DRAFT INITIAL STUDY

Tentative Parcel Map 18-01 for Eshoo (PM 18-01)

APN 002-160-076

Located at the Northwest Corner of Eaton Road at State Route 32, Chico, CA

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

April 2024

Prepared By:

Mike Sawley, AICP

Principal Planner (Environmental Program Manager)

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Appendix A – Biological Studies by ECORP 05/26/2020
Appendix B – Biological Opinion by U.S. Fish and Wildlife Service, 10/21/2022

List of Acronyms

AB	Assembly Bill
AR	Architectural Review
BCAQMD or Air District	Butte County Air Quality Management District
BCM	Butte County Meadowfoam
BMPs	Best Management Practices
BSA	Biological Survey Area
CAP	Climate Action Plan
Caltrans	California Department of Transportation
Cal Water	California Water Service Company
CBC	California Building Code
CC	Community Commercial
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Commission
City	City of Chico
CMC	Chico Municipal Code
CNDDB	California Natural Diversity Database
CRWQCB	California Regional Water Quality Control Board
CVFPB	Central Valley Flood Protection Board
CWHR	California Wildlife Habitat Relationships
dBA	decibel
DHS	Dead Horse Slough
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
ft	Feet
GHG	Greenhouse gas
HRBD	Humboldt Road Burn Dump
LID	Low Impact Development
LSA	Limited Soils Assessment
MBTA	Migratory Bird Treaty Act
MND	Mitigated Negative Declaration
MMRP	Mitigation Monitoring and Reporting Program
NRCS	Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination Permit
NIC	Northeast Information Center
NOx	Oxides of Nitrogen
OWOUS	Other Waters of the United States
Phase I ESA	Phase I Environmental Site Assessment
PM	Parcel Map
$PM_{2.5}$	Fine Particulate Matter
PM_{10}	Respirable Particulate Matter
RC	Resource Constraint
ROG	Reactive Organic Gases
RPW	Relatively Permanent Water
R3	Medium High Density Residential
SLIC	Spills, leaks, investigations and cleanup
SMP	Soils Management Plan
SNC	Sensitive Natural Community
sq ft	Square feet
SWPPP	Stormwater Pollution Prevention Plan
TNW	Traditional Navigable Waters
UP	Use Permit
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank

INITIAL STUDY

City of Chico
Environmental Coordination and Review

I. PROJECT DESCRIPTION

A. Project Title: Tentative Parcel Map 18-01 for Eshoo

B. Project Location: The project site is located on the northwest corner of Bruce Road at State Route 32 in Chico, CA. The approximate coordinates are 39°44'25" N and 121°47'42" W. It is situated within the southeast quadrant of Section 19 Township 22N Range 2E of the Chico, California 7.5-minute USGS topographic quadrangle. (**Figure 1 – Location Map**).

C. Applications: PM 18-01

D. Assessor's Parcel Number (APN): 002-160-076

E. Parcel Size: 20.04 acres

F. General Plan Designations: High Density Residential, Medium-High Density Residential, Commercial Mixed Use, Primary Open Space, Secondary Open Space

G. Zoning: HDR (High Density Residential), MHDR (Medium-High Density Residential), CC (Community Commercial), OS1 (Primary Open Space), OS2 (Secondary Open Space)

H. Environmental Setting:

The project site is approximately 20 acres in size, located at the northwesterly corner of Bruce Road and State Route 32 (SR32) in Chico, California, Assessor's Parcel Number 002-160-076 (Figure 1).The site is situated on the Sacramento Valley floor, approximately one mile west of Chico's easterly limit, where State Route 32 ascends into the Sierra Nevada Foothills.

Dead Horse Slough traverses the northerly length of the site, flowing east to west and supporting a riparian corridor. The City has zoned the Slough area a combination of OS1 (Primary Open Space) and OS2 (Secondary Open Space), totaling approximately 5.5 acres. Dead Horse Slough is a perennial waterway with intermittent side channels weaving through the project site. Site-specific biological studies indicate that this area contains 1.52 acres of regulated "waters" and 1.01 acres of sensitive riparian habitat.

Along Bruce Road the site contains approximately 2.8 acres of land zoned CC (Community Commercial). This area contains approximately 0.18 acres of seasonal wetlands.

Interior to the site there are 6.6 acres zoned R3 (Medium-High Density Residential, 14.1-22 units per acre) and 4.7 acres zoned R4 (High Density Residential, 20-70 units per acre). These portions of the site contain various vernal pools and a vernal swale feature, which provide potential and known habitat for sensitive species. This residential portion of the site contains approximately 0.79 acres of vernal pools and 0.03 acres of vernal swale.

The project site is mostly sloped toward Dead Horse Slough, descending from a rise near the intersection of Bruce Road and SR32. Site access is limited to creating a fourth leg to the intersection of Bruce Road and Sierra Sunrise Terrace. The site's border with SR32 does not allow access. An existing 15-inch sewer line traverses the site, generally running along Dead Horse Slough with a 25-foot setback from the top of bank.

The project site is bordered on the north by multifamily housing (Sterling Oaks Apartments), and on the west by vacant land behind a veterinarian clinic (Ever's). The vacant land located across from the project site on Bruce Road has been approved for a hotel use. The vacant land diagonally

across the intersection has been approved for a gas station use. No entitlements or known development plans exist for the vacant land located across SR32 from the site.

The upland portions of the site are topographically diverse, with elevations ranging from approximately 254 feet near the southeast corner to 241 feet at the northwest corner. Two soil units predominate the site: Redtough-Redswale, 0 to 2 percent slopes (R3 and R4 areas), and Redsluff gravelly loam, 0 to 2 percent slopes (CC areas). These volcanic soils characterize alluvial fans along the base of the foothills in this area. The Redtough and Redswale series consists of shallow to very shallow, somewhat poorly to poorly drained soils that formed in alluvium (deposits from creek flows) from predominantly volcanic rocks. The Redsluff series consists of very deep, moderately well-drained soils that formed in overbank alluvium over channel alluvium from predominantly volcanic rocks (NRCS 2020).

Portions of the project site are also located within a mapped 100-year flood zone, as shown on FEMA's Flood Insurance Rate Map (FIRM Map Number 06007C0506E, 2011).

I. Project Description:

The project would subdivide a 20-acre parcel into four separate parcels that coincide with existing zoning district boundaries within the site (**Figure 2 – Proposed Land Division**). The four resultant parcels are described as follows:

1) Parcel 1 (11.8 acres) includes a 6.6-acre portion of the site zoned R3 (Medium-High Density Residential) and 4.7 acres of R4 (High Density Residential). Parcel 1 would also include fractions of other zoning districts, totaling 0.5 acres, to accommodate a new private road and new bridge over Dead Horse Slough to provide access to Parcel 1. A 20-foot bike path easement is proposed, mostly located on Parcel 1, to accommodate a future connection from Bruce Road to El Monte Avenue.

2) Parcel 2 is 2.2 acres and includes a portion of the site zoned CC (Community Commercial), located at the corner of the project at Bruce Road and SR 32.

3) Parcel 3 is 0.6 acres and includes a portion of the site zoned CC (Community Commercial), located between the new entrance/extension of Sierra Sunrise Terrace.

4) Lot A is 5.5 acres and comprises 3.1 acres of OS1 (Primary Open Space) and 2.4 acres of OS2 (Secondary Open Space). Lot A is proposed to be preserved by a conservation easement.

There are no development plans at this time, though development of Parcels 1, 2, and 3 are likely foreseeable as a result of the proposed parcel map. Reasonable assumptions are made in this Initial Study to evaluate the potential future development of the resultant parcels. These assumptions are as follows:

Parcel 1: The blended R3 and R4 zoning of Parcel 1 would allow for a low-end density of 187 units (15.8 units per acre) and a maximum of 474 units (40.2 units per acre). Based on trends of other larger apartment projects in Chico, the site is likely to be developed with a density above 20 and below 30 units per acre. For the purposes of this Initial Study, it is assumed that the likely development scenario for Parcel 1 is 354 units, or 30 units per acre.

Parcel 2: The commercial zoning on this 2.2-acre parcel can generally support a small retail center or gas station and convenience store. Based on a typical development ratio of 10,000 square feet of retail use per acre of commercial land, Parcel 2 can reasonably be expected to develop approximately 22,000 square feet of retail uses, or a 9-pump gas station with 3,500 square-foot convenience store.

Parcel 3: The development potential of this triangular shaped 0.6-acre parcel could be constrained due to its shape. Parcel 3 can reasonably be expected to develop with a drive through coffee kiosk or small 5,000 sq. ft. retail use.

Lot A: Lot A is proposed to be kept in fee by the owner and preserved by a conservation easement. City staff supports the proposed 20-foot wide bike path easement to facilitate a future bicycle and pedestrian connection along the creek from Bruce Road to El Monte Avenue.

Due to being located in a mapped floodplain, preparation of the site would require extensive grading to level building sites and parking areas and to elevate the ground surface level near the creek such that the new buildings would have floor elevations above the 100-year flood elevation. Such grading would also likely eliminate all the wetland and vernal pool features located on Parcels 1-3.

J. Public Agency Approvals: Development of the project may be subject to obtaining approvals that include, but are not necessarily limited to the following Agencies:

a. Butte County Air Quality Management District – Authority to Construct
b. City of Chico – Grading Permit, Building Permit, Parcel Map, Architectural Review
c. Regional Water Quality Control Board – NPDES and Water Quality Certification Permit
d. U.S. Army Corps of Engineers – Clean Water Act §404 Permit
e. U.S. Fish and Wildlife Service – Endangered Species Act consultation via §404 Permit
f. California Department of Fish and Wildlife – Streambed Alteration Agreement, Incidental Take Permit

K. Applicants: 32 and Bruce Partners, LLC
Attn: George Eshoo, Managing Partner
702 Marshall St., #500
Redwood City, CA 94063

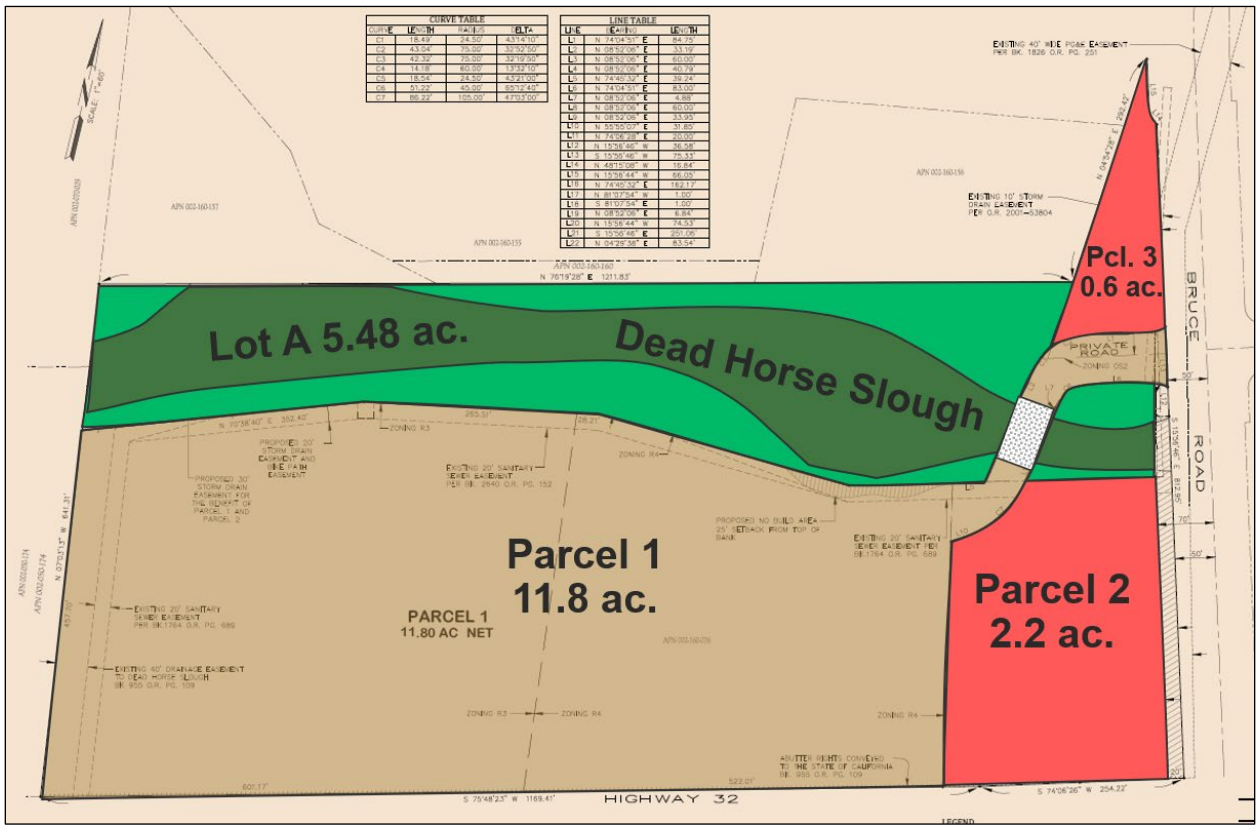
L. City Contact: Mike Sawley, AICP, Principal Planner (Environmental Programs Manager)
City of Chico, 411 Main Street, Chico, CA 95928
Phone: (530) 879-6812
Email: mike.sawley@chicoca.gov

M. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

City staff sought consultation with the Mechoopda Tribe on 04/25/2023 by sending a letter to Tribal Historic Preservation Officer Kyle McHenry. As of 03/25/2024, no response or request for consultation on this project had been received from the Tribe.

Figure 1 – Location Map

Figure 2 – Proposed Land Division



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II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards/Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology/Water Quality	☐ Transportation
☒ Biological Resources	☐ Land Use and Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☐ Utilities and Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☒ Geology/Soils	☐ Population/Housing	☐ Mandatory Findings of Significance

III. COMMUNITY DEVELOPMENT DIRECTOR DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a potentially significant impact or have a potentially significant impact unless mitigated, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project. No further study is required.

Signature Date

Mike Sawley, Principal Planner (Environmental Programs Manager), City of Chico

For Brendan Vieg, Community Development Director, City of Chico

IV. EVALUATION OF ENVIRONMENTAL IMPACTS

- Responses to the following questions and related discussion indicate if the proposed project will have or potentially have a significant adverse impact on the environment.

- A brief explanation is required for all answers except "No Impact" answers that are adequately supported by referenced information sources. A "No Impact' answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors or general standards.

- All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

- Once it has been determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there is at least one "Potentially Significant Impact" entry when the determination is made an EIR is required.

- Negative Declaration: "Less than Significant with Mitigation Incorporated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The initial study will describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 4, "Earlier Analysis," may be cross-referenced).

- Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)].

- Initial studies may incorporate references to information sources for potential impacts (e.g. the general plan or zoning ordinances, etc.). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list attached, and other sources used or individuals contacted are cited in the discussion.

- The explanation of each issue should identify:
  a. The significance criteria or threshold, if any, used to evaluate each question; and
  b. The mitigation measure identified, if any, to reduce the impact to less than significant.

A. Aesthetics Except as provide in Public Resources Code Section 21099, would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?			X	
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

DISCUSSION:

A.1. Less Than Significant Impact. The 2030 Chico General Plan and its Environmental Impact Report (EIR) identify scenic resources within and nearby the City, including the Sierra Nevada Foothills to the east of the City, agricultural landscapes, major creeks (e.g., Mud Creek, Sycamore Creek, Lindo Channel [Sandy Gulch], Big Chico Creek, Little Chico Creek, Butte Creek, *Dead Horse Slough*, and Comanche Creek), and Bidwell Park. Scenic vistas are available from within Bidwell Park and from publicly accessible roadways including Manzanita Avenue, Vallombrosa Avenue, East 8th Street, Esplanade, Chico Canyon Road, Centennial Avenue, Humboldt Road, Bidwell Avenue, North Park Drive, and South Park Drive. (*emphasis added*)

Development of the project site consistent with the subdivision and zoning would visibly block portions of existing public views of Dead Horse Slough, which are currently available to travelers on SR32 and from Bruce Road. It is not clear how much visibility of Dead Horse Slough from public streets amounts to a significant impact. However, the proposed project includes a 20-foot bike path easement suitable for a future bikeway connection through the site. This future bike path would replace public views of the scenic creek resources lost to motorists with new views of Dead Horse Slough for bicyclists and pedestrians. Because the proposed project would add new public views that would offset subtracting from other public views, the project's impacts to scenic resources is considered **less than significant**.

A.2. Less Than Significant Impact. The nearest designated California Scenic Highway is California State Route 49, which is approximately 42 miles southeast of Chico and is a north-south state highway that runs through many historic mining communities from the California Gold Rush. The nearest State Route eligible for designation as a California Scenic Highway is a portion of State Route 70, located approximately 15 miles east of Chico in Plumas County.

Development of the project site consistent with the subdivision and zoning will change the current visual character of the undeveloped site. The riparian corridor and most trees would remain, pursuant to the zoning/land division and creekside development standards, and new trees would be planted in the parking areas and landscapes. Some trees would be removed, primarily to accommodate the new roadway, bridge and storm drainage facilities. Because development would largely avoid impacts to the scenic resources associated with Dead Horse Slough, this impact would be **less than significant**.

A.3. Less Than Significant Impact. Development of the project site consistent with the subdivision and zoning would visibly block portions of existing public views of Dead Horse Slough, which are currently available to travelers on SR32 and from Bruce Road. However, the proposed project includes a 20-foot bike path easement suitable for a future bikeway connection through the site. This future bike path would replace public views of the scenic creek resources lost to motorists with new views of Dead Horse Slough for bicyclists and pedestrians. Because the proposed project would add new public views that would offset subtracting from other public views, the project's impacts to scenic resources is considered **less than significant**.

The zoning and subdivision are designed around the riparian area, allowing the site to retain its Open Space zoning while facilitating development of most of the site. The wooded corridor would be preserved and enhanced, allowing for continued surface water quality treatments and potential aquifer recharge (General Plan Policies OS-2.5, OS-3.1 and OS-3.2). The Open Space zoning would remain and limit future development, retaining large trees and consistent with General Plan Policies directing habitat protection along creek side areas (Policy OS-2.1, OS-2.2, and OS-1.1). Since some existing trees would be removed for the new private roadway, this impact is considered **less than significant**.

A.4. Less Than Significant Impact. New light sources would be introduced to the site as part of the proposed project, including building-mounted and freestanding light fixtures that would be mounted at various heights. New exterior lighting from the project would be required to be energy efficient and compliant with existing municipal code regulations limiting exterior lighting to designs that confine light and glare within the project to the extent feasible. These requirements are applied alongside other requirements to sufficiently illuminate entryways and pathways. Further, future development of Parcels 1-3 would be subject to design review by the Architectural Review and Historic Preservation Board (ARHPB) or Planning Commission. This future design review would ensure that a review of the exterior lighting is conducted once the relevant details become known. Because exterior lighting associated with future development will be subject to existing code requirements and detailed design review, impacts resulting from new exterior lighting would be **less than significant**.

MITIGATION: None required.

B. Agriculture and Forest Resources: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
4. Result in the loss of forest land or conversion of forest land to non-forest use?				X
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

DISCUSSION:

B.1.–B.5. No Impact. The project will not convert Prime or Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program's 'Butte County Important Farmland 2020' map identifies the project site as "Grazing Land," which is not considered valuable farmland.

The project will not conflict with existing zoning for agricultural use or forest land and is not under a Williamson Act Contract. The project will not result in the loss of forest land, conversion of forest land, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land. The site is located on a vacant parcel with no agriculture or timber resources. The project will result in **no impact** to agriculture and forest resources.

MITIGATION: None required.

C. Air Quality Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plans (e.g., Northern Sacramento Valley Planning Area 2018 Triennial Air Quality Attainment Plan, Chico Urban Area CO Attainment Plan, and Butte County AQMD Indirect Source Review Guidelines)?		X		
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X		
3. Expose sensitive receptors to substantial pollutant concentrations?		X		
4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

DISCUSSION:

C.1. – C.3. The federal Clean Air Act (CAA) governs air quality in the United States and is administered by the U.S. EPA at the federal level. Air quality in California is also governed by regulations under the California CAA, which is administered by CARB at the state level. At the regional and local levels, local air districts such as the SCAQMD typically administer the federal and California CAA. As part of implementing the federal and California CAA, the U.S. EPA and CARB have established ambient air quality standards for major pollutants at thresholds intended to protect public health. Chico is located within the Sacramento Valley Air Basin (the Air Basin), which includes the counties of Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Solano, Sutter, Tehama, Yolo, Yuba.

The Air Basin is under the jurisdiction of the Butte County Air Quality Management District (BCAQMD). As the local air quality management agency, BCAQMD is required to monitor air pollutant levels to ensure that State and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards. Depending on whether or not the standards are met or exceeded, the Air Basin is classified as being in "attainment" or "nonattainment."

Under State law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-attainment. BCAQMD is in non-attainment for the State and federal ozone standards, the State PM2.5 (particulate matter up to 2.5 microns in size) standards, and the State PM10 (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement.

According to Butte County Air Quality Management District (BCAQMD or Air District), Butte County is designated as a federal and state non-attainment area for ozone and particulate matter.

Table C-1 – Butte County Ambient Air Quality Attainment Status

Pollutant	State	Federal
1-hour Ozone	**Nonattainment**	**-**
8-hour Ozone	**Nonattainment**	**Nonattainment**
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-hour PM_{10}	**Nonattainment**	Attainment
24-hour $PM_{2.5}$	No Standard	Attainment
Annual PM_{10}	Attainment	No Standard
Annual $PM_{2.5}$	**Nonattainment**	Attainment

Source: BCAQMD 2018

Future development of the site pursuant to the zoning and proposed land division includes 354 multi-family units (Parcel 1), a 9-pump gas station with 3,500 square-foot convenience store (Parcel 2) and a 5,000 sq. ft. retail use (Parcel 3). For the purposes of this analysis, the two commercial uses were anticipated to include a combined total of 30 off-street parking spaces.

Access to the site would be via a fourth leg added to the intersection of Bruce Road and Sierra Sunrise Terrace. Project construction would mainly comprise grading, excavation, site preparation, situating utilities, paving hardscape, pouring foundations, and assembly and outfitting of the buildings. As such, project implementation would not conflict with nor obstruct implementation of an applicable air quality plan for the Northern Sacramento Valley or Butte County, nor would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would result in temporary construction related impacts but would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

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

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

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

The project is subject to the City's requirements that grading plans and improvement plans include fugitive dust BMPs and comply with existing BCAQMD rules, which would ensure that construction related dust impacts are minimized.

Additionally, BCAQMD's CEQA Air Quality Handbook provides thresholds of significance for criteria pollutants such as Reactive Organic Gases (ROG), Nitrogen Oxides (NOx), and Particulate Matter 10

microns or smaller (PM10). These thresholds are used in Table 2, below, to evaluate the significance of estimated emissions from anticipated project development.

Air emissions from the estimated development associated with the project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0. Construction scenario assumptions, including phasing, equipment mix, and vehicle trips, were based on CalEEMod default values, as project-specific schedules and other development information were not available.

Construction Emissions

For purposes of estimating project emissions, it was assumed that construction of the site would commence in May 2024, continuing through 2025, and the first year of operations would be 2026. Construction of the site would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing wind and weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

Criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod by including various aspects of construction such as entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM10 and PM2.5 emissions. The proposed project would be required to comply with BCAQMD Rules 200 (Nuisance) and 205 (Fugitive Dust) to control emissions of fugitive dust during the grading activities. Standard construction practices that were assumed to be employed to reduce fugitive dust emissions, and were quantified in CalEEMod, include watering of the active sites two times per day depending on weather conditions. Internal combustion engines used by construction equipment, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of ROG, NOx, PM10, and PM2.5. The application of architectural coatings, such as exterior application/interior paint and other finishes, and application of asphalt pavement would also produce ROG emissions; however, the contractor is required to procure architectural coatings from a supplier in compliance with the requirements of BCAQMD Rules 230 (Architectural Coatings) and 231 (Cutback and Emulsified Asphalt).

Measures that would be required by BCAQMD Rules 200 (Nuisance) and 205 (Fugitive Dust) to control emissions of fugitive dust include, but are not limited to the following:

- Reduce the amount of disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.

- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.

Operational Emissions
Operation of the anticipated development resulting from the project would generate criteria pollutant emissions for ROG, NOx, PM10, and PM2.5 emissions from mobile sources, including gasoline-powered vehicle trips; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment. Pollutant emissions associated with long-term operation of the anticipated development was quantified using CalEEMod. CalEEMod default values were used to estimate emissions from area, energy and mobile sources where more specific data was not available.

Table C-2 – Estimated Maximum Daily Emissions from Anticipated Development

Criteria Pollutant	***Threshold (lbs./day)***	***Modeled Emissions (lbs./day)***	***Significant?***
ROG (construction)	137	10.6	No
NOx (construction)	137	8.0	No
PM10 (construction)	80	1.1	No
ROG (operations)	25	21.4	No
NOx (operations)	25	13.7	No
PM10 (operations)	80	11.5	No

Source: BCAQMD 2014, City of Chico 2023

As shown in Table C-2, above, neither the construction phase nor the operations phase of the project are anticipated to generate air emissions that exceed the Air District's thresholds for criteria pollutants. Since development associated with the project is not anticipated to generate air emissions that exceed the Air District's thresholds, air quality impacts that are considered **less than significant**.

Although the modeling results indicate that none of the air emissions thresholds would be exceeded on an individual project basis, the timing of development of this site is not certain and implementation of standard construction BMPs is necessary to minimize construction related impacts and potential cumulative air quality impacts in the vicinity. **Mitigation AIR-1** would ensure that appropriate BCAQMD BMPs are selected and applied to the construction phase of the project. Implementation of **Mitigation AIR-1**, as set forth below, would reduce the project's cumulatively considerable construction air quality impacts to less than significant with mitigation incorporated.

C.4. Developing the site consistent with the zoning and proposed parcel map would involve site preparation, excavation and construction activities that typically do not involve large amounts or high concentrations of air related pollutants. Excavation and construction activities would result in a temporary increase of odors on-site and to adjacent properties. The proposed project would not expose sensitive receptors (nearby residential developments) to substantial pollutant concentrations or create significant objectionable odors that are inconsistent with the nearby residential uses in the area. Additionally, implementation of **Mitigation AIR-1** would require BMPs to reduce potential construction and other short-term odor related air quality impacts, to a **less than significant** level.

MITIGATION:

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.

D. Biological Resources Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

DISCUSSION:

In May 2020, a focused Biological Resources Assessment (BRA) was prepared for an approximately 17.24-acre portion of the site (comprising Parcels 1 and 3 and Lot A) by ECORP Consulting, Inc., to support a proposed development project (ECORP, Appendix A). Parcel 2 was not included in these studies. The purpose of the BRA was to document and describe the biological communities present at the site, to identify and evaluate any sensitive habitats or special-status plant or animal species, and to provide relevant recommendations to minimize adverse project impacts. Primary references consulted include species lists and information gathered using the United States Fish and Wildlife Service's (USFWS) Information, Planning, and Conservation System (IPaC); California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database; the California Native Plant Society's (CNPS) list of rare and endangered plants, and a literature review. Information sources for the literature review included a 2002 consultation letter from the USFWS prepared for the Old Farm Estates Project, a prior project proposed for the site, a 2018 wetland delineation prepared by Gallaway Enterprises, and a 2018 botanical survey report prepared by Gallaway Enterprises, all of which addressed the 20-acre site as a whole. Additionally, ECORP prepared a Biological Assessment for the 17.24-acre study area (May 2020) to support consultation with USFWS under Section 7 of the Endangered Species Act.

In 2021, following discussions with the City, resource agencies, and Project applicant, the site plans and parcel configurations were adjusted slightly to accommodate new bridge and stormwater designs intended to reduce impacts to sensitive biological resources on Lot A. The new configuration resulted in a slightly larger study area (approximately 17.9 acres) for Parcels 1 and 3 and Lot A. ECORP performed additional studies requested by the regulatory agencies on this 17.9-acre study area, including a Salmonid Assessment (December 2021), Valley Elderberry Longhorn Beetle Survey (November 2021), a Focused Special-Status Plant Survey (April 11, 2022), and Additional Information to Support Section 7 Consultation (April 25, 2022) for the Project Site. These ECORP studies are included in **Appendix A** of this report.

Notable findings from the biological resource studies are as follows:
The Project Site is predominantly composed of annual grassland with mound-swale topography. Vernal pools and seasonal wetlands are spread throughout the annual grassland. Dead Horse Slough, an intermittent drainage, occurs along the northern site boundary. Vegetation along Dead Horse slough is characterized by the presence of Goodding's black willow (*Salix gooddingii*) thickets with scattered Fremont cottonwood (*Populus fremontii*) and valley oak (*Quercus lobata*) in the overstory. Patches of needlegrass grassland occur south and east of the riparian corridor.

Surrounding uses include an apartment complex to the north, Bruce Road to the east, residential uses to the west, and Highway 32 on the south. Dead Horse Slough and the adjacent riparian corridor provide marginal habitat as a wildlife corridor due to fragmented riparian vegetation and impacts of surrounding development, including trafficked roadways to the east and south of the site. The majority of the western portion of the site has been historically disturbed from soil removal and scraping activities.

The site provides known or potential habitat for several special-status species, as described below.

Federally and/or State-Listed Species:

Butte County Meadowfoam (*Limnanthes floccosa ssp. Californica*, or "BCM"): This flowering plant occurs in seasonal wetland swales and at the margins of vernal pool features within valley and foothill grasslands. It is listed as an endangered species at both the State and federal levels and is classified by CNPS as a List 1.B.1 species. A population of 150 BCM plants was identified on the site in 1990, and was reported to have occurred in a swale near the south central fence line (USFWS 2002). Mapping is not available for this reported occurrence; however, based on the description, it would have been located within what is now Parcel 1 of the tentative map. Subsequent surveys conducted each year between 1991 and 2001 did not locate BCM at the site (USFWS 2002). In March 2018, Gallaway Enterprises surveyed the entire 20-acre project site and documented 0.55 acre of "BCM Occurrences" and 12 "BCM point locations," all within Parcel 1. The 2018 survey report does not include an estimate of the number of plants observed or a description of the methodology used to develop the acreage calculation. Incidental observations of BCM were reported from the site during the March 2020 site reconnaissance survey conducted by ECORP. ECORP returned in March 2022 to conduct a focused quantitative survey for BCM within Parcels 1 and 3 and Lot A and found approximately 400 plants. A total of 0.047 acre of

occupied BCM habitat was calculated by recording the perimeter of the plant occurrences with a Global Positioning System (GPS) and assuming an average 1-meter diameter buffer around each mapped BCM occurrence. The site is not within designated critical habitat for BCM.

Vernal Pool Tadpole Shrimp (*Lepidurus packardi*) and Vernal Pool Fairy Shrimp (*Branchinecta lynchi*): The tadpole shrimp is listed as Endangered and the fairy shrimp is listed as Threatened at the federal level. These large freshwater shrimp species live in vernal pool and seasonal wetland habitats and have potential to occur in certain of these features on the Project Site. In 2002, the USFWS was consulted regarding potential impacts to vernal pool tadpole shrimp and vernal pool fairy shrimp from the previously proposed Old Farm Estates Project. The consultation addressed the full 20-acre Project Site. As documented in the USFWS response, approximately 2 feet of topsoil were removed from the Project Site around 1971 to 1973 to provide fill material for nearby projects, creating shallow, flashy pools that generally dry between rain events. This consultation letter determined the extent of potentially suitable habitat for vernal pool tadpole shrimp (*Lepidurus packardi*) and vernal pool fairy shrimp at the site was limited to six pools totaling 0.18 acre that held water for a sufficient time to support listed shrimp species.

Chinook Salmon (*Oncorhynchus tshawytscha*) and California Central Valley Distinct Population Segment (DPS) Steelhead (*Oncorhynchus mykiss*): Chinook salmon and California Central Valley DPS steelhead are anadromous fish that are both federally listed as Threatened. In 2021, ECORP evaluated habitat along Dead Horse Slough for its potential to support these species. Dead Horse Slough is an intermittent stream that typically flows less than 6 months a year. It sits at a low elevation and was found to contain only 2 to 3 feet of water after record storm events. A dam is located immediately upstream, blocking migration to better spawning and rearing habitat at higher elevations. Dead Horse Slough is considered unlikely to support federally listed anadromous fish for anything more than occasional short-term use during the winter-spring juvenile emigration period. A consultation letter was issued by the National Marine Fisheries Service (NMFS) determining that the Project is unlikely to adversely affect federally listed anadromous fish with implementation of recommended avoidance and minimization measures.

Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus* or "VELB"): A focused survey for elderberry plants, the host plant for VELB, was conducted in 2021 for the 17.9-acre study area encompassing Parcels 1 and 3 and Lot A, plus a 165-foot buffer area. No elderberry plants were observed. Although the focused survey did not include all of Parcel 2, the survey included the entire Dead Horse Slough riparian corridor. The remainder of Parcel 2 consists of annual grassland habitat with two small isolated trees/shrubs. No elderberry plants were documented during the 2018 botanical survey conducted by Gallaway, which included a list of all plants observed within the full 20-acre Project Site. VELB is not expected to occur at the Project Site because no host plants have been found onsite.

Other Sensitive Species:
The vernal pools onsite provide potential habitat for Ahart's Paronychia (*Paronychia ahartii*) and Butte County golden clover (*Trifolium jokerstii*), which are CNPS List 1B.2 sensitive species. Neither species was found during botanical surveys conducted throughout the 20-acre Project Site in March 2018, which corresponds to the blooming period for both plants (Gallaway 2018).

The upland annual grassland habitat interspersed with vernal pools and seasonal wetlands provides marginal habitat for western spadefoot (*Spea hammondii),* a state-listed Species of Special Concern (SSC). The species is considered to have a low potential to occur onsite.

Habitats associated with Dead Horse Slough have the potential to support special-status species, including the northwestern pond turtle (*Actinemys marmorata*), a state-listed Species of Special Concern (SSC). The trees and vegetation bordering the slough provide potential habitat for roosting bats and nesting birds. Ground-nesting birds may also occur in the annual grassland habitats onsite.

The following Special-status birds are known to occur or have potential to occur onsite:

- Oak titmouse (*Baeolophus* inornatus), USFWS Bird of Conservation Concern (BCC), occurs onsite
- Nuttall's woodpecker (Dryobates nuttallii), BCC, occurs onsite
- Tricolored blackbird (*Agelaius tricolor*), state listed as threatened, potential to occur onsite
- Burrowing owl (*Athene cunicularia*), BCC and SSC, potential to occur onsite

- Swainson's hawk (*Buteo swainsoni*), state listed threatened, potential to occur onsite
- White-tailed kite (*Elanus leucurus*), state fully protected, potential to occur onsite
- Loggerhead shrike (*Lanius ludovicianus*), BCC and SSC, potential to occur onsite
- Yellow-billed magpie (*Pica nuttalli*), BCC, potential to occur onsite

Special-status bats that may occur onsite include:

- Pallid bat (*Antrozous pallidus*), SSC, trees onsite provide marginal roosting habitat for this species. Pallid bat has low potential to occur onsite.
- Western red bat (*Lasiurus blossevillii*), SSC, trees onsite provide marginal roosting habitat for this species. Western red bat has low potential to occur onsite.

Based on the studies noted above, the USFWS issued a Biological Opinion in October 2022, identifying impacts that the Project would have upon the 17.9-acre portion of the site studied (**Appendix B**). According to the Biological Opinion:

Grading the residential portion of the site (Parcel 1), will result in the loss of all vernal pools (0.794 acre), seasonal wetlands (0.006 acre), and seasonal wetland swale (0.030 acre) features within the residential development footprint, totaling 0.83 acre. Of this 0.83 acre, 0.18 acre of features provide suitable habitat for the fairy shrimp and the tadpole shrimp. In the southwestern portion of the Proposed Project, 0.51 acre of vernal pool grassland is known to be occupied by the meadowfoam and will be lost due to grading and construction. There is also 0.176 acre of seasonal wetlands and less than 0.001 acre of vernal pool features in the southeastern corner of the property (Parcel 2) that are outside the footprint of the residential area. These features on Parcel 2 are not known to provide suitable habitat for the fairy shrimp, tadpole shrimp, or meadowfoam.

Total impacts to wetlands within the site from the development of Parcels 1-3 are estimated to total 1.01 acres (0.83 acres on Parcel 1 and 0.18 acres on Parcel 2).

A Wetland Delineation documenting jurisdictional Waters of the United States for the entire 20-acre site was prepared for the project by Gallaway Enterprises and approved by the U.S. Army Corps of Engineers (USACE) on March 5, 2018 (included in Appendix A). The approved delineation found that a total of 3.6 acres of aquatic resources exist at the site. These include 1.6 acres of ephemeral and perennial stream, 1.0 acre of riparian wetland, 0.80 acre of vernal pool, and 0.20 acre of seasonal wetland. It is noted that on May 25, 2023, the U.S. Supreme Court adopted a narrower definition of Waters of the U.S. in the case *Sackett v. Environmental Protection Agency*. In accordance with this ruling, some portion of the aquatic resources onsite may no longer be considered federally jurisdictional. However, it is likely that the full 3.6 acre of aquatic resource onsite would be considered Waters of the State.

Impact Assessment

D.1. Less Than Significant with Mitigation Incorporated.

BCM impacts: Development of Parcel 1 is anticipated to eliminate all BCM plants and suitable habitat within this parcel. No occurrences of BCM have been reported from Parcels 2 or 3, and suitable habitat for BCM does not occur on those parcels. Prior to initiation of ground-disturbance within Parcel 1, the developer will implement the conservation measures outlined in the Biological Opinion, including the purchase of habitat preservation credits at an approved mitigation bank or preservation of onsite habitat under a mitigation plan approved by USFWS. In addition, the developer will obtain an Incidental Take Permit (ITP) for BCM from CDFW. The ITP will establish measures to fully mitigate the proposed taking of BCM at the Project Site. Based on the results of the 2022 quantitative surveys for BCM, a total of 0.047 acre of occupied BCM habitat occurs at the site (calculated as the total area occupied by BCM plants or groups of plants plus a 1-meter radius buffer). Consistent with other projects in the vicinity and based on the 2006 USFWS Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, CDFW compensatory mitigation requirements for BCM have typically been 19:1 acres of habitat preservation per acre of impact. This would equate to approximately 0.893 acres of mitigation for occupied BCM habitat and is expected to fully offset the proposed taking of BCM. Pursuant to Mitigation Measure BIO-1, the developer shall conduct an additional season of quantitative surveys to support the

final determination of the total area of occupied BCM habitat within Parcel 1 and to provide the basis for the final mitigation requirements in the ITP.

Vernal pool fairy shrimp and tadpole shrimp impacts: Development of Parcel 1 would result in the loss of 0.18 acre of habitat for vernal pool fairy shrimp and tadpole shrimp. Parcels 2 and 3 do not contain suitable habitat for the species. In accordance with the 2022 USFWS Biological Opinion, the developer will mitigate for this loss of habitat by purchasing credits from a USFWS-approved conservation or mitigation bank at a 3:1 ratio. Pursuant to Mitigation Measure BIO-2, a total of 0.54 acre of credits for vernal pool fairy shrimp and vernal pool tadpole shrimp shall be purchased prior to ground-disturbing activities that could impact these resources within Parcel 1.

Chinook salmon and California Central Valley DPS steelhead impacts: The Project, by its design, would avoid impacts to Dead Horse Slough and most of the adjacent riparian habitat. Project features within Dead Horse Slough would be limited to three stormwater outfalls, with a total permanent impact area of 0.015 acre. A clear-span bridge would be constructed over Dead Horse Slough with its footings located outside of the Ordinary High-Water Mark (OHWM) of the slough. Temporary effects would include limited vegetation removal as needed to install the bridge and outfalls. The Project will incorporate appropriate design features to control stormwater runoff and protect downstream water quality. Construction-related impacts will be minimized by implementing Best Management Practices (BMPs) to reduce sediment and pollutants in stormwater runoff at their origin prior to the runoff discharging into drainage systems. The Project will also be required to comply with the City's *Post-Construction Standards Plan*, which sets forth Site Design Measures and Source Control Measures designed to ensure new developments meet the State Water Resources Control Board's requirements for mitigating the negative impact of stormwater runoff. With implementation of the measures outlined in the NMFS consultation letter, which are included under Mitigation Measure BIO-3, the project is not likely to adversely affect Chinook salmon or California Central Valley DPS steelhead.

Other special-status plant impacts: No other special-status plants were found at the site during the 2018 botanical survey. However, because this survey is more than two years old, the developer will need to perform updated rare plant surveys according to USFWS, CDFW and CNPS protocols to confirm the presence/absence of special-status plants. Such surveys will be required pursuant to Mitigation Measure BIO-4 and, if special-status plants are found, avoidance and minimization measures shall be implemented in consultation with the appropriate resource agencies.

Western spadefoot impacts: There is a low potential for western spadefoot to occur at the Project Site. Pursuant to Mitigation Measure BIO-5, preconstruction surveys for western spadefoot will be conducted within 14 days prior to the start of construction, and any western spadefoot found onsite will be relocated to suitable habitat within offsite preserve area in consultation with CDFW.

Northwestern pond turtle impacts: Northwestern pond turtles could occur in Dead Horse Slough. The project would avoid and protect Dead Horse Slough and most of the adjacent riparian habitat as open space within Lot A. Impacts to Dead Horse Slough would be limited to three stormwater outfalls, with a total permanent impact area of 0.015 acre. Under existing regulations, stormwater control measures and BMPs would be implemented to protect water quality in Dead Horse Slough during construction and operation of the project. Pursuant to Mitigation Measure BIO-6, the developer shall conduct preconstruction surveys for northwestern pond turtle within 48 hours prior to the start of construction, and any northwestern pond turtles found shall be relocated by a qualified biologist to a suitable location away from proposed construction.

Nesting bird and raptor impacts: Project construction could result in the loss or disturbance of nesting birds within or adjacent to the Project Site. Pursuant to Mitigation Measure BIO-7, preconstruction surveys shall be conducted within 14 days prior to construction to ensure nesting special-status birds or other nesting birds protected by California Fish and Game Code or the Migratory Bird Treaty Act are not impacted by Project activities. If an active nest is found, a no-disturbance buffer shall be established in consultation with CDFW. The buffer shall be maintained until the nestlings have fledged or it is determined that the nest is no longer active. Project development could also result in disturbance of nesting birds during the operational phase of the Project due to effects of night lighting into the adjacent

riparian corridor and potential bird collisions with building windows. Project design features will be included as feasible to minimize these impacts.

Burrowing owl impacts: Burrowing owls were not observed during reconnaissance-level biological surveys of the site; however, the annual grassland represents potential nesting and foraging habitat for this species. Pursuant to Mitigation Measure BIO-8, a habitat assessment and preconstruction survey for burrowing owl will be conducted at the Project Site in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). If occupied burrows are found onsite during the breeding season, a no-disturbance buffer shall be established and maintained until the nestlings have fledged. A Burrowing Owl Exclusion and Monitoring Plan shall be submitted to CDFW for approval and implementation during the non-breeding season.

Special-status bat impacts: The trees along Dead Horse Slough provide potential bat roosting habitat. Most of these trees would be avoided and protected as open space within Lot A. Pursuant to Mitigation Measure BIO-9, a preconstruction survey shall be conducted to assess the presence of active bat roosts in any trees proposed for removal. If any special-status bats are found, CDFW shall be consulted regarding avoidance and minimization measures. CDFW shall also be consulted in the event that a maternity roost of any bat species is found onsite, and a no-disturbance buffer shall be established and maintained around the roost site until the end of the maternity roosting season.

With the implementation of Mitigation Measures BIO-1 through BIO-9, potential impacts to sensitive species and habitat at the site will be **less than significant with mitigation incorporated**.

D.2. Less Than Significant with Mitigation Incorporated. The riparian wetland vegetation community along Dead Horse Slough corresponds to the Goodding's Willow vegetation alliance on CDFW's California Natural Community List and is considered a Sensitive Natural Community. The majority of this area would be protected within the designated open space portion of the Project in Lot A. Buildout of the tentative parcel map could result in impacts to riparian trees and vegetation outside of Lot A. Tree removal will be subject to CMC Chapter 16.66, which requires a permit and replacement trees or in-lieu fee payment. Pursuant to Mitigation Measure BIO-10, the developer is also required to obtain a Streambed Alteration Agreement (SAA) from CDFW for impacts to any stream channel or riparian wetlands, and to mitigate for those impacts. With the implementation of existing regulations and Mitigation Measure BIO-10, potential impacts to Sensitive Natural Communities at the site will be **less than significant with mitigation incorporated.**

D.3. Less Than Significant with Mitigation Incorporated. There are approximately 3.6 acres of aquatic resources onsite that are considered potential Waters of the U.S. and/or State. Of this total, approximately 2 acres consist of intermittent stream and riparian wetlands that would be protected within Lot A as open space. It is assumed that development associated with the proposed parcel map could result in the loss of the remaining approximately 1.5 acres of aquatic resources onsite, consisting of approximately 0.5 acre of riparian wetland habitats and approximately 1 acre of vernal pools and seasonal wetlands. Pursuant to Mitigation Measure BIO-10, the developer shall obtain authorization for fill of Waters of the U.S. and/or State from the USACE or Regional Water Quality Control Board (RWQCB), as applicable, prior to the discharge of fill material to any aquatic feature onsite. Compensation for impacts to Waters of the U.S. or State will include purchase of habitat conservation or mitigation credits at a minimum 1:1 ratio from an approved mitigation bank or in-lieu fee program approved by the applicable resource agency. A water quality certification or waiver will also be obtained from the RWQCB for any Clean Water Act Section 404 authorization obtained from the USACE. In addition, an SAA will be obtained from CDFW for any Project-related impacts to the onsite drainage channels or riparian wetlands. The SAA shall contain measures mutually agreed upon by the developer and CDFW to protect associated fish and wildlife resources and offset impacts to riparian habitats. With the implementation of Mitigation Measure BIO-10, Project impacts to state or federally protected wetlands are considered **less than significant with mitigation incorporated**.

D.4. Less Than Significant with Mitigation Incorporated. Dead Horse Slough and the associated riparian wetland vegetation provides marginal habitat as a potential wildlife movement corridor due to surrounding development and roadways. The majority of this riparian corridor would be avoided and protected as open space, and impacts to riparian vegetation would be minimized and compensated as

described above for impacts to Sensitive Natural Communities. Potential impacts to migratory fish, nesting birds, and roosting bats would be avoided and minimized with implementation of mitigation measures described for special-status species. With implementation of Mitigation Measures BIO-1 through BIO-10, the Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The Project's impacts are considered **less than significant with mitigation incorporated.**

D.5. - D.6 Less Than Significant Impact. The Project will not conflict with any local policies or ordinances protecting biological resources, or with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project's impact would be **less than significant**.

MITIGATION:

MITIGATION BIO-1 (Butte County Meadowfoam):
Prior to City authorization of ground-disturbance that could impact Butte County Meadowfoam (BCM) within Parcel 1, the developer shall conduct at least one additional season of quantitative surveys and mapping for BCM throughout Parcel 1 to support a calculation of occupied BCM habitat. Surveys shall follow USFWS, CDFW and CNPS rare plant survey protocols, and shall include an estimate of the total number of BCM plants observed and detailed mapping of the locations of each BCM plant or group of plants. Based on the results of at least two seasons of quantitative surveys, the developer shall obtain an Incidental Take Permit (ITP) from CDFW confirming the total acreage of occupied BCM habitat that will be impacted and shall acquire sufficient habitat preservation credits for occupied BCM habitat to preserve 19 times the amount of occupied BCM habitat impacted by the project (approximately 0.893 acres of BCM habitat mitigation). If the CDFW requires a different amount of compensatory mitigation for occupied BCM habitat, then this mitigation measure shall be satisfied by the amount chosen by CDFW in its ITP. In addition, the developer shall comply with the terms and conditions of the USFWS Biological Opinion for BCM, which includes acquisition of habitat preservation credits at an approved mitigation bank or preservation of onsite habitat under a mitigation plan approved by USFWS. If the developer elects not to preserve any of the meadowfoam habitat onsite, the developer shall work with USFWS to collect meadowfoam seeds from the site for storage in a seed bank or transplanting to an offsite preserve.

MITIGATION MONITORING BIO-1: Planning staff shall verify that the required surveys are conducted and that the agency coordination occurs prior to issuance of a grading permit or other authorization for ground disturbance that could impact BCM within Parcel 1. Planning staff shall confirm the acquisition of any mitigation bank credits required by the resource agencies to offset project impact to BCM.

MITIGATION BIO-2 (Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp):
Prior to City authorization of ground disturbance that could impact vernal pool fairy shrimp and vernal pool tadpole shrimp within Parcel 1, the developer shall acquire a total of 0.54 acre of USFWS-approved habitat creation or preservation credits for vernal pool fairy shrimp and vernal pool tadpole shrimp. Habitat preservation credits acquired for BCM pursuant to Mitigation Measure BIO-1 may also serve as mitigation for vernal pool fairy shrimp and vernal pool tadpole shrimp if the credits are authorized by USFWS for use for both vernal pool invertebrates and BCM.

MITIGATION MONITORING BIO-2: Planning staff shall confirm that the required mitigation bank credits have been acquired by the developer prior to approving ground disturbance that could impact shrimp species located within Parcel 1.

MITIGATION BIO-3 (Chinook Salmon and California Central Valley DPS Steelhead):
Prior to City authorization of ground disturbance, the developer shall implement the following terms and conditions set forth in the May 13, 2022, consultation letter from NMFS: Prior to issuance of a grading permit, the developer shall prepare and submit for City review and approval a site grading plan, erosion and sediment control plan, and post-construction standards plan. NMFS shall be provided copies of these plans for review concurrently with the City. The Project shall incorporate appropriate design features to control stormwater runoff and protect downstream water quality. Construction-related impacts shall be

minimized by implementing BMPs to reduce sediment and pollutants in stormwater runoff at their origin prior to the runoff discharging into drainage systems. Post-construction BMPs will be implemented to ensure that stormwater management improvements provide treatment to runoff before it enters drainage collection systems. Required BMPs include the following:

- Work within the limits of Dead Horse Slough and the adjacent intermittent drainage shall be conducted during the dry season, when there is no water present.
- Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetation buffer strips) shall be used during vegetation removal and site grading and construction to prevent sediment from discharging to the onsite drainages or downstream areas. Erosion controls shall be properly maintained until construction is completed and the soils have been stabilized.
- Fiber rolls used for erosion control will be certified by the California Department of Food and Agriculture as weed-free.
- Seed mixtures applied for erosion control will not contain California Invasive Plant Council-designated invasive species and will be composed of native species appropriate for the site.
- Trash generated onsite shall be promptly and properly removed from the site.
- No equipment will be refueled within the avoidance or open space area. Any on-site fueling will utilize appropriate secondary containment techniques to prevent spills.
- Used cleaning materials (e.g., liquids) shall be disposed of safely and, if necessary, taken offsite for proper disposal. Used disposable gloves shall be retained for safe disposal in sealed bags.
- Clothing, vehicles, and equipment, including shoes and the undercarriage and tires/tracks, will be cleaned prior to entering the Project Site to avoid the introduction and spread of invasive plant species.

MITIGATION MONITORING BIO-3: Planning staff shall verify that copies of the site grading plan, erosion and sediment control plan, and post-construction standards are sent to the NMFS for review concurrently with City review. City inspection staff shall verify adherence to the approved site grading plan, erosion and sediment control plan, and post-construction standards plan.

MITIGATION BIO-4 (Other Special-Status Plants):
Prior to City authorization of ground disturbance, the developer shall perform focused plant surveys according to USFWS, CDFW, and CNPS protocols. Surveys shall be timed according to the blooming period for target species and known reference populations, if available, and/or local herbaria should be visited prior to surveys to confirm the appropriate phenological state (life stage) of the target species. If special-status plant species are found during surveys and avoidance of the species is not possible, seed collection, transplantation, and/or other mitigation efforts shall be developed in consultation with the appropriate resource agencies to minimize impacts to special-status plant populations. If no other special-status plants are found, no further action is required for this mitigation measure.

MITIGATION MONITORING BIO-4: Planning staff shall verify that the required surveys are conducted and that the agency coordination occurs prior to issuance of a grading permit or other authorization for ground disturbance that could impact special status plant species that may occur within the site at the time of development.

MITIGATION BIO-5 (Western Spadefoot):
Within 14 days prior to the start of grading or construction, the developer shall hire a qualified biologist to conduct preconstruction surveys for western spadefoot within the limits of construction to detect adults, larvae, and/or egg masses. If no western spadefoots are found, no further action is required for this mitigation measure. If adults, larvae, or egg masses are found, they will be relocated to suitable habitat within an onsite or offsite preserve, in consultation with CDFW.

MITIGATION MONITORING BIO-5: Planning staff shall verify that this requirement is printed on approved construction drawings and that the required surveys and any agency coordination is completed prior to commencement of work for a grading permit or other authorization for ground disturbance that could impact western spadefoot within the site at the time of development.

MITIGATION BIO-6 (Northwestern Pond Turtle):
Within 48 hours prior to the start of grading or construction, the developer shall hire a qualified biologist to conduct pre-construction surveys for northwestern pond turtle. If no northwestern pond turtles are

found, no further action is required for this mitigation measure. If one or more northwestern pond turtles are found within an area proposed for impact, a qualified biologist shall relocate the northwestern pond turtle to a suitable location away from the construction, in consultation with CDFW.

MITIGATION MONITORING BIO-6: Planning staff shall verify that this requirement is printed on approved construction drawings and that the required surveys and any agency coordination is completed prior to commencement of work for a grading permit or other authorization for ground disturbance that could impact northwestern pond turtle within the site at the time of development.

MITIGATION BIO-7 (Nesting Birds and Raptors):
If construction is scheduled to occur during the nesting season (generally February 1 to August 31), the developer shall hire a qualified biologist to conduct a preconstruction survey for nesting birds within 14 days prior to the start of construction. The survey will include the project area plus a 100-foot buffer for nesting birds, a 500-foot buffer for nesting raptors, and a 0.25-mile buffer for Swainson's hawk. If an active nest is located, a no-disturbance buffer shall be established as determined by the biologist in consultation with CFDW and maintained until it is confirmed by the biologist that the nestlings have fledged or the nest is otherwise no longer active. Nest monitoring shall be conducted as needed to determine whether birds are expressing disturbed behavior, and CDFW shall be consulted regarding additional protective measures as indicated by the monitoring results. In addition, to the extent feasible, the proposed buildings shall incorporate bird enhancement and mortality reduction strategies into project design and implementation. These strategies include: 1) use of window screens or acid-etched, fritted, frosted ultraviolet patterned, or other glass designed to help prevent bird mortality due to window strikes and 2) use of low intensity lighting that is shielded or directed downward to minimize light pollution in the adjacent riparian habitat.

MITIGATION MONITORING BIO-7: Planning staff shall verify that this requirement is printed on approved construction drawings and that the required surveys and any agency coordination is completed prior to commencement of work for a grading permit or other authorization for ground disturbance that could impact nesting birds and raptors within the site at the time of development.

MITIGATION BIO-8 (Burrowing Owl):
Prior to City authorization of ground disturbance, the developer shall hire a qualified biologist to conduct a habitat assessment and preconstruction survey for burrowing owl habitat will be conducted within the Project Site and a 500-foot buffer in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). If suitable burrows or burrowing owls are found onsite during the habitat assessment, a Burrowing Owl Exclusion and Monitoring Plan shall be submitted to CDFW for approval and implementation during the non-breeding season. If active burrows are found during the preconstruction survey, a 500-foot no-disturbance buffer will be applied and the burrow will be monitored. CDFW will be notified and consulted for guidance on any proposed buffer reductions.

MITIGATION MONITORING BIO-8: Planning staff shall verify that the required surveys are conducted and that any agency coordination occurs prior to issuance of a grading permit or other authorization for ground disturbance that could impact burrowing owl.

MITIGATION BIO-9 (Special-Status Bats):
Prior to City authorization of ground disturbance, the developer shall hire a qualified biologist to conduct a preconstruction habitat survey to identify features that provide suitable bat roosting habitat (e.g., trees with cavities or exfoliating barks). Suitable habitat features shall be surveyed for evidence of roosting bats (e.g., guano and urine staining), and if indicated, evening emergence surveys and/or acoustic monitoring shall be conducted to determine the extent of use by bats. If any special-status bats are found, CDFW shall be consulted to determine the appropriate course of action. If no bats are found, no further measures pertaining to the species are necessary.

MITIGATION MONITORING BIO-9: Planning staff shall verify that the required surveys are conducted and that any agency coordination occurs prior to issuance of a grading permit or other authorization for ground disturbance that could impact special-status bats.

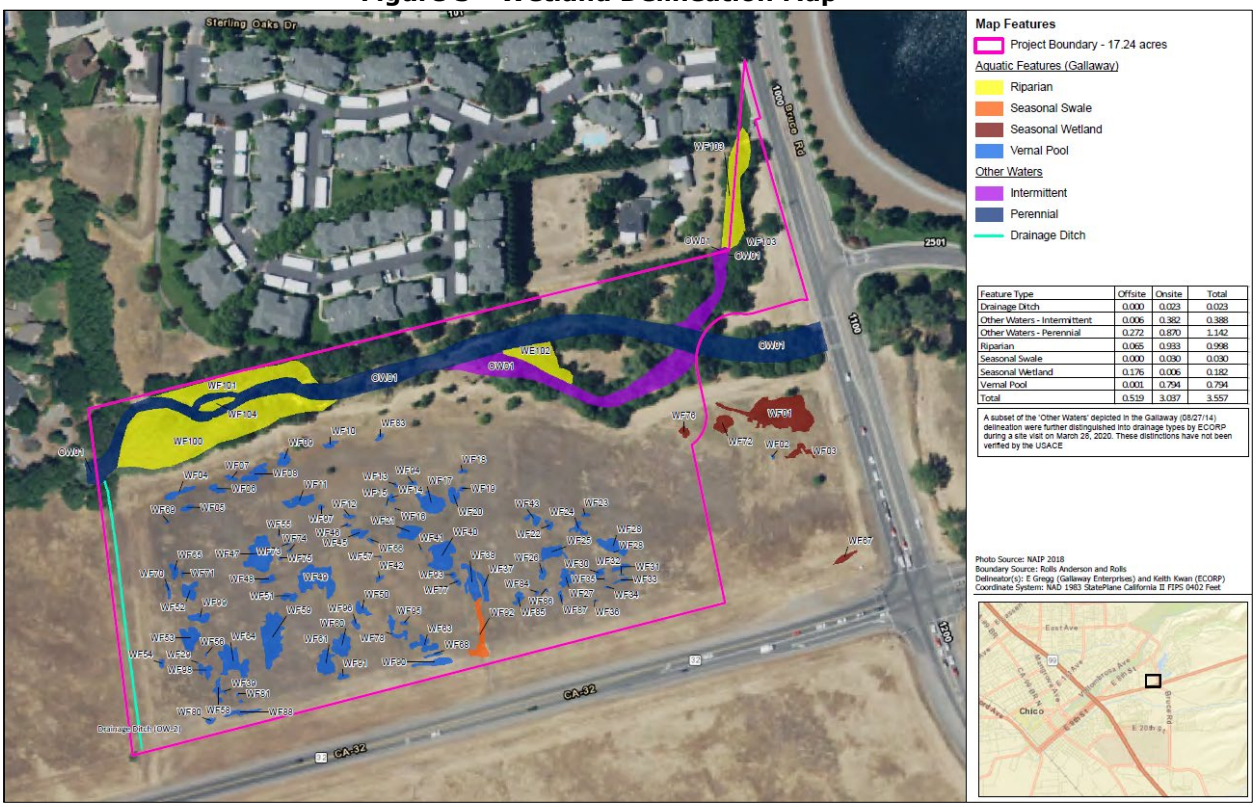
MITIGATION BIO-10 (Aquatic Resources):

Prior to City authorization of ground disturbance, the developer shall obtain authorization from the U.S. Army Corps of Engineers (USACE) to fill wetlands and other Waters of the U.S. under the Section 404 of the federal CWA (Section 404 Permit). Unless a different amount of wetland mitigation is required as part of the Section 404 Permit process, the developer shall mitigate for the loss of 1.01 acre of wetlands at an approved wetland mitigation bank. Final mitigation requirements will be developed in consultation with USACE pursuant to an approved Section 404 Permit for the project. A Water Quality Certification or waiver pursuant to Section 401 of the CWA must also be obtained from the Regional Water Quality Control Board (RWQCB) for Section 404 permit actions.

Prior to City authorization of ground disturbance, the developer shall also obtain permit authorizations from the RWQCB pursuant to the Porter-Cologne Water Quality Act, and from the California Department of Fish and Wildlife (CDFW) pursuant to Section 1602 of the California Fish and Game Code, and shall meet the requirements of those permits in addition to the Section 404 Permit requirements.

MITIGATION MONITORING BIO-10: Planning staff shall verify that this requirement is printed on approved construction drawings and that the required permits and any agency coordination is completed prior to commencement of work for a grading permit or other authorization for ground disturbance that could impact wetlands within the site at the time of development.

Figure 3 - Wetland Delineation Map



E. Cultural Resources Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		X		

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	X
3. Disturb any human remains, including those interred outside of dedicated cemeteries?	X

DISCUSSION:

E.1. – E.3. Less Than Significant with Mitigation Incorporated. See Section R, below, for Tribal Cultural Resources.

The project area was previously surveyed in 1994 and 2005 and no resources were found. In 2018 a Cultural Resources Inventory Update was conducted by ECORP Consulting, Inc., and no cultural resources were identified in the project area from the updated records searches, literature review, and field survey (ECORP 2018). However, because ground-disturbing activities associated with development of the site may expose previously unrecorded cultural resources, the Cultural Resources Inventory Update recommends that mitigation be included to address potential adverse impacts upon unrecorded cultural resources.

Although the results of the records search indicate that no cultural resources have been previously recorded within the project site, three pre-contact archaeological sites and eight historic-period resources (ranch structures and facilities, refuse deposits, and a road) have been previously recorded within 0.5 mile of the site. In addition, historic maps and photographs show multiple creeks within the immediate vicinity of the site. In the region, pre-contact archaeological sites are often located along perennial waterways indicating some potential for buried prehistoric archaeological sites in the project area. The project site overlies Late Pleistocene alluvium that may correspond with early habitation of the region. Thus, the likelihood for the Project area to contain subsurface resources is considered low to moderate.

Although no existing records identify significant cultural resources at the site, standard mitigation is necessary to address the potential that site-disturbing activities could uncover previously unrecorded significant cultural resources at the project site. Halting construction work and observing standard protocols for contacting appropriate City staff and arranging for an evaluation of cultural resources in the case of a discovery is a required standard City practice, typically noted on all grading and building plans. Mitigation Measure CUL-1, below, would minimize the potential damage to previously unknown cultural resources or human remains in the event that such resources are unearthed during construction and would reduce this potential impact to a level that is **less than significant with mitigation incorporated.**

MITIGATION:

MITIGATION CUL-1. (Tribal and Other Cultural Resources):
The following statement shall be required on project plans and enforced during construction:
"If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained by the developer to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no further management actions are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Chico Community Development Director at (530) 879-6800. The agencies shall consult with the State Historic Preservation Officer on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work may not resume within the

no-work radius until the lead agencies, through consultation as appropriate, determine that either: 1) the site is not eligible for the NRHP or CRHR; or 2) the treatment measures agreed upon through consultation have been completed to their satisfaction.

- If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Butte County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction."

MITIGATION MONITORING CUL-1: Planning staff will verify that the above wording is included on future improvement plans and construction drawings for the site. 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.

F. Energy Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

DISCUSSION:

F.1. – F.2. Less than Significant Impact. California is one of the lowest per-capita energy users in the United States, ranked 48th in the nation, due to its energy efficiency programs and mild climate (USEIA 2023). Future development of the site pursuant to the zoning and proposed land division includes 354 multi-family units (Parcel 1), a 9-pump gas station with 3,500 square-foot convenience store (Parcel 2) and a 5,000 sq. ft. retail use (Parcel 3), and related improvements for parking, trash enclosures and surface storm water treatment.

The new buildings would be constructed consistent with the California Building Code, including the Building Energy Efficiency Standards (Title 24 of the California Code of Regulations). Part 6 of Title 24 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies. The current Title 24 standards are the 2022 Title 24 Building Energy Efficiency Standards, which builds upon the previous 2019 standards.

In general, single-family residences built to the 2022 energy efficiency standards are anticipated to use at least 7% less energy (due to energy efficiency measures) than those built before 2019. However, if rooftop solar electricity generation is factored in, new single-family residences are anticipated to use less than one-half of the energy than residences constructed before 2019 (CEC 2018). Nonresidential buildings built to the 2022 standards are anticipated to use at least 30% less energy than those built before 2019 (CEC 2018).

Title 24 also includes Part 11, California's Green Building Standards (CALGreen). CALGreen institutes mandatory minimum environmental performance standards for all new construction of commercial, low-rise residential, high-rise residential, state-owned buildings, schools, and hospitals, as well as certain residential and non-residential additions and alterations. The CALGreen 2022 standards have improved upon the previous 2019 and 2016 CALGreen standards. These updated standards continue to strengthen mandatory reduction measures for indoor water use, outdoor water use, diversion of construction waste from the landfill, enhanced inspection requirements for energy systems, incorporating "EV capable" vehicle spaces to support future charging stations, and using low-pollutant-emitting coatings and finishing materials.

In addition to building code efficiency standards, the State has set fuel efficiency benchmarks for vehicles with internal combustion engines. Adopted in 2002, assembly Bill 1493 required the California Air Resources Board to set greenhouse gas emission standards for passenger vehicles, light-duty trucks, and other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state. In 2012, CARB approved a new emissions-control program for model years 2017 through 2025. These fuel efficiency standards will increase energy efficiency over time as older fleet vehicles are replaced by newer, more fuel-efficient vehicles.

Development of the project would result in additional energy consumption, however, that energy consumption would not be wasteful, inefficient or unnecessary. Project construction would not result in wasteful, inefficient, or unnecessary use of energy, in large part due to the temporary nature of construction. Additionally, energy use from operation of the proposed project would be minimized through energy reduction strategies pursuant to Title 24.

The proposed project will be built to the current California Building Energy Efficiency Standards and will therefore be consistent with State and local requirements for efficiency use of energy resources. Therefore, the project would not result in wasteful, inefficient or unnecessary consumption of energy that would result in a potentially significant environmental impact and the project's impact is considered **less than significant** with regard to use of energy resources.

G. Geology/Soils Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
b. Strong seismic ground shaking?			X	

G. Geology/Soils Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Seismic-related ground failure, including liquefaction?			X	
d. Landslides?			X	
2. Result in substantial soil erosion or the loss of topsoil?			X	
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, or is otherwise not consistent with the Chico Nitrate Action Plan or policies for sewer service control?				X
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

DISCUSSION:

G.1. Less Than Significant Impact. The City of Chico is located in one of the least active seismic regions in California. Currently, there are no designated Alquist-Priolo Special Studies Zones within the Chico Planning Area, nor are there any known or inferred active faults. Thus, the potential for ground rupture within the Chico area is considered very low. The project would result in **no impact** as there are no known earthquake faults within the Chico Planning Area.

As there are no known faults in the project area, the rupture of a known fault would, at most, result in a seismic ground-shaking event on the project site. Under existing regulations, all future structures will incorporate California Building Code (CBC) standards into the design and construction that are designed to minimize potential impacts associated with strong ground-shaking during an earthquake. Therefore, the project would result in a **less than significant impact.**

Liquefaction occurs in areas with shallow groundwater and recently deposited alluvium or poorly compacted fill. These characteristics are likely to be encountered in the vicinity of stream channels. Thus, portions of the project site could potentially be prone to liquefaction during seismic events. As stated, all proposed structures will incorporate CBC standards into the design and construction that are designed to minimize potential impacts associated with liquefaction and unstable soils. Therefore, the project would result in a **less than significant impact.**

The project site is not located in an area of severely sloping topography that would result in a landslide risk. Potential soil instability in, and around the project site would not result in potentially significant impacts through the incorporation of appropriate development standards and adherence to all necessary permits and certifications. Therefore, the project would result in a **less than significant impact.**

G.2.-4. Less Than Significant Impact. The City's General Plan Environmental Impact Report (EIR) identifies the eastern portion of the Chico Planning Area along the base of the Cascade foothills as the Tuscan Formation. The Tuscan Formation consists of a series of layers deposited by streams and mudflows between two and four million years ago. The mudflows spread out over the area, burying older rock, filling low areas, and gradually building a flat subdued landscape (City of Chico 2011b). Soil series on the project site are identified as Redtough-Redswale (R3 and R4 areas), and Redsluff gravelly loam (CC areas). These soil types consists of 0- to 2-percent slopes with low to moderate shrink-swell potential (Natural Resources Conservation Service).

Development of the site will be subject to the City's Grading Ordinance (CMC Chapter 16R.22). The proposed project would be required to incorporate site-specific and City-wide measures, such as grading standards defined in the CMC and CBC, as well as engineering principles which describe appropriate measures used to reduce potential impacts resulting from unstable soils and soil shrink-swell. All projects disturbing greater than one acre must comply with and obtain coverage under the applicable National Pollution Discharge Elimination Permit (NPDES) from the California Regional Water Quality Control Board (CRWQCB) per §402 of the Clean Water Act. The proponent will be required to prepare and implement Storm Water Pollution Prevention Plan (SWPPP) pursuant to Regional Water Quality Control Board (RWQCB) requirements. The SWPPP would require site specific, detailed measures to be incorporated into grading plans to control erosion and sedimentation. Furthermore, the City and the Air District require implementation of all applicable fugitive dust control measures, which further reduces the potential for construction-generated erosion.

Therefore, prior to issuance of any grading or building permits, the City would ensure that the proposed project has incorporated appropriate, site-specific construction and design standards per CMC 16R.22 and the California Building Code. As a result, potential future impacts relating to geology and soils are considered to be **less than significant.**

G.5. No Impact. No septic tanks or alternative wastewater disposal systems are proposed for the subject property. All new structures will be connected to the City sewer system, which is located within the adjacent public right-of-way. The site does not fall within a connection area for the Chico Urban Area Nitrate Compliance Program. The project will result in **No Impact** relative to policies governing sewer service control.

G.6. Less Than Significant with Mitigation Incorporated. The project is not anticipated to cause a substantial adverse change in the significance, directly or indirectly destroy a unique paleontological resource or site, geological feature, or unique geological feature. Due to the disturbed character of the site, the potential to encounter surface-level paleontological resources is considered low. However, there is the potential for accidental discovery of paleontological resources. In the event that resources are inadvertently discovered, implementation of Mitigation CUL-1 (Tribal and Other Cultural Resources) would reduce impacts to a less-than-significant level. See Section E, Cultural Resources, for mitigation measure specifics. Therefore, potential project impacts to unique paleontological resources would be considered **less than significant with mitigation incorporated.**

MITIGATION:

See MITIGATION CUL-1 (Tribal and Other Cultural Resources), in Section E, above.

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

DISCUSSION:

H.1.-H.2. Less Than Significant Impact. The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. In 2012, the Chico City Council adopted a Climate Action Plan (CAP) which sets forth objectives and actions that will be undertaken to meet the City's emission reduction target, consistent with the state's goal set forth by the 2006 Assembly Bill 32 Scoping Plan, of reducing GHG emissions 25% below the 2005 baseline levels by 2020 (City of Chico 2012).

In April 2020, the City of Chico finalized an updated to its GHG inventory and forecast from 1990 to 2045 in order to support the City's CAP Update. The updated inventory showed that the City has reduced overall GHG emissions by 27%, despite a 27% increase in population (City of Chico 2020). Major reductions were seen in the energy and transportation sectors. Reductions in the transportation sector were driven primarily by reductions in diesel and gasoline consumption, whereas reductions in the energy sector were driven entirely by a reduction in emission factors, despite little change in actual electricity usage. Due to the significant population increase between 2005 and 2017, per capita emissions have seen an overall 42% decrease from 8.8 MT CO_2e per person in 2005 to 5.07 MT CO_2e per person in 2017. Mass emissions also decreased by 27% between 2005 and 2017 exceeding the 2020 CAP reduction target of 25% below 2005 levels by 2020 (City of Chico 2020).

The City adopted a CAP Update in 2021 (CAP Update), including a GHG emissions inventory and forecast. The CAP Update is intended to guide the City towards reducing GHG emissions consistent with the state goal to reduce GHG emissions 40% below 1990 levels by 2030, established by SB 32, and will make substantial progress toward meeting the state's long term goal of carbon neutrality by 2045, established by EO B-55-18. Under CEQA, local agencies must evaluate the environmental impacts of new development projects, including impacts from GHG emissions associated with construction and operation. The CEQA Guidelines provide an option for new projects to streamline the CEQA analysis of GHG emissions by tiering off of a "qualified" GHG reduction plan. Per CEQA Guidelines Section 15183.5(b), a qualified GHG reduction plan must:

- Quantify existing and projected GHG emissions within the plan area.
- Establish a reduction target based on SB 32.
- Identify and analyze sector specific GHG emissions from Plan activities.
- Specify policies and actions (measures) that local jurisdictions will enact and implement over time to achieve a specified reduction target.
- Establish a tool to monitor progress and amend if necessary.
- Adopt in a public process following environmental review.

The CAP Update fulfills these requirements and is therefore a "qualified" GHG reduction plan per CEQA.

The CAP Update adopts a GHG emissions target for 2030, and a long-term GHG emissions goal for 2045. The City's targets are to reduce mass emissions 45% below 1990 levels by 2030 and to achieve carbon

neutrality by 2045. The adopted 2030 target therefore exceeds SB 32 by 5% and aligns with the state's long-term GHG reduction goal for 2045.

The CAP Update includes 13 Measures aimed at achieving the necessary GHG reductions in Chico.

Table H-1 - Chico CAP Measure GHG Reductions Summary

Energy	
E-1	Procure carbon-free electricity for the community through a CCA by 2024 and maintain opt-out rates of 5% for residential and 15% for commercial through 2030 and 2045.
E-2	Eliminate natural gas in all new building construction starting in 2025 to reduce natural gas 6% by 2030 and 16% by 2045 compared to the adjusted forecast.
E-3	Electrify existing residential buildings starting in 2027 to reduce overall natural gas consumption to 100 therms/person by 2030 and 30 therms/person by 2045.
E-4	Increase generation and storage of local renewable energy.
Transportation	
T-1	Improve active transportation infrastructure to achieve greater than 6% bicycle mode share by 2030 and 12% bicycle mode share by 2045.
T-2	Improve EV infrastructure to achieve greater than 23% EV share of car registrations by 2030, and 90% by 2045.
T-3	Improve shared mobility and transit programs and infrastructure.
T-4	Implement parking and curb management procedures that support the mode shift goals of the overall transportation strategy.
T-5	Support implementation of the City's General Plan that promotes sustainable infill development and mixed-use development in new growth areas to reduce vehicle miles traveled (VMT).
Waste	
W-1	Update waste hauler franchise agreements to implement requirements of SB 1383 and achieve 75% reduction below 2014 levels in organic waste to 0.4 tons of waste/person by 2025 and maintain through 2045.
Sequestration	
S-1	Increase carbon sequestration by increasing urban canopy cover at least 10% by 2030 through new greenscaping programs.
S-2	Develop and Implement the Urban Forest Master Plan.
Outreach and Education	

O-1	Conduct a holistic community outreach and education program to optimize CAP implementation.

For each Measure listed in the table above the CAP Update contains one or more related Actions (56 Actions in all). Most of the CAP Update Actions pertain to government programs and activities and are not affected by private development projects such as the project analyzed in this document. The following lists each Action that applies to the proposed project, followed by a brief analysis:

Action: E-2-1 Require new Construction to be all-electric by 2025.
Analysis: Future development on the proposed project site would be required to adhere to all City requirements at the time of construction, including the all-electric requirement that will be adopted to implement this Action.

Action: T-1-1 Implement the Chico Bicycle Master Plan.
Analysis: No bicycle facility improvements are required of the project pursuant to the Bicycle Master Plan. Development of the project site will require payment into the development Impact Fee (DIF) fund for constructing citywide bicycle facility improvements consistent with the Chico Bicycle Master Plan.

Action: T-1-2 Require shaded and convenience bike parking.
Analysis: Development of new multi-family residential buildings and commercial buildings will be subject to design review and/or building permit review by staff, at which time required bicycle parking is verified. Covered bicycle parking is currently required for at least one-half of bicycle parking spaces for multi-family, commercial and industrial uses where 10 or more bicycle parking spaces are required.

Action: T-1-3 Require major road upgrades to include bicycle infrastructure.
Analysis: No major road upgrades are required or proposed as part of the proposed project. The Bruce Road Widening Project is planned for construction in 2024-2025 and will upgrade bicycle infrastructure on the project's street frontage along Bruce Road.

Action: T-1-4 Perform a street/intersection study
Analysis: The intersections adjacent to the site (Bruce Road at Sierra Sunrise Terrace and Bruce Road at SR 32) have been studied multiple times over the years, and the ultimate configurations for these intersections will be constructed with the Bruce Road Widening Project and Highway 32 Widening Project Phase extending from El Monte Avenue to Bruce Road. As previously noted, the project would be required to adhere to all City requirements at the time of construction and pay into the City's DIF fund for citywide street facility improvements.

Action: T-2-1 Increase privately owned EV charging infrastructure.
Analysis: This Action requires the City to update its Building Code to require EV capable private garages for new single-family and duplex residential development, 20% EV charging capable spaces and panel capacity for new multi-family residential development, 20% EV charging capable spaces for new commercial development, and at least 1% working EV charging spaces for all new development and major retrofits. The 2022 Building Code requires that a minimum of 25% of the total of new spaces for multi-family residential development be EV-ready, and the table for the minimum amount of EV-ready parking spaces for non-residential development requires 4-6% EV charging space be provided. Development of the parcels resulting from the proposed project will be required to adhere to all requirements for providing privately owned EV charging infrastructure in effect at the time of construction.

Action: T-3-3 New employer trip reduction programs.
Analysis: This Action applies to travel demand management strategies for non-residential projects that will employ more than 100 people. The proposed project will not result in development of that scale.

Action T-5-1 Support infill growth.
Analysis: The project site is within an undeveloped group of parcels which is nearly completely surrounded by urban-level development. Approving the proposed project would support infill growth.

Action:S-1-1: Implement Chico's Urban Forest Revitalization Program.
Analysis: Tree removal has been minimized through the subdivision's design to locate nearly all of the riparian vegetation and trees within Lot A, which will be retained as open space and not developed. As previously described above, on-site tree removal would be subject to the City's Tree Preservation Regulations (City of Chico Municipal Code Chapter 16.66), which will result in replacement trees via fee payment for the cumulative tree diameter removed from the project. In addition, the Applicant is required to prepare a tree protection plan to ensure that on-site trees to remain under the project, including their root systems, would be adequately protected from potential hard during demolition, grading, and construction (City of Chico Municipal Code Chapter 16.66). New trees will be planted along the proposed street frontages, consistent with City standards, and additional trees will be planted in the front and rear yards of private residences. The project will be implemented consistent with the Urban Forest Master Plan.

Action:S-1-3: Improve Greenspace Management to Maximize Carbon Sequestration.
Analysis: This policy is directed at greenspace management of public open spaces and public parks by the City. All landscaping will be installed to Water Conservation in Landscaping Act of 2006 (AB 1881) water usage requirements and will be drought tolerant and on drip irrigation systems with timers. As noted above, trees within the riparian area are located on Lot A, which will be retained as permanent open space where the carbon sequestration of woody plants will be maximized.

Action:S-1-4: Require Shade Trees in New Major Developments.
Analysis: Landscaping, including shade trees in the form of parking lot trees and private yard trees, would be provided under the future on-site development. The anticipated multi-family residential and commercial parcels will be required to provide and maintain landscape trees consistent with approved site development plans and the Urban Forest Management Plan. Future street trees along Bruce Road will also be subject to approved by the Urban Forest Manager.

There are no elements of the project that would be expected to result in substantial GHG emissions. Additionally, project development would be subject to the City's land use entitlement and building plan check review processes, for which development projects in the City are required to comply with all applicable standards, including the California Building Code and City of Chico regulations. As the proposed project is consistent with the City's General Plan and municipal code, and complies with the applicable actions identified in the City-adopted CAP Update, it is not anticipated to generate GHG emissions that would have a significant impact on the environment or conflict with any planning requirement aimed at reducing GHG emissions. Regarding greenhouse gas emission, project impacts would be **less than significant.**

MITIGATION: None Required.

I. Hazards /Hazardous Materials Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
2. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

DISCUSSION:

I.1. – I.2. Less Than Significant Impact. Grading and construction activities may involve the limited transport, storage, usage, or disposal of hazardous materials, such as the fueling/servicing of construction equipment. However, such activity is short-term or one-time in nature and is subject to federal, State, and local health and safety requirements. Adherence to health and safety requirements would reduce the potential impacts associated with construction activities to less than significant.

Future development of the site pursuant to the zoning and proposed land division includes 354 multi-family units (Parcel 1), a 9-pump gas station with 3,500 square-foot convenience store (Parcel 2) and a 5,000 sq. ft. retail use (Parcel 3), and related improvements for parking, trash enclosures and surface storm water treatment. Potentially hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products may be stored at the site. The transport, storage, handling, and retail sale of these substances

are routinely conducted at such sites. No aspects of the project design or anticipated uses have been identified as particularly hazardous, and it's anticipated that future users would treat hazardous substances in accordance with applicable local, State, and Federal safety standards. With adherence to the existing requirements applicable the handling, storage and use of hazardous substances potential impacts associated with the use, transport, storage, and disposal of hazardous materials would be **less than significant**.

I.3. Less Than Significant Impact. The site is located within one-quarter mile of one school, Marsh Jr. High, approximately 750 feet southwesterly of the project site. Development associated with the project is not anticipated to result in hazardous emissions that would generate potentially significant impacts as a result of its spatial relationship to existing schools. As discussed, the proposed development would be required to adhere to standards and regulations that ensure **less than significant** potential impacts generated by proposed land uses in close proximity to schools.

I.4. No Impact. The project site is located approximately one-quarter mile from the Humboldt Road Burn Dump. The Department of Toxic Substances Control (DTSC) and the CVRWQCB have determined the remediation of the Humboldt Road Burn Dump is complete. The remediation has been declared protective of both human health and the environment. The proposed project is considered to have **no impact** on hazardous sites.

I.5. No Impact. The project is not located near an airport. Therefore, the proposed project is considered to have **no impact.**

I.6. Less Than Significant Impact. Development of the proposed project would neither hinder the implementation, nor physically interfere with, emergency response or evacuation plans. Street designs and improvements will be adequate for ingress and egress of emergency response vehicles. The proposed project is considered to have **less than significant impact.**

I.7. Less Than Significant Impact. The project site is located in an area of moderate sensitivity to wildland fire risks. To the extent that future development urbanizes the project site landscape on the open portions of the site, the lower the risk of There are no special development requirements in this area of lowest risk for wildland fire hazards, therefore this is considered a **less than significant impact.**

J. Hydrology/ Water Quality Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
a. result in substantial erosion or siltation on- or off-site;			X	
b. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
c. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
d. impede or redirect flood flows?			X	
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

DISCUSSION:

J.1. Less Than Significant Impact. Future development on the resultant parcels will be required to include a new storm drainage system with detention basins and a new outfall that would discharge into Dead Horse Slough on the property. Initial improvements would include a new roadway bridge crossing of the Slough. The outfalls, and new crossing are subject to State regulations requiring the project developer to obtain a water quality certification or waiver from the Central Valley RWQCB. Through the RWQCB's permitting process, the project will be required to avoid, minimize, and/or compensate for potential discharges into regulated waterways based on a detailed review of the storm drain system design and bridge crossing.

Existing State permitting requirements by the RWQCB, along with storm water Low Impact Development (LID) requirements as outlined below will ensure that the project will not result in the violation of any water quality standards or waste discharge requirements. In addition, the developer is required to obtain a Streambed Alteration Agreement from CDFW for impacts to any stream channel or riparian wetlands, and to mitigate for those impacts as outlined in the Biological Resources section above. Due to the scope and nature of the proposed project it not expected that the project would degrade ground water quality. With these existing permitting and water quality requirements in place, potential impacts to water quality from the project are considered to be **less than significant**.

J.2. Less Than Significant Impact. There would be no new sources of groundwater extraction. Due to its limited size the project will not substantially deplete groundwater supplies or substantially interfere with groundwater recharge or sustainable groundwater management.

California Water Service Company (Cal Water) is the local water provider in the Chico area with the sole source of water for the Chico District, including the project site. Cal Water relies entirely on groundwater pumped from the Sacramento Valley Basin, which is characterized as having abundant supplies and having demonstrated a historical ability for its groundwater levels to recover quickly after drought events. Cal Water's 2020 Urban Water Management Plan for the Chico-Hamilton City District indicates that potable water supplies were estimated to be 22,667 acre-feet in 2020 and are expected to increase to 26,474 acre-feet by 2045. Actual groundwater supplies available to Cal Water are significantly greater than the 2025–2045 supply totals reported in the Plan, as Cal Water only extracts the minimum necessary to meet customer demand (California Water Service, 2021). Therefore, regarding depletion of groundwater supplies, the impact of the proposed project is anticipated to be **less than significant.**

J.3. (a)–(c) Less Than Significant Impact. The project would alter the existing drainage patterns at the site, however, it would not result in substantial erosion or siltation on- or off-site, or create excessive runoff because prior to construction the project would have to demonstrate compliance with City/State post-construction storm water management requirements including the General Construction Permit requirements of the NPDES, as well as, the preparation of a SWPPP that incorporates water quality control BMP's.

All development projects that create or replace 5,000 square feet or more impervious surface are considered "regulated projects" subject to post-construction storm water management requirements, including source control measures and LID design standards. Source control measures deal with specific onsite pollution-generating activities and sources, and LID design standards apply techniques that infiltrate, filter, store, evaporate and detain runoff close to the source of rainfall to maintain a site's pre-development runoff rates. Additionally, regulated projects that create and/or replace one acre or more of impervious surface require "hydromodification management" that limits post-project runoff to pre-project flow rates for the 2-year, 24-hour storm. Project compliance with these storm water regulations is verified by City Engineering staff prior to issuance of building permits.

With the application of the existing regulations outlined above, the project will not substantially degrade water quality drainage systems or provide substantial additional sources of polluted runoff. Under existing City/State requirements for the project to implement BMPs and incorporate LID design standards, storm water impacts from anticipated future construction and operation of the project would be **less than significant**.

J.3. (d) Less Than Significant. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FEMA FIRM) No. 06007C0506E (FEMA 2011, see excerpt below), portions of the project site are within the mapped 100-year flood zone associated with Dead Horse Slough. Specifically, the project site along Dead Horse Slough is located in "Zone AE" indicating that base flood elevations have been determined.

The proposed subdivision has been designated to locate the mapped flood zone within Lot A, which would not be developed and would be retained as permanent open space. Since the project would only develop areas upslope of the flood zone, the project is not anticipated to substantially impede or redirect flood flows, therefore this impact is considered **less than significant**.

J.4. Less Than Significant. Future development on the proposed parcels would be constructed on engineered earthen pads such that all improved areas would be located outside the flood hazard area. The project site is not located in an area that is subject to seiche or tsunami. By meeting existing Building Code requirements to elevate finished floors outside of the existing flood hazard area, potential impacts from pollutant release associated with inundation by flood waters would be **less than significant.**

J.5. Less than Significant Impact. The implementation is the proposed project is not expected to substantially degrade water quality with the implementation of the SWPPP and BMPs. The project will not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The impact to water quality will be **less than significant.**

K. Land Use and Planning Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Physically divide an established community?				X
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

DISCUSSION:

K.1. No Impact. The project will not physically divide an established community. Therefore, the project is anticipated to have **no impact**.

K.2. Less Than Significant Impact. The proposed development is consistent with land use policies and regulations adopted for the purpose of avoiding or mitigating adverse environmental effects from development projects. Specifically, maintaining the stream corridor as open space within Lot A and avoiding development in that area is consistent with the following General Plan policies:

Policy OS-2.5 (Creeks and Riparian Corridors) – Preserve and enhance Chico's creeks and riparian corridors as open space for their aesthetic, drainage, habitat, flood control, and water quality values.

Policy OS-3.1 (Surface Water Resources) – Protect and improve the quality of surface water.

Policy OS-3.2 (Protect Groundwater) – Protect groundwater and aquifer recharge areas to maintain groundwater supply and quality.

Policy OS-2.1 (Planning and Managing Open Space) – Continue acquisition, management, and maintenance of open space to protect habitat and promote public access.

Policy OS-2.2 (Creek Corridors and Greenways) – Expand Creekside greenway areas for open space and additional pedestrian/bicycle routes.

Policy OS-1.1 (Native Habitats and Species) – Preserve native species and habitat through land use planning, cooperation, and collaboration.

Policy PPFS-6.5 (Flood Control) – Manage the operation of the City's flood control and storm drainage facilities and consult with local and state agencies that have facilities providing flood protection for the City.

Because the project would largely avoid and preserve the existing riparian corridor at the site, potential impacts resulting from conflicts with environmental protection policies are considered **less than significant.**

MITIGATION: None Required.

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

DISCUSSION:

L.1.-2. No Impact. There are no active mines and no known areas with mineral resource deposits within the Chico Planning Area, although historically several areas along Butte Creek and Lindo Channel were mined for gold, sand, and gravel. The closest commercial mining operations are located outside of the Chico Planning Area (City of Chico, 2011b). The project would not result in the loss of availability of a known mineral resource or mineral resource recovery site. Mineral resources are not associated with the project or located on the project site. Therefore, the project would have **no impact** on mineral resources.

MITIGATION: None Required.

M. Noise Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
2. Generation of excessive groundborne vibration or groundborne noise levels?			X	
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

DISCUSSION:

M.1. Less Than Significant Impact. Future development of the residential uses and commercial uses on the proposed parcels is not expected to generate noise in excess of what is common for such uses once site preparation, and construction are complete. The activities and associated construction equipment would be anticipated to cause temporary increases in noise; however, these impacts would only be associated with construction and would be temporary in nature. Sensitive receptors located nearest the project site include multi-family residential apartments located immediately north of Dead Horse Slough (approximately 100 feet away). The construction hours and noise levels will be required

to meet the City's requirements under Chapter 9.38 of the CMC, which limits allowable daytime and nighttime noise emission levels at the property line of sensitive uses. Post-construction, noise associated with operation of the proposed project would be primarily generated through traffic associated with residents traveling to and from the site, consistent with surrounding uses.

There are no identified aspects of the proposed project that are likely to result in violations of the City's noise limits for temporary or permanent uses, and construction and operational noise levels associated with the proposed project are not anticipated to create a substantial increase in the noise levels at the site or surrounding area. Therefore, noise exposure levels resulting from the project would be **less than significant**.

M.2. Less Than Significant Impact. There are no sources of excessive groundborne vibration or groundborne noise levels in the project vicinity. Any groundborne vibration due to construction at the site will be temporary in nature and cease once the project is constructed. Therefore, the impact from groundborne vibration will be **less than significant**.

M.3. No Impact. The project is not located near an airport. Therefore, regarding exposing people to excessive aircraft noise the project is considered to have **no impact.**

MITIGATION: None Required

N. Population and Housing Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

DISCUSSION:

N.1-N.2. No Impact. The proposed project would not induce substantial unplanned population growth, nor would developing the vacant site displace people or housing. Therefore, regarding population and housing the project is considered to have **No Impact.**

MITIGATION: None Required.

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

DISCUSSION:

O.1-O.5. Less Than Significant Impact. The proposed development at the project site will require payment of development impact fees to partially offset the cost of new facilities for police, fire, parks, and other public services. With the payment of impact fees, impacts to public services are considered **Less Than Significant**.

MITIGATION: None Required.

P. Recreation	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

DISCUSSION:

P.1. No Impact. The proposed project would establish approximately 354 units if new residential uses at the project site, which would incrementally affect the usage of existing neighborhood and regional parks or other recreational facilities. The proposed parcel configuration would avoid developing the creekside frontage area located within Lot A, which will provide passive recreational opportunities for the future apartment complex in the future. The project site is located approximately one-half mile from Lower Bidwell Park and one mile from Upper Bidwell Park, each of which provides ample recreational opportunities for residents of future development on the project site. Future development will be required to pay development impact fees based on the amount of development proposed, including park facility fees. Regarding the project's impact on the physical deterioration of existing parks, the project is anticipated to have **no impact**.

P.2. Less than Significant. Future development of the residential portion of the project will be subject to design review, at which time proposed recreational amenities would become known. Future recreational amenities associated with the project will be developed outside of the riparian corridor on

proposed Lot A, minimizing the potential for impacts. Therefore, the potential for adverse physical effects on the environment resulting from construction of recreational facilities is considered **less than significant.**

MITIGATION: None Required.

Q. Transportation Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
2. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
4. Result in inadequate emergency access?			X	

DISCUSSION:

Q.1. Less Than Significant Impact. Access to the site would be via Bruce Road at Sierra Sunrise Terrace, as long-planned with the Bruce Road Widening Project. The project's circulation system would not conflict with any plan, ordinance, or policy addressing the City's circulation system.

The Circulation Element of the Chico General Plan includes the following goals:

- **Goal CIRC-1**: Provide a comprehensive multimodal circulation system that serves the build-out of the Land Use Diagram and provides for the safe and effective movement of people and goods.
- **Goal CIRC-2**: Enhance and maintain mobility with a complete streets network for all modes of travel.
- **Goal CIRC-3**: Expand and maintain a comprehensive, safe, and integrated bicycle system throughout the City that encourages bicycling.
- **Goal CIRC-4**: Design a safe, convenient, and integrated pedestrian system that promotes walking.
- **Goal CIRC-5**: Support a comprehensive and integrated transit system as an essential component of a multimodal circulation system.
- **Goal CIRC-6**: Plan for and promote a full range of aviation services and facilities that meet the present and future needs of residents and the business community.
- **Goal CIRC-7**: Increase rail services and improve rail freight movement facilities.
- **Goal CIRC-8**: Provide parking that supports the Citywide goals for economic development, livable neighborhoods, sustainability, and public safety.
- **Goal CIRC-9**: Reduce the use of single-occupant motor vehicles.

Additionally, the City adopted the Chico Bicycle Plan Update in 2019 to implement General Plan goals related to bicycling, complete streets, sustainability, and reducing transportation GHG emissions. The Bicycle Plan includes guidance for establishing and maintaining a network of bicycle facilities that encourages active transportation within the City
No aspect of the proposed project has been identified to be in conflict with an applicable plan, ordinance or policy addressing the circulation system. The proposed project would not conflict with an applicable

congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or safety of such facilities. The General Plan analyzed circulation and traffic volumes in relation to the intended build-out of the City. Development of the project will require payment of street facility impact fees, which constitute the project's fair share contribution toward addressing necessary transportation improvements that arise as General Plan build-out occurs. Because the project will be developed consistent with plans, policies and regulations addressing the circulation system, the project's impact upon transportation facilities is considered **Less Than Significant**.

Q.2. Less Than Significant Impact. CEQA Guidelines 15064.3(b) implements Senate Bill 743 (Steinberg, 2013) and establishes metrics to determine the significance of transportation impacts through the metric of Vehicle Miles Traveled (VMT). "Vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. If the project adds excessive car travel onto the roads, the project may cause a significant transportation impact. VMT analysis is intended to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations (OPR, 2020).

The City has not yet adopted thresholds for VMT impacts, therefore, this analysis applies a threshold based on guidance provided in OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018), which identifies that a reduction in vehicle travel that is 15% or more below existing baseline conditions may indicate a less than significant transportation impact. A 15% reduction in VMT is shown in the Technical Advisory to both be achievable and supported by evidence connecting this level of reduction to the State's long-term emissions goals. The use of VMT is a proxy for carbon dioxide equivalents (CO2e). Therefore, the utility of VMT for the transportation analysis depends on the relationship between vehicle emissions of CO2e and VMT.

In coordination with the Butte County Association of Governments (BCAG), and Fehr and Peers (transportation engineers), a VMT screening tool for Butte County has been developed to assess if a project would need a detailed evaluation of VMT increases, or if additional VMT resulting from a project would likely be 15% lower than the regional baseline VMT, therefore warranting a conclusion that VMT impacts are less than significant. The average VMT for the regional baseline is 15 vehicle miles traveled per day, and the 85th percentile representing the significance threshold is 12.8 VMT.

Future development of the site pursuant to the zoning and proposed land division includes 354 multi-family units (Parcel 1), a 9-pump gas station with 3,500 square-foot convenience store (Parcel 2) and a 5,000 sq. ft. retail use (Parcel 3), and related improvements for parking, trash enclosures and surface storm water treatment.

VMT Metric	BCAG Region	Threshold	Project
Home-based VMT per resident	15.0	12.8	11.7
Home-based work VMT per employee	10.9	9.3	2.1

According to the VMT screening tool, the project is likely to result in an average daily distance of 11.7 vehicle miles traveled, which is 22% lower than the regional average of 15 vehicle miles traveled, and below the significance threshold of 12.8 vehicle miles traveled. Therefore, project impacts to VMT would be consistent with CEQA Guidelines Section 15064.3, subdivision (b), and VMT impacts would be **less than significant**.

Q.3. Less Than Significant Impact. The new access point from Bruce Road will be designed to meet City standards for roadway designs and would not substantially increase hazards due to design features or incompatible uses. The project would be required to comply with all standards, including, but not limited to, site access, roadway width, and turning radii. The new access road would be designed to provide sufficient width and turning radii consistent with Chico Municipal Code Chapter 18R.08 (Design Criteria). With adherence to applicable street design standards and requirements the project would not increase hazards due to a geometric design feature and this impact would be **less than significant**.

Q.4. Less Than Significant Impact. No aspect of the project design has been identified to impede or reduce access for emergency responders, therefore, this impact is considered to be **Less Than Significant.**

MITIGATION: None Required.

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

DISCUSSION:

R.1 (a)–(b). Less Than Significant with Mitigation Incorporated. The project area is located in a boundary region utilized by the Northwestern Maidu, or Konkow tribe members at the time of initial contact with European Americans. Konkow populations used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, domestic materials, and hunting seasonal game. Ethnographic information indicates that at the time of contact, Konkow were organized into village communities of approximately 150–400 individuals. Villages were usually located on higher ridges or knolls overlooking more permanent creeks and rivers, which provided views of the surrounding landscape and gave protection from high water during floods. Fourteen such village communities were identified in the Butte County area, one of which is Chico or Michupta. The Mechoopda Indian Tribe of Chico Rancheria (Tribe) is active today.

City staff sought consultation with the Mechoopda Tribe on 04/25/2023 by sending a letter to Tribal Historic Preservation Officer Kyle McHenry. As of 03/25/2024, no response or request for consultation on this project had been received from the Tribe.

See Section E (Cultural Resources), above, pertaining to general cultural resources. Although no existing records identify significant tribal cultural resources at the site, standard mitigation is necessary to address the potential that site-disturbing activities could uncover previously unrecorded significant cultural resources at the project site, including tribal cultural resources. Mitigation Measure CUL-1 under Section E, above, would minimize the potential damage to previously unknown tribal cultural resources or human remains in the event that such are unearthed during construction and would reduce potential impacts upon tribal cultural resources to a level that is less than significant with mitigation incorporated.

MITIGATION:

See MITIGATION CUL-1 (Tribal and Other Cultural Resources), in Section E, above.

S. Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

DISCUSSION:

S.1.-S.3. Less Than Significant Impact. The proposed project would connect to the area's existing utility systems for potable water, sanitary sewer, electricity, natural gas and telecommunications. The project would be required to install appropriate fire protection facilities, including hydrants and interior sprinkler systems. All necessary utilities (water, sewer, gas, telephone, and electricity facilities) are available adjacent to the site and extending them to serve the development will be required.

Future development of the proposed parcels was anticipated by the Chico General Plan and other associated infrastructure planning documents. Storm water will be treated by new onsite detention basins with controlled outfalls to the existing on-site stream channel. As noted above, Cal Water's 2020 Urban Water Management Plan for the Chico-Hamilton City District indicates that potable water supplies are adequate based on anticipated population growth through at least 2045 (California Water Service, 2021).

Therefore, all utilities are available and adequate to serve the proposed development and impacts regarding the provision of utilities and wastewater services are considered **less than significant**.

S.4.-S.5. Less Than Significant Impact. Available capacity exists at the Neal Road Recycling and Waste Facility to accommodate waste generated by construction and operation of the project. According to the State's Solid Waste Information System, 2020 data show that Neal Road has approximately 14.1 million cubic yards of remaining capacity out of its overall maximum permitted capacity of 25.2 million cubic

yards. For reference, the General Plan EIR noted that in the year 2000, the landfill had approximately 21.7 million cubic yards of remaining capacity. The Neal Road Landfill is estimated to be decommissioned in 2048. Recycling containers and service will be provided for the project as required by State law. Impacts related to solid waste generation and reduction goals would be **less than significant**.

MITIGATION: None Required.

T. Wildfire If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

DISCUSSION:

T.1.-T.4. Less Than Significant. The entire City of Chico is classified as incorporated Local Responsibility Area (LRA), which is not located within a State Responsibility Area (SRA). The nearest SRA Fire Hazard Severity Zones include: High, approximately 0.8 miles east; and Very High, approximately 1.2 miles southeast (Cal Fire 2023). According to Cal Fire's recommended "Very High Fire Hazard Severity Zones in LRA" map for Chico, adopted May 28, 2008, the project site is mapped as non-VHFHSZ. The only VHFHSZ within the City is located in the highest elevations of Upper Bidwell Park, approximately 7 miles northeast of the site (Cal Fire 2008).

Located within the City, the site is approximately 1.6 miles from Fire Station 4 on Notre Dame Boulevard, and 2.7 miles from Fire Station 1 on W 9th Street (Highway 32). No aspect of the project would impair emergency response or evacuation, and the site is not in a mapped very high fire hazard severity zone. The project would not exacerbate wildfire risks or expose occupants to wildfire risk. No specialized wildfire infrastructure is necessary to serve the project, and the project would not expose people or structures to secondary risks associate with wildfire. Because the proposed project is not located in a wildfire hazard area and would not result in greater wildfire risks, the project would have **less than significant impacts** on wildfire.

MITIGATION: None Required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?.			X	
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

DISCUSSION:

U. 1-3. Less Than Significant Impact. The project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Based on the preceding environmental analysis, the application of existing regulations and incorporation of identified mitigation measures and monitoring programs will ensure that all potentially significant environmental impacts associated with the project, including those related to air quality, biological resources, cultural resources, geology/soils and tribal cultural resources would be minimized or avoided, and the project will not result in direct or indirect adverse effects on human beings or the environment, nor result in significant cumulative impacts. Therefore, with the incorporation of the identified mitigation measures, the project will result in a **less than significant** impact.

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