduct a protocol-level survey for the western spadefoot during the appropriate period to identify western spadefoot toads (following a rain event during the breeding season, identification of other known active breeding populations in the region). The focused survey will include a minimum of three (3) site visits including both day and night surveys. If no western spadefoot are observed, then a letter report shall be submitted to the City of Chico Community Development Department and CDFW for their records.

If western spadefoot are found, consultation with CDFW shall occur prior to ground-disturbing activities to develop an impact minimization plan that may include but is not limited to relocation, timing restrictions, etc. The plan shall be reviewed and subject to approval by CDFW and implemented prior to ground-disturbing activities.

This mitigation measure shall not apply if the Draft Butte Regional Conservation Plan is adopted at the time of ground-disturbing activities and provides coverage for impacts to the western spadefoot and all required conservation measures or mitigation required under the Butte Regional Conservation Plan for this project are implemented. If this scenario occurs, mitigation that occurs pursuant to the Conservation Plan shall not be less than the procedures spelled out in this mitigation measure.

MITIGATION MONITORING D.1: Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

MITIGATION D.2 (Biological Resources):

If vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the BSA. A qualified biologist shall:

- Conduct a survey for all birds protected by the MBTA and CFGC within seven (7) days prior to vegetation removal or initial ground disturbances (whichever activity comes first), and map all active nests located within 250 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction

activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

- If construction activities stop for more than 15 days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING D.2: If initial ground disturbance is proposed to be conducted during the avian breeding season, Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site. If active nests are encountered, the qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

MITIGATION D.3 (Biological Resources):

Prior to tree removal, the applicant shall obtain a tree removal permit from the City of Chico Parks Department. As required by Chico Municipal Code (CMC) Chapter 16.66, existing trees removed from the site shall be replaced as follows:

- On-site. For every six inches in DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
- Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
- Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the CMC.
- All trees not approved for removal shall be preserved on and adjacent to the project site. A tree preservation plan, including fencing around drip lines and methods for excavation within the drip lines of protected trees to be preserved shall be prepared by the project developer pursuant to CMC 16.66.110 and 19.68.060 for review and approval by planning staff prior to any ground-disturbing activities.

MITIGATION MONITORING D.3: Planning and Engineering staff will require final copies of the required permits, prior to issuance of any grading or other permits that will result in disturbances to the site.

MITIGATION D.4 (Biological Resources):

Prior to any ground-disturbing activities, the applicant shall obtain a qualified biologist to conduct a protocol-level survey for slender Orcutt grass. If slender Orcutt grass is determined to occur, the applicant shall purchase habitat/species credits for the loss of the 0.216 acre of slender Orcutt grass at a 2:1 ratio at the Stillwater Mitigation Bank or other approved mitigation bank resulting in a total of 0.252 acre of habitat/species credits, or as defined by the USFWS Biological Opinion if different than the above stated values.

MITIGATION MONITORING D.4: Planning and Engineering staff will require final copies of the required protocol-level surveys for slender Orcutt grass, prior to issuance of any grading or other permits that will result in disturbances to the site. Should the species occur on the project site documentation of the habitat/species credit purchase shall be provided to Planning and Engineering staff, prior to issuance of any grading or other permits that will result in disturbances to the site.

MITIGATION D.5 (Biological Resources):

Prior to any ground-disturbing activities, the applicant shall compensate for direct impacts to 0.285 acre of habitat that may support vernal pool tadpole and fairy shrimp. The applicant shall purchase 0.29 acre

of vernal pool creation (1:1 ratio) and 0.57 acre of vernal pool preservation (2:1 ratio) credits at the Meridian Ranch Mitigation Bank or other approved mitigation bank, or as defined by the USFWS Biological Opinion if different than the above stated values. The following table summarizes the proposed mitigation plan.

Vernal Pool Invertebrate Habitat Direct Impact Areas and Mitigation Acres Summary

<i>Vernal Pools/Invertebrate Habitat Credit Type</i>	<i>Acres Impacted</i>	<i>Mitigation Ratio</i>	<i>Acres to be Mitigated</i>
Creation	0.285	1:1	0.29
Preservation	0.285	2:1	0.57
Total Mitigation Acres			0.86

MITIGATION MONITORING D.5: Planning and Engineering staff will require final copies of the purchased credits documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

MITIGATION D.6 (Biological Resources):

The following avoidance and minimization measures shall be conducted during construction activities;

- a. The applicant shall include a copy of the Biological Opinion (BO), as applicable, within its construction documents making the primary contractor responsible for implementing all requirements and obligations included within the BO, and to educate and inform all other contractors involved in the project as to the requirements of the BO.
- b. The contractor will be responsible for understanding and following the guidelines set forth in the Section 404 permit and Section 401 water quality certification and the contractor will avoid and minimize potential construction-related water quality impacts through compliance with the RWQCB by preparing and submitting the following water quality permits and plans.
 - i. A National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activities.
 - ii. A Notice of Intent to obtain proper coverage under the State Construction General Permit.
- c. The contractor shall ensure, when feasible, that activities that are inconsistent with the maintenance of the suitability of vernal pool crustacean habitat and the associated on-site watershed are prohibited. These include, but are not limited to:
 - i. the alteration of existing topography that may alter hydrology into habitat for Federally-listed vernal pool crustaceans;
 - ii. the placement of any equipment within suitable habitat; and
 - iii. dumping, burning, and/or burying of rubbish, garbage, or any other wastes and fill materials.
- d. Prior to the commencement of construction activities, high visibility fencing will be erected around the habitats of the federally listed species to identify and protect these Environmentally Sensitive Areas (i.e. vernal pools) from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each work day and maintained by the contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
- e. Construction timing will be confined to the summer months when Waters of the United States and suitable habitat within the project site are dry.
- f. During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated.
- g. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance.
- h. During construction operations, stockpiling of construction materials, portable equipment, vehicles and supplies will be restricted to the designated construction staging areas and exclusive of the ESAs.

MITIGATION MONITORING D.6: Planning and Engineering staff will require final copies of the required permits or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

MITIGATION D.7 (Biological Resources):

Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site the applicant shall provide Planning staff with final copies of the permits required by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.7: Planning and Engineering staff will require final copies of the required permits or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

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

DISCUSSION:

E.1. – E.4. The project site is in an area of high archaeological sensitivity as designated by the Northeast Information Center and the Chico 2030 General Plan. However, the project is not anticipated to cause a substantial adverse change in the significance of a historical resource, archaeological resource, directly or indirectly destroy a unique paleontological resource or site, geological feature, or unique geological feature. The project is not anticipated to disturb any human remains. Additionally, City Staff requested consultation with the Mechoopda Tribe on 01/25/18 and received no response as of 02/26/18 (Appendix E). Due to the disturbed character of the site, the potential to encounter surface-level cultural resources is considered remote.

Although no known cultural resources exist at the site, there is a potential that site-disturbing activities could uncover previously unrecorded cultural resources. Halting construction work and observing standard protocols for contacting 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 Measure E.1, below, would minimize the potential damage to previously unknown cultural resources 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 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.

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.

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

F.2.-4. Development of the site will be subject to the City's grading ordinance, which requires the inclusion of appropriate erosion control and sediment transport best management practices (BMPs) as standard conditions of grading permit issuance. Additionally, the City has developed a Storm Water Management Program (SWMP) per the Phase II requirements established by §402 of the Clean Water Act. All projects within the City's jurisdiction must adhere to the applicable standards of the SWMP, which includes both construction activity and post-construction storm water discharge BMPs. Furthermore, the City and the Butte County Air Quality Management District require implementation of all applicable fugitive dust control measures, which further reduces the potential for construction-generated erosion. All projects disturbing greater than one acre must comply with and obtain coverage under the applicable National Pollution Discharge Elimination Permit (NPDES) from the Regional Water Quality Control Board (RWQCB) per §402 of the Clean Water Act. Development of the site will also be required to meet all requirements of the California Building Code which will address potential issues of ground shaking, soil swell/shrink, 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. No septic tanks or alternative waste water disposal systems are proposed for the subject property. All new structures will be connected to the City sewer system, which is located within the Marigold Avenue public right-of-way. The site does not fall within a connection area for the Chico Urban Area Nitrate Compliance Program. The project will result in **No Impact** relative to policies governing sewer service control.

MITIGATION: None Required.

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

DISCUSSION:

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

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

Chico’s CAP, in conjunction with the General Plan, meet the State criteria for tiering and streamlining the analysis of GHG emissions in subsequent CEQA project evaluation. Therefore, to the extent that a development project is consistent with CAP requirements, potential impacts with regard to GHG emissions for that project are considered to be less than significant.

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

MITIGATION: None Required.

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
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
2. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
5. For a project located within the airport land use plan, would the project result in a safety hazard for people residing or working in the Study Area?			X	
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Study Area?				X
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

DISCUSSION:

H.1. – H.4, H.6 – H.8. The project is not located near a school and will not generate significant amount of hazardous materials, result in hazardous emissions or the handling of acutely hazardous materials. The project will not result in a safety hazard for people residing or working in the area, nor will it interfere with an adopted emergency response plan or emergency evacuation plan. Street designs and improvements will be adequate for ingress and egress of emergency response vehicles. The property

is not located in a wild land fire area or within the vicinity of a private airstrip. Therefore, the project is considered to have **No Impact** with regard to hazardous materials.

H.5. The project site is located within the Airport Overflight Zone C (-AOC) for the Chico Municipal Airport according to the Butte County Airport Land Use Compatibility Plan (ALUC Plan) and Chico Zoning Map. New residential projects within the -AOC are generally limited to less than 0.2 dwelling units per acre (u/ac) or greater than 4.0 u/ac. At 4.79 u/ac, the project density would be consistent with airport land use compatibility requirements. Standard conditions of approval for projects within the -AOC will require owner notification of potential aircraft noise associated with airport operations in the area. Since the project is consistent with ALUC Plan criteria, potential aircraft overflight safety hazards are considered to be **Less Than Significant**.

MITIGATION: None Required.

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 Flood Insurance Rate Map or other flood hazard delineation map?				X
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
10. Inundation by seiche, tsunami, or mudflow?				X

DISCUSSION:

I.1, I.3-I.6. Development of the site as proposed will result in an increase in surface water runoff due to reduced absorption from impervious surfaces and change in the drainage pattern on the site. The proposed development will be connected to existing storm drainage facilities and on-site improvements

will be required to address stormwater treatment in accordance with the State Best Management Practices.

De-watering the wetland features at the project site, if necessary at the time of construction, may require an additional permit from the Regional Water Quality Control Board to verify waste discharge requirements.

The project will not result in the violation of any water quality standards or waste discharge requirements, nor will it substantially alter the existing drainage pattern in the 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, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater system.

The project will not otherwise substantially degrade water quality drainage systems or provide substantial additional sources of polluted runoff. Under the existing General Construction Permit requirements of the National Pollutant Discharge Elimination System (NPDES), development of the site will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) that incorporates water quality control Best Management Practices (BMP's). Implementing existing storm water BMP requirements would minimize the impacts from anticipated future construction to a level that is **Less Than Significant**.

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

I.7.-I.9. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 06007C0339E, the project site is located in "Zone X" via provisional certification of the city portions of the Sycamore-Mud Creek levee system in the project vicinity. The provisional certification of the levee system was issued in 2011 by FEMA based on a series of technical studies that demonstrated that the relevant levees meet the minimum certification criteria outlined in 44 CFR 65.10. No substantial evidence has been identified to suggest that the long-standing levee system in the area would potentially fail and expose people or structures in the project area to significant risk of loss, injury or death involving flooding as a result of the failure of a levee. Therefore, it is concluded that the project would not expose people or structures to a significant risk of loss, injury or death involving flooding events and potential flooding impacts are considered **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.3, J.5 - J.6. The project will not physically divide an established community, or conflict with any applicable plans or ordinances adopted to mitigate environmental impacts. The project is not part of a larger project and will not result in displacement of people or business activities. Therefore, with regard to land use conflicts the project is anticipated to have **No Impact**.

J.4. The proposed development would be altering the established undeveloped character of the site; however, single-family residential development is consistent with the surrounding development character, aesthetics and functioning of the surrounding community. Therefore, the project is anticipated to have a **Less-Than-Significant Impact**.

MITIGATION: None Required.

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

DISCUSSION:

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

MITIGATION: None Required.

L. Noise	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.3, L.4. Noise levels associated with future residential development will not result in a substantial increase in the future noise levels at the site or surrounding area. Therefore, noise exposure levels resulting from the project would be **Less Than Significant**.

L.2. 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 will be temporary in nature and cease once the project is constructed. Therefore, the impact from groundborne vibration will be **Less Than Significant**.

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

L.6. The project site is located approximately two miles from the nearest runway at the Chico Municipal Airport, which is not close enough to be subject to significant aircraft noise levels, but is sufficiently close to cause annoyance associated with frequent aircraft overflight noise. Standard conditions of approval for projects near airport overflight areas require owner notification that aircraft noise will be audible with some frequency. Noise exposure levels due to proximity to a public airstrip would be **Less Than Significant**.

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

MITIGATION: None Required

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.-2. The project site is private property that is not in an open space contract, nor does it contain an open space easement, or affect potential community recreation areas. Therefore, with respect to open space and potential community recreation areas, the proposed project would have **No Impact**.

M.3.-4. The proposed project will incrementally add users of parks and recreation facilities in the Chico area. Such increase in users of these facilities is expected as General Plan build-out occurs, therefore impacts on open space, parks and recreational facilities are considered **Less Than Significant**.

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 would not induce substantial population growth, nor would it displace people or housing. Project impacts to population/housing are therefore considered to have **No Impact.**

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.-5. The future new residences at the project site will require payment of development impact fees to offset the cost of new facilities for police, fire, parks, and other public services. With the payment of impact fees, impacts to police, fire, and other public services 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
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.-2., P.6. No aspect of the proposed project has been identified to be in conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, nor will the project conflict with an applicable congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or safety of such facilities.

Development of future residences at the site will require payment of street facility impact fees, which constitute the project's fair share contribution toward addressing any traffic issues that arise as General Plan buildout occurs. The traffic increases associated with project are considered **Less Than Significant**.

P.3. The project would not affect air traffic patterns and would therefore have **No Impact**.

P.4.-5. The proposed street design will connect existing streets that abut the project site, will enhance general access through the area for fire apparatus and other emergency response vehicles; and will provide a right-of-way dedication for a potential future connection to Rusty Lane. Application of existing standards for design of improvements will ensure that the project would not increase traffic hazards. Therefore, this impact is considered to be **Less Than Significant**.

MITIGATION: None Required.

Q. Tribal Cultural Resources Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe				X

DISCUSSION:

Q.1. The site is classified High Sensitivity on the Prehistoric Archaeological Sensitivity Areas map in the Chico General Plan. However, the proposed project is not anticipated to cause a substantial adverse change in the significance of a tribal cultural resource. City Staff requested consultation with the Mechoopda Tribe on 01/25/18 and received no response as of 02/26/18 (Appendix E). The site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register. Should an unrecorded cultural or tribal resource be discovered during site-disturbing activities Mitigation Measure E.1, would minimize the potential damage to the previously unknown resource. Therefore, there would be **No Impact**.

MITIGATION: Implementation of Mitigation E.1 would reduce impacts to a less-than-significant level. See Impact E. Cultural Resources for mitigation measure specifics.

R. 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	
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:

R.1.-7. All necessary utilities (water, storm drain, sewer, gas, phone or other communications, and electric facilities) are available near the site and extending them throughout the development will be required. The project would not exceed the capacity of wastewater treatment facilities. Utilities are available and adequate to serve the proposed development. Impacts regarding the provision of utilities and wastewater services are considered **Less Than Significant**.

R.8.-9. Available capacity exists at the Neal Road landfill to accommodate waste generated by the project. Recycling containers and service will be provided for the project as required by state law. This impact would be **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 important examples of the major periods of California history or prehistory.			X	
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. Based on the preceding environmental analysis, the application of existing regulations and incorporation of identified mitigation measures will ensure that all potentially significant environmental impacts associated with the project, including those related to air quality, biological resources, and cultural resources would be minimized or avoided, and the project will not result in direct or indirect adverse effects on human beings or the environment, nor result in significant cumulative impacts. Therefore, with the incorporation of the identified mitigation measures, the project will result in a **Less Than Significant** impact.

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