



DATE: February 1, 2021

TO: PLANNING COMMISSION

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

RE: Courtesy Automotive Center Development Agreement
Garner Lane at Highway 99, APNs 006-400-061, -063, -064, -065 and -066

SUMMARY

On July 5, 2017, the City Council voted to annex 70 acres of the north Esplanade, which led to an expansion of the City's boundaries to include Garner Lane up to Highway 99. Just three months prior, the Butte County Board of Supervisors approved a plan from Courtesy Automotive Center ("Courtesy") to locate a car dealership at the intersection of Garner Lane and Highway 99 (the "Project"). The annexation was approved by Butte LAFCo in September 2017. As Courtesy designed the Project based on County standards, Courtesy now proposes to enter into a development agreement (the "DA") with the City of Chico. The DA has three primary substantive requirements:

1. Courtesy can defer installation of urban frontage improvements for up to 20 years from execution of the DA. Courtesy must instead construct interim improvements to County standards, and upgrade the frontage improvements to City standards within 20 years.
2. Courtesy gains a vested right to develop the Project as described in the DA. The Project will be subject to several future approvals, including a boundary line modification and issuance of building permits. However, the City's standards applicable to the Project are effectively frozen as of the effective date of the DA.
3. The Project is subject to several other special design criteria including, for example, limitations on the maximum height of up to six freestanding signs at 25 feet, six inches.

Staff supports the DA, including deferral of frontage improvements, based on safeguards and guarantees contained in the proposed DA.

Recommendation:

Planning staff recommends that the Planning Commission adopt Resolution No. 21-01 (**Attachment A**), recommending that the City Council find the proposed development agreement within the scope of a previously adopted mitigated negative declaration for the Project and approve Development Agreement 18-01 based upon the findings therein.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 21-01, recommending that the City Council find the Development Agreement 18-01 is within the scope of a previously adopted mitigated negative declaration for the project and approve Development Agreement 18-01 based upon the findings therein.

BACKGROUND

The project site is located on the east side of Garner Lane, between Esplanade and Highway 99 in north Chico (see Site Plan, **Attachment B**). Zoned CC (Community Commercial) along the highway and ML (Light Manufacturing) along Esplanade, the site is largely undeveloped with minimal frontage improvements. The site is also adjacent to the City's Greenline and Sphere of Influence boundary, which separates the area planned for urban development from existing farmlands located west of Esplanade.

Development in the area is characterized by agricultural and rural residential land uses, with industrial and commercial uses along Esplanade and Highway 99. Properties with urban-level frontage improvements predominate approximately one-half mile south of the site, near Shasta Elementary School at the intersection of Esplanade at Nord Highway/Leora Court.

Looking to expand their operations at the far-north end of town, Courtesy obtained County approval on 3/28/17, for a General Plan Amendment, Specific Plan Amendment and Rezone prior to City annexation of the site later that year. When approving Courtesy's requests, the Board of Supervisors adopted an Initial Study and Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) (see IS/MND, **Attachment C**).

Following the approval, Courtesy needed a lot line adjustment and building permits from the County to establish their new car dealership on the subject site. However, once annexed and under City jurisdiction, the new car dealership was subject to City permitting and improvement requirements, adding to construction costs.

Proposed Development Agreement

A Development Agreement is a voluntary contract between a property owner and local jurisdiction (e.g. City of Chico), which details various obligations for the parties and establishes special provisions applicable to the development of a specific site. DA provisions may supersede the application of typical local regulations where the jurisdiction finds that the resulting development would nonetheless advance local agency policies (e.g. be consistent with the General Plan).

The proposed DA would allow Courtesy to build the car dealership initially to County standards, then upgrade to City standards when specified future conditions occur, not to exceed 20 years. Courtesy's performance would be guaranteed by recording liens on Courtesy's underlying properties (see Draft DA, **Attachment A, Exhibit I**). The DA would also waive the requirement for a separate City use permit to authorize the auto center, provide a flexible schedule for payment of development impact fees and include special development standards with regard to freeway signage, exterior lighting and vehicle parking.

PROJECT APPROVALS

The City will typically recognize and honor approved land use entitlements, such as a use permit, from the County upon annexation of the underlying site. In this case, however, Courtesy received the County zoning they sought in 2017, then the site was annexed into the City a few months later, subjecting it to City zoning. Unfortunately for Courtesy, the zoning and plan amendments approved by the County did not include any land use entitlements for development of the site using County standards.

Courtesy's proposed uses are consistent with the City's zoning, however, being subject to the City's urban street improvement requirements would require substantial increases in costs to develop the project. These improvements include installation of vertical curb, gutter and sidewalk, storm drains, intersection improvements and other infrastructure for the entire project frontage (over 1,300 linear feet).

In their documents, the County well-anticipated Courtesy's development and thoroughly analyzed the potential environmental impacts in detail in the IS/MND. The County also anticipated annexation of the site into the City of Chico.

In addition to the automotive center, the County also had a pending application from Courtesy to abandon (or vacate) a portion of right-of-way (approximately 1.2 acres), located between Garner Lane and Highway 99 for the future construction of a fuel station, carwash and convenience store. Although the County appeared amenable to vacate the right-of-way to accommodate these plans, the site was annexed before the County acted upon the abandonment application. Because major intersection improvements may be needed at Garner Lane and Highway 99 in the future, City staff does not support eliminating the right-of-way at this time. This component of the project (a fuel station, carwash and convenience store on the right-of-way area) may return for consideration at a future date, but it is not included in the DA at this time.

Lastly, among the City regulations that apply to the site following annexation is the City requirement for new non-residential development projects to undergo design review. Courtesy submitted an application for Site Design and Architectural Review in the summer of 2020 (AR 20-11) and received approval from the Architectural Review and Historic Preservation Board for the design in October 2020 (see **Attachment D**, Landscape Plans and **Attachment E**, Perspective Renderings). Board members were impressed and complimentary of the overall design, finding it consistent with the General Plan, within the scope of the County-adopted IS/MND and subject to conditions which include all County mitigation measures as conditions of approval to be implemented by City staff.

DISCUSSION

It was not the City's intention to disrupt Courtesy's development of their auto center when the City applied for annexation of the project area in the summer of 2017. The City's motivation for pursuing annexation was the potential loss of sales tax revenue that would occur if Courtesy were to operate outside the City's jurisdiction. The proposed DA would essentially enable Courtesy to proceed with construction as originally planned under County jurisdiction, thereby providing continuity of Courtesy's operations within the City.

Key features of the DA involve:

- Public Improvements: County standards and deferral of City standards for 20-years or development of adjacent properties
- Sureties: Public improvements through a Subordinated Deed of Trust
- Project Approvals: Through the City in accordance with City regulations
- Application of Changes in Regulations: The basic project as described is vested
- Environmental Mitigation: Remains in effect pursuant to the IS/MND
- General Terms: The agreement is transferable and changeable by both parties

The DA includes safeguards, such as liens on the underlying properties to protect the City's interest if Courtesy were to fail to meet its obligations. Under the terms of the DA, Courtesy will construct City standard frontage improvements over the next 20 years, with improvement due sooner if certain adjacent properties are all improved to City standards.

GENERAL PLAN CONSISTENCY

The DA would be consistent with the General Plan in that it would provide incentives such as priority project processing, deferral of development impact fees, and flexibility in development standards to secure an important economic development opportunity (LU-2.3.1); and would encourage a Chico-based business by removing regulatory obstacles that, due to the timing of annexation in this case, would inhibit development of the Project which was designed for development under County jurisdiction (ED-1.3 and ED-1.9). Frontage improvements would be temporarily deferred until they are needed once neighboring properties fully develop, and the DA incorporates County mitigation measures adopted for the Project, which include installing intersection improvements at the intersection of Garner Lane and Highway 99, consistent with General Plan Policy CIRC-1.2 directing the provision of circulation improvements necessary to mitigate project impacts.

The underlying project design is also consistent with the General Plan in that orienting the business toward Highway 99 and away from Esplanade supports the City's longstanding commitment to preserve the Greenline, as directed by General Plan policies LU 1.2 and LU-2.6. The drought tolerant species selections for the proposed landscaping are consistent with sustainability policies that promote water conservation, energy efficiency and emphasizing landscape as a fundamental design component (SUS-4.2 and CD 1.1.2).

FINDINGS

Development Agreement

Pursuant to Chico Municipal Code Section 19.32.50, the City Council can only approve a development agreement if it makes the following two findings:

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

The DA would be in the best interests of the City because it would implement General Plan policies, as noted above, and would retain a major sales tax generating use within City limits. The DA is intended to ensure the City's 2017 annexation does not City's disrupt Courtesy's long-planned development of the Project, which was approved by the County immediately prior to the annexation.

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

The DA would promote the public interest and welfare of the City because it would result in the orderly provision of public infrastructure in a remote area of the City while facilitating the efficient development of a large sales tax generating land use within City limits.

ENVIRONMENTAL REVIEW

As noted above, the County of Butte analyzed the environmental impacts of developing the new Courtesy Auto Center and adopted an Initial Study/Mitigated Negative Declaration (IS/MND, see **Attachment C**). Besides changes in wastewater disposal for the project, which will now be sanitary sewer instead of onsite septic, the proposed development is substantially the same as analyzed by the County. As noted throughout this report, the DA facilitates development of the auto center as designed for construction under County jurisdiction.

If the Initial Study had been prepared by the City, it would have instead described that the project is consistent with the City's zoning, that it would be adequately served by the City's sanitary sewer and other public services and utilities, and that subsequent approvals would be completed by City Building, Planning and Public Works. In this instance, the annexation reports by the City and Local Agency Formation Commission attest that all of the necessary municipal services would be provided to the annexation area, including specifically the Courtesy Automotive Center project. Overall, the physical effects of the auto center project on the environment are very similar, whether developed under County jurisdiction or City jurisdiction.

The proposed DA would result in development that is within the scope of the Mitigated Negative Declaration (MND) adopted by the County of Butte on March 28, 2017 (SCH# 2017012053). Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is necessary, as there have been no substantial changes to the project which would require revisions of the MND, no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which would require major revisions of the MND, and no new information has become available which was not known and could not have been known at the time the MND was completed. The MND mitigation measures are incorporated into the Development Agreement, with minor changes to update the relevant jurisdiction.

DISTRIBUTION:

PC Distribution
Files: DA 18-01

External

Jerry Pajouh, CEO/Dealer Principal, Courtesy Automotive Center, via email

ATTACHMENTS:

- A. Planning Commission Resolution 21-01
Exhibit I – Draft Ordinance and Development Agreement
- B. Vicinity and Notification Area Map
- C. Initial Study and Mitigated Negative Declaration
- D. Landscape Drawings
- E. Perspective Renderings

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RESOLUTION NO. 21-01
RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
RECOMMENDING CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT
18-01 FOR COURTESY AUTOMOTIVE CENTER (JP Real Estate Investments, LLC)

WHEREAS, JP Real Estate Investments, LLC (“Courtesy”) submitted an application to the City to enter into a Development Agreement between the City of Chico and Courtesy (the “Development Agreement” or “DA”) to facilitate development of a new automotive center on five parcels identified by Assessor’s Parcel Numbers 006-400-061, 006-400-063, 006-400-064, 006-400-065 and 006-400-066 (the “Project”); and

WHEREAS, the primary purpose of the DA is to allow Courtesy to defer constructing City standard frontage improvements for a period not to exceed 20 years, instead allowing Courtesy to use existing improvement plans to construct the Project with interim County-level frontage improvements at the Project site; and

WHEREAS, the Project site is located at the far northern end of the City where most properties lack urban frontage improvements and deferring City standard frontage improvements as set forth in the DA will not interfere with the orderly development of public improvements in this area of the City; and

WHEREAS, the Planning Commission has considered the DA, the staff report, and comments provided at a public hearing, duly noticed and held in the manner required by law on February 11, 2021; and

WHEREAS, prior to annexation of the site by the City of Chico in 2017, the County of Butte analyzed the Project, approved several plan amendments to facilitate development of the new automotive center, and adopted an Initial Study/Mitigated Negative Declaration (IS/MND) to satisfy requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, except regarding wastewater disposal which will now be provided by the City’s sanitary sewer system with adequate capacity to serve the Project, the Project is substantially the same as analyzed by the County, and the DA would require compliance with the approved mitigation measures of the IS/MND by corresponding City departments; and

1 WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, the DA is within the
2 scope of the adopted IS/MND and requires no further environmental review in that: a) the proposed
3 amendments do not represent a substantial change that would require major revisions to the
4 adopted MND; b) there have been no substantial changes in the circumstances under which the
5 project will be undertaken that require major revisions to the MND; c) the MND adequately
6 addresses the potential impacts and provides appropriate mitigation measures related to
7 development of the Project, and that d) no new significant impacts have been identified.

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

- 10 1. The Commission hereby determines and finds that the facts set forth in the recitals above are
11 true and correct and are hereby added as substantive findings.
- 12 2. Based on all of the above, the Planning Commission hereby recommends that the City Council
13 adopt an ordinance directing the City to enter into a Development Agreement with Courtesy
14 as set forth in Exhibit I, attached hereto.
- 15 3. The Planning Commission hereby specifies that the materials and documents which constitute
16 the record of proceedings upon which its decision is based are located at and under the custody
17 of the City of Chico Community Development Department.

18 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
19 City of Chico at its meeting held on February 11, 2021, by the following vote:

20 AYES:

21 NOES:

22 ABSENT:

23 ABSTAINED:

24 DISQUALIFIED:

25 ATTEST:

APPROVED AS TO FORM:

26
27 _____
Bruce Ambo
28 Planning Commission Secretary

Andrew Jared, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

ORDINANCE NO. _____

(Uncodified)

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF
CHICO AND JP REAL ESTATE INVESTMENTS, LLC., (DA 18-01);
(CITY OF CHICO/JP REAL ESTATE INVESTMENTS, LLC)**

WHEREAS, JP Real Estate Investments, LLC (“Courtesy”) submitted an application to the City to enter into a Development Agreement between the City of Chico and Courtesy (the “Development Agreement” or “DA”) to facilitate development of a new automotive center on five parcels identified by Assessor’s Parcel Numbers 006-400-061, 006-400-063, 006-400-064, 006-400-065 and 006-400-066 (the “Project”); and

WHEREAS, the primary purpose of the DA is to allow Courtesy to defer constructing City standard frontage improvements for a period not to exceed 20 years, instead allowing Courtesy to use existing improvement plans to construct the Project with interim County-level frontage improvements at the Project site; and

WHEREAS, the Project site is located at the far northern end of the City where most properties lack urban frontage improvements and deferring City standard frontage improvements as set forth in the DA will not interfere with the orderly development of public improvements in this area of the City; and

WHEREAS, following a duly noticed public hearing on February 11, 2021, the Planning Commission has recommended approval of the DA by this Council; and

WHEREAS, in connection with its approval of the DA, this Council finds that the development provided for is consistent with the City’s General Plan, is in the best interests of the City, and will promote the public interest and welfare; and

WHEREAS, prior to annexation of the site by the City of Chico in 2017, the County of Butte analyzed the Project, approved several plan amendments to facilitate development of the new automotive center, and adopted an Initial Study/Mitigated Negative Declaration (IS/MND) to satisfy requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, except regarding wastewater disposal which will now be provided by the

City's sanitary sewer system with adequate capacity to serve the Project, the Project is substantially the same as analyzed by the County, and the DA would require compliance with the approved mitigation measures of the IS/MND by corresponding City departments; and

WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, the DA is within the scope of the adopted IS/MND and requires no further environmental review in that: a) the proposed amendments do not represent a substantial change that would require major revisions to the adopted MND; b) there have been no substantial changes in the circumstances under which the project will be undertaken that require major revisions to the MND; c) the MND adequately addresses the potential impacts and provides appropriate mitigation measures related to development of the Project, and that d) no new significant impacts have been identified; and

WHEREAS, this Council has considered the DA, the staff report, the Planning Commission's recommendation, and comments at a public hearing, duly noticed and held in the manner required by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico that:

Section 1. The City Council of the City of Chico hereby determines and finds that the facts set forth in the recitals are true and correct and are hereby added as substantive findings.

Section 2. The Development Agreement, as set forth in Exhibit "I" hereto, is hereby approved, based on the following specific findings:

- A. The DA is in the best interests of the City and will promote the public interest and welfare of the City because it would: implement General Plan policies as noted below, and would retain a major sales tax generating use within City limits, and result in the orderly provision of public infrastructure in a remote area of the City while facilitating the efficient development of a large sales tax generating land use within City limits; and
- B. The DA is consistent with the General Plan in that it will provide incentives such as priority project processing, deferral of development impact fees, and flexibility in development standards to secure an important economic development opportunity (LU-2.3.1), and would encourage a Chico-based business by removing regulatory obstacles that, due to the timing of annexation in this case, would unreasonably inhibit

development of the Project which was designed for development under County jurisdiction (ED-1.3 and ED-1.9). Although frontage improvements would be temporarily deferred along the immediate frontage, the DA incorporates County mitigation measures adopted for the Project, which include installing intersection improvements at the intersection of Garner Lane and Highway 99, consistent with General Plan Policy CIRC-1.2 directing the provision of circulation improvements necessary to mitigate project impacts.

Section 3. On or after the effective date of this ordinance the City Manager is authorized and directed to execute the Development Agreement on behalf of the City of Chico.

Section 4. Within 10 days after the Development Agreement has been fully executed, the Clerk is authorized and directed to cause it to be recorded in the Office of the Butte County Recorder.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

Section 6. This Ordinance shall be effective thirty (30) days following its adoption.

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THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of
the City of Chico held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Andrew L. Jared, City Attorney*

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

Exempt from payment of recording fees pursuant to §6103 and §27383 of the California Government Code.

After recording, return to:
City Manager
City of Chico
P. O. Box 3420
Chico, CA 95927-3420

DEVELOPMENT AGREEMENT

CITY OF CHICO/JP REAL ESTATE INVESTMENTS, LLC (DA18-01)

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made this ____ day of _____, 2021, between the CITY OF CHICO, a municipal corporation, (“the City”), and JP REAL ESTATE INVESTMENTS, LLC, a California Limited Liability Company, (“Courtesy”), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code and Chapter 19.32 of the Chico Municipal Code.

RECITALS

A. Enabling Statute. To strengthen the public planning process, encourage private participation in comprehensive planning and to reduce the economic risks of development, the Legislature of the State of California adopted sections 65864 et seq., of the California Government Code enabling a city and an applicant for a development project who has a legal or an equitable interest in the property to be developed, to enter into a development agreement establishing the zoning standards, land use regulations and development standards of the city that will govern project development.

B. Courtesy Automotive Group Project. The Courtesy Automotive Group Project is a large-scale, commercial project in northwest Chico. It has been designed with a large automobile dealership as the core of the development, with some other potential retail services contemplated as further described under Section 1.4 of this Agreement (“Project”).

C. Property Description. The Project site constitutes approximately 11.3 undeveloped acres located in the northern extremity of the City of Chico. The real property includes those properties identified by Assessor’s Parcel Numbers as listed in **Exhibit “B”** and more particularly described in **Exhibit “A”**. Annexed to the City of Chico in 2018, the existing public infrastructure along the Garner Lane frontage and Esplanade frontage comprise paved travel lanes with unimproved gravel shoulders and roadside ditches.

D. Development Agreement Goals. The City and Courtesy desire to enter into this Agreement relating to the Property to facilitate orderly implementation of the development of the Project.

E. General Plan Consistency. The City hereby finds this Agreement to be consistent with the City of Chico General Plan.

F. Mutual Agreement. This Agreement constitutes an exercise of the City's discretion and police power.

NOW, THEREFORE, the parties agree as follows:

SECTION 1. GENERAL PROVISIONS

SECTION 1.1 Incorporation of Recitals and Exhibits. The recitals set forth above as well as the Exhibits attached shall constitute an integral part of this Agreement and shall be binding on the parties.

SECTION 1.2 Property Description and Binding Covenants. The property that is the subject of this Agreement is that property which is more fully described in **Exhibits "A" and "B"** (the "Property"). It is intended that the provisions of this Agreement shall constitute covenants which shall run with the Property and the benefits and burdens of this Agreement shall be binding upon and inure to the benefit of the parties and to their successors in interest.

SECTION 1.3 Interest of Courtesy. Courtesy has a fee interest in the Property and all other persons in the future holding legal or equitable interests in the Property are to be bound by this Agreement.

SECTION 1.4 Project Description. The development of the Property pursuant to this Agreement anticipates a phased development, as depicted on the site plan attached hereto as **Exhibit "C"** (the "Site Plan"), in compliance with all zoning and development regulations within the City of Chico (excepting as set forth by this Agreement), consisting of the following two (2) phases (each a "Phase" and collectively the "Phases": (i) the Courtesy automotive dealership, including three (3) +/- 17,600 square-foot individual new car showrooms and a +/- 56,000 square foot service and repair shop (Phase 1); and (ii) Pre-Owned Car Dealership (Phase 2) (the "Project Description").

SECTION 1.5 Term. The term of this Agreement shall commence on the effective date of the ordinance authorizing the approval and execution of this Agreement (the "Ordinance") and shall extend until the earlier to occur of: (a) the full development of City Standard Public Improvements along the Garner Lane frontage and Esplanade frontage of the Property as set forth in **Exhibit "D"**, attached hereto, or (b) twenty-two (22) years from the effective date of the Ordinance, unless it is earlier terminated as set forth herein.

SECTION 1.6 Assignment. Courtesy shall have the right to sell, mortgage, hypothecate, assign or transfer the Property, in whole or in part, to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement , provided that any such sale, mortgage, hypothecation, assignment or transfer shall include the assignment of those rights, duties, and obligations arising under or from this Agreement, applicable to the Property, or portions thereof being assigned, transferred or sold and that the use of any such portion of the Property shall continue under the terms of this Agreement, until such time as the parties may expressly agree to the modification of this Agreement. Courtesy and any subsequent assignor shall notify the City in writing of any assignment. The City shall have no obligation to provide future notice to any assignee if the above notice is not given. Any and all successors and assigns of Courtesy shall have all of the same rights, benefits and obligations as Courtesy under this Agreement.

SECTION 1.7 Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the City and the owner of the property which is the subject of the proposed amendment in the manner set forth in Government Code Sections 65867, 65867.5 and 65868. However, any change to this Agreement which does not alter the term, permitted uses, density or intensity of use, provisions for reservation and dedication of land; conditions, terms, restrictions and requirements relating to subsequent discretionary actions; or any conditions or covenants relating to the use of the Property shall not require notice or public hearing and may be made by mutual consent of the parties.

Consent of the successors in interest to Courtesy who acquire less than all of Courtesy' s interest in the Property shall not be required for any amendment to this Agreement to be effective if the amendment does not change the land use regulations or entitlements for such party's property.

SECTION 2. DEVELOPMENT OF THE PROPERTY

SECTION 2.1 Development of the Property. Courtesy shall have the vested right to develop the Property in accordance with the terms and provisions of this Agreement and the standards set forth in Section 4.1 consistent with the Site Plan and Project Description. The County's authorization of the use is acknowledged, and no City use permit shall be required. It is the intent of the parties that the development of the Property as it relates to installation of public improvements on the frontage of the Property shall be wholly controlled by this Agreement.

SECTION 2.2 Public Improvements. In conjunction with the typical requirements imposed upon the granting of a building permit within the City of Chico, the construction of certain public improvements is obligated along the frontage of the property being developed (City Standard Public Improvements). These City Standard Public Improvements typically include curb, gutter and sidewalk, storm drainage, sanitary sewer, landscaping, parkstrip and streetlights. The parties agree that construction of City Standard Public Improvements at the Property is premature at this time, as there are no urban-level public frontage improvements in the area. Accordingly, the City agrees to temporarily defer the obligation to construct the City Standard Public Improvements until either of the following occurring events ("Trigger Events") transpire:

- A. Twenty (20) years from the effective date of the Ordinance, or
- B. The development of the properties represented by Assessor's Parcel Numbers 006-400-029, 006-400-067, 006-400-077, and 006-400-080, such that City Standard Public Improvements are completed for each of these adjacent properties.

2.2.1 Courtesy shall at all times guarantee performance of this Agreement by furnishing to the City good and sufficient security acceptable to the City and in conformity with the California Government Code sections 65864 *et seq.* and any City ordinance or regulation relating to the construction of deferred improvements or development agreements (the "Laws") on forms approved by the City and by maintaining said security for the purposes and in the following. A Subordinated deed of trust in favor of the City of Chico in the form attached hereto as **Exhibit "E"** and incorporated herein by reference ("Subordinated Deed of Trust") shall be recorded concurrently with the recordation of this Agreement. The Subordinated Deed of Trust shall secure the amount of 100% of the estimated cost of the Deferred Improvements to guarantee construction and installation of all the Deferred Improvements, plus 50% of the estimated costs of the Deferred Improvements to secure payment to any contractor, subcontractor, persons renting equipment, or furnishing labor and materials for the Deferred Improvements required to be constructed or installed pursuant to this Agreement, plus 20% of the estimated cost of the Deferred Improvements to guarantee or warranty the work done pursuant to this Agreement for a period of one (1) year following the completion and acceptance or approval thereof by the City against any defective work or labor done or defective materials furnished. From the time of recordation of the Subordinated Deed of Trust, a lien shall attach to the real property described in **Exhibits "A" and "B"** to said Subordinated Deed of Trust, and such lien shall have priority of a judgment lien in the amount necessary to complete the Deferred Improvements not to exceed the amounts specified in Section 3.2.

2.2.2 Upon request of Courtesy, the City shall execute any and all documents necessary to subordinate the Subordinated Deed of Trust securing performance hereunder, executed by Courtesy or Courtesy's successors in interest, in order to, secure a construction loan or loans constituting security pursuant to Government Code Section 66499(a)(2) or 66499(a)(3) for the construction of the Deferred Improvements set forth in this Agreement. At such time as the Courtesy or Courtesy's successors interest shall submit documentation acceptable to the City Attorney that such construction loan or loans are secured, the City shall release the properties encumbered by the Subordinated Deed of Trust through a reconveyance as provided in Section 2.2.3.

2.2.3 The City shall reconvey the Subordinated Deed of Trust releasing the real property at such time as the funds are irrevocably committed to a loan commitment account or other acceptable form of security approved by City Attorney consistent with Government Code Section 66499(a)(2) or 66499(a)(3) or receipt of certification of completion of the Deferred Improvements by the City Engineer. City shall have the right to refuse acceptance of irrevocable commitment of funds to a loan commitment account or other form of security in favor of existing security. City shall not unreasonably withhold certification of completion of the Deferred Improvements by the City Engineer and shall reconvey the Subordinated Deed of Trust if accepted by the City Engineer. Any replacement security as provided herein, shall be filed with the City.

2.2.4 In the case Courtesy may undertake a property boundary line modification, Courtesy shall agree to reconvey the Subordinated Deed of Trusts from each existing parcel to each new parcel

established though the property boundary line modifications. The total security for the Deferred Improvements shall be reconvened onto each new parcel in such a manner that the estimated cost as specified in Section 3.2 shall be proportioned to each new parcel based on parcel size. The City will not reasonably withhold the necessary approvals to allow for the reconveyance of the Subordinated Deeds of Trust.

2.2.5 Courtesy may transfer its respective properties within the Project to one or more developers who will carry out the obligation of the Courtesy as transferor to construct the Deferred Improvements for the Project, thereby relieving Courtesy from such obligation. Courtesy agrees to the obligations set forth herein provided that in the event of such transfer to a developer, the City shall duly execute a replacement agreement agreeing to the full transfer of the obligations of Courtesy to the Developers and subordinate the Subordinate Deed of Trust to any acquisition loan to purchase the Property.

SECTION 2.3 Project Approvals. The parties acknowledge that development of the Project and the implementation of this Agreement will require approval by the City of various applications and certain other actions by the City, which may include, but not be limited to, those listed in **Exhibit “F”** attached hereto (“Project Approvals”). The City agrees that it shall timely process the entitlement applications as submitted by Courtesy or as may hereinafter be modified or any subsequent applications that Courtesy may file. The parties agree that the City’s approvals of such applications and any amendments that may from time to time be made to same, shall be consistent with this Agreement and the Project Description. Upon the City’s concurrent or subsequent approval of Project Approvals, Courtesy shall have the vested right to develop the Property in accordance with the Project Approvals.

SECTION 2.4 Applicable Ordinances and Regulations. As set forth herein, this Agreement vests in Courtesy the right to develop and use the Property in accordance with the Project Description and the ordinances, resolutions, regulations, laws, general plan provisions, and official policies of the City in force and effect upon the effective date of this Agreement (the “Applicable Rules”). This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, but shall limit discretion of the City, or any of its officers or officials, boards or commissions such that the exercise of any such discretion shall not prevent development and use of the Property as shown in the Project Description. Any development of the Property with structures, or for uses, not described in the Project Description shall be subject to the ordinance, resolutions, regulations, laws, General Plan provisions and official policies of the City in effect at the time of such development and the City’s discretion in regard to such applications shall not be limited by this Agreement.

SECTION 2.5 Application of Subsequently Enacted or Modified Rules. The City may apply subsequently adopted ordinances, resolutions, regulations, laws, general plan provisions, and official policies which are not in conflict or inconsistent with the Applicable Rules and this Agreement.

For the purpose of this Agreement, a new ordinance, resolution, regulation, law, general plan provision, and official policy shall be not deemed to be in conflict or inconsistent with the Applicable Rules if the application of such rule would not prevent the development or use of the Property as

shown in the Project Description and is not in conflict with matters specifically addressed in this Agreement.

SECTION 2.6 Mitigation. Nothing contained in this Agreement is intended to derogate the obligation of Courtesy relating to various environmental mitigations approved by the County, as more fully set forth in the Initial Study and Mitigated Negative Declaration for the Project and included as **Exhibit “G”** hereto. Monitoring responsibilities will be assumed by corresponding City Departments and these mitigations shall become conditions of approval for any subsequently granted Project Approvals, as applicable, in relation to the development of the Project.

SECTION 2.7 Processing Fees and Charges. Courtesy shall pay those processing, development and impact fees and charges of every kind and nature imposed or required by the City or other entities covering the actual costs of the City as follows:

A. Courtesy shall pay such fees for processing applications, tentative subdivision maps, final maps, building permits, encroachment permits or other ministerial permits, boundary line modifications, mergers, or abandonments as necessary to undertake the Project, and as are applicable to the specific application or permit at the time the application therefore is submitted.

B. Courtesy shall pay such development impact fees applicable to development of the Project as are in effect at the time they are due except as otherwise provided in Section 4.6.

C. Courtesy shall receive a credit against the development impact fees imposed herein when such credit is applicable under the Chico Municipal Code and in the amounts as calculated pursuant to the Chico Municipal Code.

SECTION 2.8 Timing and Commencement of Development. The application for the Boundary Line Modification shall be submitted within two years from the effective date of this Agreement. Subsequently, the application for building permits for the first phase of the project shall be submitted within three years from the effective date of this Agreement. The City may grant an extension of time for meeting these requirements upon a showing by Courtesy that such development within the timeframes set forth herein is impracticable.

SECTION 3. COURTESY OBLIGATIONS

SECTION 3.1 Property Development. The Property shall be developed and used according to this Agreement.

SECTION 3.2 Deferral of City Standard Public Improvements. Courtesy has the option to defer installing any or all portions of the City Standard Public Improvements subject to meeting the provisions set forth in this section (the “Deferred Improvements”).

3.2.1 Courtesy shall agree to construct all Deferred Improvements along Garner Lane and Esplanade to be complete and accepted no later than twenty (20) years from the effective date of the Ordinance.

3.2.2 The Parties agree that the construction of the Deferred Improvements along Garner Lane and Esplanade is deferred, and Courtesy shall construct the County Standard

Public Improvements (“Interim Improvements”) until such time as either of the Trigger Events are reached, but, in no case, shall this deferral exceed 20 years from the adoption date of the Ordinance.

SECTION 3.3 Interim Improvements. Prior to certificate of occupancy for the Project and completion of the Deferred Improvements, Courtesy shall construct interim improvements along the frontage of Garner Lane and Esplanade as depicted in **Exhibit “H”**, indicating the typical county frontage improvement standards, to the satisfaction of the City Engineer. Such improvements along Garner Lane and Esplanade shall be temporary until completion of the Deferred Improvements.

SECTION 3.4 Compliance with Conditions of Approval. Courtesy shall, in consideration of the City’s commitments, comply with all provisions of this Agreement and of any future Project Approvals which Courtesy may apply for in regard to the development of the Property as may be reasonably imposed by the City and which are consistent with this Agreement and City Ordinance.

SECTION 4. CITY OBLIGATIONS

SECTION 4.1 Vested Rights. By entering into this Agreement, the City hereby grants to Courtesy a vested right to proceed with the development of the Property in accordance with the terms and conditions of this Agreement and the Project Description.

Courtesy’s vested right to proceed with the Project shall be subject to any subsequent Project Approvals required in order to complete the Project, provided that any conditions, terms, restrictions and requirements for such subsequent approvals shall not conflict with the provisions of this Agreement, supersede the Applicable Rules, prevent development of the land for the uses and to the density or intensity of development set forth in this Agreement, or require Courtesy to construct the Deferred Improvements prior to the Trigger Events. Courtesy’s vested right to proceed with the Project shall be subject to compliance with the provisions of this Agreement.

SECTION 4.2 Conflicts with Subsequently Enacted Laws. In the event State or Federal laws or regulations enacted after the effective date of this Agreement prevent compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by the City, the parties agree that the provisions of this Agreement and the Project Description shall be modified, extended or suspended only to the extent necessary to comply with such State or federal laws or regulations. Each party agrees to extend to the other its prompt and reasonable cooperation in so modifying this Agreement or approved plans.

SECTION 4.3 Cooperation. The City shall cooperate with Courtesy in securing any permits that may be required by any governmental entity for the development of the Property consistent with this Agreement. The filing of any third-party lawsuits against the City and/or Courtesy relating to this Agreement or the Property shall not delay or stop the processing or issuance of any entitlement or permit or other action or approval by the City unless specifically enjoined by a court of competent jurisdiction.

SECTION 4.4 City Obligations Referenced in Other Sections. The City's obligations referenced in other sections of this Agreement are incorporated herein by reference.

SECTION 4.5 In-Lieu Tax Assessments for Sewer Fees. City agrees to entertain application for an In-Lieu Tax assessment to be considered by Council to prepare an agreement, for the collection of the Sewer fees due at the time of Certificate of Occupancy, to be collected by property tax assessment over a period of 15 years.

SECTION 4.6 Development Impact Fee Deferral. City agrees to defer collection of the Development Impact Fee (DIF) owed by Courtesy as payable at time of application of permits and collect such DIF amount in: (i) two annual payments of Interest only paid on the first two anniversaries of the Ordinance, and (ii) thereafter, ten (10) equal installments of the outstanding deferred DIF paid on the following ten (10) anniversaries of the Ordinance plus Interest. "Interest" payable under this Section 4.6 shall be computed by multiplying the total amount of outstanding deferred DIF by the Local Agency Investment Fund (LAIF) investment rate as published by the California State Treasurer ("Rate") 30 days prior to the due date of the annual payment, presently 1.2%; provided, however, that in no event shall the Rate be greater than 1.5%.

SECTION 4.7 Special Conditions. The following development standards shall be utilized instead of any similar or conflicting City standard which may be more restrictive for any Required Approvals:

- A. The maximum height for up to six freestanding signs shall be 25 feet, six inches;
- B. Freestanding light poles for illuminating exterior areas shall be limited to 28 feet in height;
- C. Insofar as the Boundary Line Modification situates property lines to avoid conflicts with approved building placements, the resultant parcels may span multiple zoning districts. The allowable uses of the resultant parcels shall be governed by this Agreement.
- D. The minimum depth of standard parking stalls shall be 19 feet where the corresponding drive aisle width is 25 feet;
- E. The building pad of the parcel designated as "Future Pre-Owned Car Dealership" on the Site Plan shall be covered with gravel and Developer shall have the right to park vehicles for sale on said parcel until developed.

SECTION 5. ANNUAL REVIEW

SECTION 5.1 Annual Review. The City shall, at least every twelve (12) months during the term of this Agreement, initiate a review and make findings specifically as to the extent of good faith compliance by Courtesy and the City, with the terms of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant

to California Government Code Section 65865.1. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Development Agreement pursuant to the provisions as set forth below in this section and Section 6.1.

Upon not less than thirty (30) days written notice by the City Manager, or their designee, Courtesy shall provide such information as may be reasonably requested by the City and deemed by the City to be required in order to ascertain compliance with this Agreement. The City shall email to Courtesy a copy of all staff reports and, to the extent practical, related exhibits concerning contract performance at least seven (7) calendar days prior to any such periodic review. Courtesy shall be permitted an opportunity to be heard orally and/or in writing regarding its performance under this Agreement before the City Council or, if the matter is referred to the City Planning Commission, before the Commission. If the City determines following completion of the normal scheduled periodic review, that based on substantial evidence Courtesy has materially breached its obligations under this Agreement, the City may provide Courtesy with written notice of proposed termination or modification of this Agreement shall be given, pursuant to applicable laws and regulations, specifying in the notice the alleged nature of the default, and suggested or potential actions and timing to cure the default where appropriate. Courtesy shall have not less than ninety (90) days within which to cure any alleged default determined pursuant to this Section. The City shall have no duty to give notice of an annual review to anyone having an ownership interest in a portion of the Project deemed complete by the City and released from the obligations of this Agreement. Formal rules of evidence shall not apply in such proceedings.

SECTION 6. DEFAULT, DELAYS AND REMEDIES

SECTION 6.1 Default. The failure or unreasonable delay by either party to perform any obligation under this Agreement shall constitute a default and a material breach of this Agreement. In the event of a default the aggrieved party shall be allowed to give written notice of the default, specifying the facts that constitute the default, to the other party. The defaulting party shall have a period of 90 days from the date of the written notice to cure the default, after which the aggrieved party may declare this Agreement terminated or, at that party's election, institute legal proceedings, including without limitation, an action for specific performance, writ of mandate, foreclosure of the Subordinated Deed of Trust or such other appropriate action

SECTION 6.2 Excusable Delays. The delay in the performance of any obligation under this Agreement shall not give rise to a default and material breach where the delay by a party is beyond the control of that party, is prevented or delayed due to war, insurrection, riots, strikes or similar job actions, casualties, acts of God, or governmental restrictions imposed or mandated by entities other than the City, enactment of conflicting state or federal laws or regulations, litigation, or similar bases for excused performance. If written notice of such delay is given to the City within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

SECTION 6.3 Remedies. Nothing herein shall be deemed to be a limitation upon the

remedies allowed by law in the event of a breach of this Agreement. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including suits for declaratory relief, specific performance, injunctive relief, and relief in the nature of mandamus. All of the remedies described above shall be cumulative and not exclusive of one another, and the exercise of any one or more of the remedies shall not constitute a waiver or election with respect to any other available remedy.

SECTION 7. GENERAL PROVISIONS

SECTION 7.1 Indemnification. Courtesy shall defend, indemnify and hold harmless the City, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy of any of the following: (i) this Agreement; Any subsequent approvals or permits issued in relation to the Project; (iii) the proceedings undertaken in connection with the adoption or approval of any of the above; (iv) any subsequent approvals or permits relating to the Project; (v) the processing of occupancy permits and (vi) any amendments to this Agreement.

SECTION 7.2 Authority to Execute. The person or persons executing this Agreement on behalf of Courtesy warrant and represent that they have the authority to execute this Agreement on its behalf and represent that they have the authority to bind Courtesy to the performance of its obligations hereunder.

SECTION 7.3 Cancellation or Modification. This Agreement may not be canceled or modified except by mutual consent of all parties.

SECTION 7.4 Construction of Agreement. The language in all parts of this Agreement shall, in all cases, be construed as a whole and in accordance with its fair meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. This Agreement shall be governed by the laws of the State of California. Any dispute between the parties shall be submitted to the Butte County Superior Court.

SECTION 7.5 Covenants of Good Faith and Fair Dealing. Neither party shall do anything which shall have the effect of harming or injuring the right of the other party to receive the benefits of this Agreement; each party shall refrain from doing anything which would render its performance under this Agreement impossible; and each party shall do everything which this Agreement contemplates that such party do to accomplish the objectives and purposes of this Agreement.

SECTION 7.6 Entire Agreement. This Agreement, together with the exhibits, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement.

SECTION 7.7 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, file or record any required instruments and writings necessary to evidence or consummate the transactions contemplated by this Agreement, and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement.

SECTION 7.8 Severability. The provisions of this Agreement are contractual, and not mere recitals, and shall be considered severable, so that if any provision or part of this Agreement shall at any time be held invalid, that provision or part thereof shall remain in force and effect to the extent allowed by law, and all other provisions of this Agreement shall remain in full force and effect, and be enforceable.

SECTION 7.9 No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

SECTION 7.10 No Waiver. No delay or omission by either party in exercising any right or power accruing upon non-compliance or failure to perform by the other party under the provisions of this Agreement shall impair any such right or power to be construed to be a waiver thereof. A waiver by either party of any of the covenants or conditions to be performed by the other party shall not be construed as a waiver of any succeeding breach or nonperformance of the same or other covenants and conditions hereof.

SECTION 7.11 Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Courtesy, or Courtesy's assigns and successors.

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

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

Notice to Courtesy: JP Real Estate Investments, LLC
 2520 Cohasset Road
 Chico, CA 95973

SECTION 7.12 Recording. The City Clerk shall cause a copy of this Agreement to be recorded with the Butte County Recorder no later than ten (10) days following execution of this Agreement by both parties, which execution will take place no sooner than the effective date of the

ordinance approving this Agreement.

SECTION 7.13 Exhibits. The exhibits attached to this Agreement are incorporated herein by reference, and are identified as follows:

- Exhibit "A" Legal Description and Plat for the Property
- Exhibit "B" List of Properties by Assessor's Parcel Number comprising the Project
- Exhibit "C" Site Plan
- Exhibit "D" City Standard Public Improvements
- Exhibit "E" Form Deed of Trust
- Exhibit "F" List of Anticipated Project Approvals Necessary
- Exhibit "G" Approved Mitigation Measures from the County
- Exhibit "H" Interim Improvements

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

JP Real Estate Investments, LLC
A California Limited Liability Company

By:

CITY OF CHICO,
A Municipal Corporation

APPROVED AS TO FORM:

By: Mark Orme, City Manager ##

Andrew L. Jared, City Attorney**

Pursuant to Council Action on _____

** Pursuant to Chico Charter sec. 906.D

Approved pursuant to City of Chico City
Council Ordinance No. _____
adopted _____

* Signatures to be acknowledged

EXHIBIT "A"

DEVELOPMENT AGREEMENT

City of Chico/JP Real Estate Investments LLC (DA 18-01)

The Land referred to herein below is situated in the City of Chico, County of Butte, State of California, and is described as follows:

PARCEL I-A:

PARCEL 1, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON JULY 02, 1980, IN BOOK 77 OF MAPS, PAGE(S) 31 AND 32.

PARCEL I-B:

BEING A PORTION OF PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON AUGUST 11, 1976, IN BOOK 59 OF MAPS, PAGE(S) 18, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 1, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON JULY 02, 1980, IN BOOK 77 OF MAPS, PAGE(S) 31 AND 32; THENCE ALONG THE NORTH LINE OF SAID PARCEL 1 SOUTH 88 DEG 53' 46" WEST, A DISTANCE OF 325.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE EAST RIGHT-OF-WAY LINE OF GARNER LANE; THENCE NORTH 00 DEG. 34' 03" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.13 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE NORTH 88 DEG. 22' 32" EAST, A DISTANCE OF 325.04 FEET; THENCE SOUTH 00 DEG. 34' 03" EAST, A DISTANCE OF 6.08 FEET TO THE POINT OF BEGINNING.

PARCELS I-A AND I-B ABOVE ARE PURSUANT TO A BOUNDARY LINE MODIFICATION BY DEED RECORDED APRIL 09, 1993, UNDER BUTTE COUNTY RECORDER'S SERIAL NO. 93-14054, AND CANNOT BE SOLD SEPARATELY.

PARCEL I-C:

AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES AND DRAINAGE PURPOSES OVER THREE SEVENS LANE AND TWO 12' DRAINAGE EASEMENTS, AS ON PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON JULY 02, 1980, IN BOOK 77 OF MAPS, PAGE(S) 31 AND 32.

PARCEL I-D:

AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC NON-EXCLUSIVE EASEMENTS FOR ROAD AND PUBLIC UTILITY AND DRAINAGE PURPOSES OVER THREE SEVENS LANE, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON JANUARY 31, 1995, IN BOOK 136 OF MAPS, PAGE(S) 22, 23 AND 24.

PARCEL II:

PARCELS 1, 2, 3 AND 4, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON OCTOBER 14, 1993, IN BOOK 132 OF MAPS, PAGE(S) 27 AND 28.

CITY OF CHICO

APPROVED

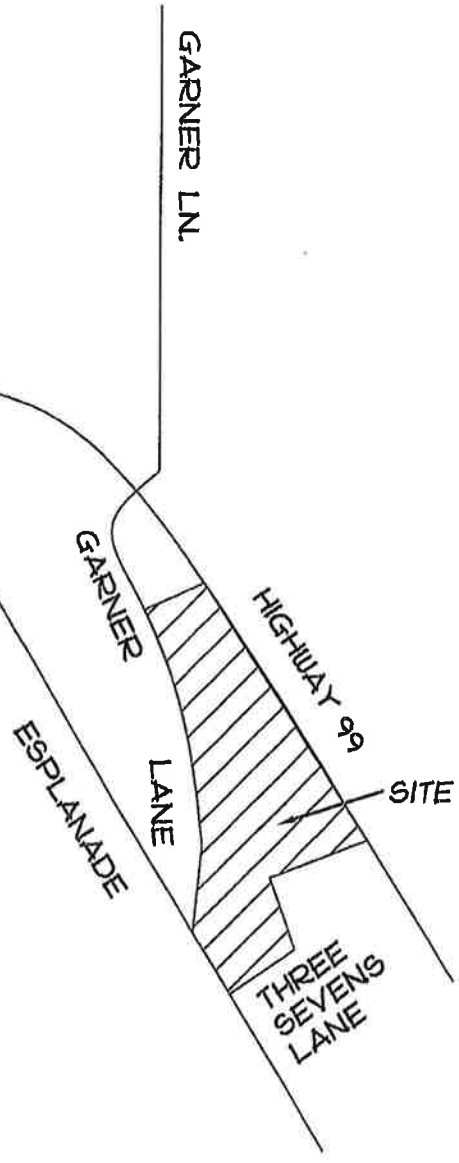
DATE

MJ

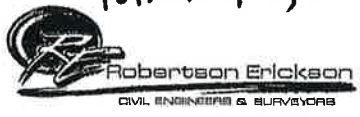
2/3/21



Malcolm J. Macdonald
FEBRUARY 3, 2021



Malcolm J. Macdonald
February 3, 2021



800 Mainville Ct.
Suite 101
Chico, CA 95926
530-884-3800 Fax 530-884-6885
robertsonerickson.com

VICINITY MAP
CITY OF CHICO, CA
NOT TO SCALE

CITY OF CHICO		PUBLIC WORKS DEPARTMENT	
DRAWN BY <u>lem</u>	DATE <u>1/29/2021</u>	DEVELOPMENT AGREEMENT City of Chico/JP Real Estate Investments LLC (DA 18-01)	EXHIBIT A
CHECKED <u>MJ</u>	SCALE <u>NTS</u>		
APPROVED <u>Matt K</u>	PUBLIC WORKS DIRECTOR	SHEET 3 OF 4	

LEGEND

- (R1) 77-M-31
- (R2) 132-PM-27



Malcolm J. Macdonald
 February 3, 2021

ESPLANADE

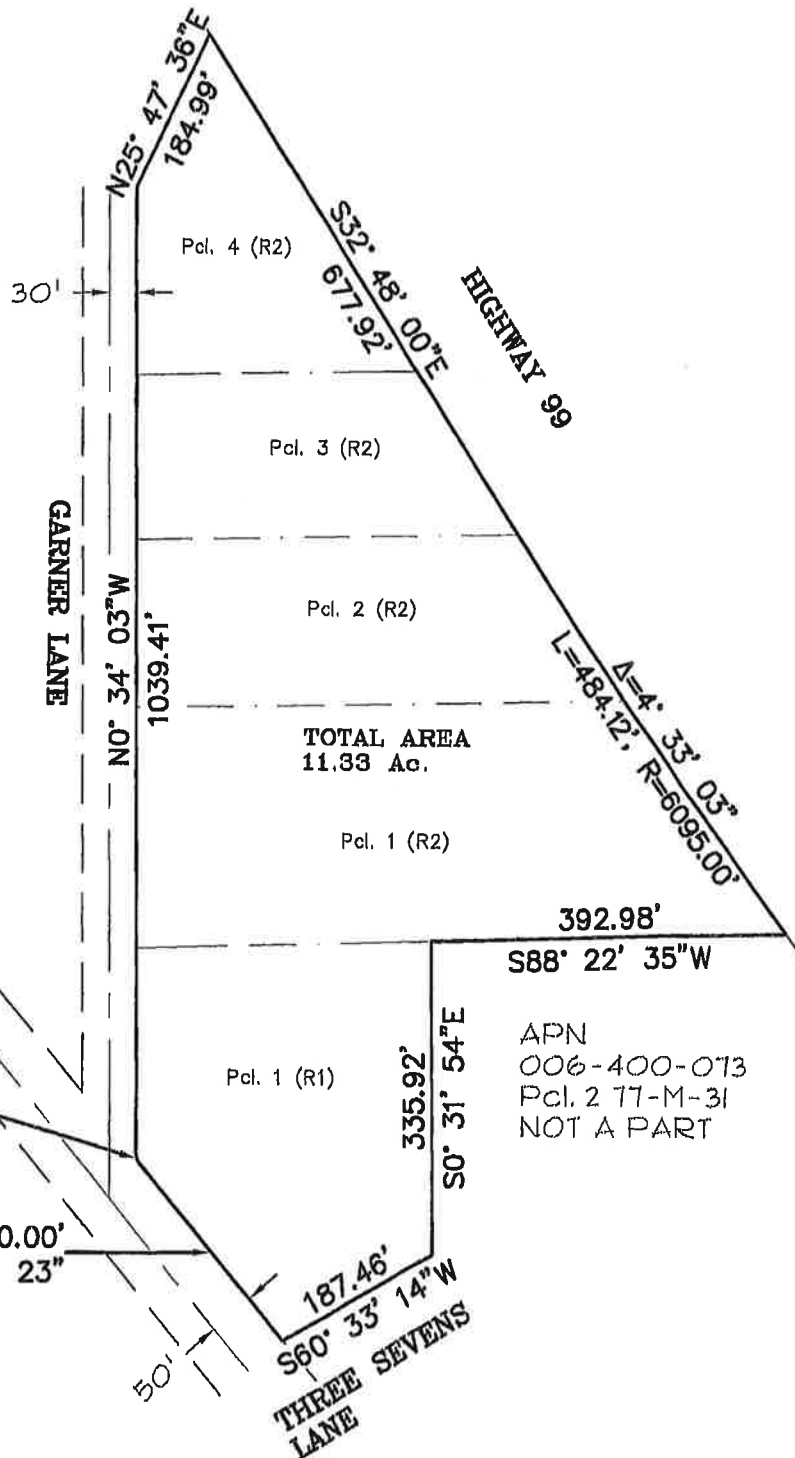
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 $\Delta=39^\circ 23' 34''$

L=244.44', R=25950.00'
 $\Delta=0^\circ 32' 23''$



800 Menzies St.
 Suite 101
 Chico, CA 95926
 530-894-3800 Fax 530-894-8988
 robertsoneriksson.com

City of Chico
 NOT A PART



TOTAL AREA
 11.33 Ac.

APN
 006-400-073
 Pcl. 2 77-M-31
 NOT A PART

CITY OF CHICO

PUBLIC WORKS DEPARTMENT

DRAWN BY lcm DATE 1/29/2021
 CHECKED [Signature] SCALE NTS
 APPROVED [Signature]
 PUBLIC WORKS DIRECTOR

DEVELOPMENT AGREEMENT
 City of Chico/JP Real Estate
 Investments LLC (DA 18-01)

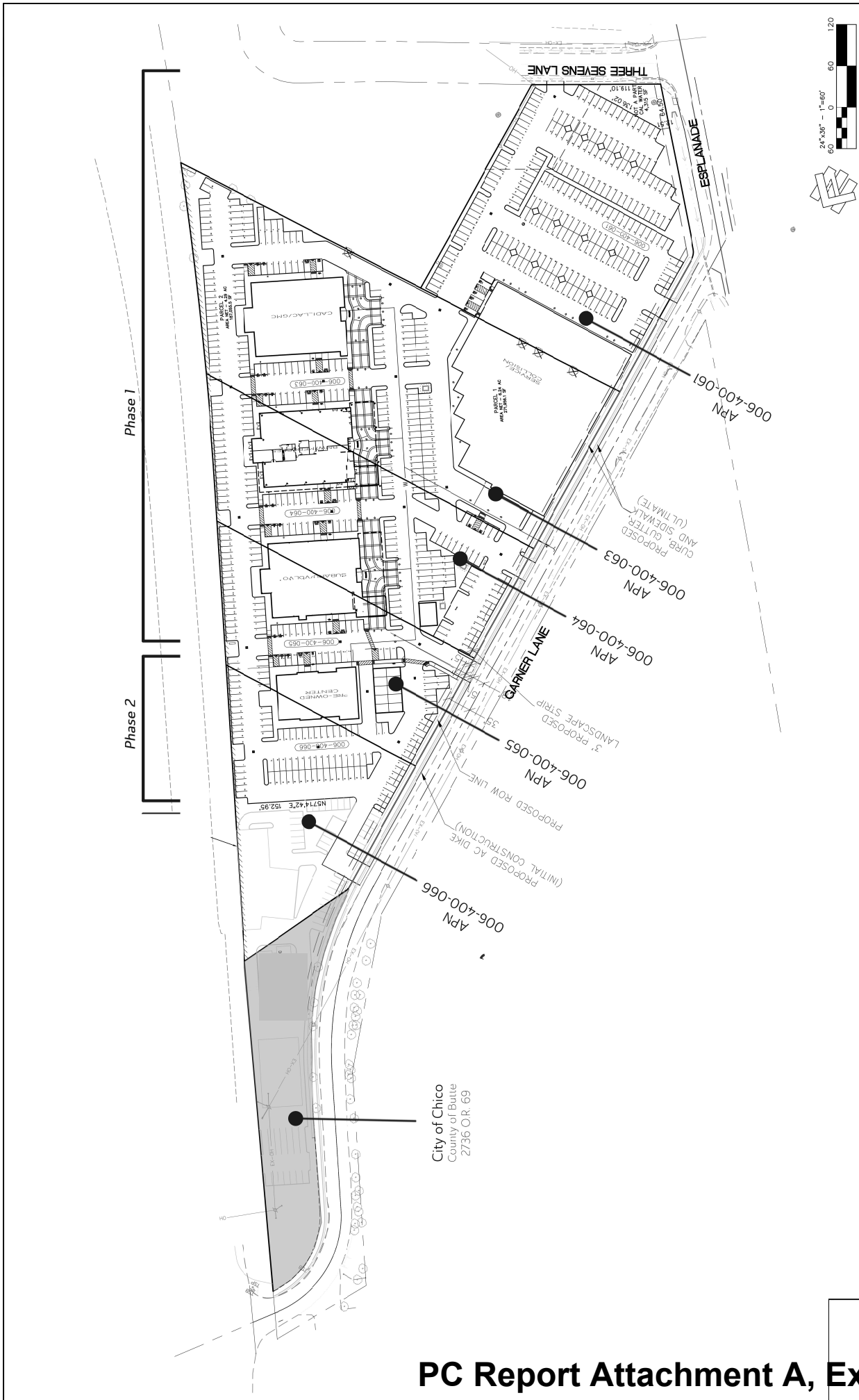
EXHIBIT
 A

SHEET 4 OF 4

EXHIBIT “B”

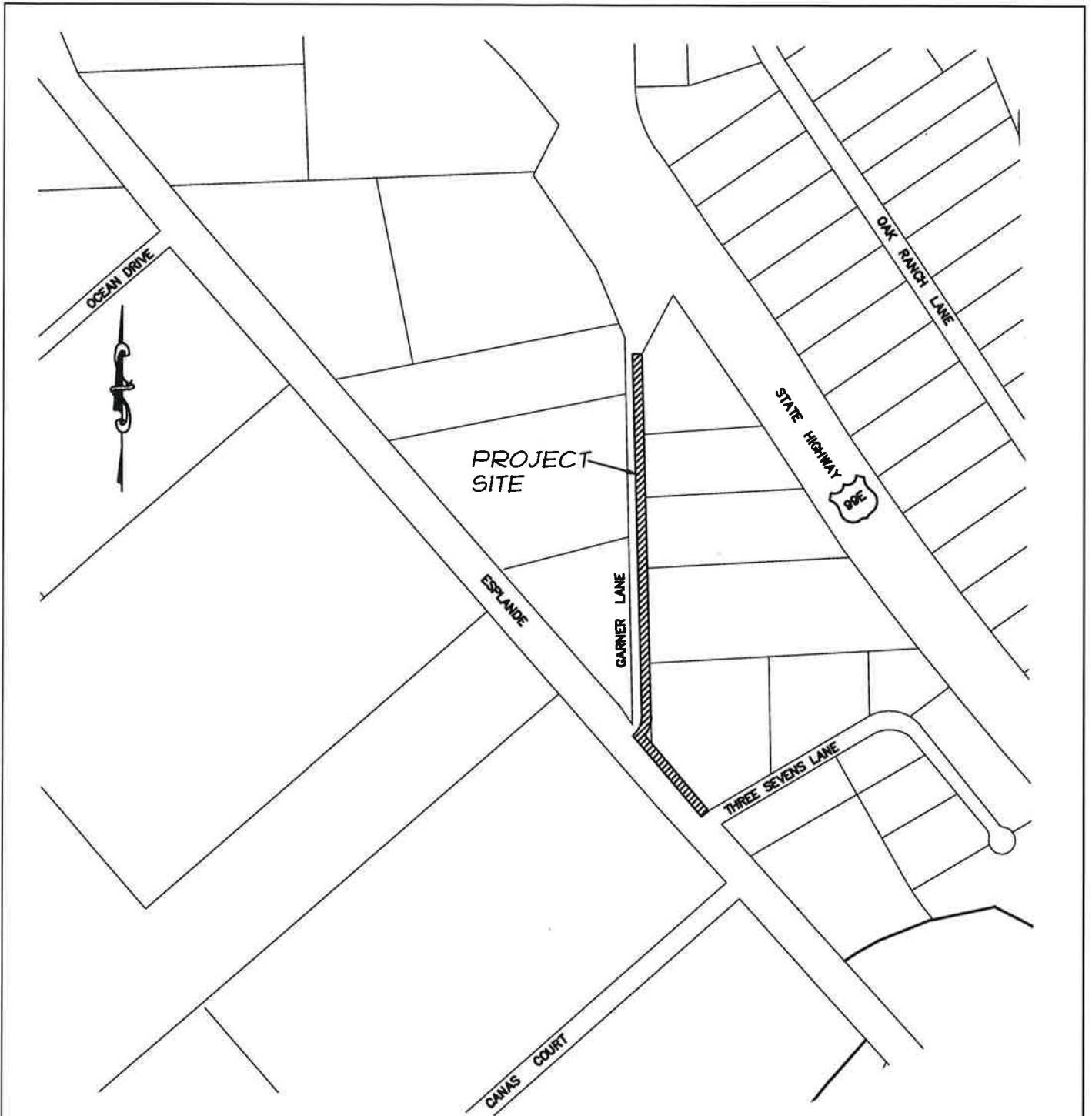
List of Parcels by Assessor' s Parcel Numbers

<u>Assessor's Parcel Number (APN)</u>	<u>Parcel Area</u>	<u>Ownership</u>
006-400-061	2.63 Acres	JP Real Estate Investments, LLC
006-400-063	3.69 Acres	JP Real Estate Investments, LLC
006-400-064	2.00 Acres	JP Real Estate Investments, LLC
006-400-065	1.50 Acres	JP Real Estate Investments, LLC
006-400-066	1.50 Acres	JP Real Estate Investments, LLC



Designed: MNL Drawn By: MNL Approved: Date: 12/2016	Revision Date By	NORTHSTAR <small>— BEST PRACTICE SOLUTIONS</small> 1111 MISSION MACHINES SUITE 100, CHICO, CA 95926 PHONE: (925) 891-1000 www.northstarmp.com		COURTESY AUTOMOTIVE GARNER LANE CHICO, CALIFORNIA		SITE PLAN COURTESY AUTOMOTIVE	
		APN Number 006-400-066 et al	Job Number 15-151	N/A	Scale 1" = 60' HORIZ.	Vertical	Sheet 1 of 1

PC Report Attachment A, Exhibit I

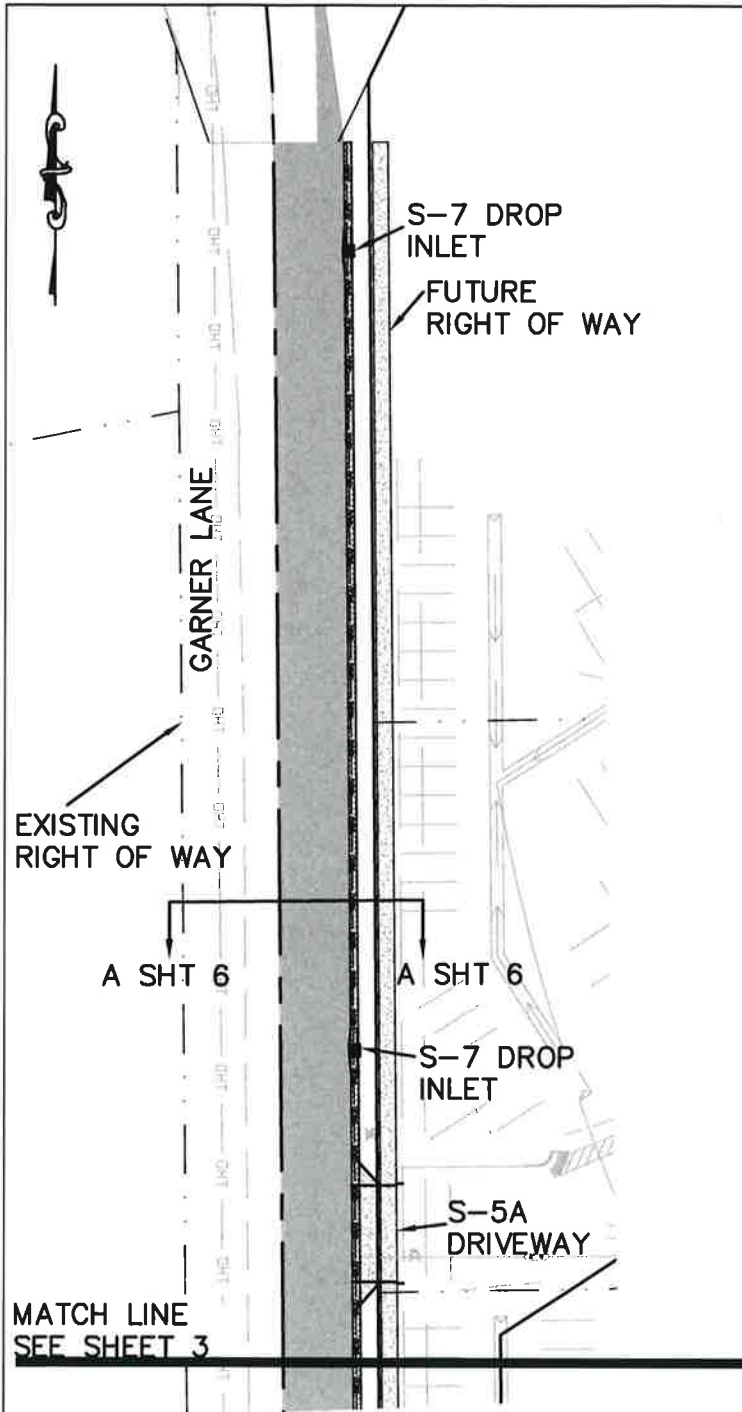


886 Manzanita Ct.
Suite 101
Chico, CA 95926
530-894-3500 Fax 530-894-8955
robertsonerickson.com






VICINITY MAP
CITY OF CHICO, CA
NOT TO SCALE

CITY OF CHICO		PUBLIC WORKS DEPARTMENT	
DRAWN BY <u>icm</u>	DATE <u>2/1/2021</u>	DEVELOPMENT AGREEMENT	
CHECKED <u>MJ</u>	SCALE <u>NTS</u>	CITY OF CHICO/ JP REAL ESTATE INVESTMENTS LLC	
APPROVED <u>[Signature]</u>		(DA 18-01)	
for PUBLIC WORKS DIRECTOR		EXHIBIT D	
		SHEET 1 OF 7	




PC Report Attachment A, Exhibit I



ITEMS TO BE CONSTRUCTED

-  6" TYPE "A" AC OVER 15" CL. 2 AB
-  CITY STD. S-2 CURB & GUTTER
-  CITY STD. S-1 SIDEWALK S5-A DRIVEWAY
-  CITY STD. S-7 DROP INLET
-  STORM DRAIN PIPE PER CITY OF CHICO STORM DRAIN MASTER PLAN

LEGEND

-  CENTERLINE
-  EXISTING EDGE OF PAVEMENT
-  EXISTING TELEPHONE LINE



888 Manzanita Ct.
 Suite 101
 Chico, CA 95926
 530-894-3500 Fax 530-894-8955
 robertsonerickson.com

CITY OF CHICO

PUBLIC WORKS DEPARTMENT

DRAWN BY icm DATE 2/1/2021
 CHECKED RU SCALE 1" = 60'
 APPROVED [Signature]
 PUBLIC WORKS DIRECTOR






DEVELOPMENT AGREEMENT
 CITY OF CHICO/
 JP REAL ESTATE INVESTMENTS LLC
 (DA 18-01)

EXHIBIT
 D




SHEET 2 OF 7

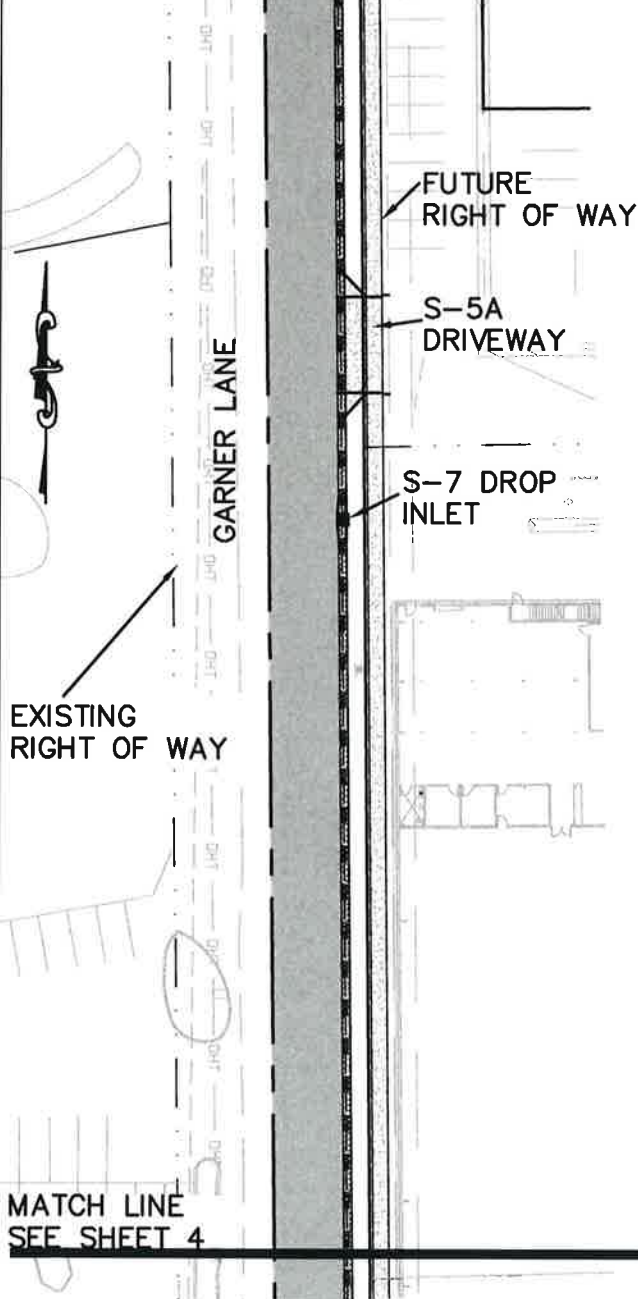
MATCH LINE
SEE SHEET 2

ITEMS TO BE CONSTRUCTED

-  6" TYPE "A" AC
OVER 15" CL. 2 AB
-  CITY STD. S-2 CURB &
GUTTER
-  CITY STD. S-1 SIDEWALK
S5-A DRIVEWAY
-  CITY STD. S-7 DROP INLET
-  (N)SD STORM DRAIN PIPE PER CITY
OF CHICO STORM DRAIN
MASTER PLAN

LEGEND

-  CENTERLINE
-  EXISTING EDGE
OF PAVEMENT
-  OHT EXISTING
TELEPHONE LINE



888 Manzanita Ct.
Suite 101
Chico, CA 95926
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robertsonerickson.com

CITY OF CHICO

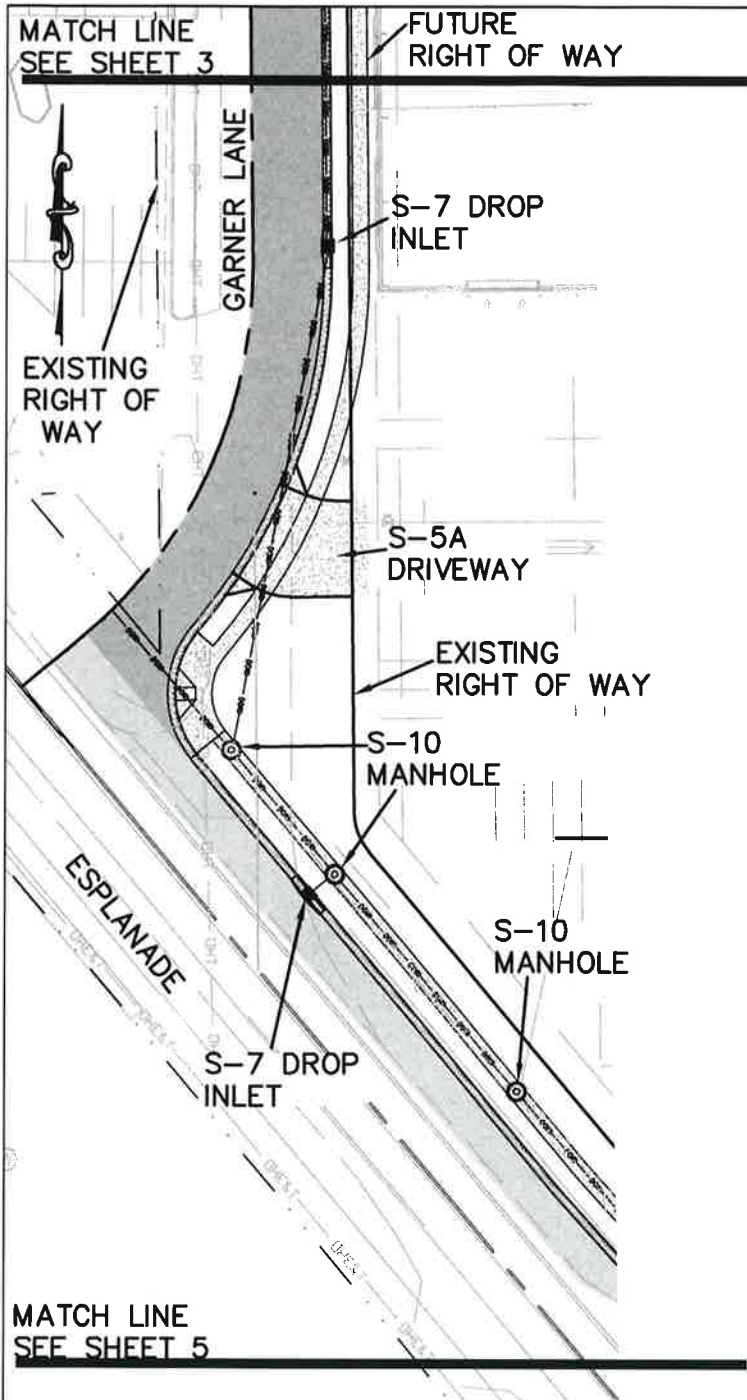
PUBLIC WORKS DEPARTMENT

DRAWN BY icm DATE 2/1/2021
 CHECKED ML SCALE 1" = 60'
 APPROVED [Signature]
 for PUBLIC WORKS DIRECTOR







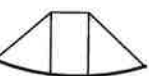
DEVELOPMENT AGREEMENT
 CITY OF CHICO/
 JP REAL ESTATE INVESTMENTS LLC
 (DA 18-01)

EXHIBIT
D





SHEET 3 OF 7



ITEMS TO BE CONSTRUCTED

-  6" TYPE "A" AC OVER 15" CL. 2 AB
-  CITY STD. S-2 CURB & GUTTER
-  CITY STD. S-1 SIDEWALK S5-A DRIVEWAY
-  CITY STD. S-7 DROP INLET
-  STORM DRAIN PIPE PER CITY OF CHICO STORM DRAIN MASTER PLAN
-  CITY STD. S-10 MANHOLE
-  CITY STD. S-27 RAMP

LEGEND

-  CENTERLINE
-  EXISTING EDGE OF PAVEMENT
-  EXISTING TELEPHONE LINE
-  EXISTING ELECTRICAL & TELEPHONE LINE



888 Manzanita Ct.
 Suite 101
 Chico, CA 95926
 530-894-3500 Fax 530-894-8955
 robertsonerickson.com

CITY OF CHICO







PUBLIC WORKS DEPARTMENT

DRAWN BY icm DATE 2/1/2021
 CHECKED WJ SCALE 1" = 60'
 APPROVED [Signature]
 for PUBLIC WORKS DIRECTOR




DEVELOPMENT AGREEMENT
 CITY OF CHICO/
 JP REAL ESTATE INVESTMENTS LLC
 (DA 18-01)

EXHIBIT
 D
 SHEET 4 OF 7

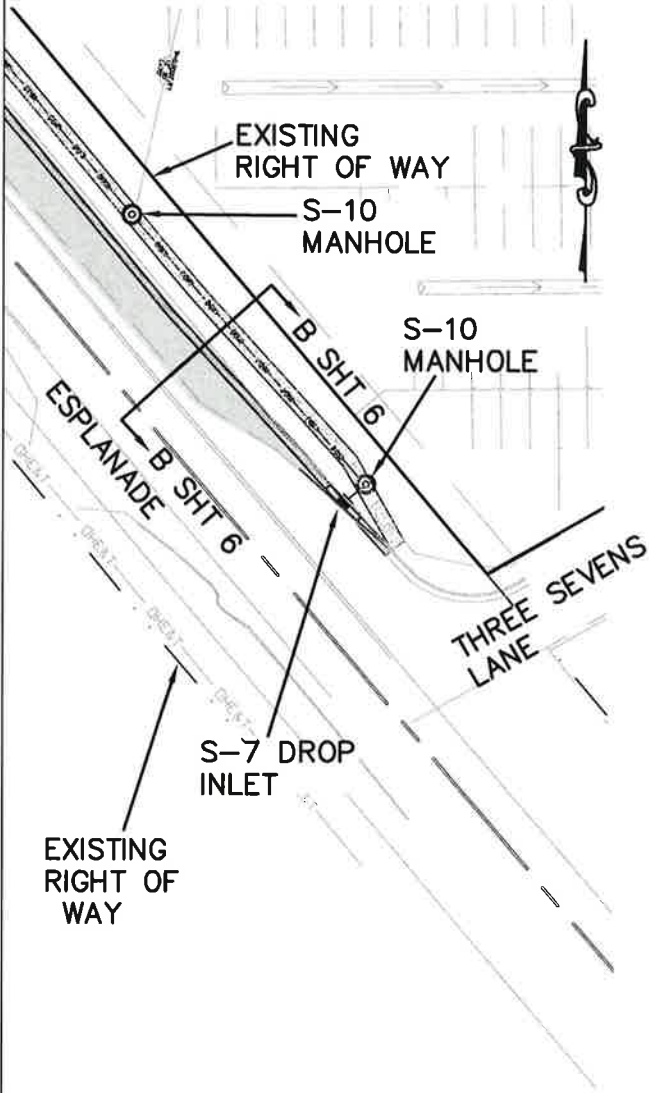
ITEMS TO BE CONSTRUCTED

-  6" TYPE "A" AC OVER 15" CL. 2 AB
-  CITY STD. S-2 CURB & GUTTER
-  CITY STD. S-1 SIDEWALK S5-A DRIVEWAY
-  CITY STD. S-7 DROP INLET
-  (N)SD STORM DRAIN PIPE PER CITY OF CHICO STORM DRAIN MASTER PLAN
-  CITY STD. S-10 MANHOLE

LEGEND

-  CENTERLINE
-  EXISTING EDGE OF PAVEMENT
-  EXISTING ELECTRICAL & TELEPHONE LINE

MATCH LINE
SEE SHEET 4



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CITY OF CHICO

PUBLIC WORKS DEPARTMENT

DRAWN BY icm DATE 2/1/2021

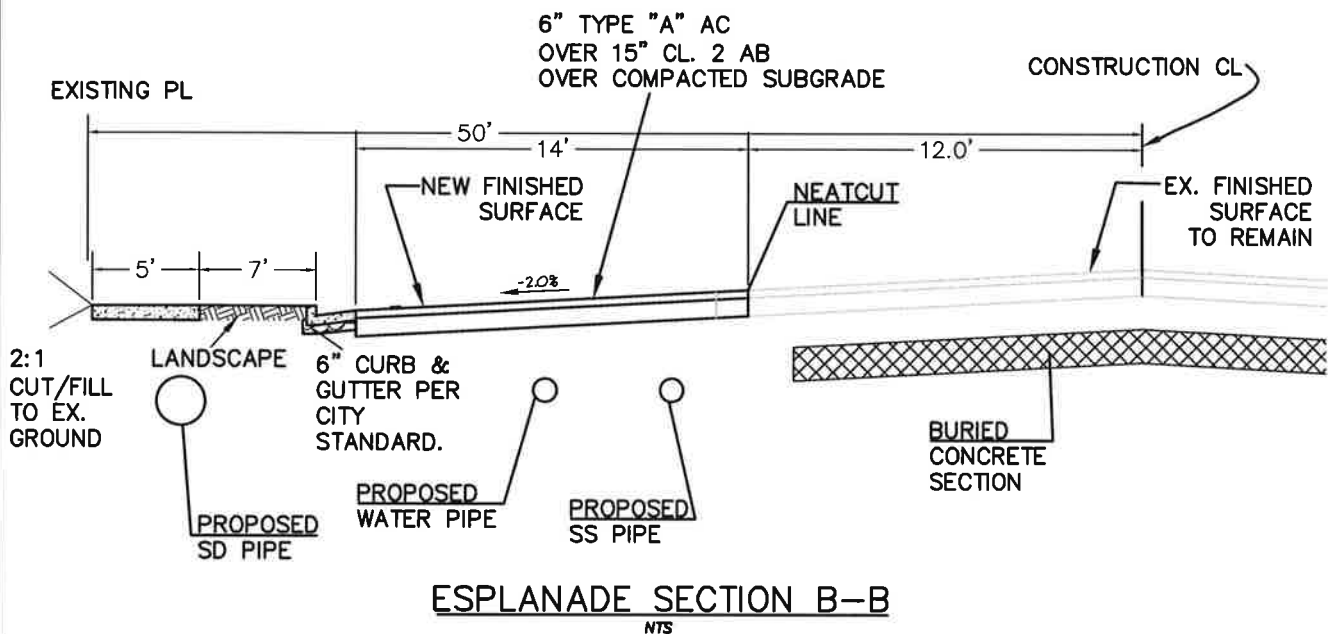
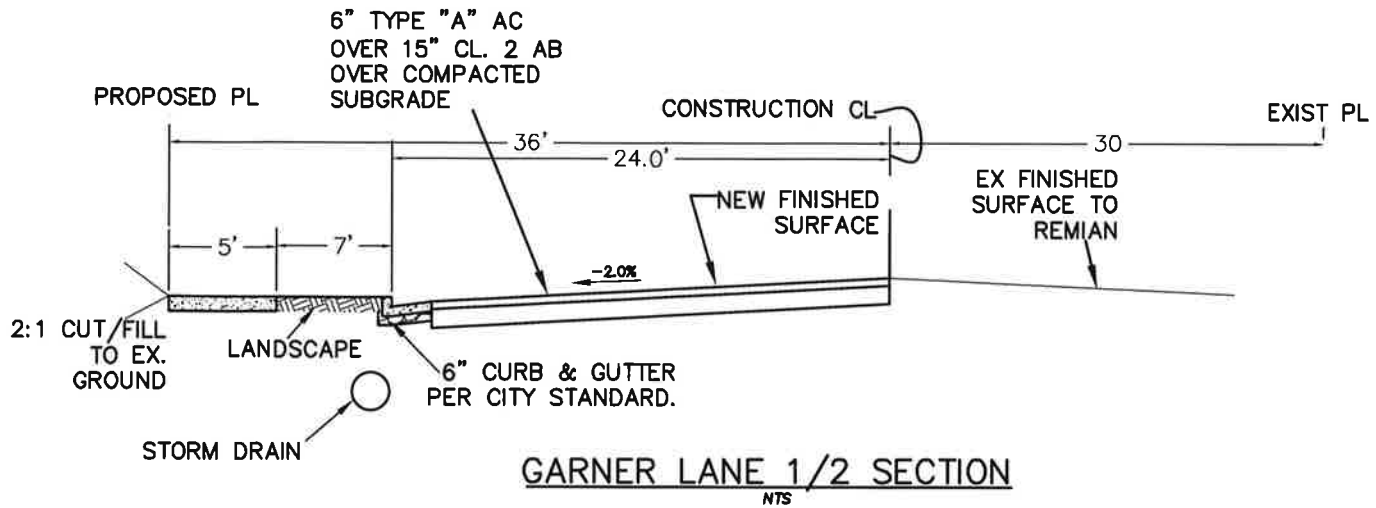
CHECKED MD SCALE 1" = 60'

APPROVED [Signature]
PUBLIC WORKS DIRECTOR

DEVELOPMENT AGREEMENT
CITY OF CHICO/
JP REAL ESTATE INVESTMENTS LLC
(DA 18-01)

EXHIBIT
D

SHEET 5 OF 7



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CITY OF CHICO		PUBLIC WORKS DEPARTMENT	
DRAWN BY <u>icm</u>	DATE <u>2/1/2021</u>	DEVELOPMENT AGREEMENT CITY OF CHICO/ JP REAL ESTATE INVESTMENTS LLC (DA 18-01)	EXHIBIT D
CHECKED <u>[Signature]</u>	SCALE <u>NTS</u>		
APPROVED <u>[Signature]</u>	PUBLIC WORKS DIRECTOR	SHEET 6 OF 7	

CONSTRUCTION SUMMARY

6" TYPE "A" AC OVER 15" CL. 2 AB	22,211 SQ. FT. GARNER LANE, 3,558 SQ. FT. ESPLANADE
CITY STD. S-2 CURB & GUTTER	1,015 L.F. GARNER LANE, 278 L.F. ESPLANADE
CITY STD. S-1 SIDEWALK	4,883 SQ. FT. GARNER LANE, 1,391 SQ. FT. ESPLANADE
CITY STD. S5-A DRIVEWAY	2,002 SQ. FT. GARNER LANE
CITY STD. S-7 DROP INLET	4 EACH GARNER LANE, 2 EACH ESPLANADE
CITY STD. S-10 MANHOLE	4 EACH ESPLANADE
STORM DRAIN PIPE PER CITY OF CHICO STORM DRAIN MASTER PLAN	1267 L.F. STORM DRAIN
CITY STD. S-27 ACCESSIBLE RAMP	1 EACH GARNER LANE



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CITY OF CHICO		PUBLIC WORKS DEPARTMENT	
DRAWN BY <u>icm</u> DATE <u>2/1/2021</u>	DEVELOPMENT AGREEMENT CITY OF CHICO/ JP REAL ESTATE INVESTMENTS LLC (DA 18-01)	EXHIBIT	
CHECKED <u>MW</u> SCALE <u>MTS</u>		D	
APPROVED <u>[Signature]</u> for PUBLIC WORKS DIRECTOR		SHEET 7 OF 7	

EXHIBIT “E”

SUBORDINATED DEED OF TRUST

NOTICE: This Deed of Trust contains a subordination clause, which may result in your security interest in the property becoming subject to and of lower priority than the lien of some other or later security instrument, but in no event lower than second position in accordance with paragraph 10 below.

This DEED OF TRUST, is made between JP REAL ESTATE INVESTMENTS, LLC, a California Limited Liability Company (“Trustor”), FIRST AMERICAN TITLE COMPANY (“Trustee”), and the CITY OF CHICO, a political subdivision of the State of California (“Beneficiary”).

Trustor hereby irrevocably grants, transfers and assigns to Trustee in trust, with power of sale, that property situated in the County of Butte, City of Chico, California, described in Exhibit “1” for the purpose of securing the performance of that certain recorded “Development Agreement” for the Courtesy Project executed as of the last date opposite the respective signatures by Trustor and Beneficiary. The Development Agreement is hereby incorporated by reference.

To Protect the Security of this Deed of Trust, Trustor agrees:

1. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorneys’ fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.
2. To pay: at least ten (10) days before delinquency all taxes and assessments affecting said property including assessments on appurtenant water stock; when due, all encumbrances, charges and liens, with interest, on said property or any part therefore, which appear to be prior or superior hereto.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice or demand upon Trustor and without releasing Trustor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest, compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys’ fees.

3. To pay immediately and without demand all sums so expended by Beneficiary or Trustee, with interest from date of expenditure at the amount allowed by law in effect at the date hereof.

4. That at any time or from time to time, without liability therefore and without notice, upon written request of Beneficiary and presentation of this Deed and said Agreement for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey any part of said property; consent to the marking of any map or plat thereof join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

The foregoing notwithstanding, this Deed of Trust is subject to partial releases and reconveyances of the security hereunder pursuant to the terms and conditions of the Agreement. Upon request by Trustor pursuant to the Agreement, Beneficiary shall join with Trustor, and instruct Trustee to so join, to execute and record any documents necessary to cause the releases and reconveyances required under the Agreement.

5. That upon written request of Beneficiary or Beneficiary's designee stating that all sums secured hereby have been paid, and upon surrender of this Deed and said Agreement of Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto." Five years after issuance of such full reconveyance, Trustee may destroy said Agreement and this Deed (unless directed in such request to retain them).

6. That upon default by Trustor in the performance of any agreement hereunder, Beneficiary may declare all sums secured hereby immediately due and payable by delivery to Trustee of written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property, which notice Trustee shall cause to be filed for record, Beneficiary also shall deposit with Trustee this Deed, said Agreement and all documents evidencing expenditures secured hereby.

After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of sale having been given as then required by law, Trustee, without demand on Trustor, shall sell said property at the time and place fixed by it in said notice of sale at public auction to the highest bidder for cash in lawful money of the United States payable at time of sale. Trustee may postpone sale of all or any portion of said property by public announcement preceding postponement. Trustee shall deliver to such purchaser its deed conveying the property so sold, but without any covenant or warranty, express or implied. Any person, including Trustor, Trustee, or Beneficiary as hereinafter defined may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the amount allowed by law in effect at the date hereof all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. That this Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall not mean the owners and holder, including pledges, of the Agreement secured hereby, whether or not named as Beneficiary herein. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. That Trustee accepts this Trust when this Deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary, or Trustee shall be a party unless brought by Trustee.

9. This Deed of Trust is subject to subordination but in no event lower than second position and in accordance with the terms and conditions of the Agreement. Upon request by Trustor, Beneficiary may consider joining with Trustor, and instruct Trustee to so join, to execute and record any document necessary to cause the subordination of this Deed of Trust but in no event lower than second position and in accordance with the Agreement.

10. This Deed of Trust is subject to subordination but in no event lower than second position and in accordance with the terms and conditions of the Development Agreement. Upon request by Trustor, Beneficiary will join with Trustor, and instruct Trustee to so join, to execute and record any document necessary to cause the subordination of this Deed of Trust but in no event lower than second position and in accordance with the Development Agreement.

SIGNATURE

The undersigned Trustor request that a copy of any Notice of Default and any Notice of Sale hereunder be mailed to them in c/o Wanger Jones Helsley PC, Attention: Troy T. Ewell, Esq., 265 River Park Circle, Suite 310, Fresno, CA 93720.

TRUSTOR:

JP REAL ESTATE INVESTMENTS, LLC
DO NOT EXECUTE – EXHIBIT ONLY

EXHIBIT "1"

Parcel A:

Real property in the City of Chico, County of Butte, State of California, described as follows:

Parcels 1, 2, 3 and 4, as shown on that certain Parcel Map, filed in the Office of the Recorder of the County of Butte, State of California, on October 14, 1993, in Book 132 of Maps, at Pages 27 and 28.

Parcel B:

Real property in the City of Chico, County of Butte, State of California, described as follows:

Parcel I:

Parcel 1 as shown on that certain Parcel Map, recorded in the Office of the Recorder of the County of Butte, State of California, on July 2, 1980, in Book 77 of Maps, at Pages 31 and 32.

Parcel II:

Being a portion of Parcel 4, as shown on that certain Parcel Map, recorded in the Office of the Recorder of the County of Butte, State of California, on August 11, 1976, in Book 59 of Maps, at Page 18, and described as follows:

Beginning at the northeast corner of Parcel 1, as shown on that certain Parcel Map, recorded in the Office of the Recorder of the County of Butte, State of California, on July 2, 1980, in Book 77 of Maps, at Pages 31 and 32; THENCE along the north line of said Parcel 1, South 88°53'46" West, a distance of 325.00 feet to the northwest corner of said Parcel 1, said corner being on the east right-of-way line of Garner Lane; THENCE North 00°43'03" West along said east right-of-way line, a distance of 3.13 feet; THENCE leaving said east right-of-way line, North 88°22'32" East, a distance of 325.04 feet; THENCE South 00°34'03" East, a distance of 6.08 feet to the point of beginning.

Parcels I and II above are pursuant to a Boundary Line Modification by deed recorded April 9, 1993, under Butte County Recorder's Serial No. 93-14054, and cannot be sold separately.

Parcel III:

An easement for ingress and egress and public utilities and drainage purposes over Three Sevens Lane and two drainage easements as on Parcel 4, as shown on that certain Parcel Map, recorded in the Office of the Recorder of the County of Butte, State of California, on July 2, 1980, in Book 77 of Maps, at Pages 31 and 32.

Parcel IV:

An easement for ingress and egress and public non-exclusive easements for road and public utility and drainage purposes over Three Sevens Lane, as shown on that certain Parcel Map, recorded in the Office of the Recorder of the County of Butte, State of California, on January 31, 1995, in Book 136 of Maps, at Pages 22, 23 and 24.

EXHIBIT “F”

Anticipated Project Approvals Necessary

1. Boundary Line Modification
2. Civil Improvement Drawings for Intersection Enhancements at Garner Lane and State Route 99 (per County Mitigation Measure #4)
3. Building Permits for Phase 1: Showrooms, Service Center and general site improvements
4. Building Permits for Pre-Owned Vehicle Center (Building Permit)

EXHIBIT “G”

Approved Mitigation Measures from the County’s Initial Study and Mitigated Negative Declaration

Mitigation Measure #1 (Migratory Birds and Nesting Raptors):

If construction activities on resultant parcels occurs during the nesting season for birds protected under the Migratory Bird Treaty Act and California Department Fish & Game Code (approximately March 1 – August 31), the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting bird species. Surveys to identify active bird nests shall be conducted within the project site, along the project periphery, and along Garner Lane. At least one survey shall be conducted no more than 7 days prior to the initiation of construction activities. If ground disturbance or vegetation removal stops during the construction period for more than 15 days, another survey shall be conducted within 7 days prior to the continuation of construction activities. If nesting raptors or birds protected by CDFC and MBTA are found within or adjacent to the footprint of proposed construction, the project proponent, in consultation with a qualified biologist, shall:

1. Locate and map the location of the nest site;
2. Establish a reasonable no-disturbance buffer around all active raptor or migratory bird nest;
3. Within 2 working days of the survey, prepare a report and submit to the County and CDFW. The report will include the results of survey, location(s) of nests, and location of no disturbance buffers;
4. On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained;
5. Construction can resume within the no disturbance buffer when a qualified biologist has confirmed that the nest is no longer active.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure #2 (Prehistoric or Historic Resources):

Place a note on project improvement plans that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner ((530) 538-6579). Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road

construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

Mitigation Measure #3 (Greenhouse Gas Emissions):

Place a note on project improvement plans that states: To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from development:

- Support expansion of renewable energy systems.
 - Prewire all new development to support photovoltaic system installation.
- Institute recycling program with a 50% reduction goal.
- Support low-flow water and irrigation systems.
 - Install low-flow faucets and toilets.
 - Use water efficient irrigation systems.
- Improve fuel efficiency of equipment during construction-related activities.
 - Use clean or alternative fuel equipment or
 - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes.

Plan Requirements: The above-referenced mitigation shall be included on project improvement and building plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods. Requirements of this condition shall also be adhered to prior to issuance of building permits.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. The Planning Division will ensure that future development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

Mitigation Measure #4 (Intersection Improvements):

Place a note on project improvement plans that states, “Lane configurations at both Garner Lane approaches at the State Route 99/Garner Lane intersection will be improved. At the eastbound approach additional lanes will be constructed to allow for exclusive left lane, thru lane and right turn lane. At the westbound approach an additional lane will be constructed to allow for exclusive left turn lane and a shared thru right lane. Additionally, the traffic signal phasing will be changed from permissive left-turns to protected left-turns on the Garner Lane approaches (east-west directions).”

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be completed prior to certificate of occupancy of construction activities.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure #5 (Directional Floodlighting):

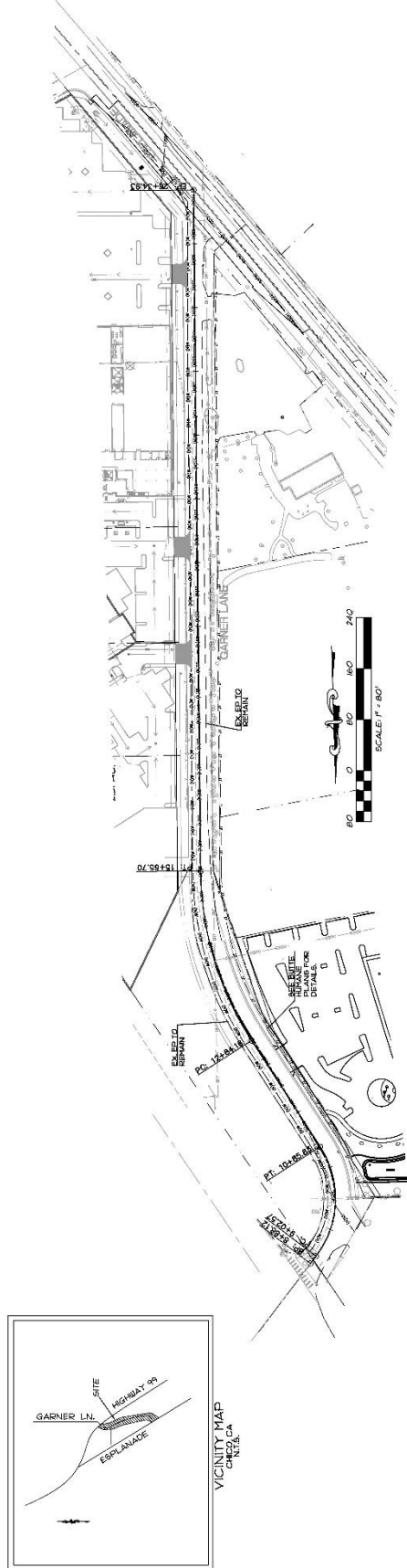
Prior to use of any directional floodlighting, the operator of the special event must contact both Butte County Planning Division and the Chico Airport Manager for prior approval.

Timing: Contact the County and the Chico Airport Manager at least 30 days prior to the use of any directional flood lighting.

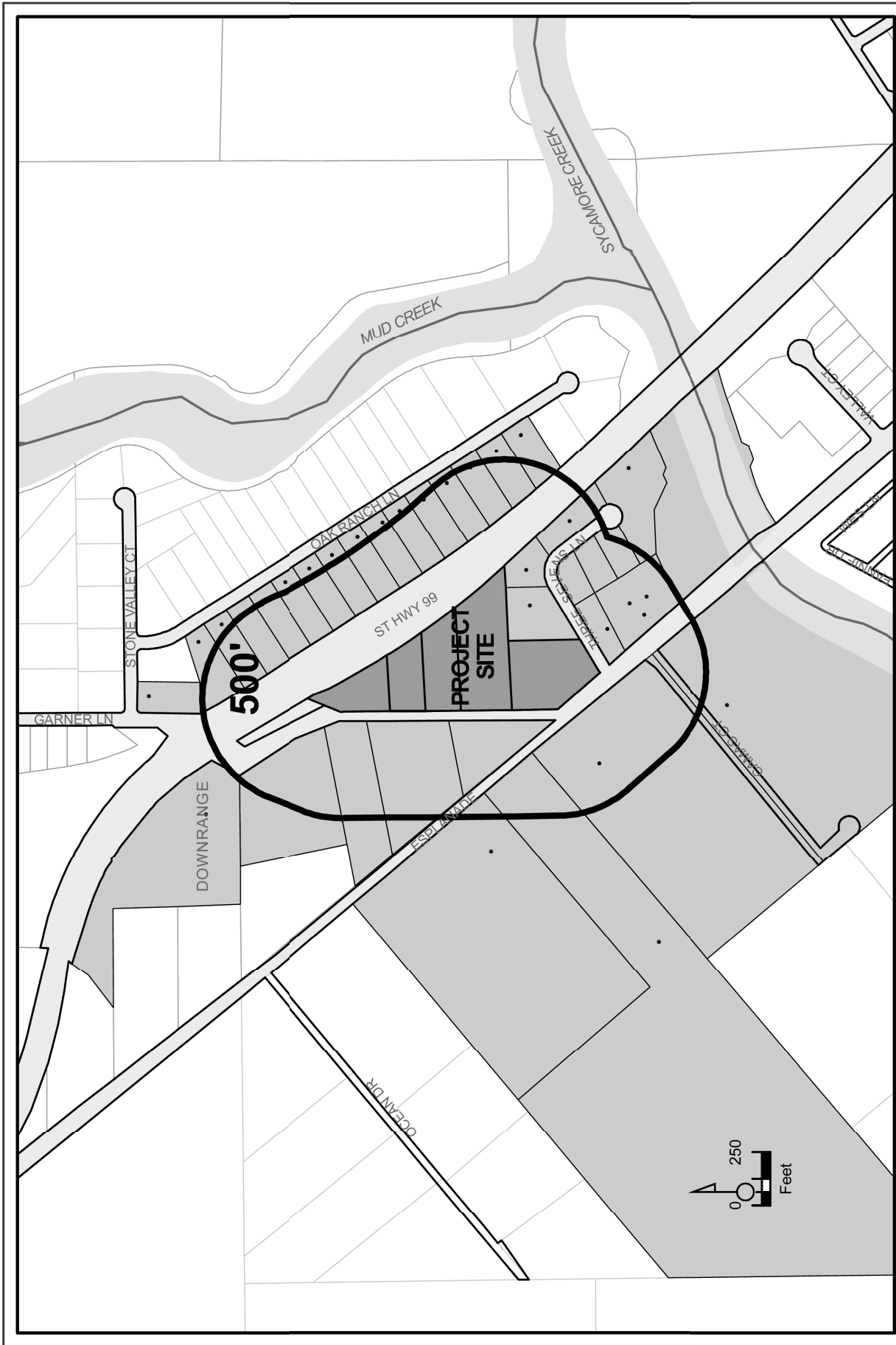
Monitoring: The Butte County Department of Development Services shall respond to any complaints regarding the directional floodlighting.

EXHIBIT H

Interim Improvements



The Interim Improvements shown on this exhibit are intended to represent typical County-level improvements associated with initial development of the Project.



- Notified Addresses
- ▭ Notified Parcels

DA 18-01 (Courtesy Automotive Center)
 East side of Garner Lane
 APNs 006-400-(061, 063 through 066)-000

**DEVELOPMENT SERVICES
DEPARTMENT
BUTTE COUNTY**



**INITIAL STUDY AND
PROPOSED MITIGATED NEGATIVE DECLARATION**

**Courtesy Automotive Center
General Plan Amendment GPA16-0001
Rezone REZ16-0002
Specific Plan Amendment SPA16-0001**

The following minor amendments and corrections were made to the circulated IS/MND. The modified Mitigation Measure #4 is considered equal or better.

Page 2 of 52 (1st paragraph) - Section K, Environmental Setting, of the Project Information section. The additional information identifies how far the project site is from the City of Chico boundary and how many intervening parcels.

Page 12 of 52 (1st paragraph) - Section 4.2, Agricultural Resources. The additional information is to identify the distance the project site is from the Chico Greenline and existing orchards on the west side of Esplanade.

Page 19 of 52 (Checklist) – Section 4.4. Biological Resources. The checklist incorrectly checked Item a as “Less Than Significant” when it should have been “Less Than Significant with Mitigation Incorporated”.

Pages 44 and 49 of 52 (Mitigation Measure #4 – Mitigation and Timing) – The language in the Mitigation Measure has been changed to include an exclusive right turn lane at the eastbound Garner Lane approach to State Highway 99. The language in the Timing has been changed to include that the intersection improvements were to be complete prior to certificate of occupancy not prior to road construction and throughout all grading and construction periods.

Figure 2 (following page 9 of 52), Existing Butte County General Plan Land Use, had incorrect information in the Legend and on the map. A corrected Figure 2 has been inserted into the document.

Figure 4 (following page 9 of 52), Existing Butte County General Plan Zoning, had incorrect information in the Legend and on the map. A corrected Figure 4 has been inserted into the document.

COUNTY OF BUTTE
DEPARTMENT OF DEVELOPMENT SERVICES
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
FOR
Courtesy Automotive Center GPA16-0001 REZ16-0002 SPA16-0001

1.0 PROJECT INFORMATION

- A. **Owner/Representative:** Jerry Pajouh, Courtesy Automotive Center
- B. **Staff Contact:** Mark Michelena, (530) 538-7376, mmichelena@butteocounty.net
- C. **Project Name:** Courtesy Automotive Center General Plan Amendment, Rezone, and Specific Plan Amendment
- D. **Project Location:** The project site is located in Section 19, Township 21 North, Range 1 East, of the Nord United States Geological Survey (USGS) 7.5 minute quadrangle. The site is situated on the east side of Garner Lane, approximately 0.25 miles south of the intersection of Garner Lane and State Route 99, in the County of Butte. **Figure 1, Location Map.**
- E. **Type of Application(s):** General Plan Amendment, Rezone, and Specific Plan Amendment
- F. **Assessor's Parcel Numbers:** 006-400-061, -063, -064, -065, -066
- G. **Project Site Size:** 11.32 acres
- H. **Zoning:** GI - NCSP (General Industrial – North Chico Specific Plan)
- I. **General Plan Designation:** Industrial
- J. **Specific Plan:** M-1 (Light Industrial/NCSP)
- K. **Environmental Setting:** The project site consists of five parcels, APNs 006-400-061, 063, 064, 065, 066 and a County parcel designated as right-of-way (ROW). The parcels are bounded by the State Route 99 (SR 99) and Garner Lane intersection to the north, SR 99 along the east, Three Sevens Lane to the south, and Garner Lane on the west. Garner Lane extends from SR 99 south to Esplanade. Four of the project site parcels are largely unimproved, disturbed, vacant property that front Garner Lane. The southernmost parcel is an existing industrial site (006-400-061) that fronts Seven Feathers Lane. The County ROW portion is an unused remainder parcel resulting from the Garner Lane realignment in the 1960s.

The topography of the project area is gentle and flat, with an elevation of approximately 175 feet above sea level. Much of the site has been disked and used for dry farming for the past several years. Parcel 060-400-061 is an undeveloped industrial parcel with an existing well installed at the southwest corner of the parcel. It is largely covered with gravel and road-base and graded to drain towards the roadside ditch on Three Sevens Lane. Additionally, there is a small, fenced storage yard located along Garner Lane. Three billboards can be found within the project area, two located along the east side of the project boundary adjacent to SR 99, and the third near the southwest corner visible from Garner Lane.

The project site is primarily covered in ruderal annual vegetation, with a variety of non-native species. This vegetation is largely found on the borders of the site, since a majority of the site has been used as a dry farming operation and routinely disked. Vegetation present on-site includes turkey mullein (*Croton setiger*), yellow star thistle (*Centaurea solstitialis*), johnsongrass (*Sorghum halepense*), and rapeseed (*Brassica napus*). There are approximately 30 trees present along the boundaries of the project site. Small black walnut (*Juglans hindsii*), almond (*Prunus dulcis*), Silktree (*Albizia julibrissin*), and valley oak (*Quercus lobata*) are found along the western project boundary. Valley oak and walnut are found along the southern boundary and several valley oak are found along the eastern boundary. Vegetation found within the County ROW portion is

dominated by yellow star thistle and medusahead (*Elymus caput-medusae*), six valley oaks and a single small almond tree.

The project site is located approximately 924 feet from the nearest City of Chico boundary with ten (10) intervening parcels. The project is also located on the urban side of the Chico Area Greenline and within the City of Chico’s Sphere of Influence. Additionally, the project area is located within the North Chico Specific Plan Area (adopted in 1995).

L. Surrounding Land Uses: Land uses adjacent to the subject parcel are a vacant commercial lot and a public nine-hole golf course to the west; commercial land uses further to the northwest; a church campus and very low density residential single family homes to the north and east across State Route 99 (SR 99); and industrial uses to the south. Agricultural uses, primarily orchards, are located further to west across Esplanade. Surrounding lots range in size from 0.78-acres to approximately 46-acres.

M. Project Description

The applicant proposes to amend the General Plan (GP) Land Use Diagram to change the site’s designation from Industrial (I) to Retail (RTL), to amend the Zoning Map to change the zoning of the site from General Industrial (GI) to General Commercial (G-C), to amend the existing North Chico Specific Plan Land Use from a Light Industrial (M-1) designation to a General Commercial (C-2) designation, and amend the North Chico Specific Plan to allow Service Stations as a permitted used, **Table 1 – Existing and Proposed Land Use Designations & Zoning Classifications**. Refer to **Figure 2 through Figure 7**.

Table 1 – Existing and Proposed Land Use Designations & Zoning Classifications

	<u>Existing</u>	<u>Proposed</u>
Butte County General Plan Land Use Designation	Industrial (I)	Retail (RTL)
Zoning	General Industrial (GI)	General Commercial (G-C)
North Chico Specific Plan (NCSP)	Light Industrial (M-1)	General Commercial (C-2)
City of Chico Sphere of Influence Land Use	Commercial Mixed Use and Manufacturing/Warehousing	--
City of Chico Sphere of Influence Zoning	Community Commercial and Light Manufacturing	--

On-site and Off-site Improvements In addition to the General Plan amendment, zoning change, and NCSP amendment, the applicant is proposing the construction of an Automobile Sales Center. The proposed project includes:

- Automotive Sales Center represented by five automobile manufacturers and seven automotive brands. The dealership would consist of four sales buildings totaling approximately 58,932 square feet (sq. ft.) for automobile sales:
 - Pre-owned Center, 8,043 sq. ft.
 - Subaru/Volvo, 16,634 sq. ft.
 - BMW/Mercedes, 16,634 sq. ft.
 - Buick/Cadillac/GMC, 16,634 sq. ft.
- Service and collision repair, 62,235 sq. ft. building ,
- Car wash and detail shop serving both the dealership and the public, 5,248 sq. ft.
- Undeveloped remainder parcel, 0.34 acres.
- Convenience store, 3,235 sq. ft., with 12-pump fueling station,

Onsite improvements would consist of buildings, vehicle display, employee and customer parking, landscaping, walkways, and lighting, stormwater measures, and onsite wastewater treatment (refer to **Figure 8, Site Plan**). The inventory for retail auto sales is located in a separate parking areas from the customer and employee parking lots. Each of the sales buildings generally contains a showroom, various offices and sales desks, a retail service area, and other ancillary spaces. The primary function is the sales and purchasing of vehicles.

The proposed four buildings for auto sales, the service and collision repair building, and the car wash would be contained within the existing five parcels of the project area. The proposed convenience store with fueling station would be contained within a portion that is currently designated as County ROW.

The three existing billboards located within the site boundaries would be removed, as well as, 25 valley oaks over five inches in diameter, located along the boundaries of the project area. The existing well located near the southwestern corner of APN 006-400-061 would be abandoned.

Site access to the project would be provided via six driveway entrances located along the approximately 1,700 linear feet of the Garner Lane frontage.

Project Phases

The project will be completed in two phases::

- Phase 1a: four auto sales buildings and service/repair center.
- Phase 1b: automatic car wash and detail shop
- Phase 2: convenience store with 12-pump fuel station

Parking

The proposed project would include approximately 483 vehicle inventory spaces, 160 customer/employee parking spaces, and 10 spaces for vehicle staging area/vehicle loading is proposed. The number of proposed customer/employee parking spaces is the calculated parking demand based on existing and projected employee counts, estimated number of customers entering the site during the peak hour of traffic, and Butte County Municipal Code requirements for the remaining proposed land uses. The Courtesy Automotive Center anticipates an increase in employees from 89 to 100, with approximately 70 employees on the site at one time. Project specific trip generation calculations for the dealership is estimated to 50 vehicles entering the site during the A.M. peak hour (including those using the service/repair center). In addition, per Butte County Municipal Code, the car wash, detail shop, convenience store, and 12-pump fuel station would require 28 parking spaces. Based on these calculations the proposed project would require a minimum of 148 customer/employee parking spaces.

Landscaping

Landscaping on the site would consist of trees, shrubs, and groundcover species. Plant species will be selected for their compatibility with regional climatic conditions, drought tolerance, longevity, and overall attractiveness. Species native to the area, including oak trees, will be prioritized as they generally fit these selection criteria.

Landscaping would also comply with the requirements of the NCSP, which identifies a minimum landscape requirement of 5% of the lot area, including parking lot interior and perimeter landscaping. In addition, the project will comply with the NCSP's timing of planting, species selection, and shading requirements.

Lighting

Exterior lighting would be provided within the parking lots on the project site. Proposed lighting would be designed per NCSP and Butte County standards, which include: lighting shall be the minimum intensity necessary to achieve its intended purpose; downward oriented, cut-off type fixtures to prevent light spillage and glare impacts; energy conservation shall be considered during design of lighting system; and photocell operation to ensure efficient use of energy and minimize unnecessary usage.

Additional onsite lighting sources would be for security purposes.

Storm Water

Storm water generated on-site will be dispersed on-site by the means of infiltration trenches located throughout the project site. A separate system of infiltration trenches will be used along Garner Lane for public water. Trenches will be

incorporated into site landscaping and site improvement designs, as appropriate. Stormwater quality and quantity will be accomplished in accordance with the County's adopted stormwater post-construction requirements and Best Management Practices (BMPs) to minimize runoff and apply water quality treatments, with review and approval by the County of Butte Public Works Department. The location of storm water trenches will be in accordance with Butte County Improvement Standards.

The project components will comply with Butte County's Storm Water Management Program as a requirement of Phase II of the National Pollutant Discharge Elimination System (NPDES) Program and in compliance with the recently adopted Small Municipal Separate Storm Sewer Systems (MS4) treatment standards.

Waste Water

Onsite Wastewater System

Wastewater generated from the project is proposed to be collected, treated and dispersed by means of individual septic systems serving the proposed facilities. The project will not be connected to the public sewer system, but designed to be able to connect to public sewer facilities in the future (per the Chico Urban Area Nitrate Compliance Plan and Butte County Code, Chapter 19 – On-site Wastewater Systems, Section 19-8 Connection to Public Sewer System and Section 19-11 Chico Urban Area requirements), when the sewer main is within 250 feet of the property. The proposed project would be best served with individual septic systems to keep the responsibility for operations, maintenance, and compliance with the Butte County Local Agency Management Program (LAMP) and the Chico Urban Area Nitrate Compliance Plan (County Service Area CSA 114). Each individual septic system would have its own conveyance, treatment and dispersal system, independent and exclusive from all other systems. Treatment would be by means of a septic tank and secondary treatment for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) and nitrogen reduction using appropriately sized grease tanks, septic tanks and Orenco Systems Advantex treatment systems or an approved equal. Dispersal would be via pressure dosed dispersal trenches. These dispersal trenches would be located within individual parcels and may also be placed in easements on adjacent parcels, if necessary to accommodate the proposed uses, parcel configuration and other infrastructure associated with the project.

Peak one day design for the entire project (not including the car wash) will be approximately 6,500 gallons per day (gpd) (approximately 4,000 gpd average daily flow) below the 10,000 gpd threshold for coverage under the LAMP. Given that each of the proposed uses will have an individual system, no one system is expected to be larger than 2,500 gpd peak one day design flow.

Car Wash Facility

The proposed car wash is a complete packaged facility that uses a wash water recovery system, recirculation pits for recycling water, and filtration system providing a closed loop system eliminating the need for water discharge.

Water Service and Fire Suppression

The project includes the abandonment of an existing well located in the southwestern portion of the project site. A new well will be installed to provide water service for the proposed uses. This well would be a non-transient non-community public water system well in compliance with the Butte County Environmental Health's Small Water Systems Program.

Roadway Improvements

The proposed project would result in improvements to Garner Lane. Garner Lane would be reconfigured, per County requirements to a minimum 60' ROW with two 16' travel lanes with 2' rolled curbs on the project side. Sidewalks, curbs and gutters are not required. In addition, the NCSP does not identify a specific roadway type for the portion of Garner Lane between SR 99 and Esplanade.

Intersection lane configuration improvements at both Garner Lane approaches at the SR 99/Garner Lane intersection would consist of an exclusive left turn lane and shared thru-right turn lane.

Lot Line Adjustment/Parcel Merger

A lot line adjustment and parcel merger is proposed to reconfigure the five existing parcels (and the County ROW parcel) into four parcels, **Figure 9**. A lot line adjustment and parcel mergers are considered “ministerial projects” and are exempt from the requirements of California Environmental Quality Act (CEQA Section 15268). Lot line adjustments/parcel mergers do not cause any physical changes to the project site and are not discretionary actions.

Abandonment Application

The project includes a Vacation (Abandonment) procedure for a portion of the County ROW at the corner of Garner Lane and SR 99. The County acquired this approximately 2.0-acre piece of land in 1982 from Caltrans. The Applicant has requested the Abandonment of 1.0 acre of this ROW leaving the remaining Garner Lane ROW intact.

Environmental Stewardship

The new Courtesy Automotive Center will look for and implement new ways to use resources more efficiently and conscientiously.

- Install a photovoltaic/solar energy system that generates 75% of project’s electricity needs.
- Daylight Harvesting - Sky lights, store front, dimmers.
- Low emissivity glass - Reduces heat gain.
- White thermoplastic roof - Reflects light and reduces heat gain and electricity usage.
- Energy efficient building insulation.
- LED parking area lighting.
- Energy Management System - Manages operating times, use efficiency, and cost efficiency for lighting, HVAC systems and computer systems. Also manages power load during peak hours to minimize energy use (prevents utilities from having to provide temporary additional power during peak time).
- Lighting - Energy efficient T-5 fluorescent lighting in interiors spaces, motion sensors turn lights off when not needed. Bulbs use 40% less wattage.
- HVAC - The system provides diagnostic information for energy efficiency. Innovative energy recovery wheels to re-circulate already heated and cooled air.
- Low Flow Plumbing Fixtures – Faucets, toilets, urinals.
- Recycled water for Car Wash.
- Water use monitoring.
- Recycling (Administrative) - Paper, cardboard, plastics, cans.
- Recycling (Operational) - Oil, anti-freeze, oil filters, tires, battery cores, scrap metal on a case by case basis, paint waste.
- High efficiency hand driers to minimize paper towel waste.
- Low VOC Emitting Materials - Interior paint, flooring, adhesives, sealants.

Oak Tree Landscaping

A total of 25 valley oaks approximately five inches, or greater, in diameter at breast height (DBH) are located along or near the boundaries of the project site. As part of landscaping design, the project applicant proposes to replant oak trees at a 3:1 replacement ratio (for those trees removed as a result of site development) and thus minimize the loss of oak trees in the County.

Best Practices to Minimize Air Quality and GHG Emissions

The following best practice measures have been incorporated into the project as commitments by the applicant (as recommended by the BCAQMD CEQA Handbook Appendix C). Note that some of these best practice measures are required by federal, state and/or local regulations.

Diesel PM Exhaust from Construction Equipment

- All on- and off-road diesel equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.

- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project (see <http://www.arb.ca.gov/toxics/atcm/atcm.htm>).
- Stationary sources shall comply with applicable District rules and regulations.

Diesel Idling Restrictions for Construction Phases

The District recognizes the public health risk reductions that can be realized by idle limitations for both on and off-road equipment. The following idle restricting measures are required for the construction phase of projects:

a) Idling Restrictions for On-Road Vehicles

Section 2485 of Title 13 California Code of Regulations applies to California and non-California based and diesel-fueled commercial motor vehicles operating in the State with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. In general, the regulation specifies that drivers of said vehicles:

- Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5 minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

b) Idling Restrictions for Off-Road Equipment

- Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

Fugitive Dust

Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that will be applied throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.

- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.

All fugitive dust measures required will be shown on grading and building plans. In addition, the contractor or builder will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

N. Public Agency Approvals:

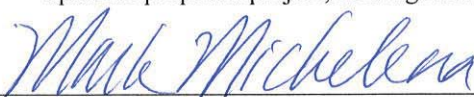
- Butte County Development Services Department:
 - General Plan Amendment
 - Rezone
 - NCSP Amendment
 - Lot Line Adjustment/Parcel Merger
 - Vacation (Abandonment) Procedure
 - Building Permits
- Butte County Department of Public Works:
 - Grading Permit
 - Encroachment Permit for Roadway Improvements/Driveway Access at Garner Lane and Esplanade
- Butte County Department of Environmental Health:
 - Onsite Wastewater Disposal System
- Non-transient non-community public water system well (Small Water Systems Program)Butte County Air Quality Management District: Fueling Station
- California Department of Transportation: Encroachment Permit

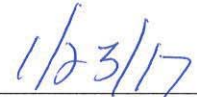
O. Figures:

- Figure 1 – Location Map
- Figure 2 General Plan Land Use Existing
- Figure 3 Proposed GP Land Use
- Figure 4 Zoning Existing
- Figure 5 Proposed Zoning
- Figure 6 North Chico Specific Plan Land Use Existing
- Figure 7 NCSP Proposed
- Figure 8 Site Plan/ Figure Site Plan with areas for customer and employee parking, vehicle storage/display areas
- Figure 9 – Proposed Parcel Configuration

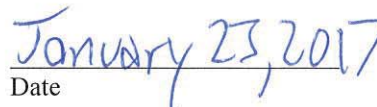
2.0 DETERMINATION

- [] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- [X] 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 have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- [] I find that the proposed project COULD 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 "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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, nothing further is required.


Prepared by: Mark Michelena, Senior Planner


Date


Reviewed by: Chuck Thistlethwaite, Principal Planner

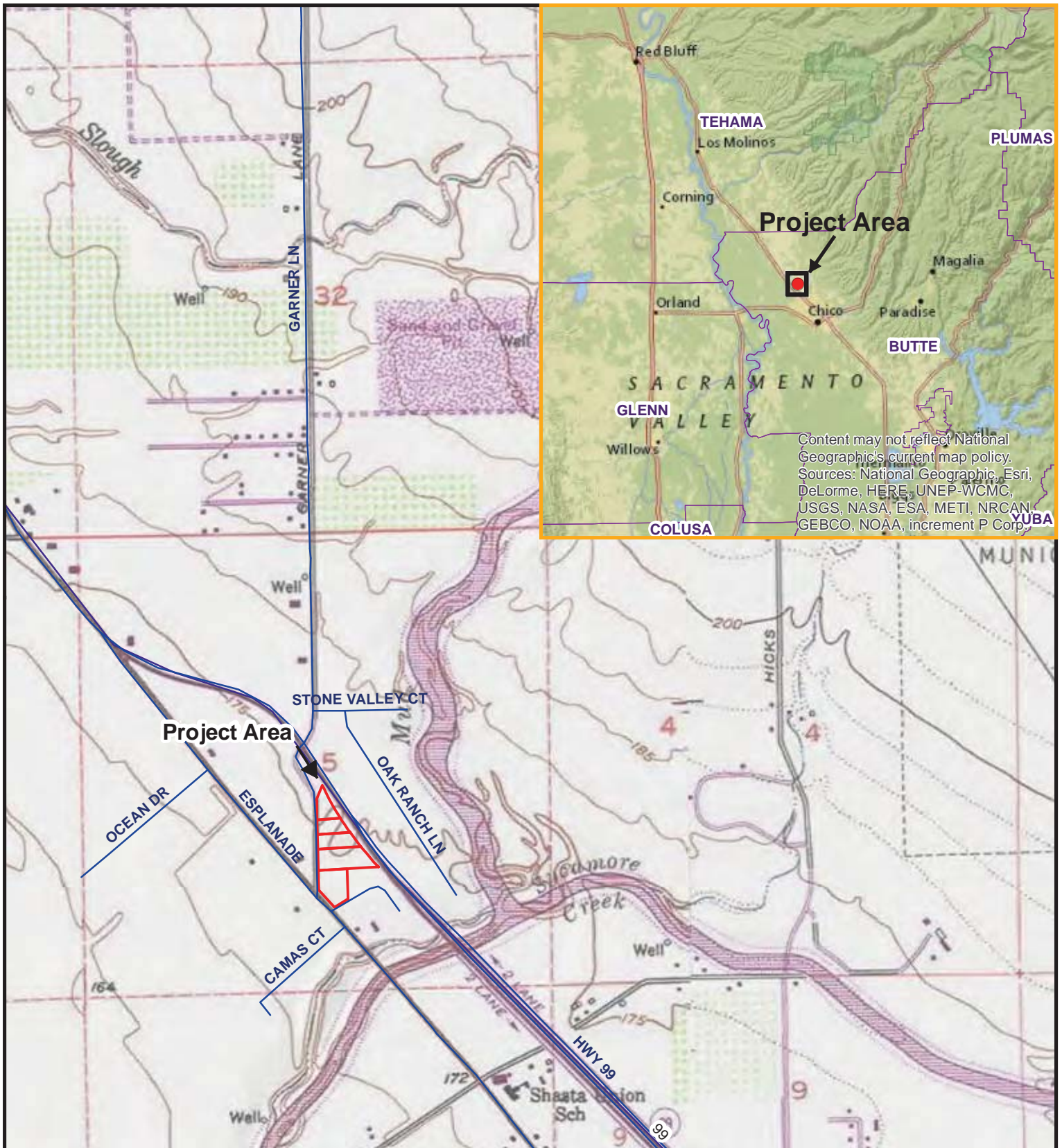

Date

3.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST SETTING

A. Environmental Factors Potentially Affected:

The environmental factors checked below could be potentially affected by this project; however, with the incorporation of mitigation measures, potentially significant project related impacts are reduce to a “less than significant” level (CEQA Guidelines 15382).

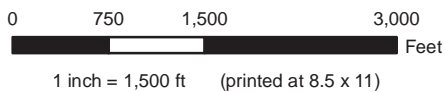
- | | | |
|--|--|--|
| <input type="checkbox"/> 4.1 Aesthetics | <input type="checkbox"/> 4.2 Agriculture Resources | <input type="checkbox"/> 4.3 Air Quality |
| <input checked="" type="checkbox"/> 4.4 Biological Resources | <input checked="" type="checkbox"/> 4.5 Cultural Resources | <input type="checkbox"/> 4.6 Geological Processes |
| <input checked="" type="checkbox"/> 4.7 Greenhouse Gas Emissions | <input type="checkbox"/> 4.8 Hazards/Hazardous Material | <input type="checkbox"/> 4.9 Hydrology/Water Quality |
| <input type="checkbox"/> 4.10 Land Use | <input type="checkbox"/> 4.11 Mineral Resources | <input type="checkbox"/> 4.12 Noise |
| <input type="checkbox"/> 4.13 Housing | <input type="checkbox"/> 4.14 Public Services | <input type="checkbox"/> 4.15 Recreation |
| <input checked="" type="checkbox"/> 4.16 Transportation/Traffic | <input type="checkbox"/> 4.17 Utilities/Service Systems | <input type="checkbox"/> 4.18 Mandatory Findings of Significance |



Content may not reflect National Geographic's current map policy.
 Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

Legend

-  Courtesy Parcels
-  Butte Co. Roads



Imagery Source:
 USGS Topo
 Inset Imagery:
 National Geographic



Within Section 05, T22N,
 R01E, Butte County, CA
 Nord USGS 7.5' Quad

Map Date:
 12/21/2016

Drawn By:
 CJW

NSE Project #
 15-181

Figure 1: Location Map

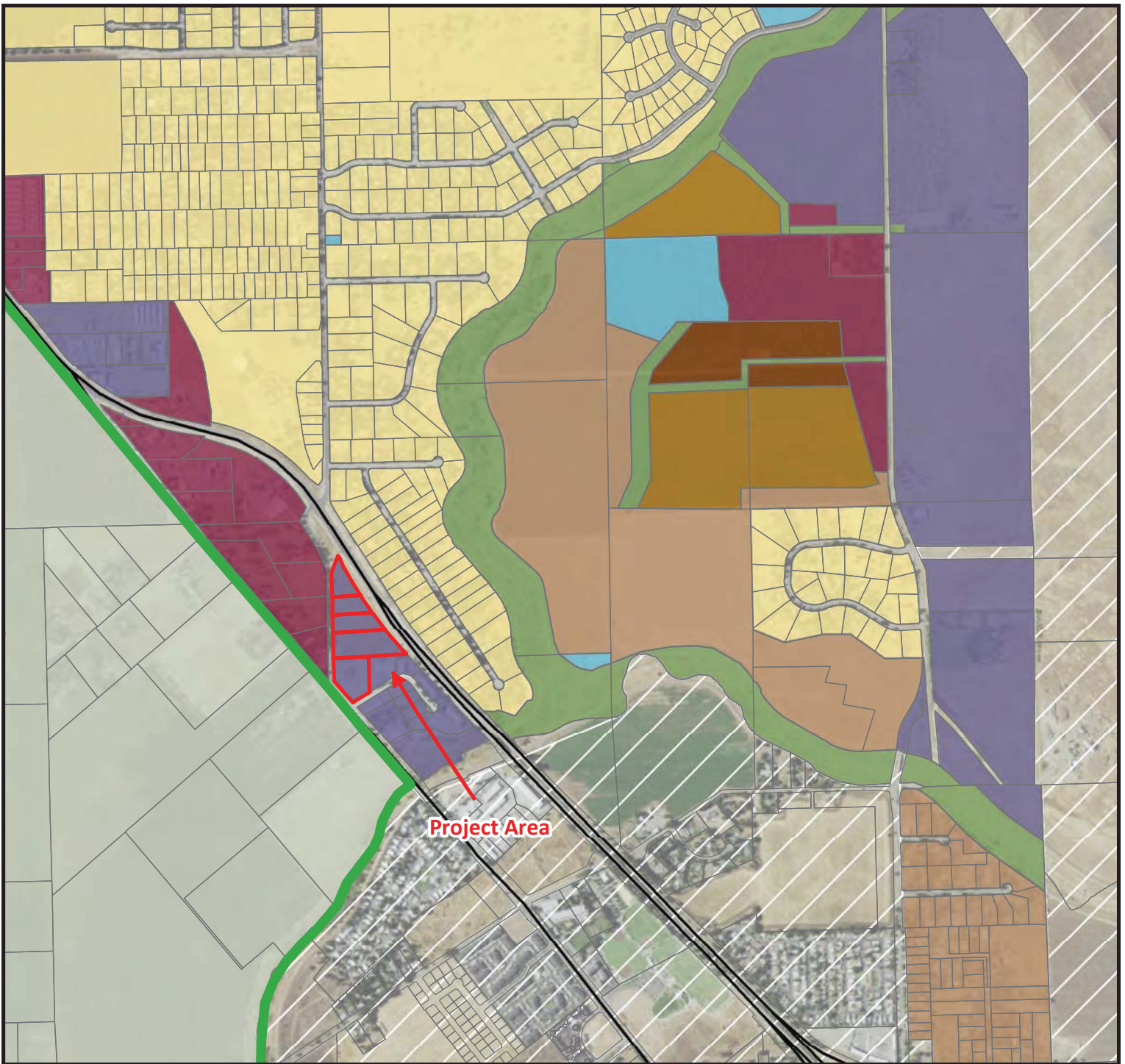
Courtesy Automotive Center
 - Butte County, CA -



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Project Area

Legend

- Courtesy Parcels (Project Area)
- Greenline
- Parcels
- AGRICULTURE
- VERY LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- RETAIL & OFFICE
- INDUSTRIAL
- PUBLIC/QUASI PUBLIC
- RESOURCE CONSERVATION
- CalTrans CA City Limits

Within Section 5, T22N, R01E, Butte County, CA
 NORD USGS 7.5' Quad

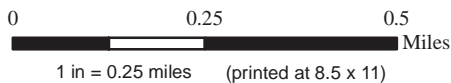
Imagery Source: ESRI
 USDA FSA, 7/26/2014

Land Use Data: Butte Co.
 2030 General Plan

Parcel Data:
 BCAG - 2016

City Limits:
 CalTrans - 2015

**Figure 2: Existing
 Butte County General Plan Land Use
 Courtesy Automotive Center
 -Butte County, CA -**



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 Map Revision Dates: 2/22/17; 3/10/17

Drawn By:
 CJW

NSE Project
 No. 85781



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Within Section 5, T22N,
R01E, Butte County, CA
NORD USGS 7.5' Quad

**Figure 3: Proposed
Butte County General Plan Land Use
Courtesy Automotive Center
-Butte County, CA -**

Legend

- Proposed Parcels
- Butte County Roads

**Proposed GP
Land Use**

- Retail (RTL)



0 250 500 Feet
1 in = 0 miles (printed at 8.5 x 11)



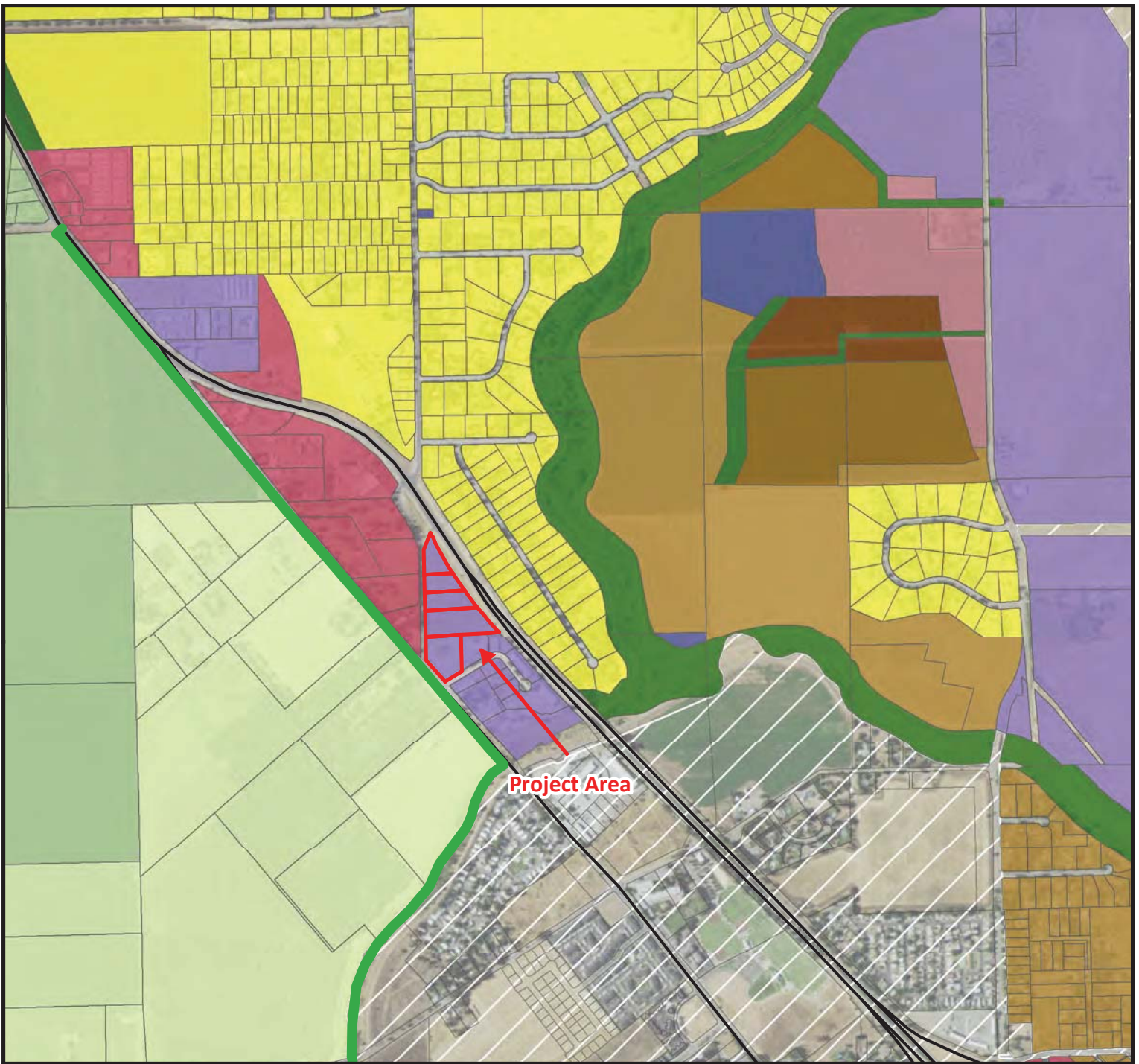
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Map Date: 1/11/2017

Drawn By: CJW

NSE Project #05-181



Project Area

Legend

- | | | | |
|-------------------------|-------------------------------|---------------------------------|--------------------------|
| Courtesy Parcels | Butte County GP Zoning | Very Low Density Residential | High Density Residential |
| CalTrans CA City Limits | Agriculture - 20 | Medium Density Residential | General Commercial |
| Parcels | Agriculture - 80 | Medium High Density Residential | Neighborhood Commercial |
| Greenline | Resource Conservation | | General Industrial |
| | | | Public |

Within Section 5, T22N, R01E, Butte County, CA
 NORD USGS 7.5' Quad

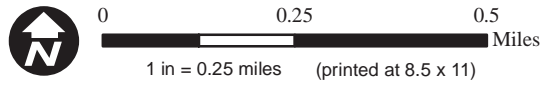
Imagery Source: ESRI
 USDA FSA, 7/26/2014

Land Use Data:
 Butte County
 Planning Dept.

Parcel Data:
 BCAG, 2016

*Figure 4: Existing
 Butte County Zoning*

**Courtesy Automotive Center
 -Butte County, CA -**



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Original Map Date: 1/3/17
 Map Revision Dates: 2/22/17; 3/10/17

Drawn By: CJW
 NSE Project # 1586





Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Within Section 5, T22N, R01E, Butte County, CA
NORD USGS 7.5' Quad


**Figure 5: Proposed
Butte County Zoning**

**Courtesy Automotive Center
-Butte County, CA -**

Legend

 Proposed Parcels
 Butte County Roads

Prpsd_Zng

 General Commercial (G-C)



0 250 500 Feet
 1 in = 0 miles (printed at 8.5 x 11)



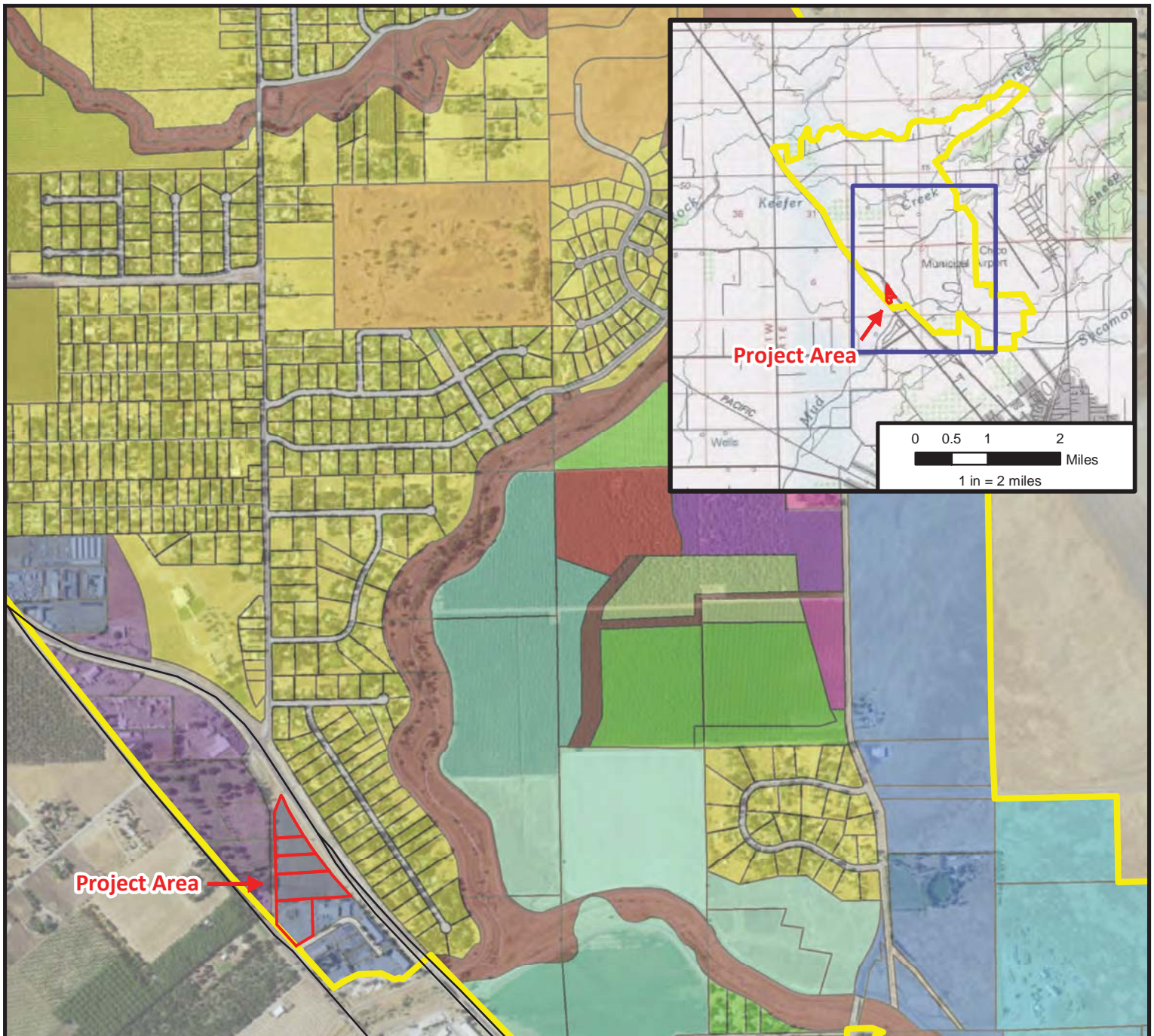
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Map Date: 1/11/2017

Drawn By: CJW

NSE Project #05-281



Legend

- Butte County Roads
- ▭ Courtesy Parcels
- ▭ North Chico Specific Plan (NCSP) Boundary

NCSP Land Use

- ▭ BUSINESS AND PROFESSIONAL
- ▭ LIMITED COMMERCIAL
- ▭ GENERAL COMMERCIAL
- ▭ LIGHT INDUSTRIAL
- ▭ LIGHT INDUSTRIAL - GREENBELT / OPEN SPAC
- ▭ HEAVY INDUSTRIAL - GREENBELT / OPEN SPACE
- ▭ LOW DENSITY RESIDENTIAL
- ▭ MEDIUM DENSITY RESIDENTIAL
- ▭ HIGH DENSITY RESIDENTIAL
- ▭ SUBURBAN RESIDENTIAL - 1 ACRE MINIMUM
- ▭ SUBURBAN RESIDENTIAL - 1 ACRE MINIMUM / OPEN SPACE
- ▭ SUBURBAN RESIDENTIAL - 3 ACRE MINIMUM
- ▭ PUBLIC / QUASI-PUBLIC
- ▭ GREENBELT / OPEN SPACE

Within Section 5, T22N, R01E, Butte County, CA
 NORD USGS 7.5' Quad

Imagery Source: ESRI
 USDA FSA

Land Use Data:
 Butte County Planning
 Division - North Chico
 Specific Plan: 3/28/95
 Parcel Data:
 BCAG, 2016

**Figure 6: Existing
 North Chico Specific Plan Land Use**

**Courtesy Automotive Center
 -Butte County, CA -**

0 0.25 0.5 Miles
 1 in = 0 miles (printed at 8.5 x 11)

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Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Proposed Parcels
- Proposed NCSP Land Use**
- General Commercial (C-2)
- Butte County Roads

**Figure 7: Proposed
North Chico Specific Plan Land Use
Courtesy Automotive Center
-Butte County, CA -**


0 250 500
Feet

1 in = 0 miles (printed at 8.5 x 11)

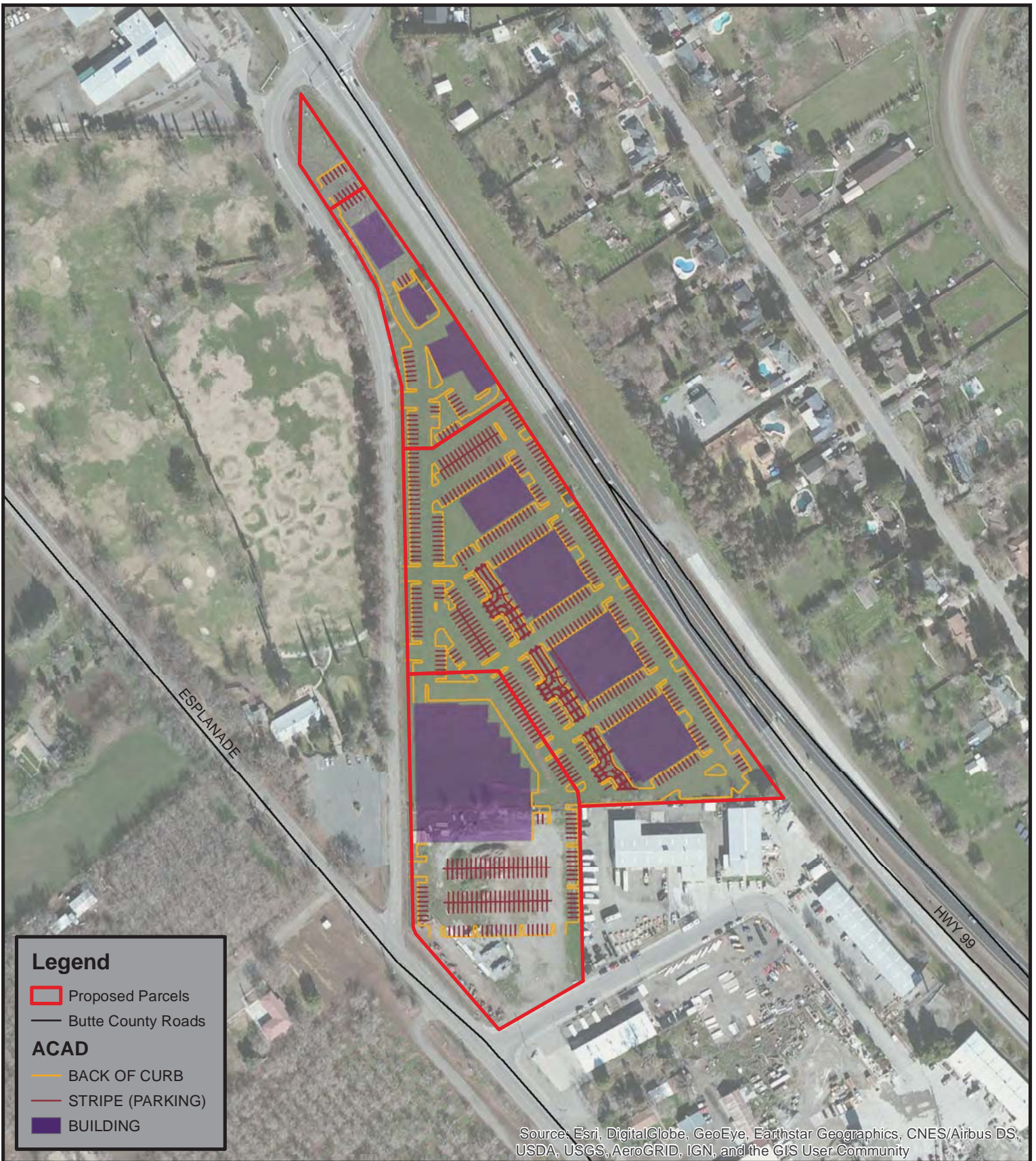


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Map Date: 1/11/2017	Drawn By: CJW	NSE Project # 05581
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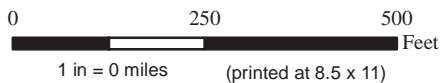
Within Section 5, T22N,
R01E, Butte County, CA
NORD USGS 7.5' Quad

Figure 8A:
Proposed Site Plan

**Courtesy Automotive Center
-Butte County, CA -**

Proposed Site Plan:
R. Marlett/NorthStar

Proposed Parcel Data:
NorthStar



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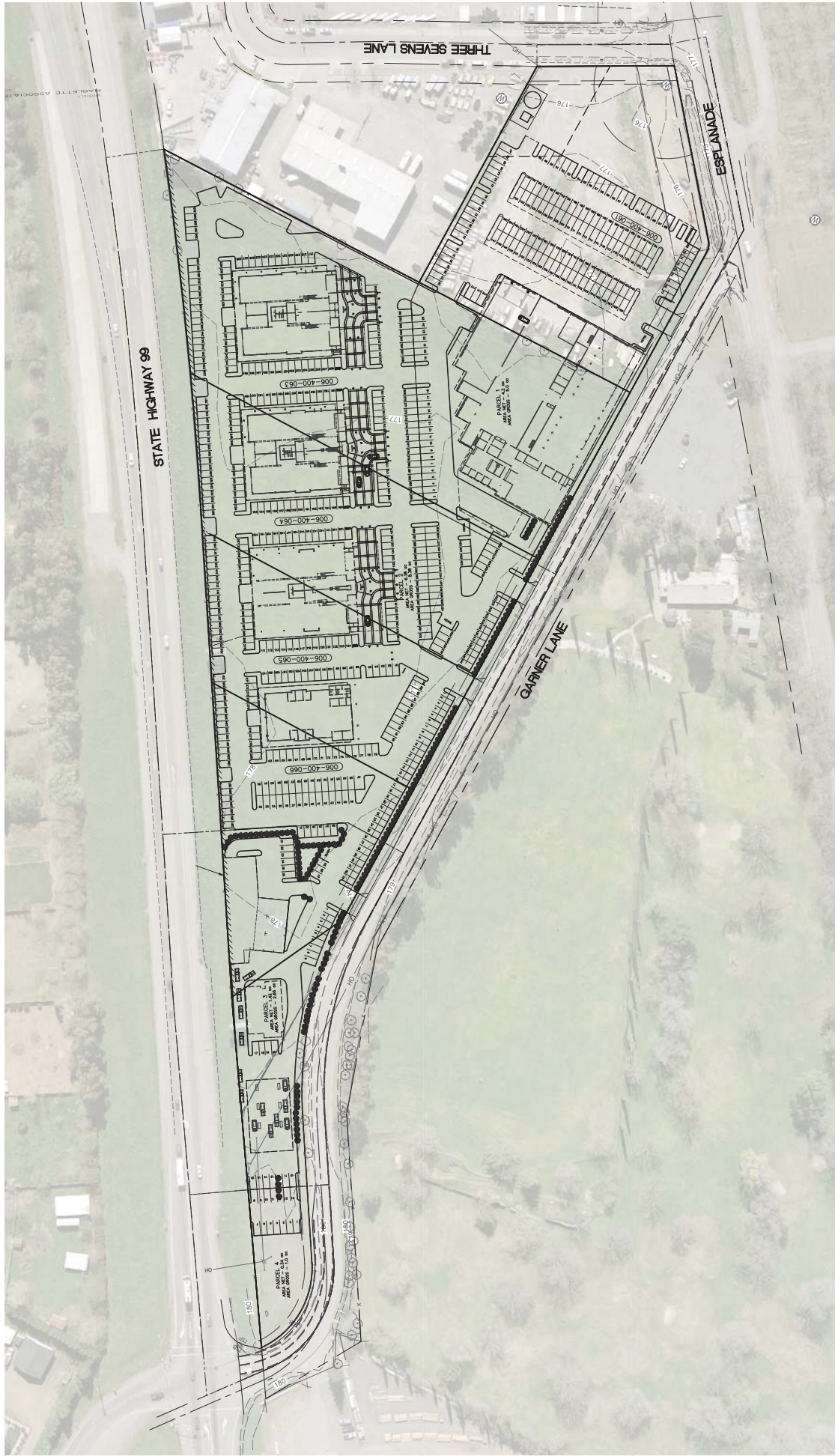


FIGURE 8b - SITE PLAN COURTESY AUTOMOTIVE		COURTESY AUTOMOTIVE GARNER LANE CHICO, CALIFORNIA		NORTHSTAR — LANDSCAPE ARCHITECTS — <small>1115 MARKET STREET SUITE 200 CHICO, CA 95926 Phone: (530) 891-1111 Fax: (530) 891-1112</small>	
APN Number 006-400-086 et al	Job Number 12-181	N/A	Scale 1" = 60'	Sheet 1 of 1	Date 12/2016
Designed: MNL	Date	By	Revision	Date	By
Drawn By: MNL					
Approved:					



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Within Section 5, T22N, R01E, Butte County, CA
NORD USGS 7.5' Quad

Figure 9:
Proposed Parcel Configuration
Courtesy Automotive Center
-Butte County, CA -

Legend

- ▭ Proposed Parcels
- ▭ Existing Parcels
- Butte County Roads

0 250 500 Feet

1 in = 0 miles (printed at 8.5 x 11)



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Map Date: 1/11/2017 Drawn By: CJW NSE Project # 05581

4.0 ENVIRONMENTAL IMPACTS:

4.1 AESTHETIC/VISUAL RESOURCES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have a substantial adverse effect on a scenic vista?			X		
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		

Setting:

The project site area is characterized as vacant land situated in the north of Chico, and approximately 0.25 miles southwest from the intersection of Garner Lane and State Route 99. Surrounding uses include retail to the north, a public golf course to the west, and industrial uses to the south.

The topography of the project area is gentle and flat, with an elevation of approximately 175 feet above sea level. Vegetation on the site consists of annual ruderal grasses and forbs with small trees present on the periphery of the site. The most prominent human-made features on the site are the advertising billboards, leveled storage yard, and utility lines.

The Butte County General Plan depicts identified scenic resources in Butte County, including land-based and water-based scenic resources (Figure COS-7), County scenic highways (Figure COS-8), and Scenic Highway Zones (Figure COS-9). Based on the information provided in the General Plan, the project site is not located within, or in the vicinity of, identified scenic resources.

There are no officially designated State Scenic highways within Butte County, however, State Route 70 (SR 70) north of the intersection of State Route 149 (SR 149) is considered an eligible State Scenic Highway. As seen in Figure COS-8 in the Butte County General Plan the County has designated SR 70 through the Feather River Canyon and a portion of State Route 32 (SR 32) north of Forest Ranch as County Scenic Highways.

Based on the information presented in the Butte County General Plan, the project area is not located within, or in the vicinity of any identified scenic resources.

Impact Discussion:

a) Less Than Significant Impact. The general plan amendment, rezone and specific plan amendment will not change regulations or policies (or their implementation) relative to aesthetic/visual resources. The aesthetic/visual impacts of development authorized under the Butte County General Plan 2030 and the Butte County Zoning Ordinance (Title 24 of Butte County Code) are addressed under the Butte County 2030 General Plan Environmental Impact Report and Butte County General Plan Final Supplemental Environmental Impact Report. Future development of the project site would be consistent with the established visual character and planned future use of the surrounding area. Placement of structures will not significantly interfere with the views of scenic vistas from adjacent businesses, residences, and public right-of-ways. Therefore, the project would not significantly affect a scenic vista nor have a demonstrable negative aesthetic effect.

b) Less Than Significant Impact. No scenic resources have been identified to be on the project site, or in the surrounding area. No improvements are proposed that could result in the damage or degradation of existing features on or near the project site. Subsequent development is anticipated to be consistent with the character of the project

site and surrounding area. Additionally, the project site is not located along a designated scenic vista or a state or County scenic highway area.

c) Less Than Significant Impact. Future development of the parcels would consist of an auto dealership, convenience store with fueling station, a carwash/detail center, a service and collision center, and associated parking areas. Currently, the project site is primarily covered in ruderal annual vegetation, with a variety of non-native species. This vegetation is largely found on the borders of the site, since much of the site has been used for dry farming and routinely disked. Although, construction and development have the potential to visually alter the site’s existing character, the surrounding area includes developed residential, commercial and industrial land uses. Project development would be consistent with existing and designated land uses and zoning within the surrounding area.

d) Less Than Significant Impact. The project has the potential to create new light or glare in the area during the operational phases of the Project. However, Butte County Code Section 24-67 requires that all outdoor lighting area be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. Requirements are illustrated in Butte County Code Figure 24-67-1 (Inadequate and Adequate Shielding) and Figure 24-67-2 (Light Source Not Directly Visible Outside Property Perimeter). As a result, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

Mitigation Measure: None required.

4.2 AGRICULTURE RESOURCES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. 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	
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			X		
c. 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	
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X	
e. 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		

Setting:

The project site is vacant land situated in the General Industrial (GI) zone district. The Land Use Element Map of the Butte County General Plan designates the project site as Industrial. This land use designation is primarily for processing, manufacturing, and distribution of goods and commodities. It also allows for warehousing, storage, trucking terminals, and railroad facilities. Industrial zones are generally located near municipalities along the major transportation corridors. Land zoned Agriculture with minimum 20 acre parcels (AG-20) is located across Esplanade south and west of the project area, where the uses are primarily orchard cultivation. The land within the project area has been used for dry farming over the last several years.

The project site fronts on Garner Lane, a public road, and is within the North Chico Specific Plan area which contains both agricultural and rural residential land uses. Land uses in the vicinity of the project are dominated by residences at lower densities, retail, industrial, undeveloped parcels, orchards and row crops. There are four parcels on the west side of Esplanade that contain larger orchards, one of which is a walnut orchard located directly across Esplanade from the southern-most project parcel. The Chico Greenline is located on the west side of Esplanade, approximately 75 feet west of the southern-most project parcel. The closest distance between the southern-most project parcel and the nearest active orchard is approximately 160 feet. The location of the collision/repair center will be located approximately 220 feet northeast of the nearest agricultural use. The final landcover type on the site from the draft Butte Regional Conservation Plan is 'Urban'. The project site is not under a Williamson Act contract to help preserve agricultural lands nor are any of the parcels surrounding the project site under a Williamson Act contract.

Important Farmland

To characterize the environmental baseline for agricultural resources, Important Farmland Maps produced by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) were reviewed. Important Farmland maps show categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance (if adopted by the county), Grazing Land, Urban and Built-up Land, Other Land, and Water. Prime Farmland and Farmland of Statewide Importance map categories are based on qualifying soil types, as determined by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as well as current land use. These map categories are defined by the Department of Conservation's FMMP as follows:

Prime Farmland: Land which has the best combination of physical and chemical characteristics to produce crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods.

Farmland of Statewide Importance: Land that is similar to *Prime Farmland* but with minor shortcomings, such as greater slopes or less ability to hold and store moisture.

Unique Farmland: Land of lesser quality soils used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. It is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Examples of crops include oranges, olives, avocados, rice, grapes, and cut flowers.

Farmland of Local Importance: Land of importance to the local agricultural economy, as determined by each county's board of supervisors and local advisory committees. Examples include dairies, dryland farming, aquaculture, and uncultivated areas with soils qualifying for *Prime Farmland* and *Farmland of Statewide Importance*. Butte County has not adopted a definition of Farmland of Local Importance.

Grazing Land: Land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock.

Urban and Built-up Land: Land used for residential, industrial, commercial, construction, institutional, public administrative purpose, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. Highways, railroads, and other transportation facilities are also included in this category.

Other Land: Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded by urban development and greater than 40 acres is mapped as Other Land.

Water: Water areas with an extent of at least 40 acres.

The project site is identified by the Department of Conservation as containing lands classified as *Urban and Built-up Land*. Areas to the southwest and west of the project site include *Prime Farmland*, *Farmland of Statewide Importance*, and *Farmland of Local Importance*.

The GPEIR considered the impacts resulting from the build-out of the General Plan, including conversion of approximately 4,700 acres of *Prime Farmland*, *Farmland of Statewide Importance*, and *Unique Farmland* to non-

agricultural uses, including the *Prime Farmland* adjacent to the subject property. The Butte County Board of Supervisors determined that goals, policies, actions, and regulations of the General Plan would reduce and partially offset the conversion of farmland into non-agricultural uses, but found that there are no feasible mitigation measures that the County could adopt to reduce the impact to be less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County found that specific economic, social, and other benefits identified in the Statement of Overriding Considerations supported the approval of the General Plan.

Impact Discussion:

a) No Impact. The project site is not designated as Important Farmland in the Farmland Mapping and Monitoring Program. Therefore, the proposed project would not result in the conversion of Important Farmland to a non-agricultural use.

b) Less Than Significant Impact. The project site is zoned primarily for industrial uses. The proposed project would result in a change to the current zoning designation of the property from General Industrial to General Commercial. Crop cultivation is a permitted use in both the General Industrial and General Commercial zones only as an interim use on parcels of one or more acres prior to subdivision and development with industrial uses. Therefore, the proposed zoning change, general plan amendment, and specific plan amendment would not conflict with existing zoning for agricultural use. There are lands generally west of the project site, but not adjacent to, that are currently held in Williamson Act contracts but the project site and the immediate vicinity are not held in contracts, therefore, the project will not conflict with lands held in Williamson Act contracts.

c) No Impact. The project site is not located in a timber resource zoning category such as Timber Mountain (TM), Timber Production (TPZ), or Resource Conservation (RC). The project site is also not classified as forest land, pursuant to California Public Resources Code Section 12220(g), because the project site cannot support 10 percent native tree cover. Therefore, the proposed project would not conflict with, or cause the rezoning of, a timber resource zoning designation.

d) No Impact. The project site is not considered forest land and therefore, the proposed project would not result in loss or conversion of forest land to a non-forest use.

e) Less Than Significant Impact. The project site is zoned GI under the Butte County General Plan and Light Industrial under the North Chico Specific Plan. The projects proposes to change the zoning from industrial to commercial (G-C/C-2) State-designated Important Farmlands are located southwest and west of the project site. The GPEIR includes a programmatic analysis of “other changes in the existing environment, which due to their location, or nature, could result in the conversion of farmlands of concern under CEQA to non-agricultural use.” The GPEIR recognizes that re-designation of land by the GP land use map and rezoning (including the GI designation on the subject parcel) “could result in incompatible land uses next to farm uses or ranches, creating circumstances that impair the productivity of agricultural operation, and could eventually lead farmers to take their land out of production (GPEIR, page 4.2-15).” The concerns of farmers include incompatible use such as new residential development that could be impacted by noise, dust and chemical use for nearby agricultural operations and create increased vandalism, traffic, access difficulties and introduction of domestic animals. The proposed project will not include any residential development. The project parcels are located east from existing operations, separated by Esplanade, Garner Lane and the existing Sunset Hills Golf Course

Mitigation Measure: None required.

4.3 AIR QUALITY:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Conflict with or obstruct implementation of the applicable air quality plan?			X		
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
c. 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		
d. Expose sensitive receptors to substantial pollutant concentrations?			X		
e. Create objectionable odors affecting a substantial number of people?			X		

Setting:

The proposed project is located in the Northern Sacramento Valley Planning Area (NSVPA) which includes the following Counties: Butte, Colusa, Glenn, Shasta, Sutter, Tehama, and Yuba. The NSVPA is bounded on the north and west by the Coastal Mountain Range and on the east by the southern portion of the Cascade Mountain Range and the northern portion of the Sierra Nevada Mountains. High temperatures and low humidity, with prevailing winds from the south, characterize summer conditions. Occasional rainstorms, interspersed with stagnant and sometimes foggy weather, characterize winter conditions. Southern winds continue to predominate during the winter. Two types of inversion occur in the NSVAB: 1) during the summer sinking air forms a lid over the region contributing to photochemical smog and 2) air cools next to the ground while air aloft remains warm causing poor dispersion of ground level pollutant emissions.

The California Air Resources Board (CARB) prepares and submits to the EPA a State Implementation Plan explaining how the state will attain compliance with Federal clean air standards. The NSVAB is subject to federal, state, and local regulations. The NSVPA adopted an updated 2012 Triennial Air Quality Attainment Plan (Attainment Plan) as its component of the State Implementation Plan (SIP) in compliance with the Federal and California Clean Air Acts (FCCA and CCAA, respectively).

The Butte County Air Quality Management District (District or BCAQMD) is responsible for attainment of the National and California Air Quality Standards in Butte County. The District’s primary role when reviewing projects is to evaluate their consistency with ambient air quality standards and the provisions of SIP and Attainment Plan. The following table identifies criteria pollutants and the applicable state and federal attainment status:

Table 4.3.1: Butte County Ambient Air Quality Attainment Status (BCAQMD, 2014)

Pollutant	State Designation	Federal Designation
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

The BCAQMD also released the *CEQA Air Quality Handbook: Guidelines for Assessing Air Quality Impacts and Greenhouse Gas Impacts for projects subject to CEQA Review* (CEQA Handbook), which was approved October 23, 2014. The document establishes thresholds of significance for projects based on project size and/or projected emissions. The thresholds were analyzed for conformance with CEQA Guidelines §15382. The districts four categories of evaluation are:

1. *Comparison of calculated project emissions to the District's emission thresholds;*
2. *Consistency with the most recent Air Quality Attainment Plan (AQAP) for Butte County;*
3. *Comparison of predicted ambient pollutant concentrations resulting from the project to State and Federal health standards, where applicable; and*
4. *The evaluation of special conditions which apply to certain projects, such as public exposure to toxic air contaminants.*

Table ES-2, below, lists the thresholds of significance for critical pollutants of concern, and the environmental document type, as determined by the CEQA Air Quality Handbook provided by the BCAQMD.

In addition, the BCAQMD has adopted a number of rules and regulations to implement its air quality plan, including permitting, prohibitions and limits to emissions from a variety of stationary sources, regulation of open burning, regulation of toxic air contaminants, and implementation of federal requirements. Compliance with BCAQMD rules cannot serve as mitigation for projects subject to CEQA. For example, the following BCAQMD regulations are required for all applicable projects (BCAQMD, 2014), regardless of the applicability of other review procedures (such as the Subdivision Map Act or CEQA):

- Emissions must be prevented from creating a nuisance to surrounding properties as regulated under District Rule 200 *Nuisance*.
- Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 201 *Visible Emissions*.
- Fugitive dust emissions must be prevented from being airborne beyond the property line, as regulated under District Rule 205 *Fugitive Dust Emissions*.
- District Rules 220 through 225 reduce emissions of gasoline vapors.
- Architectural coatings and solvents used at the project shall be compliant with the District Rule 230 *Architectural Coatings*.
- Cutback and emulsified asphalt application shall be conducted in accordance with the District Rule 231 *Cutback and Emulsified Asphalt*.
- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under the District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

Impact Discussion:

The NCSP amendment, general plan amendment and rezone will not change regulations or policies (or their implementation) relative to air quality. The impacts to air quality of development authorized under the Butte County General Plan 2030 and the Butte County Zoning Ordinance (Title 24 of Butte County Code) are addressed under the Butte County 2030 General Plan Environmental Impact Report and Butte County General Plan Final Supplemental Environmental Impact Report.

Table ES-2. District Air Quality Thresholds of Significance for Criteria Air Pollutants and Recommended Thresholds for Greenhouse Gases and Toxic Air Contaminants.		
Pollutant	Construction-Related	Operational-Related
ROG	137 lbs/day, not to exceed 4.5 tons/year	25 lbs/day
NO _x	137 lbs/day, not to exceed 4.5 tons/year	25 lbs/day
PM < 10 microns (PM ₁₀ or smaller)	80 lbs/day	80 lbs/day
Non-Stationary Source GHGs	Same as Operational Thresholds	No Adopted Threshold. Recommend compliance with Qualified Greenhouse Gas Reduction Strategy, Lead Agency's threshold, or consistency with goals of AB 32
Stationary Source GHGs	Same as Operational Thresholds	No Adopted Threshold. Recommend compliance with Qualified Greenhouse Gas Reduction Strategy, Lead Agency's threshold, or consistency with goals of AB 32
New Source Toxic Air Contaminant Risks and Hazards - Individual Project	Same as Recommended Operational Thresholds	No Adopted Threshold. Recommend mitigating below: Increased cancer risk of > 10 in one million
		Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute)
		Ambient Diesel PM _{2.5} increase > 0.3 ug/m ³ annual average
		Zone of Influence: 1,000-foot radius from parcel(s) of source or receptor
New Receptor Toxic Air Contaminant Risks and Hazards - Individual Project	Same as Recommended Operational Thresholds	No Adopted Threshold. Recommend mitigating below: Increased cancer risk of > 10 in one million
		Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute)
		Ambient Diesel PM _{2.5} increase > 0.3 ug/m ³ annual average
		Zone of Influence: 1,000-foot radius from parcel(s) of source or receptor
New Source Toxic Air Contaminant Risks and Hazards - Cumulative Impacts	Same as Operational Thresholds	No Adopted Threshold. Recommend mitigating below: Cancer Risk > 10 in a million from all local sources
		Non-Cancer Risk > 1.0 Hazard Index (from all local sources - chronic)
		Diesel PM _{2.5} > 0.8 ug/m ³ annual average
		Zone of Influence: 1,000-foot radius from parcel(s) of sources or receptors
New Receptor Toxic Air Contaminant Risks and Hazards - Cumulative Impacts	Same as Recommended Operational Thresholds	No Adopted Threshold. Recommend mitigating below: Increased cancer risk of > 10 in one million
		Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute)
		Ambient Diesel PM _{2.5} increase > 0.3 ug/m ³ annual average
		Zone of Influence: 1,000-foot radius from parcel(s) of sources or receptors

Table 4.3.2. Screening Criteria for Criteria Air Pollutants lists the established thresholds based on land use, including commercial and retail uses for when additional air quality modeling should be performed.

Table 4.3.2: BCAQMD Screening Criteria For Criteria Air Pollutants

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
Educational	24,000 square feet
Industrial	59,000 square feet
Recreational	5,500 square feet
Retail	11,000 square feet

An air quality model needs to be conducted for a commercial project that is greater than 15,000 square feet. Best management practices (BMPs) and mitigation measures to reduce project air quality and greenhouse gas emissions (discussed in Section 4.7), and the District’s rules and regulations that are potentially applicable to discretionary projects, are provided in Appendix C of the CEQA Handbook.

a) Less Than Significant. The proposed project will be required to comply with all applicable rules, regulations and control measures including permitting, prohibitions and limits to emissions that work to reduce air pollution throughout California. A project specific analysis of construction and operational emissions (discussed further below), reveals that the proposed project will not exceed Criteria Air Pollutant Emissions thresholds and therefore would not impede or conflict with the implementation of the NSVPA AQAP.

b) Less Than Significant Impact. The proposed project has the potential to impact air quality primarily in two ways: (1) short-term construction emissions during development of the project, such as fugitive dust (particulate/PM₁₀) and construction exhaust emissions, and (2) long-term operational emissions, such as motor vehicle usage, water and space heating, etc.

Construction Emissions

Construction emissions generated throughout the course of project implementation would originate from construction equipment exhaust, employee vehicle exhaust, dust from grading the land, exposed soil eroded by wind, and ROG_s from architectural coating and asphalt paving. Construction-related emissions would vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content.

Construction activities were modeled using CalEEMod version 2016.3.1 to determine the maximum daily emissions and annual emissions. The unmitigated construction criteria air pollutants emissions for the proposed project can be seen in **Table 4.3.3**. CalEEMod daily and annual outputs are included in **Appendix A**.

Table 4.3.3: Unmitigated Construction Criteria Air Pollutants Emissions

Category	Criteria Air Pollutants		
	ROG	NO _x	PM ₁₀ Total <i>(or smaller)</i>
Threshold	137 lbs/day, 4.5 tons/yr	137 lbs/day, 4.5 tons/yr	80 lbs/day
Daily (lbs/day)	96.41	48.67	22.27
Annual (tons/yr)	1.35	3.24	0.66

The daily and annual unmitigated construction related emissions are below the thresholds of significance for criteria air pollutants presented in Table ES-2. Reactive organic gases and NO_x have daily thresholds of 137 pounds per day while PM₁₀ has a threshold of 80 pounds per day.

Despite this variability in project site conditions, the BCAQMD has identified Best Practices to Minimize Air Quality Impacts, many of which are required by federal, state and/or local regulations. These regulations include Section 2485

of Title 13 California Code of Regulations (CCR) and Section 2449(d)(3) of the CARB’s In-Use Off-Road Diesel regulation for idling restrictions as well as the BCAQMD’s Rules 200 and 205 for fugitive dust. These Best Practices have been incorporated into the Project Description as commitments by the applicant (per the BCACMD CEQA Handbook, Appendix C).

Operational Emissions

Operational emissions occur over the lifetime of the project and arise from three sources: (1) mobile source emissions, from motor vehicles primarily driven by customers, employees, and delivery trucks, and (2) evaporative or area source emissions from architectural coatings and maintenance products.

Other sources of operation emissions are the proposed gas station and the service and collision repair shop. The project applicant will be required to obtain a permit from the BCAQMD for the proposed gas station and service and collision repair shop prior to the start of construction of the structures.

Operation emissions were modeled using CalEEMod version 2016.3.1 to determine the maximum daily emissions for criteria air pollutants. **Table 4.3.4** includes the unmitigated operational criteria air pollutants emissions with the associated significance thresholds from the BCAQMD.

Table 4.3.4: Unmitigated Operational Criteria Air Pollutants Emissions

Category	Criteria Air Pollutants		
	ROG	NOx	PM ₁₀ Total (or smaller)
Threshold	25 lbs/day	25 lbs/day	80 lbs/day
Daily (lbs/day)	13.63	16.38	7.21

The daily unmitigated operational related emissions are below the threshold of significance for criteria air pollutants presented in Table ES-2.

Given that both construction and operational criteria air pollutants criteria air pollutants are below the levels of significance, even under an “unmitigated” scenario, the proposed project would not violate any air quality standard or contribute substantially to an existing or project violation. Therefore, impacts are less than significant.

c) Less Than Significant Impact. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in a potentially significant adverse air quality impact to the region’s existing air quality conditions. As discussed in item b) above, the project’s construction and operational emissions are below the BCAQMD’s significance thresholds. In addition, the project has incorporated Best Practices to Minimize Air Quality Impacts as project commitments to further reduce construction emissions. Therefore, cumulatively considerable air quality impacts are less than significant.

d) Less Than Significant Impact. Operation of the proposed project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Construction activity would generate dust and equipment exhausts on a temporary basis. Because impacts related to equipment exhaust emissions would not exceed the significance thresholds identified by BCAPMD, and because construction activities tend to be relatively short, impacts to sensitive receptors would be less than significant.

e) Less Than Significant Impact. Future uses on the project site would not create objectionable odors. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors, however, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any new sources of significant odors that would cause complaints from surrounding uses.

Mitigation Measure: None Required

4.4 BIOLOGICAL RESOURCES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		<u>X</u>	X		
b. 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 Game or U.S. Fish and Wildlife Service?			X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 or the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means)?				X	
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		
e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy ordinance?			X		
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened, or endangered species of animals?			X		
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			X		
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?			X		

Setting

The project site is situated in the valley region, north of the City of Chico and southwest of the intersection of State Route 99 and Garner Lane. The Butte County General Plan identifies biological communities that occur within the county and identifies the project site as *Urban*.

Urbanized portions of Butte County include Chico, Paradise, Oroville, Biggs, and Gridley, as well as other small unincorporated communities across the County. Biological communities within urban areas tend to be limited in distribution and habitat quality for native species. Generally urban areas have low habitat value for species due to human disturbance and a lack of native vegetation. However, these conditions do not preclude species from utilizing and thriving in urban areas. Species commonly encountered in urban areas are adapted to human disturbance and tend to be able to utilize a wide variety of resources, such as raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), and a wide variety of bird species.

The project site includes mostly disturbed undeveloped parcels (formerly consisting of dryland farming and an existing well) containing ruderal annual plant species including johnsongrass (*Sorghum halepense*), turkey mullein (*Croton setigerus*), yellow star thistle (*Centaurea solstitialis*), medusahead (*Elymus caput-medusae*), and *Brassica* sp. Approximately 30 small trees are located on the periphery of the site, species present include valley oak (*Quercus lobata*), walnut (*Juglans hindsii*), almond (*Prunus dulcis*), and silk tree (*Albizia julibrissin*).

Valley Oak

A total of 25 valley oaks approximately five inches, or greater, in diameter at breast height (DBH) are located along or near the boundaries of the project site. Fourteen occur along the western boundary adjacent to Garner Lane, seven can be found along the southern boundary, and four are found along the eastern boundary of the site. Many of the valley oaks are multi-stemmed with stems ranging in size from approximately 5 inches DBH to 13 inches DBH.

Jurisdictional Waters of the United States, including Wetlands

Waters of the United States (WOUS), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers (USACE). The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable source of water for a wide variety of wildlife species.

No aquatic features on the project site were identified. No formal delineation of jurisdictional waters was performed for the project site; and any potential aquatic features of the project site are not expected to meet USACE jurisdictional criteria due to the limited inputs of water, and the project's site distance from area waterways designated as Waters of the United States.

Special-Status Species

Many special-status species of plants and animals within California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under state and federal endangered species acts. Others have been designated as "Candidates" for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as "Species of Special Concern." The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as "special-status species."

California Environmental Quality Act Guidelines Section 15065 requires a mandatory finding of significance for projects that have the potential to substantially degrade or reduce the habitat of a threatened or endangered species, and to fully disclose and mitigate impacts to special status resources. For the purposes of this Initial Study, the California Environmental Quality Act (Sections 21083 and 21087, Public Resources Code) defines mitigation as measure(s) that:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.

- Compensates for the impact by replacing or providing substitute resources or environments.

NorthStar biologist, Matt Rogers, conducted a general biological survey within and surrounding the project site to evaluate site conditions and the potential for special-status species occurrence on October 4, 2016. Species encountered during the survey are included as **Appendix B**. Information on potential special-status species occurrence was gathered from three primary references: the United States Fish and Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC), the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), and the California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants v8-02. The results of the evaluation identified special-status species with the potential to occur in the BSA, and/or special-status species that could be impacted outside the BSA by project actions. **Appendix C** lists the regulatory status, habitat requirements, and assessed potential for occurrence for each special-status species identified within the Nord and the eight surrounding USGS 7.5 minute quadrangles.

The following special-status species were determined to have at least a moderate potential of occurrence within the BSA.

Migratory Birds and Raptors

Migratory birds, including raptors, are protected in varying degrees under California Fish and Game Code, Section 3503.5, the Migratory Bird Treaty Act (MBTA), and CEQA. The project site currently provides suitable nesting and/or foraging habitat for a variety of these species that may nest on the ground, in low vegetation, and within oak trees present within the project area.

Species protected by the MBTA are **known** to occur within the project area, as they were observed on-site during biological surveys conducted in October of 2016.

Impact Discussion:

a) Less Than Significant Impact with Mitigation Incorporated. The project site contains habitats that have the potential to support migratory birds and raptors protected by the MBTA. Future development and construction activities on the project site may cause direct or indirect significant impacts to migratory birds and raptors protected by the MBTA, or result in the modification of habitat that is known to support these species. Implementation of **Mitigation Measure #1** will reduce potential impacts to a less than significant level.

b) Less Than Significant Impact. The project site is not identified as containing riparian habitat nor is it designated as a sensitive natural community. A total of 25 valley oaks approximately five inches, or greater, in diameter at breast height (DBH) are located along or near the boundaries of the project site. The proposed project will necessitate removal of trees for driveway access, parking areas, and/or structures. The California Public Resources Code §21083.4 requires Counties to identify whether a project has the potential to result in a conversion of oak woodlands and if that conversion will have a significant effect on the environment. Oak woodlands are scattered throughout the county but are concentrated in the transition area between the lower valley and higher elevations of the county. The project site is identified as an *urban* biological community within the General Plan. In addition, the 25 oak trees present along the property boundaries are not sufficient in density and distribution to be classified as oak woodland. However, although the removal of the trees would not result in the conversion of oak woodlands or other sensitive natural community, the County does recognize that the removal of native oak trees and loss of oak woodlands is occurring statewide. The project applicant proposes to replant oak trees at a 3:1 replacement ratio (for those trees removed as a result of site development) and thus minimize the loss of oak trees in the County. **c) No Impact.** No aquatic features, including wetlands, have been identified within, or near the project site.

d) Less Than Significant Impact. No major migratory routes have been designated through the project site. The site may facilitate home range and dispersal movement of resident wildlife species, but does not serve as a designated wildlife movement corridor.

e) Less Than Significant Impact. Butte County has not adopted a tree ordinance. See discussion 4.4(b) – Biological Resources for a discussion of oak woodlands.

f) No Impact. The Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) that is currently being prepared for the western half of the Butte County, and is scheduled to be completed in 2017. The project site is located within the proposed plan area of the BRCP. However, as the plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals

of the proposed plan. Regardless, this project would not be expected to have significant impacts upon sensitive biological resources that would require mitigation under the future habitat conservation plan.

g) Less than significant impact. There is no designated critical habitat within or in the vicinity of the project area. Additionally, the site has been utilized for dry land farming for several years greatly reducing its capacity as suitable habitat for special-status plant and wildlife species. Therefore, less than significant impacts to critical habitats are anticipated.

h) Less than significant impact. Species present on-site are consistent with those found in urban and developed environments within the area. The ultimate development of the project will not reduce the diversity or numbers of animals on-site. Impacts would be considered less than significant.

i) No Impact. The project site does not contain any native waterways containing substantial fish and wildlife habitat. The potential development of the project is not expected to result in a significant deterioration of existing fish or wildlife habitat or introduce barriers to movement of any resident or migratory fish or wildlife species because of its small scale.

j) Less Than Significant Impact. Introduction of fencing, noise, human presence and/or domestic animals is not expected to hinder the normal activities of wildlife living in and passing through the project site due to the proximate low-density and undeveloped open space near the project.

k) Less Than Significant Impact. This project could result in the development that would introduce additional factors such as lighting, noise, and human presence. The project site, and the surrounding area, already includes these factors in a low-density setting. The eventual build out of the project is not anticipated to significantly hinder normal activities of wildlife.

Mitigation Measure #1 (Migratory Birds and Nesting Raptors):

If construction activities on resultant parcels occurs during the nesting season for birds protected under the Migratory Bird Treaty Act and California Department Fish & Game Code (approximately March 1 – August 31), the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting bird species. Surveys to identify active bird nests shall be conducted within the project site, along the project periphery, and along Garner Lane. At least one survey shall be conducted no more than 7 days prior to the initiation of construction activities. If ground disturbance or vegetation removal stops during the construction period for more than 15 days, another survey shall be conducted within 7 days prior to the continuation of construction activities. If nesting raptors or birds protected by CDFC and MBTA are found within or adjacent to the footprint of proposed construction, the project proponent, in consultation with a qualified biologist, shall:

1. Locate and map the location of the nest site;
2. Establish a reasonable no-disturbance buffer around all active raptor or migratory bird nest.
3. Within 2 working days of the survey, prepare a report and submit to the County and CDFW. The report will include the results of survey, location(s) of nests, and location of no disturbance buffers;
4. On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained;
5. Construction can resume within the no disturbance buffer when a qualified biologist has confirmed that the nest is no longer active.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

4.5 CULTURAL RESOURCES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X		
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		
d. Disturb any human remains, including those interred outside of formal cemeteries?		X			
e. Tribal Cultural Resources. Would the project 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 that is: 1. 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 2. 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		

Setting:

Butte County contains a rich diversity of archaeological, prehistoric and historical resources. The General Plan 2030 EIR observes that the “archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along water courses” (Butte County General Plan EIR, 2010, p. 4.5-7).

A substantial adverse change upon a historically significant resource would be one wherein the resource is demolished or materially altered so that it no longer conveys its historic or cultural significance in such a way that justifies its inclusion in the California Register of Historical Resources or such a local register (CEQA Guidelines Section 15064.5, subd. (b)(2)). Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors, or near bodies of water.

Impact Discussion:

a) b) & c) Less Than Significant Impact. A Cultural Resources Inventory (CRI) was prepared for the proposed project site. The CRI included a record search for existing archeological sites and surveys on the project site, and within 0.25 miles, was conducted through the Northeast Information Center of the California Historical Resources Information System in October 2016. Additionally, an intensive pedestrian survey of the entire project site was

conducted by Ms. Lori Harrington of Cultural Research Associates. The records search indicated that one prior study had been completed within the study area. Neither the records search nor the pedestrian survey revealed the existence of any prehistoric or historic resources on the project site. Although, it was noted that there is one pre-historic site located within 0.25 miles of the project site. The identified pre-historic site consisted of a three-foot-high mound containing thinly scattered flakes and thermal fractured rock. No other resources were identified within the project site or immediate vicinity. Refer to discussion under section e1 and e2, below.

d) Less Than Significant Impact with Mitigation Incorporated. Although no cultural resources were discovered during pedestrian surveys of the project site, future grading and other soil disturbance activities resulting from the development of the project site has the potential to uncover historic or prehistoric cultural resources located below the surface. To prevent impacts to the resources that may be uncovered during development activities on the project site, **Mitigation Measure #2**, below, is recommended.

e1, e2) Less Than Significant Impact. As part of the processing of the project application, County staff initiated a Tribal Consultation Request with tribes that have requested Formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). The County received two responses, one from the Enterprise Rancheria indicating that the project site was not in the aboriginal territory of the Estom Yumeka Maidu and a second response from the Mechoopda Indian Rancheria indicating that the Tribe did not have current records of significance for the project site. In addition, as part of the preparation of the CRI, a sacred lands file request and Native American Consultation was conducted. Consultation letters were sent to seven tribes on October 17, 2016 with follow-up emails and phone calls; two responses were received with no concerns. No other cultural resources were identified within the project site or immediate vicinity.

Mitigation Measure #2 (Prehistoric or Historic Resources):

Place a note on project improvement plans that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner ((530) 538-6579). Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

4.6 GEOLOGIC PROCESSES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ol style="list-style-type: none"> 1. 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? Refer to Division of Mines and Geology Special Publication 42. 2. Strong seismic ground shaking? 3. Seismic-related ground failure, including liquefaction? 4. Landslides? 			X		
b. Result in substantial soil erosion or the loss of topsoil?			X		
c. 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	
d. 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		
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal or waste water?			X		

Setting:

A wide variety of geologic conditions exist in the valley, foothill and mountain regions of Butte County with respect to seismic activity and various types of soil instability (landsliding, expansion, liquefaction, erosion, etc.). Thorough summaries of the geologic and soil conditions in Butte County may be found in the 2007 Settings and Trends report prepared for the Butte County General Plan 2030 and are incorporated herein by reference.

County-wide maps regarding the relative hazards due to landslides, expansive soils, liquefaction, and faults are available with County GIS data and used as general references by Development Services, the County Building Division, Public Works, and Environmental Health when reviewing construction and land disturbing proposals requiring a permit.

Impact Discussion:

The Seismic Safety Element of the Butte County General Plan indicates that all of Butte County is in Moderate Earthquake Intensity Zone VIII. The site is not within an Alquist-Priolo Earthquake fault zone but is within an aftershock epicenter region (Butte County GIS Epicenter Regions theme). The only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 30 miles southeast of the project site, where activity on August 1, 1975 resulted in the Oroville earthquake. This earthquake had a Richter magnitude of 5.7 and resulted in approximately 2.2 miles of ground rupture along the western flank of Cleveland Hill. In the northwest corner of Butte County near Chico there are a series of short, north-northwest trending faults similar to the Cleveland Hill fault. These faults appear to be an extension of the Bear Mountain Fault or Foothills Shear Zone. Minor seismic activity has occurred around these short faults; however, other geologic evidence indicates these faults are not active (Health and

Safety Element, Butte County General Plan 2010). None of these faults have experienced any known movement during historical times. No impacts are anticipated since no rupture of a known earthquake fault exists in the project area.

Like most of central California, the site can be expected to be subjected to seismic ground shaking at some future time. Accordingly, all buildings and other improvements would be designed and installed in accordance with California Building Code requirements.

Soils within the project site are comprised entirely of Bosquejo clay, 0-1 percent slopes. The typical soil profile for this soil type is clay to approximately 24 inches with silty clay and clay loam to approximately 44 inches below grade and then loam to approximately 60 inches.

a1) Less Than Significant Impact. The site is not within an Alquist-Priolo Earthquake fault zone and is not within an aftershock epicenter region (Butte County GIS Epicenter Regions theme). As mentioned above, the only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 30 miles to the southeast of the project site, where activity on August 1, 1975, resulted in the Oroville earthquake. This earthquake had a Richter magnitude of 5.7 and resulted in approximately 2.2 miles of ground rupture along the western flank of Cleveland Hill.

a2) Less Than Significant Impact. Like most of central California, the site can be expected to be subjected to seismic ground shaking at some future time. However, active faults are relatively distant from the project site and ground shaking due to a seismic event is expected to have a lower intensity at the project site. But all buildings and other improvements would be designed and installed in accordance with Uniform Building Code requirements. As the project appears to be located such that the probability of significant groundshaking is low, and because the project does not propose the addition of significant structures that would be at risk to seismic activity, potential geologic impacts would be less than significant. Furthermore, any structures that are built during the project would be designed and installed in accordance with Uniform Building Code standards for the appropriate Seismic Hazard Zone.

a3) Less Than Significant Impact. Liquefaction is a phenomenon where loose, saturated, granular soils lose their inherent shear strength due to excess water pressure that builds up during repeated movement from seismic activity. Factors that contribute to the potential for liquefaction include a low relative density of granular materials, a shallow groundwater table, and a long duration and high acceleration of seismic shaking. Liquefaction usually results in horizontal and vertical movements from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of approximately 50 feet or less. The Butte County Health and Safety Element's Liquefaction Potential Map indicates that the site has a generally moderate potential for liquefaction.

a4) Less Than Significant Impact. The Subsidence and Landslide Potential Map of the Health and Safety Element of the Butte County General Plan (Figure HS-4 of the General Plan) indicates that there is a low to no potential for landslides in this area. The potential for landslides on the project site is considered remote due to the lack of significant topography on the project site and on the surrounding parcels.

b) Less than Significant Impact. There is slight potential for soil erosion on the project site according to Figure HS-5, Erosion Potential Map of the Health and Safety Element of the County General Plan. The site is generally level, also reducing the likelihood of erosion. However, surface soil erosion and loss of topsoil has the potential to occur from disturbances associated with future construction-related activities. Construction activities could also result in soil compaction and wind erosion that could adversely affect soils.

During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of measures implemented would be based upon location specific attributes (i.e. slope, soil type, weather conditions). These control and protection measures are standard in the construction industry and are commonly utilized to minimize soil erosion and water quality degradation.

Additionally, future construction activities would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater permit program because one or more acres of land would be disturbed. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation would be subject to State Water Resources Control Board requirements for the preparation and implementation of a project specific Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, which includes excessive erosion and sedimentation. The SWPPP must be obtained before any soil disturbing activities take place within the site. The implementation of standard erosion control best management practices (BMPs) during future

construction activities and the adherence to State requirements would ensure the potential erosion impacts are less than significant.

c) **No Impact.** The project is not located on an unstable geologic unit or soil and will not cause instability that would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **Less Than Significant Impact.** Figure HS-6 of the General Plan Health and Safety Element indicates that the project site has a high expansive soil potential. The Butte County Building Division may require soil tests prior to issuance of a building permit to determine if the soils on the site have an expansive potential.

e) **Less Than Signification Impact.** The project proposes to use individual septic systems for wastewater disposal. Typical dispersal system configuration requires a minimum of 12 inches of cover soil over the dispersal (leach) trenches. As described in the setting section above, soil below 24 inches, as identified in the NRCS soils data, is silty clay, clay loam and loam. These three soil types correspond with soils types C, D, and E in Table 1 of the Butte County On-Site Wastewater Manual - Part 3 - System Requirements, adopted April 12, 2106. The On-Site Manual Table 1 assigns application rates for wastewater dispersal in gpd/ft². As per the requirements of the On-Site Manual, the proposed project's onsite wastewater system will be designed by a Certified Designer to meet the application rates for the site's soil types, which are capable of supporting the use of onsite septic systems.

Mitigation Measure: None required

4.7 GREENHOUSE GAS EMISSIONS:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X			
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		

Setting:

The earth's atmosphere naturally contains a number of gases, including (but not limited to) carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), which are collectively referred to as greenhouse gases (GHGs). GHG emissions are generally numerically depicted (when applicable) as carbon dioxide equivalents (CO₂e). CO₂e represents CO₂ plus the additional warming potential from CH₄ and N₂O. The common unit of measurement for carbon dioxide equivalents is in metric tons (MTCO₂e).

These gases trap some amount of solar radiation and the earth's own radiation, preventing it from passing through earth's atmosphere and into space. Greenhouse gases are vital to life on earth; without them, earth would be an icy planet. For example, CO₂ is an element that is essential to the cycle of life. In general, CH₄ and N₂O have 21 and 310 times the warming potential of CO₂, respectively. Human-made emissions of GHG occur through the combustion of fuels, as well as a variety of other sources.

Increasing GHG concentrations are believed to be warming the planet. As the average temperature of the earth increase, weather may be affected, including changes in precipitation patterns, accumulation of snow pack, and intensity and duration of spring snowmelt. Climate zones may change, affecting the ecology and biological resources of a region. There may also be changes in fire hazards due to the changes in precipitation and climate zones.

While scientists have established a connection between increasing GHG concentrations and increasing average temperatures, important scientific questions remain about how much warming would occur, how fast it would occur, and how the warming would affect the rest of the climate system. At this point, scientific efforts are unable to quantify the degree to which human activity impacts climate change. The phenomenon is worldwide, yet it is expected that there would be substantial regional and local variability in climate changes. It is not possible with today's science to determine the

effects of global climate change in a specific locale, or whether the effect of one aspect of climate change may be counteracted by another aspect of climate change, or exacerbated by it.

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

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

A 2006 baseline GHG emission inventory was prepared for unincorporated Butte County. The inventory identified the sources and the amount of GHG emissions produced in the county. Within Butte County, the leading contributors of GHG emissions are agriculture (43%), transportation (29%), and residential energy (17%).

The Butte County Department of Development Services prepared a Climate Action Plan (CAP) for the unincorporated area of Butte County. The CAP is an implementation mechanism of the County's General Plan adopted in 2010 and amended in 2012, providing goals, policies, and programs to reduce greenhouse gas (GHG) emissions, address climate change adaptation, and improve quality of life in the county. The CAP also supports statewide GHG emissions reduction goals identified in Assembly Bill (AB) 32 and Senate Bill (SB) 375. Measures and actions identified in the CAP lay the groundwork to achieve the adopted General Plan goals related to climate change, including reducing GHG emissions to 1990 levels by 2020. The County needs to reduce community emissions by 24% (240,370 MTCO_{2e}) below forecast levels to achieve a 15% reduction below baseline 2006 levels in 2020. Similarly, to be on a trajectory toward the EO S-3-05 goal for 2050, the County would need to reduce community emissions by 52%, to achieve a 42% reduction below baseline 2006 levels in 2030. Consistent with the General Plan, the primary focus of this CAP is to achieve a 2020 reduction goal. To implement the measures of the CAP, a development checklist was created to evaluate a new projects consistency with the CAP, and to identify which GHG emission reduction measures would be implemented with project approval.

Impact Discussion:

a) Less Than Significant Impact with Mitigation Incorporated. The proposed project and future development would contribute to the existing greenhouse gas inventory for Butte County. Project operation would generate direct emissions through the consumption of electricity, natural gas, and propane, generation of solid waste, water usage, air conditioning systems, landscaping equipment, etc. Development would also generate additional vehicle trips to and from the auto dealership, carwash, body shop, and gas station/convenience store. Trips to the carwash and gas station/convenience store would have likely been taken anyways to existing facilities in Chico. Additionally, construction activities of future development would also create greenhouse gas emissions, primarily from the use of heavy equipment.

Greenhouse gas emissions were modeled using CalEEMod version 2016.3.1 to determine the annual emissions of MTCO_{2e}. **Table 4.7.1** includes the unmitigated and mitigated GHG emissions for the project including construction and operational emissions. The mitigated emissions, which correspond to 2020 emissions, incorporate compliance with some, but not all applicable rules and regulations regarding energy efficiency, vehicle fuel efficiency, and other GHG reduction policies as described in the CalEEMod User's Guide. Rules and regulations incorporated include using water efficient irrigation systems, installing low flow faucets and toilets, exceeding Title 24 building codes by 25%,

installing energy efficient lighting and appliances, diverting solid waste, and implementing a voluntary ride sharing program.

Table 4.7.1: Unmitigated and Mitigated Greenhouse Gas Emissions for the proposed project in MTCO_{2e}.

Phase	GHG Emissions (MTCO _{2e} /year)	
	Unmitigated	Mitigated
Construction	455.57	441.66
Operation	2,049.97	1,389.45

The total unmitigated GHG emissions represent approximately 0.26% of the per year 2020 target emission goal of 774,890 MTCO_{2e} while the mitigated emissions represent approximately 0.18% of the year 2020 target goal. The mitigated GHG emissions are approximately 32% lower than the unmitigated emissions which exceeds the CAP goal of 15% reduction from business as usual. As stated previously in order for the County to meet the 15% reduction below baseline 2006 levels in 2020 target, the County needs to reduce community emissions by 24%. Project components, including the implementation of recycling programs, energy efficient lighting and energy management systems, low flow water fixtures and plumbing, and obtaining 75% of energy use from solar, the proposed project reduces GHG emissions 32% lower than the unmitigated emissions. Implementation of **Mitigation Measure #3** would ensure the project’s consistency with the CAP and that potential increases of GHG emissions are less than significant.

b) Less Than Significant Impact. The Butte County General Plan and Butte County Climate Action Plan establish numerous policies relative to greenhouse gases. The proposed general plan amendment, rezone, and specific plan amendment would not generate greenhouse gas emissions; however, future development of the project would contribute GHG emissions. The anticipated increase in emissions would not conflict with the applicable policies adopted for reducing GHG emissions.

Mitigation Measure #3 (Greenhouse Gas Emissions):

Place a note on project improvement plans that states: To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from development:

- Support expansion of renewable energy systems.
 - Prewire all new development to support photovoltaic system installation.
- Institute recycling program with a 50% reduction goal.
- Support low-flow water and irrigation systems.
 - Install low-flow faucets and toilets.
 - Use water efficient irrigation systems.
- Improve fuel efficiency of equipment during construction-related activities.
 - Use clean or alternative fuel equipment or
 - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes.

Plan Requirements: The above-referenced mitigation shall be included on project improvement and building plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods. Requirements of this condition shall also be adhered to prior to issuance of building permits.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. The Planning Division will ensure that future development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

4.8 HAZARDS AND HAZARDOUS MATERIALS:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Create a significant hazard to the public or the environment through the routine transport use, or disposal of hazardous materials?			X		
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools?			X		
d. 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		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X		
f. 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 project area?				X	
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		
h. Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X		

Setting:

As set forth in Chapter 17 (Hazards and Safety) of the 2007 Setting and Trends Report, a number of diverse natural and man-made hazards exist in Butte County, including hazards from flooding, wildfire, earthquakes and other natural phenomena, and hazardous materials including release of certain chemical, fuels and solvents into the environment. A search of the Department of Toxic Substances Control (DTSC) database identified 18 active sites in Butte County; only four, however, are within the unincorporated County area.

Impact Discussion:

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. According to California Health and Safety Code Section 25501(o), "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

a) Less Than Significant Impact. The proposed general plan amendment, rezone, and specific plan amendment does not involve the routine use, transport, or disposal of hazardous materials. Construction activities associated with the development of the proposed project would involve the use of potentially hazardous materials, including paints, cleaning materials, vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

Project operation would involve the routine transport, use, or disposal of hazardous materials. The proposed gas station would include 12 fueling islands and corresponding underground storage tanks (USTs). The USTs would consist of double walled, fiberglass fuel storage tanks with leak detection sensors. The gas station would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over fuel-dispensing facilities.

To be operational after construction, the USTs and all associated fuel delivery infrastructure (i.e. gas pumps), would be required to comply with all applicable federal, state, and local regulations, including but not limited to those provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Occupational Safety and Health (Cal/OSHA) Regulations and Chapter 38, Liquefied Petroleum Gases, of the California Fire Code. Collectively, the routine inspection of the gas station, the USTs, and all associated fuel delivery infrastructure, along with the continued mandated compliance with all federal, state, and local regulations would ensure that the proposed project is operated in a non-hazardous manner. Therefore, the long-term impacts associated with handling, storing, and disposing of hazardous materials would be less than significant.

b) Less Than Significant Impact. Implementation of the proposed project would result in the development of four car dealership buildings, a carwash, a convenience store/gas station, and a collision and repair center. Project operation would involve the routine transportation, use, or disposal of hazardous materials. However, the transportation, use, or disposal of hazardous materials would comply with all applicable federal, state, and local regulations to ensure the project will be operated in a non-hazardous manner. Therefore, the proposed project would not create a permanent significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.

c) Less Than Significant Impact. The nearest school is Pleasant Valley Baptist School, located at 13539 Garner Lane, approximately 0.20 miles north of the project site and SR 99. All handling, use, storing, and disposal of hazardous materials will comply with all applicable federal, state, and local regulations to ensure the proposed project will be operated in a non-hazardous manner. Therefore, the impacts would be less than significant.

d) Less Than Significant Impact. A search of the state and federal agency databases for hazardous materials sites within one-mile of the project site was performed and the project site is within one-mile of three identified clean-up sites. The Allen Property Burn Piles, a Voluntary clean-up site, is located approximately 0.30 miles to the west of the project site, across Esplanade. Shasta Elementary School is a School clean-up site located at 193 Leora Court, approximately 0.50 miles south of the project area. Down Range Indoor Shooting Range is a LUST clean-up site located north of the Garner Lane and SR 99 intersection. The only active clean-up site is located at Shasta Elementary School, the remaining sites are either closed or certified by the overseeing regulatory agencies.

e) Less Than Significant Impact. The Chico Municipal Airport, a public use airport, is located within two miles of the project site. The runway is approximately 1.80 miles east of the project site. The proposed project is located within the compatibility Zone D for the Chico Municipal Airport. Zone D includes areas within the airport vicinity which are overflown less frequently or at a higher altitude by arriving and departing aircraft. Therefore, would not result in safety hazards to people working on the project site.

f) No Impact. No known private airstrips have been identified within two miles of the project site. Thus, no safety hazards associated with airport operations are anticipated to affect people working or residing within the project site.

g) Less Than Significant Impact. The proposed project does not include any actions that physically interfere with any emergency response or emergency evacuation plans. Development of the resultant parcels would add a small amount of trips onto the area roadways; however, area roadways and intersections would continue to operate at an acceptable level of service.

h) Less Than Significant Impact. The project site is not located in a Fire Hazard Severity Zone or in a State Responsibility Area. It is in a Local Responsibility Area. As a result, subsequent development within the project site would not expose structures to a significant wildland fire risk. As an added protection, Butte County Fire Department/CalFire requires construction of an all-weather access road at the time of development. The road will be

at least 10 feet wide with a vertical clearance of 15 feet to allow for ingress and egress of a 40,000-pound fire apparatus to within 150 feet of all structures on the resultant parcels.

Mitigation Measure: None required.

4.9 HYDROLOGY AND WATER QUALITY:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Violate any water quality standards or waste discharge requirements?			X		
b. 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 preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X		
c. 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		
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		
f. Otherwise substantially degrade water quality?			X		
g. Place housing within a 100-year flood hazard area as mapped by Federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?			X		
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X		
i. Expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	
j. Inundation by seiche, tsunami, or mudflow?				X	

Setting:

Flooding

Flooding events can result in damage to structures, injury or loss of human and animal life, exposure of waterborne diseases, and damage to infrastructure. In addition, standing floodwater can destroy agricultural crops, undermine infrastructure and structural foundations, and contaminate groundwater. The Federal Emergency Management Agency (FEMA) is responsible for mapping areas subject to flooding during a 100-year flood event (i.e., 1 percent chance of occurring in a given year). According to floodplain mapping of the project area, the project site is located within the X zone. Portions of the project site fall within the unshaded X zone and the shaded portion of the X zone. The unshaded X

zone is defined by FEMA as areas of minimal flood hazard from the principal source of flood in the area and determined to be outside of the 0.2 percent annual chance floodplain. While the shaded X zone is an area of moderate flood hazard determined to be between the base flood level and the 0.2 percent annual chance floodplain.

Impact Discussion:

a) Less Than Significant Impact.

Onsite Wastewater Disposal

Wastewater disposal for the proposed project would be provided by private, on-site septic systems. Based on flow rate calculations, the project site is capable of handling 334 gpd/acre of wastewater without exceeding the County Service Area 114 (CSA 114) Nitrate Compliance Program nitrate standard of 45 mg/l as nitrate (refer to discussion under Section 4.10 – Land Use). This would be accomplished by installing a packed bed biological filter for wastewater treatment, removing 50 percent or more of nitrogen from wastewater prior to underground dispersal. At the time of development, the proposed project would be reviewed by Butte County Environmental Health to ensure compliance with wastewater disposal standards including the Butte County LAMP and CSA 114, Chico Urban Area Nitrate Compliance Program.

Car Wash

The proposed car wash is a complete packaged facility that uses a wash water recovery system, recirculation pits for recycling water, and filtration system providing a closed loop system eliminating the need for water discharge.

Construction Activities

Potential water pollutants may be generated during construction activities associated with build-out of the resultant parcels, which may include sediment and petroleum based fuels and lubricants. Construction activities have the potential to temporarily increase the sediment load of stormwater runoff from construction areas (i.e., disturbing soil at work area, the staging area, access road, etc.). Excess sediment in surface drainage pathways can alter and degrade the aquatic habitat in nearby surface water channels. In addition, if construction equipment or workers inadvertently release pollutants such as hydraulic fluid or petroleum to the surface water, these materials could be entrained by stormwater and discharged into surface water features causing water quality degradation.

As discussed in Section 4.6 – Geologic Processes, the physical characteristics of the soil at the project site indicate that susceptibility to erosion is slight. During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Additionally, future construction activities may be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more of land is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. Project operations that are under a NPDES permit would also be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site.

Water System

Water services to future buildings within the project site would be provided by a transient non-community public water system. The project will conduct water quality monitoring per Butte County Environmental Health's Small Water Systems Program.

b) Less Than Significant Impact. Water services to future buildings within the project site would be provided by a transient non-community public water system. New development requiring a domestic water supply would increase groundwater extraction; however, sufficient groundwater resources are available in the project area to serve potential development at the site.

The proposed project has the potential to result in a net increase in impervious surfaces on the project site from the development of structures and the associated parking areas. However, the project will utilize stormwater infiltration

trenches placed throughout the site per Butte County Improvement Standards. Thus, the proposed project would not cause a substantial reduction in surface infiltration or a decrease in deep percolation to the underlying aquifers.

c) Less Than Significant Impact. Ground disturbance during construction activities associated with the build-out of the proposed project may alter existing drainage pathways so as to make surface soils more susceptible to erosive forces (i.e., overland flow) and/or generate enough increased runoff through removal/clearing of existing vegetation to increase surface erosion. As discussed in section a), above, implementation of erosion control measures, BMPs and SWPPP during construction activities would minimize soil erosion and water quality degradation.

d) Less Than Significant Impact. Construction activities associated with build-out of the proposed project would not alter drainage patterns such that they would cause on- or off-site flooding. Vegetation removal, mostly grasses, and soil disturbance would occur during clearing of the site, resulting in the potential for increased stormwater runoff. However, implementation of BMPs and site specific SWPPP would minimize the potential for surface runoff and reduce the potential for flooding.

Butte County Public Works Department requires as part of a building permit a plan to address permanent solution for drainage. The drainage plans shall be required to detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite. The project will utilize stormwater infiltration trenches placed throughout the site per Butte County Improvement Standards.

e) Less Than Significant Impact. The proposed project is likely to generate a minor increase in runoff from the development of the proposed project. Even so, the anticipated minor increase in runoff would likely be negligible in terms of the capacity of any existing stormwater drainage systems.

f) Less Than Significant Impact. The proposed project would not result in potential surface water pollution beyond the issues discussed in section a), above. Therefore, the proposed project would not otherwise degrade water quality beyond the issues previously addressed.

g) & h) Less Than Significant Impact. Flooding events can result in damage to structures, injury or loss of human and animal life, exposure of waterborne diseases, and damage to infrastructure. In addition, standing floodwater can destroy agricultural crops, undermine infrastructure and structural foundations, and contaminate groundwater. The Federal Emergency Management Agency (FEMA) is responsible for mapping areas subject to flooding during a 100-year flood event (i.e., 1 percent chance of occurring in a given year). According to floodplain mapping of the project area, portions of the project site are located within the X zone (shaded). The applicable flood zone is defined by FEMA as follows:

X (shaded): Areas of moderate flood hazard from the principal source of flood in the area and determined to be between the limits of the base flood and the 0.2 percent annual chance flood.

X (unshaded): Areas of minimal flood hazard, which are higher than the elevation of the 0.2 percent annual chance flood.

The proposed project is located outside of any special flood hazard area and impacts relating to flooding would be less than significant

i) No Impact. No reservoirs or dams exist within the project area that, if catastrophic failure occurs, would affect the project site. There are no levees which that would create flooding impacts to the project site.

j) No Impact. Although located within a seismically-active region, the project site is not located in an area that would be impacted by a seiche, tsunami, or mudflows.

Mitigation Measure: None required.

4.10 LAND USE:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Physically divide an established community?				X	

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
b. Conflict with an applicable land use plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X		

Setting:

Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development, transportation, public services, and conservation policy that will govern Butte County through 2030. The land use element of the general plan designates the land use of areas within the county, and includes a description of the characteristics and intensity of each land use category. The land use designation for the project site is *Industrial*. It is located in unincorporated Butte County, on the urban side of the Chico Area Greenline and within the City of Chico Sphere of Influence.

Butte County Zoning Ordinance

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of the land and structures within the County. The zoning designations of the project site and their intended use are as follows:

General Industrial (GI)

The purpose of the GI zone is to allow for a variety of industrial and service commercial uses in Butte County. Standards for the GI zone are intended to preserve locations for existing and future employment-generating businesses, including both traditional businesses and innovative green technology enterprises. In addition to the uses permitted in the LI zone, the GI zone also permits agriculture and timber processing and heavy manufacturing with the approval of a Conditional Use Permit. The maximum permitted floor area ratio in the GI zone is one-half (0.5). The GI zone implements the industrial land use designation in the General Plan..

North Chico Specific Plan

The purpose of the North Chico Specific Plan (NCSP) is to comprehensively respond to development proposals and incorporate them into a concept for land use for the area, while evaluating and providing for area-wide solutions to drainage, circulation, and public services. It provides a comprehensive description of all land uses provided for in the Plan area and to specify concise policies and regulations which implement the broader goals and policies of the Butte County General Plan.

The area covered under the NCSP is approximately 3,590 acres and consists of open space lands, with a pattern of rural and semi-rural residential development has resulted from subdivisions along Keefer Road, Garner Lane, and Hicks Lane. The existing land uses within the plan area are a mix of agriculture, open space, single-family residential, industrial, and retail.

The proposed project site is designated as Light Industrial (M-1) under the NCSP. Permitted uses within this designation include wholesale and storage warehouses; the assembly and storage of goods, materials, liquids, and equipment (except for the storage of inflammable matter or explosives or materials which create dust, odors or fumes); the manufacturing, processing, fabrication, assembling, refining, repairing, packaging, and treatment of goods, materials and products by power (oil, gas, electric), including, by way of example and illustration, but not limited to, the manufacturing, assembling, and fabrication of bathroom shower and patio partitions, enclosures and doors, windows and store fronts of aluminum, plastic and fiberglass, or other suitable material, and the processing, finishing,

polishing and anodizing of aluminum extrusions and castings, assaying, broom and brush manufacturing, die casting, draying, freighting or trucking yards or terminals, heavy equipment rental or sale, heating and ventilating service shops, jewelry manufacturing, lumberyards, packaging plants, public utility service yards, truck repairing and overhauling and welding shops; dyeing and rug cleaning plants, veterinary hospitals and animal shelters and boarding kennels, cabinet and woodworking shops, construction and material yards.

City of Chico Sphere of Influence

The project site is currently located within unincorporated Butte County. The project is also located within the City of Chico Sphere of Influence (Chico Sphere or SOI). Inclusion in the SOI indicates the City's intention to annex the area into city jurisdiction in the foreseeable future. The City's General Plan foresees Commercial Mixed Use (CMU) for a majority of the project site and Manufacturing and Warehousing for the southernmost parcel along with Community Commercial (CC) and Light Manufacturing (ML) zoning, respectively.

County Service Area 114

County Service Area (CSA) 114 was created by the Butte County Board of Supervisors in 1988 to provide for the financing of feasibility and planning studies, engineering studies, groundwater well monitoring, and environmental studies related to nitrate compliance in the Chico Urban Area (i.e., Chico Urban Area Nitrate Compliance Program). The boundaries of CSA 114 encompass the Chico Urban Area and SOI.

County of Butte - Chico Urban Area Nitrate Compliance Program

The Chico Urban Area Nitrate Compliance Program (Nitrate Program) was developed in response to the Central Valley Regional Water Quality Control Board's Prohibition Order No. 90-126 issued on April 27, 1990, which prohibited waste discharges from individual septic systems within the Chico Urban Area. The Nitrate Program was prepared in response to the contamination of groundwater in the Chico Urban Area by nitrate, a form of nitrogen. The discharge from individual septic systems has been cited by the Central Valley Regional Water Quality Control Board (RWQCB) as the primary source of groundwater nitrate contamination that exceeds drinking water standards set by the U.S. Environmental Protection Agency and the State Water Resources Control Board (SWRCB). Nitrate levels that exceed the nitrate standard of 45 mg/l as nitrate have been established as a threat to the public health and is subject to regulation.

County of Butte – Onsite Wastewater Ordinance

The On-Site Wastewater Systems Ordinance (Butte County Code Chapter 19) was adopted to protect public health and the environment by protecting ground and surface water quality; establish a framework allowing adoption of science-based standards for design, construction, installation, operation, of on-site wastewater treatment, conveyance, and dispersal systems; and ensure compliance with applicable standards, laws, and guidelines.

Impact Discussion:

a) No Impact. The project site is located within Butte County and the North Chico Specific Plan Area as well as the City of Chico SOI. Land uses surrounding the project site include: includes single family residential, a 9-hole golf course, commercial land uses and a church facility as well as agriculture and undeveloped parcels of various sizes. SR 99, a north-south state highway, forms the eastern property boundary. SR 99 alternates between a two-lane rural highway and a four-lane freeway, through the City of Chico. The general plan and specific plan amendment and rezone will change the existing land use and zoning designations from industrial to retail/general commercial, which is consistent with the existing surrounding and projected land uses. As a result, the proposed project will not physically divide an established community.

b) Less Than Significant Impact. The proposed general plan amendment, rezone, and specific plan amendment will change regulations or policies (or their implementation) relative to land use. The impacts to land use of the development authorized under the Butte County General Plan 2030 and the Butte County Zoning Ordinance (Title 24 of Butte County Code) are addressed under the Butte County 2030 General Plan Environmental Impact Report and Butte County General Plan Final Supplemental Environmental Impact Report. The proposed general plan amendment, rezone, and specific plan amendment are consistent with the following plans, policies and regulations:

General Plan Policies for Commercial Designation

Policy LU-P1.2 – The County shall promote economic development and job-generating industry in unincorporated areas.

Policy LU-P1.9 - The County shall allow commercial services and retail within unincorporated communities.

Goal LU-5 – Provide adequate land for and promote the development of attractive commercial and industrial areas and uses that provide goods, services, and jobs.

Goal LU-8 – Promote development near existing infrastructure and services, and within already developed areas. In addition, the NCSP identifies the same policies for both commercial and industrial land uses. Therefore, the proposed amendment would not conflict with the NCSP.

North Chico Specific Plan Commercial/Industrial Policies

The proposed project would look to amend the specific plan designation from the Light Industrial to a General Commercial designation. Policies for commercial and industrial land uses are the same and thus would not conflict with measures that minimize environmental impacts. Applicable policies for commercial/industrial uses include:

1. Locate and orient commercial buildings to minimize negative impacts on adjoining residences. Outdoor activity areas and noise-generating equipment should be located away from residential areas.

County of Butte - Chico Urban Area Nitrate Compliance Program

NorthStar senior engineer, Nick Weigel, calculated peak wastewater flows for the proposed project using both published values for wastewater generation and existing facility customer and employee data and adjusting for projected growth. In addition, the wastewater loading rate was calculated for the entire project site as a whole as well as the four proposed parcels. Per the Nitrate Compliance Program, the proposed project has a gross wastewater loading rate limit of 334 gpd/acre. It is estimated that the proposed project would result in 201 gpd/acre. In addition, the required percent reduction of nitrogen from a treatment system was identified to ensure that the proposed project would not exceed the nitrogen standard of 45 mg/l as nitrate. Using peak design flows, predicted average daily flows, gross proposed parcel areas, and an assumed 150 mg/l nitrogen from proposed uses, it was determined that a 0 to 25% reduction of supplemental nitrogen as nitrate would be required for each onsite system. Therefore, the use of a packed bed biological filter for wastewater treatment would be necessary for nitrogen removal prior to underground dispersal. The use of a treatment system would reduce nitrogen levels by 50%, therefore meeting the 0-25% reduction requirements. Therefore the project would comply with the Nitrate Compliance Program's thresholds and impacts are reduced to a less than significant level (refer to **Appendix D**, Nitrogen Loading Analysis).

County of Butte – Onsite Wastewater Ordinance

The treatment and dispersal system designs will confirm to the On-Site Wastewater Systems Ordinance (Butte County Code Chapter 19), Manual - Part 3 - System Requirements for siting, sizing, and permitting.

c) Less Than Significant. The Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) that is currently being prepared for the western half of the Butte County. The project site is located within the proposed Chico Urban Permit Area (UPA) as shown in the Formal Public Draft of the BRCP. The proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan.

Mitigation Measure: None required.

4.11 MINERAL RESOURCES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. 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	
b. 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	

Setting:

Aggregate, metal and other mineral resources are present in widely scattered areas throughout Butte County. Aggregate resources tend to be found along the current or pre-historic margins of larger streams and rivers; metal resources such as gold are generally limited to placer and hard rock deposits in the foothill and mountain regions of the County.

Impact Discussion:

a) **No Impact.** There are no known economically viable sources of rock materials in the immediate vicinity of the project site. No mining operations have occurred on the project site or surrounding area and the project would not preclude future extraction of available mineral resources. Mineral resource extraction is not proposed with this project. However, future development on the resultant parcels would use mineral resources in the construction of structures and access roads. The amount of resources used for the anticipated development on the resultant parcels is minor and would not result in the loss of its availability.

b) **No Impact.** The project site is not located in an area currently used for, or known to have, locally-important mineral resources.

Mitigation Measure: None required.

4.12 NOISE:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X		
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would			X		

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
the project expose people residing or working in the project area to excessive noise levels?					
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	

Setting:

The Health and Safety Element of the Butte County General Plan identifies land use compatibility standards for exterior community noise for a variety of sensitive land uses. For urban designations, a maximum exterior noise level of 70 L_{dn}/CNEL decibel level is generally identified as being an acceptable noise environment requiring no special noise insulation or noise abatement features. This standard is applicable to properties containing noise sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the use of the land.

According to the Noise Contour Map for Existing Conditions in Appendix C of the Butte County General Plan, the eastern portion of the project site is located within the 60-70 L_{dn} found along SR 99. Additionally, a small portion of the southwestern corner of the project area is adjacent to the 60-65 L_{dn} found along the Esplanade.

The Butte County Noise Control Ordinance provides the county with a means of assessing complaints of alleged noise violations and to address noise level violations. The ordinance sets forth exterior and interior noise level standards that are applicable to sensitive areas within Butte County, including residential uses. Among the noise generating activities subject to the noise ordinance are noise sources associated with construction. Though construction-related noises are subject to the noise standards of the county, these activities would be exempt if operations occur between 7:00 a.m. to sunset on any day except Saturday, Sunday, or a holiday, or between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, Sunday, or a holiday; and, provided machinery is fitted with correctly functioning sound suppression equipment.

Impact Discussion:

a) Less Than Significant Impact. Noise levels contributed by the proposed project would include construction noise and from operation of the car dealership, service and collision center, convenience market/gas station, and carwash/detail center. Construction noises associated with development of the project would primarily be from the use of heavy equipment. Typical noises contributed by the project include automobile, power tools, and heating and cooling systems. The nearest sensitive receptors (residential land uses) to the project site are east of SR 99 and west of Garner Lane and Esplanade. Potential noise impacts are less than significant because construction activities would be subject to the county Noise Ordinance and operational noises are not anticipated to result in generation of noises in excess of noise standards.

b) Less Than Significant Impact. The proposed project would involve temporary sources of groundborne vibration and groundborne noise during construction from the operation of heavy equipment. Operation of heavy equipment would generate localized groundborne vibration and groundborne noise that could be perceptible at residences or other sensitive uses in the immediate vicinity of the construction site. However, since the duration of impact would be brief and would occur during less sensitive daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.), the impact from construction-related groundborne vibration and groundborne noise would be less than significant.

c) Less Than Significant Impact. The primary contributors to the existing noise environment surrounding the project site include sounds emanating from vehicle traffic on SR 99, adjacent agricultural operations, and adjacent industrial uses. Permanent noise sources that would be introduced to the existing noise environment by the proposed project would be typical noise levels contributed by retail/commercial land uses including automobiles, power tools, and heating and cooling systems. It is anticipated that these sources of noise would contribute to an increase in the ambient noise levels within the project site and surrounding area. However, due to the low density of sensitive

receptors within the area and existing ambient noises presently in the surrounding environment, the anticipated increase in ambient noise levels would not be substantial.

d) Less Than Significant Impact. The temporary or periodic noise sources that would be introduced to the existing noise environment by the proposed project would be noises associated with construction activities and delivery trucks. Construction of structures would require a variety of equipment during the construction period, and thus noise levels generated by project construction would vary depending on the particular type, number, and duration of use of the various types of construction equipment. Periodic increases in noise levels would result from delivery vehicles that service the auto dealership, convenience store and fueling station. However, delivery trucks for operational purposes would occur during regular business hours and during the less sensitive daytime hours. Therefore, temporary and periodic increases in noise would be less than significant.

e) Less than Significant Impact. The Chico Municipal Airport, a public use airport, is located within two miles of the project site. The runway is approximately 1.80 miles east of the project site. The proposed project is located within the compatibility zone D for the Chico Municipal Airport. Zone D includes areas within the airport vicinity which are overflowed less frequently or at a higher altitude by arriving and departing aircraft. Additionally, the project area is located well outside all the mapped noise contours for the airport and therefore, would not result in noise impacts to people working within the project site.

f) No Impact. No known private airstrips have been identified within the vicinity of the project site. As a result, no noise impacts associated with the airport operations are anticipated to affect people working or residing within the project site.

Mitigation Measure: None required.

4.13 POPULATION AND HOUSING:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. 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		
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	

Setting:

The population for Butte County was estimated to be 220,024 in 2010 and 203,446 in 2000, resulting in a total population growth of 16,578 during this 10-year period (US Census). The annual average population growth rate in the county during this period was 0.79 percent. Total housing units in Butte County was approximately 95,835 in 2010, with approximately 8.6 percent of these housing units considered vacant.

Impact Discussion:

a) Less Than Significant Impact. The proposed project would result in the development of a car dealership, a service and collision repair center, a carwash and detail center, and a convenience market and fueling station. The project does not involve any residential development or the extension of roadways or infrastructure, which could induce population growth in an area.

b) No Impact. See discussion 4.13(a) – Population and Housing. The project site is currently undeveloped.

c) **No Impact.** See discussion 4.13(a) – Population and Housing. The proposed project would not cause the displacement of the local population nor would it necessitate the construction of replacement housing elsewhere.

Mitigation Measure: None required.

4.14 PUBLIC SERVICES:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services?					
1. Fire protection?			X		
2. Police Protection?			X		
3. Schools?			X		
4. Parks?			X		
5. Other public services?			X		

Impact Discussion:

a1) Less Than Significant Impact. See discussion 4.8 – Hazards and Hazardous Materials for further detail. Butte County Code requires the payment of fire protection impact fees to help offset the impacts that new non-residential development has on the fire protection services. Fire protection impact fees would be paid at the time of building permit issuance.

a2) Less Than Significant Impact. The Butte County Sheriff’s Office provides law enforcement service to the project area. Implementation of the proposed project may increase the police service calls to the vicinity beyond existing conditions. The cumulative impacts of increased development in rural areas impacts the ability of the Sheriff’s Department to adequately provide police services to outlying areas. The project’s increase in demand for police services would be partially offset through project related impact fees, which are collected at the time of building permit issuance.

a3) Less Than Significant Impact. Development at the site would not result in an incremental demand for school facilities in the area as the project does not involve residential development.

a4) Less Than Significant Impact. The project would result in the development of a car dealership, a service and collision repair shop, a carwash and detail center, and a convenience market and fueling station, which would not create significant impacts to area parks and facilities. See discussion 4.15 – Recreation for more detail.

a5) Less Than Significant Impact. The project would result in added need for County services, such as law enforcement, fire protection, general services, libraries, and roads. Butte County collects various types of development impact fees to offset the cost and impacts associated with new non-residential development. These fees vary depending on the type, and are collected at the time of development.

Mitigation Measure: None required.

4.15 RECREATION:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. 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		
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	

Setting:

The project site is in the Chico Area Recreation and Park District (CARD). The CARD covers an area of approximately 208 square miles, and includes the City of Chico, as well as the unincorporated community of Nord. The district operates and maintains approximately 214 acres of developed parkland and facilities to serve a population of approximately 104,367 residents. This translates into a level of service of 1.85 acres of parklands for every 1,000 residents. The total park facilities operated by the district do not include Bidwell Park and parks operated by State and Federal agencies. The nearest community recreational facilities to the project site is DeGarmo Park, which is located approximately 0.6 miles south on Esplanade. DeGarmo Park is owned and operated by the District, and includes picnic and barbeque areas, playground, three baseball fields and large grass field.

Impact Discussion:

a) **Less Than Significant Impact.** Increase in the demand for recreational facilities is typically associated with substantial increases in population. As discussed in Section 4.13 - Population and Housing, the proposed project does not involve the construction of residences and would not induce population growth in the area. The project would not result in a substantial increase in demand for recreational facilities or adversely affect Butte County park/population standards.

b) **No Impact.** The proposed project does not include plans for additional recreational facilities nor would it require expansion of existing recreational facilities. Therefore, the proposed project would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities.

Mitigation Measure: None required.

4.16 TRANSPORTATION/TRAFFIC:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. 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			

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
b. 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			
c. 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			
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		
e. Result in inadequate emergency access?			X		
f. Conflict with accepted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X		

Setting:

Roadway Network

Regional and local access to the project site is provided by SR 99, Esplanade, and Garner Lane.

State Route 99 forms the eastern boundary of the site and transitions from a 4-lane freeway facility to a 2-lane highway. It is classified as a Major Arterial per the City of Chico General Plan providing north-south access through Chico. Adjacent to the project area SR 99 is two lanes and the posted speed limit is 55 miles per hour along this section. An existing signal light is located at the intersection of State Route 99 and Garner Lane.

Esplanade is a two-lane Major Arterial and intersects Garner Lane south of the project area. It provides north-south access between Memorial Way and SR 99. The posted speed limit is 45 mph near the project area.

Garner Lane is classified as a two-lane collector. Adjacent to the project area, Garner Lane contains two 12-foot lanes of travel and does not have curb or sidewalk improvements. It provides north-south access between Esplanade and Keefer Road. The posted speed limit is 45 mph.

Alternative Transportation Facilities

There are no designated pedestrian or bicycle transportation facilities located near the project site, nor are such facilities proposed for the project area. Given the lack of existing facilities, pedestrian and bicycle traffic generally will use the unpaved and paved roadway shoulders, or the paved travel lanes.

B-Line Route #16 provides bus service to the project site with stops located at the Garner Lane/SR 99 and Garner Lane/Esplanade intersections.

Impact Discussion:

a) & b) Less Than Significant with Mitigation Incorporated. The proposed project is proposing a car dealership, a service and collision repair center, a carwash and detail center, and a convenience market and fueling station that would generate long-term changes in traffic volumes. The Traffic Impact Study prepared by Traffic Works estimated the proposed project would generate up to 255 AM peak hour trips and 314 PM peak hour trips. With the addition of project traffic, the SR 99/Garner Lane intersection would operate at an unacceptable level of service (LOS) condition (LOS “F”) under the “existing plus project” conditions during the AM and PM peak hours.

Construction activities associated with the future development has the potential to generate short-term changes to traffic volumes on the area road network. Daily vehicle trips would be generated with the arrival and departure of

construction workers. Construction activities associated with development within the project area would be temporary and of a relatively short-duration.

The proposed project would construct improvements to Garner Lane between SR 99 and Esplanade per County requirements for “minor collectors & local access” roadways, which includes two 16-foot travel lanes with rolled curbs. Sidewalks, curbs, and gutters are not required.

With the incorporation of **Mitigation Measure #4**, the proposed project would not cause long-term degradation in, or create substantial impacts to, the operating conditions or level of service on any of the roadways in the project area. See **Appendix E** for a copy of the Traffic Impact Report prepared for the project.

c) Less Than Significant with Mitigation Incorporated. The closest public use airport is the Chico Municipal Airport approximately 1.8 miles east of the project area. The proposed project is located within compatibility zone D for the Chico Municipal Airport, however, compatibility zone D is overflowed at higher altitudes by planes entering or exiting the airport. The proposed project would not result in a change in air traffic patterns, including increase air traffic levels. There is potential for safety hazard based on the proposed use of the site. Special events for the car dealerships could involve the use of lighting (directional flood lights) that could have impacts to air craft. **Mitigation Measure #5** is included to address such use of directional flood lights and reduce any impacts to less than significant.

d) Less Than Significant Impact. The proposed project would not change the alignment of area roadways, and would not introduce types of vehicles that are not already traveling within the vicinity of the site. The improvements to Garner Lane and the Garner Lane/Highway 99 intersection (**Mitigation Measure #4**) as well as driveway access onto Garner Lane would be designed in accordance with applicable County requirements and Caltrans standards. These improvements would reduce potential safety hazards.

e) Less Than Significant Impact. The proposed project will require improvements to Garner Lane to County and Caltrans standards. Future road and encroachment improvements would be reviewed by the Butte County Public Works Department and Butte County Fire Protection Department/California Department of Forestry and Fire Protection as well as Caltrans to ensure that any potential safety concerns are addressed.

f) Less Than Significant Impact. Future development on the project would have minor long-term impact on demand for alternative transportation facilities due to the limited population growth to the project area. Construction activities associated with future development may generate short-term disruption to area roadways from an anticipated increase in traffic levels. However, construction activities associated with the proposed project would be temporary.

Mitigation Measure #4 (Intersection Improvements):

Place a note on project improvement plans that states, “Lane configurations at both Garner Lane approaches at the State Route 99/Garner Lane intersection will be improved. ~~At both the eastbound and westbound approaches an additional lane will be constructed to allow for exclusive left turn lane and a shared thru right lane.~~ At the eastbound approach additional lanes will be constructed to allow for exclusive left lane, thru lane and right turn lane. At the westbound approach an additional lane will be constructed to allow for exclusive left turn lane and a shared thru right lane. Additionally, the traffic signal phasing will be changed from permissive left-turns to protected left-turns on the Garner Lane approaches (east-west directions).”

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be ~~adhered to~~ completed prior to ~~construction activities, including road construction, and throughout all grading and certificate of occupancy of construction periods activities.~~

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure #5 (Directional Floodlighting):

Prior to use of any directional floodlighting, the operator of the special event must contact both Butte County Planning Division and the Chico Airport Manager for prior approval.

Timing: Contact the County and the Chico Airport Manager at least 30 days prior to the use of any directional flood lighting.

Monitoring: The Butte County Department of Development Services shall respond to any complaints regarding the directional floodlighting.

4.17 UTILITIES AND SERVICE SYSTEMS:

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		
b. 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		
c. 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		
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		
e. 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	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		
g. Comply with federal, state, and local statutes, and regulations related to solid waste?			X		

Impact Discussion:

a) & b) Less Than Significant Impact. Wastewater disposal for the proposed project would be provided by private, on-site septic systems and would be under the regulatory jurisdiction of the Butte County Environmental Health Department. Based on flow rate calculations, the project site is capable of handling 334 gpd/acre of wastewater without exceeding the County Service Area 114 (CSA 114) Nitrate Compliance Program nitrate standard of 45 mg/l as nitrate (refer to discussion under Section 4.10 – Land Use). This would be accomplished by installing a packed bed biological filter for wastewater treatment, removing 50 percent or more of nitrogen from wastewater prior to underground dispersal. At the time of development, the proposed project would be reviewed by Butte County Environmental Health Department to ensure compliance with wastewater disposal standards including the Butte County On-Site Wastewater Ordinance and CSA 114, Chico Urban Area Nitrate Compliance Program. (See Project Description, Wastewater section regarding connection to sewer when the facility is within 250 feet.)

c) Less Than Significant Impact. No existing on-site storm water drainage facilities are located on the project site. The project proposes to retain stormwater on-site by constructing infiltration trenches that would readily allow storm water to infiltrate into the ground. As part of the improvement plan approval process, drainage plans and calculations shall be submitted to and approved by the Department of Public Works. Engineering plans shall detail existing drainage conditions and specify how storm water runoff will be retained onsite per Butte County Improvement Standards. Engineering calculations shall show there is no increase in peak flow runoff leaving the property.

d) Less Than Significant Impact. Water services to future buildings within the project site would be provided by a transient non-community public water system well in compliance with the Butte County Environmental Health's Small Water Systems Program. Sufficient groundwater resources are available in the project area to serve development at the site.

e) No Impact. Wastewater disposal for the proposed project would be provided by private, on-site septic systems. The treatment and dispersal system designs will confirm to the On-Site Wastewater Systems Ordinance (Butte County Code Chapter 19), Manual - Part 3 - System Requirements for siting, sizing, and permitting.

The project would not have an impact on an existing wastewater treatment facility because an onsite treatment and disposal system would be installed.

f) & g) Less Than Significant Impact. Future development of the proposed project would result in a minor increase in the stream of waste being deposited in the Neal Road Landfill. According to the Butte County Public Works Department, the Neal Road Landfill is expected to reach maximum holding capacity by the year 2018, and is currently seeking a permit to expand the landfill so that it can accommodate solid waste to the year 2034. Based on this information, and because the proposed project would comply with all applicable federal, state, and local statutes and regulations as they relate to solid waste, adequate permitted landfill capacity exists to accommodate the proposed project.

Mitigation Measure: None required.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE (SECTION 15065):

Would the proposal:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have the potential to substantially 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. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects)?		X			
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			

The project has the potential to contribute impacts that are individually limited, but cumulatively considerable with respect to Initial Study Checklist Items 4.4 – Biological Resources, 4.5 – Cultural Resources, 4.7 – Greenhouse Gas Emissions, and 4.16 – Transportation/Traffic. Cumulative impacts to these areas would be mitigated due to the inclusion of Mitigation Measures #1 through #5 as itemized under Section 5 – Mitigation Measures and Monitoring Requirements.

Impact Discussion:

a) Less Than Significant Impact With Mitigation Incorporated. With the implementation of mitigation measures included in this Initial Study, the proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources. Prehistoric or historic cultural resources would not be adversely affected because no archeological or

historic resources are known to exist in the project area and project implementation includes following appropriate procedures for avoiding or preserving artifacts or human remains should they be uncovered during project excavation.

b) Less Than Significant Impact With Mitigation Incorporated. This project has the potential to contribute impacts that are individually limited, but cumulatively considerable with respect to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Transportation/Traffic. Cumulative impacts to these areas would be mitigated due to the inclusion of Mitigation Measures # 1 through #5, as itemized under Section 5 – Mitigation Measures and Monitoring Requirements. Past, current, and probable future projects near the project site were reviewed to determine if any additional cumulative impacts may occur with the approval of this project. A two-mile radius was used in determining cumulative impacts. There are no other currently proposed projects in the area that would add cumulative impacts.

c) Less Than Significant Impact With Mitigation Incorporated. There have been no impacts discovered through the review of this application demonstrating that there would be substantial adverse effects on human beings either directly or indirectly. However, the proposed project has the potential to cause both temporary and future impacts to the area by project-related impacts relating to biological resources, cultural resources, greenhouse gas emissions, and transportation. With implementation of mitigation measures included in this Initial Study, these impacts would be effectively mitigated to a less than significant level.

5.0 MITIGATION MEASURES AND MONITORING REQUIREMENTS:

Mitigation Measure #1 (Migratory Birds and Nesting Raptors)

If construction activities on resultant parcels occurs during the nesting season for birds protected under the Migratory Bird Treaty Act and California Department Fish & Game Code (approximately March 1 – August 31), the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting bird species. Surveys to identify active bird nests shall be conducted within the project site, along the project periphery, and along Garner Lane. At least one survey shall be conducted no more than 7 days prior to the initiation of construction activities. If ground disturbance or vegetation removal stops during the construction period for more than 15 days, another survey shall be conducted within 7 days prior to the continuation of construction activities. If nesting raptors or birds protected by CDFC and MBTA are found within or adjacent to the footprint of proposed construction, the project proponent, in consultation with a qualified biologist, shall:

1. Locate and map the location of the nest site;
2. Establish a reasonable no-disturbance buffer around all active raptor or migratory bird nest.
3. Within 2 working days of the survey, prepare a report and submit to the County and CDFW. The report will include the results of survey, location(s) of nests, and location of no disturbance buffers;
4. On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained;
5. Construction can resume within the no disturbance buffer when a qualified biologist has confirmed that the nest is no longer active.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure #2 (Prehistoric or Historic Resources):

Place a note on project improvement plans that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner ((530) 538-6579). Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

Mitigation Measure #3 (Greenhouse Gas Emissions):

Place a note on project improvement plans that states: To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from development:

- Support expansion of renewable energy systems.

- Prewire all new development to support photovoltaic system installation.
- Institute recycling program with a 50% reduction goal.
- Support low-flow water and irrigation systems.
 - Install low-flow faucets and toilets.
 - Use water efficient irrigation systems.
- Improve fuel efficiency of equipment during construction-related activities.
 - Use clean or alternative fuel equipment or
 - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes.

Plan Requirements: The above-referenced mitigation shall be included on project improvement and building plans.

Timing: Requirements of the condition shall be adhered to prior to construction activities, including road construction, and throughout all grading and construction periods. Requirements of this condition shall also be adhered to prior to issuance of building permits.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities. The Planning Division will ensure that future residential development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

Mitigation Measure #4 (Intersection Improvements):

Place a note on project improvement plans that states, “Lane configurations at both Garner Lane approaches at the State Route 99/Garner Lane intersection will be improved. ~~At both the eastbound and westbound approaches an additional lane will be constructed to allow for exclusive left turn lane and a shared thru right lane.~~ At the eastbound approach additional lanes will be constructed to allow for exclusive left lane, thru lane and right turn lane. At the westbound approach an additional lane will be constructed to allow for exclusive left turn lane and a shared thru right lane. Additionally, the traffic signal phasing will be changed from permissive left-turns to protected left-turns on the Garner Lane approaches (east-west directions).”

Plan Requirements: The above-referenced mitigation shall be included on project improvement plans.

Timing: ~~Timing:~~ Requirements of the condition shall be ~~adhered to~~ completed prior to ~~construction activities, including road construction, and throughout all grading and~~ certificate of occupancy of construction periods activities.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the mitigation is placed on project improvement plans. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure #5 (Directional Floodlighting):

Prior to use of any directional floodlighting, the operator of the special event must contact both Butte County Planning Division and the Chico Airport Manager for prior approval.

Timing: Contact the County and the Chico Airport Manager at least 30 days prior to the use of any directional flood lighting.

Monitoring: The Butte County Department of Development Services shall respond to any complaints regarding the directional floodlighting.

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7.0 CONSULTED AGENCIES:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Environmental Health | <input checked="" type="checkbox"/> Public Works | <input type="checkbox"/> Building Manager |
| <input checked="" type="checkbox"/> BCAG | <input type="checkbox"/> County Counsel | <input type="checkbox"/> LAFCo |
| <input checked="" type="checkbox"/> Assessor | <input type="checkbox"/> Development Services | <input type="checkbox"/> Chico Unified School District |
| <input checked="" type="checkbox"/> Air Quality Management District | <input type="checkbox"/> City of Chico | <input type="checkbox"/> Sheriff |
| <input type="checkbox"/> City of Gridley | <input type="checkbox"/> City of Oroville | <input type="checkbox"/> Town of Paradise |
| <input checked="" type="checkbox"/> CA Department of Forestry | <input type="checkbox"/> Caltrans (Traffic) | <input type="checkbox"/> CA Central Reg. Water Quality |
| <input type="checkbox"/> Department of Conservation | <input checked="" type="checkbox"/> CA Dept. of Fish and Wildlife | <input type="checkbox"/> Highway Patrol |
| <input type="checkbox"/> Army Corps of Engineers | <input checked="" type="checkbox"/> U.S. Fish & Wildlife Service | <input type="checkbox"/> Agricultural Commissioner |
| <input type="checkbox"/> Butte Co. Farm Bureau | <input type="checkbox"/> Chico Unified School Dist. | <input type="checkbox"/> Chico Recreation & Park Dist. |
| <input type="checkbox"/> Pacific Bell | <input type="checkbox"/> California Water Company | <input type="checkbox"/> LOAPUD |
| <input type="checkbox"/> PG&E | <input type="checkbox"/> | <input type="checkbox"/> |

8.0 PROJECT SPONSOR(S) INCORPORATION OF MITIGATION INTO PROPOSED PROJECT:

I/We have reviewed the Initial Study for the Courtesy Automotive Center General Plan Amendment, Rezone and Specific Plan Amedment (GPA16-0001, REZ16-0002 and SPA16-0001; APN 006-400-061, -063, -061, -065 and -066) application and particularly the mitigation measures identified herein. I/We hereby modify the applications on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.



 Project Sponsor/Project Agent

1/23/17.

 Date

 Project Sponsor/Project Agent

 Date

HIGHWAY 99

**SEE SHEET
L-1.1**

VOLVO/
SUBARU

**SEE SHEET
L-1.2**

BMW/
MERCEDES

CADILLAC/
GMC

CARWASH/
DETAIL
CENTER

OFFICE
LIFE

GARNER LANE

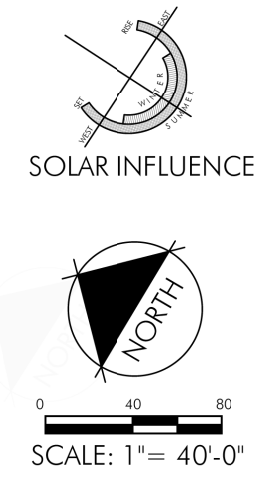
**SEE SHEET
L-1.3**

SERVICE/
COLLISION
CENTER

**SEE SHEET
L-1.4**

THREE SEVENS LANE

ESPLANADE

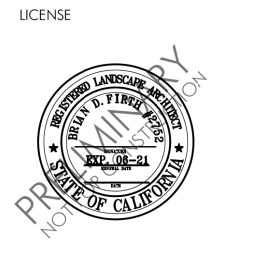


PLAN LEGEND

SYMBOL	DESCRIPTION	REMARKS
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2	EXISTING CHAIN LINK FENCING	TO REMAIN.
3	AREA LIGHT	SEE PLANS BY OTHERS.
4	FIRE HYDRANT	SEE PLANS BY OTHERS.
5	PYLON SIGN	SHOWN FOR REFERENCE ONLY. SEE PLANS BY OTHERS.
6	GRAVEL	--
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14	EXISTING EDGE OF ROAD	
15	EXISTING TREE	TO REMAIN. RETAIN AND PROTECT.
16	NOT USED	
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18	ROOT BARRIER	DEEPROOT UB-18 OR EQUAL
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CHICO, CA 95928

PROJECT

COURTESY
AUTOMOTIVE
CENTER

SHEET TITLE

PRELIMINARY
LANDSCAPE SITE PLAN
REFERENCE SHEET

DATES	NO	DESCRIPTION	DATE
		OWNER REVISIONS	7-9-20
		CDS FOR SUBMITTAL	7-15-20
		REVISIONS	8-5-20

Plot Date: August 06, 2020 - 9:52 am

PROJECT NUMBERS

BFLA PROJECT #: 1968

NORTHSTAR PROJECT #: 15-181

APN: 006-400-061 THRU 006-400-066

SHEET NUMBER

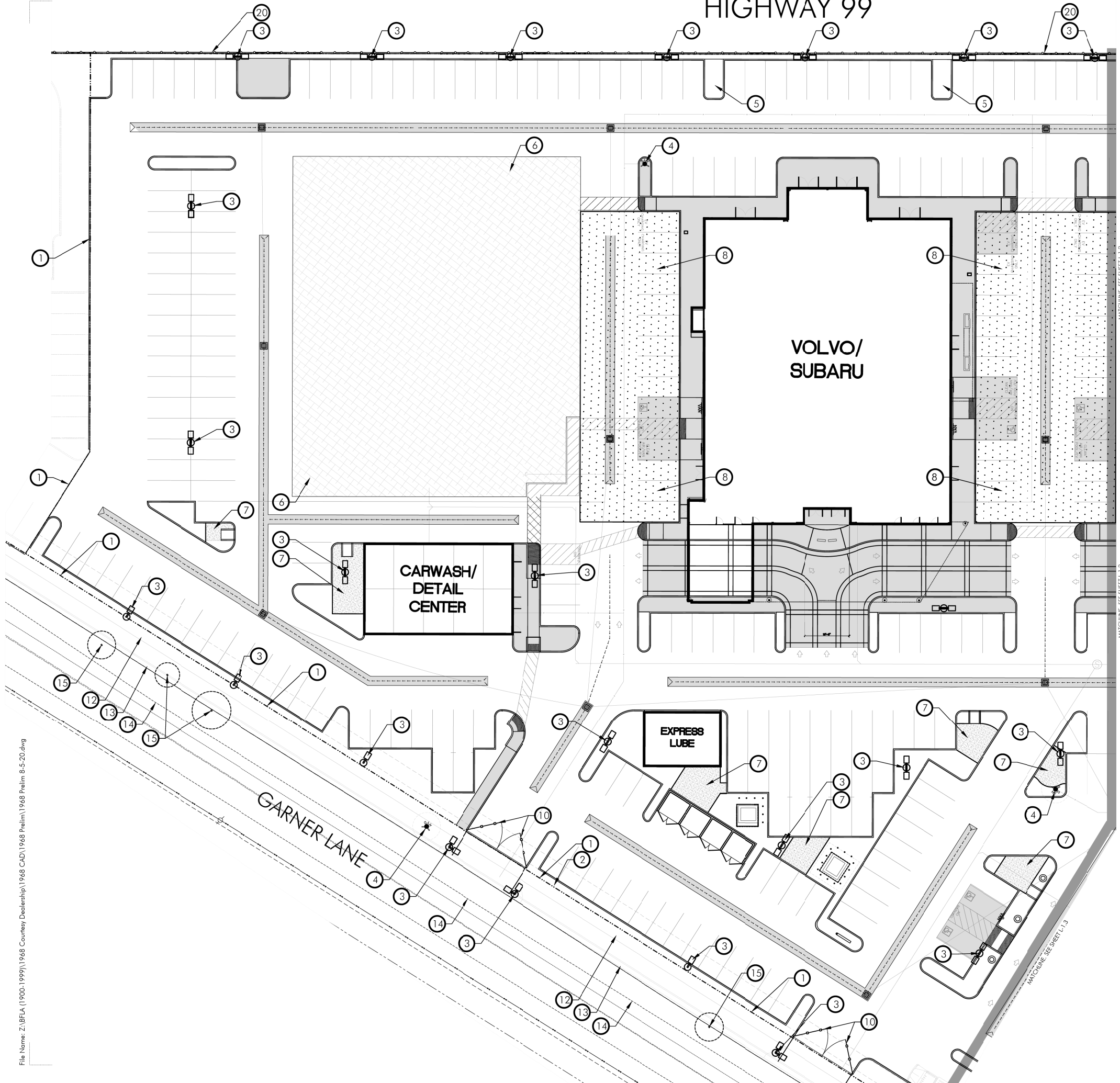
L-1.0

Attachment D

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HIGHWAY 99



PLAN LEGEND

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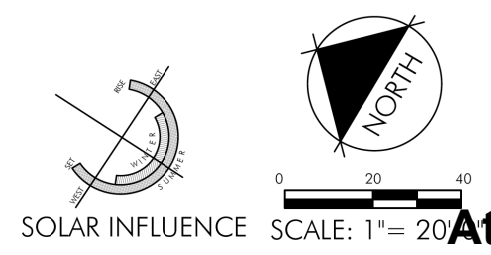
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PROJECT
COURTESY
AUTOMOTIVE
CENTER

SHEET TITLE
PRELIMINARY
LANDSCAPE SITE PLAN
ENLARGEMENT

DATES	NO	DESCRIPTION	DATE
		OWNER REVISIONS	7-9-20
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Plot Date: August 06, 2020 - 9:56 am
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SHEET NUMBER

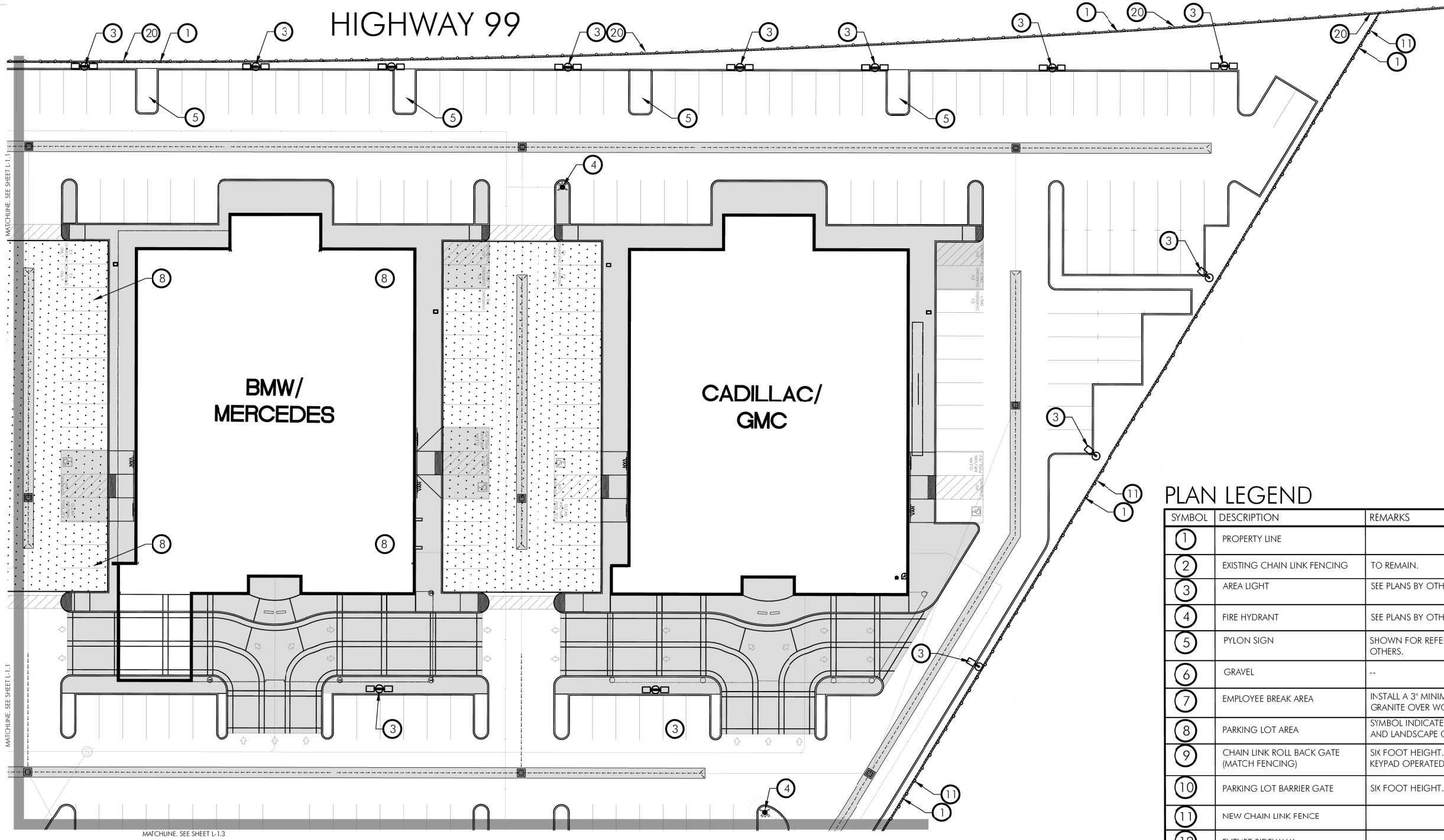


L-1.1

Attachment D

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PROJECT

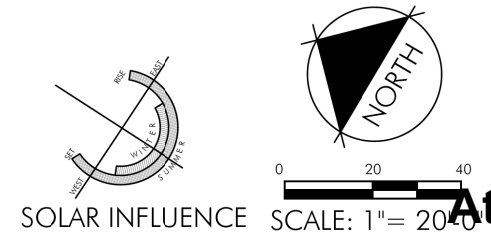
COURTESY
AUTOMOTIVE
CENTER

SHEET TITLE
PRELIMINARY
LANDSCAPE SITE PLAN
ENLARGEMENT

DATES	NO	DESCRIPTION	DATE
OWNER REVISIONS			7-9-20
CDS FOR SUBMITTAL			7-15-20
REVISIONS			8-5-20

Plot Date: August 06, 2020 - 9:56 am

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BFLA PROJECT #: 1968
NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066
SHEET NUMBER



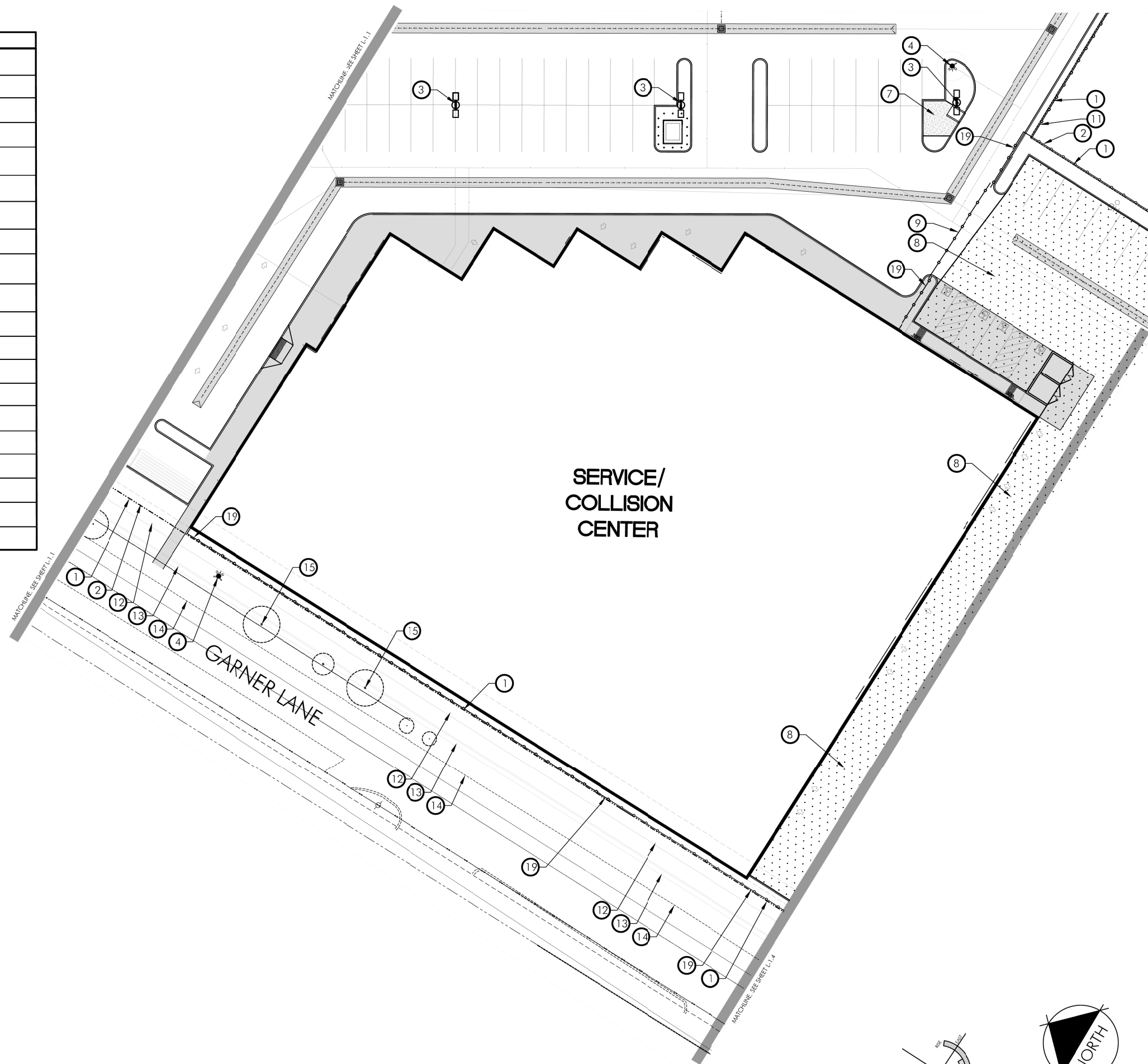
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Attachment D

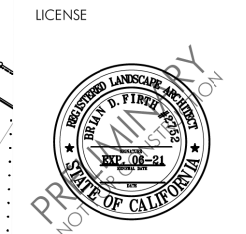
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PLAN LEGEND

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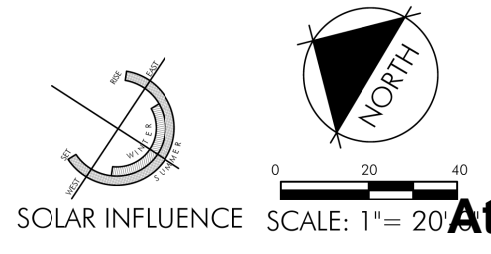
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PRELIMINARY
LANDSCAPE SITE PLAN
ENLARGEMENT

DATES	NO	DESCRIPTION	DATE
OWNER REVISIONS			7-9-20
CDS FOR			7-15-20
SUBMITTAL			
REVISIONS			8-5-20

Plot Date: August 06, 2020 - 9:56 am

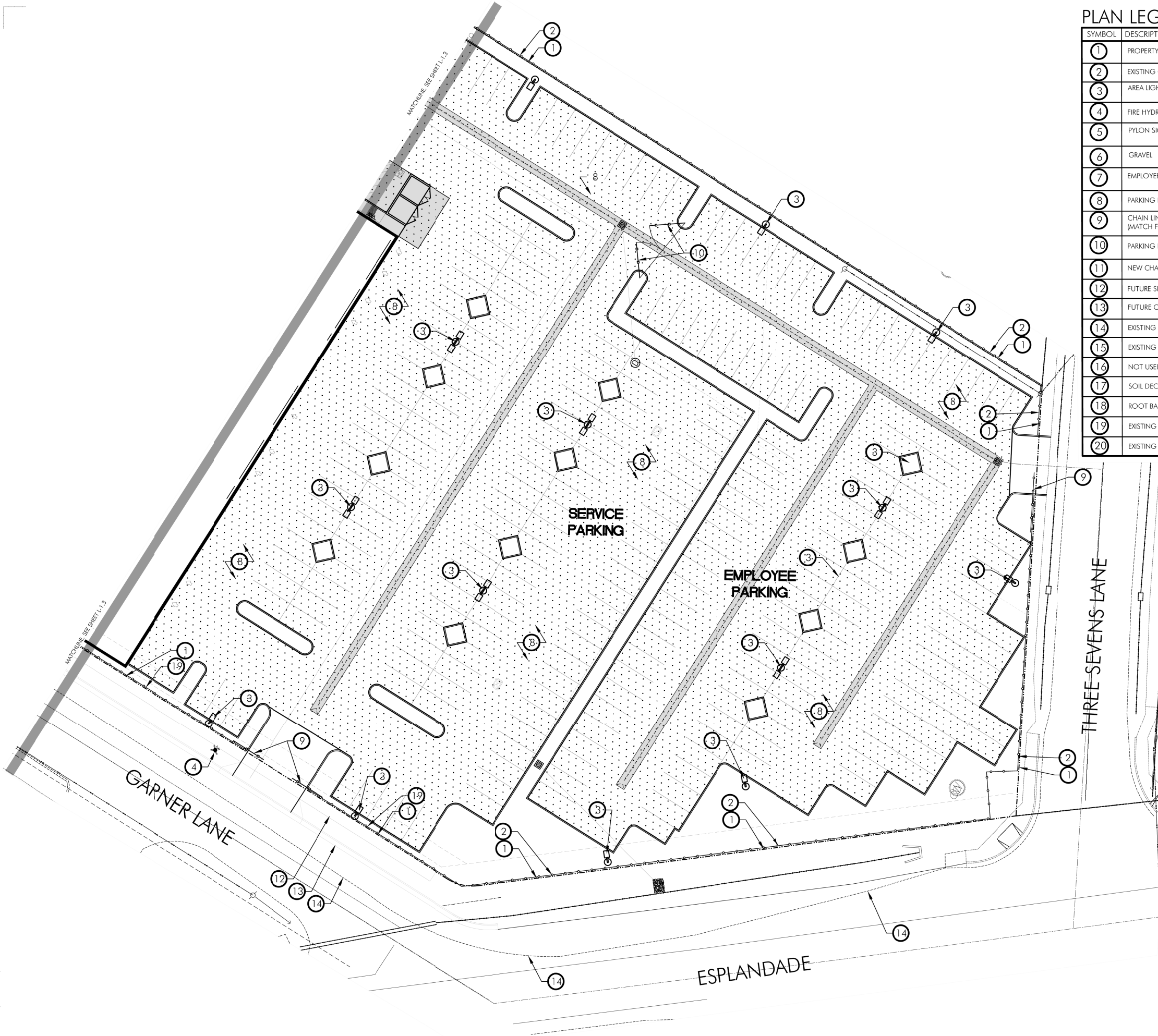
PROJECT NUMBERS
BFLA PROJECT #: 1968
NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066
SHEET NUMBER

L-1.3



SOLAR INFLUENCE Attachment D

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PLAN LEGEND

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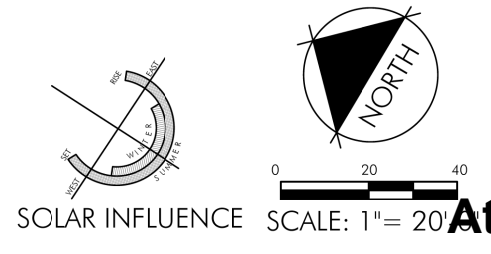
CLIENT
MODERN BUILDING, INC.
3083 SOUTHGATE LN,
CHICO, CA 95928

PROJECT
COURTESY
AUTOMOTIVE
CENTER

SHEET TITLE
PRELIMINARY
LANDSCAPE SITE PLAN
ENLARGEMENT

DATES	NO	DESCRIPTION	DATE
OWNER REVISIONS			7-9-20
CDS FOR			7-15-20
SUBMITTAL			
REVISIONS			8-5-20

Plot Date: August 06, 2020 - 9:57 am
PROJECT NUMBERS
BFLA PROJECT #: 1968
NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066
SHEET NUMBER



L-1.4

Attachment D

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PARKING LOT BARRIER GATE



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PROJECT

COURTESY
AUTOMOTIVE
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SHEET TITLE
PRELIMINARY
LANDSCAPE PLAN
DESIGN
DEVELOPMENT

DATES	NO	DESCRIPTION	DATE
		OWNER REVISIONS	7-9-20
		CDS FOR	7-15-20
		SUBMITTAL	
		REVISIONS	8-5-20

Plot Date: August 06, 2020 - 9:57 am

PROJECT NUMBERS
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NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066

SHEET NUMBER

L-1.5

Attachment D

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Courtesy Automotive Center
Chico, California

System Capacity
(Maximum daily water required to irrigate the landscape area in an 8 hour irrigation window)

Where:

- 27,154 = Gallons per Acre-Inch
- HA = Irrigated Landscape Area (Acres)
- 43,560 = Square Feet per Acre
- Eto = Reference Evapotranspiration
- 0.269 = Historical Daily Peak ETo (Worst Case)
- 0.70 = Irrigation Efficiency (IE) - Rotors, Rotators, Spray
- 0.85 = Irrigation Efficiency (IE) - Bubblers, Surface Drip
- 0.90 = Irrigation Efficiency (IE) - Sub-surface Drip
- HR = Irrigation Window (Hours per Day)
- 60 = Minutes per Hour

Design Capacity

SC = (27,154) (HA) (ETo / IE) / (HR) (60)

SC = **13.91** GPM

Irrigation Window
8 Hours per Day

Irrigated Landscape Area
27,865 = Irrigated Landscape Area (Square Feet)
0.64 = Irrigated Landscape Area (Acres)

Courtesy Automotive Center
Chico, California

Irrigation Documentation Package
Water Budget Calculation

Maximum Applied Water Allowance (MAWA) - Calculation

MAWA = (Eto) (0.7) (LA) (0.62)

MAWA = **401,933** Gallons per Year

Where:

- 51.7 = Reference Evapotranspiration (ETo)
- 0.45 = ET Adjustment Factor (percent)
- 27,865 = Landscape Area (LA) (square feet)
- 0.62 = Conversion factor (inches to gallons)

Estimated Water Use for Hydrozones (EWU) - Calculation

EWU = (Eto) (PF) (HA) (0.62) / (IE)

Where:

- 51.7 = Reference Evapotranspiration (ETo) (Ref: CIMIS)
- PF = Plant Factor per Hydrozone
- HA = Hydrozone Area (square feet)
- 0.62 = Conversion factor (inches to gallons)
- IE = Irrigation Efficiency per Sprinkler Type

Hydrozone 1; Low Water Use shrubs and ground cover; Drip.				PR= 0.8
PF =	0.2			
HA =	24,841 (square feet)	0.570271	acres	
IE =	0.81			
EWU =	196605.7812 (gallons per year)	0.603361	acre-feet/year	262.842 ccf/year

Hydrozone 6; Medium water use trees; Drip (28 SF/ Tree)				PR= 0.8
PF =	0.4			
HA =	3,024 (square feet)	0.069421	Acres	
IE =	0.81			
EWU =	47867.30667 (gallons per year)	0.146899	acre-feet/year	63.99373 ccf/year

Total Estimated Water Use for All Hydrozones (EWU) - Sum			
EWU =	244,473 (gallons per year)	0.75026	Acre-Feet per Year
	327 (100 cubic feet per year)	0.007503	Acres

Estimated Water Use for Hydrozones (EWU) - Calculation

EWU = (ETo) (PF) (HA) (0.62) / (IE)

EWU = 244,473 Gallons per Year

Where:

- LA = Total Landscape area (Square Feet)
- HA = Hydrozone Landscape Area (Square Feet)
- 51.7 = Reference Evapotranspiration (ETo)
- 0.45 = ETo Adjustment (Ref. CUWCC AB2717 Task Force Recommendation 13)
- 0.62 = Conversion factor from inches to gallons
- 748 = Gallons per hundred cubic foot (ccf)
- 325,851 = Gallons per acre-foot

- 0.2 = Plant Factor (KL) - Low
- 0.4 = Plant Factor (KL) - Medium
- 0.7 = Plant Factor (KL) - High
- 0.7 = Plant Factor (KL) - High-Turf

- 0.75 = Irrigation Efficiency - Rotors, Rotators, Spray
- 0.8 = Irrigation Efficiency - Rotators
- 0.81 = Irrigation Efficiency - Bubblers, Surface Drip
- 0.81 = Irrigation Efficiency - Sub-surface Drip

SOILS STATEMENT

STANDARD SOIL AMENDMENTS WILL BE APPLIED IN ACCORDANCE WITH THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND THE RECOMMENDATIONS OF AN ANALYTICAL SOILS TESTING LABORATORY.

TOP DRESSING

ALL LANDSCAPE AREAS SHALL RECEIVE A 3" MINIMUM LAYER OF 3/4" BROWN LAVA ROCK TOP DRESSING.

HIGHWAY 99

THIS SHEET IS SHOWN FOR REFERENCE ONLY. SEE SHEETS L-2.1 THROUGH L-2.4 FOR ENLARGEMENTS. SEE SHEET L-2.5 FOR DESIGN DEVELOPMENT INFORMATION.

BRIAN FIRTH LANDSCAPE ARCHITECT, INC.
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MODERN BUILDING, INC.

3083 SOUTHGATE LN,
CHICO, CA 95928

PROJECT

COURTESY AUTOMOTIVE CENTER

SHEET TITLE
PRELIMINARY LANDSCAPE PLANTING PLAN REFERENCE SHEET

DATES	NO	DESCRIPTION	DATE
OWNER REVISIONS	7-9-20		
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Plot Date: August 06, 2020 - 9:57 am

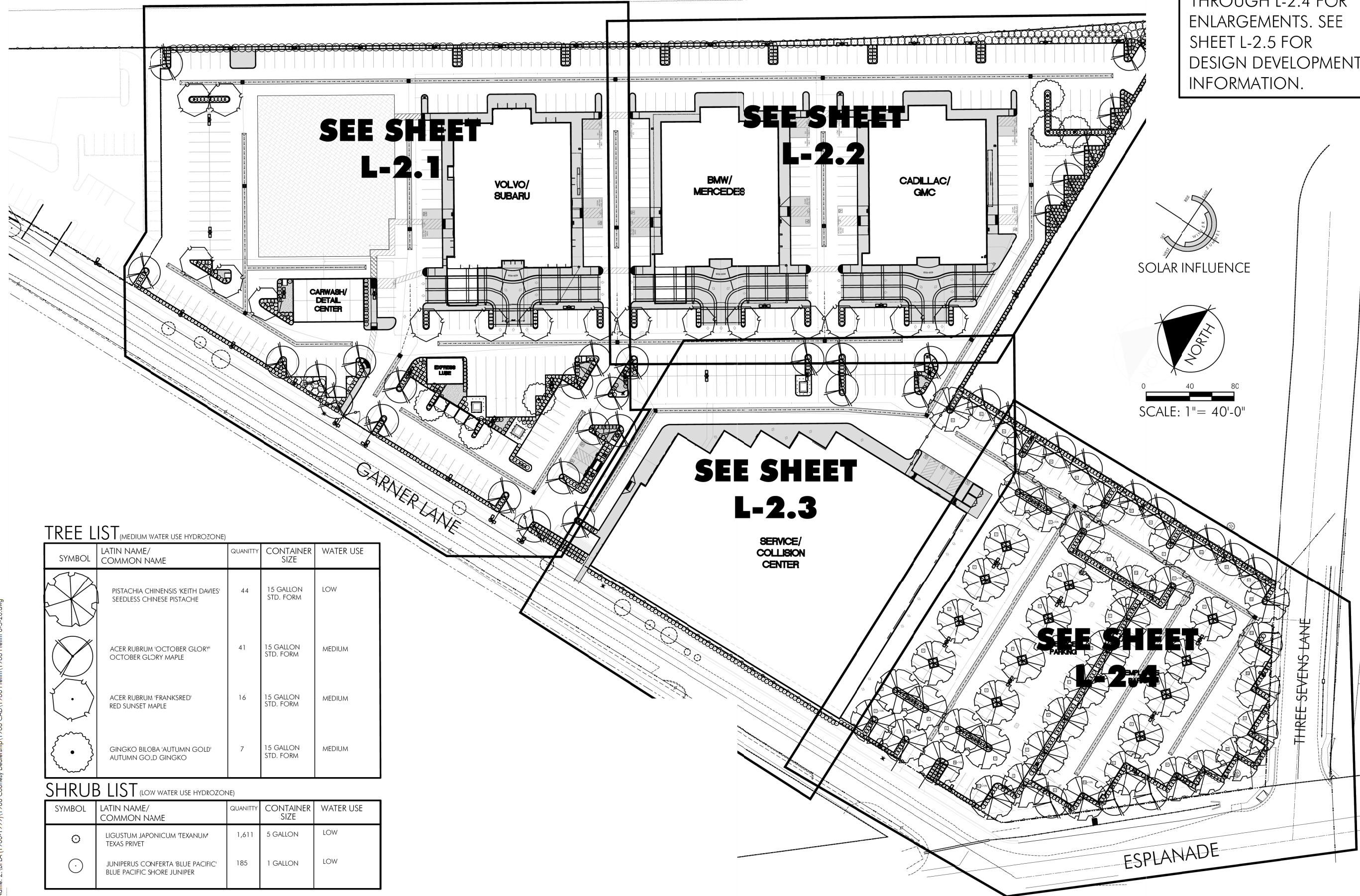
PROJECT NUMBERS
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APN: 006-400-061 THRU 006-400-066

SHEET NUMBER

L-2.0

Attachment D

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SEE SHEET L-2.1

SEE SHEET L-2.2

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CADILLAC/GMC

VOLVO/SUBARU

CARWASH/DETAIL CENTER

SEE SHEET L-2.3

SERVICE/COLLISION CENTER

SEE SHEET L-2.4

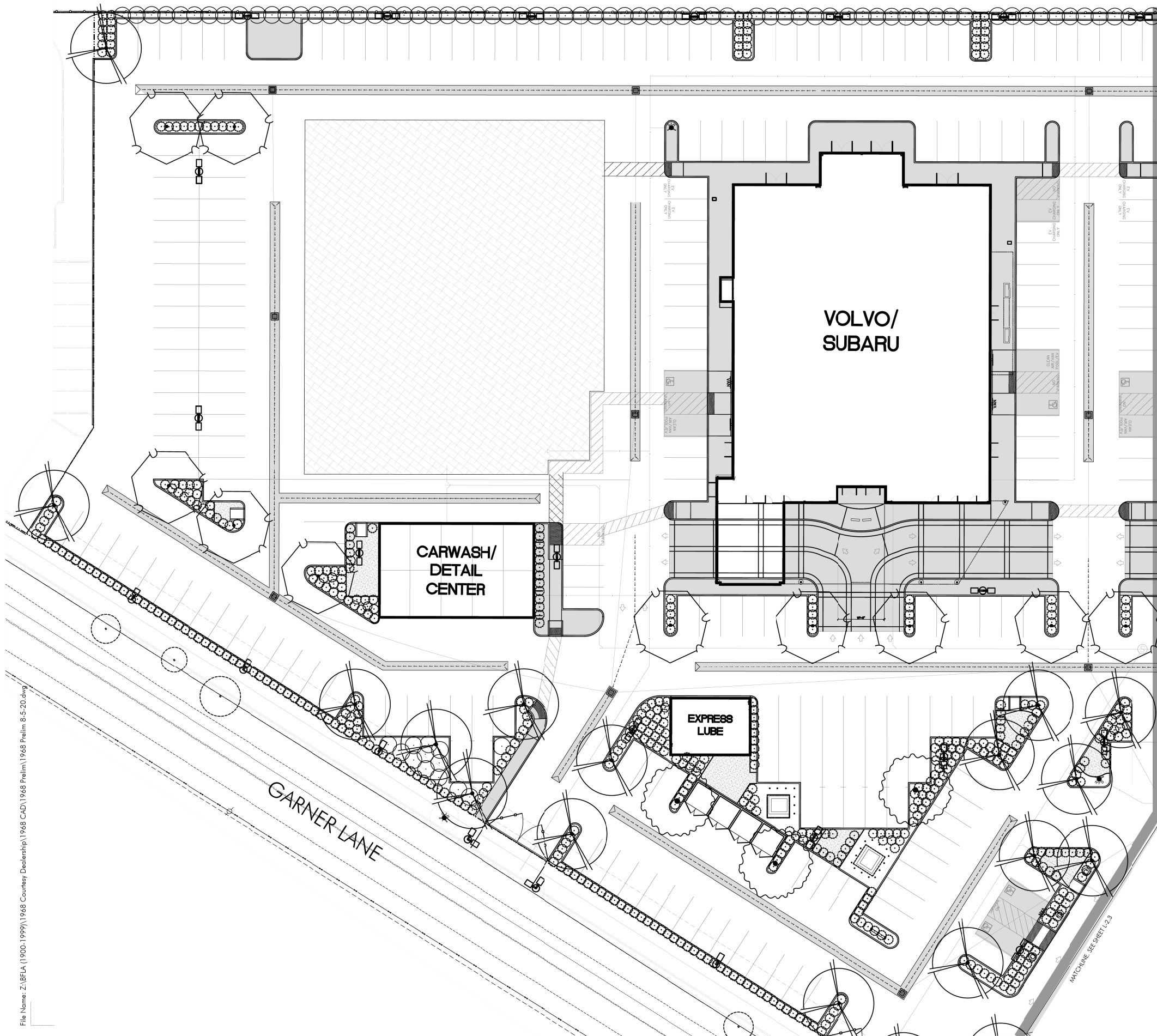
TREE LIST (MEDIUM WATER USE HYDROZONE)

SYMBOL	LATIN NAME/ COMMON NAME	QUANTITY	CONTAINER SIZE	WATER USE
	PISTACHIA CHINENSIS 'KEITH DAVIES' SEEDLESS CHINESE PISTACHE	44	15 GALLON STD. FORM	LOW
	ACER RUBRUM 'OCTOBER GLORY' OCTOBER GLORY MAPLE	41	15 GALLON STD. FORM	MEDIUM
	ACER RUBRUM 'FRANKSRED' RED SUNSET MAPLE	16	15 GALLON STD. FORM	MEDIUM
	GINGKO BILOBA 'AUTUMN GOLD' AUTUMN GO.D GINGKO	7	15 GALLON STD. FORM	MEDIUM

SHRUB LIST (LOW WATER USE HYDROZONE)

SYMBOL	LATIN NAME/ COMMON NAME	QUANTITY	CONTAINER SIZE	WATER USE
	LIGUSTUM JAPONICUM 'TEXANUM' TEXAS PRIVET	1,611	5 GALLON	LOW
	JUNIPERUS CONFERTA 'BLUE PACIFIC' BLUE PACIFIC SHORE JUNIPER	185	1 GALLON	LOW

HIGHWAY 99



TREE LIST (MEDIUM WATER USE HYDROZONE)

SYMBOL	LATIN NAME/ COMMON NAME	QUANTITY	CONTAINER SIZE	WATER USE
	PISTACHIA CHINENSIS 'KEITH DAVIES' SEEDLESS CHINESE PISTACHE	44	15 GALLON STD. FORM	LOW
	ACER RUBRUM 'OCTOBER GLORY' OCTOBER GLORY MAPLE	41	15 GALLON STD. FORM	MEDIUM
	ACER RUBRUM 'FRANKSRED' RED SUNSET MAPLE	16	15 GALLON STD. FORM	MEDIUM
	GINGKO BILOBA 'AUTUMN GOLD' AUTUMN GOLD GINGKO	7	15 GALLON STD. FORM	MEDIUM

SHRUB LIST (LOW WATER USE HYDROZONE)

SYMBOL	LATIN NAME/ COMMON NAME	QUANTITY	CONTAINER SIZE	WATER USE
	LIGUSTRUM JAPONICUM 'TEXANUM' TEXAS PRIVET	1,611	5 GALLON	LOW
	JUNIPERUS CONFERTA 'BLUE PACIFIC' BLUE PACIFIC SHORE JUNIPER	185	1 GALLON	LOW

SHADE CALCULATIONS

DESCRIPTION	SHADE AREA	QUANTITY	TOTAL	PERCENT
TOTAL PARKING AND BACK-UP AREA			105,537 SF	
SHADE AREA PROVIDED				
30 FOOT DIAMETER TREES				
F FULL	706 SF	5	3,530 SF	3.3%
TQ THREE QUARTER	529 SF	1	529 SF	.5%
H HALF	353 SF	9	3,177 SF	3.9%
Q QUARTER	176 SF	0	0	0
30 FOOT DIAMETER TREES (+10% FOR TREES WEST OF DRIVE AISLES)				
F FULL	776 SF	0	0	0
TQ THREE QUARTER	589 SF	0	0	0
H HALF	388 SF	1	388 SF	.3%
Q QUARTER	193 SF	0	0	0
40 FOOT DIAMETER TREES				
F FULL	1256 SF	25	31,400 SF	29.8%
TQ THREE QUARTER	942 SF	4	3,768 SF	3.6%
H HALF	628 SF	6	3,768 SF	3.6%
Q QUARTER	314 SF	0	0	0
40 FOOT DIAMETER TREES (+10% FOR TREES WEST OF DRIVE AISLES)				
F FULL	1,381 SF	4	5,525 SF	5.9%
TQ THREE QUARTER	1,036 SF	3	3,108 SF	2.9%
H HALF	690 SF	2	1,380 SF	1.3%
Q QUARTER	345 SF	0	0	0
TOTAL SHADE AREA PROVIDED			56,573 SF	53.6%

PARKING LOT LANDSCAPE

DESCRIPTION	AREA	PERCENT
PARKING LOT PAVING	105,537 SF	
PARKING LOT LANDSCAPE	6,921 SF	6.55%

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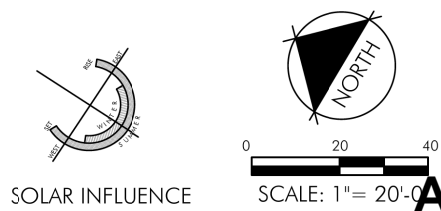
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PROJECT
COURTESY
AUTOMOTIVE
CENTER

SHEET TITLE
PRELIMINARY LANDSCAPE
PLANTING PLAN
ENLARGEMENT

DATES	NO	DESCRIPTION	DATE
		OWNER REVISIONS	7-9-20
		CDS FOR SUBMITTAL	7-15-20
		REVISIONS	8-5-20

Plot Date: August 06, 2020 - 9:57 am
PROJECT NUMBERS
BFLA PROJECT #: 1968
NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066
SHEET NUMBER



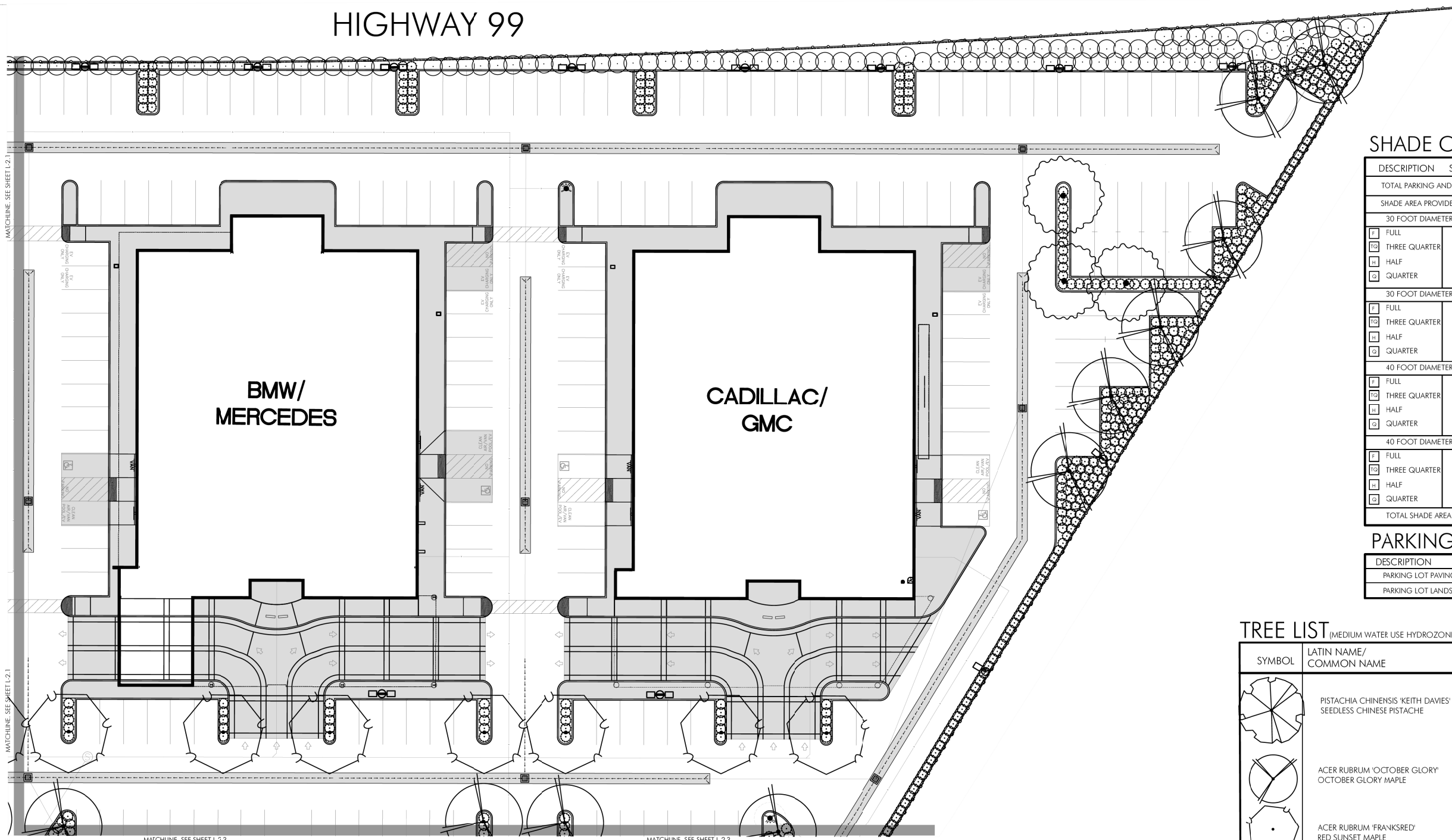
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Attachment D

File Name: Z:\BFLA (1900-1999)\1968 Courtesy Dealership\1968 CAD\1968 Prelim\1968 Prelim 8-5-20.dwg

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HIGHWAY 99



SHADE CALCULATIONS

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PARKING LOT LANDSCAPE

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TREE LIST (MEDIUM WATER USE HYDROZONE)

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SHRUB LIST (LOW WATER USE HYDROZONE)

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	LIGUSTRUM JAPONICUM 'TEXANUM' TEXAS PRIVET	1,611	5 GALLON	LOW
	JUNIPERUS CONFERTA 'BLUE PACIFIC' BLUE PACIFIC SHORE JUNIPER	185	1 GALLON	LOW

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PROJECT

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SHEET TITLE

PRELIMINARY LANDSCAPE
PLANTING PLAN
ENLARGEMENT

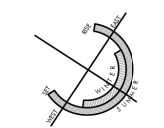
DATES	NO	DESCRIPTION	DATE
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Plot Date: August 06, 2020 - 9:58 am

PROJECT NUMBERS
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NORTHSTAR PROJECT #: 15-181
APN: 006-400-061 THRU 006-400-066

SHEET NUMBER

L-2.2



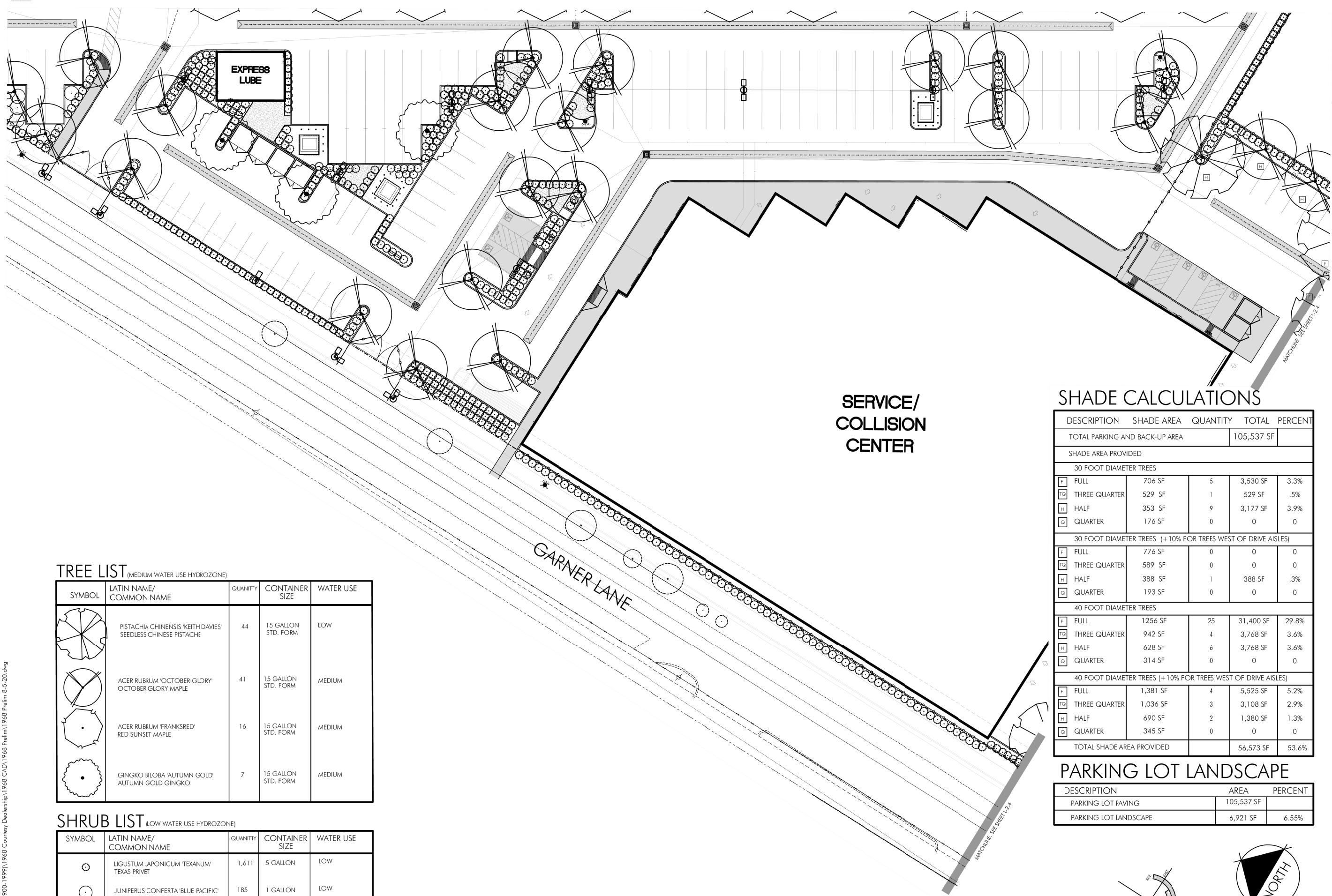
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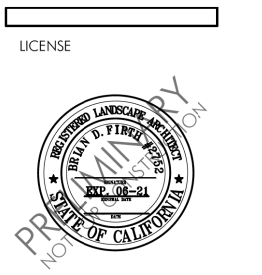
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SCALE: 1" = 20'-0"

Attachment D



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L-2.3

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PARKING LOT LANDSCAPE

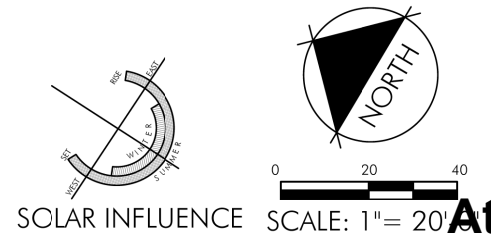
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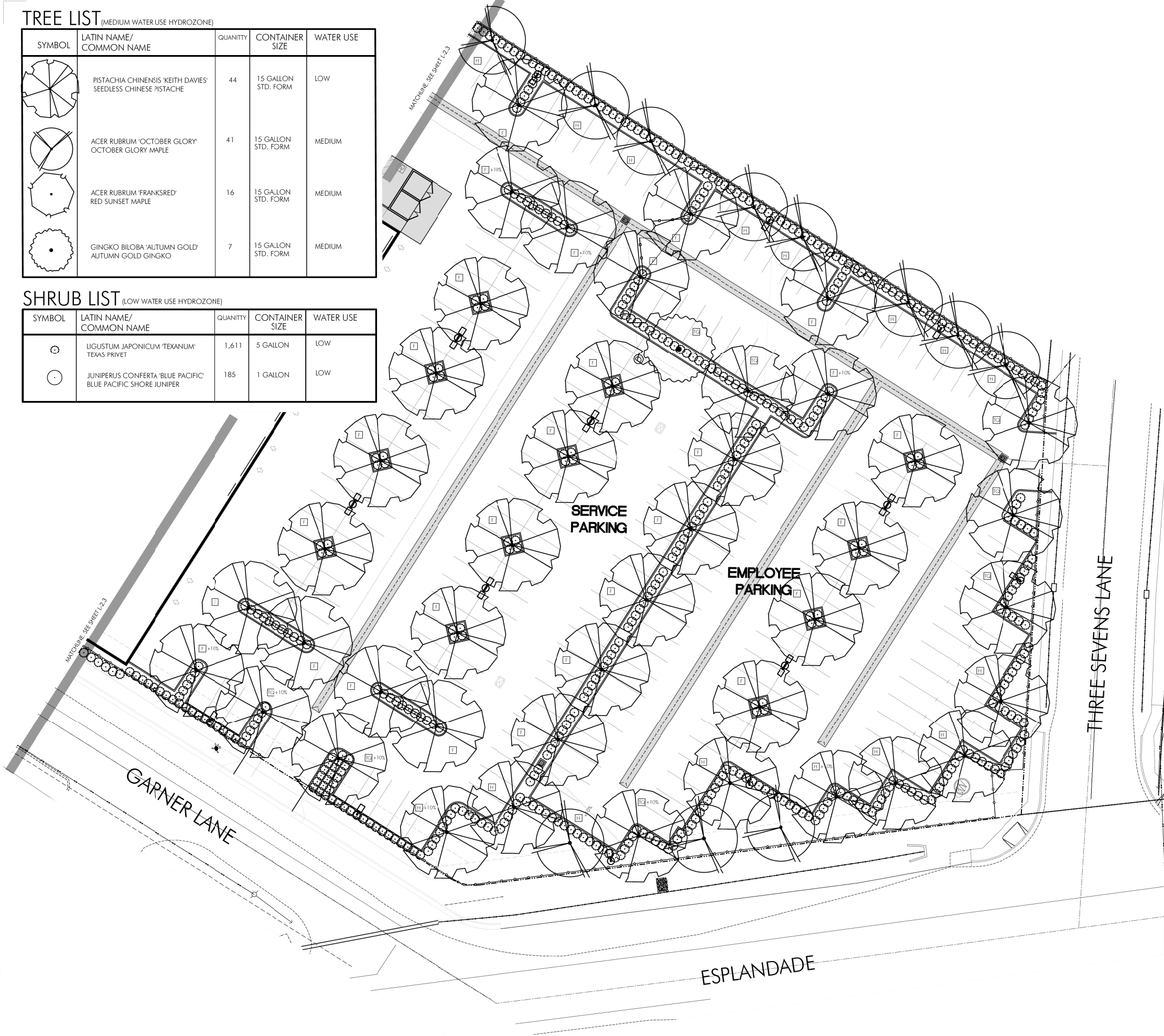
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PARKING LOT LANDSCAPE

DESCRIPTION	AREA	PERCENT
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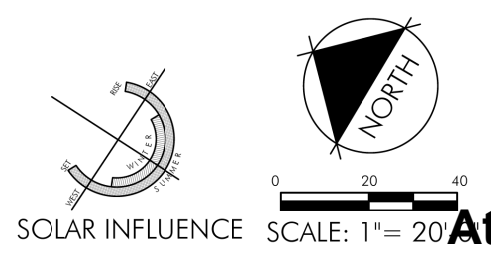
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CITY OF CHICO MEMORANDUM

TO: Planning Commission

DATE: February 3, 2021

FROM: Bruce Ambo, Principal Planner

SUBJECT: Housing Element Update – Affordable Housing Activities

This memo follows-up on my previous email on the Housing Element update process and creation of the website www.chicohousingelement.com. The Housing Element website has the background information on the purpose of the Housing Element and the update, includes information on how to stay informed and involved in the update, posts scheduled meetings, provides links to surveys, provides updates on progress, and will post Housing Element drafts and other materials.

Also provided via email earlier was a digital copy and link to the Regional Housing Needs Allocation (RHNA) plan prepared by the Butte County Association of Governments (BCAG).

http://www.bcag.org/documents/planning/RHNP/2020%20RHNP/BCAG_6thCycleRHNP_11.30.20_FINAL.pdf

The RHNA is the affordable housing allocation assigned to every City and County in the State through a process administered by the State Housing and Community Development Department (HCD) and formulated by regional agencies (i.e., BCAG) which serves as the (8-year cycle) basis for HCD to review a City’s performance and compliance in meeting its affordable housing goals. I have attached last year’s Housing Element - Annual Progress Report (APR) summary of RHNA.

Due to the Camp Fire there is approximately \$40 million in annual Federal disaster tax credits available for affordable multifamily development in Butte County. The tax credits are allocated by the State and each project may be awarded up to \$5 million in tax credits. There were seven applications in Chico alone. If all these projects receive the tax credits and actually get built over the next two years, a total of 734 new affordable units will be available. A summary update of recent affordable housing efforts you may find interesting has also been attached.

General market-rate residential development activity has been at an all-time high. A snapshot of the current residential development activity in number of units follows below:

	2020 Planning Approvals	Building Plan Check/Completed	Under Construction
Single Family	265 (64 ADUs)	222	186
Multifamily	526	984	649

Attachments:

1. Annual Progress Report – Housing Element Implementation
2. Summary of Recent Housing Efforts

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Chico
Reporting Period 2014 - 2019

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2014	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
30-50% AMI	Extremely & Very Low	Deed Restricted Non-deed restricted	974		15							15	959
<80% AMI	Low	Deed Restricted Non-deed restricted	643	2	2	1	2	2				9	634
120% AMI	Moderate	Deed Restricted Non-deed restricted	708			64	260					324	384
Above Moderate			1,638	232	520	435	376	447	714			2,724	-1,086
Total RHNA by COG. Enter allocation number.			3,963										
Total Units				234	522	515	638	449	714			3,072	891
Remaining Need for RHNA Period													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

Recent Affordable Housing Efforts

January 2021

Leases of City Land and City Financing

The City has provided long-term land leases at little to no cost, as well as funding, for emergency, transitional and permanent housing. Two current City projects include:

Creekside Place Apartments: 101 senior units to be built in 2021; 15 will be permanent supportive units for seniors who are homeless or at risk of homelessness with a mental health disability, and one manager unit

- CDBG, HOME and AHF for construction and permanent financing
- Partnering with the Butte County Department of Behavioral Health, Housing Authority of the County of Butte, Community Housing Improvement Program, State HCD

True North Housing/Torres Shelter Expansion: Adding 50 Beds in 2021

- CDBG funding for purchase of land, original construction, and a remodel and expansion
- General Fund monies allocated for pending 50 bed remodel/expansion

Direct City Financing

The City partners with numerous organizations and provides funding for the development of homeownership and rental affordable housing. Most recently, funding has been allocated to two permanent affordable rental projects to be constructed in 2021:

1297 Park Avenue: 59 units including a manager unit for special needs households

- CDBG and HOME funding for construction and permanent financing
- Partnering with Jamboree Housing and Housing Authority of the County of Butte

North Creek Crossings: 106 family units including one manager unit

- Affordable Housing Funds (formerly RDA)
- Partnering with Affordable Housing Development Corporation (AHDC) and Housing Authority of the County of Butte

City-Owned Property Transfers

Properties have been transferred to Habitat for Humanity for the development of 21 single-family homes affordable to very low-income households. Homes have been built on 11th Street, 16th Street, 19th Street, and 20th Street. Further, funding was provided for Habitat to purchase the Mulberry Street property providing three single family homes and three ADUs. Finally, the 1.3-acre Wisconsin/Boucher property is anticipated to be transferred to Habitat in 2022 for additional homes.

City Support of Rental Projects Applying for Disaster Tax Credits

Attachment 2

In addition to the Creekside Place, North Creek Crossings, and 1297 Park Avenue projects, the City is currently partnering with a number of affordable housing developers seeking Disaster Low Income Housing Tax Credits from the State. Over the past 7 months, City staff facilitated expedited entitlements, fee estimates, zoning verifications, status of entitlement letters, and required letters of support for the following projects, which were all successfully awarded credits:

Bruce Commons: 60 units of Senior Housing

Deer Creek Apartments: 156 Family units

Lava Ridge Apartments: 98 Family units

Senator Conness: 162 Family units