



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM

CITY OF CHICO PLANNING DIVISION

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

PROJECT NAME AND NUMBER: Parcel Map 18-01 for Eshoo (PM 18-01)

APPLICANT'S NAME: 32 and Bruce Partners, LLC
Attn: George Eshoo, Managing Partner
702 Marshall St., #500
Redwood City, CA 94063

PROJECT LOCATION: The project site is located on the northwest corner of Bruce Road at State Route 32 in Chico, CA. APN: 002-160-076.

PROJECT DESCRIPTION: The project would subdivide a 20-acre parcel into four separate parcels that coincide with existing zoning district boundaries within the site. The four resultant parcels would consist of the following: (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; (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; and (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.

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

MITIGATION 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 AIR-1 is incorporated into the construction

documents, as appropriate.

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 CDFW 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.

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.

Implementation of the above mitigation measures will avoid potential substantial adverse effects upon air quality, biological resources, cultural resources, geology/soils and tribal cultural resources and will reduce potential impacts to these resource categories to a level that is considered **less than significant with mitigation incorporated**.

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

I have reviewed the Initial Study for the Parcel Map 18-01 for Eshoo project (PM 18-01), and the mitigation measures identified herein. As Applicant for the foregoing, I hereby modify the project on file with the City of Chico and agree to include and incorporate all mitigation set forth in this document.



Authorized Signature

32 and Bruce Partners, LLC
George Eshoo, Managing Partner
Printed Name

Prepared by:



Mike Sawley, Principal Planner
Environmental Program Manager
Community Development Department

4/3/2024

Date

Adopted via:

Resolution No: _____
City of Chico Planning Commission

Date