



DATE: May 4, 2020

File: MOD 19-04 to UP 12-01

TO: ZONING ADMINISTRATOR

FROM: Kelly Murphy, Planner, 530-879-6800, kelly.murphy@chicoca.gov

RE: Modification 19-04 of UP 12-01 (Santos Excavation Inc.), 460 Ryan Avenue, APN 047-560-031

RECOMMENDATION

Planning staff recommends that the Zoning Administrator adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Modification 19-04 to UP 12-01 (Santos), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

Santos Excavation is located at 460 Ryan Avenue (APN 047-560-031), in north Chico. The site is designated Manufacturing and Warehousing on the General Plan Land Use Diagram and is located in the AM-AOC zoning district (Airport Manufacturing/Industrial with Airport Overflight Zone C overlay). The project site is an "L" shaped parcel that takes access from Ryan Avenue, leading back to the bulk of the site which abuts Cohasset Road to the west and City-owned property to the north and west.

The project was approved by the Zoning Administrator on April 24, 2012 to allow a contractor's yard, including storage and repair of vehicles and equipment, bulk materials storage, wash rack, barbed wire fencing and other site features (**Attachment A**, Use Permit 12-01). Since the date of approval, all aspects of the permit have been executed, excepting a 4,000 square foot tent structure indicated on the approved site plan, which was never completed.

DISCUSSION

The proposal involves several amendments to the issued use permit, including; reconfiguration of the approved site plan; elimination of a condition of approval prohibiting access from Cohasset Road, and; use of the site for a personal storage facility (mini storage). Each of these modifications is discussed below.

Modification of Site Plan

The current site plan is situated such that access to the site is provided by a single driveway from Ryan Avenue (**Attachment C**, Modified Site Plan for UP 12-01). Given the nature of the use of the site, including storage of heavy equipment and large trucks, turning movements from Ryan Avenue require a wide turning radius which can be difficult, slow, and sometimes infeasible if on-street parking is at capacity. Vehicles maneuvering the site must cut a tight corner to avoid the existing office building to access the storage area. The northwesterly corner of the project site drops significantly in elevation, rendering the area infeasible for use. The proposal involves filling this corner area with approximately 7,300 cubic yards of fill to

match the existing elevation. Filling the area would result in improved circulation of the site, allowing vehicles to pass behind the existing office building. The fill area consists of potentially jurisdictional waters and mitigation measures identified in the initial study (see **Attachment D**, MND and MMRP) would require possible permitting from the United States Army Corps of Engineers and/or Central Valley Regional Water Quality Control Board.

The previously approved site plan indicates “spoils storage” near the entry to the site on Ryan Avenue. Modification to the site plan would include the relocation and enlargement of the spoils storage area to the westerly portion of the parcel that is currently undeveloped. The proposed storage area would accommodate approximately 7,500 cubic yards of spoils material. Anticipated materials for storage would include typical materials removed when excavating, including; soil, rock and concrete. No storage of hazardous materials is proposed. As required by CMC 19.48.070 (*Site Design and Architectural Review for Airport Projects*), the site plan indicates site-obscuring fencing and landscaping to be installed along the Cohasset Road frontage.

Elimination of Condition of Approval

A new driveway onto Cohasset Road would be installed to improve safety for trucks and equipment entering the site. The driveway would include improvements to Cohasset Road, including a new 500-foot turn pocket and approach taper. The proposed modification involves eliminating Condition of Approval #3, which prohibits use of the driveway from Cohasset Road. Installation of the turning lane improves the overall safety of the driveway, reduces use of Ryan Avenue by heavy equipment, and maximizes use of the project site. Reconfiguration allowing access from Cohasset Road would allow the Ryan Avenue driveway to serve mini-storage customers and other passenger vehicles visiting the site.

Personal Storage Facility

The proposed mini storage facility would be located on the southerly portion of the site, towards Ryan Avenue. The site plan indicates the construction of up to nine new buildings for personal storage, parking area, improved access drive, and site lighting. Personal storage facilities are not typically allowed in the AM zoning district, however, CMC 19.48.050 (*Use Permit Findings*) allows for the Zoning Administrator to issue a use permit for uses not identified in CMC 19.48.050, Table 4-10 (*Allowed Uses and Permit Requirements for Airport Zoning Districts*), if the additional findings can be made. Findings must be made that the proposed use is compatible with existing allowable uses in the district; would not create adverse parking problems adjacent to the site, and; would enhance the economic vitality of the airport area. Aspects of these findings are discussed briefly below:

Compatibility

No aspect of the proposed modification would result in incompatibilities of the site with surrounding uses. Santos Excavation, Inc. has existed compatibly at the project for over 10 years. The addition of a personal storage facility would result in

Parking

Parking obligations for personal storage facilities are one space for an on-site manager, plus one space for every 375 square feet of office space. The site plane proposes three parking spaces within an improved parking area, satisfying the parking requirements pursuant to CMC 19.70.040, Table 5-4 (*Parking Requirements*). The nearest available on-street parking is located on Ryan Avenue, and it is not anticipated that the personal storage facility would generate adverse parking problems adjacent to the site.

Economic Vitality

The proposed project implements General Plan Economic Development goals and policies that discourage the expansion of incompatible uses surrounding areas identified for industrial and manufacturing uses, specifically in the Chico Municipal Airport area (ED 1.2.6) and support the continued operation and expansion of the airport (ED-1.7). It is not anticipated that the proposed project would interfere with the economic vitality of the airport area or its continuing development.

The proposal was reviewed by Airport Manager Sherry Miller on October 3, 2019. Ms. Miller agreed that the additional findings found in CMC 19.48.050 could be made to allow the personal storage facility use.

ENVIROMENTAL REVIEW

An Initial Study was prepared for the project. Based on the results, a Mitigated Negative Declaration was prepared and circulated for a 30-day comment period from 3/6/2020 to 4/6/2020. The Initial Study identifies four mitigation measures that would be required to reduce potential impacts to a less-than-significant level including:

- 1) Protocol level surveys for Butte County Meadowfoam (BCM) prior to ground disturbing activities;
- 2) Avoiding impacts to nesting birds during tree removal and construction activities;
- 3) Final permits from the U.S. Army Corps of Engineers, CVWQCB and CDFW authorizing disturbance of the site involving filling of the northwest corner of the site; and
- 4) Halting construction if any potentially prehistoric, protohistoric, and/or historic cultural resources are encountered;

The Mitigated Negative Declaration and Mitigation Monitoring Program is included as **Attachment D**, and all the mitigation measures have been included as conditions of approval.

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

Regional Water Quality Control Board letter (3/19/2020)

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

FINDINGS

The proposed modification does not conflict with the findings set forth in the previously adopted Use Permit 12-01 (Santos).

CONDITIONS OF PROJECT APPROVAL

Upon approval, the permittee will be granted a new-modified use permit to replace the existing use permit. The permit will include the following conditions of approval:

1. Use Permit 12-01 authorizes use of property as a contractor's yard, including storage and repair of vehicles and equipment, bulk materials storage, a wash rack, barbed wire fencing, mini-storage facility and other site features, in substantial accord with the "Plat to Accompany Use Permit 12-01 (Santos)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building and Development Services Department, Fire Department, and Capital Projects Services Department, State Water Resources Control Board, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits prior to the issuance of permits for grading or site improvements.
- ~~3. The property shall only use Ryan Avenue for access. The unofficial access point to Cohasset Road shall be abandoned. A fence or other barrier shall be installed and maintained across the Cohasset Road accessway, with the design subject to review and approval by the Planning Services Director, in consultation with the Building and Development Services Director.~~
4. The entrance drive off of Ryan Avenue and the employee parking area shall be paved with a permanent all-weather surface as required by CMC 19.70. Sufficient tree planters shall be installed to meet the 50% parking lot shade requirement at tree maturity. The parking area design, including associated landscaping, shall be subject to site design and architectural review as established in CMC 19.18.
5. Concrete pads shall be installed for the wash rack, and any areas used for the repair of vehicles. A permanent all-weather surface shall be installed in those areas used for bulk materials storage areas. The remainder of the two-acre fenced portion in the middle of the project site may be gravel.

6. Construction or installation of any structure or equipment requiring a building permit shall be subject to site design and architectural review as established in CMC 19.18.
7. All landscaping installed for the project, whether in the parking area, adjacent to Ryan Avenue, or as required through the architectural review process, shall comply with AB 1881 requirements for the efficient use of water in landscaping.
8. Barbed wire on top of the chain link fencing is authorized by this use permit. All fencing shall contain vinyl slats or other sight-obscuring features approved by Planning Services staff.
9. Additional fencing, of the same type as currently installed (including barbed wire), shall be installed from the southwest corner of the existing shop building to the northeast corner of the Cal Water property (APN 047-560-042). No grading or other activity not depicted on the plat shall occur in the resultant fenced area at the northwestern corner of the project site without formal modification of the use permit, including subsequent environmental review.
10. Prior to commencement of the use, a deed notice shall be recorded (if not already recorded) acknowledging impacts from the operations of the Chico Municipal Airport.
11. 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.
12. MITIGATION D.1 (Biological Resources): The applicant shall obtain protocol-level surveys for BCM prior to any ground disturbing activities as associated with the fill of the northwest corner of the parcel.

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

13. MITIGATION D.2 (Biological Resources): If vegetation removal or initial ground disturbances occur during the avian breeding season (typically March 1 through August 31) the applicant shall conduct pre-construction surveys for ground nesting birds and raptors. 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 500 feet of the BSA where accessible;
 - Develop buffer zones around active nests. The qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.
 - If construction activities stop for more than 15 days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

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

14. MITIGATION D.3 (Biological Resources): Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site associated with the filling of the northwest corner of the site, the applicant shall provide an updated jurisdictional determination from USACE and provide Planning staff with final copies of the permits and compensatory mitigation required by the U.S. Army Corps of Engineers, CVRWQCB and CDFW, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.3: To ensure proper timing of any City approvals for grading or other site-disturbing activities, Mitigation Measure D.3, below will require the applicant to provide the city with copies of final permits from the U.S. Army Corps of Engineers, CVWQCB and CDFW as a pre-condition for issuing such permits authorizing disturbance of the site involving filling of the northwest corner of the site.

15. MITIGATION R.1. (Inadvertent Discovery): If during ground disturbing activities, any potentially prehistoric, protohistoric, and/or historic 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. 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.

If paleontological resources are encountered during Project subsurface construction, all ground-disturbing activities within 10 feet shall be redirected and a qualified paleontologist shall be contacted to assess the situation, consult with agencies and City staff as appropriate, and make recommendations for the treatment of the discovery.

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

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date and notices were mailed out to all property owners and tenants within 500 feet of the project site.

DISTRIBUTION:

Internal (3)

Mike Sawley, Zoning Administrator

Kelly Murphy, Planner

File: MOD 19-04 for UP 12-01 (Santos Excavation, Inc.)

External (1)

Santos Excavating, Inc., Kristi Rose, email Kristi@santosengineering.com

ATTACHMENTS:

- A. Existing Use Permit 12-01 (Santos)
- B. Location Map
- C. Modified Site Plan for Use Permit 12-01 (Santos Excavation, Inc.)
- D. MND and MMRP
- E. CEQA Correspondence

X:\Current Planning\Use Permits\2012\01 Santos\2019 Modification\For ZA\ZA Staff Report.doc



DEPARTMENT
PLANNING
450 Main Street (530) 879-6800
P.O. Box 3420
Chico, CA 95927

PERMIT NO. 12-01 (Santos)

CONDITIONAL USE PERMIT

Permit Description:

In accordance with Chico Municipal Code Sections: 19.24.040, 19.48.030, and 19.60.060,
Use Permit 12-01 (Santos) authorizes the following:

Use of property as a contractor's yard, including storage and repair of vehicles and equipment, bulk materials storage, a wash rack, barbed wire fencing, and other site features

At: 460 Ryan Avenue

Assessor's Parcel No.: 047-560-031

Final Action: Approved by the Zoning Administrator April 24, 2012

Effective Date of the Permit: May 5, 2012

Issuance of Permit:

In accordance with Chico Municipal Code Section 19.30.020, no permit, certificate, or other entitlement may be issued until the effective date. The Permittee shall sign the approved certificate or other entitlement within 30 days of approval indicating full understanding and concurrence with the approval and all conditions imposed by the review authority, or the entitlement will be deemed void.

This permit is hereby issued through the signatures of the Zoning Administrator and the Permittee.

Conditions of Approval:

1. Use Permit 12-01 authorizes use of property as a contractor's yard, including storage and repair of vehicles and equipment, bulk materials storage, a wash rack, barbed wire fencing, and other site features, in substantial accord with the "Plat to Accompany Use Permit 12-01 (Santos)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building and Development Services Department, Fire Department, and Capital Projects Services Department, State Water Resources Control Board, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
3. The property shall only use Ryan Avenue for access. The unofficial access point to Cohasset Road shall be abandoned. A fence or other barrier shall be installed and maintained across the Cohasset Road accessway, with the design subject to review and approval by the Planning Services Director, in consultation with the Building and Development Services Director.
4. The entrance drive off of Ryan Avenue and the employee parking area shall be paved with a permanent all-weather surface as required by CMC 19.70. Sufficient tree planters shall be installed to meet the 50% parking lot shade requirement at tree maturity. The parking area design, including associated landscaping, shall be subject to site design and architectural review as established in CMC 19.18. Pavement of the entrance drive and employee parking area may be deferred to accommodate the installation of underground improvements with the written authorization of the Building and Development Services Director.
5. Concrete pads shall be installed for the wash rack, and any areas used for the repair of vehicles. A permanent all-weather surface shall be installed in those areas used for bulk materials storage areas. The remainder of the two-acre fenced portion in the middle of the project site may be gravel.
6. Construction or installation of any structure or equipment requiring a building permit shall be subject to site design and architectural review as established in CMC 19.18.
7. All landscaping installed for the project, whether in the parking area, adjacent to Ryan Avenue, or as required through the architectural review process, shall comply with AB 1881 requirements for the efficient use of water in landscaping.
8. Barbed wire on top of the chain link fencing is authorized by this use permit. All fencing shall contain vinyl slats or other sight-obscuring features approved by Planning Services staff.
9. Additional fencing, of the same type as currently installed (including barbed wire), shall be installed from the southwest corner of the existing shop building to the northeast corner of the Cal Water property (APN 047-560-042). No grading or other activity not depicted on the plat shall occur in the resultant fenced area at the northwestern corner of the project site without formal modification of the use permit, including subsequent environmental review.

10. Prior to commencement of the use, a deed notice shall be recorded (if not already recorded) acknowledging impacts from the operations of the Chico Municipal Airport.

I hereby agree to accept this Use Permit subject to the provisions of the Chico Municipal Code (CMC) and the conditions specified above. I am aware that this permit becomes null and void if not used within one year of the date of approval as established in CMC Section 19.30.050 and may be subject to revocation pursuant to CMC Chapter 19.14.

Permittee's Signature: _____

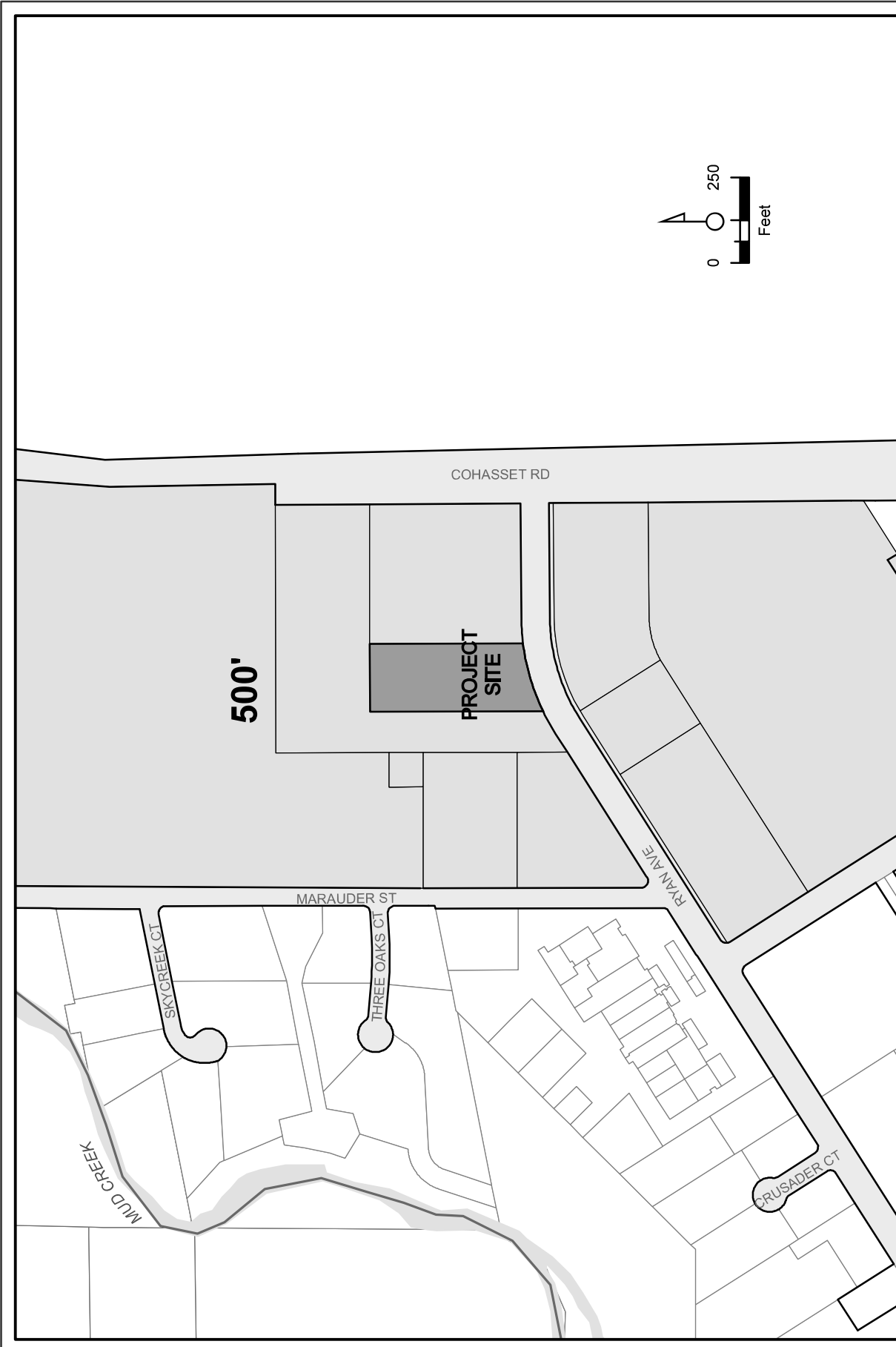
Date: _____

This use permit is hereby issued subject to the provisions of the Chico Municipal Code and the conditions specified above.

Date of Permit Issuance: _____

Zoning Administrator

cc: Permittee, Owner, SPCE, Building File, GISA Pierce



Modification 19-04 of UP 12-01 (Santos Excavation)
 460 Ryan Avenue
 APN 047-560-031-000



ROADWAY NOTE:
NEW APPROACH TAPER AND STRIPING SHALL MEET THE CALTRANS HIGHWAY DESIGN MANUAL STANDARDS

SCALE:
1"=40'

FUTURE MINI STORAGE NOTES:

- 1.) SIZE OF THE UNITS WILL VARY FROM 5X10 TO 15X30
- 2.) APPROXIMATE TOTAL BUILDING AREA = 22,830 SF
- 3.) DRAINAGE ARROW

GRADING NOTES:

- 1.) IT IS PROPOSED TO IMPORT SPOIL TO FILL NORTHWEST CORNER OF PROPERTY (GRADING PERMIT).

MODIFICATIONS:

- 1.) OFFICE TRAILER (EXISTING)
- 2.) PROPOSED TENT BUILDING FOR EQUIPMENT STORAGE (ELECTRONIC EQUIPMENT & COMPUTER, ETC.)
- 3.) PROPOSED SPOIL STORAGE AREA
- 4.) FUTURE PROPOSED MINI STORAGE
- 5.) PROPOSED GRADING TO FILL NORTHWEST CORNER TO APPROXIMATE 1 FOOT BELOW SHOP FLOOR WITH IMPORTED SPOILS FROM VARIOUS CONSTRUCTION SITES
- 6.) PROPOSED STORM DRAINAGE SYSTEM

BMP NOTES:

- 1.) ALL EROSION CONTROL MEASURES SHALL CONFORM TO THE CALIFORNIA BMP HANDBOOK
- 2.) INTERIM EROSION CONTROL MEASURES MAY BE NEEDED AND SHALL BE INSTALLED DURING CONSTRUCTION TO ASSURE ADEQUATE EROSION CONTROL FACILITIES ARE IN PLACE AT ALL TIMES.
- 3.) AFTER FILLING IS COMPLETED FILL SLOPE WILL BE HYDROSEEDED. WATTLES ARE TO BE PLACED AT TOP, MID POINT AND BOTTOM OF SLOPE.

DUST CONTROL NOTES:

- 2.) DUST GENERATED BY THE DEVELOPMENT ACTIVITIES SHALL BE KEPT TO A MINIMUM AND RETAINED ON-SITE. FOLLOW THE AIR QUALITY CONTROL MEASURES LISTED BELOW:
CONTROL DUST
A. WATER TRUCKS OR SPRINKLER SYSTEMS ARE TO BE USED TO PREVENT DUST FROM LEAVING THE SITE AND TO CREATE A CRUST WHEN REQUIRED.
B. SOIL STOCKPILED SHALL BE WATERED TO CREATE A CRUST IF REQUIRED.
C. ON-SITE CONSTRUCTION VEHICLES SHALL BE LIMITED TO A SPEED OF 10 MPH ON UNPAVED ROADS.
D. HAUL VEHICLES TRANSPORTING SOIL INTO OR OUT OF THE PROPERTY SHALL BE COVERED.
E. OTHER MEASURES MAY BE REQUIRED AS DETERMINED BY THE CITY OF CHICO.

NOTES:

- 1.) ESTIMATED MAXIMUM SPOIL STORAGE AT ANY ONE TIME IS TO BE 7,500 CY
- 2.) ALL AREAS WITH PROPOSED TREES, OLEANDERS AND IRRIGATION AREAS ARE TO BE WATERED WITH A CITY STANDARD DRIP SYSTEM.
- 3.) SITE COVERAGE SUMMARY:
A.) EQUIPMENT & MATERIAL AREA=141,639 SF
B.) EXISTING & PROPOSED BUILDINGS=32,471 SF
C.) LANDSCAPE AREA=20,247.47 SF
D.) PARKING AND DRIVEWAY AREAS=18,248 SF

FILL AREA NOTES:

- FILL AREA
- FILL SLOPE = 2:1
- FILL STABILITY: COMPACTED TO 90% R.C.
- BOULDERS ARE TO BE PLACED AT THE BOTTOM OF THE FILL SLOPE. AFTER FILLING IS COMPLETED FILL SLOPE WILL BE HYDROSEEDED TO ALLOW FOR NATIVE GRASSES TO GROW AND COVER SLOPE.

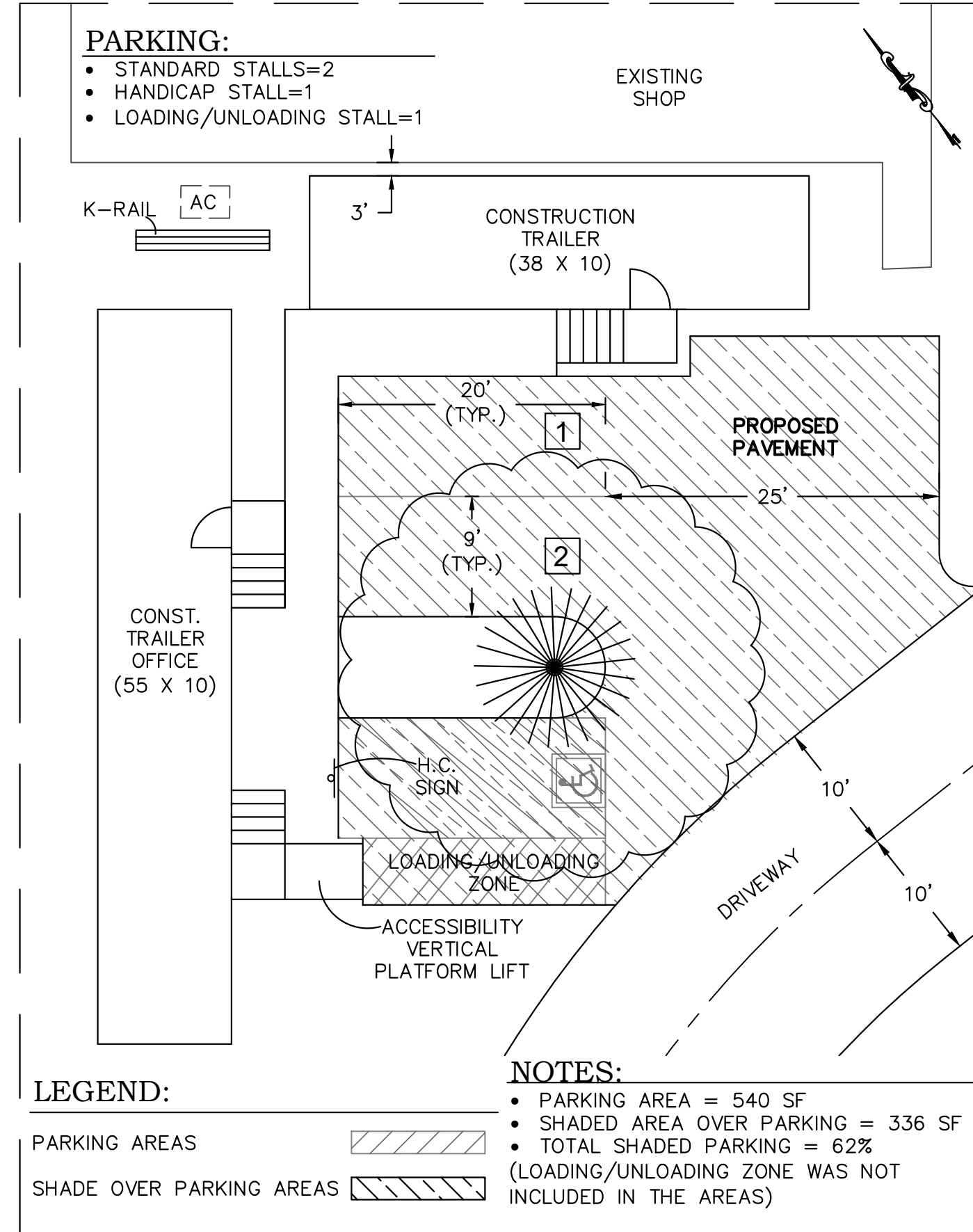
ACCESSIBILITY VERTICAL PLATFORM LIFT

HARMAR RPL RESIDENTIAL VERTICAL PLATFORM LIFT OF EQUIVALENT SPECIFICATIONS:

- LIFTING HEIGHT = 4'-6"
- RATED LOAD = 600 LBS
- DRIVE = BELT DRIVEN ACME SCREW / 90 VDC 1/2 HP MOTOR. OPTIONAL 24 VDC BATTERY POWERED UNIT
- POWER SUPPLY = 115 VAC - 20 AMP GROUNDED CIRCUIT / 220 VAC (OPTIONAL)
- CONTROL CIRCUIT = 24 VAC (LOW VOLTAGE CONTROLS)
- PLATFORM = 36"x 48" WITH 36" HIGH SOLID GUARD PANELS AND AUTOMATIC FOLDING RAMP
- FOOTPRINT = 50"x 70"
- SPEED = 10 MPH
- CONTROLS = ROCKER SWITCH WITH EMERGENCY STOP (KEY SWITCH OPTIONAL)
- MANUAL LOWERING = PROVIDED
- SAFETY DESIGN STANDARDS = ASME A18.1, SECTION 5-PRIVATE RESIDENCE VERTICAL PLATFORM LIFTS
- SAFETY DESIGN = CSA B44.1 / ASME 17.5-ELEVATOR AND ESCALATOR EQUIPMENT
- SAFETY FEATURES = SAFETY PLAN, FINAL LIMIT, ACME SAFETY NUT WITH MONITOR, NON-SKID SURFACE

PARKING:

- STANDARD STALLS=2
- HANDICAP STALL=1
- LOADING/UNLOADING STALL=1



LEGEND:

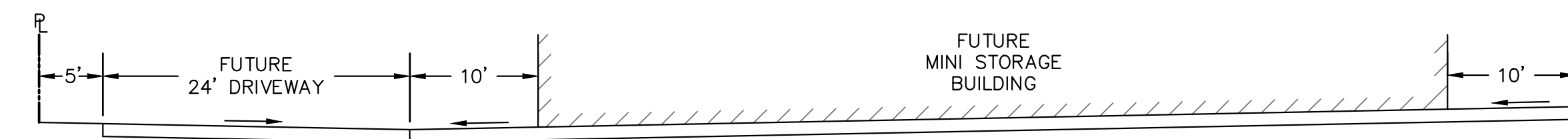
- PARKING AREAS
- SHADE OVER PARKING AREAS

NOTES:

- PARKING AREA = 540 SF
- SHADED AREA OVER PARKING = 336 SF
- TOTAL SHADED PARKING = 62% (LOADING/UNLOADING ZONE WAS NOT INCLUDED IN THE AREAS)

PARKING AREA DETAIL
SCALE: 1"=10'

CROSS-SECTION A-A
NTS



PROPOSED MODIFICATION TO USE-PERMIT 12-01 SITE PLAN

SANTOS CONSTRUCTION YARD FOR MAINTENANCE & STORAGE OF EQUIPMENT AND MATERIALS

A PORTION OF THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 32 NORTH, RANGE 1 EAST, M.D.B. & M. CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA
460 RYAN AVENUE
APN: 047-560-031
FOR
GEORGE SANTOS
P.O. BOX 146
CHICO, CA 95927
BY

FEENEY ENGINEERING & SURVEYING, INC.
PMB 301, 236 W. EAST AVE, A
CHICO, CA 95926



MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM CITY OF CHICO PLANNING DIVISION

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

PROJECT NAME

AND NUMBER: MODIFICATION OF USE PERMIT 12-01 (SANTOS EXCAVATION, INC)

APPLICANT NAME: Santos, Excavating, Inc., PO Box 146, Chico, CA 95927

PROJECT LOCATION: The Project is located on the east side of Marauder Street within the Chico Municipal Airport industrial complex in Chico, California, Latitude 39.8107, Longitude -121.8504.

PROJECT DESCRIPTION: The proposal involves the expansion of an existing contractor's yard for Santos Engineering, Inc. The project involves several main components, including: 1) Filling and grading of approximately 7,300 cubic yards of fill volume at the northwest corner of the site with the fill slope extending onto the adjacent property to support improved on-site circulation at the site; 2) Development of the site with a personal storage facility (mini storage) including the construction of nine new buildings, new site lighting, parking and landscape area; 3) The relocation and expansion of a materials storage area including construction of a new approximately 4,000 square foot storage building and outdoor storage area, and; 4) A new dedicated turn lane from Cohasset Road to the project site. Full Site Design and Architectural Review in compliance with Chico Municipal Code (CMC) section 19.18 will be required for all new buildings at a future date, at which time detailed plans will be reviewed and conditioned as necessary to ensure adherence to all applicable CMC development requirements. The types of equipment used for the project may include, but is not limited to, a grader, dump haul trucks, backhoe, excavator, and work trucks.

FINIDING: 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 D.1 (Biological Resources):

The applicant shall obtain protocol-level surveys for BCM prior to any ground disturbing activities as associated with the fill of the northwest corner of the parcel.

MITIGATION MONITORING D.3: Planning and Engineering staff will require final copies of the required permits and compensatory mitigation or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances of the northwest corner of the site.

Implementation of the above mitigation measure and monitoring will avoid potential conflicts with any protected wetland to a level that is considered **less than significant with mitigation incorporated.**

MITIGATION D.2 (Biological Resources):

If vegetation removal or initial ground disturbances occur during the avian breeding season (typically March 1 through August 31) the applicant shall conduct pre-construction surveys for ground nesting birds and raptors. 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 500 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

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

MITIGATION D.3 (Biological Resources):

Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site associated with the filling of the northwest corner of the site, the applicant shall provide an updated jurisdictional determination from USACE and provide Planning staff with final copies of the permits and compensatory mitigation required by the U.S. Army Corps of Engineers, CVRWQCB and CDFW, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.3: To ensure proper timing of any City approvals for grading or other site-disturbing activities, Mitigation Measure D.3, below will require the applicant to provide the city with copies of final permits from the U.S. Army Corps of Engineers, CVRWQCB and CDFW as a pre-condition for issuing such permits authorizing disturbance of the site involving filling of the northwest corner of the site.

MITIGATION R.1. (Inadvertent Discovery): If during ground disturbing activities, any potentially prehistoric, protohistoric, and/or historic 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. 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.

If paleontological resources are encountered during Project subsurface construction, all ground-disturbing activities within 10 feet shall be redirected and a qualified paleontologist shall be contacted to assess the situation, consult with agencies and City staff as appropriate, and make recommendations for the treatment of the discovery.

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

PROJECT APPLICANTS INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for Modification of Use Permit 12-01 (Santos Excavation, Inc.), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.

Authorized Signature, Project Applicant
George Santos

Prepared by: _____ **Date** _____
Shannon Costa, Associate Planner
Community Development Department

Adopted via: _____



Central Valley Regional Water Quality Control Board

19 March 2020

Shannon Costa
City of Chico
P.O. Box 3420
Chico, CA 95927

COMMENTS ON THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR MODIFICATION 19-04 OF UP 12-01 (SANTOS EXCAVATION, INC.) PROJECT, STATE CLEARINGHOUSE NUMBER 2020039033, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 11 March 2020, we received your request for comments on the Initial Study/Mitigated Negative Declaration for Modification 19-04 of UP 12-01 (Santos Excavation, Inc.) Project (Project).

The proposed project involves modification of the existing use permit to facilitate the expansion of an existing contractor's yard for Santos Engineering, Inc. The project involves several main components, including: 1) Filling and grading of approximately 7,300 cubic yards of fill volume at the northwest corner of the site with the fill slope extending onto the adjacent property to support improved on-site circulation at the site; 2) Development of the site with a personal storage facility (mini storage) including the construction of nine new buildings including office space, new site lighting, parking and landscape area; 3) The relocation and expansion of a materials storage area including construction of a new approximately 4,000 square foot storage building and outdoor storage area, and; 4) A new dedicated turn lane from Cohasset Road to the project site. The Project site is located on Ryan Avenue, on the west side of Cohasset Road.

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

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification Application](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf) (http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf)

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

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards Adopted Orders for Water Quality](#)

Modification 19-04 of UP 12-01
Santos Excavation, Inc. Project

- 3 -

19 March 2020

(http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at Jerred.Ferguson@waterboards.ca.gov.

Jerred Ferguson For

Jerred Ferguson
Environmental Scientist
Storm Water & Water Quality Certification Unit

JTF: db

cc: Santos Excavation, Inc., Chico