



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 NO.: Bell-Muir SPA Dissolution (GPA/RZ 24-02) and
Autumn Leaf Estates Subdivision (ANX 24-01, SUB 24-01)

APPLICANT'S NAME: Epick, Inc., Attn: Chris Giampaoli
901 Bruce Road, Ste. 100, Chico, CA 95928

PROJECT LOCATION: The Bell-Muir Special Planning Area is approximately 378 gross acres generally located east of the Union Pacific Railroad mainline and Muir Avenue, south of Bell Road, west of Alamo Avenue, and north of Henshaw Avenue. Within the SPA, the Autumn Leaf Estates Subdivision is 20 acres located at 1124 Henshaw Avenue and 2870 Nord Avenue, just outside the city limits of Chico in unincorporated Butte County, California.

PROJECT DESCRIPTION: The project includes two main components:

1. A General Plan Amendment and Rezone (GPA/RZ 24-02) to remove the Bell-Muir Special Planning Area (SPA) designation and requirements identified in the 2030 Chico General Plan. The GPA/RZ would change the City's Land Use Designation of "Special Planning Area" to "Low Density Residential," change the City's pre-zoning of "SPA" to "R1" (Low Density Residential), and amend General Plan text that refers to the Bell-Muir SPA. The existing commercial Designation and zoning for APN 042-050-082 would not change.
2. A Vesting Tentative Subdivision Map (SUB 24-01) and Annexation (ANX 24-01) of APNs: 042-020-009 and 042-020-105, located at 1124 Henshaw Avenue and 2870 Nord Avenue, within the Bell-Muir SPA, just outside of the city limits of Chico in unincorporated Butte County, California. The proposed subdivision would divide 20 acres into 68 individual single-family residential lots and a parcel dedicated to stormwater retention. The annexation is a request that the City Council adopt a resolution directing staff to initiate annexation proceedings for the subdivision area.

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

MITIGATION MEASURE BIO-1 (Biological Resources): The developer shall implement the following measures to minimize potential impacts on biological resources, including special status bird species:

1. If construction is proposed during the nesting season (March 1 – August 31), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 30 days prior to the commencement of construction, in order to identify any active nests on the proposed project Site and the vicinity of proposed construction.
 - a. If no active nests are identified during the survey period, or if construction is initiated

- during the non-breeding season (September - February), grading and construction may proceed.
- b. However, if active raptors nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be determined by the qualified biologist in coordination with CDFW and/or USFWS, and may vary depending on species and sensitivity to disturbance. The no-disturbance zone would be fenced with temporary orange construction fencing.
2. A report of findings shall be prepared by the qualified biologist and submitted to the City for review and acceptance prior to initiation of grading and construction during the nesting season (March - August). The report would either confirm absence of any active nests or confirm establishment of a designated no-disturbance zone for any active nests. Supplemental reports would be submitted to the City for review and acceptance where no-disturbance zones have been required to allow construction to proceed within these zones after any young birds have fledged.

MITIGATION MONITORING BIO-1: Prior to issuance of grading permits or improvement plans, City staff shall verify that the above wording is included on construction or grading plans, or the compliance completed prior to City permit issuance. Letter reports shall be maintained, as applicable, by Planning staff throughout construction.

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

MITIGATION MEASURE BIO-2 (Biological Resources): To avoid impacts to sensitive bat species, the project developer shall implement the following measures:

1. Any necessary removal of mature trees or structures suitable for bats shall occur between September 16 – March 15, outside of the bat maternity season, and shall be removed at dusk above 44°F to minimize impacts to roosting bats.
2. If tree and suitable structure removal cannot be performed outside of the maternity season, a qualified biologist shall conduct a preconstruction survey of suitable roosting habitat within 7 days prior to construction activities.
 - a. If no roosting bats are identified during the survey period, or if construction is initiated during the non-maternity season (March 16 – September 15), grading and construction may proceed.
 - b. However, if roosting bats are found, an adequate setback shall be established around the roost location and construction activities restricted within this no disturbance zone until the qualified biologist has confirmed that roosting has completed. Required setback distances for the no-disturbance zone shall be determined by the qualified biologist in coordination with CDFW and/or USFWS, and may vary depending on species and sensitivity to disturbance. The no-disturbance zone would be fenced with temporary orange construction fencing.

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

If active bat colonies or roosts are encountered, then Planning and Building staff shall ensure construction activities are prohibited within the no disturbance zones until the roosting or maternity activities have completed.

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

MITIGATION MEASURE CUL-1. (Cultural Resources): In the event that grading or other ground disturbance activities uncover any bones, pottery fragments or other potential cultural resources, the developer or their supervising contractor shall cease all work within 100 feet of the area of the find and notify the Community Development Department's Planning Division at 530-879-6800. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the developer to evaluate the significance of the find. Community Development Department staff shall notify the Mechoopda Tribes, if the find is determined to be of pre-historic origin. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.

MITIGATION MONITORING CUL-1: Planning staff will verify that the above wording is included on construction plans. Should 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 in consultation with Planning staff, to evaluate the find.

Implementation of the above measure, in conjunction with Mitigation Measure TRIBE-1, will avoid potential substantial adverse effects upon cultural resources, tribal cultural resources and paleontological resources, should any be unearthed during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION MEASURE HAZ-1 (Hazards and Hazardous Materials): Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent environmental contamination, including contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:

1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.
2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.

MITIGATION MONITORING HAZ-1: Planning staff will verify that the above wording is included on construction plans and the presence of spill containment kits shall be subject to periodic inspection.

Implementation of the above measure will avoid potential substantial adverse effects associated with accidental spills, should any occur during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION TRIBE-1. (Tribal Cultural Resources): Prior to the start of grading operations, the project developer or their representative shall provide reasonable notice and site access to the Mechoopda Indian Tribe of Chico Rancheria (Tribe) and other local affiliated tribes for a tribal monitor to be present during ground disturbing activities with the potential to encounter cultural resources of Native American origin or association. If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, in coordination with the tribal monitor if prehistoric in nature, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the nature of the find, the archaeologist and tribal monitor (if a resource is prehistoric in age) may simply record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist determines the discovery to be potentially significant under CEQA or the tribal monitor identifies a potential Tribal Cultural Resource (TCR), additional efforts such as preparation of a treatment plan, testing, and/or data recovery may be warranted prior to allowing construction to proceed in this area. All management strategies recommended by the archaeologist and/or Tribe must be approved by the City of Chico Community Development Director. The developer shall then adhere to the management strategies approved by the City. Ground-disturbing activities may resume once the management strategies have been implemented to the satisfaction of the City's Community Development Director and the qualified archaeologist.

MITIGATION MONITORING TRIBE-1: Planning staff will verify that the above wording is included on construction plans. The developer agrees to notify and provide site access for monitors by the Tribe during grading operations.

Implementation of the above measure, and Mitigation Measure CUL-1, will avoid potential substantial adverse effects upon tribal cultural resources and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

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


I have reviewed the Initial Study for the Bell-Muir SPA Dissolution (GPA/RZ 24-02) and Autumn Leaf Estates Subdivision (ANX 24-01 and SUB 24-01), and the mitigation measures identified herein. As Applicant for the Autumn Leaf Estates Subdivision, 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

Chris Giampaoletti
Printed Name

Prepared by:


Mike Sawley, Principal Planner
Environmental Program Manager
Community Development Department

7/18/2024
Date

Adopted via:

Resolution No. _____
City of Chico City Council

Date