



DATE: September 30, 2021
TO: PLANNING COMMISSION
FROM: Mike Sawley, Principal Planner (879-6812; mike.sawley@chicoca.gov)
RE: BCM Construction on Morrow Lane, 3731 Morrow Lane, APN 040-030-046

Files: AR 21-01
GPA/RZ 19-02

REPORT IN BRIEF

The Planning Commission is asked to forward a recommendation to the City Council regarding a proposed industrial project located at the southwest corner of Morrow Lane at Comanche Court. The project includes two main components:

1. A General Plan Amendment (GPA) and rezone (RZ) to reconfigure open space zoning associated with a former stream corridor that traverses the site, and
2. Development of the 3.5-acre site with two warehouse buildings and associated site improvements, including parking spaces, trash enclosures, a crossing of the open space, and storm drainage facilities. The proposed warehouses are described in further detail below.

The Architectural Review and Historic Preservation Board has reviewed the proposed site design and architecture and recommends approval, subject to conditions. Project issues include designing around an existing drainage channel and trees that traverse through the middle of the site.

Recommendation:

Planning staff recommends adoption of Resolution No. 21-09 (**Attachment A**), recommending that the City Council adopt the mitigated negative declaration and approve the General Plan amendment, rezone, and design review for the BCM Construction on Morrow Lane project, subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 21-09, recommending that the City Council adopt the mitigated negative declaration and approve the General Plan amendment, rezone, and design review for the BCM Construction on Morrow Lane project, subject to the attached conditions.

BACKGROUND

Existing Conditions

The project site mostly comprises disturbed annual grassland that has historically been used for construction equipment staging and storage (southern portion), and temporary disaster recovery residential uses for some of the applicant's workforce following the Camp Fire. The temporary residential uses have recently ceased at the site.

The site is located within the Comanche Creek (aka Edgar Slough) watershed and is bisected by an old stream channel that used to form a northerly tributary to Comanche Creek. Construction of the Butte Creek Diversion Channel by the Army Corps of Engineers in 1959

re-routed the headwaters of this small stream to instead flow into Butte Creek. This redirection of headwaters over the decades has inactivated surface flows within the channel at the project site, which is now mostly lined with sedimentation. Many trees remain along undeveloped portions of the former stream, which is referred to as the “remnant riparian” area in this report. This area is also referred to as the “open space” area because it roughly coincides with the OS1 (Primary Open Space) zoning on the site.

Industrial warehouses and commercial uses predominate the area, with suburban residential uses located southeast of the site. A five-acre parcel immediately west remains undeveloped.

The site is currently designated Manufacturing and Warehousing (2.75 acres) and Primary Open Space (0.38 acres) on the General Plan Land Use Diagram and zoned ML (Light Manufacturing) and OS1 (Primary Open Space) (see **Attachment B**, Location/Existing Zoning Map). The proposed rezone would reconfigure and retain 0.38 acres of OS1 zoning, conforming to the project design and centering the open space over the former stream channel (see **Attachment A, Exhibits I and II**, Plats). The current open space zoning does not precisely coincide with the former stream channel, and the proposed rezone would re-center the open space zoning over the channel based on site specific mapping information.

Project Details

The proposed warehouse buildings would be approximately 17,750 and 15,000 square feet in size. The larger building (Building A) would be in front, nearest Morrow Lane, and Building B would be situated down Comanche Court, south of the channel (see **Attachment C**, Architect’s Narrative, and **Attachment D**, Site Plan).

Building A would face Morrow Lane, with an access point on Morrow Lane near the northwesterly corner of the site. A second access point would be provided on Comanche Court. Fifteen parking spaces would be developed in front of the building, with 31 additional spaces behind the building. Bike racks and bike lockers are proposed in front of each building.

Building B would be located south of the channel and would have two access driveways on Comanche Court. It would face the open space at the center of the site, with 14 parking spaces in front and 18 spaces in the rear. The design of Building B is similar to Building A, except it would be 83 feet in depth while Building A would be 105 feet deep.

A vehicle crossing of the remnant riparian area is proposed to establish an internal connection between the two halves of the project, and to enhance maneuverability of large vehicles. The crossing would be a clear span deck of approximately 40-50 feet, with U-shaped head wall at each end of the span.

Parking lot shade trees would add canopy to paved portions of the site, estimated to achieve 53% coverage at maturity. A variety of trees are proposed, including valley oak, live oak, Chinese pistache, elm and desert willow. Drought-tolerant shrubs and ground covers are also included, such as manzanita, toyon, sage, and lilies (see **Attachment E**, Landscape Plan).

The proposed architecture uses a modern approach, with flat roof lines and substantial glazing at the pedestrian level (see **Attachment F**, Elevations; **Attachment G**, Perspectives; **Attachment H**, Site Details; and Floor Plans, **Attachment I**). The front of each suite would be articulated with a volume that extends the full height of the building, and distinguished by a flat,

metal awning to mark the entryway. The rear of each suite would have a large, sectional door. The buildings would be 35 feet in height, which will provide flexibility in terms of future uses and infill improvements for tenants. The buildings would be painted with alternating bands of creamy white and gray.

Exterior lighting would be provided by wall-mounted fixtures and freestanding light poles, all proposed at 22 feet in height. Exterior condenser units are accommodated on the rooftop, behind parapet walls that would screen them from public views.

The proposed design would necessitate the removal of 26 of the 65 existing trees, primarily valley oaks, along the remnant riparian corridor. Most of the trees to be removed are compromised by poor structural growth or waning health (see **Attachment I**, Arborist Report). Eight to 10 additional trees may also be removed within the channel to reduce the number of trees with poor health/structure, or along the fringe of improvements if efforts to retain them are not successful. Trees assessed to be in good health and have good structure are shown with bold icons on the site plan. Conditions #5 and #6 are included to require protection of trees to be retained, and to note that tree removal is subject to the replacement requirements established in Chico Municipal Code (CMC) Chapter 16.66.

DISCUSSION

The proposed site design would retain the Primary Open Space zoning associated with the remnant riparian corridor, consistent with General Plan policies OS-1.1, OS-2.5 and OS-3.2 which call for preserving riparian corridors within the City for their aesthetic, biological habitat, drainage and water quality benefits. Despite rarely conveying surface flows the ephemeral stream still collects storm water runoff and supports several beneficial uses.

The proposed modern-industrial architecture is compatible with development in the vicinity and complements the built environment. The proposal is consistent with several General Plan policies, particularly those that encourage compatible infill development (LU-4.2, LU-4.4, and CD-5), encourage neighborhood compatibility (LU-4.3) and encourage projects that provide positive contributions to the neighborhood (LU-4.4).

The project is consistent with Design Guidelines (DGs) that call for minimizing the visual impact of vehicle parking and promoting convenient access for bicyclists and pedestrians (DGs 1.1.13, 1.1.14, 1.1.15, 6.1.12, 6.1.13, and 6.1.29). The building entries are made obvious from the street (DG 6.1.11 and 6.1.13), and the proposed architecture utilizes sturdy materials that will reinforce a sense of permanence and place, and clearly announces building entryways, consistent with DGs 1.2.32, 1.5.11, 5.2.21, and 5.1.11. Conditions to avoid excessive nighttime lighting that may affect the residential property abutting the southeasterly boundary of the site (opposite Building B) would achieve consistency with DGs 1.5.12, 1.5.14, 1.5.16, and 5.2.22.

To enhance the success of new tree plantings, recommended Condition #4 would require enlarging the two smallest parking lot island planters from approximately eight feet by nine feet to eight feet by 18 feet, or otherwise doubling their size to increase soil surface area around new parking lot shade trees. Also, to maximize the likelihood of survival of existing trees to remain, Condition #5 would require preparation of a tree protection plan that would specify the appropriate precautions during construction activities and the final disposition of these trees following construction.

ENVIRONMENTAL REVIEW

Based on the results of an Initial Study (IS) a Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) were prepared for the project and circulated for a 30-day comment period, commencing on 09/01/2021 and ending on 10/01/2021. Due to its length the Initial Study is incorporated by reference; it can be accessed online at: <https://chico.ca.us/post/bcm-construction-morrow-lane>. Comments were received from the California Department of Fish and Wildlife on 09/22/2021, which are included under **Attachment J**. In response to the comments, staff revised the MND to include measures that would reduce potential project impacts to Swainson's Hawk and sensitive bat species. The mitigation measures, as revised, are included in the MMP and recommended Conditions #7 through #11 (see **Attachment A, Exhibits I and IV**, respectively).

FINDINGS

General Plan Amendment Findings (CMC Section 19.06.050)

The Planning Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed General Plan Amendment based on the required findings noted below. An amendment to the General Plan may be approved only if both of the following findings are made:

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

The proposed amendment to the General Plan Land Use Designation is internally consistent with the General Plan because the proposed reconfiguration would retain the Primary Open Space designation and zoning associated with the remnant riparian corridor, consistent with General Plan policies OS-1.1, OS-2.5 and OS-3.2, which call for preserving riparian corridors within the City for their aesthetic, biological habitat, drainage and water quality benefits. The reconfigured Manufacturing and Warehousing designation and Light Manufacturing zoning would facilitate construction of warehouses that reflect compatible infill development which makes a positive contribution to the neighborhood (LU-4.2, LU-4.3, LU-4.4, and CD-5).

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

The site is physically suitable for the proposed development in that it is relatively flat where the buildings and parking areas are situated, access and utilities are available in adjoining streets, and the project design would not be discordant with surrounding land uses. The design avoids conflicts with the physical constraints that exist on the site by avoiding development within the channel. Elevating the building pads and extending utilities into the site for development of the property will be required as a pre-condition of warehouse construction.

Rezone Findings (CMC Section 19.06.050)

The Planning Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed Rezone based on the required findings noted below. An amendment to the Zoning Map may be approved only if both of the following findings are made:

- A. *The proposed amendment is consistent with the General Plan, any applicable specific plan, and any applicable neighborhood and area plans;*

The rezone to reconfigure the existing split-zoning is consistent with the General Plan for the same reasons cited above. No specific plan, neighborhood plan or area plan is applicable to the site.

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

The site is physically suitable for the proposed development for the same reasons cited above.

Architectural Review (CMC Section 19.18.060)

According to the Chico Municipal Code Section 19.18.060, the City approval authority shall determine whether or not a project adequately meets adopted City standards and design guidelines, based upon the following findings:

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

The proposed modern-industrial architecture is compatible with development in the vicinity and complements the built environment. The proposal is consistent with several General Plan policies, particularly those that encourage compatible infill development (LU-4.2, LU-4.4, and CD-5), encourage neighborhood compatibility (LU-4.3) and encourage projects that provide positive contributions to the neighborhood (LU-4.4). The site is not located within the bounds of a Neighborhood Plan or area plan

- B. *The proposed development, including the character, scale, and quality of design, are consistent with the purpose/intent of this chapter and the City's adopted design guidelines and development standards.*

The project is consistent with Design Guidelines (DGs) that call for minimizing the visual impact of vehicle parking and promoting convenient access for bicyclists and pedestrians (DGs 1.1.13, 1.1.14, 1.1.15, 6.1.12, 6.1.13, and 6.1.29). The building entries are made obvious from street approaches (DG 6.1.11 and 6.1.13), and the proposed architecture utilizes sturdy materials that will reinforce a sense of permanence and place, and clearly announces building entryways, consistent with DGs 1.2.32, 1.5.11, 5.2.21, and 5.1.11. Conditions to avoid excessive nighttime lighting that may affect the residential property abutting the southeasterly boundary of the site (opposite Building B) would achieve consistency with DGs 1.5.12, 1.5.14, 1.5.16, and 5.2.22.

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

The design, materials and colors of the proposed new building are anticipated to be visually compatible with existing nearby development, and future development in the area. Exterior equipment will be properly screened from view by roof parapets and by the buildings.

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

The placement of structures, parking and other improvements is compatible with the site in that they minimize encroaching upon the remnant riparian area through the center of the property. The new buildings would not unnecessarily block views or unacceptably dominate their surroundings.

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

The proposed landscaping favors native species and will provide a variety of seasonal color while minimizing irrigation demands. New tree plantings are strategically located to complement existing trees that will be retained, ensuring visual relief along street frontages.

PUBLIC CONTACT

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

DISTRIBUTION

PC Distribution

ATTACHMENTS

- A. Planning Commission Resolution No. 21-09
 - Exhibit I Mitigated Negative Declaration
 - Exhibit II General Plan Amendment 19-02 Plat
 - Exhibit III Rezone 19-02 Plat
 - Exhibit IV Conditions of Approval for AR 21-01
- B. Location/Existing Zoning Map
- C. Architect's Narrative
- D. Site Plan
- E. Landscape Plan
- F. Building Elevations (2 sheets)
- G. Color Perspectives (2 sheets)
- H. Site Details
- I. Arborist Report
- J. Comment Letters

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RESOLUTION NO. 21-09
RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING PROGRAM, APPROVAL OF
GENERAL PLAN AMENDMENT 19-02, APPROVAL OF REZONE 19-02, AND
CONDITIONAL APPROVAL OF ARCHITECTURAL REVIEW 21-01
(BCM Construction on Morrow Lane)

WHEREAS, applications have been received to amend the General Plan land use designation (GPA 19-02) and zoning district boundaries (RZ 19-02) of a split-zoned parcel, and to develop two new warehouse buildings and related improvements (AR 21-01) on a 3.5-acre site located at the southwest corner of Morrow Lane at Comanche Court, identified as Assessor’s Parcel No. 040-030-046 (the “Project”); and

WHEREAS, the Planning Commission considered the Project, staff report, recommendation from the Architectural Review and Historic Preservation Board, and comments submitted at a noticed public hearing held on October 7, 2021; and

WHEREAS, the Planning Commission has considered the Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring Program (MND), which conclude that the Project, with mitigation included, will not result in a significant impact on the environment.

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

- 1. With regard to the MND the Planning Commission finds that:
 - A. The mitigation measures set forth in Exhibit I attached hereto are appropriate and will substantially reduce or avoid the described environmental impacts to a less than significant level if included as part of the project; and
 - B. There is no substantial evidence supporting a fair argument that the Project may have a significant effect on the environment; and
 - C. The MND has been prepared in conformance with the provisions of the California Environmental Quality Act and the Chico Municipal Code (CMC), Chapter 1.40, “Environmental Review Guidelines”; and

1 D. The MND prepared for the Project reflects the independent judgment of the City of Chico.

2 2. With regard to GPA 19-02 the Planning Commission finds that:

3 A. The proposed amendment to the General Plan Land Use Designation is internally
4 consistent with the General Plan because the proposed reconfiguration would retain the
5 Primary Open Space designation and zoning associated with the remnant riparian corridor,
6 consistent with General Plan policies OS-1.1, OS-2.5 and OS-3.2, which call for
7 preserving riparian corridors within the City for their aesthetic, biological habitat,
8 drainage and water quality benefits. The reconfigured Manufacturing and Warehousing
9 designation and Light Manufacturing zoning would facilitate construction of warehouses
10 that reflect compatible infill development which makes a positive contribution to the
11 neighborhood (LU-4.2, LU-4.3, LU-4.4, and CD-5); and

12 B. The site is physically suitable for the proposed development in that it is relatively flat where
13 the buildings and parking areas are situated, access and utilities are available in adjoining
14 streets, and the project design would not be discordant with surrounding land uses. The
15 design avoids conflicts with the physical constraints that exist on the site by avoiding
16 development within the channel. Elevating the building pads and extending utilities into
17 the site for development of the property will be required as a pre-condition of warehouse
18 construction.

19 3. With regard to Rezone 19-02 the Planning Commission finds that:

20 A. The rezone is consistent with the General Plan for the same reasons cited under Section
21 2(A), above. No specific plan, neighborhood plan or area plan is applicable to the site; and

22 B. The site is physically suitable for the proposed development for the same reasons cited
23 under Section 2(B), above.

24 4. With regard to AR 21-01 the Planning Commission finds that:

25 A. The proposed modern-industrial architecture is compatible with development in the
26 vicinity and complements the built environment. The proposal is consistent with several
27 General Plan policies, particularly those that encourage compatible infill development
28 (LU-4.2, LU-4.4, and CD-5), encourage neighborhood compatibility (LU-4.3) and

1 encourage projects that provide positive contributions to the neighborhood (LU-4.4). The
2 site is not located within the bounds of a Neighborhood Plan or area plan; and

3 B. The project is consistent with Design Guidelines (DGs) that call for minimizing the visual
4 impact of vehicle parking and promoting convenient access for bicyclists and pedestrians
5 (DGs 1.1.13, 1.1.14, 1.1.15, 6.1.12, 6.1.13, and 6.1.29). The building entries are made
6 obvious from street approaches (DG 6.1.11 and 6.1.13), and the proposed architecture
7 utilizes sturdy materials that will reinforce a sense of permanence and place, and clearly
8 announces building entryways, consistent with DGs 1.2.32, 1.5.11, 5.2.21, and 5.1.11.
9 Conditions to avoid excessive nighttime lighting that may affect the residential property
10 abutting the southeasterly boundary of the site (opposite Building B) would achieve
11 consistency with DGs 1.5.12, 1.5.14, 1.5.16, and 5.2.22; and

12 C. The design, materials and colors of the proposed new building are anticipated to be
13 visually compatible with existing nearby development, and future development in the
14 area. Exterior equipment will be properly screened from view by roof parapets and by the
15 buildings; and

16 D. The placement of structures, parking and other improvements is compatible with the site
17 in that they minimize encroaching upon the remnant riparian area through the center of
18 the property. The new buildings would not unnecessarily block views or unacceptably
19 dominate their surroundings; and

20 E. The proposed landscaping favors native species and will provide a variety of seasonal
21 color while minimizing irrigation demands. New tree plantings are strategically located to
22 complement existing trees that will be retained, ensuring visual relief along street
23 frontages.

24 5. Based on all of the above, the Planning Commission hereby recommends that:

25 A. The City Council adopt the mitigated negative declaration and mitigation monitoring
26 program as set forth in Exhibit I, attached hereto; and

27 B. The City Council amend the General Plan land use diagram for APN 040-030-046, as set
28 forth in Exhibit II, attached hereto; and

1 C. The City Council rezone APN 040-030-046, as set forth in Exhibit III, attached hereto;
2 and

3 D. The City Council approve AR 21-01, subject to the conditions set forth in Exhibit IV,
4 attached hereto.

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

8 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
9 City of Chico at its meeting held on October 7, 2021, by the following vote:

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAINED:

14 DISQUALIFIED:

15 ATTEST:

APPROVED AS TO FORM:

16
17 _____
18 Bruce Ambo
19 Planning Commission Secretary

20 _____
21 Vince C. Ewing, City Attorney*
22 *Pursuant to The Charter of
23 the City of Chico, Section 906(E)



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM

CITY OF CHICO PLANNING DIVISION

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

**PROJECT NAME AND NUMBER: BCM Construction on Morrow Lane
(GPA/RZ 19-02, AR 21-01)**

APPLICANT'S NAME: Kurtis Carman, 2990 Hwy 32, Suite 100, Chico, CA 95973

PROJECT LOCATION: 3713 Morrow Lane
Chico, Butte County, CA
AP No. 040-030-046

PROJECT DESCRIPTION: The project includes two main components:

- (1) A General Plan Amendment and Rezone to reconfigure the open space zoning associated with a remnant stream corridor which traverses the site, and
- (2) Development of the 3.5-acre site with two warehouse buildings and associated site improvements, including parking spaces, trash enclosures, a crossing of the open space, and storm drainage facilities. The proposed warehouse buildings would be approximately 17,750 and 15,000 square feet in size. The larger building (Building A) would be in front, nearest Morrow Lane, and Building B would be situated down Comanche Court, south of the channel.

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

MITIGATION MEASURE AES-1 (Aesthetics): Prior to issuance of building permits for Building B the developer shall either (a) replace the single wall-mounted light proposed at 22 feet in height on the easterly end of Building B with two or more similar lights mounted no more than 12 feet above finished grade, or (b) revise the photometric plan to demonstrate that no more than 0.5 footcandles would shine past the centerline of Comanche Court.

MITIGATION MONITORING AES-1: Prior to issuance of building permits for Building B, City staff will review the plans to ensure that the specifications for exterior lighting adhere to Mitigation Measure AES-1.

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

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

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

Attachement A, Exhibit I

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

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

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

MITIGATION BIO-1 (Biological Resources):

Burrowing owl surveys shall be conducted prior to commencing any construction activities, as follows: (a) Within 14 days prior to the anticipated start of construction, a qualified biologist shall conduct preconstruction surveys within the project site to identify burrowing owls or their nesting areas. This survey shall follow survey protocols as developed by the Burrowing Owl Consortium (CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional preconstruction surveys shall be repeated before work may resume.

(b) If burrowing owls or active burrows are identified within the project site during the preconstruction surveys, the following measures shall be implemented:

- During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the preconstruction survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist, burrowing owls shall be passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily by the biologist to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated by the biologist with the use of hand tools and refilled to discourage reoccupation.

- During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the preconstruction survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young have fledged, passive relocation of active burrows may proceed as described in measure BIO-1(b), above.

Buffer widths may be adjusted based on site specific analysis prepared by a qualified biologist, subject to review and approved by City after consultation with CDFW, that documents and describes how the nesting or wintering owls would not be adversely affected by construction activities.

MITIGATION MONITORING BIO-1: Planning staff shall verify that the above wording is included on construction or grading plans. Letter reports shall be maintained by Planning staff throughout construction.

Implementation of the above measure will avoid substantial adverse effects upon burrowing owl, should any be present at the time of project development, and will reduce potential impacts upon this ground-nesting bird species to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION BIO-2 (Biological Resources):

BIO-2a: The developer shall hire a qualified biologist to conduct protocol-level surveys for Swainson's hawk within a minimum 1/2-mile radius around the project site in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000)* as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

Results of the protocol-level surveys shall be submitted to CDFW a minimum of 10 days prior to the start of construction. Based on the survey results additional mitigation measures may be required. Alternatively, CDFW may waive portions of the survey regimen above if they determine, in writing, that construction may commence based on absence of Swainson's hawk in the project vicinity.

BIO-2b: Additionally, prior to construction the developer shall hire a qualified bat biologist to conduct a pre-construction habitat assessment, presence/absence survey, and avoidance plan as follows:

- **Habitat Assessment.** A qualified biologist with education and experience in bat biology and identification, shall conduct a habitat assessment for potentially suitable bat habitat within six months of Project activities. If the habitat assessment reveals suitable bat habitat, then a qualified bat biologist shall do a presence/absence survey during the peak activity periods. If bats are present, then the qualified biologist shall submit a bat avoidance plan to CDFW for review and approval.
- **Bat Avoidance Plan.** The bat avoidance plan should identify: 1) the location of the roosting sites; 2) the number of bats present at the time of assessment (count or estimate); 3) species of bats present; 4) the type of roost (e.g. day/night, maternity, hibernaculum, bachelor); and 5) species specific measures to avoid and minimize impacts to bats. The bat avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project.
- **No Disturbance Buffer.** If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then a no disturbance buffer shall be established around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- **Replacement Structures.** If the bat roost cannot be avoided, replacement roost structures (bat houses or other structures) shall be designed to accommodate the bat species they

are intended for. Replacement roost structures shall be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

- **Roost Removal Timing.** The project that results in the loss or modification of the original roost structure should be implemented outside hibernation and maternity seasons, Nov 1 – Feb 1 and April 1 – August 31 respectively.
- **Bat Exclusion.** If an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a Bat Exclusion Plan for the passive exclusion of the bats from the roost. Exclusion shall be scheduled either (1) between March 1 and March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). The qualified bat biologist shall confirm the absence of bats prior to the start of construction. The Bat Exclusion Plan shall be submitted to CDFW for review and approval a minimum of 10 days prior to the installation of exclusion devices. CDFW does not support eviction of bats during the maternity or hibernation periods.
- **Tree Removal.** Tree removal shall be scheduled either (1) between approximately March 1 March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist.
- **No Disturbance Buffers.** If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then no disturbance buffers shall be established around the roost. The Project proponent and qualified bat biologist shall determine suitable no disturbance buffers around roosts and/or hibernaculum sites through consultation with CDFW. Buffers may vary depending on species and Project activity being performed.

BIO-2c: Additionally, if vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the biological survey area (BSA). A qualified biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act and California Fish and Game Commission within seven (7) days prior to vegetation removal or initial ground disturbances (whichever activity comes first), and map all active nests located within 300 feet of the BSA where accessible;
- Develop buffer zones around active nests and consult with CDFW within 3 days prior to the start of construction. The qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to CDFW and the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days then another migratory bird survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING BIO-2: Planning staff shall verify that the above wording is included on construction or grading plans, or the compliance completed prior to City permit issuance. Letter reports shall be maintained, as applicable, by Planning staff throughout construction.

If active nests are encountered, then Planning and Building staff shall ensure construction activities are prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to CDFW and the City of Chico Community Development Department weekly or as necessary.

Implementation of the above measure will avoid substantial adverse effects upon tree-nesting avian species and bats and will reduce potential impacts to these species to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION CUL-1. (Tribal and Other Cultural Resources):

The following statement shall be required on project plans and enforced during construction:

“If during ground disturbing activities, any potentially paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources are encountered, the supervising contractor shall cease all work within 10 feet of the find (100 feet for human remains) and notify the City’s Community Development Director at (530) 879-6800. A professional archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology and being familiar with the archaeological record of Butte County, shall be retained to evaluate the significance of the find. City staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. If human remains are uncovered, the project team shall notify the Butte County Coroner pursuant to Section 7050.5 of California’s Health and Safety Code. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the City, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the City to be appropriate shall be implemented pursuant to the terms of the archaeologist’s report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.”

MITIGATION MONITORING CUL-1: Planning staff will verify that the above wording is included on construction plans. Should paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff and contacting a professional archaeologist or paleontologist in consultation with Planning staff, to evaluate the find.

Implementation of the above measure will avoid potential substantial adverse effects upon cultural resources, tribal cultural resources and paleontological resources, should any be unearthed during project development, and will reduce potential impacts to these resources to a level that is considered less than significant with mitigation incorporated.


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

I have reviewed the Initial Study for the BCM Construction on Morrow Lane Project (GPA/RZ 19-02, AR 21-01), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.



Authorized Signature

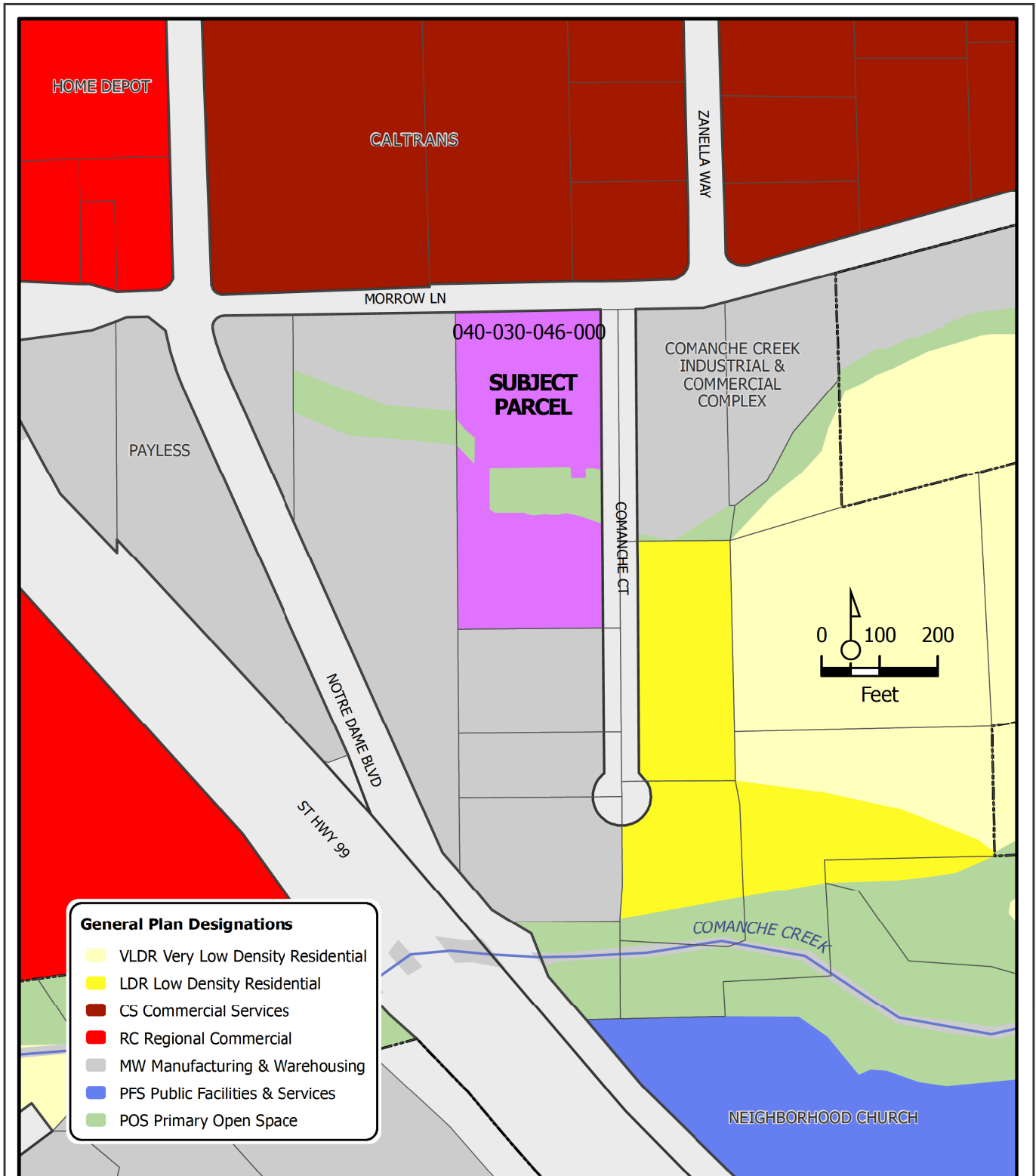
Kurtis Carman
Printed Name

Prepared by: 
Mike Sawley, Principal Planner
Environmental Program Manager
Community Development Department

9/23/2021
Date

Adopted via: Resolution No: _____
City of Chico Planning Commission

Date



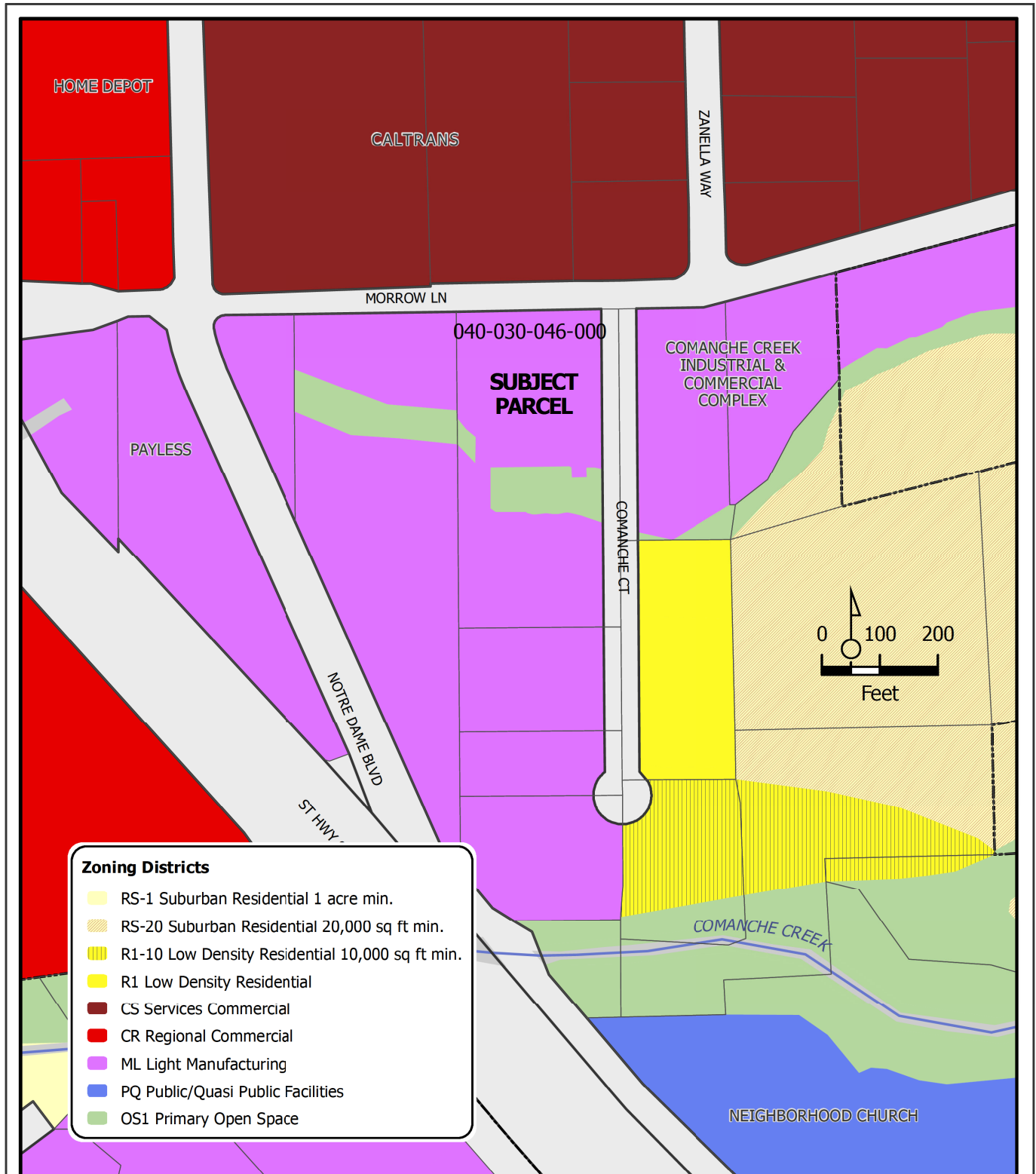
GPA 19-02 (BCM)
3731 Morrow Lane, APNs 040-030-046-000
From: MW Manufacturing & Warehousing and POS Primary Open Space
To: MW Manufacturing & Warehousing and POS Primary Open Space reconfiguration



Rezone **19-02**

Approval Recommended by
Chico Planning Commission on
by Resolution No. _____.

Approval Recommended by
Chico City Council on
by Ordinance No. _____.



Rezone 19-02 (BCM)
3731 Morrow Lane, APNs 040-030-046-000
From: ML Light Manufacturing and OS1 Primary Open Space
To: ML Light Manufacturing and OS1 Primary Open Space reconfiguration



EXHIBIT “IV”
RECOMMENDED CONDITIONS OF APPROVAL
ARCHITECTURAL REVIEW (AR) 21-01
(BCM Construction on Morrow Lane)

1. All approved building plans and permits shall note on the cover sheet that the project shall comply with AR 21-01 (BCM Construction on Morrow Lane).
2. All development shall comply with all other federal, State and local code provisions, as well as any applicable requirements of the Fire Department, the Public Works Department, Butte County Environmental Health, and the Community Development Department. The developer is responsible for contacting these offices to verify the need for permits.
3. All wall-mounted utilities and roof or wall penetrations, including vent stacks, utility boxes, exhaust vents, gas meters and similar equipment, shall be screened by appropriate materials and colors. Adequate screening shall be verified by Planning staff prior to issuance of a certificate of occupancy.
4. Enlarge the two 8-ft by 9-ft interior parking lot planters to be at least 8-ft by 18-ft, or otherwise double their size to increase soil surface area around new parking lot shade trees.
5. Site improvement plans shall be designed and implemented in accordance with the City’s Tree Protection Requirements set forth in Chico Municipal Code (CMC) Section 19.68.060.B, which is included herein by reference. The site improvement plans shall be accompanied by a Tree Protection Plan prepared by a certified arborist which:
 - a. Assesses conformance of the improvement plans with the City’s Tree Protection Requirements that can be met through design (finished grades, trench consolidation, etc.),
 - b. Outlines the subsequent steps necessary to comply with the requirements that cannot be met through design (tree protection fencing, site inspections, arborist supervision of trenching, etc.),
 - c. Delineates a Tree Protection Zone (TPZ) for each tree to remain that is no closer than the dripline,
 - d. Provides a chronological schedule of clearing, pruning, and construction activities that will be necessary within each TPZ,
 - e. Provides details for the manner in which all clearing, pruning, and construction activity (excavation, trenching, compaction, etc.) will occur within the TPZ throughout construction (e.g. pruning per ANSI standards, trenching by means of pressurized water or air, etc.), and
 - f. Describes the final soil surface treatment within each TPZ following

Exhibit “IV”

Attachment A

construction (e.g. chip mulch, no irrigation).

The Tree Protection Plan shall be subject to approval by Planning staff.

6. As required by CMC 16.66, any trees removed and requiring mitigation shall be replaced as follows:
 - a. On-site. For every six inches DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the Urban Forest Manager, and shall be placed in areas dedicated for tree plantings. The survival of new shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
 - b. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
 - c. Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the municipal code.
 - d. Tree removal shall be subject to the in-lieu fee payment requirements set forth CMC16.66 and fee schedule adopted by the City Council.
 - e. All trees not approved for removal shall be preserved in compliance with other condition of approval.
7. **MITIGATION MEASURE AES-1 (Aesthetics)**: Prior to issuance of building permits for Building B the developer shall either (a) replace the single wall-mounted light proposed at 22 feet in height on the easterly end of Building B with two or more similar lights mounted no more than 12 feet above finished grade, or (b) revise the photometric plan to demonstrate that no more than 0.5 footcandles would shine past the centerline of Comanche Court.
8. **MITIGATION MEASURE AIR-1 (Air Quality)**: To minimize air quality impacts during the construction phase of the project, specific Best Management Practices (BMPs) shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the BCAQMD's CEQA Air Quality Handbook, October 23, 2014, available at <https://bcaqmd.org/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>. Examples of these types of measures include but are not limited to: Limiting idling of construction vehicles to 5 minutes or less; Ensuring that all small engines are tuned to the manufacturer's specifications; Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel; Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner; and Using electric powered equipment when feasible.

9. **MITIGATION BIO-1 (Biological Resources):** Burrowing owl surveys shall be conducted prior to commencing any construction activities, as follows:
- a. Within 14 days prior to the anticipated start of construction, a qualified biologist shall conduct preconstruction surveys within the project site to identify burrowing owls or their nesting areas. This survey shall follow survey protocols as developed by the Burrowing Owl Consortium (CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional preconstruction surveys shall be repeated before work may resume.
 - b. If burrowing owls or active burrows are identified within the project site during the preconstruction surveys, the following measures shall be implemented:
 - i. During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the preconstruction survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist, burrowing owls shall be passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily by the biologist to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated by the biologist with the use of hand tools and refilled to discourage reoccupation.
 - ii. During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the preconstruction survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young have fledged, passive relocation of active burrows may proceed as described in above.

Buffer widths may be adjusted based on site specific analysis prepared by a qualified biologist, subject to review and approved by City after consultation with CDFW, that documents and describes how the nesting or wintering owls would not be adversely affected by construction activities.

10. **MITIGATION BIO-2 (Biological Resources):**

BIO-2a: The developer shall hire a qualified biologist to conduct protocol-level surveys for Swainson's hawk within a minimum 1/2-mile radius around the project site in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000)* as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset

- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

Results of the protocol-level surveys shall be submitted to CDFW a minimum of 10 days prior to the start of construction. Based on the survey results additional mitigation measures may be required. Alternatively, CDFW may waive portions of the survey regimen above if they determine, in writing, that construction may commence based on absence of Swainson's hawk in the project vicinity.

BIO-2b: Additionally, prior to construction the developer shall hire a qualified bat biologist to conduct a pre-construction habitat assessment, presence/absence survey, and avoidance plan as follows:

- Habitat Assessment. A qualified biologist with education and experience in bat biology and identification, shall conduct a habitat assessment for potentially suitable bat habitat within six months of Project activities. If the habitat assessment reveals suitable bat habitat, then a qualified bat biologist shall do a presence/absence survey during the peak activity periods. If bats are present, then the qualified biologist shall submit a bat avoidance plan to CDFW for review and approval.
- Bat Avoidance Plan. The bat avoidance plan should identify: 1) the location of the roosting sites; 2) the number of bats present at the time of assessment (count or estimate); 3) species of bats present; 4) the type of roost (e.g. day/night, maternity, hibernaculum, bachelor); and 5) species specific measures to avoid and minimize impacts to bats. The bat avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project.
- No Disturbance Buffer. If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then a no disturbance buffer shall be established around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- Replacement Structures. If the bat roost cannot be avoided, replacement roost structures (bat houses or other structures) shall be designed to accommodate the bat species they are intended for. Replacement roost structures shall be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.
- Roost Removal Timing. The project that results in the loss or modification of the original roost structure should be implemented outside hibernation and maternity seasons, Nov 1 – Feb 1 and April 1 – August 31 respectively.
- Bat Exclusion. If an active bat roost is found in a tree or structure that must be

removed, the qualified bat biologist should prepare a Bat Exclusion Plan for the passive exclusion of the bats from the roost. Exclusion shall be scheduled either (1) between March 1 and March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). The qualified bat biologist shall confirm the absence of bats prior to the start of construction. The Bat Exclusion Plan shall be submitted to CDFW for review and approval a minimum of 10 days prior to the installation of exclusion devices. CDFW does not support eviction of bats during the maternity or hibernation periods.

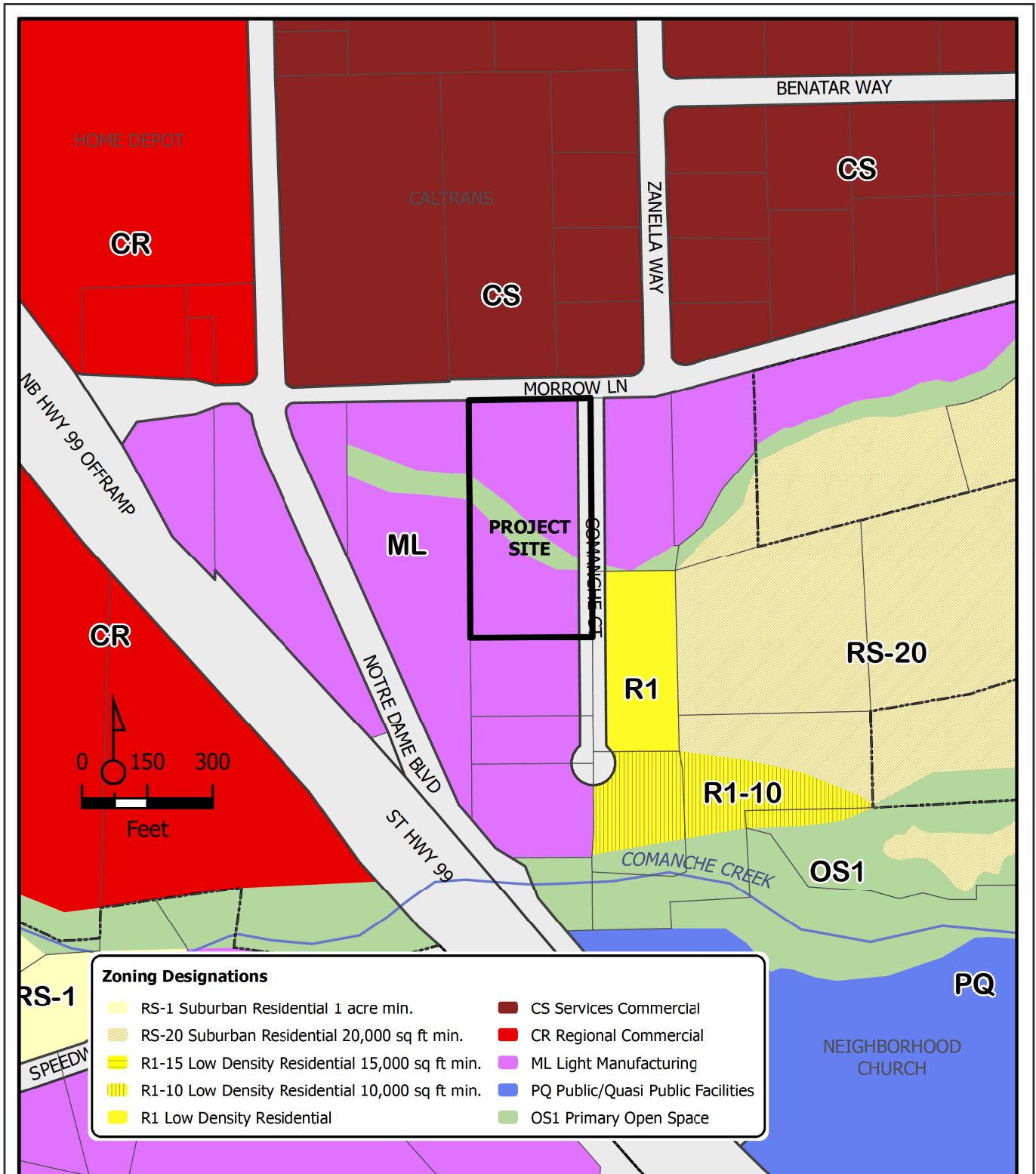
- Tree Removal. Tree removal shall be scheduled either (1) between approximately March 1 March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist.
- No Disturbance Buffers. If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then no disturbance buffers shall be established around the roost. The Project proponent and qualified bat biologist shall determine suitable no disturbance buffers around roosts and/or hibernaculum sites through consultation with CDFW. Buffers may vary depending on species and Project activity being performed.

BIO-2c: Additionally, if vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the biological survey area (BSA). The biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act and California Fish and Game Commission within seven (7) days prior to vegetation removal or initial ground disturbances (which ever activity comes first), and map all active nests located within 300 feet of the BSA where accessible;
- Develop buffer zones around active nests and consult with CDFW within 3 days prior to the start of construction. The qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to CDFW and the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days then another migratory bird survey shall be conducted within seven (7) days prior to the continuation of construction activities.

11. **MITIGATION CUL-1. (Tribal and Other Cultural Resources):** The following statement shall be required on project plans and enforced during construction: “If during ground disturbing activities, any potentially paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources are encountered, the supervising contractor shall cease all work within 10 feet of the find (100 feet for human remains) and notify the City’s Community Development Director at (530) 879-6800. A professional archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology and being familiar with the archaeological record of Butte County, shall be retained to evaluate the significance of the find. City staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. If human remains are uncovered, the project team shall notify the Butte County Coroner pursuant to Section 7050.5 of California’s Health and Safety Code. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the City, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the City to be appropriate shall be implemented pursuant to the terms of the archaeologist’s report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.”
12. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney’s fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

Location



Zoning Designations			
	RS-1 Suburban Residential 1 acre min.		CS Services Commercial
	RS-20 Suburban Residential 20,000 sq ft min.		CR Regional Commercial
	R1-15 Low Density Residential 15,000 sq ft min.		ML Light Manufacturing
	R1-10 Low Density Residential 10,000 sq ft min.		PQ Public/Quasi Public Facilities
	R1 Low Density Residential		OS1 Primary Open Space

Existing Zoning

GPA 19-02 (BCM)
3731 Morrow Lane, APNs 040-030-046-000



December 22, 2020

City of Chico
Community Development Department
411 Main Street
Chico, CA 95927

Re: Site Design and Architectural Review – Project Description

Project Name: Morrow Lane – Industrial Buildings
Project No.: 20-880
Address: 3731 Morrow Lane

To whom it may concern:

This project description is intended to explain how the proposed new project complies with the City of Chico Design Guidelines. The subject project is proposing the construction of two new industrial buildings on a 3.52 acre site. Proposed building A is 17,753 SF, building B is 14,966 SF.

The proposed building A is located close to Morrow Lane. Building B is located on the south portion of the site and has a driveway exiting on Comanche Court both have a majority of the parking located north and south of the buildings. The building's location helps define the streetscape and reinforce a pedestrian-friendly environment. A prominent entry feature is incorporated near the street/public way to improve way-finding. There is a direct pedestrian connection from the public way to the building entry. An outdoor patio will serve as an amenity for future tenants. Short and long term bicycle parking is provided on site to encourage pedestrian connectivity. Vehicle access and circulation is separated from the pedestrian circulation routes.

The architecture for the proposed buildings is a contemporary style with a pedestrian friendly scale. The building design incorporates horizontal accent bands accentuate all four elevations. The primary material utilized is painted concrete wall panels with horizontal and vertical reveals. Deep metal canopy elements are located above the storefront window systems to accent the facades and reinforce pedestrian scale. The



building's two tone color palette with anodized aluminum window mullions and tinted glass provide a unified look and design feel. Parapet walls will be designed to conceal roof top mounted mechanical equipment.

If you have any additional questions please contact me at 916-851-1400 or via email at guyd@pwcarchitects.com.

Regards,

A handwritten signature in blue ink, consisting of a long horizontal stroke followed by a circular flourish.

Guy Duerwald
Architect

February 4, 2021

City of Chico
Community Development Department
411 Main Street
Chico, CA 95927

Re: Site Design and Architectural Review – Project Description Supplement

Project Name: Morrow Lane – Industrial Buildings
Project No.: 20-880
Address: 3731 Morrow Lane

Dear Mr. Sawley,

The following supplemental project description describes how the project complies with the City's Design Guide Manual.

Chapter 6: Industrial Project Types:

Applicability and Use Types

- The project is a light Industrial Development Use

Site Design-Design Intent:

- **Building Placement and Orientation**-windows and entrances are oriented toward Morrow Lane- large parking areas are oriented toward the rear of the buildings, while service bays are located at the rear (south side). They do not face primary streets.
- **Circulation and Vehicle Parking**- minimum amount of paved access ways has been provided to allow for safe maneuverability of loading and delivery trucks. Service bays are located on the south side of the building and screened from public view with fencing. The loading and unloading areas are not within the public right of way and do not conflict with other traffic areas on site. The site design has incorporated pedestrian connections along a path of travel from both buildings to Morrow Lane. Parking areas are screened with landscaping along Morrow Lane and Comanche Court.

- Public Spaces and Bicycle/Pedestrian Amenities-employee gathering areas are indicated on the site plan. The areas are to be used for breaks, lunch, events and meetings. Secure bike lockers are provided along with bike racks- the colors will match the building design and they are located near the main entry.
- Landscape, Screening, and Buffering-the existing distinctive landscaping, mature trees and vegetation has been incorporated into the landscape design. As indicated on the preliminary landscape plan existing mature trees and vegetation are major part of the landscape palette. Landscape planting has been selected to grow well in the local climate area and allow for safety and surveillance capabilities. Loading areas have been screened with 6' high fencing. Any utility equipment if visible will be screened from public view.

Architecture-Design Intent:

- Massing, Scale and Form-primary entrances are focal points defined by having recesses and pop-outs. Human scale is achieved by having metal canopies at the primary entrances with storefront glazing below. The view corridor of existing landscaping is maintained.
- Design Concept, Style, and Details-Facades and Roofs-high quality materials and finishes are being used. Paint accents are being used on the façade. The roof line is hidden by the building parapet. Lighting is used as an architectural element that enhances the building architecture, fixtures will have cut-offs to avoid light pollution.
- Design Concept, Style, and Details-Building Materials and Colors- high quality materials and finishes are being used. The building has painted two-tone color accent bands with horizontal and vertical score lines in a rhythmic pattern. The roll-up doors will be a pre-manufactured white or gray which will compliment the building colors.

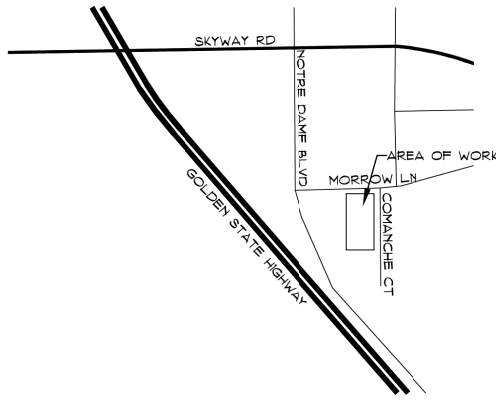
If you have any additional questions please contact me at 916-851-1400 or via email at guyd@pwcarchitects.com.

Regards,



Guy Duerwald
Architect

VICINITY MAP



SHEET INDEX

A1	SITE PLAN
A1.1	SITE DETAILS
A2	FLOOR PLAN - BUILDING A
A3	FLOOR PLAN - BUILDING B
A4	ELEVATIONS - BUILDING A
A5	ELEVATIONS - BUILDING B
A6	BUILDING PERSPECTIVES
A7	SITE PERSPECTIVES
1	PRELIMINARY GRADING AND DRAINAGE PLAN
2	PRELIMINARY UTILITY PLAN
3	STORMWATER MANAGEMENT PLAN
E1.0	PHOTOMETRIC
LA	LANDSCAPE PLAN

PROJECT CONSULTANTS:

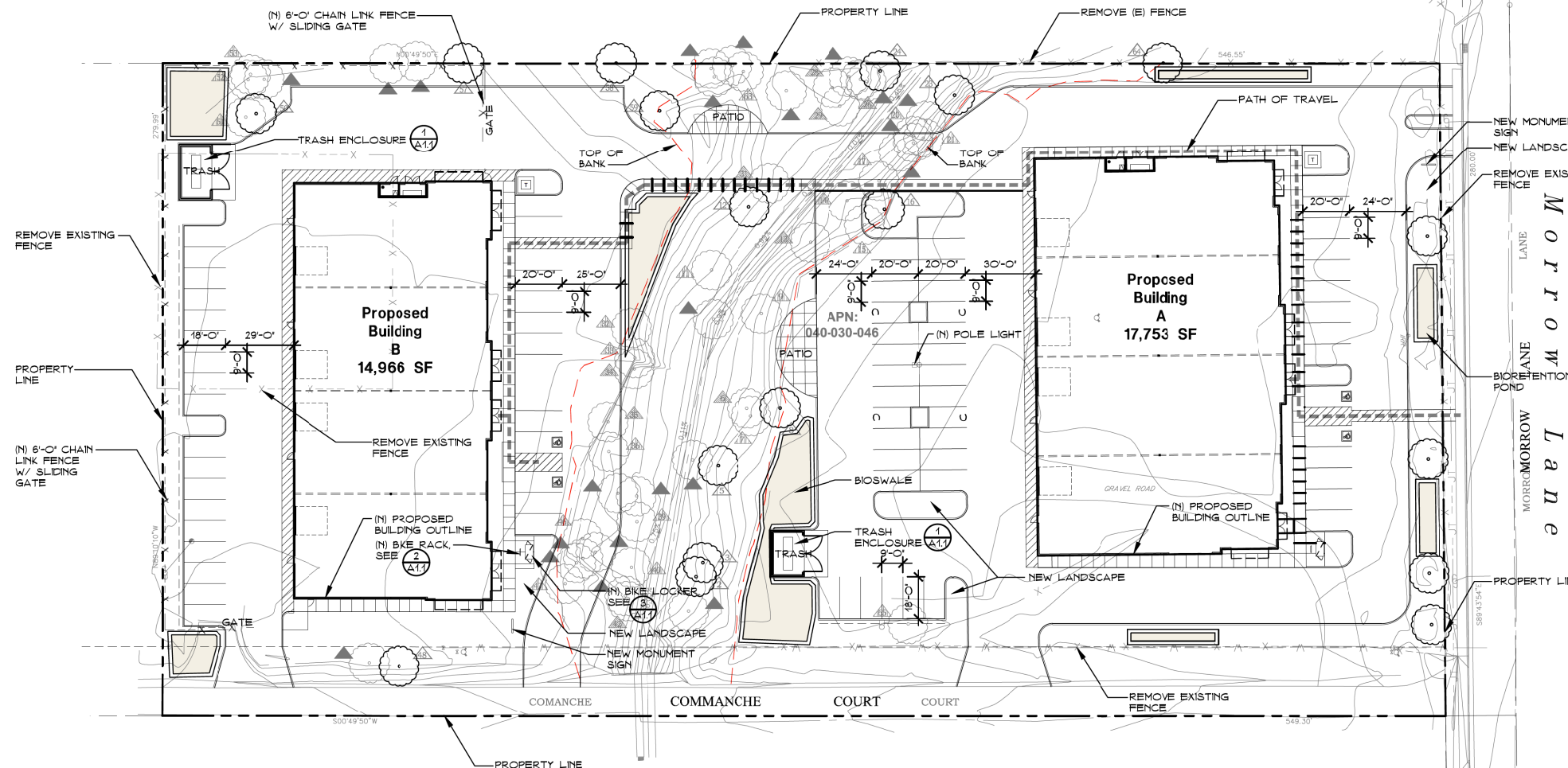
ARCHITECT
 PERKINS, WILLIAMS & COTTERILL ARCHITECTS
 3320 DATA DRIVE SUITE 200
 RANCHO CORDOVA, CA 95670
 (916) 851-1400

CIVIL ENGINEER
 TLA ENGINEERING AND PLANNING
 1504 EUREKA ROAD, SUITE 110
 ROSEVILLE, CA 95661
 (916) 786-0685

LANDSCAPE ARCHITECT
 GARTH RUFFNER, LANDSCAPE ARCHITECT
 4120 DOUGLAS BOULEVARD,
 GRANITE BAY, CA 95746
 (916) 797-2576

ELECTRICAL ENGINEER
 BOSLEY ELECTRIC COMPANY
 935 ARDEN WAY
 SACRAMENTO, CA 95815
 (916) 568-5160

OWNER
 KURTIS CARMEN LIVING TRUST
 2990 HIGHWAY 92, SUITE 100
 CHICO, CA 95973
 (530)879-6800



C o m a n c h e C o u r t

Proposed Site Plan

SCALE: 1" = 30'-0"



SITE SUMMARY

APN:	040 - 030 - 046
ADDRESS:	3731 MORROW LN.
ZONING:	ML - (MANUFACTURING/ WAREHOUSING) OS1 - (OPEN SPACE)
SITE AREA:	3.52 AC (15,333 S.F.)
PROPOSED BUILDING AREA:	32,719 S.F.
F.A.R.:	3.4%
CONSTRUCTION TYPE:	III-B
OCCUPANCY:	S-1 / B
LANDSCAPE AREA PROVIDED: (SEE LANDSCAPE PLAN)	53% (30,014 S.F.)
PARKING REQUIRED	
WAREHOUSE: 1/1875:	18 STALLS
NOTE: ADDITIONAL PARKING FOR FUTURE OFFICE	
PARKING PROVIDED:	78 STALLS
BICYCLE PARKING (5%):	
SHORT TERM BIKE RACK:	4 PROVIDED / 4 REQUIRED
LONG TERM BIKE LOCKER:	4 PROVIDED / 4 REQUIRED

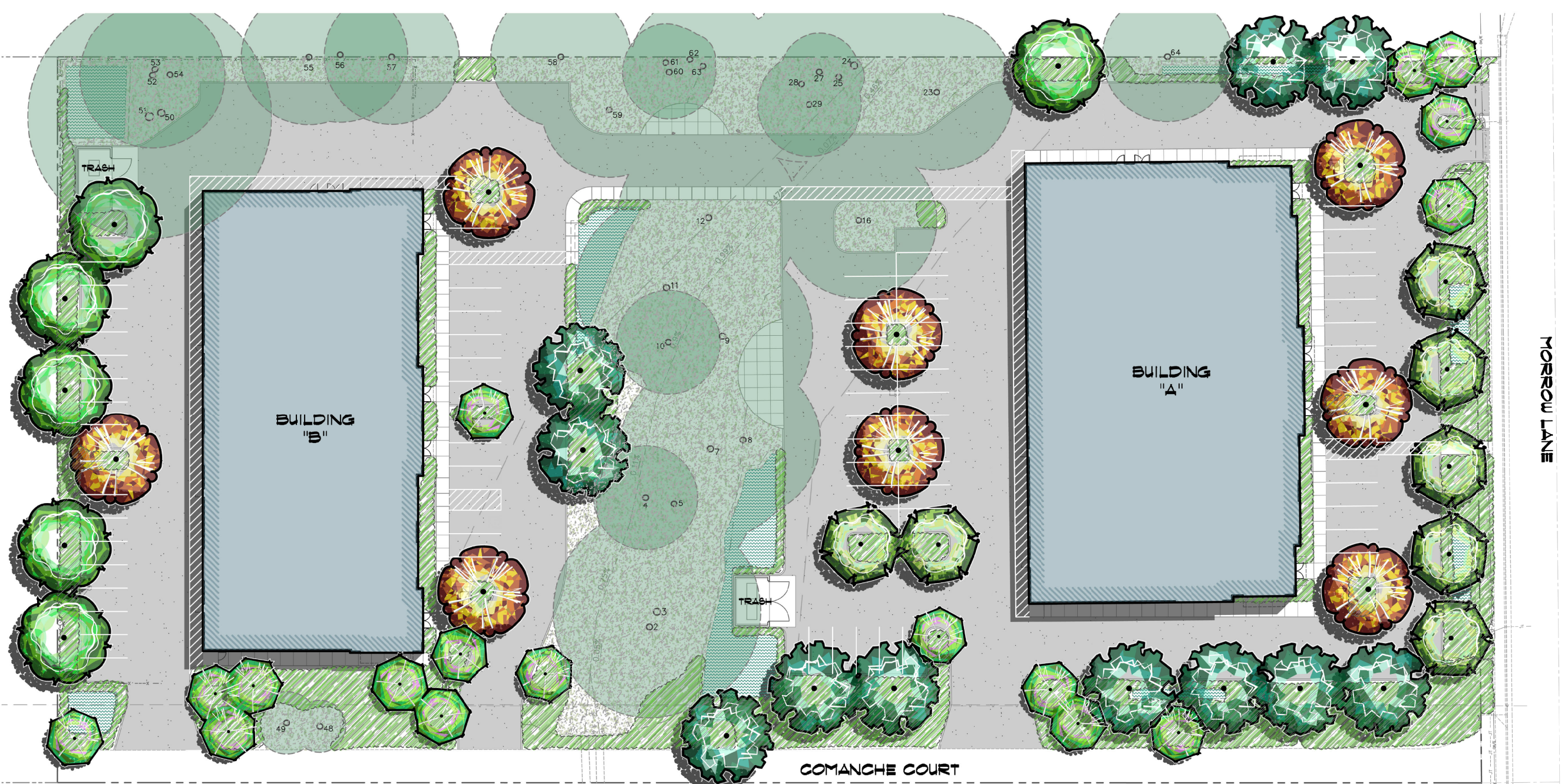
PERKINS, WILLIAMS & COTTERILL
ARCHITECTS
 3320 Data Drive, Suite 200 • Rancho Cordova, California 95670
 T (916) 851-1400 F (916) 851-1408 E pwcarch@pwcarchitects.com

Proposed Site Plan

Project:	BCM - MORROW LANE
Job No.	20-880
Date:	04-17-2021
Scale:	1/16" = 1'-0"

BCM - Light Industrial Complex
 3731 Morrow Lane, Chico, CA 95928

Attachment D



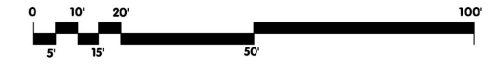
PARKING LOT SHADE CALCULATIONS:

TREE TYPE	AREA/FULL	QUANTITY	FULL	3/4	1/2	1/4	SUBTOTAL	TOTAL
20' DIA. TREES								
CHILOPSIS LINEARIS	314 S.F.	1	0	4	0	0	942 S.F.	942 S.F.
20' TOTAL:								
30' DIA. TREES								
ULMUS WILSONIANA	706 S.F.	2	0	5	0	0	3177 S.F.	3177 S.F.
30' TOTAL:								
35' DIA. TREES								
PISTACHIA CHINENSIS	962 S.F.	8	0	1	0	0	8177 S.F.	15873 S.F.
QUERCUS LOBATA	962 S.F.	0	0	10	0	0	4810 S.F.	
QUERCUS WISLIZENII	962 S.F.	0	0	6	0	0	2886 S.F.	
35' TOTAL:							15873 S.F.	
EXISTING PISTACHIA CHINENSIS:							9465 S.F.	
EXISTING QUERCUS LOBATA:							557 S.F.	
PARKING AREA:							56660 SF.	
SHADE REQUIRED:							28330 SF.	
SHADE PROVIDED:							30214 SF.	

TREE LIST & LEGEND

SYMBOL	BOTANIC NAME/COMMON NAME	SIZE	QUANTITY
	CHILOPSIS LINEARIS 'TIMELESS BEAUTY/DESERT WILLOW'	15 GALLON	17
	PISTACHIA CHINENSIS/CHINESE PISTACHE	15 GALLON	8
	QUERCUS LOBATA/VALLEY OAK	15 GALLON	11
	QUERCUS WISLIZENII/INTERIOR LIVE OAK	15 GALLON	6
	ULMUS WILSONIANA 'PROSPECTOR/PROSPECTOR ELM'	15 GALLON	7

- SHRUB & GROUND COVER AREA (SEE PLANT PALETTE AT RIGHT)
- BIORETENTION PLANTER (SEE PLANTS MARKED WITH AN ASTERISK*)
- UNDEVELOPED & RENOVATED GRASSES



Preliminary Landscape Plan **NORTH**
SCALE: 1" = 20'-0"

PLANT PALETTE

BOTANIC NAME/COMMON NAME	SIZE	BOTANIC NAME/COMMON NAME	SIZE
ARCTOSTAPHYLOS D. "HOWARD McMINN"/MANZANITA*	5 GALLON	MAHONIA REFENS/CREeping OREGON GRAPE	1 GALLON
ASCLEPIAS SPECIOSA/SHOWY MILK WEED	1 GALLON	MUHLENBERGIA CAPILLARIS/PURPLE MUHLY GRASS	1 GALLON
BULBINE FRUTESCENS (YELLOW)/CAPE BALSAM	1 GALLON	MUHLENBERGIA RIGENS/DEER GRASS*	1 GALLON
CERCIS OCCIDENTALIS	5 GALLON	NEPETA X. FAASSENII/CATMINT*	1 GALLON
CHONDRPETALUM TECTORUM/DWF. CAPE RUSH*	5 GALLON	PANICUM VIRGATUM 'SHENANDOAH/SHENANDOAH SWITCH GRASS'	1 GALLON
CISTUS HYBRIDUS/WHITE ROCKROSE	5 GALLON	PENSTEMON HETEROPHYLLUS 'MARGARITA E.O.P./BEARD TONGUE	1 GALLON
CAREX DIVULSA/EURASIAN GRAY SEDGE*	1 GALLON	RIBES VIBURNIFOLIUM/EVERGREEN CURRANT	1 GALLON
DIANELLA REVOLUTA 'LITTLE REV/BLACK FLAX LILY	1 GALLON	ROSA CALIFORNICA/WILD ROSE*	5 GALLON
HETEROMELES ARBUTIFOLIA/TOYON*	5 GALLON	ROSA BANKSIAE 'LUTEA/LADY BANKS ROSE	5 GALLON
HELLEBORUS ARGUTOLIUS 'PACIFIC FROST/CORSICAN HELLEBORE	1 GALLON	SALVIA X. 'BEES BLISS/CREeping SAGE	1 GALLON
IRIS DOUGLASIANA/DOUGLAS IRIS	1 GALLON	SALVIA MICROPHYLLA 'HOT LIPS/AUTUMN SAGE	5 GALLON
LOMANDRA LONGIFOLIA 'BREEZE/DWF. MAT RUSH	1 GALLON		
MAHONIA AQUIFOLIUM/OREGON GRAPE	5 GALLON		
MAHONIA A. 'COMPACTA/COMPACT OREGON GRAPE	5 GALLON		

NOTE: ALL PROPOSED PLANTS ARE LISTED AS "LOW" OR "VERY LOW" IN THE STATE'S "WATER USE CLASSIFICATION OF LANDSCAPE SPECIES" (W.U.C.L.S. IV) LIST.

BCM - Industrial Pad
3731 Morrow Lane, Chico, CA 95928

Garth Ruffner Landscape Architect (916) 797-2576
4120 Douglas Blvd., Suite 306, #301, Roseville, CA 95746-3936
GarthRuffner.com California R.L.A. #2508

PERKINS, WILLIAMS & COTTERILL ARCHITECTS
3320 Data Drive, Suite 200 - Rancho Cordova, California 95670
T (916) 851-1400 F (916) 851-1408 E pwcarch@pwcarchitects.com

Landscape Plan

Project: BCM - MORROW LANE
Job No. 20-880 (40038) Date: 1-3-2021
Scale: 1"=20'-0"

Attachment E

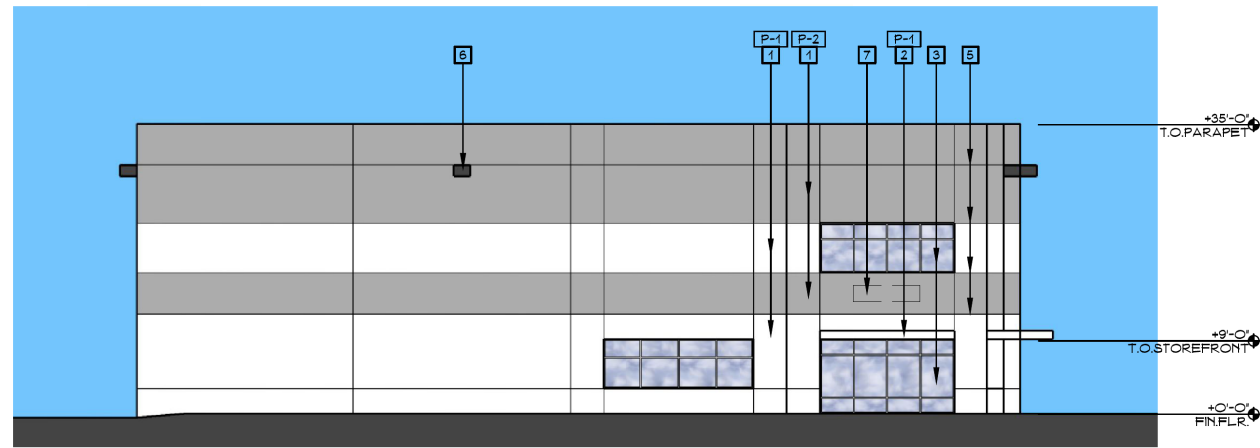


North Elevation

SCALE: 3/32" = 1'-0"

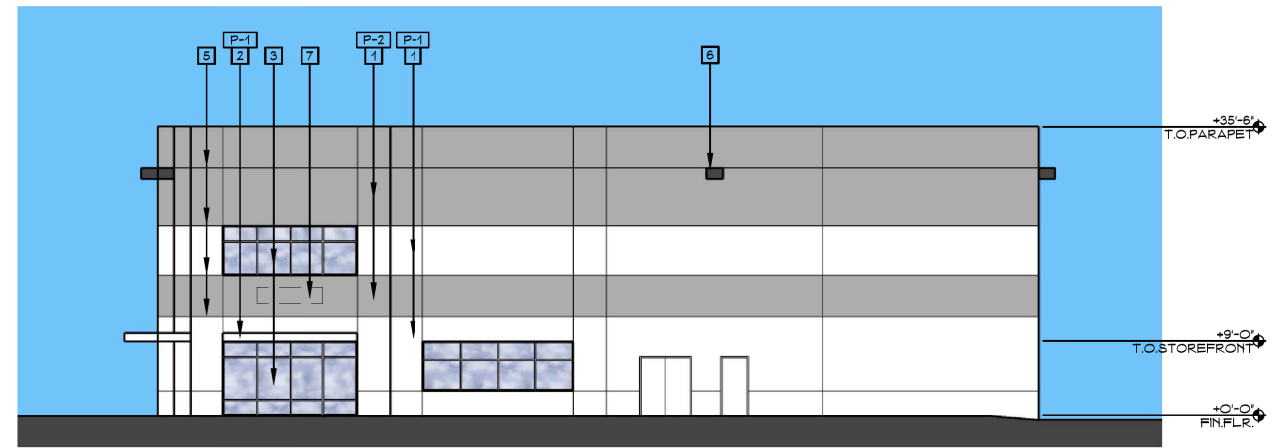
KEYNOTES	
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2	DEEP METAL CANOPY - PAINTED
3	CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW
4	12'-0" X 14'-0" ROLL-UP GRADE LEVEL DOOR
5	3/4" WIDE REVEAL IN CONCRETE WALL PANEL, TYPICAL
6	WALL PACK LIGHT FIXTURE
7	POTENTIAL TENANT SIGNAGE LOCATION

PAINT	
P-1	'BUMBLE BABY' KELLY - MOORE KMW15
P-2	'FACTOR'S STAR' KELLY - MOORE KM5815



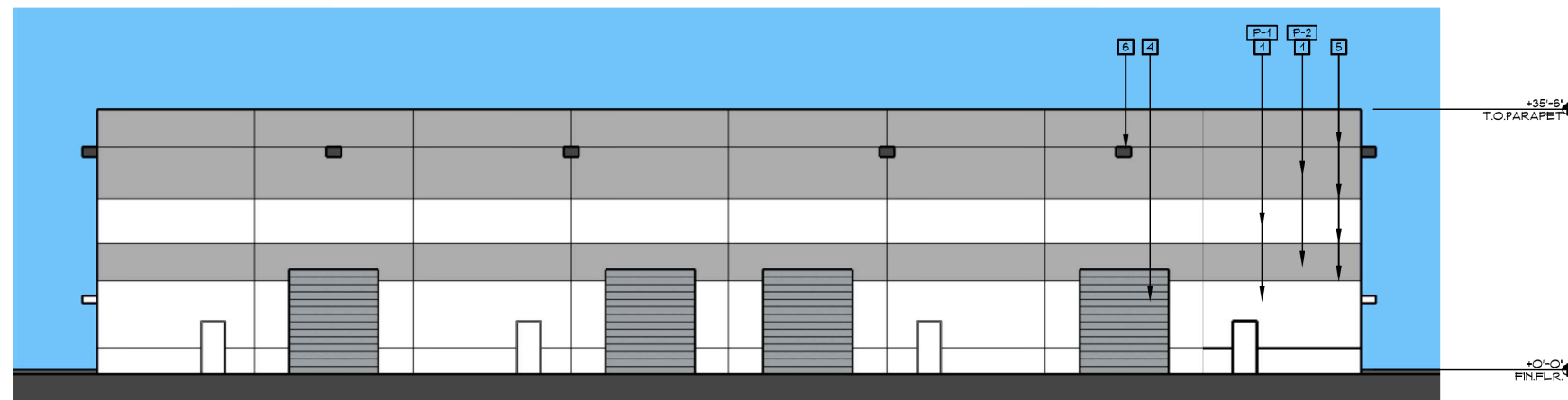
East Elevation

SCALE: 3/32" = 1'-0"



West Elevation

SCALE: 3/32" = 1'-0"



South Elevation

SCALE: 3/32" = 1'-0"

BCM - Building Pad A
3731 Morrow Lane, Chico, CA 95928

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Elevations - Building A

Project: BCM - MORROW LANE

Job No. 20-880 **Date:** 02-04-2021

Scale: AS NOTED

Attachment F

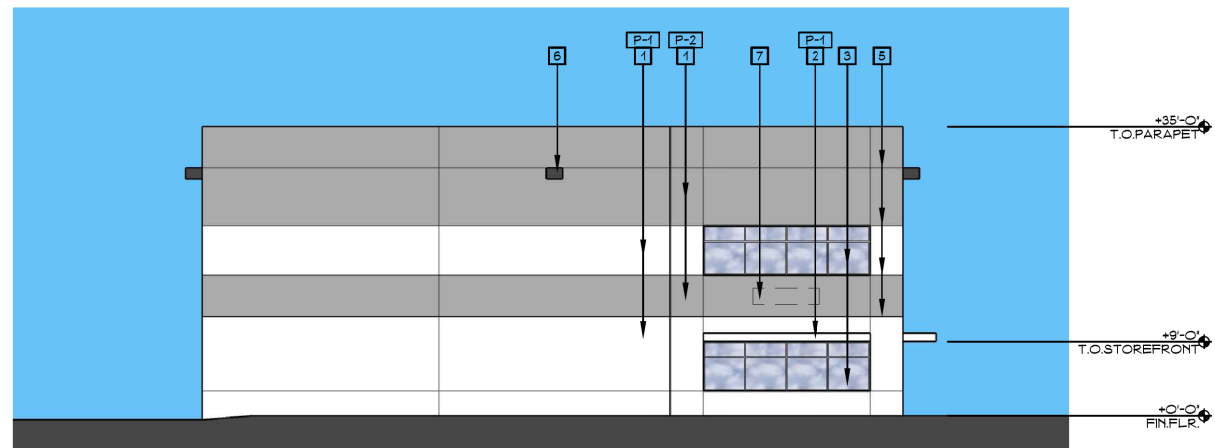


North Elevation

SCALE: 3/32" = 1'-0"

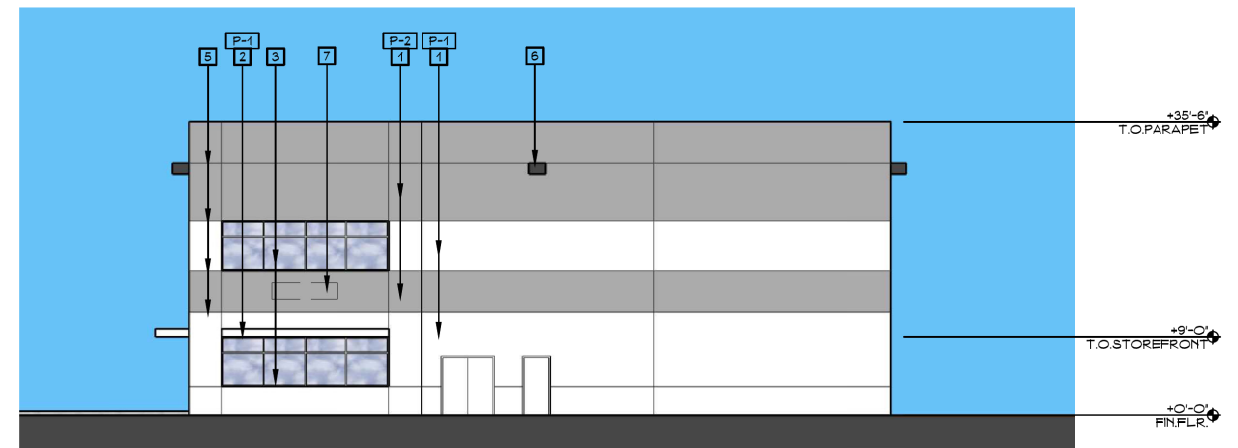
KEYNOTES	
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2	DEEP METAL CANOPY - PAINTED
3	CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW
4	12'-0" X 14'-0" ROLL-UP GRADE LEVEL DOOR
5	3/4" WIDE REVEAL IN CONCRETE WALL PANEL, TYPICAL
6	WALL PACK LIGHT FIXTURE
7	POTENTIAL TENANT SIGNAGE LOCATION

PAINT	
P-1	'BUMBLE BABY' KELLY - MOORE KMW'S
P-2	'ACTOR'S STAR' KELLY - MOORE KM5815



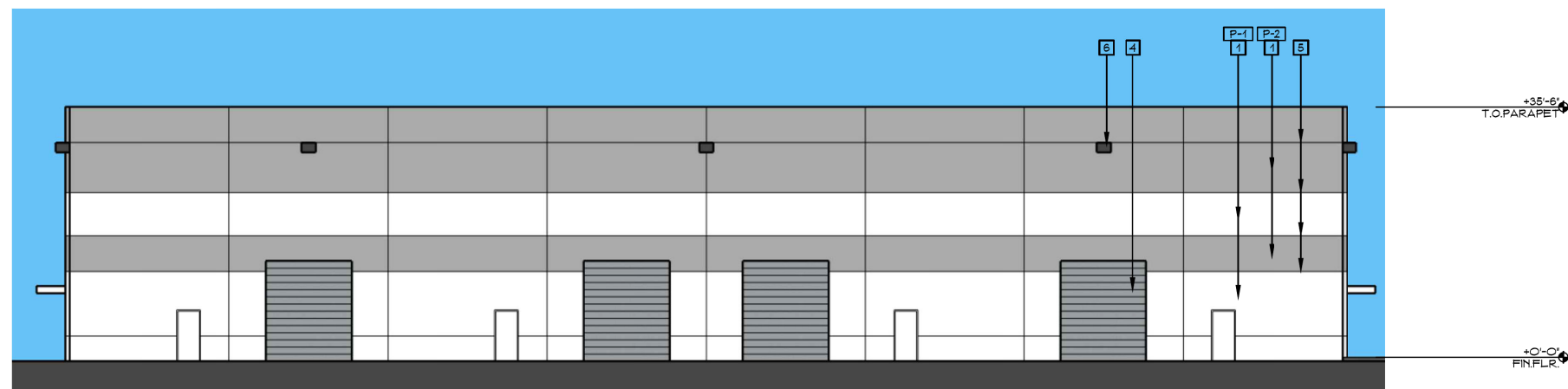
East Elevation

SCALE: 3/32" = 1'-0"



West Elevation

SCALE: 3/32" = 1'-0"



South Elevation

SCALE: 3/32" = 1'-0"

PERKINS, WILLIAMS & COTTERILL
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Elevations – Building B

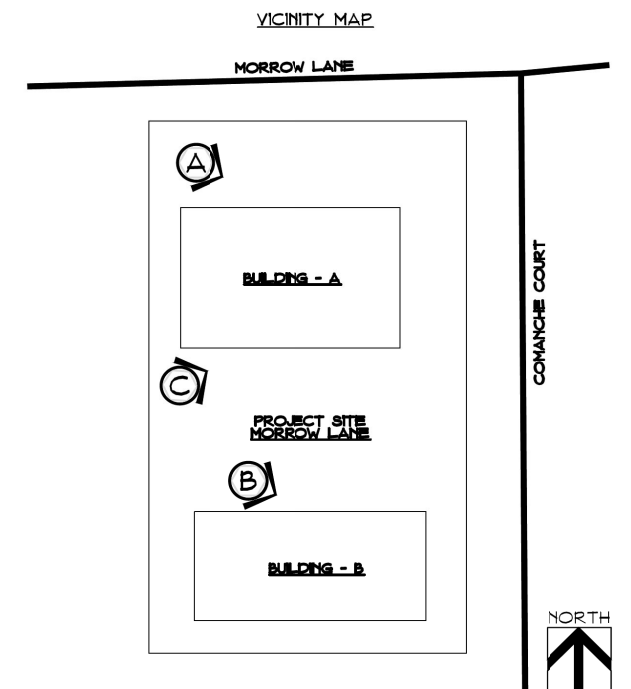
Project: BCM - MORROW LANE

Job No. 20-880 Date: 02-04-2021

Scale: AS NOTED

BCM – Building Pad B
 3731 Morro Lane, Chico, CA 95928

Attachment F



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Building Perspectives

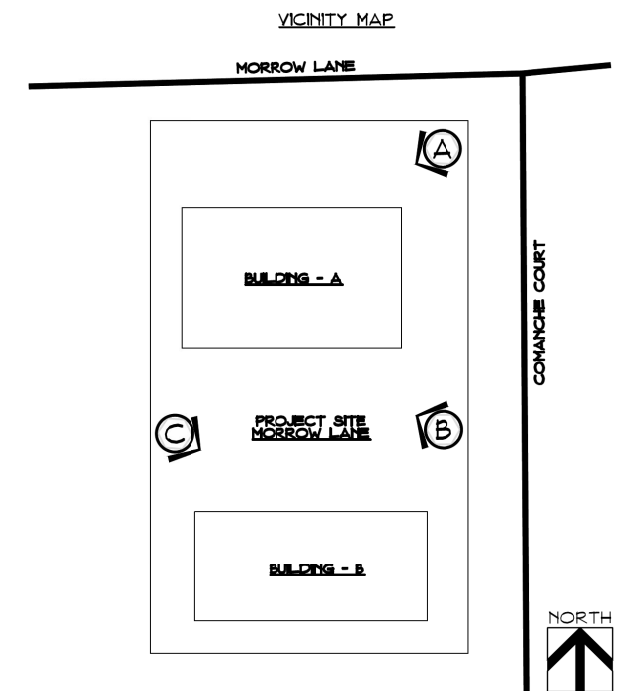
Project: BCM - MORROW LANE

Job No. 20-380 *Date:* 12-22-2020

Scale: AS NOTED

Attachment G

BCM – Industrial Pad
 3731 Morro Lane, Chico, CA 95928



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ARCHITECTS
 3328 Data Drive, Suite 200 • Rancho Cordova, California 95670
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Site Perspectives

Project: BCM - MORROW LANE

Job No. 20-080 *Date:* 12-22-2020

Scale: AS NOTED

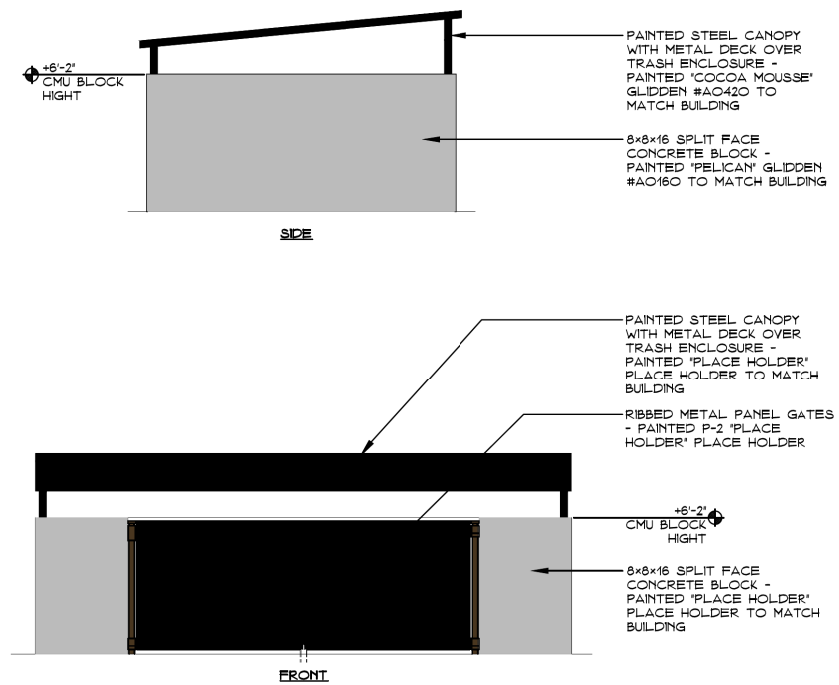
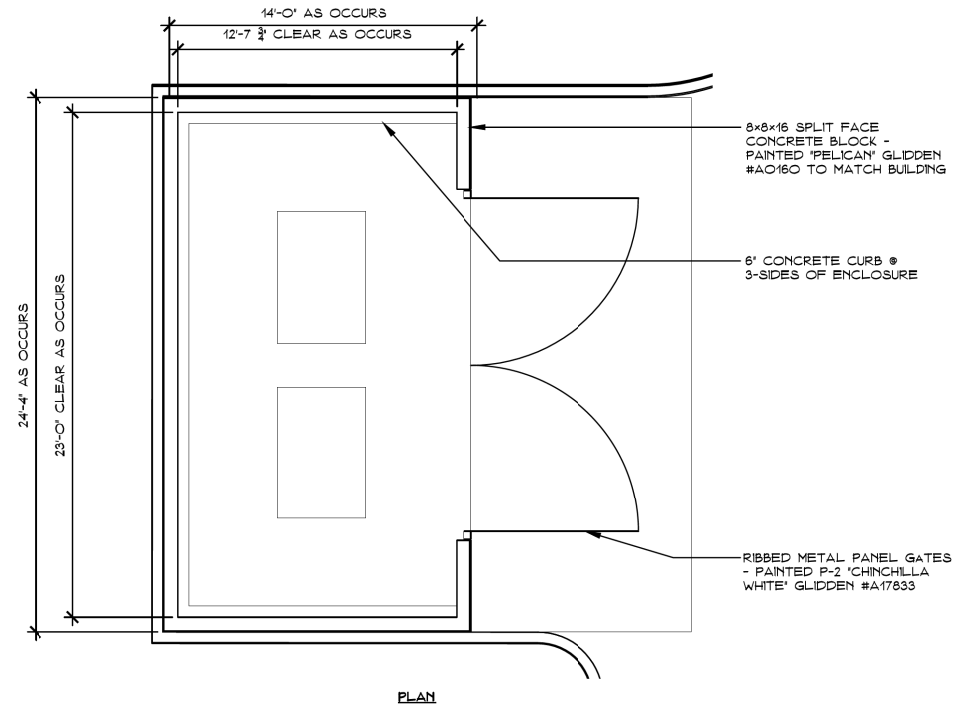
Attachment G

BCM – Industrial Pad
 3731 Morro Lane, Chico, CA 95928



MADRAX BIKE RACK - ORION
2 BIKE RACK, GALV. FINISH,
CAST IN PLACE OR
CONCRETE ANCHOR MOUNT

2 BICYCLE PARKING
A1.1 N.T.S.

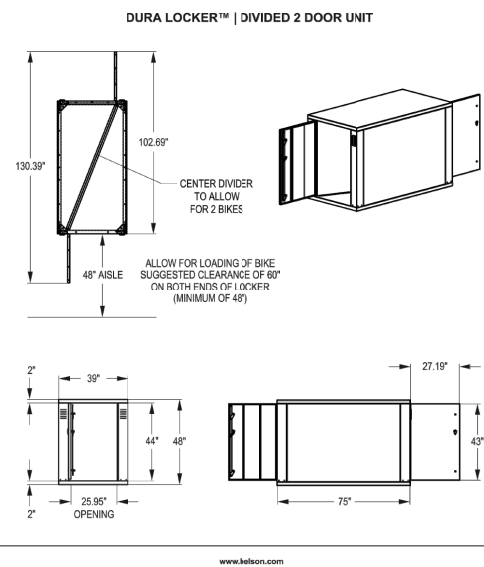


1 TRASH ENCLOSURE
A1.1 1/4" = 1'-0"

BELSON
OUTDOORS

111 North River Road
North Aurora, IL 60542
Phone: (800) 323-5664
Fax: (830) 987-0573
sales@belson.com

Model # DL1002FP Dimension Sheet



3 BIKE LOCKER
A1.1 N.T.S.

PERKINS, WILLIAMS & COTTERILL
ARCHITECTS

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Site Details

Project: BCM - MORROW LANE

Job No. 20-880 Date: 12-22-2020

Scale: AS NOTED

Attachment H

ARBORIST REPORT
FOR THE

±3.52-ACRE MORROW LANE STUDY AREA

CITY OF CHICO, BUTTE COUNTY, CALIFORNIA



Prepared For:
BCM Construction
2990 Highway 32, Suite 100
Chico, CA 95973

Prepared by:



11601 Blocker Drive, Ste. 100
Auburn, California 95603
(530) 888-0130

APRIL 2020

Attachment I

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APPENDICES

Appendix A. Trees Assessed on the Morrow Lane Study Area, January 2020

**ARBORIST REPORT
FOR THE
±3.52-ACRE MORROW LANE STUDY AREA**

INTRODUCTION

Project Location

Salix Consulting, Inc. (Salix) conducted a tree assessment and inventory for the ±3.52-acre Morrow Lane study area located in the vicinity of Skyway Road and Notre Dame Boulevard, within the city limits of the City of Chico (City), Butte County, California. The study area is bounded on the north by Morrow Lane, and on the east by Comanche Court. An empty lot borders the study area along its western edge, and industrial properties are located directly to the south. The approximate coordinates for the center of the property are 39°42'39.07" N and 121°47'35.10" W. It is situated within Section 6 Township 21N Range 2E of the Chico, California 7.5-minute USGS topographic quadrangle (Figure 1).

Project Setting

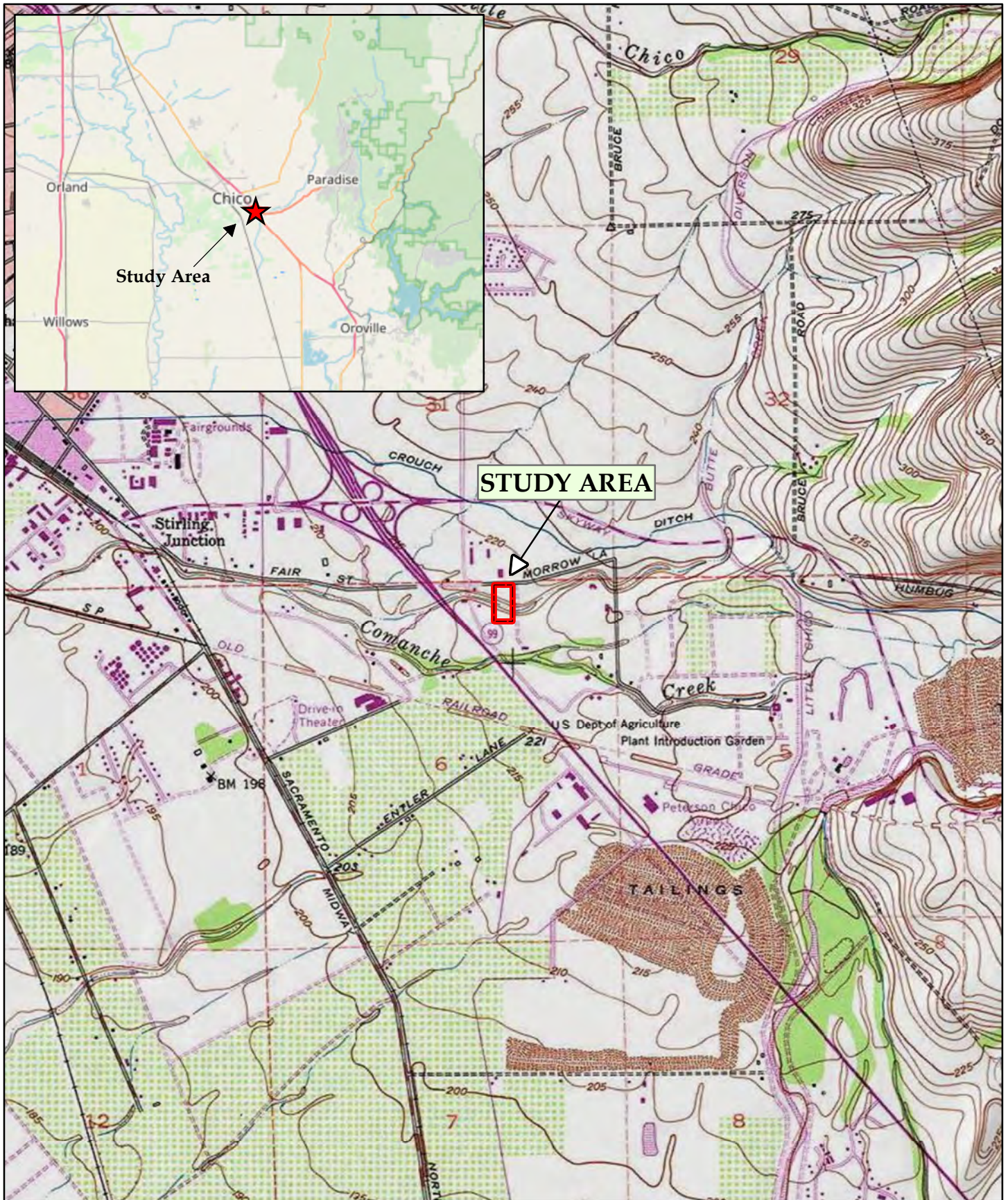
The site occurs on the valley floor of the northeast edge of Sacramento Valley, directly west of the northern Sierra Nevada mountain range. It is situated near the southeastern edge of the City of Chico, approximately 400 feet northeast of Highway 99 (Hwy 99). The site is in a suburban extension surrounded by agricultural land to the southwest and undeveloped land to the northeast. Warehouses and commercial/industrial properties are located north, south, and west of the site within the immediate vicinity, while property directly to the east is mainly suburban residential. The site is mostly flat, with elevations ranging from approximately 220 feet near the northwest corner to 225 feet at the southwest corner (Figure 2).

REGULATORY FRAMEWORK

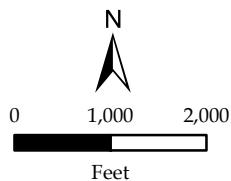
The City of Chico Tree Preservation Regulations (Chapter 16.66 of the City municipal code) require that a permit be obtained for the removal of any tree that meets the definition of "tree" as specified in section 16.66.050 of the municipal code:

K. "Tree" or "trees" means any of the following:

1. Any live woody plant having a single perennial stem of 18 inches or more in diameter, or multistemmed perennial plant greater than 15 feet in height having an aggregate circumference of 40 inches or more, measured at four feet six inches above adjacent ground;
2. Any tree that meets the following criteria:



STUDY AREA



Source Maps: USGS Topographic Map
Chico Quad 1:24,000
S6 T21N R2E

Figure 1
SITE AND VICINITY MAP

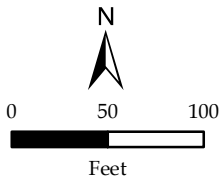
Morrow Lane
City of Chico, Butte County, CA


Attachment I



MORROW LANE

COMANCHE COURT



 Study Area
(±3.52 acres)

Imagery: 1-20-20 Salix Consulting

Figure 2

AERIAL MAP

Morrow Lane

City of Chico, Butte County, CA

Attachment I

12-inch DBH or greater	6-inch DBH or greater
All Oaks (<i>Quercus</i>)	Blue oak (<i>Q. douglasii</i>)
Sycamores (<i>Platanus racemosa</i>)	Canyon live oak (<i>Q. chrysolepsis</i>)
Oregon ash (<i>Fraxinus latifolia</i>)	Interior live oak (<i>Q. wislizeni</i>)
Big leaf maple (<i>Acer macrophyllum</i>)	California buckeye (<i>Aesculus californica</i>)
	Madrone (<i>Arbutus menziesii</i>)
	Toyon (<i>Heteromeles arbutifolia</i>)
	Redbud (<i>Cercis occidentalis</i>)
	California bay (<i>Umbellularia californica</i>)
	Pacific dogwood (<i>Cornus nuttallii</i>)

3. Any tree or trees required to be preserved as part of an approved building permit, grading permit, demolition permit, encroachment permit, use permit, tentative or final subdivision map; or

4. Any tree or trees required to be planted as a replacement for an unlawfully removed tree or trees.

L. "Tree" or "trees" does not include the following tree species: Ailanthus, Chinese Tallow, Fremont Cottonwood or Poplar, Privet, Box Elder, Silver Wattle, Black Acacia, English Hawthorn, Russian Olive, Olive, Red Gum, Tasmanian Blue Gum, Edible Fig, English Holly, Cherry Plum, Black Locust, Peruvian Peppertree, Brazilian Peppertree, West Indian Catalpa, Chinese Elm or Winged Elm; or the following fruit and nut trees: Almonds, Apples, Apricots, Avocados, Cherries, Chestnuts, Mandarins, Nectarines, Olives, Oranges, Peaches, Pears, Pecans, Persimmons, Pistachios, Plums or English Walnuts. (City of Chico, 2019)

Additionally, for any tree removal application that is submitted along with an application for development, the regulations require a plan specifying the location, size, species, and dripline of all trees on or adjacent to the property. This map must include all existing and proposed grades as well as the location of proposed or existing structures.

METHODS

Field Assessment

A field assessment was conducted on January 20, 2020. The field survey was conducted by Joelle Soch (International Society of Arboriculture Certified Arborist #WE-12863A), and Jeff Glazner, Botanist. All trees on the site which met the

definition of “tree” as described above were located, mapped, tagged, measured, and evaluated. The location of each tree was mapped using a Trimble GeoXT 6000 GPS (submeter) and used to create a Tree Location map (Figure 3).

A data form was completed for each regulated tree, noting the following information:

- Tag number
- Species
- Diameter(s) at breast height (inches)
- Dripline (feet)
- Structure (poor, fair, or good)
- Health and vigor (poor, fair, or good)
- Hazard potential.

In addition, notes on any general observations were also recorded. These data were summarized into a spreadsheet and are presented as Appendix A. Twenty-one (21) trees which did not meet the City’s definition of “tree” were also tagged, measured, and evaluated. They are included in Appendix A (highlighted in yellow) but are not considered further in this report.

RESULTS

Vegetation

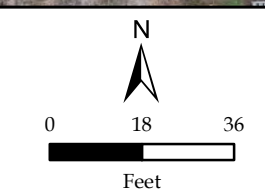
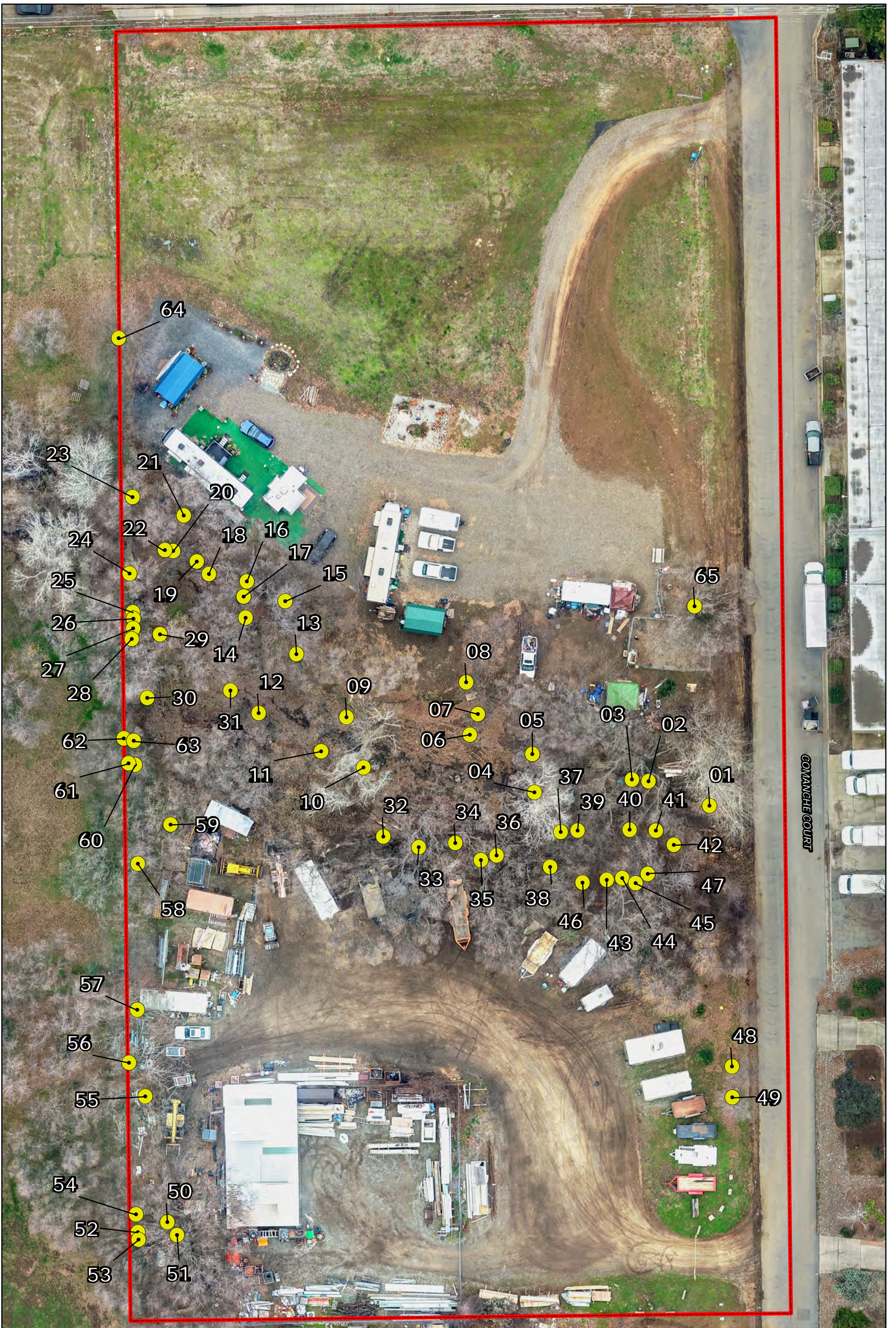
Two biological communities are present within the study area – ruderal and oak woodland, while a small portion of the site along the eastern edge is paved.

Ruderal

A majority of the study area (approximately 2.5 acres in the northern and southern portions) is ruderal. Ruderal habitats are areas of ongoing disturbed ground (such as dirt roads, areas of general vehicular use, residential and storage areas, and frequent surface disturbance such as disking) dominated by weedy annual species adapted to disturbance. Common species throughout the ruderal areas include Italian ryegrass (*Festuca perennis*), ripgut grass (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), rose clover (*Trifolium hirtum*), dove’s foot geranium (*Geranium molle*), turkey mullein (*Croton setiger*), curly dock (*Rumex crispus*), prickly lettuce (*Lactuca serriola*), ruby sand-spurrey (*Spergularia rubra*), and yellow starthistle (*Centaurea solstitialis*).

Oak Woodland

Approximately 0.8 acre of oak woodland bisects the center of the study area from east to west. The overstory in this portion of the study area is composed almost entirely of valley oak (*Quercus lobata*), though some interior live oak (*Quercus wislizeni*), Fremont cottonwood (*Populus fremontii*), and Chinese pistache (*Pistacia chinensis*) are also present. A drainage feature embedded in the oak woodland, formerly was a regional stream but water through the drainage was mostly



 Study Area (±3.52 acres)

Imagery: 1-20-20 Salix Consulting

Figure 3
TREE LOCATION MAP
 Morrow Lane
 City of Chico, Butte County, CA

diverted as the surrounding area developed and the feature is now just a remnant with very little conveyance.

Paved

The study area bisects the centerline of Comanche Court and the western half of the road is within the study area. This paved area is 0.2 acre.

Tree Data

Forty-four (44) trees which met the City’s definition of “tree” were located, measured, and evaluated. Tree species assessed include forty-two (42) valley oak (95%) and two (2) Chinese pistache (5%). Trees observed on the site which did not meet the definition of “tree” as described above (and thus were not included in this count) include interior live oak smaller than 6-inches DBH, valley oak and an Oregon ash under 12-inches DBH, a red willow under 18-inches DBH, and three Fremont cottonwood. Twenty-one (21) trees which did not meet the definition were tagged and evaluated but are not included in the final count. A summary of tree data is presented in Table 1 and a spreadsheet detailing data for each tagged tree is included as Appendix A. Representative ground photos are presented in figures 4a and 4b.

Table 1. Trees Evaluated Data Summary

Species	Number of trees	Average DBH (single and multi-trunk)	Average Dripline Radius*
Valley Oak (<i>Quercus lobata</i>)	42	21 inches	42 feet
Chinese Pistache (<i>Pistacia chinensis</i>)	2	16 inches	36 feet
Total	44	*As defined in the City of Chico Tree Preservation Regulations: Radius measured from the trunk to the outermost branch, plus an additional 10 feet.	

Forty-two of the forty-four trees are single-trunked and only two (one valley oak and one Chinese pistache) have multiple trunks. Single trunk diameters range from 12 to 35 inches, with an average of 21 inches. The multi-trunk valley oak has two trunks, one measuring 22 inches DBH and the other measuring 25 inches DBH, for an aggregate diameter of 47 inches. The multi-trunk Chinese pistache also has two trunks, one measuring 9 inches DBH and the other measuring 19 inches DBH, for an aggregate diameter of 28 inches. Of single trunk trees, dripline radii range between 15 and 68 feet, with an average of 41 feet. The multi-trunk valley oak has a dripline radius of 64 feet and the multi-trunk Chinese pistache has a dripline radius of 36 feet.

Health, Vigor, and Structure

In regard to health/vigor, 21 (48%) trees were rated as fair, 13 (29%) were rated as good, and 10 (23%) were rated as poor. In regard to structure, 19 (43%) trees were



Looking west across the oak woodland that transects the center of the study area. Tree #1 (right) is marked for removal by the power utility.
Photo Date 01-20-20.



Looking east across the oak woodland from near the western boundary.
Photo Date 01-20-20.



Figure 4a

SITE PHOTOS

Morrow Lane

City of Chico, Butte County, CA

Attachment I



Tree #31 has a long wound in the trunk exhibiting evidence of rot and a severe uneven weight distribution *Photo Date 01-20-20.*



Tree #53 is arching majorly onto the neighboring lot to the west. *Photo Date 01-20-20.*



Figure 4b

SITE PHOTOS

Morrow Lane

City of Chico, Butte County, CA

Attachment I

rated as poor, 16 (36%) were rated as fair, and 9 (21%) were rated as good. A summary of the health/vigor and structure of the evaluated trees is presented in Table 2.

Table 2. Health/Vigor and Structure Summary

Species	Health/Vigor	Structure
<i>Good</i>	13	9
<i>Fair</i>	21	16
<i>Poor</i>	10	19
Total	42	42

Eight (18%) of the trees were assessed to be in good health and vigor and also to contain good structure, twelve (27%) of the trees were assessed to be in fair health and have fair structure, and 10 (23%) trees were assessed to be both in poor health and have poor structure. Fourteen (32%) remaining trees have discrepancies between their health and vigor and the quality of their structure. While 34 (77%) of the trees have either fair or good health and vigor, only 25 (57%) have either fair or good structure. This is because many of the trees have a significant lean and an uneven weight distribution.

Two trees which display poor structure and poor to fair health were determined to be hazardous and are recommended for removal. Two large valley oaks (#31 and #32) display particularly poor structure, arching significantly toward the southwest and consequently supporting a very uneven weight distribution. Tree #31 contains no branches on its north side and shows evidence of extensive previous trimming, while tree #32 has a long wound in its trunk containing signs of rot as well as several dead broken limbs.

CONCLUSION

Salix Consulting’s certified arborist conducted a tree assessment on the ±3.52-acre Morrow Lane project site, located within the city limits of the City of Chico, Butte County, California. Trees assessed included any tree that met the definitions laid out in the City of Chico Tree Preservation Regulations (Chapter 16.66 of the City municipal code). Forty-four (44) such trees (42 of which are valley oaks and 2 of which are Chinese pistaches) were located, measured, and evaluated. Trees observed on site which did not meet the definition of “tree” as described above include interior live oak smaller than 6-inches DBH, valley oaks and an Oregon Ash smaller than 12-inches DBH, a red willow smaller than 18-inches DBH, and three Fremont cottonwood. While most of the trees (77%) have either fair or good health and vigor, 57% have either fair or good structure. Two trees that contain defects in health and structure were determined to be hazardous and are recommended for removal.

REFERENCES

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, editors. 2012. *The Jepson manual: vascular plants of California*, second edition. University of California Press, Berkeley.

City of Chico, Planning Department. 2019. Chico Municipal Code. Found online:
http://www.chico.ca.us/general_services_department/park_division/documents/Street%20Tree%20Web%20Site/CMC16.66TreePreservationRegs.pdf

Appendix A.
Trees Assessed on the Morrow Lane Study Area, January 2020

Trees within the ±352 Morrow Lane Study Area

Tag #	Species	Diameters at Breast Height (inches)	Total DBH	Dripline Radius (Feet)	Dripline Radius (+10 Feet)	Structure	Health	Hazard	Comments
01	Fremont Cottonwood	47		35'	45'	Poor	Fair	Yes	Leaning 30 degrees East, hanging out over Comanche Court
02	Valley Oak	31		35'	45'	Fair	Good	No	
03	Valley Oak	27		40'	50'	Poor	Good	No	Crowded by 02, arching to northwest.
04	Fremont Cottonwood	25		20'	30'	Fair	Fair	No	Wound in trunk near base.
05	Valley Oak	26		30'	40'	Good	Good	No	
06	Valley Oak	13		10'	20'	Poor	Poor	No	Reduced crown, sucker shoots on trunk.
07	Valley Oak	13		35'	45'	Poor	Fair	No	Strong arch to north, compromised by 06, all canopy on north side.
08	Valley Oak	12		30'	40'	Fair to Poor	Good	No	Strong arch to north, all canopy on north side.
09	Valley Oak	30		35'	45'	Fair	Fair	No	Some arching to the north, due to tree's proximity to #10.
10	Fremont Cottonwood	39		20'	30'	Fair	Fair	No	Tilt 15 degrees to southwest.
11	Valley Oak	28		35'	45'	Poor	Fair	No	Substantial included bark at trunk. Strong arching to south. Some previous trimming to drip-line.
12	Valley Oak	21		35'	45'	Fair	Good	No	Some arching to south. Strong vertical trunk.
13	Valley Oak	12		20'	30'	Poor	Poor	No	Some arching to northeast. No strong leader, somewhat reduced crown
14	Valley Oak	20		35'	45'	Fair	Fair	No	Some arching to southwest due to proximity to #15 & #16.
15	Valley Oak	21		30'	40'	Fair	Fair	No	Some included bark near top of trunk. Tree is crowded by #16.
16	Valley Oak	32		30'	40'	Good	Good	No	Even-spread to crown.
17	Valley Oak	11.7		20'	30'	Fair	Fair	No	DBH is 11.7" - tree smaller than 12"
18	Valley Oak	6		8'	18'	Poor	Poor	No	Reduced crown, arching leader.
19	Valley Oak	8		7'	17'	Poor	Poor	No	Reduced crown, broken leader.
20	Valley Oak	17		30'	40'	Fair	Fair	No	Some arching to northeast.
21	Valley Oak	20		25'	35'	Fair	Fair	No	Some arching to northeast.
22	Valley Oak	11		18'	28'	Fair	Fair	No	Wounds in trunk but no rot. Some arching toward south.
23	Valley Oak	27		30'	40'	Good	Good	No	Even-spread to crown.
24	Valley Oak	29		40'	50'	Fair	Good	No	Some arching toward south, weight concentrated on south side.
25	Valley Oak	7		10'	20'	Fair	Fair	No	Smaller tree, shaded under other trees.
26	Valley Oak	12		5'	15'	Poor	Poor	No	Top of tree broken off, only sucker shoot branches for canopy.
27	Valley Oak	8		15'	25'	Fair	Fair	No	Tree is shaded below larger trees.

28	Valley Oak	26						30'	40'	Poor	Poor	No	Strong arching to southwest, all canopy on south side. Three dead broken limbs observed.
29	Valley Oak	19						20'	30'	Poor	Poor	No	Several broken limbs, reduced crown and reduced drip-line radius.
30	Valley Oak	7						10'	20'	Poor	Poor	No	Shaded beneath #29, extensive gall-wasp galls. Leans 10 degrees to southwest.
31	Valley Oak	26						30'	40'	Poor	Poor	Yes	Long wound in trunk with evidence of rot. Several dead broken limbs. Strong arch to southwest. All weight is distributed toward southwest.
32	Valley Oak	35						55'	65'	Poor	Fair	Yes	Arching to southwest, all weight distributed in this direction. No branches on north side. Evidence of extensive previous trimming.
33	Valley Oak	22	25			47		54'	64'	Fair	Fair	No	Tree is multi-trunk with two main stems. Weight is slightly distributed toward south.
34	Valley Oak	17						36'	46'	Poor	Poor	No	Evidence of dead broken libs. The bottom of the branch on south side of tree has a long open wound. Trunk is sound but crown and branch are not sound.
35	Valley Oak	16						46'	56'	Poor	Poor	No	Strong southwest arch. 15 degree lean toward southwest, with all weight distributed in that direction. No canopy on north side, extensive gall wasp galls.
36	Valley Oak	30						45'	55'	Fair	Fair	No	Some mechanical wounds at base. Fair weight distribution, but slightly favors southwest side.
37	Valley Oak	10	6	6		22		20'	30'	Poor	Fair	No	Tree includes three trunks (10+6+6). Even distribution.
38	Valley Oak	8	5			13		30'	40'	Fair	Fair	No	Tree includes two trunks (8+5). Tree is entangled with #39 and shaded.
39	Valley Oak	23						58'	68'	Poor	Poor	No	Tree leans 30 degrees toward southwest and has little to no canopy on north side.
40	Valley Oak	12						15'	25'	Fair	Fair	No	Even weight distribution, healthy crown.
41	Oregon Ash	8						10'	20'	Poor	Poor	No	Almost no canopy/crown, only sucker limbs. Wound on trunk and extensive dead limbs.
42	Valley Oak	12						13'	23'	Poor	Poor	No	Growth of sucker shoots and several dead broken limbs present in tree. Large wound on bottom of main branch.
43	Red Willow	14						27'	37'	Poor	Fair	No	Canopy almost all distributed on east side, tree exhibits strong lean to the east.
44	Valley Oak	8						38'	48'	Poor	Poor	No	Whole tree arches to the east. Approximately 45 degree lean to east. Weak to no crown, entangled in vines 8 feet from base.
45	Valley Oak	9						18'	28'	Poor	Fair	No	Shaded by #46. Main leader splits at 20 feet. Weak crown.
46	Valley Oak	23						48'	58'	Fair	Fair	No	Slight lean to south. Approximately 5 degrees. Arches strongly higher from the base of the tree. Weight distributed mainly to the south.

47	Valley Oak	21							48'	58'	Poor	Fair	No	Tree leans approximately 15 degrees toward the southeast and exhibits strong arching toward the south. No weight or canopy on the north side.
48	Valley Oak	5	6	5	5	21	10'	20'	10'	20'	Good	Good	No	Tree includes four trunks (5+6+5+5). Largest stem is 6.1" DBH.
49	Valley Oak	7	5			12	12'	22'	12'	22'	Good	Good	No	Two trunks.
50	Valley Oak	30					40'	50'	40'	50'	Good	Good	No	Even spread to crown.
51	Valley Oak	23					47'	57'	47'	57'	Poor	Fair	No	Tree leans approximately 35 degrees toward the south, with no canopy or weight on north side. Tree is compromised by #50.
52	Valley Oak	15					28'	38'	28'	38'	Poor	Fair	No	Strong arching toward the southwest, with no canopy or weight on north side.
53	Valley Oak	24					25'	35'	25'	35'	Poor	Fair	No	Tree leans approximately 50 degrees toward the south west. It is resting on the property fence line. All weight is distributed toward the southwest.
54	Valley Oak	10					20'	30'	20'	30'	Fair	Fair	No	Tree is shaded by surrounding trees. It arches somewhat toward the west and has little to no canopy or weight on the north side.
55	Chinese Pistache	19					26'	36'	26'	36'	Fair	Fair	No	Mostly even spread to the crown, tree slightly favors southwest.
56	Chinese Pistache	19	9			28	26'	36'	26'	36'	Fair	Fair	No	Tree includes two trunks (19+9) Tree favors northeast.
57	Valley Oak	14					26'	36'	26'	36'	Good	Good	No	Even spread to crown, tree exhibits mostly vertical growth.
58	Valley Oak	22					27'	37'	27'	37'	Good	Good	No	Well-balanced and even crown with no noted defects. Tree has grown over metal fence line and the fence line is embedded. Does not appear to have any detrimental effects to the tree.
59	Valley Oak	18					26'	36'	26'	36'	Good	Good	No	Some gall-wasp galls on sucker shoots near the base. Otherwise, tree has an even-spread, well-balanced crown.
60	Valley Oak	10					18'	28'	18'	28'	Fair	Fair	No	Tree has a slight arch toward the southwest.
61	Valley Oak	9					15'	25'	15'	25'	Poor	Fair	No	Leader arches strongly toward the southwest, tree has no weight or canopy on the north side. Some gall-wasp galls.
62	Valley Oak	7					10'	20'	10'	20'	Poor	Fair	No	Tree is overshadowed by #63 and has a strong arch toward the west.
63	Valley Oak	22					28'	38'	28'	38'	Fair	Fair	No	Tree has a slight arch toward the west. There is some minor included bark. Tree's weight is mostly toward the west.
64	Valley Oak	21					25'	35'	25'	35'	Good	Good	No	Even spread to crown, well balanced weight distribution.
65	Valley Oak	19					23'	33'	23'	33'	Good	Fair	No	Tree has an even structure and the crown has an even spread. Extensive gall wasp galls observed in the canopy.

Mike Sawley

From: Murphy, Melissa@Wildlife <Melissa.Murphy@Wildlife.ca.gov>
Sent: Wednesday, September 22, 2021 3:30 PM
To: Mike Sawley
Cc: Wildlife R2 CEQA; Wildlife CEQA Comment Letters; Thomas, Kevin@Wildlife; Barker, Kelley@Wildlife
Subject: PT 2021-0390 - CDFW's Comments on the IS/MND for the BCM Construction on Morrow Lane 3731 Morrow Lane

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Dear Mr. Sawley:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration for BCM Construction on Morrow Lane 3731 Morrow Lane, Chico, CA (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the California Department of Fish and Wildlife (CDFW), by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The project comprises two main components:

- 1) A General Plan Amendment and Rezone to reconfigure the open space zoning associated with a remnant stream corridor which traverses the site, and
- 2) Development of the site with two warehouse buildings and associated site improvements, including parking spaces, trash enclosures, a crossing of the open space, and storm drainage facilities (Figure 2). The proposed warehouse buildings would be approximately 17,750 and 15,000 square feet in size. The larger building (Building A) would be in front, nearest Morrow Lane, and Building B would be situated down Comanche Court, south of the channel.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Chico (City) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: CDFW recommends submitting a notification of Lake or Streambed Alteration prior to project commencement.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow.

If CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources.

Based on review of Project materials an ephemeral drainage that is present within the Project area maintains a hydrologic connection to Comanche Creek. As such, grading/fill and other infrastructure improvements may trigger notification. Therefore, CDFW recommends the Project applicant submit a notification of Lake or Streambed Alteration prior to Project commencement. For more information on CDFW's LSA program including the online permitting portal, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Comment 2: CDFW recommends MITIGATION BIO-2 (Biological Resources) be reworded as follows to increase the efficacy of the measure.

If active nests are observed during the pre-construction survey, CDFW shall be consulted within 3 days prior to the start of construction.

Comment 3: CDFW recommends implementation of Swainson's hawk mitigation measures.

The environmental document does not adequately reduce project impacts on a species identified as a special status. The 0.8 acres of mature oak woodland within the Project site provides suitable nesting habitat for

Swainson's hawk (*Buteo swainsoni*). In addition, the disturbed annual grassland habitat in the northern portion of the Project, described as "ruderal" in the environmental document, may provide suitable foraging habitat. Swainson's hawk is listed as threatened in California and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

The environmental document does not quantify the acreage of proposed impacts within the oak woodland or identify the size and species of trees proposed for removal; however, permanent impacts to the oak woodland are proposed. Impacts will include the removal of 34 trees. The removal of suitable nesting habitat and development of potential foraging habitat may have a significant impact on nesting Swainson's hawks. The greatest threat to the Swainson's hawk population in California continues to be loss of suitable foraging and nesting habitat in portions of the Swainson's hawks breeding range due to urban development and incompatible agriculture. This impact has greatly reduced their range and abundance in California in the last century (CDFW 2016, California Department of Conservation, 2011; Wilcove et al. 1986; Semlitsch and Bodie 1998).

Due to the likely significant adverse effects to the nesting and foraging habitat on the project site, CDFW recommends the following measures to reduce impacts to a less than significant level: CDFW recommends that a designated biologist conduct Swainson's hawk protocol-level surveys during all survey periods throughout the nesting season prior to the commencement of all construction activities, regardless of potential vegetation removal. Protocol-level surveys should be conducted within a minimum 1/2-mile radius around the Project area in accordance with *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000)* as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

Results of the protocol-level surveys shall be submitted to CDFW a minimum of 10 days prior to the start of construction. Based on the survey results additional mitigation measures may be required.

Comment 4: CDFW recommends including bird enhancement and mortality reduction strategies in Project design and implementation.

The proposed Project footprint will ultimately border existing open space areas and ephemeral drainage onsite. These open space areas provide suitable habitat for nesting birds. Placement of buildings adjacent to suitable nesting bird habitat may adversely affect bird populations by introducing sources of common bird mortalities such as reflective windows that birds may collide with. Given declines in segments of the overall bird population and ecological benefits of healthy bird activity, CDFW recommends consideration of bird enhancement and mortality reduction strategies in Project design and implementation. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

Collisions with clear and reflective sheet glass and plastic is also a leading cause in human-related bird mortalities. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one

meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes, so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

CDFW recommends the applicant incorporate bird and wildlife friendly strategies:

- Install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php>.

Incorporation of bird and wildlife strategies not only promotes environmental stewardship but also facilitates compliance with State and federal protections aimed at preserving bird populations.

Comment 5: Mitigation measures are needed to reduce impacts to day roosting bats to less-than-significant.

The Project site appears to contain habitat that may be suitable for tree and structure roosting bats.

Disturbance of roost sites during the maternity and hibernation seasons are considered primary factors that may negatively impact bats and have the potential to result in take. During the hibernation period, bats are very slow to respond to disturbance during torpor and can lose fat stores needed to survive the winter while pups in the maternity colony may not have the ability to fly. The disturbance and removal of roost sites may have a significant adverse effect to bats. CDFW recommends the following to reduce impacts to a less than significant level:

- Habitat Assessment. A qualified biologist with education and experience in bat biology and identification, shall conduct a habitat assessment for potentially suitable bat habitat within six months of Project activities. If the habitat assessment reveals suitable bat habitat, then a qualified bat biologist shall do a presence/absence survey during the peak activity periods. If bats are present, then the qualified biologist shall submit a bat avoidance plan to CDFW for review and approval.
- Bat Avoidance Plan. The bat avoidance plan should identify: 1) the location of the-roosting sites; 2) the number of bats present at the time of assessment (count or estimate); 3) species of bats present; 4) the type of roost (e.g. day/night, maternity, hibernaculum, bachelor); and 5) species specific measures to-avoid and minimize impacts to bats. The bat avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project.
- No Disturbance Buffer. If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then a no disturbance buffer shall be established around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- Replacement Structures. If the bat roost cannot be avoided, replacement roost structures (bat houses or other structures) shall be designed to accommodate the bat species they are intended for. Replacement roost structures shall be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

- Roost Removal Timing. The project that results in the loss or modification of the original roost structure should be implemented outside hibernation and maternity seasons, Nov 1 – Feb 1 and April 1 – August 31 respectively.
- Bat Exclusion. If an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a Bat Exclusion Plan for the passive exclusion of the bats from the roost. Exclusion shall be scheduled either (1) between March 1 and March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). The qualified bat biologist shall confirm the absence of bats prior to the start of construction. The Bat Exclusion Plan shall be submitted to CDFW for review and approval a minimum of 10 days prior to the installation of exclusion devices. CDFW does not support eviction of bats during the maternity or hibernation periods.
- Tree Removal. Tree removal shall be scheduled either (1) between approximately March 1 March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist.
- No Disturbance Buffers. If during the habitat assessment the qualified bat biologist identifies a bat roost within the Project boundary that is not proposed for demolition or removal, then no disturbance buffers shall be established around the roost. The Project proponent and qualified bat biologist shall determine suitable no disturbance buffers around roosts and/or hibernaculum sites through consultation with CDFW. Buffers may vary depending on species and Project activity being performed.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Please direct written notifications to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the IS/MND to assist in identifying and mitigating project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. If you have any questions regarding these comments, please contact me at (916) 597-6417 or melissa.murphy@wildlife.ca.gov.

Regards,

Melissa Murphy
Senior Environmental Scientist (Specialist)
North Central Region (Region 2)
Phone: 916-597-6417



**As a part of a broader effort by the California Natural Resources Agency and CDFW to go paperless, CDFW will begin accepting electronic notifications for Standard Lake and Streambed Alteration Standard Agreements through CDFW's new online Environmental Permit Information Management System (EPIMS), effective August 1, 2020. As CDFW transitions to EPIMS, CDFW will continue to accept paper notifications for Standard Agreements through August 31, 2020. All notifications for Standard Agreements received on or after September 1, 2020 need to be processed through EPIMS. For more information about EPIMS, or if you need help completing your online notification, please visit the CDFW's EPIMS website at: <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>*

Mike Sawley

From: Murphy, Melissa@Wildlife <Melissa.Murphy@Wildlife.ca.gov>
Sent: Friday, September 24, 2021 4:01 PM
To: Mike Sawley
Cc: Wildlife R2 CEQA
Subject: RE: PT 2021-0390 - CDFW's Comments on the IS/MND for the BCM Construction on Morrow Lane 3731 Morrow Lane

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Hi Mike,

Thank you for the email and incorporating our survey comments into the MMRP. I appreciate you discussing comment #1 with them and encouraging wildlife friendly elements on their final design.

Have a good weekend.

Melissa Murphy
Senior Environmental Scientist (Specialist)
North Central Region (Region 2)
Phone: 916-597-6417



From: Mike Sawley <mike.sawley@Chicoca.gov>
Sent: Thursday, September 23, 2021 4:58 PM
To: Murphy, Melissa@Wildlife <Melissa.Murphy@Wildlife.ca.gov>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Wildlife CEQA Comment Letters <CEQACommentLetters@wildlife.ca.gov>; Thomas, Kevin@Wildlife <Kevin.Thomas@wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>
Subject: RE: PT 2021-0390 - CDFW's Comments on the IS/MND for the BCM Construction on Morrow Lane 3731 Morrow Lane

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Melissa, thank you for taking the time to review the CEQA documents for this project, and for providing detailed comments.

The applicants have agreed to incorporate revised mitigation measures that reflect most of your suggested changes/additions. I added your comments #2, #3, and #5 to the MMRP by expanding Mitigation Measure BIO-2 into a "three-parter" (please see attached). I advised them of their responsibility to follow up on #1 (which may also include

other State and federal agencies). And I intend to gently work on them regarding their final design to install some sort of window screens, at least on the higher windows, to make them appear like more of a barrier to flight.

In looking back, I think I was discounting the potential habitat value at the site because I've been monitoring the site for a couple years and initially there were several people living out of RVs on the north side of the channel (displaced fire victims), and there's consistently been lots of daytime activity on the south side of the channel (contractor's yard with various equipment storage/loading/unloading). I appreciate your fresh look at the site and project impacts, and for helping us improve the measures.

Lastly, I've attached the hearing notice for the Planning Commission meeting on October 7th, where the PC will be asked to forward a recommendation to the City Council regarding the applications. If all goes well, then the City Council meetings will likely be in November.

Thanks Again,

Mike Sawley, AICP
Principal Planner (Environmental Program Manager)
City of Chico Community Development Dept.
P.O. Box 3420, Chico, CA 95927
(530) 879-6812



<http://www.ci.chico.ca.us/>
<http://chico.facilitiesmap.com/>

From: Murphy, Melissa@Wildlife <Melissa.Murphy@Wildlife.ca.gov>
Sent: Wednesday, September 22, 2021 3:30 PM
To: Mike Sawley <mike.sawley@Chicoca.gov>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Wildlife CEQA Comment Letters <CEQACommentLetters@wildlife.ca.gov>; Thomas, Kevin@Wildlife <Kevin.Thomas@wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>
Subject: PT 2021-0390 - CDFW's Comments on the IS/MND for the BCM Construction on Morrow Lane 3731 Morrow Lane

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Dear Mr. Sawley:

This email is provided separately in its entirety, clipped here to avoid redundancy.