



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:

- 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):

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 (10) 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. The qualified biologist shall determine appropriate species protections buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days then another migratory bird survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING BIO-2: If initial ground disturbance is proposed to be conducted during the avian breeding season, Planning staff shall verify that the above wording is included on construction or grading plans. 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 shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

Implementation of the above measure will avoid substantial adverse effects upon tree-nesting avian species, should any be present at the time of project development, and will reduce potential impacts to tree-nesting avian 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, Project Applicant

KURTIS CARMAN
Printed Name

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

8/19/2021
Date

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

Date