# PLANNING COMMISSION

## Staff Report

CITY of CHICO

Meeting Date: 11/19/2026

**Files: SP 21-01, GPA 22-05, RZ 22-03, CA 22-03, DA 23-02**

**TO:** Planning Commission

**FROM:** Mike Sawley, Principal Planner (879-6812; mike.sawley@chicoca.gov)

**RE:** Barber Yard Specific Plan – Recommendation to City Council
APNs: 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, 039-400-053, 039-400-016 (partial) and 039-410-025

### REPORT IN BRIEF

The Planning Commission is being asked to forward a recommendation to the City Council to certify the Environmental Impact Report (EIR), adopt certain environmental findings, and approve the Barber Yard Specific Plan (BYSP) and related applications (see **Attachment A**). The BYSP would implement the Barber Yard Special Planning Area (SPA-2), which is described in the City's General Plan. In addition to the specific plan, related entitlement applications include a general plan amendment, rezone, code amendment, and development agreement.

Also known as the former Diamond Match Factory location, the BYSP area is approximately 133 acres located at the western terminus of West 16th, 18th, and 20th Streets and the southern terminus of Ivy Street (see **Attachment B**). The BYSP calls for up to 1,250 residential units, adaptive reuse of existing buildings for recreational uses (150,000 square feet) and up to 60,000 square feet of new commercial uses, and approximately 10 acres of new parks. The asphalt cap, an existing 3-acre paved area containing soils from prior remediation activities, would remain unaltered. The BYSP includes land use objectives, development standards, street designs, multiple new park sites, provisions for utilities, and a comprehensive mobility framework. Proposed land uses are anticipated to build out over approximately 18 years and include: Medium Density Residential (79 acres), Medium-High Density Residential (26 acres), Residential Mixed Use (15 acres), Secondary Open Space (10 acres) and Primary Open Space (3 acres, to reserve the asphalt cap). Located south of the 133-acre BYSP area, approximately one-half of a 13.5-acre parcel is proposed to be used for a stormwater basin with a new outfall to Comanche Creek.

To satisfy the requirements of the California Environmental Quality Act (CEQA), the City prepared an EIR to analyze and disclose the potential environmental impacts associated with approving the project. The EIR identified various potential impacts and included mitigation measures to reduce those impacts to a less than significant level. However, the EIR concluded that approving the project could result in significant and unavoidable

impacts regarding air quality, for which no feasible and sufficient mitigation is available to reduce the impact to a less than significant level.

State law requires special findings known as a "Statement of Overriding Considerations" (SOC) to be made prior to approving a project with one or more significant and unavoidable impacts. An SOC sets forth specific overriding economic, technological, legal, social, or other benefits of the project that outweigh the significant effects on the environment. CEQA compliance is further discussed in the Environmental Review section below.

In order to approve the project, the City Council must adopt several resolutions and ordinances. Council resolutions and ordinances are included as attachments to the recommending Planning Commission Resolution, all provided under **Attachment A** of this report.

Recommendation:

The Community Development Director recommends that the Planning Commission hold a public hearing and adopt Resolution No. 26-04 recommending that the City Council certify the EIR, adopt the Statement of Overriding Considerations, and approve the Barber Yard Specific Plan and related entitlement applications.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 26-04 recommending that the City Council certify the EIR, adopt the Statement of Overriding Considerations, and approve the Barber Yard Specific Plan and related entitlement applications.

## BACKGROUND

The project site consists of the 133-acre BYSP area, plus an approximately 16-acre off-site improvement area. The 16-acre off-site improvement area comprises a stormwater basin parcel (13.5 acres) and related infrastructure alignments, as well as miscellaneous areas around the perimeter of the BYSP area associated with new street connections and adjoining right-of-way. The 13.5-acre stormwater basin parcel is located directly south of the BYSP area (see **Attachment B**). The 133-acre BYSP area is located in the City of Chico, and the stormwater basin parcel is located within unincorporated Butte County at 2461 Estes Road (APN 039-410-025).

The BYSP area is generally flat and is fenced to prevent public access. The BYSP area was the home of a factory operated by the Diamond Match Company in the early twentieth century. The factory closed in 1975. The Louisiana Pacific Corporation purchased the BYSP area in 1984 and operated its Finished Wood Product Division and a remanufacturing facility until 1989. The BYSP area was used by other owners for various industrial purposes until 2004. Currently, the site primarily consists of abandoned

structures, roads and asphalt areas in disrepair, and storage.

Past Remediation Activities

In 1991, the California Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination for the BYSP area, identifying elevated concentrations of arsenic in soils and pentachlorophenol (PCP) in groundwater, related to past industrial uses. In response, arsenic-contaminated soil was identified and contaminated groundwater was pumped and treated.

In 1995, contaminated soils were consolidated on-site in the southwesterly corner of the BYSP area and buried below approximately four feet of uncontaminated soil, then capped underneath a layer of asphalt to form a three-acre “asphalt cap.” The asphalt cap has been historically, and continues to be, monitored in perpetuity by DTSC. In 1999, DTSC required Louisiana-Pacific Corporation to record a restrictive land use covenant on the site which prohibits removal or use of any groundwater from the overall site and places several restrictions on the asphalt cap area. The covenant: (1) requires all uses and development of the property to preserve the integrity and physical accessibility of the asphalt cap, (2) requires notification of DTSC in the event integrity of the asphalt cap is compromised, (3) restricts uses to commercial or industrial, and (4) prohibits residences, hospitals, schools and day care centers on the asphalt cap area.

Remaining Buildings

Three notable buildings remain from past uses of the BYSP area: the Engineering Building (approximately 17,200 square feet), the Shop (approximately 2,800 square feet), and the Warehouse (approximately 130,000 square feet). The Engineering Building is a large, brick, shell structure that was used during the Diamond Match Factory era and has been deemed safe to refurbish (as detailed further in the Specific Plan). The Shop building, also of brick construction and Diamond Match Factory era, is in fair condition. The Engineering Building and Shop Building are listed on the City’s Historic Resource Inventory. The Warehouse was built by Louisiana Pacific in the late 1980s and more recently has been used for RV storage. All three buildings are proposed to support private recreational and commercial amenities in the BYSP.

Surrounding Land Uses

The BYSP area is bounded by urban residential uses to the north (Ivy Street, Hazel Street, and Overland Court) and northeast (Chestnut Street and Normal Avenue), and rural residential uses south, off Estes Road. The Union Pacific Railroad (UPRR) mainline is west-adjacent, and a decommissioned UPRR rail spur is south-adjacent. Opposite Estes Road to the east are light manufacturing uses located in the Myers Street area. The rural residential and agricultural areas located father south and west, beyond the adjacent UPRR properties, are unincorporated, including the off-site stormwater basin parcel.

South of the BYSP area, the stormwater basin parcel is bounded by a Pacific Gas and Electric Company (PG&E) parcel to the north, rural residential and agricultural land uses to the east, agricultural land and Comanche Creek to the south, and the UPRR as well

as more rural residential and agricultural land uses to the west.

Relationship to City Plans

The Chico 2030 General Plan identifies the BYSP area as one of four Special Planning Areas (SPAs), referred to as the "Barber Yard SPA" or SPA-2. The City's General Plan designated the SPAs based on criteria such as proximity to services and land use compatibility. These planned growth areas are to be developed as complete neighborhoods with a mix of housing, services, employment, parks, and open space designed to meet the City's future housing and employment needs. The General Plan also requires that a specific plan, planned development or other comprehensive plan be prepared for each SPA prior to its development.

## PROJECT DESCRIPTION

Land Use Overview

The BYSP envisions redevelopment of the former factory site as a new mixed-use neighborhood that is safe and walkable, with parks, neighborhood retail, and recreational and entertainment clusters to serve the community. The proposed arrangement of land uses and streets are shown on the BYSP land use plan (see **Attachment C**).

The BYSP calls for up to 1,250 residential units, adaptive reuse of existing buildings for recreational uses (150,000 square feet) and up to 60,000 square feet of new commercial uses, and approximately 10 acres of new parks. The existing asphalt cap would remain unaltered and may be used for overflow parking or remain unused. In general, the proposed land use pattern would extend the existing Barber Neighborhood into the site from the east and situate medium-high density residential uses closer to the UPRR mainline.

The BYSP includes land use objectives, development standards, street designs, multiple new park sites, provisions for utilities, and a comprehensive mobility framework.

*Land Use Designations*

Proposed land use designations include: Medium Density Residential (MDR: 79 acres, approximately 630 units), Medium-High Density Residential (MHDR: 26 acres, approximately 440 units), Residential Mixed Use (RMU: 15 acres, approximately 180 units), Secondary Open Space (SOS: 10 acres) and Primary Open Space (POS: 3 acres, to reserve the asphalt cap).

A majority of the BYSP area would be designated for Medium Density Residential (MDR), primarily intended for single-family detached homes on small lots as well as duplex and single-family attached homes such as townhouses. MDR is proposed along the eastern border shared with the Barber Neighborhood and is intended to extend the existing neighborhood character into the site. Figure 3.2 of the BYSP shows the proposed land use designations, which are reflected on Exhibit A of the General Plan Amendment Resolution (See **Attachment A3**).

Medium-High Density Residential (MHDR) land use designation and zoning is proposed along the BYSP area's western edge as a transition between traditional single-family neighborhoods and the UPRR corridor, similar to the existing apartment complex to the northwest. The existing Warehouse is within this land use designation and may be adaptively reused as an indoor/outdoor athletic facility, or other compatible non-residential uses subject to use permit approval. Dwelling types within the MHDR designation may include townhouses, garden apartments, and other forms of multi-family housing.

The Residential Mixed Use (RMU) land use designation is characterized by a mix of residential and nonresidential development at medium to high densities. It allows for a range of commercial, office, and residential uses to be located on the same property, either vertically or horizontally. It does not preclude development that is entirely residential, although it does encourage (although not require) a mix of uses. Additionally, other primary uses may be allowed by right or with approval of a use permit, as outlined in the BYSP and City Municipal Code. The Engineering Building, which would be available for adaptive reuse as a pavilion, would be equipped to host occasional commercial events open to the public; and the Shop, which would also be available to be adaptively reused for commercial use, both fall within this designation.

Areas designated Secondary Open Space (SOS) land use designation covers land intended to be used for both intensive and non-intensive park and recreational activities, such as active and passive parks, other types of recreational amenities, and trails. The BYSP incorporates a wide variety of passive and active parks and recreational facilities for residents, visitors, and their pets. The proposed baseball field is included within the SOS.

*Zoning*

Each land use designation described above corresponds with a City zoning district, which sets forth the associated development standards. The areas designated Medium Density Residential would be zoned R2, areas designated Medium-High Density Residential would be zoned R3, RMU designations would be zoned RMU, and Primary and Secondary Open Space designations would be zoned OS1 and OS2, respectively.

The BYSP uses the City's base zoning districts and applies various adjustments, such as allowing smaller lot sizes in the R2 (Medium Density Residential) zone, increasing the maximum density for R3 sites from 22 to 35 units per acre, and providing various allowances for townhouses, duplexes and small lot subdivisions. See Chapter 3 of the BYSP for more details.

Circulation

The proposed circulation system would extend existing streets into the site, starting with West 16th and Ivy Streets which would form a new intersection near the Engineering Building. These two streets would be the primary entry points for the project and would meet to form the main intersection within the project. West 18th and West 20th Streets would be extended into the project with subsequent phases, forming a grid network from

which additional, secondary streets would be constructed to establish new residential blocks within the project. West 14th Street is planned to provide access for a potential new athletics facility.

Major streets within the BYSP would have 10-foot wide, separated multi-use paths for bicyclists and pedestrians located approximately 10-15 feet from vehicle traffic, improving safety. In addition, the proposed development agreement would create a developer-funded mechanism for the City to construct new sidewalk and bikeway connections outside the BYSP area (primarily on West 16th, Ivy and West 20th Streets), complementing the project's pedestrian network. New bicycle network connections would be extended to existing bikeways in the area, such as Class III facilities on Ivy/Myers Streets and the Comanche Creek Bike Trail.

Bus stops would be included near the intersection of Ivy and W 16th Streets to facilitate bus service.

Parks and Recreational Amenities

*Community Parks*

The BYSP includes two new parks that will serve community park functions: (1) The Diamond at Barber and (2) Dog Park. Approximately 3.28 acres in size, The Diamond at Barber is a new baseball field proposed on a former factory-era baseball field near the future intersection of West 16th and Ivy Streets. Dog Park would be 1.27 acres, located on a future extension of Ivy Street near the asphalt cap. Pursuant to the draft Development Agreement, The Diamond at Barber Yard would be developed relatively early in the project as one of the "Initial Amenities," with completion due within one year of occupancy of the 200th residential unit. Dog Park would be developed later in the project, with its completion due within one year of occupancy of the 500th unit.

*Neighborhood Parks*

The BYSP includes four neighborhood parks: (1) Picnic Grove Park (1.66 acres), (2) Ruins Park (1.25 acres), and (3 and 4) two "Yard" pocket parks (0.62 and 0.42 acres). Picnic Grove Park would be a typical neighborhood park with play structures, trees, turf and picnic areas, located at the future intersection of West 16th and Ivy Streets. Ruins Park would re-purpose the remnant foundation of a former factory building into a passive outdoor recreational space with an elevated plaza, located adjacent to the future intersection of Ivy and West 18th Streets. The two small Yard pocket parks would be developed within the new neighborhoods of the project and would be constructed at the latter stages of project build-out.

*Other Recreational Amenities*

In addition to the public parks described above, the BYSP provides for multiple private recreational amenities, including reuse of the historic Engineering Building (1.1 acres), Diamond Plaza (0.71 acre), The Square (0.79 acre), The Shop (0.16 acre), also reuse of an existing historic building re-purposing the existing large warehouse into an athletics

facility (10 acres).

The proposed athletics facility would endeavor to establish a membership fitness facility within all or a portion of the existing large warehouse building, subject to issuance of a City use permit once the operational details become known. The land underlying the athletics facility would be zoned R3-BY in recognition that the area could be converted to residential uses in the future.

The 17,200 square-foot Engineering Building would be rehabilitated and converted into a flexible social gathering space that would anchor the cluster of recreational amenities located at the center of the project, called the “Social Hub.” Restoration and reuse of the Engineering Building would also be subject to City use permit approval.

Diamond Plaza, The Square, and The Shop are also arranged around the Social Hub area of the project. Details regarding these private amenities are provided in the Specific Plan (see Chapter 4 of the BYSP for more details).

Utilities and Services

*Domestic Water*

Drinking water for future development within the BYSP will be provided by California Water Service Company, which operates existing wells throughout the City. No new wells will be developed within the project for domestic use.

*Wastewater*

On-site sewer improvements would consist of a conventional on-site gravity sanitary sewer system with mains, manholes, and laterals designed in accordance with applicable City of Chico Design Standards. The on-site sanitary sewer mains would collect wastewater from the proposed project and direct it south to the 33-inch sewer main on the southern edge of the BYSP area, consistent with both the former 2013 and current 2025 Sanitary Sewer Master Plan. Pursuant to the draft Development Agreement, sanitary sewer improvements shall specifically include the “P20: Barber Yard Trunk Sewer” trunkline extension project as contemplated by the 2025 Sanitary Sewer Master Plan.

*Drainage*

Stormwater would be collected by a new storm drain network within the BYSP area and conveyed to an approximately five-acre stormwater basin located on the off-site stormwater basin parcel which would hold the stormwater and meter it to a new outfall located on Comanche Creek. The applicant owns the parcel for the proposed stormwater basin and has acquired a linear easement south to Comanche Creek (over APN 039-410-039) to accommodate the proposed stormwater system. Upon completion, the basin and related improvements would be placed in an easement dedicated to the City for operation and maintenance, while the applicant would retain underlying fee ownership of the parcel. The linear easement coincides with “Alignment Option 1” analyzed in the Draft EIR. Comments received on the EIR from the Butte County Department of Development

Services state that it "determined that the off-site stormwater pond and related facilities would be allowed under the Butte County Zoning Ordinance in the applicable AG-40 (Agriculture, 40-acre minimum parcel size) zone as a *Utilities, Accessory use*, subject to approval of an Administrative Permit from Butte County." Pursuant to the draft Development Agreement, the developer would be responsible for obtaining the necessary permits from the County to construct the basin.

The City also received a letter from Butte County Local Agency Formation Commission (LAFCo) staff on 9/18/2026, expressing concerns about the proposed off-site stormwater basin located outside of the City's Sphere of Influence, on prime agricultural land beyond the Greenline. LAFCo proclaims that the off-site basin would require LAFCo approval and that such approval is limited outside of the City's Sphere of Influence. LAFCo also states that the EIR does not adequately address its needs regarding conversion of prime agricultural land beyond the Greenline and questions the County's interpretation of its zoning ordinance in County comments received on the Draft EIR.

The letter states that the LAFCo Commission may only authorize an extension of City services in response to an existing or impending threat to the health or safety of the public or the residents of the affected territory. This appears consistent with the position that LAFCo staff communicated during a meeting held at the applicant's offices on 03/25/2025 during which it was agreed that oversizing the basin to alleviate flooding for County residents on Estes Road would provide a potential pathway for LAFCo approval. Oversizing the off-site stormwater basin was subsequently incorporated into the Development Agreement.

Because LAFCo and County approvals for the off-site basin cannot be assured, the November 2026 BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4. The on-site location was analyzed in the EIR as Alternative 3 and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek.

Other Specific Plan Components

In addition to the land use designations, zoning, circulation system, parks and recreational amenities, and utilities and services described above, the BYSP includes: an Introduction (Chapter 1), Vision, including historical overview (Chapter 2), Implementation details (Chapter 7), a glossary (Chapter 8) and an appendix containing the Mitigation Monitoring and Reporting Program.

## ENVIRONMENTAL REVIEW

Background

After receiving the initial project applications in November 2021, staff began the Environmental Impact Report (EIR) process which culminated in the release of the Final

EIR on 9/16/2026. The various milestones and opportunities provided for public comment during the process are detailed in the CEQA Findings of Fact and Statement of Overriding Considerations in **Exhibit A of Attachment A2**.

The Draft EIR identified several potential environmental impacts associated with the proposed project and included mitigation measures to reduce those impacts to less than significant. With regard to air emissions, however, the EIR concluded that approving the project would result in significant and unavoidable impacts regarding implementation of the applicable air quality plan, cumulatively considerable net increase of a criteria pollutant, and cumulative air quality impacts.

Purpose of the California Environmental Quality Act (CEQA)

The intent of CEQA centers around the fundamental concept of informing governmental decision makers and the public about the potential and significance of environmental effects of proposed activities. Further, CEQA strives to identify ways in which potential environmental impacts can be avoided or significantly reduced. Impacts may be reduced through the implementation of feasible project alternatives or mitigation measures. Lastly, CEQA aims to disclose to the public the reasons why a governmental agency might approve a project even if significant environmental effects could result.

Section 15151 of the CEQA Guidelines defines the standards for EIR adequacy as follows:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.*

With this understanding, staff believe that the EIR for the BYSP has been adequately prepared and represents a good-faith effort at disclosure of potential environmental impacts associated with implementation of the BYSP.

Project Objectives for the Purposes of CEQA

Section 2.1.2 of the BYSP contains a list of project objectives which were adapted for the purposes of the EIR as follows:

- Develop the BYSP in an economically viable manner as an extension of the Barber Neighborhood.
- Preserve and celebrate the BYSP Area's rich history to foster a strong sense of place.

- Direct development in proximity to and with connections to the existing Barber Neighborhood, Downtown, and Chico State, supporting the efficient use of land through density.
- Create a wide range of housing opportunities and choices that are generally smaller than the average unit size in Chico and focused on providing options to broad segments of the community.
- Encourage a variety of transportation choices, including access to public transit, support for people-powered modes, and accommodation of emerging technologies.
- Create walkability throughout the BYSP Area and with connections to the surrounding neighborhood.
- Encourage a mix of land uses including a central Social Hub for new residents, the broader neighborhood, and the Chico community.

These project objectives are used throughout the CEQA process to determine feasible mitigation and assess alternatives to the project that could avoid significant impacts.

Less Than Significant Impacts

The EIR found that the project would not result in significant impacts related to aesthetics, odors, energy, geology, soils including erosion, greenhouse gas, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, vehicle miles traveled, the provision of utilities, and wildfire impacts.

Additionally, the project would not substantially interfere with groundwater resources, induce substantial unplanned population growth, or result in significant physical impacts from needed public service or recreational facilities.

Agricultural impacts would also be less than significant because, although the Project would involve permanent conversion of up to 7.1 acres mapped Prime Farmland, the conversion would not constitute a significant impact under the applicable California Agricultural Land Evaluation and Site Assessment Model. Notably, by definition, Prime Farmland must be irrigated within the past four years to continue to be considered prime. Since the farmland mapped on the off-site stormwater parcel has not been irrigated since 2018, it no longer qualifies as Prime Farmland. Biennial state updates for the 2022 Farmland Map have not occurred in 2024 or 2026.

Overall, these impacts would remain below applicable CEQA significance thresholds and would not require mitigation.

Impacts Found Less Than Significant With Mitigation

The EIR identifies various feasible mitigation measures to reduce other potentially significant impacts to less than significant levels. Biological resource impacts would be mitigated through measures addressing special-status species and sensitive habitats,

including pre-construction surveys and restoration of temporary disturbance areas along Comanche Creek for the new stormwater outfall.

Cultural-resource impacts would be addressed through preparation of an Historical and Archaeological Resources Treatment Plan by qualified archaeologist, as well as archaeological monitoring and procedures for the discovery of historical resources.

Additional mitigation measures address impacts regarding energy, geology, hazardous materials, hydrology, and noise. Transportation impacts would be reduced through construction of bicycle facilities and sidewalk improvements outside the project area, including along West 16th and West 20th Streets. These improvements are to be completed prior to recording final subdivision maps for connecting streets and would be funded, in part, by the developer through a mechanism outlined in the draft Development Agreement.

Hazardous materials impacts would be mitigated through requiring the developer to prepare and implement a Soil and Debris Management Plan (SDMP), subject to approval by the California Department of Toxic Substances Control (DTSC), addressing the handling and removal of potentially contaminated soil and buried materials. DTSC is the state agency responsible for overseeing cleanup of contaminated sites. Issuance of subsequent City approvals and permits would be limited to activities consistent with the DTSC-approved SDMP, until such time that DTSC releases a project phase or the entire BYSP site from further remediation actions.

Significant Air Quality Impacts

The EIR identified that development of the BYSP would result in significant and unavoidable impacts regarding: (1) implementation of the applicable air quality plan, (2) cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment, and (3) cumulative air quality impacts from operational criteria pollutants. These impacts are explained in more-accessible terms below.

All three impacts arise from air quality modeling which forecasted that emissions from one criteria pollutant, Reactive Organic Gasses (ROG), would reach 69.65 pounds per day, exceeding the project-level threshold of 25 pounds per day. Since the Butte County region is “non-attainment” regarding State and federal ozone standards, and ROG is an ozone precursor, the impact was deemed to: (1) obstruct implementation of the regional air quality plan aimed to meet the ozone standards, (2) significantly contribute to the existing State and federal non-attainment status regarding ozone levels, and (3) significantly contribute to existing significant air quality impacts, which are cumulative by nature.

ROG emissions come from mobile sources (mostly exhaust from passenger vehicle trips), area sources (such as consumer products, paint, and exhaust from landscaping equipment), and energy (from burning natural gas).

Historically, mobile emissions would account for most of the ozone precursor emissions from a typical mixed-use project. However, although the modeling showed that mobile emissions increase during project buildout as the population grows, mobile emissions

*decrease* towards the end of the buildout period in 2042. This is because Statewide measures to reach carbon neutrality by 2045 are anticipated to significantly decrease emissions from both mobile sources and landscaping equipment during buildout of the BYSP.

Despite the State regulations that will reduce emissions from gas-powered vehicles and equipment over the next 20 years, ROG remains high for the project due to the estimated use of consumer products by the future residents and business operators within the BYSP area. The EIR estimated that consumer products would comprise approximately 60 percent of the future ROG emissions from the project (about 42 of the almost 70 pounds per day).

Consumer products are chemically formulated products used by household and institutional customers, including but not limited to detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products. Consumer products are used by everybody, everywhere in the City, and beyond.

In essence, the analysis concludes that adding enough future residents to the project site will result in ROG emissions exceeding the threshold, and the BYSP project is large enough to exceed the threshold.

The EIR analyzed various ways to implement feasible mitigation to reduce or offset ROG emissions from the project. Mitigation Measure (MM) ENER-1 would prohibit or restrict the use of natural gas in the project, MM AIR-1 would require the use of modern construction equipment which has lower emissions, and MM AIR-2 would require the developer to purchase offsets for lowering emissions elsewhere in the air district.

Purchasing offsets could potentially fully mitigate the impact. The Butte County Air Quality Management District operates a voluntary grant program which funds fleet upgrades, replacement engines, and other air quality enhancements for various heavy emitters in the region. The grant program has experienced success in the past, however, its future success depends on opportunities that cannot be guaranteed to exist to offset ROG emissions from the project. Therefore, the effectiveness of MM AIR-2 cannot be assured to result in fully offsetting ROG emissions from the project, and to be conservative and defensible, the EIR concludes the impact is significant and unavoidable.

Alternatives

The EIR also analyzed a range of alternatives to the proposed project for the purpose of providing decision-makers and the public with a reasonable range of different versions of the project that could meet the project objectives while avoiding or reducing the project's significant environmental effects.

The EIR is not required to consider all possible alternatives to the project, it is only required to include a reasonable range of alternatives to inform readers how variations of the project would compare to the proposed project. The alternatives analyzed in the EIR

include: (1) No Project, (2) a Reduced Commercial Alternative, and (3) an On-site Stormwater Basin alternative.

The No Project alternative was rejected because it would fail to meet any of the project objectives.

The Reduced Commercial Alternative was rejected because, although it would meet most project objectives, it would result in more air emissions than the proposed project and would introduce new significant impacts regarding vehicle miles traveled. In other words, the mixed-use nature of the proposed project strike a favorable balance between new residential and commercial uses, reducing longer vehicle trips for future residents.

Alternative 3, the On-Site Stormwater Basin Alternative, would develop similar land uses compared to the proposed project, except would result in approximately 154 fewer residential units to accommodate the stormwater basin within the BYSP area. A linear easement and new storm drain outfall on Comanche Creek would still be necessary under this alternative.

The EIR found that the Alternative 3 would result in slightly lower impacts compared to the proposed project regarding agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, and recreation (although all of these impacts were considered less than significant for the proposed project). Air quality impacts would still be significant and unavoidable due to the size of the project. This alternative would meet all project objectives, but to a lesser degree due to the reduction in housing units. Due to the uncertainties associated with permitting the off-site stormwater basin, the November 2026 BYSP provides a contingency for on-site retention with a corresponding reduction to approximately 1,096 residential units, as analyzed in the Draft EIR as Alternative 3, the On-site Stormwater Basin Alternative, with the location determined in accordance with Specific Plan Section 6.4.4. This option for on-site retention is incorporated into the Statement of Overriding Considerations contained in **Attachment A1, Exhibit A**.

Environmental Review Conclusion

The EIR analyzed the potential environmental impacts that could result from implementation of the BYSP from several different aspects and required feasible mitigation to reduce significant impacts where appropriate. The proposed project would implement project objectives better than the alternatives analyzed, and no alternative analyzed would eliminate the significant impacts associated with the proposed project.

This is true of Alternative 3 as well; while Alternative 3 would result in marginally lower impacts in several categories, air quality impacts would remain significant and unavoidable under Alternative 3 due to the overall size and land use intensity of the project, consistent with the analysis summarized above.

The EIR represents a good-faith analysis and disclosure of the anticipated environmental impacts of the Barber Yard Specific Plan Project.

Final EIR Clarifications and November 2026 BYSP Update

The BYSP was updated in November 2026 to reflect several additional details and minor revisions to add clarity and refine project details (November 2026 BYSP). A list of the changes made to the Specific Plan and clarifications for the Final EIR is provided in **Attachment D**. The November 2026 BYSP is provided under separate cover.

## REQUESTED ENTITLEMENTS AND STAFF ANALYSIS

The City is processing an application for the Specific Plan and associated approvals, all of which must be approved to implement the BYSP.

Specific Plan (SP 21-01) Staff Analysis and Findings

The Barber Yard Specific Plan, dated November 2026, is summarized above and provided under separate cover, available at the web link at the end of this report.

Per the City's Municipal Code, in order to a approve a specific plan, the City Council considers a recommendation from the Planning Commission and shall find that: (1) the specific plan is consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

*General Plan Consistency*

A comprehensive General Plan Consistency Analysis for the BYSP is contained in **Attachment E** of this report. The following is a summary of the analysis.

The BYSP is consistent with the General Plan on multiple levels, including direction for planning the Barber Yard Special Planning Area, general direction for planning Special Planning Areas (SPAs), and is supportive of and consistent with many General Plan policies pertaining to development projects in general.

The BYSP is consistent with General Plan direction for the Barber Yard SPA in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. Although the BYSP differs from the General Plan's conceptual land use plan by omitting manufacturing and low-density residential land use designations, the favored Medium Density Residential and Residential Mixed-Use designations would provide flexibility for developing future residential uses while remaining near the midpoint of anticipated density and would promote neighborhood compatibility. The BYSP development would be physically connected to the adjacent neighborhoods by extending existing streets into the site, creating interconnected walkable neighborhoods served by a centralized commercial and recreational area. The BYSP omits dedicated office and light industrial uses, instead focusing primarily on the provision of new housing and recreational opportunities. Plans for transit service are included in the BYSP, showing a proposed fixed bus route using Ivy and West 16th

Streets. In sum, the Barber Yard Specific Plan and associated approvals are consistent with the General Plan's vision for the SPA. (Action LU-6.2.3 and Appendix C)

Regarding consistency with broader SPA-related policies, the BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 120,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space. The BYSP is consistent with General Plan direction for planning SPAs in that the proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use (Action LU-2.3.4). The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities.

Flexibility is built into the BYSP by designating and zoning the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site to Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations.

The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP.

All parcels within the SPA are planned with specific land use designations based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road). (Goal LU-6, Policy LU-6.2, and Policy LU-3.1)

Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future vehicular connections to the unincorporated south and west, reinforcing the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico under an easement, subject to all necessary approvals required under applicable laws and regulations, to avoid extending City limits past the Greenline. Dedicating a portion of the off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative

modes of transportation, further reinforcing existing City and County boundaries in the area. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. The City received a comment letter from Butte County Local Agency Formation Commission (LAFCo) staff dated September 18, 2026, regarding the off-site basin. In response, the November 2026 BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4. The on-site location was analyzed in the EIR as Alternative 3, the On-Site Stormwater Basin Alternative, and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek.

Regarding consistency with general development policies, the Barber Yard SPA is situated on a predominantly vacant infill site long identified by the City as an appropriate area for new growth, adjacent to the existing Barber Neighborhood. The BYSP proposes a range of densities within a compact, urban form, and favors R2, R3, and RMU zoning over conventional R1, supporting an efficient and sustainable land use pattern. The BYSP complies with the City's minimum 100-foot-wide buffer from active agricultural uses (240-250 feet wide) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential incompatibility concerns. (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, Action OS-5.2.1)

The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into “The Diamond at Barber Yard,” and reuses roughly 150,000 square feet across three existing Diamond Match buildings, including the historic Engineering Building and Match Block Storage Building, with restoration efforts to be overseen through mitigation measures which have been made part of the BYSP. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the policies encouraging multimodal connections and shared open space. (Goal CD-2, Policy CD-2.1, Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, Action CRHP-2-2.1)

The project provides up to 1,250 units across a mix of single- and multi-family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and “missing middle” housing and assisting with Regional Housing Needs Allocation obligations. The BYSP’s arrangement of land uses is designed to complement the existing neighborhood's character. (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2; Policy H-3.3; Policy H.5.1)

In addition to extending Ivy Street and West 16th Street, new segments of West 14th, 18th, and 20th Streets will be extended into the site to a new connecting street within the BYSP area. The circulation system is integrated and multimodal, featuring several bicycle

and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Neighborhood pattern, and a bus stop provided at the primary intersection of Ivy Street and 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these improvements, the Draft EIR found that the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail which will shorten average trip distances. (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, Policy CIRC-5.3)

The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5)

The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update. (Policy SUS-4.2, Policy SUS-4.3, Policy SUS-5.2, Goal S-9)

As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and operational air emissions were analyzed in detail and will be mitigated to the extent feasible. (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, Goal S-8)

Residential noise will remain within exterior standards and remaining noise impacts would be addressed through adherence to City noise standards and Mitigation Measures NOI-1 through NOI-3, which are incorporated into the BYSP. (Policy N-1.2, Policy N-1.3, Policy N-1.5, Goal N-3)

*Physical Suitability of the Site*

The relatively flat BYSP site is physically suitable for the proposed land use classifications, and the anticipated future development resulting therefrom, including access by extending existing streets into the site, the provision of utilities which will be extended with new facilities as necessary to serve the planned development, compatibility with adjoining land uses by extending the existing neighborhood and securing non-residential portions of the perimeter, and the purposeful planning of new parks and

amenities to retain historic structures and restore historic uses. Soil remediation, overseen by the State (i.e., DTSC), will be required by the City as a precondition of development. Future tentative subdivision maps will be subject to review and approval by the Planning Commission, and City architectural review of future multi-family residential and commercial land development within the BYSP site will ensure that specific elements of individual sites are completed in a manner that is compatible with the site and adjoining land uses. There are no physical constraints on the BYSP site which would prohibit development and use of the site consistent with the BYSP.

Alternative 3, the On-Site Stormwater Basin Alternative, is also physically suitable for the reasons set forth above, as it utilizes the same site access, utility provision, and land use compatibility conditions as the proposed project, differing only in the location and configuration of stormwater facilities, which are addressed in Section 6.7 of the Final EIR.

General Plan Amendment (GPA 22-05) Staff Analysis and Findings

The General Plan Amendment would amend the Land Use Diagram and General Plan text to reflect adoption of the BYSP and to remove Barber Yard as an SPA. Specifically, the BYSP land use designations would be added to the General Plan Land Use Diagram, Action LU-6.2.3 *(Barber Yard SPA Planning)* would be revised to refer to implementing the adopted BYSP, the total number of SPAs would be changed to three, and the Barber Yard SPA would be removed from Appendix C of the General Plan.

To approve general plan amendments, the City Council considers the Planning Commission's recommendation and must find that: (1) the amendments are internally consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

*General Plan Consistency*

The General Plan would remain internally consistent because the amendments would reflect adoption of the BYSP and would remove the Barber Yard SPA from being shown and described as a future growth area. The BYSP, including its proposed land use designations, is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for the Specific Plan 21-01.

*Physical Suitability of the Site*

The BYSP site is physically suitable for the proposed mix of land use designations and other development criteria established within the BYSP for the same reasons set forth above for Specific Plan 21-01. There are no physical constraints on the site which would prohibit development and use of the site consistent with the BYSP.

Rezone (RZ 19-01) Staff Analysis and Findings

The rezone would amend the City's zoning of the site to reflect the BYSP's Zoning Summary (Figure 3.3 of the BYSP). In addition, a new Barber Yard (-BY) overlay district would be added over the site. The -BY overlay district is described under the analysis for

code amendment 22-03, below. Each proposed zoning district within the BYSP corresponds to an existing City zoning district.

To approve zoning map amendments the City Council considers the Planning Commission's recommendation and must find that: (1) the amendments are consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

*General Plan Consistency*

The zoning map amendments would be consistent with the General Plan because they would reflect the BYSP Zoning Map and would facilitate implementation of the BYSP. The BYSP is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for Specific Plan 21-01.

*Physical Suitability of the Site*

The BYSP site is physically suitable for the proposed mix of land use designations and other development criteria established within the BYSP for the same reasons set forth above for Specific Plan 21-01. There are no physical constraints on the site which would prohibit development and use of the site consistent with the BYSP and its proposed zoning.

Code Amendments (CA 22-02) Staff Analysis and Findings

The code amendments would add a new zoning overlay district to Title 19 of the Chico Municipal Code. The overlay district would note that allowable land uses and development standards for sites subject to the -BY overlay are governed by the BYSP, and where the BYSP is silent on a particular land use or development standard, typical Title 19 regulations shall apply. The code amendments also acknowledge that the administration and permit procedures from Title 19 would apply to processing entitlement requests within the BYSP area (e.g. architectural reviews and use permits would follow typical City processes).

To approve Title 19 code amendments, the City Council considers the Planning Commission's recommendation and must find that the amendments are: (1) consistent with the General Plan, and (2) consistent with other applicable provisions of Title 19 and compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning districts for which it is proposed.

*General Plan Consistency*

The code amendments would be consistent with the General Plan because they would facilitate implementation of the BYSP, which is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for Specific Plan 21-01.

*Title 19 Internal Consistency*

Adding the -BY overlay zone is consistent with other applicable provisions of Title 19 in that the -BY overlay zone directs implementation of the BYSP by referring to the specific plan's land use allowances and development standards and directs the use of Title 19 regulations for administration, permitting procedures, and for land use allowances and development standards where the specific plan is silent. The land use allowances and development standards contained in the BYSP are modeled after, and are similar to, Title 19 land use allowances and development standards, with intentional exceptions to support the design objectives contained within the specific plan. For example, the BYSP allows smaller residential lots in order to support the provision of more affordable housing options, which advances the BYSP objective to provide housing choices that are generally smaller than the average unit size in Chico. The -BY overlay zone will result in uses which are compatible internally within the specific plan area and between the specific plan area and surrounding properties.

Development Amendment (DA 23-02) Staff Analysis and Findings

A Development Agreement (DA) is a voluntary, legally-binding contract negotiated between the City and a property owner or developer that governs the long-term development of a specific site.

The proposed Barber Yard Specific Plan DA would document obligations, benefits, and coordination efforts for the City and developer for development of the BYSP area. Generally, the DA provides the developer with vested development rights in exchange for specified public improvements, infrastructure, housing, and other community benefits.

The DA would provide the developer with vested rights to develop the BYSP over the 25-year term of the agreement, consistent with the BYSP and the City rules and regulations in effect at the time DA is executed. As a result, many provisions in the DA simply reflect current City practices, such as requiring sewer mains consistent with the Sewer Master Plan, applying for City permits through normal processes, and paying permit processing fees in effect at the time of permit application.

The DA would also benefit the developer by freezing the City's Development Impact Fees (DIF) for development within BYSP for a period of five years, and extending the life of future tentative subdivision map and parcel map approvals out to the term of the DA.

In exchange for those benefits to the developer, the City would receive benefits in the form of new, fully developed community and neighborhood parks during development of the project, and assistance documenting 100 units of new housing which is affordable to households with moderate incomes.

Several provisions of the DA are beneficial to both parties, such as creation of the Barber Streets Improvement Fund (BSIF) that would be funded by the developer for the City to design and construct improvements to address existing deficient infrastructure in the adjacent Barber Neighborhood (e.g., pavement restoration, bike lanes, and sidewalks). Another mutual benefit would be the Ivy Street Lot Line Adjustment, in which the developer would acquire 0.35-acres of unused City land for development in exchange for

providing the City with 0.35-acres of future right of way and constructing the extension of Ivy Street across the City-owned property.

*Findings*

To approve the DA the City Council must find that: (1) the development agreement would be in the best interest of the City, and (2) the development agreement would promote the public interest and welfare of the City.

*Best Interest of the City*

The DA is in the best interests of the City because it would help implement adopted City growth plans consistent with General Plan policies as noted above for SP 21-01, providing for the orderly long-term growth of the City. The DA is also in the best interest of the City because it would facilitate the establishment of a variety of future housing, including affordable housing, new community and neighborhood parks constructed as development progresses, and would require multi-modal infrastructure improvements commensurate with project development.

The DA further serves the best interest of the City by accommodating both the proposed off-site stormwater basin and Alternative 3 as fully analyzed options, ensuring the project can proceed in an orderly manner regardless of the outcome of future regulatory approvals, without requiring further discretionary review or delay.

*Promote Public Interest and Welfare of the City*

The DA will promote the public interest and welfare of the City because it would ensure that new development is more self-sustaining and does not overburden City resources. The DA would also promote public interest and welfare of the City by declaring and establishing timing for certain roadway improvements, and by supporting the provision of public parks which are needed in Southeast Chico.

The DA would facilitate orderly development of the BYSP site, which is consistent with the General Plan for the same reasons provided above in the General Plan consistency analysis for SP 21-01.

Conclusion

Based on the above, and the detailed General Plan consistency analysis provided in **Attachment E**, staff recommends that each of the required findings to approve the BYSP and related applications be made. The draft City Council resolutions and ordinances necessary to approve the BYSP and related applications are provided as **Exhibits 1-7** of the recommended Planning Commission resolution included as **Attachment A**.

## PUBLIC CONTACT

A 20-day public hearing notice was mailed to all landowners and residents within 500 feet of the project site, and a one-eighth page display advertisement was published in the *Chico Enterprise Record*. Based on comment received during the EIR process, additional noticing was sent to properties in the Barber Neighborhood, extending east to Park

Avenue and north to West 9th Street (see **Attachment B**).

Comments received during the circulation period for the DEIR are included in the Final EIR along with City responses to the issues raised within those comments. Other public comments received are included under **Attachment F**. Responses to the comments are provided in a separate staff memorandum (see **Attachment G**).

## ATTACHMENTS

A. Planning Commission Resolution 26-04
   Exhibit A1: City Council Resolution to Certify EIR
   Exhibit A2: City Council Resolution of CEQA Findings and SOC
   Exhibit A3: City Council Resolution to Amend General Plan
   Exhibit A4: City Council Ordinance for Rezone
   Exhibit A5: City Council Ordinance to Amend Title 19
   Exhibit A6: City Council Resolution to Adopt Barber Yard Specific Plan
   Exhibit A7: City Council Ordinance to Approve Development Agreement
B. Location/Notification Map
C. BYSP Land Use Plan
D. Final EIR Clarifications and Refinements
E. General Plan Consistency Analysis
F. Public Comments
G. Staff Memorandum – Response to Comments

Provided under separate cover: Barber Yard Specific Plan (November 2026)

The Barber Yard Specific Plan, Draft EIR, Final EIR, supporting appendices, and other project information is available online at: https://chico.ca.us/Departments/Community-Development/Planning-Division/Current-Projects/index.html

## DISTRIBUTION

PC Distribution
Owner/Applicant
Interested Parties List

**RESOLUTION NO. 26-04**

**RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF THE BARBER YARD SPECIFIC PLAN AND RELATED APPLICATIONS (SP 21-01, RZ 22-03, CA 22-03, GPA 22-05, DA 23-02)**

WHEREAS, the City received an application for specific plan which would implement the Barber Yard Special Planning Area (SPA-2) as described in the General Plan (SP 21-01), and related applications which include a rezone (RZ 22-03), code amendment (CA 22-03), general plan amendment (GPA 22-05), and development agreement (DA 23-02), as refined by the November 2026 Barber Yard Specific Plan, which provides that stormwater detention will be located either off-site within the 13.5-acre stormwater basin parcel (preferred), subject to all necessary approvals required under applicable laws and regulations, or on-site within the Specific Plan area, as determined in accordance with Specific Plan Section 6.4.4, located on an approximately 133-acre site identified by Assessor's Parcel Numbers 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053 ("Project"); and

WHEREAS, the City has prepared an Environmental Impact Report (EIR) for the Project and has prepared certain findings regarding the environmental effects, a statement of overriding considerations for those impacts which cannot be mitigated to a level of less than significant, and a mitigation monitoring and reporting program for the Project pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), and the local procedures adopted by the City pursuant thereto; and

WHEREAS, the EIR reflects the City of Chico's independent judgment and analysis; and

WHEREAS, the Planning Commission has considered the Project, the recommendations of the staff report, and comments provided at a public hearing, duly noticed and held in the manner required by law on November 19, 2026.

NOW THEREFORE, BE IT RESOLVED by the City of Chico Planning Commission as follows:

1. The Commission hereby determines and finds that the facts set forth in the recitals above are true and correct and are hereby added as substantive findings.
2. Based on all of the above, and based on the findings contained in the attached draft Resolutions and Ordinances prepared for the City Council, the Planning Commission hereby recommends that the City Council approve the Barber Yard Specific Plan as the preferred alternative and Alternative 3, the On-Site Stormwater Basin Alternative, as a secondary alternative by adopting the attached Resolutions and Ordinances which would certify the EIR as complete and in compliance with CEQA, make certain findings required by CEQA, adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, amend the General Plan, rezone the Project site, amend Title 19 of the Chico Municipal Code, adopt the Barber Yard Specific Plan, and approve the Development Agreement between the applicant and the City, each attached hereto as Exhibits 1 though 7.
3. The Planning Commission hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.

THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Mike Sawley, AICP
Planning Commission Secretary

APPROVED AS TO FORM:

_____
Nancy N. Ashjian, Deputy City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**RESOLUTION NO. _____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BARBER YARD SPECIFIC PLAN (State Clearinghouse Number 2023030641)**

WHEREAS, an Environmental Impact Report ("EIR") has been prepared for and by the City of Chico for the Barber Yard Specific Plan, which comprises applications for a Specific Plan (SP 21-01), General Plan Amendment (GPA 22-05), Rezone (RZ 22-03), Code Amendment (CA 22-03), and Development Agreement (DA 23-02), as refined by the November 2026 Barber Yard Specific Plan, which provides that stormwater detention will be located either off-site within the 13.5-acre stormwater basin parcel (preferred), subject to all necessary approvals required under applicable laws and regulations, or on-site within the Specific Plan area, as determined in accordance with Specific Plan Section 6.4.4 ("Project"), pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), and the local procedures adopted by the City pursuant thereto (collectively, the "CEQA Requirements"), which govern the preparation, content, and processing of EIRs; and

WHEREAS, upon determining the Project development applications complete, the City issued a Notice of Preparation ("NOP") of a Draft EIR and filed the NOP with the State Clearinghouse on or about March 24, 2023; and

WHEREAS, the City circulated the NOP for forty-five (45) days and received comments from agencies and the public between March 25, 2023, and May 9, 2023; and

WHEREAS, the City conducted public scoping meetings on the Project and EIR on April 6, 2023, and April 27, 2023; and

WHEREAS, the City prepared a Draft EIR and filed a Notice of Completion ("NOC") for the Draft EIR, with the State Clearinghouse on January 7, 2025; and

WHEREAS, the City issued a Notice of Availability ("NOA") on January 6, 2025, and mailed or emailed the NOA of the Draft EIR to all persons and organizations having requested notice of same, and directly mailed the owners and occupants of property within 500 feet of the site as shown on the latest equalized assessment roll, and, on January 6, 2025, caused the NOA of

the Draft EIR to be published in a newspaper of general circulation within the City; and

WHEREAS, the public review period for the Draft EIR was sixty (60) days commencing on January 6, 2025, and concluding on March 7, 2025, during which time the City received comments on the Draft EIR; and

WHEREAS, on January 30, 2025, the Planning staff conducted a public meeting to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, subsequent to close of the review and comment period for the Draft EIR, the City released a Final EIR in accordance with CEQA Requirements, including City responses to all comments submitted during the Draft EIR public review period, and to fully address all potential effects of implementation of the Project; and

WHEREAS, the Final EIR was forwarded to all commenting agencies on or about September 16, 2026, which was not less than ten (10) days prior to the date established for a Planning Commission hearing to consider the Project; and

WHEREAS, a document containing Clarifications and Refinements to the Final EIR was forwarded to all commenting agencies on or about November 12, 2026, which was not less than ten (10) days prior to the City's certification of the EIR for the Project; and

WHEREAS, the Planning Commission of the City of Chico considered the Project, staff report, comments received prior to the public hearing held on November 19, 2026, comments received at the duly noticed public hearing held on November 19, 2026, and voted _____ to recommend that the City Council certify the EIR prepared for the Project; and

WHEREAS, the City Council of the City of Chico considered the Project, staff report, Planning Commission recommendation, and comments received at the duly noticed public hearing held on_____.

NOW THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

1. The City Council makes the following findings supported by the entire record before it, including but not limited to the Final EIR, all documents incorporated by reference therein, all comments received and responses provided, the Findings of Fact and Statement of Overriding

Considerations (as provided in Exhibit A to City Council Resolution No. ___-___), the Mitigation Monitoring and Reporting Program (as provided in Exhibit B to City Council Resolution No. ___-___), and all other evidence in the record of these proceedings:

A. The recitals set forth above are true and correct and are hereby added as substantive findings.

B. The NOP and Draft EIR were duly prepared, noticed, and properly circulated in accordance with the provisions of CEQA.

C. All comments received during the period of public review have been duly considered and incorporated into the Final EIR, and responded to, all in accordance with CEQA.

D. The City provided written responses to all public agency comments received on the Draft EIR at least ten (10) days before certification of the Final EIR, pursuant to the provisions of CEQA.

E. A good faith effort has been made to identify potentially feasible mitigation measures and alternatives to the extent necessary to avoid or substantially lessen the significant adverse effects of the Project, and such mitigation measures and alternatives were considered in the review process in accordance with the provisions of CEQA.

F. The EIR for the proposed Project has been properly completed and has identified all significant environmental effects of the Project, and there are no known potential significant environmental effects that are not addressed in the EIR.

G. A good faith effort has been made to seek out and consider all points of view in the preparation of the Draft EIR and the Final EIR.

H. The Final EIR was presented to the City Council, and the City Council has reviewed and considered the information in the EIR prior to approving the Project.

I. The EIR for the Project reflects the City's independent judgment and analysis.

J. The Clarifications and Refinements to the Final EIR, including the stormwater detention options described in Specific Plan Section 6.4.4, were evaluated in the EIR, do not result in any new significant environmental effect or a substantial increase in the severity of any environmental effect identified in the EIR, and do not constitute significant new

information requiring recirculation under CEQA Guidelines Section 15088.5.

2. Certification of the EIR.

Having independently considered the EIR, the City Council hereby certifies that the EIR has been prepared, circulated for agency and public review, completed in compliance with the requirements of CEQA, and fully and adequately discloses and addresses all environmental issues known to be associated with the Project.

3. The City Council hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.

4. A Notice of Determination shall be filed withing five (5) working days after final approval of the proposed Project.

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**RESOLUTION NO. _____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO: 1) ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, 2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BARBER YARD SPECIFIC PLAN (State Clearinghouse Number 2023030641)**

WHEREAS, the City of Chico City Council has adopted a resolution certifying that the Environmental Impact Report ("EIR") prepared for the Barber Yard Specific Plan, which comprises applications for a Specific Plan (SP 21-01), General Plan Amendment (GPA 22-05), Rezone (RZ 22-03), Code Amendment (CA 22-03), and Development Agreement (DA 23-02), as refined by the November 2026 Barber Yard Specific Plan, including the stormwater detention options described in Specific Plan Section 6.4.4 ("Project"), has been completed in compliance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), and the local procedures adopted by the City pursuant thereto (collectively, the "CEQA Requirements"); reviewed and considered the information and analysis contained in the EIR; and found that the EIR reflects the City's independent judgment; and

WHEREAS, the City Council has reviewed the EIR prepared for the Project, the staff reports pertaining to the EIR, the Planning Commission hearing minutes and reports, and all evidence received at the Planning Commission and City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project, absent the adoption of mitigation measures; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the City Council would have made its decision on the basis of any one of those reasons; and

WHEREAS, the City is required, pursuant to the CEQA Requirements, to adopt all feasible

mitigation measures or feasible Project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved; and

WHEREAS, as the CEQA Findings of Fact attached to this resolution demonstrate, many of the significant effects on the environment associated with the Project can be either avoided or substantially lessened through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the City must consider the feasibility of alternatives, as set forth in the EIR, that may avoid or substantially lessen such impacts; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, legal, social, technological and other considerations for approving the Project, that the Council believes justify the occurrence of those impacts; and

WHEREAS, the City is required by Public Resources Code section 21081.6(a) to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Program for the Project has been prepared; and

WHEREAS, the Planning Commission of the City of Chico considered the Project, staff report, comments received prior to the public hearing held on November 19, 2026, comments received at the duly noticed public hearing held on November 19, 2026, and voted _____ to recommend that the City Council adopt certain CEQA Findings of Fact regarding environmental effects, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program prepared for the Project; and

WHEREAS, the City Council of the City of Chico considered the Project, staff report, Planning

Commission recommendation, and comments received at the duly noticed public hearing held on _____.

NOW, THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

1. The Findings of Fact of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project. The City Council adopts the CEQA Findings of Fact attached as Exhibit A to this resolution, as required by Public Resources Code section 21081, subdivision (a); and
2. The Statement of Overriding Considerations of this Resolution provides findings required under Section 15093 of the CEQA Guidelines for significant effects of the proposed Project. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting the adverse impacts of the proposed Project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the Project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, adopts the Statement of Overriding Considerations, included within Exhibit A to this resolution, as required by Public Resources Code section 21081, subdivision (b); and
3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the Project will result in significant effects on the environment; however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093; and
4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the proposed Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The on-site stormwater detention location analyzed in the EIR as

Alternative 3, the On-Site Stormwater Basin Alternative, has been incorporated into the Project as described in Specific Plan Section 6.4.4, and is not rejected. The City Council hereby rejects all other alternatives, and combinations and variations thereof; and

5. The Mitigation Monitoring and Reporting Program of this Resolution provides findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project. The City Council adopts the Mitigation Monitoring and Reporting Program attached as Exhibit B to this resolution, as required by Public Resources Code section 21081.6, subdivision (a), to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the Project and shall be binding upon the City and affected parties.

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

# Exhibit A

## CEQA FINDINGS OF FACT
## and
## STATEMENT OF OVERRIDING CONSIDERATIONS

### I.
### INTRODUCTION

These findings, as well as the accompanying statement of overriding considerations, have been prepared in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines (14 Cal. Code Regs § 15000 et seq., "Guidelines"), and the local procedures adopted by the City of Chico ("City"). The City is the lead agency for the environmental review of the project and has principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is known as the Barber Yard Specific Plan Project ("BYSP").

In determining to approve the Barber Yard Specific Plan, as refined by the November 2026 Specific Plan, which provides that stormwater detention will be located either off-site within the 13.5-acre stormwater basin parcel (preferred), subject to all necessary approvals required under applicable laws and regulations, or on-site within the BYSP Area with a corresponding reduction to approximately 1,096 residential units, as analyzed in the Draft EIR as Alternative 3, the On-site Stormwater Basin Alternative, with the location determined in accordance with Specific Plan Section 6.4.4 (referred to hereinafter as the "Project") the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates all of the applicable mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding ("administrative record"). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings contained herein. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record. The findings provide the written analysis and conclusions regarding the Project's environmental impacts.

The Guidelines promulgated pursuant to CEQA provide:

> No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
>
> (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> (c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The required findings shall be supported by substantial evidence in the record (Guidelines § 15091).

## II.
## STATEMENT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the BYSP and the Environmental Impact Report ("EIR"). The findings and determinations constitute the independent findings and determinations by the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the City Council hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the City Council's approval of mitigation measures recommended in the EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the BYSP must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

As noted above, the City of Chico is required to make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091. Accordingly, the City of Chico hereby makes these required findings, as set forth in this document ("Findings"). These Findings summarize the environmental determinations about the proposed project's significant impacts before and after mitigation and summarize the project's individual and cumulative impacts. These Findings do not attempt to describe the full analysis of each environmental impact. Instead, they provide a summary description of each significant impact and the applicable mitigation measures identified in the EIR and adopted by the City of Chico and state the conclusions regarding the significance of each impact after incorporation of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions can be found in the EIR, as supplemented and explained in staff reports and materials presented by the project applicant, the City of Chico staff, and various project consultants, and other relevant materials in the administrative record.

The following sets forth all significant effects of the proposed project and with respect to each effect, makes one or more of the findings set forth in Section I, Introduction, and provides facts in support of such findings.

This City Council has heard, been presented with, reviewed, and considered all of the documentation, materials and information in the administrative record, including, without limitation, the Draft and Final EIRs, and all oral and written evidence presented to it during the proposed project's entitlement process including, without limitation, evidence presented to it during all public meetings and hearings on the matter. The EIR reflects the independent judgment of this City Council and is deemed adequate for purposes of making decisions on the merits of the proposed project. In exercising this judgment, this City Council has reviewed and considered the EIR and other relevant information, documentation, and materials in the administrative record including, without limitation, public testimony.

## III.
## DEFINITIONS AND ACRONYMS

"BCAQMD" means Butte County Air Quality Management District.
"BMP" means Best Management Practices.
"BRA" means the Biological Resource Assessment, dated April 5, 2024, revised October 23, 2024, which is included as Appendix D of the Draft EIR.
"BYSP" means Barber Yard Specific Plan.
"CAP" means the City's Climate Action Plan.
"CDFW" means California Department of Fish and Wildlife.
"CEQA" means California Environmental Quality Act.
"City" means City of Chico.
"CO2e" means carbon dioxide equivalent.
"Council" or "City Council" means the City Council of the City of Chico.
"DEIR" or "Draft EIR" means the Draft Environmental Impact Report for the Barber Yard Specific Plan, dated January 2, 2025.
"EIR" means Environmental Impact Report, including both the DEIR, all appendices attached to the DEIR, and the FEIR, identified by State Clearinghouse No. 2023030641. All acronyms not defined in this document shall have the same meaning as defined in the DEIR.
"FEIR" or "Final EIR" means the Final Environmental Impact Report for the Barber Yard Specific Plan, dated September 16, 2026.
"MMRP" means Mitigation Monitoring and Reporting Program.
"MT" means metric tons.
"NOx" means nitrogen oxide.
"NOP" means Notice of Preparation.
"$O_3$" means ozone.
"PM10" means particulate matter equal to or less than 10 microns in diameter.
"PRC" means California Public Resources Code.
"Project" means the BYSP, as refined, including the stormwater detention options described in Specific Plan Section 6.4.4, as provided in Section I.
"ROG" means reactive organic gases.
"SCH" means State Clearinghouse.
"SOI" means Sphere of Influence.
"TDM" means Transportation Demand Management.
"VMT" means vehicle miles traveled.
"VOC" means Volatile Organic Compounds.

## IV.
## PROJECT DESCRIPTION

### A. PROJECT DESCRIPTION

The City is evaluating the environmental effects of development of an approximately 133-acre project site located on a former Diamond Match Factory site in southwesterly Chico (BYSP Area), plus an approximately 16-acre off-site improvement area mostly located south of the BYSP Area. The 133-acre BYSP Area is located in the City of Chico in Butte County, California, within the

Sacramento Valley region in the central portion of Northern California. The 16-acre off-site improvement area (or "Southern Study Area") is in proximity to the BYSP Area, with adjoining portions being in the City and the remaining portions being within unincorporated Butte County. The 16-acre off-site improvement area comprises the stormwater basin parcel (13.5 acres) and related infrastructure alignments, as well as miscellaneous areas around the perimeter associated with street connections to Estes Road and at Ivy, W. 14th, W. 16th, W. 18th, and W. 20th Streets.

The proposed Barber Yard Specific Plan (BYSP or Specific Plan; Project) is a comprehensive planning and regulatory document that calls for up to 1,250 residential units, adaptive reuse of existing buildings for recreational uses (150,000 square feet), up to 60,000 square feet of new commercial uses, and approximately 10 acres of new parks. The existing asphalt cap would remain unaltered. The BYSP includes land use objectives, development standards, street designs, multiple new park sites, provisions for utilities, and a comprehensive mobility framework. Proposed land uses include: Medium Density Residential (79 acres), Medium-High Density Residential (26 acres), Residential Mixed Use (15 acres), Secondary Open Space (10 acres) and Primary Open Space (3 acres, to reserve the asphalt cap). The proposed project includes zone changes, General Plan amendments, code amendments, a development agreement and the specific plan itself which fully incorporates the final mitigation measures identified in the EIR.

As proposed, stormwater would be collected by a new storm drain network within the BYSP area and conveyed to an approximately five-acre stormwater basin located on the off-site stormwater parcel which would hold the storm water and meter it to a new outfall located on Comanche Creek. Locating the stormwater basin in unincorporated Butte County would require approval from the County of Butte, and possibly additional agencies outside the City of Chico. Because the necessary approvals for the off-site location cannot be assured, the Specific Plan provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if those approvals are not obtained by the milestone in Specific Plan Section 6.4.4. The on-site location and reduced unit count were analyzed in the Draft EIR as Alternative 3, the On-site Stormwater Basin Alternative.

## B. PROJECT OBJECTIVES

The proposed project's underlying purpose is to create a new mixed-use neighborhood, with a distinct sense of place that incorporates opportunities for commercial, recreational and entertainment amenities and facilitates the integration of new infrastructure. To advance this purpose, the objectives of the project are to:

- Develop the BYSP in an economically viable manner as an extension of the Barber Neighborhood.
- Preserve and celebrate the BYSP Area's rich history to foster a strong sense of place.
- Direct development in proximity to and with connections to the existing Barber Neighborhood, Downtown, and Chico State, supporting the efficient use of land through higher density.
- Create a wide range of housing opportunities and choices that are generally smaller than the average unit size in Chico and focused on providing options to broad segments of the community.
- Encourage a variety of transportation choices, including access to public transit, support for people-powered modes, and accommodation of emerging technologies.

- Create walkability throughout the BYSP Area and with connections to the surrounding neighborhood.
- Encourage a mix of land uses including a central Social Hub for new residents, the broader neighborhood, and the Chico community. (Draft EIR, page ES-2. Executive Summary)

### C. REQUIRED APPROVALS

Discretionary approvals and permits are required for implementation of the Project. (Draft EIR, page 2-49) The proposed Project would require the following discretionary approvals and actions, including:

- Approval of Barber Yard Specific Plan
- Rezone of the BYSP Area
- Conforming General Plan Amendments
- Land Use Diagram and text amendments to reflect the BYSP
- Zoning map and Code Amendments to add zoning overlay to implement the BYSP
- Development Agreement
- Tentative Subdivision/Parcel Maps
- Site Design and Architectural Review approvals
- Grading Permits
- Tree Removal Permits
- Approvals from other agencies for off-site improvements, as required under applicable laws and regulations, including a Butte County Administrative Permit if the off-site stormwater location is pursued

The Barber Yard Specific Plan EIR serves as the primary environmental document for all future discretionary actions associated with development of the BYSP. The City will review subsequent discretionary proposals for consistency with the BYSP EIR and determine if the request is consistent. In general, if it is determined that a subsequent application or approval is consistent with the Specific Plan and is within the scope of the EIR, further environmental review will not be necessary. Section 65457(a) of the California Government Code and section 15182(c) of the CEQA Guidelines provide that no additional environmental review is required for any residential project undertaken in conformity with an adopted specific plan for which an EIR has been certified. If it is determined that a development application is inconsistent with the Specific Plan and/or substantial evidence exists that supports the occurrence of any of the events set forth in section 21166 of the Public Resources Code ("PRC") and section 15162 of the CEQA Guidelines, a determination will be made as to the appropriate subsequent environmental document. Draft EIR Chapter 2, Project Description, provided a complete description of the BYSP, which was modified in response to comments as reflected in Section 4 of the Final EIR, Errata and as further refined in the Clarifications and Refinements to the Final EIR.

## V.
## ENVIRONMENTAL REVIEW PROCESS

### A. PROCESS OVERVIEW

In accordance with section 15082 of the CEQA Guidelines, the City of Chico released an initial Notice of Preparation (NOP) for public review from March 25, 2023, through April 24, 2023, (30-day review period). Upon request for more review time, an updated NOP was released on

April 12, 2023, to allow for Public Review from March 25, 2023, through May 9, 2023, (45-day review period). The NOP and copies of comments received are included as Appendix A of the Draft EIR.

On April 6, 2023, a first scoping meeting was held at the Chico Country Day Middle School, 1056 Broadway Street, Chico, CA 95928. The meeting was held from 6:00 p.m. to 7:30 p.m. to collect oral and written comments on the scope of the Draft EIR.

On April 27, 2023, a second scoping meeting was held at the Chico Country Day Middle School, 1056 Broadway Street, Chico, CA 95928. The meeting was held from 6:00 p.m. to 7:30 p.m. to collect oral and written comments on the scope of the Draft EIR.

The Draft EIR includes a discussion of land use and planning issues (Draft EIR, Chapter 3), and an analysis of the following resource issue areas:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

The topic of Mineral Resources was not studied further in the Draft EIR because, as explained in the NOP, impacts in this topical area would be less than significant or no impacts would occur.

The Draft EIR was initially circulated for a public review period between January 7, 2025, and February 20, 2025 (45-day review period). However, on February 13, 2025, the City released an updated Notice of Availability (NOA) stating that it extended the comment period to March 7, 2025 (60-day review period).

On January 30, 2025, a public hearing was held by Planning staff at the City of Chico Council Chambers, 421 Main Street, Chico, CA 95928. The meeting was held from 6:00 p.m. to 7:30 p.m. to collect oral and written comments on the scope of the Draft EIR.

The City received 53 comment letters from agencies and the public regarding the Draft EIR. On September 16, 2026, the City published a Final EIR for the BYSP.

## B. DISAGREEMENT AMONG EXPERTS

As reflected in the Final EIR, there is or may be disagreement among various parties regarding particular conclusions in the EIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for treating disagreement among experts in the context of an EIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy.

In making a decision on a project where there is disagreement among experts, the lead agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, decision-makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the EIR and approve the Project, the City of Chico recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The Lead Agency has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the EIR; as well as by its review of the information provided by the experts who prepared the EIR; the Lead Agency's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. The materials reviewed by the Lead Agency include conflicting expert opinions and conflicting statements of facts, as well as other comments on the environmental issues set forth in the EIR. This comprehensive review has enabled the Lead Agency to make its decisions after weighing and considering the various viewpoints on these important issues, and the Lead Agency has made determinations of significant effects based on substantial evidence, not public controversy or speculation. The conclusions and analyses set forth in the EIR are further supported by other documents, information and materials included in the administrative record.

Specifically, the City acknowledges the comment letter submitted by LAFCo staff on September 18, 2026, asserting that the proposed off-site stormwater basin constitutes an extension of municipal services requiring LAFCo approval under Government Code Section 56133, and raising concerns regarding the conversion of prime agricultural land beyond the Chico Area Greenline. The City has considered LAFCo’s position and, in light of the uncertainty regarding approvals for the off-site location, the Specific Plan provides for on-site stormwater detention, as analyzed in the EIR as Alternative 3, if those approvals are not obtained, as further discussed in Section X below. The City's consideration of LAFCo's comments does not constitute agreement with LAFCo's legal conclusions, and the City reserves the right to respond further to LAFCo through separate correspondence.

Accordingly, the Lead Agency hereby certifies that its Findings and determinations are based on all of the evidence contained in the EIR, as well as the evidence and other information in the record

addressing the environmental impacts of the Project, and hereby elects to rely on the analysis and evidence set forth in the EIR.

## VI.
## RECORD OF PROCEEDINGS

This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the basis for the Council's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the Council's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the Lead Agency intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

The documents in the record include, at minimum, all items referenced in Public Resources Code Section 21167.6(e):

- The Notice of Preparation dated March 24, 2023, and all other public notices issued by the City in conjunction with the BYSP;
- Oral testimony received at scoping meetings held on April 6, 2023, and April 27, 2023;
- All applications for approvals and development entitlements related to the BYSP and submitted to the City;
- Comments received on the Notice of Preparation issued by the City;
- The Draft EIR and all appendices to the Draft EIR for the BYSP;
- Notices of Completion and of Availability, providing notice that the Draft EIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All comments and correspondence submitted to the City with respect to the BYSP, in addition to timely comments on the Draft EIR;
- The Final EIR for the BYSP dated September 16, 2026, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:
    - All timely comments received on the Draft EIR and responses to those comments;
    - All Technical Appendices to the EIR;
    - Letters and correspondence submitted to the City following the release of the Final EIR;
    - The comment letter from Butte Local Agency Formation Commission (LAFCo) staff, dated September 18, 2026, regarding the off-site stormwater basin;
    - The Mitigation Monitoring and Reporting Program for the BYSP;

- The Notice of Public Hearing and availability of Final EIR issued on or about October 24, 2026, in connection with the City of Chico Planning Commission hearing for the BYSP held on November 19, 2026;
- All findings and resolutions adopted by the City in connection with the BYSP approvals, and all documents cited or referred to therein;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the BYSP;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR or Final EIR;
- All documents submitted to the City by other public agencies or members of the public in connection with the BYSP, up through the close of the public hearing;
- Any documentary or other evidence submitted to the City at any other information sessions, public meeting or public hearing;
- The relevant files of the City of Chico Community Development Department for the BYSP;
- The relevant City files and the materials submitted by the Project applicant;
- The City of Chico General Plan and Chico Municipal Code;
- Matters of common knowledge to the City including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above;
- All other notices issued by the lead agency to comply with legal noticing requirements governing the processing and approval of the project;
- All written evidence or correspondence submitted to, or transferred from, the lead agency with respect to compliance with this division or with respect to the project;
- Any proposed decisions or findings submitted to the decision-makers by lead agency staff, or the project proponent, project opponents, or other interested agencies, organizations and/or individuals;
- The documentation of the final decision, including the Draft EIR and all documents, in addition to those referenced herein, cited or relied on in the findings or in a Statement of Overriding Considerations adopted pursuant to this division;
- For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area;
- Any other written materials relevant to the lead agency's compliance with this division or to its decision on the merits of the project, including any drafts of any environmental document or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the

project and either made available to the public during the public review period or included in the lead agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division;

- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation; and
- Any additional items required pursuant to Public Resources Code section 21167.6(e) not included above, or if otherwise required by law.

The official custodian of the record is the Community Development Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

## VII.
## FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).)

The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the

meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a).) With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the BYSP in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the BYSP.

## VIII.
## MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for the BYSP and is being approved by the City Council by the same resolution that adopts these findings. The City will use the MMRP to verify compliance with adopted mitigation measures. The MMRP will

remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

## IX.
## FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

### A. POTENTIAL EFFECTS WHICH ARE LESS THAN SIGNIFICANT

The City of Chico has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Draft and Final EIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the City of Chico and is deemed adequate for purposes of making decisions on the merits of the project.

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact and for which no mitigation is necessary.

Therefore, based on its independent judgment and the entire administrative record before it, the City of Chico has determined and finds that the following environmental impacts will not exceed any established thresholds and will result in no impact on the environment:

Aesthetics, Light, and Glare

State Scenic Highways (Draft EIR Sections 1.2.1, 4.2.1)

Agriculture and Forestry Resources

Conflict with Existing Zoning or Cause Rezoning of Forest Land or timberland/Convert Forest Land to Non-Forest Use (Draft EIR Sections 1.2.1, 4.2.2)

Biological Resources

The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. (Impact BIO-6, Draft EIR, page 3.4-55)

Geology and Soils

Septic or Alternative Wastewater Disposal Systems (Draft EIR Sections 1.2.1, 4.2.3)

Hazards and Hazardous Materials

Airports (Draft EIR Sections 1.2.1, 4.2.4)

Mineral Resources

Loss of Mineral Resources of Statewide or Local Importance (Draft EIR Sections 1.2.1, 4.2.5)

Noise

Noise from Airport Activity (Draft EIR Sections 1.2.1, 4.2.6)

Population and Housing

Housing Displacement/Replacement Housing (Draft EIR Sections 1.2.1, 4.2.7)

Wildfire

Expose Project Occupants to Pollutant Concentrations from Wildfire (Draft EIR Sections 1.2.1, 4.2.8)

The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. (Impact WILD-1, Draft EIR, page 3.18-17)

The Project would not 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. (Impact WILD-2, Draft EIR, 3.18-19)

The Project would not 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. (Impact WILD-3, Draft EIR, page 3.18-20)

Based on its independent judgment and the entire administrative record before it, the City of Chico has determined and finds that the following environmental impacts will not exceed any established thresholds, will have a less than significant effect and no mitigation is necessary:

**A.1. Aesthetics**

**Impact AES-1:** The Project would not have a substantial adverse effect on a scenic vista. (Draft EIR, page 3.1-14)

**Findings:** Less than significant impact.

**Impact AES-2:** The Project would not conflict with applicable urban zoning and other regulations governing scenic quality. (Draft EIR, page 3.1-16)

**Findings:** Less than significant impact.

**Impact AES-3:** The Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (Draft EIR, page 3.1-19)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative aesthetic impacts. (Draft EIR, page 3.1-21).

**Findings:** Less than significant impact.

**A.2. Agriculture**

**Impact AG-1:** The Project would 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 nonagricultural use but would not result in a significant impact based on the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. (Draft EIR, page 3.2-16) This finding takes into account concerns raised by LAFCo staff regarding conversion of prime agricultural land beyond the Greenline, as discussed in Section V.B above.

**Findings:** Less than significant impact.

**Impact AG-2:** The Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. (Draft EIR, page 3.2-17)

**Findings:** Less than significant impact.

**Impact AG-3:** The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use. (Draft EIR, page 3.2-20)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative agricultural or forestry impacts. (Draft EIR, page 3.2-21).

**Findings:** Less than significant impact.

**A.3. Air Quality**

**Impact AIR-4:** The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (Draft EIR, page 3.3-57)

**Findings:** Less than significant impact.

**A.4. Biological Resources**

**Impact BIO-5:** The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR, page 3.4-54)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in a cumulatively significant biological resources impacts. (Draft EIR, page 3.4-55).

**Findings:** Less than significant impact.

**A.5. Cultural Resources and Tribal Cultural Resources**

**Cumulative Impact:** The Project would not result in cumulative impacts to cultural resources or tribal cultural resources. (Draft EIR, page 3.4-55).

**A.6. Energy**

**Impact ENER-2:** The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. (Draft EIR, page 3.6-22)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative energy impacts. (Draft EIR, page 3.6-24).

**Findings:** Less than significant impact.

**A.7. Geology, Soils, and Seismicity**

**Impact GEO-1:** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: 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; Strong seismic ground shaking; Seismic-related ground failure, including liquefaction; or Landslides. (Draft EIR, page 3.7-11)

**Findings:** Less than significant impact.

**Impact GEO-2:** The Project would not result in substantial soil erosion or the loss of topsoil. (Draft EIR, page 3.7-13)

**Findings:** Less than significant impact.

**Impact GEO-3:** The Project would not 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. (Draft EIR, page 3.7-15)

**Findings:** Less than significant impact.

**Impact GEO-4:** The Project would not 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. (Draft EIR, page 3.7-16)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative impacts related to geology, soils and seismicity. (Draft EIR, page 3.7-18).

**Findings:** Less than significant impact.

### A.8. Greenhouse Gas Emissions

**Cumulative Impact:** The Project would not make a cumulatively considerable contribution to any significant cumulative greenhouse gas emission impacts. (Draft EIR, page 3.8-60).

**Findings:** Less than significant impact.

### A.9. Hazards and Hazardous Materials

**Impact HAZ-5:** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR, page 3.9-42)

**Findings:** Less than significant impact.

**Impact HAZ-6:** The Project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires. (Draft EIR, page 3.9-42)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative hazards and hazardous materials impacts. (Draft EIR, page 3.9-43).

**Findings:** Less than significant impact.

### A.10. Hydrology and Water Quality

**Impact HYD-2:** The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (Draft EIR, page 3.10-21)

**Findings:** Less than significant impact.

**Impact HYD-4:** The Project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation. (Draft EIR, page 3.10-27)

**Findings:** Less than significant impact.

**Impact HYD-5:** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Draft EIR, page 3.10-28)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative hydrology and water quality impacts. (Draft EIR, page 3.7-18).

**Findings:** Less than significant impact.

**A.11. Land Use and Planning**

**Impact LAND-1:** The Project would not physically divide an established community (Draft EIR, page 3.11-9)

**Findings:** Less than significant impact.

**Impact LAND-2:** The Project would not 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. (Draft EIR, page 3.11-10)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative land use and planning impacts. (Draft EIR, page 3.11-55).

**Findings:** Less than significant impact.

**A.12. Noise**

**Cumulative Impact:** The Project would not result in cumulative noise impacts. (Draft EIR, page 3.12-34).

**Findings:** Less than significant impact.

**A.13. Population and Housing**

**Impact POP-1:** The Project would not 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). (Draft EIR, page 3.13-10)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative Population and Housing Impacts. (Draft EIR, page 3.13-12).

**Findings:** Less than significant impact.

**A.14. Public Services**

**Impact PUB-1:** The Project would not result in substantial adverse physical impacts associated with the provisions of new or expanded fire protection, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. (Draft EIR, page 3.14-16)

**Findings:** Less than significant impact.

**Impact PUB-2:** The Project would not result in substantial adverse physical impacts associated with the provisions of new or expanded fire protection, the construction of which could cause

significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. (Draft EIR, page 3.14-18)

**Findings:** Less than significant impact.

**Impact PUB-3:** The Project would not result in substantial adverse physical impacts associated with the provision of new or expanded school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. (Draft EIR, page 3.14-20)

**Findings:** Less than significant impact.

**Impact PUB-4:** The Project would not result in substantial adverse physical impacts associated with the provision of new or expanded parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. (Draft EIR, page 3.14-22)

**Findings:** Less than significant impact.

**Impact PUB-5:** The Project would not result in substantial adverse physical impacts associated with the provision of new or expanded library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities (i.e., library facilities). (Draft EIR, page 3.14-24)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative public services impacts. (Draft EIR, page 3.14-25).

**Findings:** Less than significant impact.

### A.15. Recreation

**Impact REC-1:** The Project would not 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. (Draft EIR, page 3.15-9)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative recreation impacts. (Draft EIR, page 3.15-14).

**Findings:** Less than significant impact.

### A.16. Transportation

**Impact TRANS-1:** The Project would not result in average vehicle miles traveled (VMT) in excess of any of the applicable thresholds. It would generate home-based VMT per resident at a rate less than 85 percent of the regional baseline for residential uses. For the health/fitness club use and Engineering Building event center use, the Project would generate home-based work VMT per employee at a rate less than 85 percent of the regional baseline. The inclusion of local retail uses contributes to the lower VMT generation rates for the Project's households. (Draft EIR, page 3.16-32)

**Findings:** Less than significant impact.

**Impact TRANS-4:** The Project would generate demand for transit facilities but would remain consistent with transit policies contained in the City of Chico General Plan, and thus would not conflict with any program, plan, ordinance or policy addressing public transit facilities. (Draft EIR, page 3.16-39)

**Findings:** Less than significant impact.

**Impact TRANS-5:** The Project would modify the baseline transportation system in a manner that would not substantially increase hazards due to a geometric design feature or incompatible uses. (Draft EIR, page 3.16-40)

**Findings:** Less than significant impact.

**Impact TRANS-6:** The Project would provide adequate emergency access, consistent with emergency policies in the City of Chico General Plan. (Draft EIR, page 3.16-41)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative transportation impacts. (Draft EIR, page 3.16-42).

**Findings:** Less than significant impact.

**A.17. Utilities**

**Impact UTIL-1:** The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Draft EIR, page 3.17-14)

**Findings:** Less than significant impact.

**Impact UTIL-2:** There would be sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. (Draft EIR, page 3.17-19, 3.17.6)

**Findings:** Less than significant impact.

**Impact UTIL-3:** The Project would 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. (Draft EIR, page 3.17-19)

**Findings:** Less than significant impact.

**Impact UTIL-4:** The Project would not 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. (Draft EIR, page 3.17-20)

**Findings:** Less than significant impact.

**Impact UTIL-5:** The Project would comply with federal, State, and local statutes and regulations related to solid waste. (Draft EIR, page 3.17-22)

**Findings:** Less than significant impact.

**Cumulative Impact:** The Project would not result in cumulative utilities impacts. (Draft EIR, page 3.17-23).

**Findings:** Less than significant impact.

### A.18. Wildfire

**Cumulative Impact:** The Project would not result in cumulative wildfire impacts. (Draft EIR, page 3.18-21).

**Findings:** Less than significant impact.

## B. POTENTIAL EFFECTS WHICH ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

The City of Chico hereby finds that feasible mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the mitigation measures that will reduce them to a less than significant level, are as follows:

### B.1. Air Quality

**Impact AIR-3:** The Project could expose sensitive receptors to substantial pollutant concentrations. (Draft EIR, page 3.3-47)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.3-56) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM AIR-1** Prior to issuance of subdivision improvement plans for each phase of construction within the project site, the developer shall provide to the City's Community Development Director, for City review and approval, reasonable documentation that demonstrates the use of construction equipment that meets or exceeds United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower, if available. This requirement shall be included as construction notes on all relevant construction plans and permits (e.g., grading plan, building permit) for the subject specific individual development proposal. The relevant construction contractor shall maintain records concerning its efforts to comply with this requirement during construction, including equipment rental lists. If Tier 4 equipment is not available, the subject applicant shall reasonably document to the City's Community Development Director the basis for its unavailability and instead shall ensure that all off-road diesel-powered equipment greater than 50 hp shall meet EPA Tier 3 emissions standards. All Tier 3 equipment shall be outfitted with Best Available Control Technology (BACT) devices including an ARB certified Level 3 Diesel Particulate Filter or equivalent.

**MM AIR-3 Implement BCAQMD Best Management Practices During Construction**

The following Best Management Practices (BMPs), as recommended by the Butte County Air Quality Management District (BCAQMD), shall be included in the design of all development contemplated by the Project and implemented during all construction:

- Reduce the amount of the 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 miles per hour (mph). Reclaimed (nonpotable) 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 revegetation 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.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- 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.
- All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

**Facts in Support of Findings:** For the construction phase, the Draft EIR found that with the implementation of MM AIR-1, the Project's maximum annual emissions for construction would not exceed the significant thresholds set forth by the BCAQMD. (Draft EIR, page 3.3-40)

For both the off-site Health Risk Assessment (HRA) and the on-site Maximally Exposed Individual Resident (MEIR) analysis, the construction emissions were assumed to be distributed over a working schedule of 8 hours per day and 5 days per week. Emissions were modeled directly in American Meteorological Society/EPA Regulatory Model (AERMOD) with the Hotspots Analysis and Reporting Program (HARP) Risk Assessment Stand-Alone Tool during the projected construction hours.

The estimated health and hazard impacts from construction emissions at the Off-Site and On-Site MEIR are provided in Table 3.3-16 of the Draft EIR. The table shows that with MM AIR-1 requiring either Tier 4 equipment or Tier 3 equipment with Level 3 VDECs, that cancer risk to off-site workers would be less than 10 in 1 million excess cancer risks and health risks would be less than significant. (Draft EIR, page 3.3-52)

The Project would meet the recommended buffer distances between sensitive receptor land uses and toxic air contaminant (TAC)-generating land uses for all sources of TACs identified in the ARB Air Quality and Land Use Handbook. (Draft EIR, page 3.3-54)

As detailed in Section 3.16 of the Draft EIR, Transportation, the Project would have a less than significant VMT impact with travel demand management measures incorporated. Therefore, the Project would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (Draft EIR, page 3.3-55)

Implementation of the Project would not result in an increase of traffic volumes at affected intersections to more than 44,000 vehicles per hour and would not increase traffic volumes at affected intersections to more than 24,000 where vertical or horizontal mixing is substantially limited. (Draft EIR, page 3.3-55)

BCAQMD requires implementation of BMPs related to fugitive dust, which have been incorporated as MM AIR-3 as further assurance to ensure enforceability. The Project also would not expose sensitive receptors to substantial pollutant concentrations during operation such as generating TACs, locating sensitive receptors in vicinity of land uses that release TACs, thereby exacerbating an existing condition, or contributing to a CO hotspot. With the implementation of MM AIR-1 and MM AIR-3, operational impacts would be less than significant. (Draft EIR, page 3.3-55)

The Lead Agency finds that MM AIR-1 and MM AIR -3 are feasible, are adopted, and will further reduce impacts related to air quality. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with air quality and the exposure of sensitive receptors to substantial pollutant concentrations would be less than significant with mitigation incorporated.

**B.2. <u>Biological Resources</u>**

**Impact BIO-1:** The Project could have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. (Draft EIR, page 3.4-33)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.4-49). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1)).

**Mitigation Measures:**

**MM BIO-1a Pre-construction Surveys for Swainson's Hawk (BYSP and Southern Study Area)**

Prior to City (or County) approval of subdivision improvement plans or grading permits for ground disturbance for any individual development phase (within the BYSP or Southern Study Area) that occurs during the nesting season for Swainson's hawk, the developer shall hire a qualified Biologist to conduct Swainson's hawk nesting surveys within a 0.5-mile radius of the subject area to determine whether there are any nests and if so, whether they are occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas, of Swainson's hawk activity (e.g., foraging or nesting) on and near the project site. If construction halts but does not cease for more than 1-year, general nesting bird surveys as described in MM BIO-6 are recommended for subsequent nesting seasons. However, if construction ceases for more than 1-year, Swainson's hawk pre-construction surveys in their entirety (as articulated in MM BIO-1a and 1b) must be repeated.

The qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* 36, which recommends surveys for at least two defined periods prior to construction, according to the following schedule:

January—March 20: Conduct one survey total. Survey shall be conducted all day.

March 20—April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and 4:00 p.m. to sunset.

April 5—April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and 4:30 p.m. to sunset.

April 21—June 10: Avoid initiation of surveys during this period.

June 10—July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and 4:00 p.m. to sunset.

**MM BIO-1b Swainson's Hawk Avoidance and Minimization (BYSP and Southern Study Area)**

If Swanson's hawk nests are located pursuant to MM BIO-1a and determined to be occupied, minimization measures shall be implemented by the developer for any individual development phase (within the BYSP or Southern Study Area) in connection with the subject individual development phase as follows:

Construction activities shall be prohibited within 200 yards (600 feet) of active and occupied Swainson's hawk nest(s), or within 200 yards (600 feet) of nests under construction, to prevent nest abandonment.

Notwithstanding the foregoing, if site-specific conditions or the nature of the construction activity (e.g., other nearby development, steep topography, dense 36 California Department of Fish and Wildlife (CDFW). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting vegetation, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project applicant may seek approval from the qualified Biologist who in coordination with the California Department of Fish and Wildlife (CDFW) shall determine the appropriate buffer size, which, once approved, shall govern.

No tree containing an active Swainson's hawk nest shall be removed or altered; provided, however, once the nest is no longer occupied, said tree may be removed, subject to compliance with applicable provisions of the City of Chico's Tree Preservation Ordinance.

**MM BIO-2 Pre-construction Surveys for Burrowing Owl (BYSP and Southern Study Area)**

Prior to City (or County) approval of subdivision improvement plans or grading permits for ground disturbance for any individual development phase (within the BYSP and Southern Study Area), the developer shall hire a qualified Biologist to perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities in connection with each individual development phase using applicable California Department of Fish and Wildlife (CDFW) Guidelines. Surveys for occupied burrows shall be completed within all construction areas in connection with the subject individual development phase and within 300 feet of the subject impact area (where feasible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start of any project-related ground disturbance activities in connection with the subject individual development phase, or the restart of activities related thereto, the relevant developer shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action in connection with the subject individual development proposal is necessary.

If burrowing owl are detected during the pre-construction survey, consultation with the US Fish and Wildlife Service as well as CDFW will be required and the following actions shall be taken to offset impacts during construction in connection with the subject individual development proposal (as outlined in the CDFW 2012 Guidelines):

During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist approved by the CDFW verifies through non-invasive methods that either (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the

occupied burrows are foraging independently and are capable of independent survival.

If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.

If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan shall be required to implement this measure.

If paired owls are nesting in areas scheduled for disturbance or degradation, there shall be a minimum 300-foot buffer from the nest(s) from February 1 through August 31 or until fledging has occurred. Outside of the time period of February 1 through August 31 or following fledging, owls may be passively relocated.

**MM BIO-3a Valley Elderberry Longhorn Beetle Avoidance and Minimization Measures (Southern Study Area)**

Prior to City or County approval of subdivision improvement plans or grading permits for ground disturbance to construct the new outfall to Comanche Creek located within the Southern Study Area, the developer shall list the following measures on the relevant construction plans and hire a qualified Biologist to ensure adherence to the following measures during construction:

Dust Control and Fencing. Above and along top of bank of Comanche Creek and between the off-site elderberry cluster and the subject construction site in connection with the proposed outfall, a dust screen shall be installed at a sufficient width and height as defined by a qualified Biologist to prevent excessive construction-generated dust from reaching the elderberry cluster in question. At a minimum, the dust screen shall be 100 feet wide and 6 feet tall.

Avoidance area. Construction activities that may damage or kill the off-site elderberry cluster (e.g., trenching, paving, etc.) shall implement an avoidance area of at least 6 meters (20 feet) from the drip line of the subject elderberry cluster, depending on the type of activity, as determined by a qualified Biologist.

Worker education. Prior to ground disturbance associated with the construction of the stormwater outfall, a qualified Biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the valley elderberry longhorn beetle (VELB), its host plant and habitat, the need to avoid damaging the off-site elderberry cluster, and the possible penalties for noncompliance.

Construction monitoring. A qualified Biologist shall monitor the work area associated with the construction of the stormwater outfall at least once per day during outfall construction to ensure that all required avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend

on the project specifics and may be reduced with concurrence from the United States Fish and Wildlife Service.

Timing. To the extent feasible, all construction activities that could occur within 50 meters (165 feet) of the off-site elderberry cluster, shall be conducted outside of the flight season of the VELB (March 1—July 30).

**MM BIO-3b Transplant Directly Impacted On-Site Elderberry Shrub (BYSP Area)**

Prior to City approval of subdivision improvement plans or grading permits for ground disturbance to develop the future lot containing the one elderberry shrub identified within the BYSP Area, the developer of the specific development proposal that involves the removal of the elderberry shrub shall transplant the elderberry shrub, including removal of the entire root ball, if feasible, as part of the transplant process. The elderberry shrub shall be relocated adjacent to the project footprint if, as determined by a qualified Biologist: (1) the planting location is suitable for elderberry growth and reproduction; and (2) the subject developer is able to protect the shrub after transplantation via protection fencing or buffers until it is ensured that the shrub becomes reestablished. If these criteria cannot be met, the shrub shall be transplanted to an appropriate USFWS-approved mitigation site. Provided, however, that if a qualified Biologist determines that the elderberry shrub is unlikely to survive transplanting because of poor condition or location, or the shrub would be extremely difficult to move because of access problems, then the elderberry shrub shall not be transplanted and no further mitigation under this MM BIO-3b shall be required.

The following transplanting guidelines shall be used by the subject developer in implementing this mitigation measure:

Monitor. A qualified Biologist shall be on-site for the duration of transplanting activities to assure compliance with this mitigation measure.

Exit Holes. Exit-hole surveys shall be completed immediately before transplanting. The number of exit holes found, GPS location of the plant to be relocated, and the GPS location of where the plant is transplanted shall be reported to the USFWS and to the California Natural Diversity Database (CNDDB).

Timing. Any transplanting of the elderberry shrub shall occur when the shrub is dormant (November through the first two weeks in February) and after it has lost its leaves. Transplanting during the non-growing season will reduce shock to the shrub and increase transplantation success.

Transplanting Procedure. Any transplanting shall follow the most current version of the ANSI A300 (Part 6) guidelines for transplanting (http://www.tcia.org/).

**MM BIO-3c Compensatory Mitigation for Valley Elderberry Longhorn Beetle Impacts (BYSP Area)**

Prior to City approval of subdivision improvement plans or grading permits that will result in the removal or disturbance of the one elderberry shrub located within the BYSP Area, the subject developer shall compensate for the loss of the shrub by purchasing one credit (1,800 square feet or 0.041 acre) of valley

elderberry longhorn beetle (VELB) habitat at a mitigation bank approved by the United States Fish and Wildlife Service (USFWS). This compensatory mitigation is in addition to the transplanting requirement of MM BIO-3b. However, since it is within the purview of the USFWS to determine the appropriate type and amount of compensatory mitigation for impacts to VELB habitat, this mitigation measure shall be fulfilled upon the developer meeting final elderberry shrub mitigation requirements as determined by the USFWS.

**MM BIO-4 Avoidance and Minimization Measures for Giant Garter Snake (Southern Study Area)**

The giant garter snake (GGS) is unlikely to migrate to the BYSP Area from Comanche Creek, so the following avoidance and minimization measures for this species only apply to activities within the Southern Study Area. Prior to County approval of improvement plans or grading permits for the construction of the new outfall to Comanche Creek, the following measures shall be incorporated into project plans and then implemented to minimize potential impacts on GGS:

To minimize any direct impacts to the species, construction activities within 200 feet of Comanche Creek shall be conducted, to the extent feasible, during the active season for GGS (between May 1 and October 1).

Dewatered (removal of surface water or ground water from a riverbed or construction site by pumping or evaporation) portions of Comanche Creek after April 15 (if applicable) must remain dry for at least 15 consecutive days prior to excavation or filling of the dewatered habitat.

Construction personnel in connection with the subject individual development proposal shall participate in a United States Fish and Wildlife Service (USFWS) approved worker environmental awareness training program prior to the initiation of ground disturbance within 200 feet of Comanche Creek. During the training, workers shall be informed of the potential for this species to be present and the associated habitat for GGS and that it is unlawful to take harm or harass GGS.

24 hours prior to construction activities within 200 feet of Comanche Creek, the subject area shall be surveyed for GGS by a qualified Biologist. Surveys of the subject area shall be repeated if a lapse in construction activity within the subject area of two weeks or more has occurred. If a snake is encountered during construction within the subject area, activities within 200 feet of this area shall cease until a qualified Biologist has determined that appropriate corrective measures have been completed such that the snake will not be harmed. The relevant project applicant shall report any known reported sightings and any known reported incidental take to the USFWS immediately by telephone at (916) 414-6600.

The clearing of wetland vegetation (if any) shall be confined to the minimal area reasonably necessary to excavate the toe of bank for the proposed outfall and riprap placement. Excavation equipment shall be located and operated from the top of the bank.

With respect to construction activities occurring within 200 feet of Comanche Creek, movement of heavy equipment to and from the subject area shall be

restricted to existing unimproved roadways to minimize habitat disturbance to the extent feasible and no staging or storing of equipment shall occur within 200 feet of Comanche Creek.

**MM BIO-5 Pre-construction Surveys for Western Pond Turtle, includes avoidance and passive relocation if found (Southern Study Area)**

The western pond turtle (WPT) is unlikely to migrate to the BYSP Area from Comanche Creek, so the following avoidance and minimization measures for this species only apply to activities within the Southern Study Area.

Prior to City (or County) approval of improvement plans or grading permits for the construction of the new outfall to Comanche Creek, the developer shall hire a qualified Biologist to conduct a focused survey for WPT 30 days prior to the onset of construction activities within the Southern Study Area to determine presence or absence of this species within 100 feet of the subject construction area, regardless of the time of year. If construction for the outfall occurs between April 1 and September 30, this survey shall include turtle nests. If WPT is found within the subject construction area, the qualified Biologist shall move the turtle to a location outside of the subject construction area to suitable habitat as determined by a qualified Biologist under consultation with the California Department of Fish and Wildlife (CDFW). If a nest is found within the subject construction area or within a 100-foot radius of the subject construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location determined by the qualified Biologist under consultation with CDFW. Construction within 100 feet of Comanche Creek shall be avoided to the extent feasible when WPT adults and juveniles are overwintering (October 1 to February 29), because of the likelihood that turtle adults and juveniles could be present in upland habitats. If it is not feasible to avoid such construction activities during this time frame, an additional survey for overwintering locations shall be conducted no more than 14 days prior to construction within 100 feet of Comanche Creek in connection with the subject individual development proposal. If this species is found to be overwintering within the subject construction area, den locations shall be avoided until the area is unoccupied, as determined by a qualified Biologist under consultation with CDFW.

**MM BIO-6 Protection of Active Bird Nests, including pre-construction survey and implementation of avoidance buffer, if found (BYSP and Southern Study Area).**

Prior to City (or County) approval of improvement plans or grading permits that may result in the removal of trees, the following measures shall be taken to minimize the effects of tree removal on active bird nests:

If a proposed development phase requires ground disturbance or vegetation removal to commence during the nesting season (February 1 to August 31), the developer shall hire a qualified Biologist to conduct pre-construction surveys within 7 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether or not active nests are present.

If an active nest of a protected bird is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors). A qualified Biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).

In consultation with the United States Fish and Wildlife Service (USFWS) or CDFW (as appropriate), the qualified Biologist shall monitor any active nest(s) during the subject construction activities and shall modify the protection zone accordingly if determined necessary to prevent project-related nest disturbance, until the young have fledged.

**MM BIO-7 Roosting Bat Pre-construction Survey and Avoidance (BYSP and Southern Study Area)**

Prior to City (or County) approval of improvement plans or grading permits for any phase of the project, the developer shall hire a qualified Biologist with relevant roosting bat experience to conduct a survey for the proposed impact area and a 250-foot buffer for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction in connection with each individual development proposal. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.) as determined appropriate by the qualified Biologist.

If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Bat house(s) shall be installed adjacent to any excluded roost(s) or as close as feasible, to be determined by a qualified wildlife Biologist, to ensure excluded bats are provided adjacent roosting habitat. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning and that bats have vacated the bat house(s). To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity.

**Facts in Support of Findings:** The Project's Biological Resources Assessment (BRA) found that no special-status plant species occur or are expected to occur within the Study Area due to the absence of suitable habitat, previous land uses, and the extent and frequency of ground disturbance, due to being a former industrial area subjected to infill, herbicide and more. (Draft EIR, page 3.4-33)

There are eight wildlife species documented within the *Chico, California* United States Geological Survey (USGS) Topographic Quadrangle Map and eight surrounding quadrangles by CNDDB and Information for Planning and Consultation (IPaC), that are of threatened or endangered status. They are the Swainson's hawk (Buteo swainsoni), burrowing owl (Athene cunicularia), Valley elderberry longhorn beetle (Desmocerus californicus dimorphus), giant garter snake (Thamnophis gigas), western pond turtle (Emys marmorata), pallid bat (Antrozous pallidus), western mastiff bat (Eumops perotis californicus), and western red bat (Lasiurus blossevillii). (Draft EIR, page 3.4-34)

Potential impacts to special-status, candidate, or sensitive species would be significant. However, with implementation of MM BIO-1a through MM BIO-7, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. (Draft EIR, page 3.4-41)

The Lead Agency finds that MM BIO-1a, MM BIO-1b, MM BIO-2, MM BIO-3a, MM BIO-3b, MM BIO-3c, MM BIO-4, MM BIO-5, MM BIO-6, and MM BIO-7 are feasible, are adopted, and will further reduce potential impacts related to biological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the potential impacts of the Project on special-status species would be less than significant with mitigation incorporated.

**Impact BIO-2:** The Project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service. (Draft EIR, page 3.4-49)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, 3.4-52) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM BIO-8 Conduct Delineation of Potentially Jurisdictional Aquatic Resources (Creek and Detention Basin)**

The relevant applicant in connection with the subject individual development proposal involving the installation of the outfall structure, shall complete a formal jurisdictional delineation to document and quantify the full extent of potentially jurisdictional waters within the relevant portions of the project site (if any) in coordination with the applicable resource agencies (United States Army Corps of Engineers [USACE] and/or Regional Water Quality Control Board [RWQCB]). If no resource agency jurisdiction is identified, then the relevant applicant

constructing the outfall structure shall prepare a restoration and revegetation plan to offset the proposal's permanent impact to 0.04-acre and temporary impact to 0.04-acre of Valley Oak Riparian Woodland resulting from construction of the outfall structure, such that the stream corridor habitat is restored and revegetated at no less than a 1:1 ratio. The relevant applicant in connection with the subject individual development proposal involving the removal of the existing detention basin shall also coordinate, to the extent required under applicable laws and regulations, with the applicable resource agencies (USACE and/or RWQCB) to determine whether the detention basin within the project site is protected under Sections 404 and 401 of the Clean Water Act (CWA).

Obtain CWA Sections 401 and 404 Permits Prior to Construction (After Agency Coordination)

The relevant applicant in connection with the subject individual development proposal involving the removal of the existing detention basin or the installation of the outfall shall comply with applicable laws and regulations including, if required, obtaining a Section 404 CWA permit for impacts to waters of the United States and a Section 401 Water Quality Certification from the RWQCB. Any such required permit and certification shall be obtained prior to issuance of grading permits in connection with the removal of the existing detention basin and/or the installation of the outfall structure, as relevant.

If required pursuant to an approved Section 404 permit and 401 water quality certification under applicable laws and regulations, the relevant applicant in connection with the subject individual development proposal shall design said proposal to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification.

If required pursuant to an approved Section 404 permit and 401 water quality certification under applicable laws and regulations, compensatory mitigation shall be satisfied, which may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation (i.e., #3) may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). To the extent required pursuant to the approved Section 404 permit and 401 water quality certification under applicable laws and regulations, the relevant project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach in connection with the subject individual development proposal.

Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction (After Agency Coordination)

In connection with an individual development proposal that involves the construction of the proposed outfall into Comanche Creek, the relevant applicant shall obtain and file a notification of a Streambed Alteration Agreement prior to conducting construction activities associated with the proposed outfall within Comanche Creek). If a Streambed Alteration Agreement is required under applicable laws and regulations, the relevant applicant shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW.

**Facts in Support of Findings:** Proposed activities would permanently impact 0.04-acre and temporarily impact 0.04-acre of Valley Oak Riparian Woodland through construction of the outfall structure. However, with implementation of MM BIO-8, which stipulates that the relevant applicant must obtain and file a Streambed Alteration Agreement, the applicant would be required to implement riparian habitat enhancements, and/or restore and revegetate the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW. The Project could temporarily impact the Creek through erosion and riparian habitat loss, which would constitute a significant, albeit temporary, impact to the extent the foregoing are determined to be jurisdictional. With implementation of MM BIO-8, impacts to Comanche Creek and its associated riparian habitat would be less than significant. (Draft EIR, page 3.4-49)

The Lead Agency finds that MM BIO-8 is feasible, is adopted, and will further reduce impacts related to biological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with riparian habitat or other sensitive natural communities would be less than significant with mitigation incorporated.

**Impact BIO-3:** The Project could 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. (Draft EIR, page 3.4-52)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.4-53) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM BIO-8**

**Facts in Support of Findings:** Installation of the proposed outfall structure will require a determination of the extent of aquatic features regulated under the CWA, the Porter-Cologne Water Quality Control Act, and/or the California Fish and Game Code and the obtaining of any required resource agency permit(s) under applicable laws and regulations. With implementation of MM BIO-8, which requires restoration of the temporary disturbance area along Comanche Creek for the new outfall, impacts to Comanche Creek would be less than significant.

Regarding the approximately 0.2-acre detention basin on the BYSP site, the Project's BRA determined that the basin was likely constructed in upland habitat and does not appear to have a connection to downstream waters. The manufactured basin has likely been non-functional for numerous years due to the vacant nature of the BYSP Area. For these reasons, the basin is likely not considered a Waters of the United States or Waters of the State. Development of the Project would involve the removal of the detention basin. Since the detention basin is not considered a biologically sensitive resource, regardless of whether it is considered jurisdictional waters, removal of the man-made feature would be less than significant. (Draft EIR, page 3.4-52)

The Lead Agency finds that MM BIO-8 is feasible, is adopted, and will further reduce impacts related to biological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with protected wetlands would be less than significant with mitigation incorporated.

**Impact BIO-4:** The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors but could impede the use of wildlife nursery sites. (Draft EIR, page 3.4-53)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.4-54) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM BIO-6, MM BIO-7, and MM BIO-8**

**Facts in Support of Findings:** The Project's BRA found that, because of past human disturbances and surrounding urban development, the BYSP Area is unlikely to function as a wildlife movement corridor.

Comanche Creek and the associated riparian habitat that flanks the creek in the Southern Study Area could function as a corridor for aquatic and terrestrial wildlife. The Project would not result in any permanent migration barriers with the creek. With implementation of MM BIO-8, which requires restoration of the temporary impacts to the banks of Comanche Creek, Project impacts to wildlife movement corridors would be less than significant.

Although no native wildlife nursery sites or significant breeding/nesting colonies were observed during the biological field surveys, individual nesting birds and roosting bats have the potential of being present on-site seasonally. Potential impacts on active bird nests and bat roosts are addressed under Impact BIO-1 and would be reduced to less than significant with implementation of MM BIO-6 and MM BIO-7, by establishing protection zones if nests or roosts are found during required pre-construction biological surveys.

The Lead Agency finds that MM BIO-6, MM BIO-7 and MM BIO-8 are feasible, are adopted, and will further reduce impacts related to biological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with biological resources would be less than significant with mitigation incorporated.

**B.3. Cultural Resources**

**Impact CUL-1:** The Project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. (Draft EIR, page 3.5-29)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.5-32) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM CUL-1a** Prior to issuance of the first grading permit or site improvement plan (whichever comes first), the subject developer of the relevant specific individual development proposal shall hire an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology and a qualified Architectural Historian or historic Preservation Professional meeting the Secretary of the Interior's Professional Qualifications Standards to prepare a Historical and Archaeological Resources Treatment Plan for the Project. The plan shall be subject to review and approval by City planning staff prior to approval of the subject grading permit or site improvements plans and shall include any and all feasible, protective measures required to ensure that character-defining elements of the Engineering Building and/or the Match Block Storage Building (as applicable) are not inadvertently damaged or demolished during project construction. The plan shall also include provisions for a Worker Environmental Awareness Program (WEAP) Archaeological resource sensitivity training for construction personnel conducting ground disturbance at the site or off-site improvements prior the start of construction and provisions for the identification, recordation, and disposition of any significant archaeological resources (both historic era and prehistoric) that may be encountered over the course of subsurface excavations at the project site.

**MM CUL-1b** At such time that adaptive reuse of the Engineering Building and/or the Match Block Storage Building is pursued as part of an individual specific development proposal, adaptive reuse design shall be developed by a qualified Architectural Historian/Historic Preservation Professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history/historic preservation. The City shall include in its review the feasibility of adaptive reuse in consideration of the proposed new use, seismic retrofit needs, and overall structural stability of the buildings. These findings shall then inform the adaptive reuse design, as appropriate and feasible, which shall be developed by the Architectural Historian/Historic Preservation Professional in coordination with the subject developer and City to ensure that all of the important character-defining features of the buildings are appropriately considered in the proposed design.

The proposed design shall contain sufficient detail so the qualified Architectural Historian/Historic Preservation professional can determine whether the adaptive reuse is consistent with the Standards for Rehabilitation. The adaptive reuse of the Engineering Building and/or Match Block Storage Building shall include a reasonably detailed protection and maintenance plan that outlines a long-term

strategy for maintaining and protecting these resources over time. The plan shall include a schedule for regular maintenance of the subject building(s) and vicinity, including clearing of any overgrown vegetation, regular monitoring, and surveillance, and shall also develop and incorporate a reasonable strategy for the long-term security of the building(s) and vicinity to prevent trespassing and vandalism of the buildings to the extent feasible. If, after consultation with the above-referenced historic preservation professionals, it is determined that the subject building(s) cannot be adaptively reused in conformance with the Standards for Rehabilitation as currently designed and the subject developer therefore determines that adaptive reuse cannot feasibly proceed and instead determines to proceed with demolition of the subject building(s), the subject building(s) shall be subject to archival documentation that consists of photography of all exterior elevations, and views to and from the building(s), with detailed photographs of materials, doors, windows, rooflines, and other key components, and the preparation of an associated historical narrative documenting the subject building(s)' historical significance. Also, any original plans (if available) of the subject building(s) shall be scanned and reproduced so that they are available for future study. The foregoing documentation shall be based on the National Park Service's Historic American Building Survey (HABS) guidelines for narrative and photographic documentation. A final set of the archival documentation and photographs shall be recorded and filed. In addition, should demolition occur, interpretive displays and salvage of historic materials shall be incorporated into the Project, as appropriate and feasible.

**Facts in Support of Findings:** The project site includes the location of a former National Register of Historic Places (NRHP) eligible historic district, accordingly, there is high likelihood of encountering historic materials associated with the project site during project construction. As such, the potential for the Project to have an adverse effect on historic or prehistoric cultural resources is moderate to high within the BYSP Area. There is a moderate potential for encountering unrecorded cultural resources in the off-site improvement area, which is distinct from the BYSP from a cultural resources standpoint because of the lack of existing and historic structures within the built environment. With the completion of MM CUL-1a's Historical and Archaeological Resources Treatment Plan prior to construction as well as the requirement for a qualified archaeological monitor to be on-site ensuring adherence to procedures, and MM CUL-1b's adaptive reuse policy, impacts would be less than significant (Draft EIR, page 3.5-30).

The Lead Agency finds that MM CUL-1a and MM CUL-1b are feasible, are adopted, and will further reduce impacts related to Cultural Resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with historical resources defined pursuant to CEQA Guidelines Section 15064.5 would be less than significant with mitigation incorporated.

**Impact CUL-2:** The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Draft EIR, page 3.5-32)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.5-32) Changes or alterations have been required in, or incorporated into, the project which avoid or

substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM CUL-1a and MM CUL-1b**

**Facts in Support of Findings:** The EIR discloses that sites consisting of flat, Holocene-era deposits in close proximity to water resources have a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers. The study conducted by Jack Meyer and Jeffrey Rosenthal concluded that the City of Chico has a high potential for encountering prehistoric archaeological resources during subsurface construction. The project site is situated upon the Pleistocene Modesto formation, which abuts Holocene soils in the northeastern and southwestern portion of the project site. All Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. Thus, there is a moderate potential for encountering unrecorded cultural resources in the off-site improvement area, which constitutes a potentially significant impact. However, implementation of MM CUL-1a and MM CUL-1b would ensure that unrecorded resources, if encountered, would be subject to the Historical and Archaeological Resources Treatment Plan as well as be subject to monitoring. Accordingly, impacts would be less than significant. (Draft EIR, page 3.5-32)

The Lead Agency finds that MM CUL-1a and MM CUL-1b are feasible, are adopted, and will further reduce impacts related to Cultural Resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with archaeological resources would be less than significant with mitigation incorporated.

**Impact CUL-3:** The Project could disturb human remains, including those interred outside of formal cemeteries. (Draft EIR, page 3.5-33)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.5-34) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM CUL-1a and MM CUL-1b**

**MM CUL-3** Should a discovery of previously unknown buried human remains occur during ground-disturbing construction activities, Section 7050.5 of the California Health and Safety Code applies, and the procedures shall be followed by the subject developer in connection with the relevant specific individual development proposal. In the event of the accidental discovery or recognition of any Native American human remains (upon notification from a County Coroner pursuant to Health and Safety Code § 7050.5(c)), Public Resources Code Section 5097.98 shall be followed. Relevant provisions of both Section 7050.5 of the Health and Safety Code (related to discovery of any human remains) as well as Section 5097.98 of the Public Resources Code (related to discovery of Native American

remains) shall apply, as relevant. Once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the human remains until the County Coroner is contacted and has made the required determinations pursuant to Health and Safety Code Section 7050.5(a) including whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American (or has reason to believe that they are those of a Native American), the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD (or his or her authorized representative) may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the NAHC; The MLD identified fails to make a recommendation; or The landowner or its authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

**Facts in Support of Findings:** There are 37 historic resources within a 0.5-mile radius of the project site. In addition, there are two survey reports on file with the Northeast Information Center (NEIC) for the project site and an additional 17 reports for a 0.5-mile search radius beyond the project site. The two reports within the project site are linear studies that surveyed the southern and eastern boundary of the project site. The archaeological sensitivity of the BYSP Area for both historic and prehistoric cultural resources is moderate to high, and the potential for encountering unrecorded cultural resources in the off-site improvement area is moderate. While no formal cemeteries or areas containing human remains are known to be in the project site or vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. These statutory requirements are included as MM CUL-3. With incorporation of MM CUL-3 as well as MM CUL-1a and MM CUL-1b, impacts in this regard would be less than significant. (Draft EIR, page 3.5-33)

The Lead Agency finds that MM CUL-1a, MM CUL-1b and MM CUL-3 are feasible, are adopted, and will further reduce impacts related to Cultural Resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR.

Therefore, impacts associated with the disturbance of human remains would be less than significant with mitigation incorporated.

**Impact CUL-4**: The Project could 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 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). (Draft EIR, page 3.5-35)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 331) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1).)

**Mitigation Measures:**

**MM CUL-1a, MM CUL-1b, and MM CUL-3**

**Facts in Support of Findings:** The same circumstances about record searches and location relevance as stated above in Impact CUL-1 and Impact CUL-2 apply to this impact. The archaeological sensitivity of the BYSP Area for prehistoric cultural resources is moderate to high, and the potential for encountering unrecorded cultural resources in the off-site improvement area is moderate, creating a potentially significant impact to Tribal Cultural Resources (TCRs) as a result of inadvertent discovery during construction. However, with implementation of MM CUL-1a, MM CUL- 1b, and MM CUL-3, procedures would be required to both identify and process any unrecorded cultural resources as detailed in the Historical and Archaeological Treatment Plan. Additionally, accidental discovery of Native American human remains and/or grave goods would be monitored to ensure appropriate treatment. Accordingly, impacts would be less than significant. (Draft EIR, page 3.5-35).

The Lead Agency finds that MM CUL-1a, MM CUL-1b and MM CUL-3 are feasible, are adopted, and will further reduce impacts related to TCRs. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Tribal Cultural Resources would be less than significant with mitigation incorporated.

**Impact CUL-5**: The Project could 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 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. (Draft EIR, page 3.5-36)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.5-36) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM CUL-1a, MM CUL-1b, and MM CUL-3**

**Facts in Support of Findings:** The same circumstances about record searches and location relevance as stated above in Impact CUL-1 and Impact CUL-2 apply to this impact. The archaeological sensitivity of the BYSP Area for prehistoric cultural resources is moderate to high, and the potential for encountering unrecorded cultural resources in the off-site improvement area is moderate, creating a potentially significant impact to TCRs as a result of inadvertent discovery during construction. However, with implementation of MM CUL-1a, MM CUL- 1b, and MM CUL-3, procedures would be required to both identify and process any unrecorded cultural resources as detailed in the Historical and Archaeological Treatment Plan. Additionally, accidental discovery of Native American human remains and/or grave goods would be monitored to ensure appropriate treatment. Accordingly, impacts would be less than significant. (Draft EIR, page 3.5-36)

The Lead Agency finds that MM CUL-1a, MM CUL 1-b, and MM CUL-3 are feasible, are adopted, and will further reduce impacts related to Cultural Resources and Tribal Cultural Resources impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Cultural Resources and Tribal Cultural Resources would be less than significant with mitigation incorporated.

**B.4. <u>Energy</u>**

**Impact ENER-1:** The Project may result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Draft EIR, page 350, 3.6-16)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.6-22) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM ENER-1** New residential uses and new commercial uses without commercial kitchen components, which are located within new buildings, shall be all-electric (i.e., natural gas utility shall not be permitted). However, natural gas usage and/or the extension of existing natural gas infrastructure shall be permitted for the following: (1) new commercial uses with commercial kitchen components that are located within new buildings; and (2) the adaptive reuse of existing building(s) so long as the subject Developer can reasonably document to the City's Planning Director that conversion to all-electric of the subject existing building is not physically and/or economically feasible. (Draft EIR, page 3.6-16)

**Facts in Support of Findings:** In total, the Project is estimated to generate approximately 3,174,683 VMT and a combined approximately 254,751 gallons of gasoline and diesel for on-road vehicle travel during construction. (Draft EIR, page 3.6-17)

The Project's construction is not anticipated to result in unusually high energy use because the construction schedule would follow a normal 5 days per week schedule and standard

construction equipment. However, the Project would comply with applicable State laws and regulations and the required Air District construction Best Management Practice (BMP) measures. (Draft EIR, page 3.6-18)

There would not be the potential for the Project to result in wasteful, inefficient, and unnecessary consumption of energy during construction because of: (1) the inherent financial incentives for developers and contractors to use energy consuming resources in an efficient manner, (2) the location of the project site being in an urban area near regional routes of travel, public transit, and downtown Chico, and (3) the adherence to applicable laws and regulations designed to increase energy efficiency. (Draft EIR, page 3.6-19)

The Project's diverse mix of land uses, inclusion of numerous pedestrian and bicycle facilities to facilitate connectivity, and proximity to Downtown Chico would promote alternative transportation such as walking and biking. In addition, the proposed commercial uses are considered local-serving, which is designed to support the residential uses of the Project and the surrounding neighborhood. Customers and visitors are likely to exhibit shorter trip lengths that are influenced by the City's efficient land use pattern, which helps to lower the total VMT created by the Project. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Construction-related impacts and impacts associated with mobile sources during project would be less than significant and no mitigation would be required. (Draft EIR, page 3.6-21) However, widespread use of natural gas as an energy source during operation may be considered inconsistent with the State's energy goals and could be deemed inefficient or wasteful resulting in a potentially significant impact. To reduce this potential impact to below a level of significant MM ENER-1 requires the use of all-electric in new residential and commercial uses without commercial kitchen components. Limiting the extension of natural gas and prohibiting it in residential and commercial buildings as specified in MM ENER-1 would ensure consistency with State energy goals and reduce impacts to below a level of significance.

The Lead Agency finds that MM ENER-1 is feasible, is adopted, and will further reduce impacts related to Energy impacts from wasteful, inefficient, or unnecessary consumption of energy resources, during project operation. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with to Energy impacts from wasteful, inefficient, or unnecessary consumption of energy resources, during project operation would be less than significant with mitigation incorporated.

**B.5. <u>Geology</u>**

**Impact GEO-5:** The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Draft EIR, page 3.7-17)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.7-18) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM GEO-1 Inadvertent Discovery of Paleontological Resources During Project Construction**

Prior to ground disturbance activities, construction contractors and personnel shall be required to undergo Worker Environmental Awareness Program (WEAP) training to recognize and identify paleontological resources on-site. The training shall include visual aids, a discussion of applicable laws and statutes relating to paleontological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by a Paleontologist who meets the Society of Vertebrate Paleontology Professional Qualification Standards. Should any vertebrate remains (e.g., bones or teeth) or unusually abundant and well-preserved invertebrates or plants be unearthed, the construction contractors and personnel shall not attempt to remove them as they could be extremely fragile and therefore prone to crumbling. The relevant developer, in connection with the subject individual specific development proposal, shall include a standard inadvertent discovery clause in every project-related construction contract to inform their respective contractors of this requirement. To ensure the occurrence is properly recorded, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional Paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made accessible for future study.

**Facts in Support of Findings:** While it is unlikely that paleontological resources exist within or near the project site, there is a possibility that subsurface construction activities associated with the Project, such as grading or trenching, could potentially damage or destroy previously undiscovered paleontological resources. Mitigation Measure (MM) GEO-1 specifies the procedures to follow if any vertebrate remains are unearthed. As a result, the Project would not directly or indirectly destroy a unique paleontological resource or feature with the implementation of MM GEO-1, and impacts would be less than significant with mitigation. (Draft EIR, page 3.7-18)

The Lead Agency finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to Geology in regard to Paleontological Resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Geology in regard to Paleontological Resources would be less than significant with mitigation incorporated.

### B.6. Greenhouse Gases

**Impact GHG-1:** The Project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Draft EIR, page 3.8-39)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.8-43) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM ENER-1**

**Facts in Support of Findings:** Construction impacts would be less than significant. The Project would be required to comply with applicable goals and policies of the General Plan, the City's CAP Update, and City of Chico Municipal Code Title 16R, Buildings Standard. These measures would require the Project to incorporate drought-tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption, install photovoltaic (PV) systems on all residential buildings, and exceed the CALGreen mandatory requirements. These features would further reduce operational greenhouse gas (GHG) impacts. (Draft EIR, page 3.8-41)

The Project is projected to have an emission rate of 4.27 MT $CO_2e$ per capita by 2030. As such, the Project's estimated GHG emissions would be above the City's 2030 efficiency target of 2.76 MT $CO_2e$ per capita per year and would not be consistent with the CAP as it relates to being consistent with the efficiency target. The City's CAP Update contains several goals and policies that recognize the importance of reducing natural gas usage in both existing and new buildings, subject to cost effectiveness and other feasibility considerations. Consistent with this action, Mitigation Measure (MM) ENER-1 would require future implementing projects to have an all-electric design, with limited exceptions, which would be added as a condition of approval on future entitlements within the BYSP Area. As shown in Table 3.8-5 of the Draft EIR, MM ENER-1 would drastically reduce the Project's reliance on natural gas and facilitate transitions to use of electricity that would be increasingly derived from renewable sources, consistent with CAP's GHG reduction strategies. (Draft EIR, page 3.8-42)

The City's 2030 reduction target of 2.76 MT $CO_2e$ per capita per year is not an adopted CEQA threshold; rather, it provides a general frame of reference for considering emissions estimated from the Project in terms of moving the City and State forward toward its 2030 and 2045 targets. The Project's GHG significance is determined based on consistency with the CAP Update and 2017/2022 Scoping Plan as shown in Impact GHG-2. Per the analysis in Impact GHG-2, the Project would be consistent with State and local plans related to GHG reduction. Impacts would be less than significant with mitigation. Therefore, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. With implementation of MM ENER-1, impacts would be less than significant with mitigation. (Draft EIR, page 3.8-43)

The Lead Agency finds that MM ENER-1 is feasible, is adopted, and will further reduce greenhouse gas emissions. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Greenhouse Gas impacts would be less than significant with mitigation incorporated.

**Impact GHG-2:** The Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases with the exception of those related to the use of natural gas (Draft EIR, page 3.8-43)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 439) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM ENER-1**

**Facts in Support of Findings:** As detailed in Section 3.8 of the Draft EIR, the Project and its design are consistent with the applicable policy direction contained in the City's Climate Action Plan Update (CAP Update), as well as the Air Resources Board's 2017/2022 Scoping Plan. The nature and location of the Project, which would involve the densification and/or intensification of urban uses on an under-utilized infill site near Downtown Chico, helps minimize GHG impacts. 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.

Therefore, the Project would be consistent with State and local plans for GHG reduction. Impacts would be less than significant with implementation of MM ENER-1 which prohibits the use of gas in new residential and commercial development consistent with State goals. (Draft EIR, page 3.8-59)

The Lead Agency finds that MM ENER-1 is feasible, is adopted, and will further reduce impacts related to Greenhouse Gas Emissions. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Greenhouse Gas Emission would be less than significant with mitigation incorporated.

**B.7. <u>Hazards</u>**

**Impact HAZ-1:** The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft EIR, page 3.9-37)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.9-39) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM HAZ-1** Prior to issuance of the first grading permit for the Project, the developer shall retain a qualified hazardous materials consultant to prepare a Soil and Debris Management Plan (SDMP) which will identify specific construction measures to be implemented at the project site. The SDMP shall include site control measures, excavation and backfill procedures, confirmation of sampling procedures and screening levels, dust control measures, stormwater protection measures, waste soil handling and disposal procedures, and a debris management plan in accordance with applicable local, State, and federal regulations. The SDMP shall identify contingency procedures to be followed in the event that subsurface structures (e.g., vaults or tanks) are encountered during excavation or other unanticipated discoveries are made. The SDMP shall also specify any special procedures for addressing issues in proximity to the asphalt cap and groundwater monitoring well network which are to remain in place according to the Land Use Covenant (LUC) for the project site. The developer shall submit the SDMP and all of its components to the California Department of Toxic Substances Control

(DTSC) for review and approval and shall provide copies of the DTSC-approved SDMP to the City to comply with this mitigation measure, prior to initiating project site improvements.

**Facts in Support of Findings:** To minimize the effects of elevated levels of volatile organic compounds (VOCs), lead, and arsenic on the project site, the site-specific Phase I ESA recommended that the soil gas and VOC concentrations and screening results be evaluated in the context of specific development plans at this location and in consultation with DTSC, which will confirm the final screening values pursuant to applicable rules and regulations. As such, the Phase II ESA identified the presence of VOCs, including tetrachloroethylene (PCE), trimethylpentane, ethanol, freon 11, and hexane. Subsequent testing within the Phase II ESA found that all VOCs were found to be below environmental screening levels (ESLs), and all samples were below regional screening levels (RSLs), except for one. PCE was found at a depth of 15 feet that slightly exceeded the RSL (11 micrograms per cubic meter [$\mu g/m^3$]) but was below the residential ESL (15 $\mu g/m^3$). (Draft EIR, page 3.9-37)

The Phase II ESA found elevated levels of lead and arsenic within and extending slightly beyond the assumed limits of the Normal Avenue Dump/Burn Area (0–0.5 feet below ground surface) and South Orchard Dump/Burn Area (up to 2.5 feet below ground surface). In response, the Phase II ESA recommended a waste soils remediation effort be undertaken in these former burn dump areas. Under a planned DTSC Standard Agreement the Phase II ESA recommended exploratory excavation and the implementation of an SDMP to document the nature and extent of soil contamination that is present on the project site. This recommendation is also reflected in MM HAZ-1. The implementation of this mitigation measure would reduce Impact HAZ-1 to a level of less than significant. (Draft EIR, page 3.9-38)

Mitigation Measure (MM) HAZ-1 requires an SDMP. An SDMP is a document that outlines how to manage soil and debris during construction or remediation projects and provides guidelines for sites with potential contamination issues. (Draft EIR, page 3.9-38)

Construction of the Project would include removal of on-site structures that, due to their age, may include lead and/or asbestos-containing material (ACMs) requiring disposal. However, implementation of applicable laws and regulations regarding these materials, including but not limited to, the Toxic Substances Control Act (TSCA), the California Code of Regulations, Cal/OSHA, and BCAQMD would ensure related potential impacts would be less than significant. (Draft EIR, page 3.9-38)

The Project would result in the implementation of development contemplated in the BYSP, a mixed-use community accommodating a diverse range of housing opportunities with a mix of commercial, recreational and office uses. Aside from the use and storage of common household chemicals, the proposed uses would not handle, store, or use substantial quantities of hazardous materials that could potentially cause a release that endangers human health or the environment. Furthermore, the Project would be compliant with Chapter 16.42 of the Municipal Code, which outlines regulation standards related to safeguarding life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or structures. Impacts would be less than significant in this regard. (Draft EIR, page 3.9-39)

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to hazards and hazardous waste. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes

or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hazards and hazardous materials would be less than significant with mitigation incorporated.

**Impact HAZ-2:** The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. (Draft EIR, page 3.9-39)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.9-40) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM HAZ-1**

**Facts in Support of Findings:** The project site is currently under a Land Use Covenant (LUC), which restricts the use of all groundwater on the project site pursuant to DTSC order. The Project would include the use and storage of hazardous materials during construction and operation activities while being subject to several federal, State, and local laws that regulate the use and storage of hazardous materials (summarized in Section 3.8.3 of the Draft EIR, Regulatory Framework). Additionally, as defined by MM HAZ-1, the project applicant would be required to prepare an SDMP which would ensure on-site actions properly handle existing contaminated soils and materials in accordance with applicable screening levels. The Project would also include the preparation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the City's National Pollutant Discharge Elimination System (NPDES) permit which would further protect against release of hazardous materials.

Compliance with the required Mitigation Measures MM HAZ-1, as well as all applicable federal, State, and local laws and regulations would reduce the potential impacts associated with an accidental release of hazardous materials at the project site to less than significant. (Draft EIR, page 3.9-40)

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to hazards and hazardous waste. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hazards and hazardous materials would be less than significant with mitigation incorporated.

**Impact HAZ-3:** The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Draft EIR, page 3.9-40)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.9-40) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM HAZ-1**

**Facts in Support of Findings:** The project site is within 0.25 mile of at least three schools. The project site is approximately 95 feet southeast of Little Sprouts Preschool and approximately 182 feet south of Mi Escuelita Maya. WaterSprites Swim School is approximately 200 feet to the southeast. However, as previously discussed in Impact HAZ-1, operation of the proposed residential and commercial uses would not handle, store, or use substantial quantities of hazardous materials that could potentially cause a release that endangers human health or the environment. Implementation of MM HAZ-1 would ensure that existing hazardous materials on-site would be properly handled and disposed of prior to and during construction. Impacts would be less than significant with mitigation. (Draft EIR, page 3.9-40)

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to hazards and hazardous waste. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hazards and hazardous materials would be less than significant with mitigation incorporated.

**Impact HAZ-4:** The Project would 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, could create a significant hazard to the public or the environment. (Draft EIR, page 3.9-41)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.9-42) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM HAZ-1**

**Facts in Support of Findings:**

The Project site is listed on the DTSC EnviroStor database as a Certified State Response Cleanup Site and in the California State Water Board's Geotracker database as a Cleanup Site, which are lists compiled pursuant to Government Code Section 65962.5.

As there is residual contamination in the soil and groundwater at the project site, excavation and development at the project site could result in construction personnel being exposed to hazardous materials. This would present a potentially significant impact. Implementation of MM HAZ-1 would require that an SDMP is prepared and implemented prior to the issuance of a grading permit. The SDMP would ensure that applicable regulations are implemented to avoid exposure to hazardous materials.

Implementation of MM HAZ-1, as well as compliance with applicable federal, State, and local laws and regulations, would reduce the potential impacts associated with the project site being listed as a hazardous materials site. Impacts would be less than significant. (Draft EIR, page 3.9-41)

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to Hazards and Hazardous Materials. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated

with Hazards and Hazardous Materials would be less than significant with mitigation incorporated.

**B.8. Hydrology and Water Quality**

**Impact HYD-1:** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (Draft EIR, page 3.10-18)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.10-21) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM HAZ-1**

**Facts in Support of Findings:** Construction-related project activities would not require dewatering or the establishment of new groundwater wells. On-site groundwater monitoring wells would be maintained, with oversight by DTSC. The Project would be required to adhere to all applicable laws and regulations which reflect a comprehensive regulatory framework to help prevent violations of water quality standards and Waste Discharge Requirements (WDRs) as well as help to ensure no substantial degradation of water quality. In connection with Municipal Code 15.50, development within the project site would be required to comply with the applicable terms of the State Water Board's Construction General Permit, which requires the preparation and implementation of a SWPPP that includes BMPs to ensure reduction of pollutants from construction activities.

Soil contamination was identified in the Phase II ESA for the project site and the project site is under a Land Use Covenant (LUC) that restricts activities in proximity to the groundwater monitoring system and the subsurface asphalt cap. Mitigation Measure (MM) HAZ-1 requires that a Soil and Debris Management Plan (SDMP) be prepared prior to construction to address the conditions at the project site. The SDMP would include site control measures; excavation, off-haul, and backfill procedures; stormwater protection measures; and waste soil handling and disposal procedures. Additionally, the SDMP would include specific measures to protect the integrity of the monitoring system and asphalt cap. Adherence to the SDMP would ensure that construction activities associated with the Project would not violate water quality standards or substantially degrade water quality. Compliance with applicable laws, policies and regulations would minimize the potential to degrade water quality in downstream water bodies; however, the soil contamination at the project site could still pose a threat to water quality without the implementation of MM HAZ-1. Implementation of MM HAZ-1 would ensure that the necessary procedures are followed while handling and disposing contaminated soil, as well as the protection of the asphalt cap and groundwater monitoring system. As a result, construction-related project impacts to surface and groundwater and respective water quality would be less than significant with mitigation incorporated.

Development in the project site would result in additional impervious surfaces that would generate stormwater runoff that may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Comanche Creek and downstream waterways or allow seepage of such pollutants into the groundwater table. This would represent a potentially

significant operational impact related to surface and groundwater quality. (Draft EIR, page 3.10-19)

The Project's design and post-project operation and maintenance would be subject to applicable provisions of the NPDES General Permit for Small MS4s governing discharges, which includes implementation of a Storm Water Management Plan (SWMP). The SWMP would require the preparation of a clearly defined Operations and Maintenance (O&M) Plan to ensure that installed stormwater treatment measure(s) and hydromodification management control(s) are inspected and properly operated and maintained. Stormwater from the BYSP Area would be collected and directed to a combination water quality and retention/detention basin (stormwater basin) located within the off-site improvement area. The Project's drainage system would be required to comply with the City's Post- Construction Stormwater Standards Manual which identifies BMPs to control the potential pollutant load of stormwater runoff.

Therefore, with the implementation of MM HAZ-1, preparation of a SWMP, and adherence to other applicable laws and regulations, operation-related project impacts related to surface and groundwater and respective water quality would be reduced less than significant. (Draft EIR, page 3.10-20)

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to hydrology and water quality. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with hydrology and water quality would be less than significant with mitigation incorporated.

**Impact HYD-3:** The Project would not 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: (I) Result in substantial erosion or siltation on- or off-site; (II) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (III) 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 (IV) Impede or redirect flood flows? (Draft EIR, page 3.10-23)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.10-27) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM BIO-8**

**Facts in Support of Findings:**

(I) Erosion and Siltation, Construction-related. There are no creek beds on the project site; however, Comanche Creek is located approximately 0.3 mile south of the BYSP Area and Little Chico Creek is located approximately 0.4 mile north the BYSP Area. The Project includes the installation of an off-site outfall at Comanche Creek associated with the proposed off-site stormwater basin. Installation of the outfall and related off-site facilities could result in substantial erosion or siltation due to alteration of the creek bed. However, Comanche Creek is likely to be determined a jurisdictional water of the United States and/or a water of the State and

will thus, to the extent this occurs, be regulated by the USACE and/or the RWQCB, respectively. Installation of the outfall and related off-site facilities would be required to be completed in accordance with the current City of Chico Storm Drain Master Plan recommendations and would also be mandated to comply with any requirements as determined by the applicable regulatory agencies.

The Project would be required to adhere to all applicable laws and regulations as part of the comprehensive regulatory framework that governs water quality issues, including the implementation of a SWPPP as part of its Construction General Permit. (Draft EIR, page 3.10-23)

(I) Erosion and Siltation, Operations. The Project would include the installation and operation of an off-site stormwater basin that would be designed to treat on-site stormwater and prevent erosion and siltation from increasing pollutant loads in the stormwater system and Comanche Creek. Additionally, approaches to increase infiltration of stormwater into soils, such as permeable pavers, gravel alleys instead of concrete, reducing street widths, separating sidewalks, and planting trees, would promote infiltration of runoff into the soil and reduce the amount of stormwater runoff. Stormwater that would be collected in the detention/retention treatment areas would either evaporate or infiltrate through a bioretention filter into surrounding soils. In addition, the Project would be required to comply with all other applicable laws, regulations, and policies, including the City's NPDES program, SWMP, and all relevant provisions of the Municipal Code, including appropriately sized bioretention areas for pretreatment of stormwaters in accordance with the NPDES General Permit for Small MS4s governing discharges. MM BIO-8 requires that a Streambed Alteration Agreement be obtained and approved, which would include, but not be limited to, the implementation of erosion and bank stabilization measures. Adherence to all applicable laws, regulations, and policies as part of the Project's compliance with the comprehensive regulatory framework governing water quality, combined with implementation of MM BIO-8, would ensure that erosion and siltation impacts related to the outfall in Comanche Creek would be less than significant with mitigation incorporated (Draft EIR, page 3.10-24).

Except for impacts related to erosion or siltation, which can be mitigated to below a level of significance as described in the preceding discussion, all other potential effects associated with Impact HYD-3 would be less than significant and no further mitigation would be necessary as described below:

(II) Surface Runoff, Construction-related. The Project site is within an area designated as an area of Minimal Flood Hazard (Zone X) according to the Federal Emergency Management Agency (FEMA) FIRM. However, the Project could alter the existing drainage pattern in a manner that could increase the rate or amount of surface runoff and could result in on- or off-site flooding. The existing storm drain features in BYSP Area are limited to minor culverts and low swales that convey surface runoff to the southwest corner to a small retention basin (which would be removed as part of the Project). The proposed storm drain system for the BYSP Area would consist of a conventional on-site storm drain system with mains, catch basins, and maintenance holes designed in accordance with applicable City of Chico Storm Drain Master Plan and design standards. The storm drainage system would collect runoff and direct it to a combination water quality and retention/detention basin (stormwater basin) to be located within the off-site improvement area. Storm events exceeding the 2-year storm would be slowly released to Comanche Creek through a new outfall.

As explained in detail above, during construction the Project would be required to adhere to all applicable laws, regulations, and policies governing stormwater runoff, including the implementation of a SWPPP. The SWPPP will include performance standards for post-construction BMPs, including the use of permanent post-construction BMPs that manage stormwater runoff rates to match pre-construction project site hydrology—which would reduce the potential for flooding impact related to surface runoff. Therefore, the impact would be less than significant.

(II) Surface Runoff, Operations. The Project would increase the amount of impervious surfaces on the project site, which could increase the rate or amount of surface runoff in a manner which could result in flooding. This represents a potentially significant impact. However, offsetting the Project's increase in impervious surfaces through the final design of the proposed stormwater basin would be required by Chapter 15.50 of the Chico Municipal Code. The stormwater basin and related stormwater facilities would be required to comply with all applicable laws, regulations, and policies, including adhering to applicable meter runoff volumes in accordance with the Municipal Regional Permit as implemented by the Central Valley RWQCB. Furthermore, the Project would be required to prepare a SWMP that would ensure no net increase in surface runoff on-site. Therefore, impacts related to surface runoff resulting in flooding on or off-site would be less than significant. (Draft EIR, page 3.10-25)

(III) Storm Drain Capacity, Construction-related. During construction, the Project would increase stormwater runoff generation, which could potentially lead to an exceedance of the storm drain capacity. The Project would be required to adhere to all applicable laws, regulations, and policies including the implementation of a SWPPP, as part of its Construction General Permit. The SWPPP is designed to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction through the implementation of standard BMPs. Consistent with Chapter 15.50 of the Municipal Code, each applicant, in connection with the relevant individual specific development proposal, would be required to implement the relevant BMPs contained in the SWPPP that would be verified by a City inspector during the construction period. The SWPPP will include performance standards for post-construction BMPs, including the use of permanent post-construction BMPs that manage stormwater runoff rates to match pre-construction project site hydrology—which would reduce the potential storm drain exceedance due to surface runoff. Therefore, the construction impact related to exceedance of storm drain capacity and stormwater pollution would be less than significant.

(III) Storm Drain Capacity, Operations. The Project would result in increased impervious surface area and increased localized runoff, which could potentially exceed storm drainage capacity and increase pollutant loads. However, the Project would include a conventional on-site stormwater drainage system with mains, catch basins, and maintenance holes designed in accordance with applicable City of Chico Storm Drain Master Plan and design standards, as well as all other applicable laws and regulations. The Project's storm drainage system would collect and convey stormwater to an off-site stormwater basin. Storm events exceeding the 2-year storm would slowly be released to Comanche Creek via a new outfall which would also be built in accordance with City of Chico Storm Drain Master Plan recommendations as well as all other applicable laws and regulations. Additionally, approaches to increase infiltration of stormwater into soils would be incorporated into the project design as envisioned in the BYSP, thereby helping to promote infiltration of runoff into the soil and reduce increased amounts of stormwater entering the storm drain system.

The proposed bioretention treatment areas would be designed to reduce runoff volume entering the City stormwater drainage system or waterways, in accordance with the Municipal Regional Permit as implemented by the Central Valley RWQCB. In addition, the Project would be required to comply with the City of Chico NPDES program, SWMP, and all relevant provisions of the Municipal Code and other applicable laws and regulations related to stormwater pollution, including the provision of appropriately sized bioretention areas for pretreatment of stormwaters in accordance with NPDES guidelines. Thus, operation of the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, related impacts would be less than significant. (Draft EIR, page 3.10-26)

(IV) Impacts to Flood Flows, Construction-related. Impacts related to impedance of flood flows would only occur during the operational phase of the Project. As such, no construction impedance of flood flow impacts would occur.

(IV) Impacts to Flood Flows, Operations. The Project would have a significant impact if it were to substantially alter the existing drainage pattern of the project site in a manner that would impede or redirect flood flows. The entire project site is within an area of Minimal Flood Hazard (Zone X) as defined by FEMA and therefore would not place structures in such a way that flood flows would be impeded or redirected. Areas surrounding the creeks within the City, including Comanche Creek south of the off-site improvement area, are classified as special flood hazard areas; however, the Project would control stormwater runoff on-site and would not contribute to increased flooding associated with nearby creeks.

As detailed above, the Project would include a conventional on-site stormwater drainage system, which would be required to meet all relevant standards pursuant to applicable laws and regulations, which would collect and convey stormwater to an off-site stormwater basin. Storm events exceeding the 2-year storm would slowly be released to Comanche Creek via a new City outfall which would also be built in accordance with City of Chico Storm Drain Master Plan recommendations and all other applicable laws and regulations, including, among others, the requirement of no net increase as compared to pre-project flows. Impacts related to impedance or redirection of flood flows would be less than significant. (Draft EIR, page 3.10-27)

The Lead Agency finds that MM BIO-8 is feasible, is adopted, and will further reduce impacts related to erosion or siltation. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Hydrology and Water Quality would be less than significant with mitigation incorporated.

**B.9. Noise**

**Impact NOI-1:** The Project could 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. (Draft EIR, page 3.12-21)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.12-23) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM NOI-1 Noise Land Use Compatibility Mitigation Plan**

As part of the City's design review process for proposed noise-sensitive land use development projects (such as, but not limited to, multi-family residential land uses) that would be located within 325 feet of the active railroad mainline, and prior to issuance of building permits, the developer of the subject specific individual development proposal shall demonstrate one of the following:

(1) Outdoor active use areas are shielded from railroad noise source by structures or a masonry wall (such shielding must blocking the line of sight between the noise source and receptor, with no gaps); or

(2) An acoustic study (prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan) shows that the proposed development would remain below the City's applicable noise land use compatibility standards for the proposed land use. The subject developer shall submit the acoustic study to the Community Development Director for review and approval. Upon approval by the City, the proposed acoustical design features shall be incorporated into the subject development proposal's construction documents. Noise reduction design features may include, but are not limited to, locating outdoor active use areas of noise-sensitive land uses to be shielded by structures (buildings, enclosures, or sound walls).

**Facts in Support of Findings:** The City has established maximum allowable noise level compatibility criteria (as determined at location of receiving land use) for transportation noise sources, shown in Table N-1 of the Chico General Plan (reproduced as Table 3.12-8 in the Draft EIR, page 3.12-16)

Existing traffic noise levels range from 39.6 dBA to 57.1 dBA CNEL along modeled roadway segment in the project vicinity. These noise levels are considered normally acceptable to new residential land use developments. The western edge of the BYSP Area abuts an active Union Pacific Railroad (UPRR) right-of-way. The projected 65 dBA CNEL noise contour of this rail line extends to approximately 325 feet from the track centerline, which includes 100 feet of the closest western edge of the BYSP Area. Therefore, any noise-sensitive land uses that would potentially be constructed in this area would be exposed to railroad noise levels in excess of the City's normally acceptable standard of 65 dBA CNEL which would result in a significant impact. Therefore, mitigation would be required to reduce potential impacts to noise-sensitive land use development that could occur within 325 feet of the railroad centerline. Implementation of MM NOI-2a would ensure that noise-sensitive land uses within the impact area would be shielded, and this potential impact would be reduced to less than significant. (Draft EIR, page 3.12-22)

The Lead Agency finds that MM NOI-1 is feasible, is adopted, and will further reduce impacts related to noise. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with noise would be less than significant with mitigation incorporated.

**Impact NOI-2:** The Project could generate 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. (Draft EIR, page 3.12-23).

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.12-32) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM NOI-2a Construction Noise Mitigation Plan**

Each specific individual development proposal shall adhere to the permitted construction hours as delineated in the City's Municipal Code, if feasible. In addition, prior to the issuance of demolition, grading, site improvement plans, and/or construction permits in connection with an application for a specific individual development proposal, the subject developer(s) of each such individual proposal that may include the operation of multiple pieces of heavy construction equipment within 50 feet of the property line of noise-sensitive receptors (e.g., residences, hospitals, schools) shall either (1) demonstrate and expressly state on project drawings that multiple pieces of equipment will not be necessary or allowed to operate within 50 feet of the property line of noise-sensitive receptors, or (2) the subject developer shall hire an acoustics consultant to conduct a site-specific acoustical analysis to confirm whether there would be any site-specific exceedance of applicable standards. The analysis shall assess consistency of the proposed construction activities with the exemption criteria for construction activities set forth under Chico Municipal Code Section 9.38.060, once the final construction equipment list that will be used for the subject demolition, grading activities and/or construction activities is determined. The site-specific acoustical analysis shall be prepared by the specific developer and subject to approval by the City. If the analysis determines that the subject construction activities would not meet the exemption criteria, then specific measures to attenuate the identified temporary noise impact to minimize exceedances of the relevant noise permit exemption criteria is achieved shall be outlined in the analysis and reviewed and approved by the City and implemented in the subject proposal. Specific measures may include, but are not limited to, the following best management practices:

- Install temporary sound barriers between sensitive receptor locations and the construction area where the heavy equipment will be operating.
- Stationary equipment (such as generators and air compressors) and equipment maintenance and staging areas shall be located as far from existing noise-sensitive land uses, as feasible.
- Post a construction site notice near the construction site access point or in an area that is clearly visible to the public. The notice shall include the following: job site address; permit number, name, and phone number of the contractor and owner; dates and duration of construction activities; construction hours allowed; and the phone numbers of the City's Planning Department and the construction contractor where noise complaints can be reported and logged.

- If construction equipment is equipped with backup alarm shut offs, switch off backup alarms and replace with human spotters, as feasible.
- Restrict haul routes and construction-related traffic to the least noise-sensitive roadways.
- Reduce non-essential idling of construction equipment to no more than 5 minutes.
- Ensure that all construction equipment is monitored and properly maintained in accordance with the manufacturer's recommendations to minimize noise.
- Fit all construction equipment with properly-operating mufflers, air intake silencers, and engine shrouds, no less effective than as originally equipped by the manufacturer, to minimize noise emissions.
- To the extent feasible, use acoustic enclosures, shields, or shrouds for stationary equipment such as compressors and pumps.
- Shut off generators when generators are not needed.
- Coordinate deliveries to reduce the potential of trucks waiting to unload and idling for long periods of time.
- Grade surface irregularities on construction sites to prevent potholes from causing vehicular noise.
- Minimize the use of impact devices such as jackhammers, pavement breakers, and hoe rams. Where feasible, use concrete crushers or pavement saws rather than hoe rams for tasks such as concrete or asphalt demolition and removal.

The final noise reduction measures to be implemented and their associated details, as set forth in the subject Construction Noise Mitigation Plan, shall be included on all subject construction and building documents and/or construction management plans and submitted for verification to the City; implemented by the construction contractor through the duration of the subject construction phase; and discussed at the subject pre-demolition, -grade, and/or -construction meetings.

**MM NOI-2b Stationary Source Noise Reduction Plan**

As part of the City's design review process for individual commercial and multi-family residential projects, and prior to issuance of building permits, the developer of the subject specific individual development proposal shall demonstrate one of the following:

(1) Major noise-generating elements (e.g., truck loading docks within 150 feet of a sensitive receptor, or surface parking areas within 60 feet of a sensitive receptor, or commercial grade mechanical ventilation equipment within 15 feet of a sensitive receptor, etc.), are shielded from nearby residential uses by structures or a masonry wall (such shielding must blocking the line of sight between the noise source and receptor, with no gaps), or

(2) An acoustic study (prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan) shows that the operational noise associated with any major noise-generating elements (e.g., truck loading

docks, large parking areas, commercial grade mechanical systems, etc.), would remain below the City's nighttime noise standards of 65 dBA $L_{max}$ and 50 dBA $L_{eq}$. Examples of major noise-generating elements include, but are not necessarily limited to, unshielded truck loading docks within 150 feet of a sensitive receptor, or surface parking areas within 60 feet of a sensitive receptor, or commercial grade mechanical ventilation equipment within 15 feet of a sensitive receptor. The subject developer shall submit the acoustic study to the Planning Director for review and approval. Upon approval by the City, the proposed acoustical design features shall be incorporated into the subject development proposal's construction documents. Noise reduction design features may include, but are not limited to, locating stationary noise sources on the subject construction area to be shielded by structures (buildings, enclosures, or sound walls) or by using equipment that has a quieter rating.

**Facts in Support of Findings:** Construction haul trips could average up to 54 trips per day during the site preparation phase when off-haul of soil would occur. These trips would use West 16th Street and West 22nd Street to access the site, with approximately 40 percent of these trips using West 16th Street, and 60 percent of the trips using West 22nd Street. (Draft EIR, page 3.12-24) Since the resulting traffic noise levels would remain below 65 dBA, acceptable for residential land uses, an increase of more than 8 dBA would be considered a significant increase. However, the greatest traffic noise increase with the additional project construction haul trips would be a 5 dBA increase on the modeled roadway segment of West 22nd Street. Therefore, short-term construction-related noise impacts associated with the highest average daily construction haul trips would be less than significant. (Draft EIR, page 53.12-25)

All construction activity noise levels are governed by the standards set forth in the City's Municipal Code, which exempts construction noise generally from applicable restrictions, subject to the limiting of construction activities to specified permissible hours and the applicable noise limits (as noted above). All construction activity within the project site would be subject to these restrictions, and would meet them due to the large size and ability to avoid simultaneous use of large pieces of equipment along the outer residential boundary of the construction area. Mitigation would be required to implement best management noise reduction practices and to avoid using multiple pieces of construction equipment within 50 feet of adjacent residential uses during construction unless site-specific noise reduction measures are in place. This would ensure that construction noise levels would be reduced to levels that would be considered less than significant, even when using multiple pieces of construction equipment along the residential boundary is necessary. Therefore, implementation of MM NOI-1 would ensure construction noise impacts would be reduced to less than significant. (Draft EIR, page 3.12-25)

As shown in Table 3.12-12 of the Draft EIR, all roadway segments modeled to be 50 dBA CNEL or lower under Existing No Project conditions would experience traffic noise increases that could be perceived as more than a doubling of their existing street noise despite the fact that Cumulative Plus Project noise levels are modeled to remain below the significance threshold of 65 dBA CNEL. The project is estimated to build-out over a period of 18 years, which would spread the effect of increased traffic volumes over approximately that same period of time, as development occurs. None of the modeled roadway segments would experience an increase in traffic noise levels that would exceed the City's most restrictive exterior noise level standard of 65 dBA CNEL at any receiving sensitive land use. Therefore, the Project would not result in a

substantial increase in traffic noise levels in excess of established standards and the impact would be less than significant. (Draft EIR, page 3.12-26)

Table 3.12-13 of the Draft EIR shows a summary of the calculated potential noise levels from project-related stationary noise sources as measured at the nearest off-site and anticipated on-site sensitive receptor land uses. Depending on the ultimate locations of specific land uses developed pursuant to the Project, parking areas could result in noise levels that exceed the City's nighttime maximum noise threshold of 65 dBA $L_{max}$, as measured at the outdoor active use area of a receiving residential land use. Therefore, mitigation is required to reduce this potential impact. (Draft EIR, page 3.12-29)

Operational activity noise levels can be mitigated at the source and/or at the receiving land use using setbacks, soundwalls, acoustic-rated windows, or by locating stationary sources on sides of buildings opposite sensitive receptors (using buildings as shielding). The calculation sheet for these operational noise levels is included in Appendix H of the Draft EIR.

Therefore, implementation of MM NOI-2b, requiring preparation of a site-specific acoustical analysis and implementation of an approved stationary source noise reduction plan to identify appropriate design measures, would ensure stationary source operational noise impacts generated by the Project would be reduced to below the City's nighttime noise standards of 65 dBA $L_{max}$ and 50 dBA $L_{eq}$. With implementation of MM NOI-2b, stationary source noise impacts would be less than significant. (Draft EIR, page 3.12-30)

The Lead Agency finds that MM NOI-2a and MM NOI-2b are feasible, are adopted, and will further reduce impacts related to noise. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with noise would be less than significant with mitigation incorporated.

**Impact NOI-3:** The Project could result in generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR, page 3.12-32)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.12-34) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM NOI-3 Construction Vibration Reduction Plan**

Prior to issuance of grading and/or building permits for any future development projects that would necessitate the use of large vibratory rollers within 25 feet of a structure, or the use of any other heavy construction equipment within 15 feet of a structure, a note shall be provided on grading and building plans indicating that during grading and construction the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related vibration impacts:

- No impact pile driving shall be permitted.

- Submit a Construction Vibration Reduction Plan that identifies specific techniques, such as the depth and location of temporary trenching, that would minimize potential vibration impacts to the impacted structure.
- The individual project owner/developer shall submit the Construction Vibration Reduction Plan to the Planning Director for review and approval prior to issuance of building permits. Upon approval by the City, the construction vibration reduction measures shall be incorporated into the construction documents.

**Facts in Support of Findings:** The construction vibration impact criteria are summarized in Table 3.12-7 of the Draft EIR, on page 3.12-12. Table 3.12-3 of the Draft EIR provides approximate vibration levels for construction equipment, several of which would be used at the project site to conduct construction activities. (Draft EIR, page 3.12-8)

A large vibratory roller that could be used for roadway construction and building pad compaction would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 inch per second (in/sec) PPV at 25 feet from the operating equipment. Therefore, if the use of a large vibratory roller were to occur within 25 feet of a structure, or if the use of other heavy construction equipment were to operate within 15 feet of a structure, the resulting vibration levels could exceed the Federal Transit Administration (FTA) threshold of 0.2 PPV for structures of conventional wood frame construction, resulting in a potentially significant impact. Therefore, mitigation would be required to reduce this potential impact.

Construction vibration sources can be mitigated to acceptable levels through techniques such as using alternate equipment, providing required setbacks for the operation of certain types of equipment, or by digging temporary trenches between the source and the receptor. Therefore, implementation of MM NOI-3, which requires preparation of a Construction Vibration Reduction Plan for any construction activity involving use of a large vibratory roller within 25 feet of a structure or other heavy construction equipment within 15 feet of a structure, would ensure that these vibration level impacts generated by future development projects would be reduced to a less than significant impact. (Draft EIR, page 3.12-33)

The existing UPRR line on the west side of the Plan Area is an existing source of groundborne vibration. The FTA's vibration screening distance is 100 feet from an active rail line for residential land use development. As the active travel tracks are over 100 feet from the Plan Area, it would meet the FTA's screening criteria and it is anticipated that vibration levels from railroad activity on the UPRR rail line would result in a less than significant impact on proposed land use development. Therefore, project operational groundborne vibration level impacts would be considered less than significant. (Draft EIR, page 3.12-34)

The Lead Agency finds that MM NOI-3 is feasible, is adopted, and will further reduce impacts related to groundborne vibration and groundborne noise levels. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with noise impacts would be less than significant with mitigation incorporated.

**B.10. <u>Recreation</u>**

**Impact REC-2:** The Project would involve the construction and operation of park and recreational facilities, which could result in an adverse physical effect on the environment but would not require the construction or expansion of recreational facilities beyond those contemplated by the Project. (Draft EIR, page 3.15-12)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.15-14) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

All construction and operational mitigation measures that apply to development within the BYSP Area shall also apply to construction and operation of park and recreation facilities within the Project.

**Facts in Support of Findings:** The addition of up to 1,250 new residential units could accommodate a total of approximately 2,975 new residents which will increase demand for parks in the Project area. With the planned inclusion of approximately 8 acres of public parks and 12 acres of private recreational amenities, the Project would create an equivalent amount of park open space to meet City and Chico Area Recreation and Park District (CARD) standards of 4 acres of parkland per 1,000 residents. Therefore, the Project would not trigger the need to (a) construct additional new off-site park and recreational facilities or (b) expand existing off-site facilities to accommodate the demand generated by the Project, and therefore no significant environmental impacts in this regard would occur. (Draft EIR, page 3.15-14)

The potential impacts associated with the construction and operation of proposed parks and recreation amenities are discussed in conjunction with the other aspects of the overall project throughout the Draft EIR in each relevant environmental topic area. As a result of being part of the Project, new park and recreation amenities will be subject to the mitigation measures identified in the Draft EIR and Mitigation Monitoring and Reporting Program.

Potential construction-related impacts from the development of planned park and recreation amenities on-site would either be less than significant or would be reduced to less than significant levels with implementation of feasible mitigation. Therefore, as documented throughout the Draft EIR, the construction of park and recreation amenities as part of the Project would have a less than significant impact and no additional mitigation is required to minimize or avoid adverse physical impacts on the environment. (Draft EIR, page 3.15-13)

The environmental impacts associated with operation of the parks and recreation amenities within the Project have been accounted for in the impact discussions of all relevant environmental topic areas, including, but not limited to: air quality, biological resources, cultural resources, energy, geology and soils, hazards, noise, and transportation-related impacts within the Draft EIR.

As such, potential operational impacts from the development of planned park and recreation amenities on-site would either be less than significant or would be reduced to less than significant levels with implementation of feasible mitigation. Operation of the parks would have a significant or cumulatively considerable contribution to the overall Project's air quality impacts of obstructing implementation of an air quality plan and adding a cumulatively considerable net increase of criteria air pollutants for which the region is nonattainment, which have been determined to be significant and unavoidable for the overall Project. As a result of being part of

the Project, new park and recreation amenities will be subject to the mitigation measures identified in the EIR. No additional mitigation is required to minimize or avoid adverse physical impacts on the environment from park operations.

Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with recreation would be less than significant with mitigation incorporated.

## B.11. Transportation

### Impact TRANS-2

The Project would generate substantial demand for bicycle facilities on streets near the project site without associated bicycle infrastructure improvements, causing a physical change inconsistent with General Plan policies (CIRC-2.1, CIRC-2.2, CIRC-3.1, CIRC-3.3) and bicycle policies contained in the City of Chico Bike Plan 2019 Update. (Draft EIR, page 3.16-34)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, page 3.16-36) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM TRANS-2** Prior to City acceptance of subdivision improvements for the nearest street connection into the project site (as specified) in connection with the relevant specific individual development proposal, the subject developer or City shall be responsible for ensuring the construction of the following bicycle facilities as outlined in the Chico Bicycle Plan 2019 Update (and as shown in DEIR Exhibit 3.16-6). To the extent that adequate funds exist for the City to design and construct off-site infrastructure improvements pursuant to a development agreement for the Barber Yard Specific Plan project it shall be the City's responsibility to design and construct the bicycle facilities listed below concurrently with the associated phase:

Class III Bike Boulevards:

- On Ivy Street from W 10th Street into the BYSP Area (Ivy Street)
- On Chestnut Street between W 13th Street and W 16th Street (W 16th Street)
- On W 16th Street from Salem Street to the BYSP Area (W 16th Street)
- On W 20th Street from Salem Street into the BYSP Area (West 20th Street)

Final maps shall not be approved for the subject phase until the relevant improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement.

**Facts in Support of Findings:** The Project includes a comprehensive network of on-site bicycle facilities that would support substantial travel by bicycle within the BYSP Area for recreation and would provide bicycle access to all land uses within the BYSP Area. These improvements would include connections to bicycle facilities on Ivy Street, West 16th Street, West 20th Street

and the southern segment of Ivy Street, via Estes Road and West 22nd Street. The Project would not adversely affect existing or planned bicycle facilities identified in the Chico Bicycle Plan 2019 Update ("Bicycle Plan"); however, the Project would contribute to the demand for upgraded bicycle facilities. (Draft EIR, page 3.16-35)

The BYSP does not explicitly include any indication of the planned financing or construction of adjacent roadway circulation improvements to connect to existing nearby bikeways, which could leave the bicycle network inconsistent with General Plan Policies CIRC-1.2 and CIRC-3.3 and is considered a potentially significant impact. To ensure consistency with General Plan policies, MM TRANS-2 would require bike boulevard connections from the Project boundary to the nearest bikeways on Ivy Street, Chestnut Street, West 16th Street and West 20th Street, in conjunction with the development of the closest new street extension into the Project.

Compliance with MM TRANS-2 would ensure the Project is consistent with the General Plan and the Bicycle Plan and would reduce project impacts to bicycle facilities to less than significant. (Draft EIR, page 3.16-35)

The Lead Agency finds that MM TRANS-2 is feasible, is adopted, and will further reduce impacts related to transportation. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with transportation would be less than significant with mitigation incorporated.

**Impact TRANS-3:** The Project would generate substantial demand for pedestrian facilities on streets near the project site, which currently lack pedestrian facilities and which connect the project site to existing commercial uses in the vicinity, without including associated pedestrian infrastructure improvements, inconsistent with General Plan policies (CIRC-2.1, CIRC-2.2 and CIRC-4.2) contained in City of Chico planning documents. (Draft EIR, page 3.16-38)

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, 3.16-39) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1))

**Mitigation Measures:**

**MM TRANS-3** Prior to City acceptance of subdivision improvements for the specified street connection into the project site in connection with the relevant specific individual development proposal, the subject developer or City shall be responsible for ensuring the construction of sidewalks where gaps are present on West 16th Street between the project site and Broadway Street and on West 20th Street between the project site and Broadway Street, in conjunction with the construction of subdivision improvements that extend each of those respective streets into the project site. To the extent that adequate funds exist for the City to design and construct off-site infrastructure improvements pursuant to a development agreement for the Barber Yard Specific Plan project it shall be the City's responsibility to design and construct the pedestrian facilities listed below concurrently with the associated phase. Final maps shall not be approved for the phase which extends the specified street connection into the project site until the

associated sidewalk gap improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement.

**Facts in Support of Findings:** The Project would incorporate sidewalks and/or multiuse paths along all collector and residential streets within the BYSP Area. However, immediately outside of the BYSP Area, there are several major existing sidewalk gaps that would result in substandard pedestrian connectivity from the BYSP Area to commercial uses located on Park Avenue. If left unmitigated, these sidewalk gaps would result in a pedestrian network that is inconsistent with the City's policies, which is considered a potentially significant impact. To ensure consistency with General Plan circulation policies, MM TRANS-3 would require the construction of sidewalks where gaps are present on West 16th Street and West 20th Street.

Compliance with this mitigation measure will ensure connective pedestrian access would be provided in the BYSP Area vicinity and project impacts to pedestrian facilities would be reduced to a level that is considered less than significant. (Draft EIR, page 3.16-38)

The Lead Agency finds that MM TRANS-3 is feasible, is adopted, and will further reduce impacts related to transportation. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with transportation would be less than significant with mitigation incorporated.

### C. Impacts Identified in the EIR as Being Significant and Unavoidable Even After the Incorporation of All Feasible Mitigation Measures

The Lead Agency hereby finds that, despite the incorporation of mitigation measures outlined in the EIR and the attached Mitigation Monitoring and Reporting Program (MMRP), the following impacts from the Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

#### C.1. Impact AIR-1

**Impact AIR-1:** The Project would conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR, page 3.3-36)

**Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1)) (Draft EIR, page 3.3-37). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (CEQA Guidelines § 15091(a)(3))

**Mitigation Measures:**

**MM AIR-2 Purchase Offsets**

Prior to the City's approval of a final map for an application for a specific individual development proposal within the BYSP Area which would result in project-wide emissions exceeding 25 lbs/day of ROG, the subject project developer shall participate in an Off-site Mitigation Program, based on the Butte County Air Quality Management District (BCAQMD) CEQA Handbook, by paying the equivalent amount of money, which is equal to the contribution of

pollutants (ROG) for the subject application which exceeds the BCAQMD thresholds of significance. Final details are to be approved by the BCAQMD and City for calculating the payments to the Off-site Mitigation Program due by each specific individual development proposal pursuant to this MM AIR-2.

**Facts in Support of Findings:** The BCAQMD, along with the other air districts in the region, prepared the NSVPA 2021 Triennial Air Quality Attainment Plan (AQAP). The 2021 Plan addresses attainment of the California Ambient Air Quality Standards (CAAQS) for ozone and was adopted by the BCAQMD in coordination with the air quality management districts and air pollution control districts for the counties located in the northern portion of the Sacramento Valley including Colusa, Glenn, Shasta, Sutter, Tehama, and Yuba counties, and incorporates land use assumptions and travel demand modeling provided by the Butte County Association of Governments (BCAG).

Implementation of the Project would result in a change in land use compared to existing conditions but would be consistent with the City's intent to develop the BYSP Area for a mix of commercial, residential, recreational, and open space uses. The General Plan includes a conceptual land use plan for this area that includes a mix of uses similar to those proposed by the Project. Therefore, the Project would not result in population growth that substantially exceeds BCAG growth projections for the County and would be consistent with the underlying regional plans used to develop the air quality management plan. (Draft EIR, page 3.3-36)

To address the criterion of whether the Project would exceed the BCAQMD significance thresholds for ozone precursors and potentially delay the timely attainment of the ambient air quality standards or interim emission reductions of the 2021 Plan, an air quality modeling estimate of the Project's impact on air quality was performed. The Project is estimated to result in long-term operational emissions that would exceed the respective project-level BCAQMD significance threshold for Reactive Organic Gasses (ROG, an ozone precursor), resulting in a potentially significant impact associated with the violation of an air quality standard. Despite implementation of MM AIR-1, it is likely that project-wide operational ROG emissions would still exceed project-level significance thresholds. It is assumed for the purposes of this analysis that exceeding the applicable project-level threshold for ozone precursors could increase the frequency or severity of existing air quality violations or cause or contribute to new violations, and the Project would therefore conflict with the 2021 AQAP. Such a conflict with the AQAP is considered a significant and unavoidable impact. (Draft EIR, page 3.3-37)

The Lead Agency hereby finds that MM AIR-2 is feasible, is hereby adopted and will reduce impacts to the fullest extent possible; however, impacts related to implementation of the applicable air quality plan remain significant and unavoidable. (Draft EIR, p. 3.3-37)

### C.2. Impact AIR-2

**Impact AIR-2:** The Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. (page 3.3-37)

**Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (CEQA Guidelines § 15091(a)(1); (Draft EIR, page 3.3-47). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal,

social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (CEQA Guidelines § 15091(a)(3))

**Mitigation Measures:**

MM ENER-1, MM AIR-2, and

**MM AIR 1** Prior to issuance of subdivision improvement plans for each phase of construction within the project site, the developer shall provide to the City's Community Development Director, for City review and approval, reasonable documentation that demonstrates the use of construction equipment that meets or exceeds United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower, if available. This requirement shall be included as construction notes on all relevant construction plans and permits (e.g., grading plan, building permit) for the subject specific individual development proposal. The relevant construction contractor shall maintain records concerning its efforts to comply with this requirement during construction, including equipment rental lists. If Tier 4 equipment is not available, the subject applicant shall reasonably document to the City's Community Development Director the basis for its unavailability and instead shall ensure that all off-road diesel-powered equipment greater than 50 hp shall meet EPA Tier 3 emissions standards. All Tier 3 equipment shall be outfitted with Best Available Control Technology (BACT) devices including an ARB certified Level 3 Diesel Particulate Filter or equivalent.

**Facts in Support of Findings:** The Air Basin the project is in nonattainment for the State's 24-hour standard for $PM_{10}$, annual $PM_{2.5}$ standard, and 1- and 8-hour ozone standards, as well as the federal 8-hour ozone standard. Therefore, if the Project exceeds the thresholds for $PM_{2.5}$, then it would contribute to a cumulatively considerable impact for $PM_{2.5}$. If the Project would exceed the thresholds for NOx or ROG, which are ozone precursors, then it follows that the Project would contribute to a cumulatively considerable impact for ozone.

The BCAQMD's CEQA Handbook has developed project-level construction and operational thresholds for ROG, NOx, and $PM_{10}$ that can be utilized to determine whether a project may violate an air quality standard or contribute substantially to an existing air quality ozone precursors violation.

Project construction activities were modeled to determine the maximum daily emissions and annual emissions for comparison to the BCAQMD construction thresholds. Unmitigated emissions were based on State average values, and mitigated emissions were calculated assuming an inventory mix of Tier 3 and Tier 4 construction equipment and assuming that the equipment would meet BACT standards for diesel particulate matter (DPM) control. Consistent with this approach, MM AIR-1 would ensure that construction of future implementing projects would utilize off-road diesel equipment that meets the Tier 4 emission standards for all off-road equipment greater than 50 horsepower (or equipment that meets Tier 3 emissions and BACT standards if Tier 4 equipment is not available).

Air quality modeling results in the Draft EIR show that unmitigated annual emissions of criteria pollutants based on the assumed development schedule would exceed significance thresholds for ROG and NOx, but the mitigated annual emissions would fall below the significance thresholds.

Since the mitigated emission levels are below the thresholds, implementation of MM AIR-1 would ensure that the proposed Project's construction emissions would not exceed the significance thresholds established by the BCAQMD. (Draft EIR, page 3.3-41)

Regarding operational impacts, Table 3.3-14 of the Draft EIR presents the estimated annual emissions of criteria pollutants based on the assumed development schedule and shows that ROG emissions would exceed the significance threshold of 25 pounds per day in 2028, 2030, 2034 and in 2042, reaching a maximum of 69.66 pounds per day in 2042.

The main source of ROG comes from consumer products. Consumer products are chemically formulated products used by household and institutional consumers, including but not limited to detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products.

The options available to reduce the majority of ROG emissions caused by operations would require the use of restricted supplies and equipment by future occupants in perpetuity. Future occupants (including residents and workers) would have access to consumer products available in the marketplace. Regulation of consumer products available on the marketplace is not within the control of any individual project applicant or lead agency. Therefore, requiring the use of only low ROG supplies and equipment in perpetuity is neither feasible nor enforceable. (Draft EIR, page 3.3-45)

The second main source of ROG comes from vehicle exhaust. Most of the vehicles driven as a result of the Project are conservatively assumed to be private vehicles owned by future residents and workers. Similar to consumer products, regulation of private vehicles is not within the control of any individual project applicant or lead agency. Therefore, there is no feasible mitigation measure that can directly reduce this impact. However, the percentage of gasoline-fueled vehicles would drastically reduce as the State transitions to zero-emission vehicles pursuant to various laws and regulations within a robust regulatory framework. With the issuance of Executive Order N-79-20 and the subsequent adoption of the Advanced Clean Cars II regulation, the proportion of the passenger vehicle fleet that is electric and alternatively fueled is anticipated to increase with each passing year, with an estimated 77 percent of the on-road population being battery electric or plug-in hybrid technology by the project buildout in 2041. ROG emissions from mobile exhaust would continue to diminish over the years. (Draft EIR, page 3.3-46)

When there is no feasible mitigation available to directly reduce air emission impacts, the BCAQMD CEQA Handbook recommends that the project applicant (or developer) either establish an Off-site Mitigation Program within Butte County, coordinated through BCAQMD, or participate in an existing Off-site Mitigation Program by paying the equivalent amount of money equal to the project contribution of pollutants (ROG). MM AIR-2 would require the applicant for each individual specific development proposal within the BYSP Area that would result in project-wide emissions exceeding 25 pounds/day of ROG to participate in an Off-site Mitigation Program. However, although the Air District issues credits for criteria pollutant tonnage/year removed, future timing and success of the grant program cannot be guaranteed, and therefore, the impact is concluded to be significant and unavoidable even when mitigated to the extent feasible. (Draft EIR, page 3.3-46)

The Lead Agency hereby finds that MM AIR-1, MM AIR-2 and MM ENER-1 are feasible, are hereby adopted and will reduce impacts to the fullest extent possible. The Lead Agency finds that

with mitigation construction-related impacts would be reduced to less than significant; however, operational impacts associated with Impact AIR-2 remain significant and unavoidable even with implementation of mitigation. (Draft EIR, p. 3.3-37)

### C.3. Cumulative Impact – Air Quality

**Cumulative Impact – Air Quality:** The Project would result in significant and unavoidable impact with respect to cumulative operational criteria of air pollutants.

The Project would result in less than significant cumulative impacts for all other cumulative air quality impact areas. (Draft EIR, page 3.3-59).

**Mitigation Measures:**

MM AIR-1, MM AIR-2, MM AIR-3, and MM ENER-1

**Facts in Support of Findings:** The Air Basin is currently in nonattainment of the federal and State standards for ozone and the State standards for $PM_{2.5}$ but in attainment for all federal PM standards. Therefore, there is an existing cumulatively significant air quality impact with respect to these pollutants. Moreover, the Air Basin is anticipated to continue to be nonattainment for these pollutants and, thus, this cumulatively significant impact would likely continue to exist in the future. The Project would result in new air emissions during construction and operations and therefore would contribute to this impact. However, the Project would not result in unplanned population growth or subsequent emissions generation exceeding what was considered in the 2021 Plan, which is the region's strategy for achieving attainment status for these standards. As such, with respect to the growth assumptions of the 2021 Plan, the Project's incremental contribution would not have a significant cumulatively considerable contribution to this existing significant cumulative air quality impact.

Criteria air pollutant emissions associated with construction activity of cumulative projects would be reduced through implementation of control measures required by the BCAQMD. Cumulative $PM_{10}$ and $PM_{2.5}$ emissions would be reduced because all cumulative projects would be subject to BCAQMD Rules 200 (Nuisance) and 205 (Fugitive Dust), which sets forth general and specific requirements for all construction sites in the BCAQMD Rules 230 (Architectural Coatings) and 231 (Cutback and Emulsified Asphalt).

The Project would result in the exceedance of the ROG operational BCAQMD significance thresholds; as a result, the Project could potentially result in a cumulatively considerable contribution to regional ozone concentrations or other criteria pollutant emissions. Therefore, mitigation is proposed requiring the implementation of measures to reduce criteria pollutant emissions (i.e., ozone precursors) to below BCAQMD thresholds. However, this impact would remain significant and unavoidable. Note that the Project would not have significant particulate matter emissions and, thus, would not contribute to the existing nonattainment status for $PM_{2.5}$.

Toxic Air Contaminant risks decrease when distance is increased between the source of air pollution and sensitive land uses. Beyond 1,000 feet, any potential health risks would be minimal. Therefore, these projects would not contribute to a cumulatively significant health risk impact. In terms of the Project's contribution to the foregoing impact, as provided in the on-site and off-site HRA, cumulative cancer, non-cancer chronic hazard, and $PM_{10}$ concentrations were evaluated at the most impacted sensitive receptor from all sources of TAC emissions located within 1,000 feet of the project site, including DPM emissions resulting from project

construction. The Project's individual incremental contribution to cancer risk would be below the BCAQMD's community significance threshold for determining cumulative TAC risk after implementation of mitigation; therefore, the Project would not result in a cumulatively considerable contribution to TAC cancer risk with mitigation.

For potential local CO hotspots, the appropriate geographic scope is 1,000 feet from the project boundary, similar to other TACs. Cumulative development would not be located within 1,000 feet of the Project. In terms of the Project's contribution to the foregoing impact, as discussed above, it would not exceed any of the screening criteria and thus would not have a cumulatively considerable contribution to this less than significant cumulative impact.

Cumulative localized impacts could potentially occur if a construction project were to occur concurrently with another off-site project. For the purposes of this analysis, it is assumed that construction schedules for cumulative projects would not overlap. The same is true for odors from a construction impact standpoint. The Project would not generate nuisance operational odors. Typically, odors are confined to areas around the source and would not combine with other odor sources creating a cumulative impact. Therefore, the Project would not have a cumulatively considerable contribution to this already less than significant cumulative odor impact.

The Lead Agency finds that MM ENER-1, MM AIR-1, MM AIR-2, and MM AIR-3 are feasible, are adopted, and will reduce impacts to the greatest extent feasible. However, cumulative operational criteria pollutants impacts would still remain significant and unavoidable even with mitigation incorporated. The Lead Agency finds that all other cumulative air quality impacts would be reduced to below a level of significance.

## X.
## PROJECT ALTERNATIVES

### A. ALTERNATIVES ANALYSIS

Because not all significant effects could be substantially reduced to a less than significant level by either adoption of feasible mitigation measures or by standard conditions of approval, the EIR considered the feasibility of project alternatives compared to the Project. This section presents findings regarding alternatives to the project. The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the Draft EIR Chapter 6. Further evidence supporting these Findings is set forth in Chapter 6 of the Draft EIR (Alternatives) and in various responses to comments in the Final EIR:

- **Alternative 1—No Project/No Development Alternative:** The Project would not proceed. The project site would remain unchanged, and no new development would occur on the project site for the foreseeable future. Off-site improvements would not be constructed. (Draft EIR, page 6-1)
- **Alternative 2—Reduced Commercial Alternative:** Under the Reduced Commercial Alternative, 60,000 square feet of commercial uses would not be constructed: 30,000 square feet would be reduced from the fitness club, 20,000 square feet would be removed from the retail plaza, and 10,000 square feet would be removed from restaurants compared to the Project. Instead, this alternative would construct additional single-family homes throughout the site with alleyways, increasing the provision of housing within the BYSP

Area by up to 30 units totaling approximately 40,000 square feet. The proposed 150,000 square feet of adaptive reuse of the Warehouse, Engineering Building, and Shop would remain. Off-site improvements would be similar to the Project. (Draft EIR, page 6-1)

- **Alternative 3—On-site Stormwater Basin Alternative:** Under the On-site Stormwater Basin Alternative, the BYSP Area would be developed similarly to that of the Project but with an on-site stormwater basin and reduction in residential units. The basin would be constructed on-site in the vicinity of the BYSP-0S1 (Restricted Use) area in the southern portion of the BYSP Area. A connecting storm drain alignment would connect the on-site stormwater basin to an outfall in Comanche Creek in a location similar to that of the Project. To accommodate the on-site stormwater basin, this alternative would require a reduction in residential units of approximately 154 units. Proposed commercial square footage would remain consistent with the Project at 210,000 square feet inclusive of the adaptive reuse of existing buildings. Development within the off-site improvement area would not occur except for the construction of a linear storm drain alignment connecting to Comanche Creek. (Draft EIR, page 6-2)

During the public comment period, the following additional alternative was suggested:

- Sharon Fritsch, Email on February 19, 2025: Reduce project size to 1/3 initially, and then assess needs after that is built.

The Lead Agency finds that the reduced size alternative suggested during the public review period summarized above is not considerably different from the reduced development alternatives analyzed in the Draft EIR nor would it clearly lessen the significant environmental impacts of the project or meet the project objectives to the same extent as the project. For each of these reasons, separately and independently, the above additional alternative is rejected and the discussion below focuses on the alternatives discussed in the EIR.

In accordance with CEQA Guidelines Section 15126.6, the EIR contained a comparative impact assessment of alternatives to the project. The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the project's significant adverse environmental effects. Important considerations for this alternatives analysis are noted below:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 2.5 of the Draft EIR;
  - Infeasibility; and
  - Inability to avoid significant environmental effects.

When addressing the feasibility of alternatives, the lead agency may take into account a number of factors including site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent

can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives.

CEQA does not require that an analysis of alternate sites always be included in an EIR. Pursuant to State CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR."

An alternative site was not considered because the impacts associated with the Project would transfer to any new location or site, as the significant and unavoidable impacts are related to Air Quality issues that are associated with an increase in population and would occur at any location in the basin. Therefore, an alternative site would not lessen any significant and unavoidable impacts related to Air Quality. An alternative location is also infeasible due to the Project being a Specific Plan, which was tailor made for the chosen location. Therefore, this alternative is rejected from further consideration.

This City Council hereby determines that the EIR evaluated a reasonable range of potentially feasible alternatives, which is sufficient to permit informed decision-making and public participation. This City Council recognizes that commenters suggested additional alternatives and stated that additional detail should be provided for the alternatives that were studied. For the reasons set forth in the EIR and other relevant evidence in the administrative record, none of the requested information is necessary to ensure that a reasonable range of alternatives was studied at a sufficient level of detail.

For the reasons documented in the EIR and summarized below, this City Council hereby rejects Alternative 1 and 2. The on-site stormwater detention location and corresponding unit reduction analyzed as Alternative 3 have been incorporated into the Project as described in Specific Plan Section 6.4.4 and are not rejected.

**Alternative 1: No Project/No Development Alternative:**

**Description:** Under the Under the No Project/No Development Alternative, the project site would remain undeveloped for the foreseeable future. (Draft EIR, page 6-3)

**Findings:** The project site would remain undeveloped for the foreseeable future. Accordingly, this alternative would avoid all of the Project's significant impacts (including significant and unavoidable impacts), as well as the need to implement any mitigation measures. Impacts related to wildfire would be greater than the Project, because the existing site contains vegetative fuel and poses a threat for wildfires.

The No Project/No Development Alternative would avoid the Project's significant and unavoidable impacts and would avoid any potential impacts related to all environmental topical areas. However, this alternative would result in greater impacts to wildfire due to its current (majority) undeveloped state. This alternative would not advance any of the project objectives, including the development of an extension of the existing Barber Neighborhood, the preservation of the history of the BYSP Area, development in the proximity of and with connections to the existing Barber Neighborhood, Downtown, and Chico State, and the development of a wide range of housing opportunities. Finally, it should be noted that the BYSP Area has a land use

designation of "SPA-2- Barber" and has been identified as an area for significant new growth to be developed as connected and complete neighborhoods with a mix of housing types, employment, services, and shopping opportunities, along with parks and open space. Furthermore, it is currently served with infrastructure suitable for this type of development and has been the subject of previous industrial development proposals. Thus, should the Project not advance, it would be expected that another Specific Plan or development proposal would be submitted. However, analysis of such an unknown proposal would be speculative.

**Alternative 2: Reduced Commercial Alternative:**

**Description:** Under the Reduced Commercial Alternative, 60,000 square feet of commercial uses would not be constructed. Instead, this alternative would construct additional single-family homes throughout the site with alleyways, increasing the provision of housing within the BYSP Area by up to 30 units totaling approximately 40,000 square feet. The proposed 150,000 square feet of adaptive reuse of the Warehouse, Engineering Building, and Shop would remain. Off-site improvements would be similar to the Project. (Draft EIR pages 6-4 to 6-8).

- **Aesthetics, Light, and Glare**

  Under the Reduced Commercial Alternative, impacts to aesthetics would be slightly different due to greater cohesion with the existing residential uses in the project vicinity. All land uses would be required to implement applicable design standards and comply with applicable land use and zoning. Therefore, the Reduced Commercial Alternative would result in less than significant impacts, similar to the Project.

- **Agriculture Resources and Forest Resources**

  The Project and the Reduced Commercial Alternative would result in less than significant impacts to agriculture and forestry resources.

- **Air Quality**

  Under the Project, project-level and cumulative air quality impacts related to operational reactive organic gases (ROG) emissions are significant and unavoidable despite the implementation of MM AIR-2 (ROG offset and off-site mitigation). All other air quality impacts such as construction emissions, construction and operation health risks, and odor, are determined to be less than significant with mitigation. Under this alternative, the overall building square footage from all land uses combined would be approximately 20,000 square feet lower but would still result in similar impacts as the Project for construction emissions, construction and operation health risks, and odor.

  The Project would result in a significant and unavoidable impact related to ROG operation emissions exceeding thresholds. The main source of ROG emissions comes from use of consumer products, which is estimated based on the building square footage, and mobile source emission being second largest. This alternative would have different land uses which would influence the number of trips generated and the associated amount of emissions. This alternative's ROG emissions were calculated with the daily emissions (in pounds) were presented alongside the Project's in Table 6-1 of the Draft EIR. The table shows project buildout (2042) for Reduced Commercial Alternative would result in 57.8 pounds per day of ROG emissions, which is slightly less than the Project's ROG emissions of 60.7 pounds per day, but still exceeds the BCAQMD threshold of 25 pounds per day.

Therefore, although operational ROG impacts under the Reduced Commercial Alternative would be reduced compared to the Project due to the reduction in building square footage, this alternative would still result in a significant and unavoidable operation ROG impact even with the implementation of mitigation. Therefore, this alternative would also conflict with Air Quality Attainment Plan, although to a slightly less degree compared to the Project.

- **Biological Resources**

  The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area and, therefore, would also be required to incorporate MM BIO-1 through MM BIO-8 to reduce potential impacts to biological resources. As such, impacts would be less than significant with mitigation, similar to the Project.

- **Cultural Resources and Tribal Cultural Resources**

  The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area and therefore would also be required to implement the same mitigation of MM CUL-1a, MM CUL-1b, and MM CUL-3as the Project. As such, impacts would be less than significant with mitigation, similar to the Project.

- **Energy**

  This alternative would reduce the commercial uses but increase single-family housing compared to the Project. This alternative would not result in wasteful, inefficient, or unnecessary consumption of energy resources, nor would it obstruct implementation of an energy plan. As such, impacts related to energy would be less than significant with implementation of MM ENER-1 similar to the Project.

- **Geology and Soils**

  The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area and therefore would also be required to implement the same mitigation as the Project. As such, impacts would be less than significant with implementation of MM GEO-1n, similar to the Project.

- **Greenhouse Gas Emissions**

  Development within this alternative would be designed to comply with the City's Climate Action Plan (CAP), same as the Project, which would ensure a less than significant GHG impact but still require the implementation of MM ENER-1. Therefore, this alternative would have less than significant GHG impacts with mitigation, similar to the Project.

- **Hazards and Hazardous Materials**

  The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area and therefore would also be required to implement MM HAZ-1, similar to the Project. As such, impacts would be less than significant with mitigation, similar to the Project.

- **Hydrology and Water Quality**

The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area and therefore would also be required to implement MM HAZ-1 and MM BIO-8, similar to the Project. As such, impacts would be less than significant with mitigation, similar to the Project.

- **Land Use and Planning**

  Under the Reduced Commercial Alternative, development would be consistent with the land use and zoning of BYSP Area of SPA-2–Barber Yard, including "Low-Density Residential," "Medium-Density Residential," "Medium High-Density Residential," "High Density Residential," "Residential Mixed Use," "Commercial Mixed Use" (CMU), "Office Mixed Use," "Industrial/Office Mixed Use," and "Secondary Open Space." Overall, as compared to the Project, a similar but different mix of land uses would occur. As such, under this alternative, project impacts related to land use and planning would also be less than significant, similar to the Project.

- **Noise**

  The Reduced Commercial Alternative would develop the same project footprint within the BYSP Area and off-site improvement area with similar land uses (albeit with a different mix of commercial and residential uses) as the Project Therefore, this alternative would similarly be required to incorporate MM NOI-1 through MM NOI-3 to reduce potential noise impacts. As such, impacts would be less than significant with mitigation, similar to the Project.

- **Population and Housing**

  Under the Reduced Commercial Alternative, 30 additional units would be constructed within the project area, potentially leading to a population increase of 71 residents greater than the Project. However, land use would still be generally consistent with that envisioned in the General Plan. Therefore, it is assumed that while population would increase under this alternative compared to the Project, it would not increase so much that it would be considered unplanned growth. As such, impacts would be less than significant, similar to the Project.

- **Public Services**

  Because of the increase in housing, this alternative could result in an increased demand for public services compared to the Project. Like the Project, this alternative would be required to pay applicable public services related development fees to accommodate increased public service needs. Therefore, impacts would be less than significant, similar to the Project.

- **Recreation**

  The Reduced Commercial Alternative would develop the same project footprint with similar recreational facilities and therefore would be required to implement similar mitigation including but not limited to, for example, MM AIR-1, MM AIR-2, MM AIR-3, MM ENER-1, MM GEO-1, MM NOI-1, MM NIO-2a, MM NIO-2b, and MM NOI-3. The increased amount of housing included within this alternative would potentially lead to a greater population increase within the BYSP Area than estimated under the Project and therefore an increased use of and need for recreational facilities. Similar to the Project, this alternative would be required to dedicate land and/or pay park facility fees in order to

mitigate impacts on parks. Therefore, impacts related to recreation would be less than significant with mitigation and payment of park facilities fees, similar to the Project.

- **Transportation and Traffic**

  The Project would have a less than significant project-level and cumulative impact on transportation with the implementation of MM TRANS-2 and MM TRANS-3 and would produce VMT generation rates lower than the applicable threshold for residential and work-related land uses. Development under the Reduced Commercial Alternative would comply with existing regulations and plans; therefore, similar to the Project, impacts related to consistency with transportation plans, geometric design features, and emergency access, would be less than significant. Trip generation compared to the Project would be reduced by approximately 8 percent. However, the increased proportion of residential housing and reduction of commercial uses would have the potential to increase VMT per resident above regional thresholds, as VMT outside of the Project would be increased. Because of the nuanced nature of VMT, it is conservatively assumed that traffic impacts would be significant and unavoidable, greater than the Project.

- **Utilities and Service Systems**

  The Reduced Commercial Alternative would increase housing by 30 additional units compared to the Project, potentially resulting in a greater demand for utilities and service systems within the BYSP Area than estimated under the Project. However, such demand would still be within that considered and planned for in the General Plan. Like the Project, this alternative would be required to pay applicable public utility and services system-related development fees to accommodate increased utility and service system demand. As such, impacts are assumed to be less than significant, similar to the Project.

- **Wildfire**

  The BYSP Area and off-site improvement area is not located in or near an State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ), and project-level and cumulative impacts related to wildfire, for both proposed and alternative, would be less than significant and no impacts would occur.

**Findings:** Under the Reduced Commercial Alternative, 60,000 square feet of commercial uses would not be constructed. Instead, this alternative would construct additional single-family homes throughout the site with alleyways, increasing the provision of housing within the BYSP Area. The proposed 150,000 square feet of adaptive reuse of the Warehouse, Engineering Building, and Shop would remain. Similar to the Project, impacts related to wildfire would not occur, and impacts related to aesthetics, agriculture and forestry resources, land use, population and housing, public services, recreation, and utilities and service systems would be less than significant. Also similar to the Project, impacts from this alternative related to biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and noise impacts would be less than significant with the implementation of mitigation. Impacts related to air quality would be slightly reduced but, similar to the Project, still significant and unavoidable. It is conservatively assumed that traffic impacts related to increased VMT would be greater than the Project and significant and unavoidable.

Alternative 2, the Reduced Commercial Alternative, would meet all project objectives but would result in greater impacts related to transportation compared to the Project. It is conservatively anticipated that traffic impacts would be significant and unavoidable.

**Alternative 3: On-site Stormwater Basin Alternative:**

**Description:** Under the On-site Stormwater Basin Alternative, the BYSP Area would be developed similarly to that of the Project but with an on-site stormwater basin and reduction in residential units. The basin would be constructed on-site in the vicinity of the BYSP-0S1 (Restricted Use) area in the southern portion of the BYSP Area and would require approximately four acres of space. A connecting storm drain alignment would connect the on-site stormwater basin to a new outfall in Comanche Creek, in a location similar to that of the Project. To accommodate the on-site stormwater basin, this alternative would require a reduction in residential units of approximately 154 units. Proposed commercial square footage would remain consistent with the Project at 210,000 square feet inclusive of the adaptive reuse of existing buildings. Development within the off-site improvement area would not occur except for the construction of a linear storm drain alignment connecting Comanche Creek. (Draft EIR, page 6-9 to 6-14)

- **Aesthetics, Light, and Glare**

  Under the On-site Stormwater Basin Alternative, impacts related to aesthetics would be similar to the Project. All land uses would be required to implement applicable design standards and comply with applicable land use and zoning. Therefore, the On-site Stormwater Basin Alternative would result in less than significant impacts related to aesthetics, light, and glare, similar to the Project.

- **Agriculture Resources and Forest Resources**

  The On-site Stormwater Basin Alternative would develop similar uses as the Project within the BYSP Area but would not result in the off-site development of the stormwater detention basin within Prime Farmland. As such, project impacts would be less than significant and less than the Project.

- **Air Quality**

  Under the Project, project-level and cumulative air quality impacts related to operational ROG emissions are significant and unavoidable despite the implementation of MM AIR-2 (ROG offset and off-site mitigation).

  Under this alternative, the proposed residential units would be reduced while commercial square footage would remain similar to the Project. This alternative would result in similar impacts determined to be less than significant with mitigation for construction emissions, construction and operation health risks, and odor, albeit at a slightly reduced level due to the reduced residential construction.

  The Project would result in a significant and unavoidable impact related to ROG operation emissions exceeding thresholds. The main source of ROG emissions comes from use of consumer products, which is estimated based on the building square footage, and mobile source emissions being second largest. This alternative would result in reduced residential land uses, which would influence the number of trips generated and the associated amount of emissions. This alternative's ROG emissions were calculated using the same modeling

software used for the Project's analysis and the daily emissions (in pounds) were presented alongside the Project's emissions in Table 6-2 of the Draft EIR. The project buildout (2042) for the On-site Stormwater Basin Alternative would result in 46.8 pounds per day of ROG emissions, which is slightly less than the Project's ROG emissions of 60.7 pounds per day but still exceeds the BCAQMD threshold of 25 pounds per day.

Therefore, although operational ROG impacts under the On-site Stormwater Basin Alternative would be reduced compared to the Project due to the reduction in residences, this alternative would still result in a significant and unavoidable operational ROG impact, even with the implementation of mitigation. Therefore, this alternative would also conflict with the Air Quality Attainment Plan, although to a slightly less degree compared to the Project.

- **Biological Resources**

  The Project would have less than significant project-level and cumulative impacts related to biological resources with the implementation of MM BIO-1 through MM BIO-8. The On-site Stormwater Basin Alternative would reduce development within the off-site improvement area to a linear storm drain alignment connecting to Comanche Creek, resulting in a reduced off-site impacts area. Because of this, impacts related to biological resources under the On-site Stormwater Basin Alternative would be less than significant with mitigation, less than the Project.

- **Cultural Resources and Tribal Cultural Resources**

  The On-site Stormwater Basin Alternative would develop similar uses but would reduce off-site development to a linear storm drain alignment connecting to Comanche Creek, resulting in a reduced off-site impact area. Nonetheless, this alternative would be required to implement the same mitigation of MM CUL-1a, MM CUL-1b, and MM CUL-3 as the Project. As such, impacts to cultural resources would be less than significant with mitigation incorporated and less than the Project.

- **Energy**

  The On-site Stormwater Basin Alternative would develop fewer residential uses than the Project. This alternative would not result in wasteful, inefficient, or unnecessary consumption of energy resources, nor would it obstruct implementation of an energy plan. As such, impacts related to energy under the On-site Stormwater Basin Alternative would be less than significant with implementation of MM ENER-1, similar to the Project.

- **Geology and Soils**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area. Nonetheless, this alternative would be required to implement MM GEO-1 similar to the Project. As such, impacts would be less than significant with mitigation and less than the Project.

- **Greenhouse Gas Emissions**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area and result in fewer residences. Because of the reduction in housing construction and decreased off-site construction, overall GHG emissions would be reduced. Long-term operational GHG emissions would also be incrementally reduced compared to the Project due to the

reduction in residential units. Development within this alternative would be designed to comply with the City's CAP, which would ensure a less than significant GHG impact but still require implementation of MM ENER-1. Therefore, this alternative would have less than significant GHG impacts with mitigation, but less than the Project.

- **Hazards and Hazardous Materials**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area and reduce the number of residences. This alternative would also be required to implement MM HAZ-1. As such, under the On-site Stormwater Basin Alternative, project impacts related to hazards, hazardous materials, and wildfire would also be less than significant with mitigation, but less than the Project.

- **Hydrology and Water Quality**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area. Nonetheless, this alternative would also be required to implement MM HAZ-1 and MM BIO-8 similar to the Project. As such, impacts related to hydrology and water quality would also be less than significant with mitigation, but less than the Project.

- **Land Use and Planning**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce on-site housing and development within the off-site improvement area. Development would be consistent with the land use and zoning of BYSP Area of SPA-2–Barber Yard, including "Low-Density Residential," "Medium-Density Residential," "Medium High-Density Residential," "High Density Residential," "Residential Mixed Use," "Commercial Mixed Use" (CMU), "Office Mixed Use," "Industrial/Office Mixed Use," and "Secondary Open Space." Overall, as compared to the Project, a similar but different mix of land uses would occur. Furthermore, this alternative would reduce the need for coordination with Butte County related to the construction of an off-site stormwater basin located within the County's jurisdiction. As such, under this alternative, project impacts related to land use and planning would also be less than significant, similar to the Project.

- **Noise**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce residential development and development within the off-site improvement area. Therefore, construction noise would likely be slightly reduced. This alternative would similarly be required to incorporate MM NOI-1 through MM NOI-3 to reduce potential noise impacts. As such, impacts would be less than significant with mitigation, but slightly less than the Project.

- **Population and Housing**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area and result in approximately 154 fewer residences. Overall, approximately 1,096 residential units would be constructed; the exact same as those identified in the General Plan. Therefore, population growth would not be considered unplanned. As such, impacts related to

population and housing under the On-site Stormwater Basin Alternative would be less than significant, similar to the Project.

- **Public Services**

  Development under the On-site Stormwater Basin Alternative would result in fewer residential units as compared to the Project and thus would likely result in a decreased demand for public services compared to the Project. However, like the Project, this alternative would be required to pay applicable public services-related development fees to accommodate increased public service needs. Therefore, impacts would be less than significant, similar to the Project.

- **Recreation**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area. Residences would be reduced by 154 units and would potentially lead to a reduced population increase within the BYSP Area than estimated under the Project and therefore a decreased use of and need for recreational facilities. Similar to the Project, this alternative would be required to dedicate land and/or pay park facility fees in order to mitigate impacts on parks. Therefore, impacts related to recreation would be less than significant with mitigation including, but not limited to, MM AIR-1, MM AIR-2, MM AIR-3, MM ENER-1, MM GEO-1, MM NOI-1, MM NIO-2a, MM NIO-2b, and MM NOI-3, and payment of park facilities fees, but less than the Project.

- **Transportation and Traffic**

  The Project would have a less than significant project-level and cumulative impact on transportation with the implementation of MM TRANS-2 and MM TRANS-3 and would produce VMT generation rates lower than the applicable threshold for residential and work-related land uses.

  The on-site stormwater basin would develop similar uses within the BYSP Area but would reduce development within the off-site improvement area and residences would be reduced by 154 units. This alternative would comply with existing regulations and plans; therefore, similar to the Project, impacts related to consistency with transportation plans, geometric design features, and emergency access would be less than significant. The reduction in housing would result in a decrease in trip generation by 12 percent compared to the Project. Despite the reduction in housing, VMT per capita would likely be similar to the Project since there is no reduction of internal capture trips. Therefore, it is assumed that impacts would be less than significant, similar to the Project.

- **Utilities and Service Systems**

  The On-site Stormwater Basin Alternative would develop similar uses within the BYSP Area, but with a reduction of 154 residential units, and reduced development within the off-site improvement area. The reduction in units would lower demand for utility and services systems accordingly but would still be within that considered and planned for in the General Plan. Like the Project, this alternative would be required to pay applicable public utility and services system-related development fees to accommodate increased utility and service system demand. As such, impacts would be less than significant, similar to the Project.

- **Wildfire**

  The BYSP Area and off-site improvement area are not located in or near an SRA or VHFHSZ, and there would be no project-level and cumulative impacts for the Project or alternative related to wildfire.

**Findings:** Under the On-site Stormwater Basin Alternative, the BYSP Area would be developed similar to that of the Project but with an on-site stormwater basin and a 154 unit residential reduction. Impacts related to aesthetics, energy, land use, population and housing, public services, transportation, and utilities would be less than significant or less than significant with mitigation, similar to the Project. Impacts related to agriculture, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, and recreation would be slightly less compared to the Project as a result of the reduced project footprint and/or the reduction in residences. No impacts related to wildfire would occur, similar to the Project. This alternative would meet all project objectives but to a lesser degree compared to the Project with respect to the provision of housing.

**Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Each of the three project alternatives would lessen the environmental impacts relative to the Project to a certain degree (as described above and further in the EIR). If the No Project scenario is the environmentally superior alternative – which is the case here as it avoids all project impacts but fails to satisfy any of the project objectives – the EIR must also identify another environmentally superior alternative among the remaining alternatives. Overall, based on these Findings, the environmentally superior alternative would be Alternative 3, the On-site Stormwater Basin Alternative, as it would meet the project objectives, albeit to a lesser degree, and result in a slight reduction in impacts related to the reduction in residential units and overall project footprint.

Alternative 3, the On-site Stormwater Basin Alternative, would develop similar land uses compared to the Project; therefore, it would also result in similar impacts related to aesthetics, energy, land use, population and housing, public services, transportation and utilities. This alternative would meet the City's growth needs to a somewhat lesser degree due to the reduction in residential units, but remains consistent with the Chico General Plan, including General Plan Action LU-1.2.1 regarding retention of the Greenline, as further detailed in the accompanying staff report's General Plan Consistency Analysis. However, impacts related to agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, and recreation would be slightly less compared to the Project. This alternative would meet all project objectives but to a lesser degree due to the reduction in housing units.

## B. FINDINGS REGARDING CUMULATIVE IMPACTS

Consistent with CEQA's requirements, the EIR for the project includes an analysis of cumulative impacts.

The City finds that cumulative impacts associated with the Project are less than significant, the Project would not have a cumulatively considerable contribution to the less than significant cumulative impacts and no further mitigation is required to address cumulative impacts for the following topical areas in the Draft EIR: Aesthetics (page 3.1-21), Agriculture (page 3.2-21), Energy (page 3.6-24), Geology and Soils (page 3.7-18), Greenhouse Gases (page 3.8-59), Hazards and Hazardous Materials (page 3.9-43), Hydrology and Water Quality (page 3.10-30), Land Use and Planning (page 3.11-55), Noise (page 3.12-34), Population and Housing (page 3.13-12), Public Services (page 3.14-25), Recreation (page 3.15-14), Transportation (page 3.16-42), Utilities (page 3.17-23), and Wildfire (page 3.18-21).

The City finds that the Project's incremental contribution to cumulative impacts is not cumulatively considerable and impacts are less than significant with the implementation of applicable mitigation and compliance with applicable regulations in the following categories: Biological Resources (page 3.4-55), and Cultural (page 3.5-36).

The City finds that cumulative air quality impacts can be reduced to below a level of significance with mitigation, with the exception of cumulative air quality impacts associated with operational criteria pollutants. Accordingly, the City finds that cumulative air quality impacts related to operational criteria pollutants remain significant and unavoidable with respect to operational criteria air pollutants even with incorporation of all feasible mitigation, MM AIR-1, MM AIR-2, MM AIR-3, and MM ENER-1.

## C. FINDINGS REGARDING GROWTH INDUCEMENT

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for the Project to result in growth-inducing impacts, the Draft EIR evaluates the Project's characteristics that may encourage and/or facilitate activities that individually or cumulatively may affect the environment (CEQA Guidelines § 15126.2(e)).

CEQA Guidelines, as interpreted by the City, state that a significant growth-inducing impact may result if the Project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list, when such infrastructure exceeds the needs of the project and could accommodate future developments.

***Direct Population Growth***

The Project consists of the full buildout of the BYSP, designated Special Planning Area-2 (SPA-2) in the City's General Plan, including a maximum of 1,250 dwelling units, an estimated 2,975 people, approximately 210,000 square feet of commercial space, as well as open space and recreational amenities. As of January 1, 2024, the estimated population for the City of Chico was approximately 109,589. (Draft EIR, page 5-2)

Butte County Association of Governments (BCAG) forecasts provided "low," "medium," and "high growth scenario for the City and County. The medium growth scenario is used because it has historically tracked the City's population growth more accurately than low or high scenarios. The forecast indicates that Chico will add 16,520 people from 2025 to 2040. Therefore, the Project would represent up to approximately 18 percent of Chico's projected growth during estimated build out. Implementation of the Project is considered consistent with planned growth as projected by BCAG. (Draft EIR, page 5-3)

***Indirect Population Growth***

Indirect population growth occurs when a project creates employment opportunities or upsized infrastructure that could lead to additional unplanned growth.

The Draft EIR conservatively estimated that the Project would develop approximately 210,000 square feet of commercial space consisting of approximately 130,000 square feet of health/fitness club use, 40,000 square feet of retail plaza use, 22,800 square feet of restaurant use, and 17,200 square feet of event center use. As such, the Project could indirectly increase the population by providing additional employment opportunities.

The revised medium scenario employment forecasts estimate an increase of 15,887 jobs between 2022 and 2045. The increase in jobs as a result of the Project is considered consistent with planned employment growth as projected by BCAG. According to the California Employment Development Department (EDD), the City contained a labor force of approximately 52,500 persons as of August 2024. Out of the total labor force, 49,600 people were employed, which represents an unemployment rate of 5.6 percent. Therefore, it can reasonably be assumed that employment opportunities presented by implementation of the Project would draw primarily from the existing labor force in the City and would not have an indirect impact related to unplanned population growth. (Draft EIR page 5-3)

The Barber Yard Specific Plan (BYSP) Area is within the City's municipal boundaries and considered an infill site that has long been envisioned for urban development, and the Project would be served with urban infrastructure and utilities including potable water, sewer, storm drainage, as well as dry utilities. It does not involve the upsizing of any infrastructure to serve new land uses outside the BYSP Area. The off-site stormwater basin may be oversized to help reduce existing flooding on Estes Road as contemplated in the Barber Yard Development Agreement, however, the oversizing would only be designed to address existing conditions affecting life and safety and would not accommodate new growth in the area. For the foregoing reasons, the Project would not: result in direct or indirect unplanned growth, negatively alter the existing jobs/housing balance, be inconsistent with the General Plan or relevant City infrastructure plans, or otherwise remove a barrier of growth through the extension of infrastructure or utilities to an unserved area. Therefore, the Project would not have any significant growth-inducing impacts. The Lead Agency finds that the Project would not result in unplanned growth.

## D. FINDINGS SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

According to Sections 15126(c) and 15126.2(d) of the CEQA Guidelines, the Lead Agency must address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

The environmental effects of the Project are summarized in the Executive Summary and are analyzed in detail in Section 3, Environmental Impact Analysis, of the Draft EIR.

- As mandated by the CEQA Guidelines Section 15126.2(d), the EIR must evaluate and identify any significant irreversible environmental change(s) that would result from implementation of the Project. Primary impacts and, particularly, secondary impacts (such as a highway improvement that would provide access to a previously inaccessible area) generally commit future generations to similar uses. Specifically, pursuant to the CEQA Guidelines Section 15126.2(d), such an impact would occur if: The Project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely;
- The Project involves uses in which irreversible damage could result from environmental accidents associated with the project; or
- The Project involves any irretrievable commitment of resources is not justified (e.g., the project results in the wasteful use of energy). (Refer to Section 3.6 of the Draft EIR, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F)

The Project consists of the full buildout of the BYSP, including off-site improvements, resulting in a mixed-use community accommodating a diverse range of housing opportunities with a mix of commercial, recreational, and open space uses located throughout. The foregoing uses would occur on the BYSP Area, long contemplated for urban development by the City's General Plan and considered an infill development site (thereby efficiently utilizing land near existing City services and infrastructure through this redevelopment proposal).

Because of the disturbed nature of the BYSP Area that has available, existing infrastructure, and further given that the Project contemplates an intensification of uses that is generally consistent with the overall land use vision and planning assumptions set forth in the General Plan, it is not anticipated that the Project would result in significant irreversible environmental changes, as explained further herein.

Residential uses associated with the Project would include a maximum of 1,250 dwelling units pursuant to the residential unit cap set forth in the BYSP. Residential density would range from 4 to 35 units per gross acre, and would include single-family detached, pocket neighborhoods, bungalow courts, duplexes, townhouses, garden apartments, and apartments over commercial. Commercial uses associated with the Project would include approximately 210,000 square feet of commercial space upon buildout. The three existing on-site buildings would be available for adaptive reuse, totaling approximately 150,000 square feet of commercial space. An additional 60,000 square feet of commercial space would also be added through mixed-use and freestanding commercial/retail buildings. Additionally, the Project would include a future park, recreational, and open space amenities.

The BYSP would implement the following five land use designations: Residential Mixed Use (RMU), Medium Density Residential (MDR), Medium-High Density Residential (MHDR), Primary Open Space (POS), and Secondary Open Space (SOS). The BYSP would also implement the following five related base-zoning classifications within the BYSP Area: Residential Mixed Use (RMU), Medium Density Residential (R2), Medium-High Density Residential (R3), Primary Open Space (OS1), and Secondary Open Space (OS2). The entire BYSP Area would also be rezoned with a BYSP zoning overlay, indicating that consistency with the BYSP is required for development.

Construction and demolition debris recycling practices would be expected to allow for the recovery and reuse of building materials such as concrete, lumber, and steel and would limit disposal of these materials, some of which are nonrenewable. Construction of the Project would include the consumption of resources that are not replenishable, or which may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and diesel fuel would also be consumed in the use of construction vehicles and equipment. Consumption of building materials and energy is common to most other development in the region and commitments of resources are not unique or unusual to the Project. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor be expected to consume any resources in a wasteful manner.

New buildings would be required to adhere to the latest adopted edition of the California Building Standards Code, which includes a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the Project would result in an irretrievable commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful. For further information in this regard, see Section 3.6, Energy, of the Draft EIR. Overall, the Project would be expected to result in less consumption of resources than a comparable project at the urban edge. The Project is in an already urbanized area that is served by public transit and existing infrastructure and services and near existing public pedestrian and bicycle facilities; this would help to reduce VMT and related emissions. (See Draft EIR Sections 3.3, Air Quality; 3.8, Greenhouse Gas Emissions; and 3.17, Transportation, for further information in this regard). Moreover, the Project involves public trail improvements to further enhance opportunities for pedestrian/bicycle connectivity and use of alternative modes of transportation.

While unlikely, if a major hazardous waste release would occur as a result of implementation of the Project, it would constitute a significant irreversible change from an environmental action. However, the Project does not have the potential to cause significant environmental accidents through releases into the environment with the implementation of the identified mitigation. The Project would also not involve large quantities of hazardous materials. See Section 3.9 of the Draft EIR, Hazards and Hazardous Materials, for additional information in this regard.

The project site is not located in or near a Very High Fire Hazard Severy Zone or within a SRA as indicated by the California Department of Forestry and Fire Protection (CAL FIRE) and discussed in Section 3.18 of the Draft EIR. As discussed in Section 3.14 of the Draft EIR, Public Services, the Chico Fire Department provides fire protection services and emergency medical

services across a service area of 33 square miles. Services include fire suppression, aircraft rescue, firefighting, fire prevention, technical rescue, hazardous materials mitigation, and first responder basic and advanced life support services. The Chico Fire Department maintains a mutual aid agreement with CAL FIRE and Butte County. Mutual aid deployments allow for the rapid mobilization of resources between local governments, regions, and the State to provide the resources necessary to mitigate large-scale emergencies. The Project would have sufficient emergency egress and ingress points, and would include typical on-site infrastructure including roads, fire hydrants, and utilities and would adhere to the most recently adopted State and City fire codes. The Project does not contain any uses or features that would exacerbate wildfire risks or place occupants at a greater risk of wildfire pollutants or uncontrolled wildfire. Furthermore, the Project would be required to comply with applicable provisions of the California Public Resources Code, California Building Standards Code (CBC), and the 2022 California Fire Code with regard to fire safety design measures, construction measures, and plan check requirements.

As such, the Lead Agency finds that implementation of the Project would not result in significant irreversible environmental changes.

## E. MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code Section 21081.6 and Guidelines Section 15091(d), the Lead Agency adopts the MMRP prepared for the Project concurrently with these Findings. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the Project. The MMRP is incorporated by reference in these Findings. In the event of any inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

## F. FINDINGS REGARDING RECIRCULATION

During the public review period after the Draft EIR was published, the Lead Agency received certain additional information. Lead Agency staff and consultants involved in preparing the various studies, reports and analyses included in the Draft EIR have also presented additional information since the publication of the Draft EIR. Some of this information was contained in comments submitted on the Draft EIR, and in responses to those comments contained in the Final EIR. Other information was presented at or before public meetings/hearings on the EIR. The EIR incorporates feasible mitigation, additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by Lead Agency staff and required under CEQA.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 C4th 1112 (*Laurel Heights II*) and the CEQA Guidelines (14 California Code of Regulations [CCR] § 15088.5(a)(3)), when information added to the Final EIR consists of a suggested additional mitigation measure, recirculation is required only if the new mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;

- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is only required only if each of the above tests is met. (*South County Citizens*, *supra* at 330). As described in detail in the Final EIR, the following mitigation measures proposed during the public comment period are either (1) not necessary; (2) not feasible; (3) or are already included as mitigation:

- David Welch, Email on January 13, 2025: The implementation of roundabouts.
- Jill Ely, Email January 16, 2025: Implement Traffic Circle and Dead ends on certain roads.
- Caltrans, Email February 14, 2025: Improvements to the intersection where Estes Road connects with the bike path to nearby Comanche Creek Greenway, Proper and safe extension of Ivy Street for pedestrians, more studies for analyses and data requirements, include mitigation measures for study intersection 3 and other study intersections, and some design guidelines.
- Sharon Fritsch, Email on February 19, 2025: Reduce project size to 1/3 initially, and then assess needs after that is built.
- Emily Alma, Email March 3, 2025: Inclusion of a bike path at corner of Normal Avenue and Estes Road.
- Janet Ellner, Email March 5, 2025: Limit construction hours, and implement human spotters over backup alarms.
- ATA Law Group, Email on March 7, 2025: Suggested additional mitigation measures for noise and stormwater basins.
- Butte Environmental Council, Emailed March 7, 2025: Add a perimeter path around development; erect 12-foot wall barrier for noise control; convert warehouse to a farmers market using solar power.

The Lead Agency has considered all relevant information including the opinions and comments of interested agencies, organizations and individuals. The Lead Agency finds that none of the additional information provided during the public comment period demonstrates any of the following situations requiring recirculation identified in CEQA Guidelines Section 15088.5 have occurred:

- A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Following publication of the Final EIR, the City refined the Specific Plan, as described in the Clarifications and Refinements to the Final EIR, including providing for on-site stormwater detention if the approvals for the off-site location are not obtained. The environmental effects of the on-site location and corresponding unit reduction were analyzed in the Draft EIR as Alternative 3. These refinements do not result in any new significant environmental impact or a substantial increase in the severity of any impact identified in the EIR, and do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5.

Based on the foregoing and as explained in more detail in the Final EIR, and having reviewed all the information in the record of proceedings, the Lead Agency hereby finds that recirculation of the EIR is not required by law.

## XI.
## STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency's written reasons are referred to as a Statement of Overriding Considerations.

As explained in the above Findings of Fact, most of the Project's impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as conditions of approval of the project, can be reduced to less than significant. However, as set forth in Section IX above, impacts to Air Quality, the Project would conflict with or obstruct implementation of the applicable air quality plan and would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment under an applicable federal or State ambient air quality standard. The overall cumulative impacts will remain significant and unavoidable even with implementation of all feasible mitigation measures, and no additional mitigation measures are feasible.

Further, as set forth in Section X above, there are no feasible alternatives to the project which would mitigate or avoid those significant and unavoidable environmental impacts and which would meet project objectives. Further, as set forth in Section X above, there are no feasible alternatives to the project which would mitigate or avoid those significant and unavoidable environmental impacts and which would meet project objectives. The on-site stormwater detention location and corresponding unit reduction analyzed as Alternative 3 have been incorporated into the Project as described in Specific Plan Section 6.4.4.

Accordingly, as set forth below, the City of Chico hereby declares that the following benefits provided to the public through the approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated.

The City of Chico finds that each of the BYSP Project benefits, separately and individually, outweigh all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

1. The Project will promote positive economic growth and new capital investment in accordance with the goals and policies set forth in the City of Chico General Plan, specifically Goal ED-1 which calls for the City to implement an Economic Development Strategy to enhance Chico's long-term prosperity.
2. Future development within the Project will generate additional property tax revenue and sales tax revenue, as developed residential lots will have substantially increased assessed valuations and new retail uses will generate additional taxable sales.
3. The Project will support the planned, orderly, efficient development of the former Diamond Match Factory site, consistent with the General Plan, which would provide increased revenue, employment-generating businesses, and significant economic benefits to the City.
4. The Project will increase neighborhood park acreage in Southwest Chico, which is currently underserved by parkland with only one 0.3-acre park (Rotary Park). The Project would provide a total of approximately 15.8 acres of park, recreational, and open space amenities, which exceeds the 11.9 acres necessary to meet minimum City and CARD standards. This will help relieve some pressure on other recreational facilities in the City by providing more localized options for residents of the area.
5. The Project will increase the walkability of the nearby neighborhood, by providing retail, restaurants, commercial, and event space within walking distance.
6. The Project will enhance and maintain mobility with a complete streets network for all modes of travel and would improve connectivity across the BYSP Area and between the BYSP Area and the surrounding Barber Neighborhood.
7. The Project will clean up and restore a previously contaminated site, removing polluted soils from the site and allowing the land to be productively utilized.
8. The Project will eliminate existing blighted and potentially hazardous conditions at the Project site which include abandoned structures, overgrown vegetation, exclusionary fencing, remnant roadways, and decaying subsurface infrastructure.
9. The Project provides for a variety of housing that will help Chico meet its long-term housing needs. Per the Butte County Association of Government's 6th Cycle Regional Housing Needs Plan (RHNP) there is a need to build approximately 3,488 housing units at varying levels of affordability by 2030 in order to meet the housing needs of people at a range of income levels. The Project would help meet those housing needs by increasing the available number of dwelling units by up to 1,250 over approximately 18-25 years.
10. The Project would increase available bicycle infrastructure by adding approximately two miles of on-site bike paths, with connections to existing bicycle facilities on Ivy Street, West 16th Street, and the Comanche Creek Greenway.
11. The Project would connect Ivy Street and West 16th Street, which would enhance street connectivity between the Barber and South Campus Neighborhoods and could support a future transit route.

These benefits apply whether stormwater detention is located off-site or on-site, except that if on-site detention is implemented, the Project would provide up to approximately 1,096 dwelling units under Benefit 9.

Accordingly, the City Council, having reviewed and considered the EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the EIR and the merits of the Project, has balanced the benefits of the Project against the identified unavoidable adverse impacts associated with the Project and hereby adopts all feasible mitigation measures with respect to such impacts and approves the Project. This City Council has examined the alternatives to the Project, which are not preferable for the reasons set forth in Section X.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, this City Council hereby adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant and unavoidable adverse impacts in reaching a decision to approve the Project, with the stormwater detention location to be determined in accordance with Specific Plan Section 6.4.4.

# Barber Yard Specific Plan Project
# Mitigation Monitoring and Reporting Program

## Introduction

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts a Environmental Impact Report (EIR) in conjunction with project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation. The Community Development Department (CDD) of the City of Chico is primarily responsible for ensuring compliance with this MMRP, specifically the Planning Division. Other agencies may adopt all or a subset of the City-adopted mitigation measures to find that a future approval of a permit or other discretionary action by the agency is within the scope of the BYSP EIR, subject to the findings under CEQA Guidelines Section 15162.

The Draft EIR prepared for the implementation of the proposed project Barber Yard Specific Plan Project (State Clearinghouse No. 2023036041) concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the Draft EIR.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

# Exhibit B

## Table 1: Barber Yard Specific Plan Project Mitigation Monitoring and Reporting Program

| Mitigation Measures | Mitigation Monitoring |
|---|---|
| **3.3 Air Quality** | |
| **MM ENER-1** | See Section 3.6, Energy, below. |
| **MM AIR-1:** Prior to issuance of subdivision improvement plans for each phase of construction within the project site, the developer shall provide to the City's Community Development Director, for City review and approval, reasonable documentation that demonstrates the use of construction equipment that meets or exceeds United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower, if available. This requirement shall be included as construction notes on all relevant construction plans and permits (e.g., grading plan, building permit) for the subject specific individual development proposal. The relevant construction contractor shall maintain records concerning its efforts to comply with this requirement during construction, including equipment rental lists. If Tier 4 equipment is not available, the subject applicant shall reasonably document to the City's Community Development Director the basis for its unavailability and instead shall ensure that all off-road diesel-powered equipment greater than 50 hp shall meet EPA Tier 3 emissions standards. All Tier 3 equipment shall be outfitted with Best Available Control Technology (BACT) devices including an ARB certified Level 3 Diesel Particulate Filter or equivalent. | City (CDD) shall require compliant air emissions documentation for the construction equipment proposed to be used during the subdivision improvement phases. City (CDD) shall verify that construction plans and permits include notes requiring construction equipment that meets or exceeds EPA or ARB Tier 4 off-road emissions standards for all off-road equipment with engines greater than 50 horsepower. If Tier 4 equipment is not available, the City shall require documentation of the basis for its unavailability and shall require the use of Tier 3 equipment outfitted with BACT devices, including an ARB certified Level 3 Diesel Particulate Filter or equivalent. The use of compliant construction equipment shall be subject to field verification during construction by City inspectors (CDD and Engineering). |
| **MM AIR-2: Purchase Offsets.** Prior to the City's approval of a final map for an application for a specific individual development proposal within the BYSP Area which would result in project-wide emissions exceeding 25 lbs/day of ROG, the subject project developer shall participate in an Off-site Mitigation Program, based on the Butte County Air Quality Management District (BCAQMD) CEQA Handbook, by paying the equivalent amount of money, which is equal to the contribution of pollutants (ROG) for the subject application which exceeds the BCAQMD thresholds of significance. Final details are to be approved by the BCAQMD and City for calculating the payments to the Off-site Mitigation Program due by each specific individual development proposal pursuant to this MM AIR-2. | City (CDD) shall verify payment to an approved off-site air pollutant mitigation program prior to the City's approval of a final map for a specific individual development proposal within the BYSP Area which would result in project-wide emissions exceeding 25 lbs/day of Reactive Organic Gasses (ROG). |
| **MM AIR-3: Implement BCAQMD Best Management Practices During Construction**<br><br>The following Best Management Practices (BMPs), as recommended by the Butte County Air Quality Management District (BCAQMD), shall be included in the design of all | City (CDD and Engineering) shall verify the inclusion of BMPs on project proposals and construction plans, prior to issuance of grading permits. The use of BMPs shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

| Mitigation Measures | Mitigation Monitoring |
|---|---|
| development contemplated by the proposed project and implemented during all construction:<br>• Reduce the amount of the disturbed area where possible.<br>• 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 (nonpotable) water should be used whenever possible.<br>• All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.<br>• 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.<br>• 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.<br>• All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the District.<br>• 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.<br>• Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.<br>• 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.<br>• Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.<br>• Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.<br>• 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.<br>All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area. | City (CDD and Engineering) shall verify the inclusion of BMPs on project proposals and construction plans, prior to issuance of grading permits. The use of BMPs shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

| Mitigation Measures | Mitigation Monitoring |
|---|---|
| **3.4 Biological Resources** | |
| **MM BIO-1a: Pre-construction Surveys for Swainson's Hawk (BYSP and Southern Study Area)**<br><br>Prior to City (or County) approval of subdivision improvement plans or grading permits for ground disturbance for any individual development phase (within the BYSP or Southern Study Area) that occurs during the nesting season for Swainson's hawk, the developer shall hire a qualified Biologist to conduct Swainson's hawk nesting surveys within a 0.5-mile radius of the subject area to determine whether there are any nests and if so, whether they are occupied. Occupancy shall be determined through observation of all accessible areas, including from public roads or other publicly accessible observation areas, of Swainson's hawk activity (e.g., foraging or nesting) on and near the project site.<br><br>If construction halts but does not cease for more than 1-year, general nesting bird surveys as described in MM BIO-6 are recommended for subsequent nesting seasons. However, if construction ceases for more than 1-year, Swainson's hawk pre-construction surveys in their entirety (as articulated in MM BIO-1a and 1b) must be repeated.<br><br>The qualified Biologist shall follow the survey protocol outlined in the California Department of Fish and Wildlife (CDFW) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*[1], which recommends surveys for at least two defined periods prior to construction, according to the following schedule:<br>I. January–March 20: Conduct one survey total. Survey shall be conducted all day.<br>II. March 20–April 5: Conduct three surveys total. Surveys shall be conducted between sunrise to 10:00 a.m. and 4:00 p.m. to sunset.<br>III. April 5–April 20: Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and 4:30 p.m. to sunset.<br>IV. April 21–June 10: Avoid initiation of surveys during this period<br>V. June 10–July 30: (post-fledging) Conduct three surveys total. Surveys shall be conducted between sunrise to 12:00 p.m. and 4:00 p.m. to sunset. | City (CDD) shall require Swainson's hawk nesting surveys prior to approval of subdivision improvement plans or grading permits for ground disturbance that occurs during the nesting season for Swainson's hawk. |
| **MM BIO-1b: Swainson's Hawk Avoidance and Minimization (BYSP and Southern Study Area)**<br><br>If Swanson's hawk nests are located pursuant to MM BIO-1a and determined to be occupied, minimization measures shall be implemented by the developer for any individual development | City (CDD) shall verify inclusion of required setbacks from any Swainson's hawk nests on project plans. Compliance during active construction shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

[1] California Department of Fish and Wildlife (CDFW). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Sacramento, CA: Swainson's Hawk Technical Advisory Committee. May 31, 2000. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline. Accessed March 19, 2024.

| Mitigation Measures | Mitigation Monitoring |
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| phase (within the BYSP or Southern Study Area) in connection with the subject individual development phase as follows:<br>1. Construction activities shall be prohibited within 200 yards (600 feet) of active and occupied Swainson's hawk nest(s), or within 200 yards (600 feet) of nests under construction, to prevent nest abandonment.<br>2. Notwithstanding the foregoing, if site-specific conditions or the nature of the construction activity (e.g., other nearby development, steep topography, dense vegetation, limited activities) indicate that a smaller buffer, or no buffer at all, could be used, the project applicant may seek approval from the qualified Biologist who in coordination with the California Department of Fish and Wildlife (CDFW) shall determine the appropriate buffer size, which, once approved, shall govern.<br>3. No tree containing an active Swainson's hawk nest shall be removed or altered; provided, however, once the nest is no longer occupied, said tree may be removed, subject to compliance with applicable provisions of the City of Chico's Tree Preservation Ordinance | |
| **MM BIO-2: Pre-construction Surveys for Burrowing Owl (BYSP and Southern Study Area)**<br><br>Prior to City (or County) approval of subdivision improvement plans or grading permits for ground disturbance for any individual development phase (within the BYSP and Southern Study Area), the developer shall hire a qualified Biologist to perform a pre-construction burrowing owl survey to determine burrow locations within 30 days prior to construction activities in connection with each individual development phase using applicable California Department of Fish and Wildlife (CDFW) Guidelines. Surveys for occupied burrows shall be completed within all construction areas in connection with the subject individual development phase and within 300 feet of the subject impact area (where feasible and appropriate based on locations of barren or ruderal habitats). At least 15 days prior to the expected start of any project-related ground disturbance activities in connection with the subject individual development phase, or the restart of activities related thereto, the relevant developer shall provide a burrowing owl survey report with mapping exhibits to the CDFW. If no burrowing owl are detected during the pre-construction survey, no further action in connection with the subject individual development proposal is necessary.<br><br>If burrowing owl are detected during the pre-construction survey, the following actions shall be taken to offset impacts during construction in connection with the subject individual development proposal (as outlined in the CDFW 2012 Guidelines):<br><br>• During the nonbreeding season (September 1 through January 31), no disturbance shall occur within an approximately 160-foot radius of an occupied burrow. During the nesting season (February 1 through August 31), occupied burrows shall not be disturbed within a 300-foot radius unless a qualified Biologist | City (CDD) shall require burrowing owl burrow location surveys prior to approval of subdivision improvement plans or grading permits for ground disturbance for any individual development phase and shall require that the burrow location surveys be completed within 30 days prior to construction activities. City (CDD) shall also verify that burrowing owl survey reports with mapping exhibits are provided to CDFW at least 15 days prior to ground disturbing activities. |

| Mitigation Measures | Mitigation Monitoring |
|---|---|
| approved by the CDFW verifies through non-invasive methods that either (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.<br>• If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFW [i.e., use of one-way doors]) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows.<br>• If unpaired owls or paired owls are present in or within 300 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls are to be removed per CDFW-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. A CDFW-approved exclusion plan shall be required to implement this measure.<br>• If paired owls are nesting in areas scheduled for disturbance or degradation, there shall be a minimum 300-foot buffer from the nest(s) from February 1 through August 31 or until fledging has occurred. Outside of the time period of February 1 through August 31 or following fledging, owls may be passively relocated. | |
| **MM BIO-3a: Valley Elderberry Longhorn Beetle Avoidance and Minimization Measures (Southern Study Area)**<br><br>Prior to City or County approval of subdivision improvement plans or grading permits for ground disturbance to construct the new outfall to Comanche Creek located within the Southern Study Area, the developer shall list the following measures on the relevant construction plans and hire a qualified Biologist to ensure adherence to the following measures during construction:<br>• **Dust Control and Fencing.** Above and along top of bank of Comanche Creek and between the off-site elderberry cluster and the subject construction site in connection with the proposed outfall, a dust screen shall be installed at a sufficient width and height as defined by a qualified Biologist to prevent excessive construction-generated dust from reaching the elderberry cluster in question. At a minimum, the dust screen shall be 100 feet wide and 6 feet tall.<br>• **Avoidance area.** Construction activities that may damage or kill the off-site elderberry cluster (e.g., trenching, paving, etc.) shall implement an avoidance area of at least 6 meters (20 feet) from the drip line of the subject elderberry cluster, depending on the type of activity, as determined by a qualified Biologist.<br>• **Worker education.** Prior to ground disturbance associated with the construction of the stormwater outfall, a qualified Biologist | City (CDD) shall require that Valley Elderberry Longhorn Beetle avoidance and minimization measures are included on subdivision improvement plans or grading permits for the new storm water outfall on Comanche Creek, or any project plans involving ground disturbance within 165 feet of the top of bank of Comanche Creek. Compliance during active construction shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

| Mitigation Measures | Mitigation Monitoring |
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| shall provide training for all contractors, work crews, and any on-site personnel on the status of the valley elderberry longhorn beetle (VELB), its host plant and habitat, the need to avoid damaging the off-site elderberry cluster, and the possible penalties for noncompliance.<br>• **Construction monitoring.** A qualified Biologist shall monitor the work area associated with the construction of the stormwater outfall at least once per day during outfall construction to ensure that all required avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the project specifics and may be reduced with concurrence from the United States Fish and Wildlife Service.<br>• **Timing.** To the extent feasible, all construction activities that could occur within 50 meters (165 feet) of the off-site elderberry cluster, shall be conducted outside of the flight season of the VELB (March 1–July 30). | |
| **MM BIO-3b: Transplant Directly Impacted On-Site Elderberry Shrub (BYSP Area)**<br><br>Prior to City approval of subdivision improvement plans or grading permits for ground disturbance to develop the future lot containing the one elderberry shrub identified within the BYSP Area, the developer of the specific development proposal that involves the removal of the elderberry shrub shall transplant the elderberry shrub, including removal of the entire root ball, if feasible, as part of the transplant process. The elderberry shrub shall be relocated adjacent to the project footprint if, as determined by a qualified Biologist: (1) the planting location is suitable for elderberry growth and reproduction; and (2) the subject developer is able to protect the shrub after transplantation via protection fencing or buffers until it is ensured that the shrub becomes reestablished. If these criteria cannot be met, the shrub shall be transplanted to an appropriate USFWS-approved mitigation site. Provided, however, that if a qualified Biologist determines that the elderberry shrub is unlikely to survive transplanting because of poor condition or location, or the shrub would be extremely difficult to move because of access problems, then the elderberry shrub shall not be transplanted and no further mitigation under this MM BIO-3b shall be required.<br><br>The following transplanting guidelines shall be used by the subject developer in implementing this mitigation measure:<br><br>• **Monitor**. A qualified Biologist shall be on-site for the duration of transplanting activities to assure compliance with this mitigation measure.<br>• **Exit Holes**. Exit-hole surveys shall be completed immediately before transplanting. The number of exit holes found, GPS location of the plant to be relocated, and the GPS location of | City (CDD) shall require transplantation of the one existing elderberry shrub located on the BYSP site, consistent with USFWS requirements, prior to approval of subdivision improvement plans (if applicable), or grading permits to develop the future lot containing the elderberry shrub. Compliance during active construction shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

| Mitigation Measures | Mitigation Monitoring |
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| where the plant is transplanted shall be reported to the USFWS and to the California Natural Diversity Database (CNDDB).<br>• **Timing**. Any transplanting of the elderberry shrub shall occur when the shrub is dormant (November through the first two weeks in February) and after it has lost its leaves. Transplanting during the non-growing season will reduce shock to the shrub and increase transplantation success.<br>• **Transplanting Procedure**. Any transplanting shall follow the most current version of the ANSI A300 (Part 6) guidelines for transplanting (http://www.tcia.org/). | |
| **MM BIO-3c: Compensatory Mitigation for Valley Elderberry Longhorn Beetle Impacts (BYSP Area)**<br><br>Prior to City approval of subdivision improvement plans or grading permits that will result in the removal or disturbance of the one elderberry shrub located within the BYSP Area, the subject developer shall compensate for the loss of the shrub by purchasing one credit (1,800 square feet or 0.041 acre) of Valley elderberry longhorn beetle (VELB) habitat at a mitigation bank approved by the United States Fish and Wildlife Service (USFWS). This compensatory mitigation is in addition to the transplanting requirement of MM BIO-3b. However, since it is within the purview of the USFWS to determine the appropriate type and amount of compensatory mitigation for impacts to VELB habitat, this mitigation measure shall be fulfilled upon the developer meeting final elderberry shrub mitigation requirements as determined by the USFWS. | City (CDD) shall verify payment of mitigation fees if the one existing elderberry shrub located on the BYSP site could not be transplanted.<br>City (CDD) shall verify that the developer has been approved by USFWS to remove the shrub and shall verify that the requisite mitigation bank credits have been purchased. Compliance during active construction shall be subject to inspection by City (CDD and Engineering). |
| **MM BIO-4: Avoidance and Minimization Measures for Giant Garter Snake (Southern Study Area)**<br><br>The giant garter snake (GGS) is unlikely to migrate to the BYSP Area from Comanche Creek, so the following avoidance and minimization measures for this species only apply to activities within the Southern Study Area. Prior to City (or County) approval of improvement plans or grading permits for the construction of the new outfall to Comanche Creek, the following measures shall be incorporated into project plans and then implemented to minimize potential impacts on GGS:<br>• To minimize any direct impacts to the species, construction activities within 200 feet of Comanche Creek shall be conducted, to the extent feasible, during the active season for GGS (between May 1 and October 1).<br>• Dewatered (removal of surface water or ground water from a riverbed or construction site by pumping or evaporation) portions of Comanche Creek after April 15 (if applicable) must remain dry for at least 15 consecutive days prior to excavation or filling of the dewatered habitat. | City (CDD) shall verify inclusion of GGS avoidance and minimization measures on construction plans, proof of USFWS training, and timely surveys and monitoring by a qualified biologist. Compliance during active construction shall be subject to inspection by City (CDD and Engineering). |

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| • Construction personnel in connection with the subject individual development proposal shall participate in a United States Fish and Wildlife Service (USFWS) approved worker environmental awareness training program prior to the initiation of ground disturbance within 200 feet of Comanche Creek. During the training, workers shall be informed of the potential for this species to be present and the associated habitat for GGS and that it is unlawful to take harm or harass GGS.<br>• 24 hours prior to construction activities within 200 feet of Comanche Creek, the subject area shall be surveyed for GGS by a qualified biologist. Surveys of the subject area shall be repeated if a lapse in construction activity within the subject area of two weeks or more has occurred. If a GGS is encountered during construction within the subject area, activities within 200 feet of this area shall cease until a qualified biologist has determined that appropriate corrective measures have been completed such that the GGS will not be harmed. The relevant project applicant shall report any known reported sightings and any known reported incidental take to the USFWS immediately by telephone at (916) 414-6600.<br>• The clearing of wetland vegetation (if any) shall be confined to the minimal area reasonably necessary to excavate the toe of bank for the proposed outfall and riprap placement. Excavation equipment shall be located and operated from the top of the bank.<br>• With respect to construction activities occurring within 200 feet of Comanche Creek, movement of heavy equipment to and from the subject area shall be restricted to existing unimproved roadways to minimize habitat disturbance to the extent feasible and no staging or storing of equipment shall occur within 200 feet of Comanche Creek. | |
| **MM BIO-5: Pre-construction Surveys for Western Pond Turtle, includes avoidance and passive relocation if found (Southern Study Area)**<br><br>The western pond turtle (WPT) is unlikely to migrate to the BYSP Area from Comanche Creek, so the following avoidance and minimization measures for this species only apply to activities within the Southern Study Area.<br><br>Prior to City (or County) approval of improvement plans or grading permits for the construction of the new outfall to Comanche Creek, the developer shall hire a qualified Biologist to conduct a focused survey for WPT 30 days prior to the onset of construction activities within the Southern Study Area to determine presence or absence of this species within 100 feet of the subject construction area, regardless of the time of year. If construction for the outfall occurs between April 1 and September 30, this survey shall include turtle nests. If WPT is found within the subject construction area, the qualified Biologist shall move the turtle to a location outside of the subject | City (CDD) shall require confirmation from the developer's qualified biologist that consultation has taken place with CDFW and relevant conditions are included and reflected on improvement plans or grading permits for the construction of the new outfall to Comanche Creek. Compliance during active construction shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

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| construction area to suitable habitat as determined by a qualified Biologist under consultation with the California Department of Fish and Wildlife (CDFW). If a nest is found within the subject construction area or within a 100-foot radius of the subject construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location determined by the qualified Biologist under consultation with CDFW. Construction within 100 feet of Comanche Creek shall be avoided to the extent feasible when WPT adults and juveniles are overwintering (October 1 to February 29), because of the likelihood that turtle adults and juveniles could be present in upland habitats. If it is not feasible to avoid such construction activities during this time frame, an additional survey for overwintering locations shall be conducted no more than 14 days prior to construction within 100 feet of Comanche Creek in connection with the subject individual development proposal. If this species is found to be overwintering within the subject construction area, den locations shall be avoided until the area is unoccupied, as determined by a qualified Biologist under consultation with CDFW. | |
| **MM BIO-6: Protection of Active Bird Nests, including pre-construction survey and implementation of avoidance buffer, if found (BYSP and Southern Study Area)**<br><br>Prior to City (or County) approval of improvement plans or grading permits that may result in the removal of trees, the following measures shall be taken to minimize the effects of tree removal on active bird nests:<br><br>• If a proposed development phase requires ground disturbance or vegetation removal to commence during the nesting season (February 1 to August 31), the subject developer shall hire a qualified Biologist to conduct pre-construction surveys within 7 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether or not active nests are present.<br>• If an active nest of a protected bird is located during pre-construction surveys, a qualified biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.) A qualified biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by a qualified biologist. No construction activities or | City (CDD) shall confirm avoidance buffer implementation as determined by a qualified biologist on improvement plans or grading permits that may result in the removal of trees, and shall require a nest survey completed within 7 days prior to start of ground or vegetation disturbance activities if during nesting season (February 1 to August 31). Compliance during active construction shall be subject to periodic inspection by City (CDD and Engineering). |

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| construction foot traffic is allowed to occur within the avoidance buffer(s).<br>• In consultation with the United States Fish and Wildlife Service (USFWS) or CDFW (as appropriate), the qualified Biologist shall monitor any active nest(s) during the subject construction activities and shall modify the protection zone accordingly if determined necessary to prevent project-related nest disturbance, until the young have fledged. | |
| **MM BIO-7: Roosting Bat Pre-construction Survey and Avoidance (BYSP and Southern Study Area)**<br><br>Prior to City (or County) approval of improvement plans or grading permits for any phase of the project, the developer shall hire a qualified Biologist with relevant roosting bat experience to conduct a survey for the proposed impact area and a 250 foot buffer for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction in connection with each individual development proposal. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.) as determined appropriate by the qualified Biologist.<br><br>If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the relevant Applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Bat house(s) shall be installed adjacent to any excluded roost(s) or as close as feasible, to be determined by a qualified wildlife Biologist, to ensure excluded bats are provided adjacent roosting habitat. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning and that bats have vacated the bat house(s). To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity. | City (CDD) shall require confirmation of the installation of bat house(s) as directed by a qualified biologist and a survey completed no less than 7 days and no more than 14 days prior to start of ground or vegetation disturbance activities. shall be subject to field verification during construction by City inspectors (CDD and Engineering). |
| **MM BIO-8: Conduct Delineation of Potentially Jurisdictional Aquatic Resources (Creek and Detention Basin)**<br><br>The relevant applicant in connection with the subject individual development proposal involving the installation of the outfall structure, shall complete a formal jurisdictional delineation to document and quantify the full extent of potentially jurisdictional | City (CDD) shall require proof of permits or waivers from USACE, RWQCB and CDFW prior to approval of improvement plans or grading permits associated with the new outfall to Comanche Creek or affecting the existing storm water basin. City (CDD) shall confirm that |

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| waters within the relevant portions of the project site (if any) in coordination with the applicable resource agencies (United States Army Corps of Engineers [USACE] and/or Regional Water Quality Control Board [RWQCB]). If no resource agency jurisdiction is identified, then the relevant applicant constructing the outfall structure shall prepare a restoration and revegetation plan to offset the proposal's permanent impact to 0.04 acres and temporary impact to 0.04 acres of Valley Oak Riparian Woodland resulting from construction of the outfall structure, such that the stream corridor habitat is restored and revegetated at no less than a 1:1 ratio. The relevant applicant in connection with the subject individual development proposal involving the removal of the existing detention basin shall also coordinate, to the extent required under applicable laws and regulations, with the applicable resource agencies (USACE and/or RWQCB) to determine whether the detention basin within the project site is protected under Sections 404 and 401 of the Clean Water Act (CWA).<br><br>**Obtain CWA Sections 401 and 404 Permits Prior to Construction (After Agency Coordination)**<br><br>• The relevant applicant in connection with the subject individual development proposal involving the removal of the existing detention basin or the installation of the outfall shall comply with applicable laws and regulations including, if required, obtaining a Section 404 CWA permit for impacts to waters of the United States and a Section 401 Water Quality Certification from the RWQCB. Any such required permit and certification shall be obtained prior to issuance of grading permits in connection with the removal of the existing detention basin and/or the installation of the outfall structure, as relevant.<br>• If required pursuant to an approved Section 404 permit and 401 water quality certification under applicable laws and regulations, the relevant applicant in connection with the subject individual development proposal shall design said proposal to result in no net loss of functions and values of waters of the United States and State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as set forth in the subject Section 404 permit and 401 water quality certification.<br>• If required pursuant to an approved Section 404 permit and 401 water quality certification under applicable laws and regulations, compensatory mitigation shall be satisfied, which may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in lieu fee program that would conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or | mitigation requirements are included and reflected on improvement plans and grading permits, as directed by a qualified biologist hired by the developer to obtain agency permits and implement this measure. Compliance shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

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| preservation activity. This final type of compensatory mitigation (i.e., #3) may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). To the extent required pursuant to the approved Section 404 permit and 401 water quality certification under applicable laws and regulations, the relevant project/permit applicant shall retain responsibility for the implementation and success of the mitigation approach in connection with the subject individual development proposal.<br><br>**Obtain Approval of and File Notification of Streambed Alteration Agreement Prior to Construction (After Agency Coordination)**<br><br>In connection with an individual development proposal that involves the construction of the proposed outfall into Comanche Creek, the relevant applicant shall obtain and file a notification of a Streambed Alteration Agreement prior to conducting construction activities associated with the proposed outfall within Comanche Creek). If a Streambed Alteration Agreement is required under applicable laws and regulations, the relevant applicant shall implement all mitigation measures imposed by the CDFW related to the subject Streambed Alteration Agreement, which may include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio, as determined by the CDFW. | City (CDD) shall require proof of permits or waivers from USACE, RWQCB and CDFW prior to approval of improvement plans or grading permits associated with the new outfall to Comanche Creek or affecting the existing storm water basin. City (CDD) shall confirm that mitigation requirements are included and reflected on improvement plans and grading permits, as directed by a qualified biologist hired by the developer to obtain agency permits and implement this measure. Compliance shall be subject to field verification during construction by City inspectors (CDD and Engineering). |
| **3.5 Cultural Resources and Tribal Cultural Resources** | |
| **MM CUL-1a**: Prior to issuance of the first grading permit or site improvement plan (whichever comes first), the subject developer of the relevant specific individual development proposal shall hire an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology and a qualified Architectural Historian or historic Preservation Professional meeting the Secretary of the Interior's Professional Qualifications Standards to prepare a Historical and Archaeological Resources Treatment Plan for the proposed project. The plan shall be subject to review and approval by City CDD staff prior to approval of the subject grading permit or site improvements plan. Specifically, the plan shall include any and all feasible, protective measures required to ensure that character-defining elements of the Engineering Building and/or the Match Block Storage Building (as applicable) are not inadvertently damaged or demolished during project construction. The plan shall also include provisions for a Worker Environmental Awareness Program (WEAP) archaeological resource sensitivity training for construction personnel conducting ground disturbance at the site or off-site improvements prior the start of construction and provisions for the identification, recordation, and disposition of any significant archaeological resources (both | City (CDD) shall require the Historical and Archaeological Resources Treatment Plan prior to issuance of grading permits or improvement plans, including proof of WEAP training and compliance with any other pre-construction Plan requirements. Adherence to Plan requirements shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

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| historic era and prehistoric) that may be encountered over the course of subsurface excavations at the project site. | |
| **MM CUL-1b:** At such time that adaptive reuse of the Engineering Building and/or the Match Block Storage Building is pursued as part of an individual specific development proposal, adaptive reuse design shall be developed by a qualified Architectural Historian/Historic Preservation Professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history/historic preservation. The City shall include in its review the feasibility of adaptive reuse in consideration of the proposed new use, seismic retrofit needs, and overall structural stability of the buildings. These findings shall then inform the adaptive reuse design, as appropriate and feasible, which shall be developed by the Architectural Historian/Historic Preservation Professional in coordination with the subject developer and City to ensure that all of the important character-defining features of the buildings are appropriately considered in the proposed design.<br><br>The proposed design shall contain sufficient detail so the qualified Architectural Historian/Historic Preservation professional can determine whether the adaptive reuse is consistent with the Standards for Rehabilitation. The adaptive reuse of each of the Engineering Building and/or Match Block Storage Building shall include a reasonably detailed protection and maintenance plan that outlines a long-term strategy for maintaining and protecting these resources over time. The plan shall include a schedule for regular maintenance of the subject building(s) and vicinity, including clearing of any overgrown vegetation, regular monitoring and surveillance, and shall also develop and incorporate a reasonable strategy for the long-term security of the building(s) and vicinity to prevent trespassing and vandalism of the buildings to the extent feasible.<br><br>If, after consultation with the above-referenced historic preservation professionals, it is determined that the subject building(s) cannot be adaptively reused in conformance with the Standards for Rehabilitation as currently designed and the subject developer therefore determines that adaptive reuse cannot feasibly proceed and instead determines to proceed with demolition of the subject building(s), the subject building(s) shall be subject to archival documentation that consists of photography of all exterior elevations, and views to and from the building(s), with detailed photographs of materials, doors, windows, rooflines, and other key components, and the preparation of an associated historical narrative documenting the subject building(s)' historical significance. Also, any original plans (if available) of the subject building(s) shall be scanned and reproduced so that they are available for future study. The foregoing documentation shall be based on the National Park | City (CDD) shall require the adaptive reuse design plan for the Engineering Building and Match Block Storage Building in conjunction with the associated application(s) for a Certificate of Appropriateness for major alterations to a listed historic resource, or otherwise prior to issuance of any building permits to alter the subject historic buildings. |

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| Service's Historic American Building Survey (HABS) guidelines for narrative and photographic documentation. A final set of the archival documentation and photographs shall be recorded and filed. In addition, should demolition occur, interpretive displays and salvage of historic materials shall be incorporated into the proposed project, as appropriate and feasible | |
| **MM CUL-3:** Should a discovery of previously unknown buried human remains occur during ground-disturbing construction activities, Section 7070.5 of the California Health and Safety Code applies, and the procedures shall be followed by the subject developer in connection with the relevant specific individual development proposal. In the event of the accidental discovery or recognition of any Native American human remains (upon notification from a County Coroner pursuant to Health and Safety Code § 7050.5(c)), Public Resources Code Section 5097.98 shall be followed.<br><br>Relevant provisions of both Section 7050.5 of the Health and Safety Code (related to discovery of any human remains) as well as Section 5097.98 of the Public Resources Code (related to discovery of Native American remains) shall apply, as relevant.<br><br>Once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:<br><br>1. There shall be no further excavation or disturbance within 100 feet of the human remains until the County Coroner is contacted and has made the required determinations pursuant to Health and Safety Code Section 7050.5(a) including whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American (or has reason to believe that they are those of a Native American), the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD (or his or her authorized representative) may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or<br><br>2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:<br><br>• The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a | City (CDD) shall require inclusion of notes on grading and construction plans reflecting this mitigation measure. If necessary, as a result of accidental discovery or recognition of any human remains, City (CDD) shall verify that notification of the Butte County Coroner is made and shall document which subsequent steps are followed to resolve the discovery. |

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| recommendation within 48 hours after being notified by the NAHC;<br>• The MLD identified fails to make a recommendation; or The landowner or its authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. | |
| **3.6 Energy** | |
| **MM ENER-1:** New residential uses and new commercial uses without commercial kitchen components, which are located within new buildings, shall be all-electric (i.e., natural gas utility shall not be permitted). However, natural gas usage and/or the extension of existing natural gas infrastructure shall be permitted for the following: (1) new commercial uses with commercial kitchen components that are located within new buildings; and (2) the adaptive reuse of existing building(s) so long as the subject Developer can reasonably document to the City's CDD Director that conversion to all-electric of the subject existing building is not physically and/or economically feasible. | City (CDD) shall review building permits for new residential and commercial uses and ensure that the development is all-electric, with exceptions as noted by the mitigation measure. |
| **3.7 Geology and Soils** | |
| **MM GEO-1: Inadvertent Discovery of Paleontological Resources During Project Construction**<br><br>Prior to ground disturbance activities, construction contractors and personnel shall be required to undergo Worker Environmental Awareness Program (WEAP) training to recognize and identify paleontological resources on-site. The training shall include visual aids, a discussion of applicable laws and statutes relating to paleontological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by a Paleontologist who meets the Society of Vertebrate Paleontology Professional Qualification Standards. Should any vertebrate remains (e.g., bones or teeth) or unusually abundant and well-preserved invertebrates or plants be unearthed, the construction contractors and personnel shall not attempt to remove them as they could be extremely fragile and therefore prone to crumbling. The relevant developer, in connection with the subject individual specific development proposal, shall include a standard inadvertent discovery clause in every project-related construction contract to inform their respective contractors of this requirement. To ensure the occurrence is properly recorded, all work in the immediate vicinity of the discovery shall be diverted at least 15 feet until a professional paleontologist assesses the find and, if deemed appropriate, salvages it in a timely manner. All recovered fossils shall be deposited in an appropriate repository, such as the | City (CDD) shall require proof of the required WEAP Training prior to authorization of work for approved permits or plans resulting in ground disturbance activities. Compliance shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

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| University of California Museum of Paleontology (UCMP), where they will be properly curated and made accessible for future study | |
| **3.9 Hazards and Hazardous Materials** | |
| **MM HAZ-1:** Prior to issuance of the first grading permit for the proposed project, the developer shall retain a qualified hazardous materials consultant to prepare a Soil and Debris Management Plan (SDMP) which will identify specific construction measures to be implemented at the project site. The SDMP shall include site control measures, excavation and backfill procedures, confirmation of sampling procedures and screening levels, dust control measures, stormwater protection measures, waste soil handling and disposal procedures, and a debris management plan in accordance with applicable local, State, and federal regulations. The SDMP shall identify contingency procedures to be followed in the event that subsurface structures (e.g., vaults or tanks) are encountered during excavation or other unanticipated discoveries are made. The SDMP shall also specify any special procedures for addressing issues in proximity to the asphalt cap and groundwater monitoring well network which are to remain in place according to the Land Use Covenant (LUC) for the project site. The developer shall submit the SDMP and all of its components to the California Department of Toxic Substances Control (DTSC) for review and approval and shall provide copies of the DTSC-approved SDMP to the City to comply with this mitigation measure, prior to initiating project site improvements. | City (CDD) shall require the developer to provide a copy of the DTSC-approved SDMP prior to issuance of the first grading permit and shall confirm that applicable requirements from the SDMP are reflected on grading plans, improvement plans and construction drawings. Issuance of subsequent City approvals and permits would be limited to activities consistent with the DTSC-approved SDMP, until such time that DTSC releases a project phase or the entire BYSP site from further remediation actions. Compliance shall be subject to field verification during construction by City inspectors (CDD and Engineering). |
| **3.12 Noise** | |
| **MM NOI-1: Noise Land Use Compatibility Mitigation Plan**<br><br>As part of the City's design review process for proposed noise-sensitive land use development projects (such as, but not limited to, multi-family residential land uses) that would be located within 325 feet of the active railroad mainline, and prior to issuance of building permits, the developer of the subject specific individual development proposal shall demonstrate one of the following:<br><br>(1) Outdoor active use areas are shielded from railroad noise source by structures or a masonry wall (such shielding must blocking the line of sight between the noise source and receptor, with no gaps); or<br>(2) An acoustic study (prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan) shows that the proposed development would remain below the City's applicable noise land use compatibility standards for the proposed land use. The subject developer shall submit the acoustic study to the Community Development Director for review and approval. Upon approval by the City, the proposed acoustical design features shall be incorporated into the subject development proposal's construction documents. Noise reduction design features may include, but are not limited to, locating outdoor active use areas of noise-sensitive | City (CDD) shall require that construction plans for noise-sensitive land uses near the rail line show sound-protected areas or outdoor areas otherwise supported by an acoustic study. Final improvements shall be subject to field verification by City inspectors (CDD and Engineering). |

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| land uses to be shielded by structures (buildings, enclosures, or sound walls). | |
| **MM NOI–2a: Construction Noise Mitigation Plan**<br><br>Each specific individual development proposal shall adhere to the permitted construction hours as delineated in the City's Municipal Code, if feasible. In addition, prior to the issuance of demolition, grading, site improvement plans, and/or construction permits in connection with an application for a specific individual development proposal, the subject developer(s) of each such individual proposal that may include the operation of multiple pieces of heavy construction equipment within 50 feet of the property line of noise-sensitive receptors (e.g., residences, hospitals, schools) shall either (1) demonstrate and expressly state on project drawings that multiple pieces of equipment will not be necessary or allowed to operate within 50 feet of the property line of noise-sensitive receptors, or (2) the subject developer shall hire an acoustics consultant to conduct a site-specific acoustical analysis to confirm whether there would be any site-specific exceedance of applicable standards. The analysis shall assess consistency of the proposed construction activities with the exemption criteria for construction activities set forth under Chico Municipal Code Section 9.38.060, once the final construction equipment list that will be used for the subject demolition, grading activities and/or construction activities is determined. The site-specific acoustical analysis shall be prepared by the developer and subject to approval by the City. If the analysis determines that the subject construction activities would not meet the exemption criteria, then specific measures to attenuate the identified temporary noise impact to minimize exceedances of the relevant noise permit exemption criteria is achieved shall be outlined in the analysis and reviewed and approved by the City and implemented in the subject proposal. Specific measures may include, but are not limited to, the following Best Management Practices (BMPs):<br><br>• Install temporary sound barriers between sensitive receptor locations and the construction area where the heavy equipment will be operating.<br>• Stationary equipment (such as generators and air compressors) and equipment maintenance and staging areas shall be located as far from existing noise-sensitive land uses, as feasible.<br>• Post a construction site notice near the construction site access point or in an area that is clearly visible to the public. The notice shall include the following: job site address; permit number, name, and phone number of the contractor and owner; dates and duration of construction activities; construction hours allowed; and the phone numbers of the | City (CDD) shall require that construction plans reflect and note compliance with construction equipment limitations based on noise. Compliance with approved plans shall be subject to field verification during construction by City inspectors (CDD and Engineering). |

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| City's CDD Department and the construction contractor where noise complaints can be reported and logged.<br>• If construction equipment is equipped with back–up alarm shut offs, switch off back–up alarms and replace with human spotters, as feasible.<br>• Restrict haul routes and construction–related traffic to the least noise-sensitive roadways.<br>• Reduce non–essential idling of construction equipment to no more than 5 minutes.<br>• Ensure that all construction equipment is monitored and properly maintained in accordance with the manufacturer's recommendations to minimize noise.<br>• Fit all construction equipment with properly–operating mufflers, air intake silencers, and engine shrouds, no less effective than as originally equipped by the manufacturer, to minimize noise emissions.<br>• To the extent feasible, use acoustic enclosures, shields, or shrouds for stationary equipment such as compressors and pumps.<br>• Shut off generators when generators are not needed.<br>• Coordinate deliveries to reduce the potential of trucks waiting to unload and idling for long periods of time.<br>• Grade surface irregularities on construction sites to prevent potholes from causing vehicular noise.<br>• Minimize the use of impact devices such as jackhammers, pavement breakers, and hoe rams. Where feasible, use concrete crushers or pavement saws rather than hoe rams for tasks such as concrete or asphalt demolition and removal.<br><br>The final noise reduction measures to be implemented and their associated details, as set forth in the subject Construction Noise Mitigation Plan shall be included on all subject construction and building documents and/or construction management plans and submitted for verification to the City; implemented by the construction contractor through the duration of the subject construction phase; and discussed at the subject pre–demolition, –grade, and/or –construction meetings. | |
| **MM NOI–2b: Stationary Source Noise Reduction Plan**<br><br>As part of the City's design review process for individual commercial and multi-family residential projects, and prior to issuance of building permits, the developer of the subject specific individual development proposal shall demonstrate one of the following:<br><br>(1) Major noise-generating elements (e.g., truck loading docks within 150 feet of a sensitive receptor, or surface parking areas within 60 feet of a sensitive receptor, or commercial grade mechanical ventilation equipment within 15 feet of a sensitive receptor, etc.), are shielded from nearby residential uses by structures or a masonry wall (such shielding must | City (CDD) shall require that construction plans for noise-generating land uses near sensitive receptors show adequate shielding or shielding otherwise supported by an acoustic study. Final improvements shall be subject to field verification by City inspectors (CDD and Engineering). |

| Mitigation Measures | Mitigation Monitoring |
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| blocking the line of sight between the noise source and receptor, with no gaps), or<br><br>(2) An acoustic study (prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan) shows that the operational noise associated with any major noise-generating elements (e.g., truck loading docks, large parking areas, commercial grade mechanical systems, etc.), would remain below the City's nighttime noise standards of 65 dBA $L_{max}$ and 50 dBA $L_{eq}$. Examples of major noise generating elements include, but are not necessarily limited to, unshielded truck loading docks within 150 feet of a sensitive receptor, or surface parking areas within 60 feet of a sensitive receptor, or commercial grade mechanical ventilation equipment within 15 feet of a sensitive receptor. The subject developer shall submit the acoustic study to the CDD Director for review and approval. Upon approval by the City, the proposed acoustical design features shall be incorporated into the subject development proposal's construction documents. Noise reduction design features may include, but are not limited to, locating stationary noise sources on the subject construction area to be shielded by structures (buildings, enclosures, or sound walls) or by using equipment that has a quieter rating. | |
| **MM NOI–3: Construction Vibration Reduction Plan**<br><br>Prior to issuance of grading and/or building permits for any future development projects that would necessitate the use of large vibratory rollers within 25–feet of a structure, or the use of any other heavy construction equipment within 15–feet of a structure, a note shall be provided on grading and building plans indicating that during grading and construction the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction–related vibration impacts:<br><br>• No impact pile driving shall be permitted.<br>• Submit a Construction Vibration Reduction Plan that identifies specific techniques, such as the depth and location of temporary trenching, that would minimize potential vibration impacts to the impacted structure.<br><br>The individual project owner/developer shall submit the Construction Vibration Reduction Plan to the CDD Director for review and approval prior to issuance of building permits. Upon approval by the City, the construction vibration reduction measures shall be incorporated into the construction documents. | City (CDD) shall require that grading and construction plans for roadways and foundations reflect that no large vibratory rollers are to be used within 25 feet of an existing structure, or the use of any other heavy construction equipment within 15 feet of an existing structure, no pile driving shall be permitted, and that the plans are supported by a Construction Vibration Reduction Plan. Compliance shall be subject to field verification by City inspectors (CDD and Engineering). |
| **3.15 Recreation** | |
| City shall implement this Mitigation Monitoring and Reporting Program during construction of recreational facilities. | |

| Mitigation Measures | Mitigation Monitoring |
|---|---|
| **3.16 Transportation** | |
| **MM TRANS-2:** Prior to City acceptance of subdivision improvements for the nearest street connection into the proposed project site (as specified), in connection with the relevant specific individual development proposal, the subject developer or City shall be responsible for ensuring the construction of the following bicycle facilities outlined in the Chico Bicycle Plan 2019 Update (and as shown in Figure 3.17-6). To the extent that adequate funds exist for the City to design and construct off-site infrastructure improvements pursuant to a development agreement for the Barber Yard Specific Plan project it shall be the City's responsibility to design and construct the bicycle facilities listed below concurrently with the associated phase:<br><br>Class III Bike Boulevards:<br>• On Ivy Street from W. 10th Street into the BYSP Area (Ivy Street)<br>• On Chestnut Street between W. 13th Street and W. 16th Street (W. 16th Street)<br>• On W. 16th Street from Salem Street to the BYSP Area (W. 16th Street)<br>• On W. 20th Street from Salem Street into the BYSP Area (W. 20th Street)<br>Final maps shall not be approved for the subject phase until the relevant improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement. | City (CDD and Engineering) shall require that the required bikeway connections are constructed prior to City acceptance of the applicable subdivision improvements. |
| **MM TRANS-3**: Prior to City acceptance of subdivision improvements for the specified street connection into the project site in connection with the relevant specific individual development proposal, the subject developer or City shall be responsible for ensuring the construction of sidewalks where gaps are present on West 16th Street between the project site and Broadway Street and on West 20th Street between the project site and Broadway Street, in conjunction with the construction of subdivision improvements that extend each of those respective streets into the project site. To the extent that adequate funds exist for the City to design and construct off-site infrastructure improvements pursuant to a development agreement for the Barber Yard Specific Plan project it shall be the City's responsibility to design and construct the sidewalk facilities required by this mitigation measure concurrently with the associated phase. Final maps shall not be approved for the phase which extends the specified street connection into the project site until the associated sidewalk gap improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement. | City (CDD and Engineering) shall require that the required sidewalk connections are constructed prior to City acceptance of the applicable subdivision improvements. |

**RESOLUTION NO. _____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING GENERAL PLAN AMENDMENT 22-05 (Barber Yard Specific Plan)**

WHEREAS, the City Council has considered a request for approval of General Plan Amendment 22-05 (GPA 22-05) to change land use designations and amend General Plan text for the "SPA-2 Barber Yard" Special Planning Area consistent with the Barber Yard Specific Plan (BYSP), which would designate areas within the BYSP a mixture of General Plan land use designations, including Medium Density Residential (79 acres), Medium-High Density Residential (26 acres), Residential Mixed Use (15 acres), Secondary Open Space (10 acres) and Primary Open Space (3 acres, to reserve the asphalt cap), on an approximately 133-acre site identified by Assessor's Parcel Numbers 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053, as part of the Barber Yard Specific Plan, which comprises application for SP21-01, GPA 22-5, RZ 22-03, CA 22-03 and DA 23-02, as part of the Barber Yard Specific Plan, as refined by the November 2026 Specific Plan, including the stormwater detention options described in Specific Plan Section 6.4.4, which comprises applications for SP 21-01, GPA 22-05, RZ 22-03, CA 22-03, and DA 23-02 ("Project"); and

WHEREAS, the Planning Commission considered the Project, staff report and comments submitted at a duly noticed public hearing held on November 19, 2026, and forwarded a written recommendation of approval of the Project, including GPA 22-05, to the City Council; and

WHEREAS, the City Council has certified an Environmental Impact Report (EIR) prepared for the Project and has adopted certain findings regarding the environmental effects, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Project; and

WHEREAS, the City Council considered the staff report and comments submitted at a duly noticed public hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

1. In approving GPA 22-05 the City Council finds that:

A. The proposed General Plan land use designations and text changes are consistent with General Plan direction for planning the Barber Yard Special Planning Area (SPA-2), general direction for planning Special Planning Areas (SPAs), and are supportive of and consistent with General Plan policies and objectives pertaining to development projects. The BYSP is consistent with General Plan direction for SPA-2 in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. Although the BYSP differs from the General Plan's conceptual land use plan by omitting manufacturing and low-density residential land use designations, the favored Medium Density Residential and Residential Mixed Use designations would provide flexibility for developing future residential uses while remaining near the midpoint of anticipated density and would promote neighborhood compatibility. The BYSP is consistent with General Plan direction for planning SPAs in that the proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space (Policy LU-3.1, Goal LU-6, Policy LU-6.2). Flexibility is built into the BYSP by designating the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site to Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations. The proposed

network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP. All parcels within the SPA are planned with specific land use designations and zoning based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road) (Action LU-6.2.1). Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future potential connections to the south and west, thereby retaining the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico, subject to all necessary approvals required under applicable laws and regulations, to avoid extending City limits past the Greenline boundary that generally divides the agricultural areas to the west and Chico urban areas to the east. Dedicating the off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative modes of transportation, further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. The City received a comment letter from Butte County Local Agency Formation Commission (LAFCo) staff dated September 18, 2026, regarding the off-site basin. In response, the BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if the approvals for the off-site location are not obtained by the milestone

in Specific Plan Section 6.4.4. The on-site location was analyzed in the EIR as Alternative 3 and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek. In addition, the BYSP is consistent with numerous General Plan policies and actions pertaining to general development, including blending a range of densities that will facilitate a compact urban form, favoring R2, R3, and RMU zoning over conventional R1 to promote an efficient and sustainable land use pattern. The BYSP is situated beyond the City's minimum 100-foot buffer from active agricultural uses (240-250 feet) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential visual, noise, and air quality concerns (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, and Action OS-5.2.1). The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into "The Diamond at Barber Yard," and reuses roughly 150,000 square feet across three existing buildings, including the historic Engineering Building and Match Block Storage Building, with restoration guided by the Secretary of the Interior's Standards. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the Southwest Chico Neighborhood Improvement Plan's goals for multimodal connections and shared open space (Goal CD-2, Policy CD-2.1, Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, and Action CRHP-2-2.1). The project provides up to 1,250 units across a mix of single- and multi-family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and "missing middle" housing and assisting with Regional Housing Needs Allocation obligations. The BYSP's arrangement of land uses is designed to complement the existing neighborhood's character (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2, Policy H-3.3, and Policy H.5.1). Beyond the Ivy Street and West 16th

Street extensions, new connections along West 14th, 18th, and 20th Streets will serve the project's mix of uses, funded in part by required transportation impact fees. The circulation system is integrated and multimodal, featuring extensive bicycle and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Yard pattern, and a bus stop on Ivy Street near 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these investments, the Draft EIR finds the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, and Policy CIRC-5.3). The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update (Policy SUS-4.2, Policy SUS-4.3, Policy SUS-5.2, and Goal S-9). The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5). As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and

operational air emissions will be mitigated to the extent feasible, to minimize exposure to unhealthful pollutants (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, and Goal S-8). With Mitigation Measure NOI-1, residential noise will remain within the 65 dBA CNEL exterior standard, as supported by an acoustical analysis. Active railroad tracks lie more than 100 feet from the project, meeting Federal Transit Administration screening criteria with less-than-significant impacts, and remaining noise impacts are addressed through Mitigation Measures NOI-1 through NOI-3 and adherence to City noise standards (Policy N-1.2, Policy N-1.3, Policy N-1.5, and Goal N-3).

B. The relatively flat BYSP site is physically suitable for the proposed land use classifications contained in GPA 22-05 and the anticipated future development resulting therefrom, including access by extending existing streets into the site, extension of new utilities as necessary to serve the planned development, compatibility with adjoining land uses by integrating with the existing neighborhood and securing non-residential portions of the perimeter, and the purposeful planning of new parks and amenities to retain historic structures and restore historic uses. Soil remediation, overseen by the State, will be required by the City as a precondition of development. Future tentative subdivision maps will be subject to review and approval by the Planning Commission, and City design review of future multi-family residential and commercial land development within the BYSP site will ensure that specific elements of individual sites are completed in a manner that is compatible with the site and adjoining land uses. There are no physical constraints on the BYSP site which would prohibit development and use of the site consistent with the proposed land use classifications.

2. The City of Chico City Council hereby approves GPA 22-05, as analyzed in the Final EIR and the Findings of Fact and Statement of Overriding Considerations adopted by separate resolution of the City Council in connection with the Project, including: (a) land use designation amendments to Figure LU-1 as set forth in attached Exhibit A, and (b) text amendments modifying the Land Use Element and Appendix C as set forth in attached Exhibit B to remove the Barber Yard SPA as a future planning area and reflect adoption of the BYSP.

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

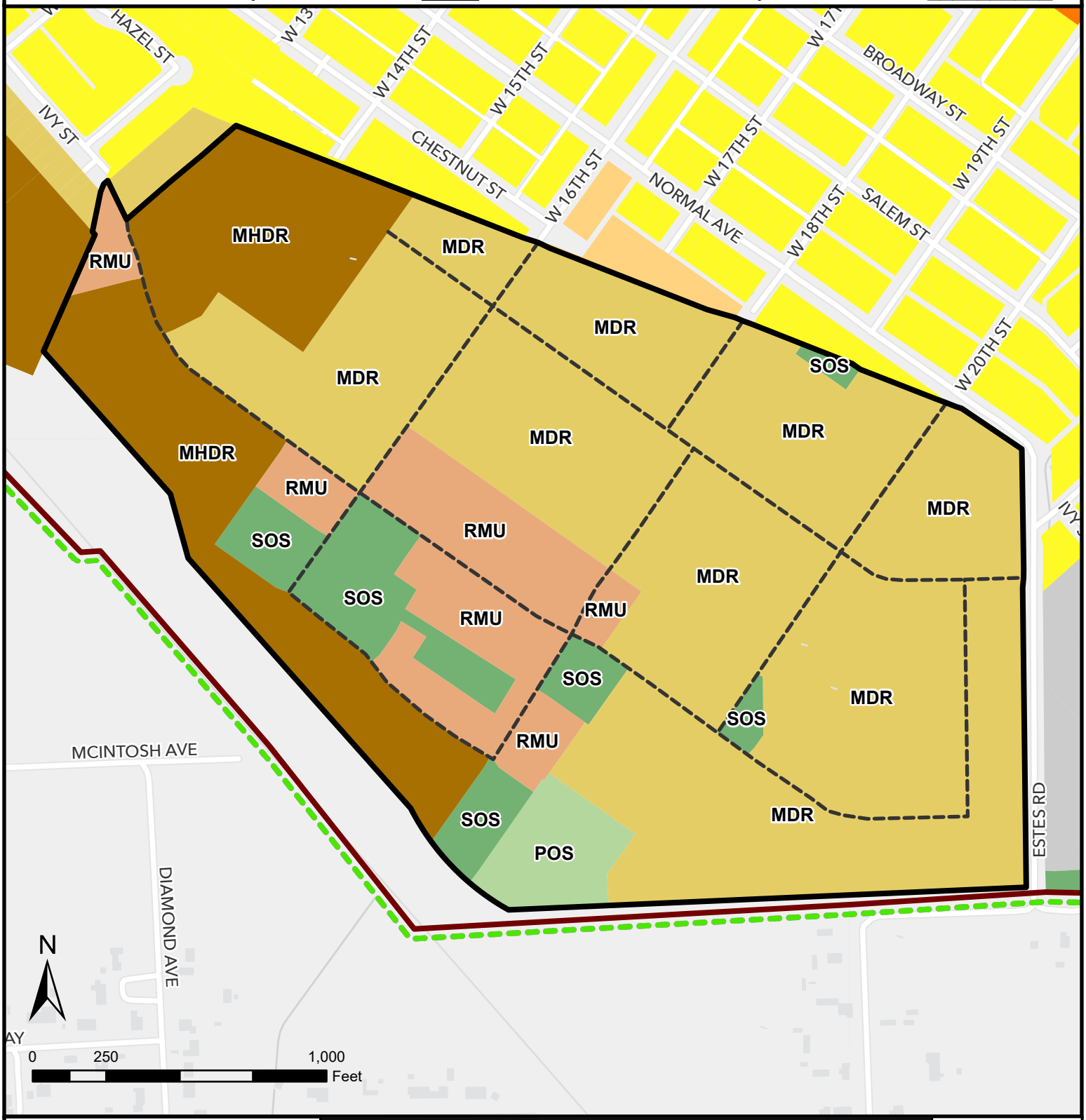
_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

# GPA 22-05

Approval Recommended by Chico Planning Commission on _____ by Resolution No. 26-04.

Approved by Chico City Council on _____ by Resolution No. _____.




GPA 22-05
(Barber Yard Specific Plan)
APNs 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053

DATE PRODUCED: September 3, 2026

## BARBER YARD SPECIFIC PLAN

**From:** SPA Special Planning Area
**To:** General Plan Land Use Designations

| RESIDENTIAL | | OPEN SPACE | | BOUNDARIES | |
|---|---|---|---|---|---|
| MDR | Medium density residential | OS1 | Primary open space | Specific Plan boundary | |
| MHDR | Medium-high density residential | OS2 | Secondary open space | City limits | |
| RMU | Residential mixed use | | | Future Streets | |
| | | | | Greenline | |

**All Zoning Districts include -BY Barber Yard zoning overlay.**

CITY OF CHICO INC. 1872

**Exhibit A**

## LAND USE DIAGRAM

The Land Use Diagram (**Figure LU-1**) illustrates the distribution of the land use designations described above. In addition to identifying the land use designations, the Diagram highlights three types of land as follows:

1. **Special Planning Areas.** The Land Use Diagram includes ~~five~~ three Special Planning Areas (SPAs). This designation identifies areas with significant new growth potential and carries a requirement for subsequent planning prior to development. Within each SPA, the City has identified a mix of desired land uses in the form of a conceptual land plan. The conceptual land plans do not represent precise proportions or locations for particular land uses. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area. SPAs are shown on the Land Use Diagram with a dark outline, cross hatch lines, and labeled SPA-1 through SPA-~~5~~3.

2. **Opportunity Sites**. The Land Use Diagram identifies 15 sites that provide a greater opportunity for change or improvement within the General Plan planning horizon. These Opportunity Sites have parcel-specific land use designations as well as special policy considerations. Opportunity Sites are shown on the Land Use Diagram with a dark outline and labeled with numbers 1 through 15.

3. **Resource Constraint Overlay**. The Land Use Diagram identifies three areas with sensitive biological resources that will constrain development. For these areas, the City has applied an "overlay" designation to acknowledge the existence of the identified constraints and set special policy requirements for subsequent study prior to development. Resource Constraint Overlay areas are identified on the Land Use Diagram by a dark outline with a dot fill pattern and labeled A through C.



**Exhibit B**

## SPECIAL PLANNING AREAS

There are ~~four~~ three areas on the Land Use Diagram (**Figure LU-1**) designated as Special Planning Areas (SPA). The SPA designation identifies areas with significant new growth potential that require more detailed subsequent land use planning in the form of a specific plan, planned development, or other comprehensive plan. The SPAs were established based on several criteria, including strategic location within the General Plan Planning Area, proximity to services, ability to advance General Plan goals, compatibility with adjacent uses, and environmental constraints. The SPAs are to be developed as connected and complete neighborhoods with a mix of residential densities, employment opportunities, services, retail, parks and open space. Subsequent planning will establish land use and circulation patterns within the SPAs and consider infrastructure and financing issues. The ~~four~~ three SPAs are:

- ~~Barber Yard~~
- Doe Mill/Honey Run
- North Chico
- South Entler

**Appendix C** includes a narrative description of the existing conditions and setting, a conceptual land use plan, and an assumed development capacity for each SPA. The conceptual land use plans include a collage of shapes with land use designations that were selected to reflect the desired uses on the site, take into consideration existing conditions, and accommodate projected housing and job needs. The shapes in the conceptual land use plans do not determine the actual sizes or locations of future land uses. It is expected that the ultimate proportional mix of uses will vary from what is depicted. The conceptual land use plans identify the general mix of land uses to be included in the final land plans. General Plan consistency findings for subsequent land use planning will rely on a determination of substantial compliance with the written descriptions of land use concepts and development capacity assumed for each SPA.

## OPPORTUNITY SITES

The 15 Opportunity Sites are expected to be the focus of change and revitalization over the next 20+ years. They are designated on the Land Use Diagram for mixed-use, higher-density residential development, or other land uses compatible with the area's existing or evolving uses. **Appendix B** describes each Site and provides a vision for its transformation. Opportunity Sites are categorized by general location as follows:

- **Central City Opportunity Sites.** There are three Opportunity Sites in the City's core area. They include Downtown, South Campus, and the East 8th and 9th Street Corridors.
- **Corridor Opportunity Sites.** There are five Opportunity Sites located along major transit corridors outside of the City's core area. They include North Esplanade, Mangrove Avenue, Park Avenue, Nord Avenue, and East Avenue.



Exhibit B

- **Policy LU-6.1 (Special Planning Area Designation) – To meet the City's growth needs, support development in the following ~~four~~ three Special Planning Areas:**

  - ~~Barber Yard~~
  - Doe Mill/Honey Run
  - North Chico
  - South Entler

- **Action LU-6.2.3 (Barber Yard ~~SPA Planning~~) -** ~~Plan~~ Support projects consistent with the Barber Yard Specific Plan~~SPA with a mix of low, medium and high residential densities, a neighborhood core or commercial mixed-use center, office and light industrial uses, and parks and open space~~. ~~Subsequent planning will:~~

  - ~~Address circulation with a focus on extending and improving existing streets into the site that will distribute traffic on multiple streets, and improving connectivity in order to reduce traffic impacts on the existing residential neighborhood.~~
  - ~~Incorporate adaptive reuse of existing buildings, where feasible.~~

# APPENDIX C - SPECIAL PLANNING AREAS

## SPECIAL PLANNING AREAS

There are ~~four~~ three Special Planning Areas (SPAs) on the Land Use Diagram (**Figure LU-2**). The SPAs are areas with significant new growth potential that require more detailed subsequent land use planning in the form of a specific plan, planned development, or other comprehensive plan. The SPAs were established based on several criteria, including strategic location within the General Plan Planning Area, proximity to services, ability to advance General Plan goals, compatibility with adjacent uses, environmental constraints, and geographic features. Subsequent planning will establish land use and circulation patterns within the SPAs, and consider infrastructure and financing issues.

The ~~four~~ three SPAs are:

- ~~Barber Yard SPA~~
- Doe Mill/Honey Run SPA
- North Chico SPA
- South Entler SPA

The following pages include a narrative description of the existing conditions and setting as well as a conceptual land use plan for each SPA. Below are the assumed development capacities for each SPA. The conceptual land use plans include a collage of shapes with land use designations that were selected to: reflect the desired uses on the site, take into consideration existing conditions, and accommodate projected housing and job needs. The conceptual land plans do not represent precise proportions or locations of future land uses. It is expected that the ultimate proportional mix of uses will vary from what is depicted. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area. General Plan consistency findings for subsequent land use planning will rely on a determination of substantial compliance with the written descriptions of land use concepts and development capacity assumed for each SPA.

### DEVELOPMENT POTENTIAL FOR SPECIAL PLANNING AREAS

| Special Planning Area | Acreage(1) | Dwelling Units | Non-Residential Square Footage |
|---|---|---|---|
| ~~Bell Muir SPA~~ | ~~251~~ | ~~644~~ | ~~N/A~~ |
| ~~Barber Yard SPA~~ | ~~112~~ | ~~1,096~~ | ~~403,882~~ |
| Doe Mill/Honey Run SPA | 1,287 | 2,095 | 374,247 |
| North Chico SPA | 377 | 1,899 | 1,070,225 |
| South Entler SPA | 238 | 949 | 1,348,754 |
| **Total** | **~~2,265~~ 1,902 acres** | **~~6,681~~ 4,943 units** | **~~3,197,109~~ 2,793,226 sf** |

(1) Excludes estimated right-of-way



**Exhibit B**

## ~~Barber Yard Special Planning Area~~

### ~~Existing Conditions~~

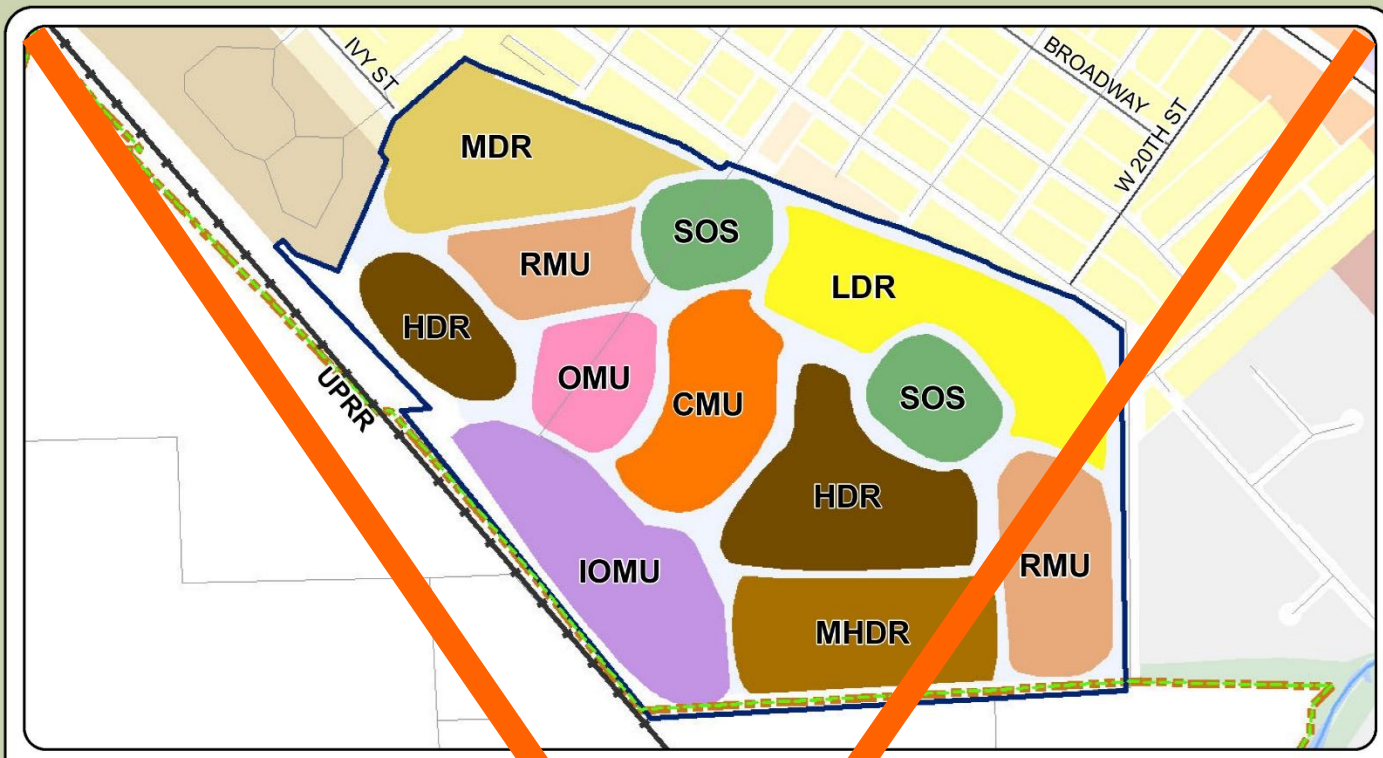
~~The Barber Yard Special Planning Area (SPA), formerly the Barber Yard of the Diamond Match Company, is an important site, not only because of its size and location but also because of its historic significance to the community and adjacent Barber Neighborhood. Named for O.C. Barber, the president of the Diamond Match Company at the time the company ventured to the west, the adjacent neighborhood at one time primarily housed Diamond Match employees. The approximately 150-acre (gross) site is bounded by the Union Pacific Railroad tracks to the south and west, Chestnut Street and Normal Avenue to the northeast, and Estes Road to the east. Surrounding land uses include the established residential Barber Neighborhood to the north and east, and agricultural and rural residential areas to the south and west across the railroad.~~

~~This SPA is predominantly vacant but contains two historic buildings, as well as a newer building occupied by the Chico Packing Company. The remediation of soil contamination resulting from past use of the site was completed in 1997, and the Department of Toxic Substance Control provided the site remediation certification in 1999. This makes the site both a redevelopment and a Brownfield opportunity.~~

### ~~Conceptual Land Use Plan~~

~~The Barber Yard SPA will include a mix of residentially designated land, including low, medium, and high density residential, and residential mixed use, with an overall average density of approximately 6 to 15 units per acre. Residential areas will be developed as an interconnected series of walkable neighborhoods served by a village center and parks. Additional land uses in the SPA will include office, light industrial and public uses.~~

~~Planning for this SPA will include adaptive reuse of existing buildings. The Barber Yard site will be physically reconnected to the adjacent neighborhood by extending existing streets into the site and improving connectivity to the south in order to disperse traffic impacts on the existing residential neighborhood. Design guidelines to be developed as part of future land use planning will integrate themes of the site's historical use, as well as the architecture from the adjacent neighborhood. Public transit will serve this SPA with a connection to the mixed-use village center.~~






**GENERAL PLAN DESIGNATIONS**

LDR L[illegible]Density Residential
MD[illegible]edium Density Residential
[illegible]DR Medium-High Density Residential
HDR High Density Residential
RMU Residential Mixed Use
CMU Commercial Mixed Use
OMU Office Mix[illegible]Use
IOMU Industrial/Of[illegible]Mixed Use
SOS Secondary Oper[illegible]ace

Greenline
City of Chico Sphere of Influence Boundary
Barber Yard SPA Boundary

0 0.05 0.1 [illegible] Miles

N

Data Sour[illegible] City of Chico
Aerial: M[illegible]n, 2009

# Special Planning Area - Barber Yard

CHICO 2[illegible]30 GENERAL PLA[illegible]



**Exhibit B**

**Doe Mill/Honey Run Special Planning Area**

## Existing Conditions

The Doe Mill/Honey Run Special Planning Area (SPA) is approximately 1,441 gross acres located in the lower foothills at the eastern end of E. 20th Street, east of Potter Road, and north of Honey Run Road and Skyway.

The area is undeveloped and is characterized by grasslands and blue oaks in valley areas, grasslands with sparse vegetation across gradually sloping ridgelines, and corridors of mixed oak and mixed woodlands along seasonal streams and the more sharply defined ridgelines. Vernal swale complexes exist along the western edge of the SPA. Adjacent land uses include residential development along E. 20th Street and in Stilson Canyon to the north, undeveloped and environmentally constrained land to the west, large rural residential lots along Honey Run Road to the south, and open grazing land to the east.

Honey Run Road runs along the entire southern boundary of the SPA, and approximately one quarter mile of Skyway frontage exists along the southwestern corner. To the north, E. 20th Street, which connects with Bruce Road and State Route 99, provides access to the site.

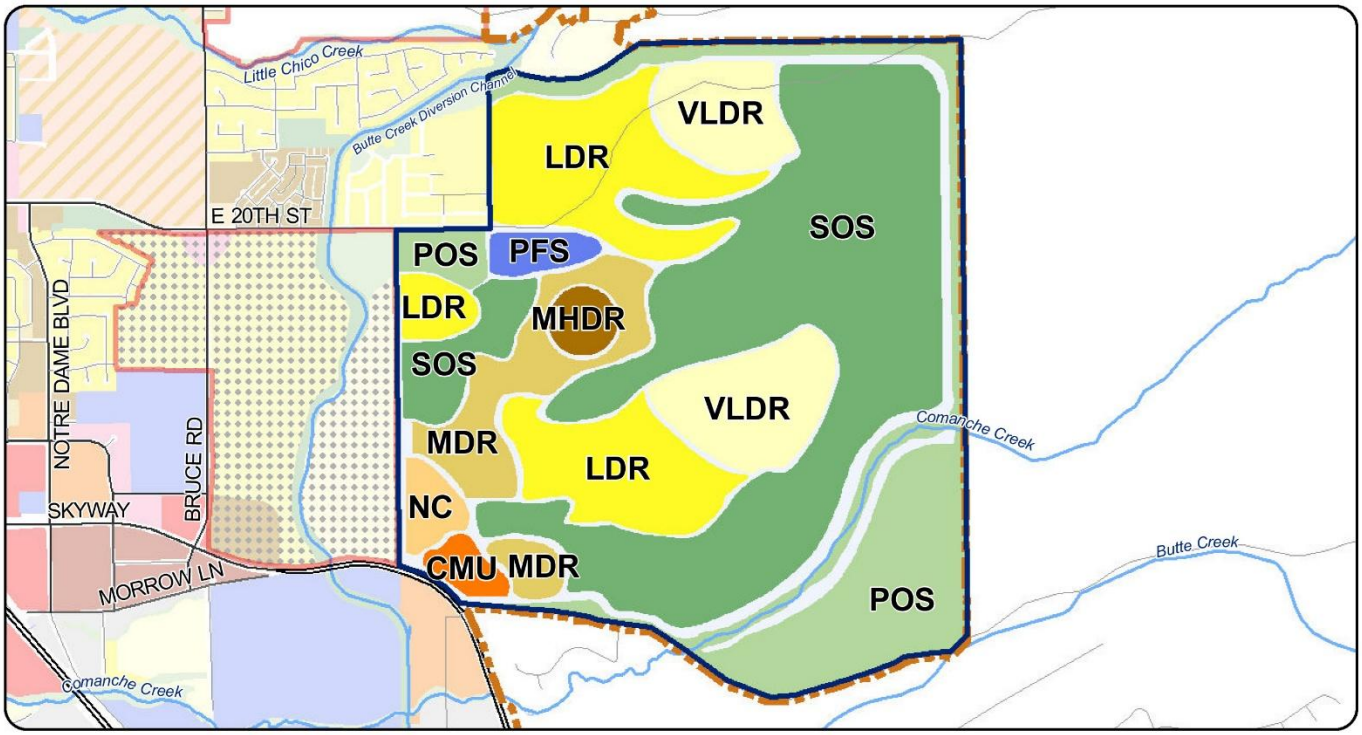
## Conceptual Land Use Plan

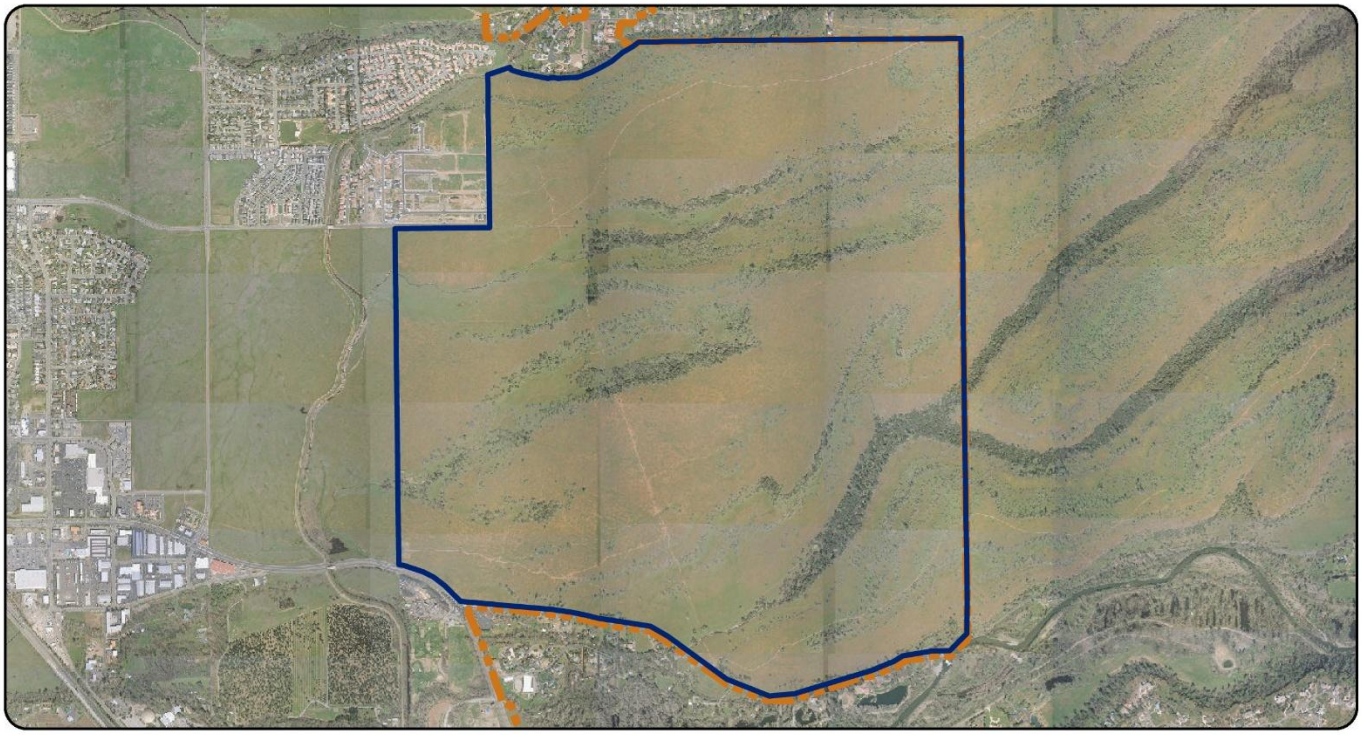
Planning for the Doe Mill/Honey Run SPA will result in a recreation oriented, mixed-use development offering a broad range of housing types and densities. The SPA will include a village core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas with creekside corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services.

The village core will provide a mix of professional offices, neighborhood retail, and other services. The community park will be designed and programmed with the Chico Area Recreation and Park District to include a variety of recreational amenities. Open space areas will provide a buffer along the entire Stilson Canyon rim to the north and along Honey Run Road to the south, and will establish a permanent buffer against foothill encroachment to the east.

Design standards will be developed for site planning, building design, and landscaping to minimize visual impacts and to address wildland fire considerations for this foothill development. Lighting standards will be developed to address dark sky concerns and visual impacts. Special consideration will be given to protecting and preserving sensitive habitats, including the many ephemeral streams that drain the site, as well as the wetland areas on the western edge. Site planning will consider and protect groundwater recharge areas.

Key circulation links will be located at Skyway and E. 20th Street.



## GENERAL PLAN DESIGNATIONS

- VLDR Very Low Density Residential
- LDR Low Density Residential
- MDR Medium Density Residential
- MHDR Medium-High Density Residential
- NC Neighborhood Commercial
- CMU Commercial Mixed Use
- PFS Public Facilities & Services
- POS Primary Open Space
- SOS Secondary Open Space

City of Chico Sphere of Influence Boundary

Doe Mill / Honey Run SPA Boundary

RCO Resource Constraint Overlay

Data Source: City of Chico
Aerial: March, 2009

0 0.25 0.5 Miles

N

# Special Planning Area - Doe Mill/Honey Run

CHICO 2030 GENERAL PLAN



**Exhibit B**

**North Chico Special Planning Area**

## Existing Conditions

The North Chico Special Planning Area (SPA) is located north of the City, west of the Chico Municipal Airport, and east of State Route 99. The site is located south of Mud Creek and north of Sycamore Creek, and portions of the site are within the 100-year Federal Emergency Management Agency (FEMA) flood zone of Mud Creek. The approximately 484-acre SPA is the mixed-use Village Core area of the larger 2,980-acre North Chico Specific Plan adopted by Butte County. The site is relatively flat, has some environmental constraints in the southeast corner of the site such as vernal pools and Butte County meadowfoam, and has been identified for urban development by both the City and County since 1995.

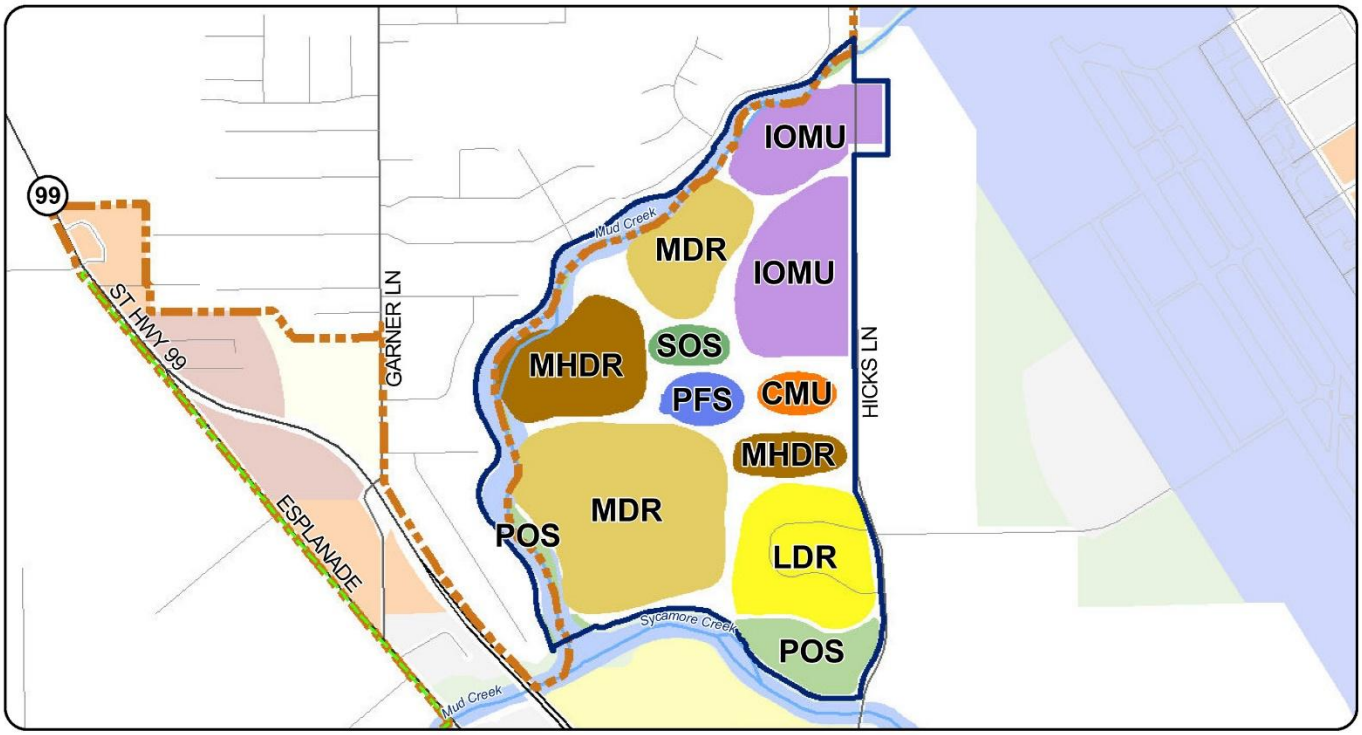
This SPA is served by State Route 99, Eaton Road, and Hicks Lane. Two primary intersections on State Route 99 serve the area: Garner Lane and Eaton Road. Adjacent land uses include single-family residential to the west and north, generally undeveloped industrial/open space designated land to the east, and undeveloped single-family residential designated land to the south in the City's Northwest Chico Specific Plan Area.

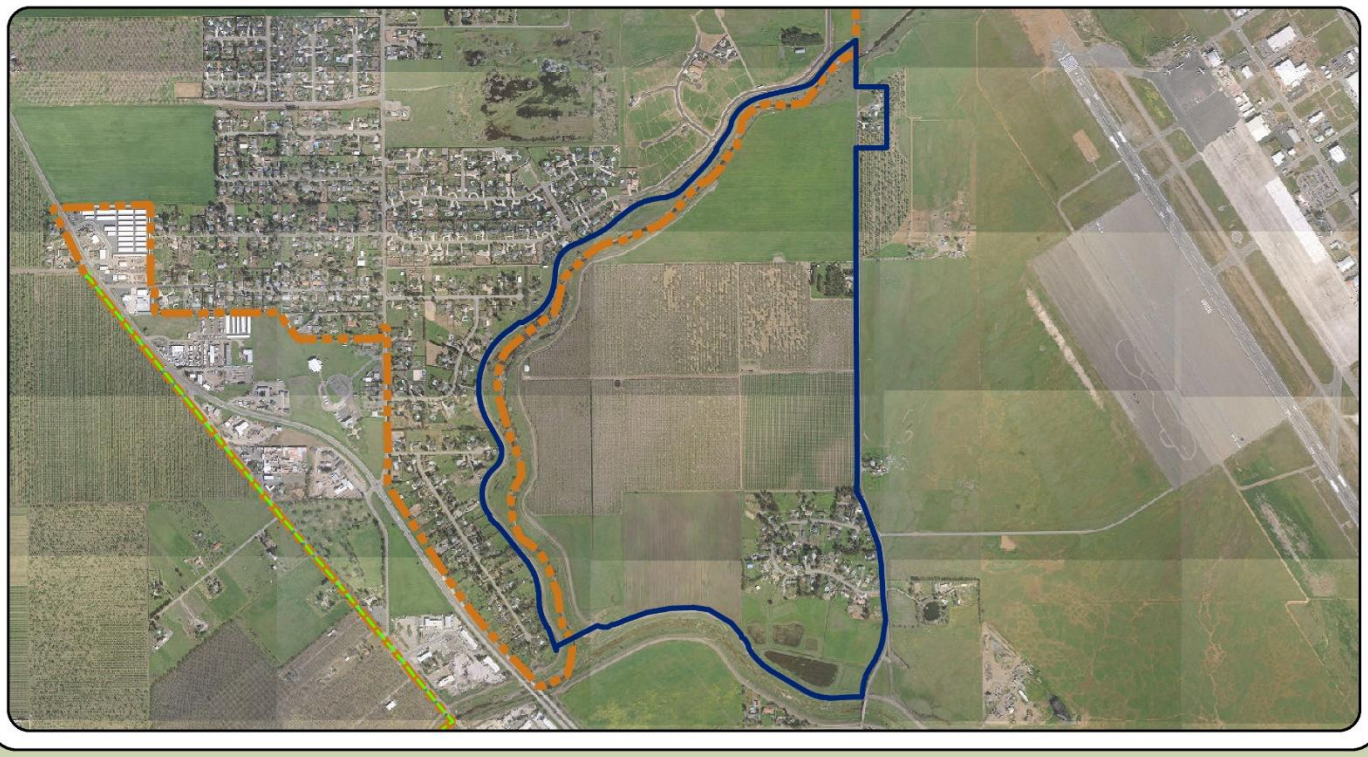
## Conceptual Land Use Plan

A combination of multi-family, single-family, commercial mixed-use, industrial-office mixed-use, public facilities, open space, and parks would be located in the North Chico SPA. This SPA will provide an integrated community containing housing, shopping, work places, civic facilities, and parks. Park areas and public facilities will be located adjacent to each other, providing opportunities for joint use. Light industrial development is anticipated for the northeast portion of the SPA due to its adjacency to the Chico Municipal Airport.

The SPA circulation system will include streets, paths, and trails designed to facilitate safe and efficient multimodal movement within and through the site and to foster health and social interaction among residents. Planning for the SPA will investigate a new arterial roadway originating at Hicks Lane and extending to State Route 99 to provide enhanced circulation. A realigned and widened Hicks Lane will serve as the primary entry to the SPA from the south.

Mud and Sycamore creeks will remain primarily unaltered as the drainage ways are currently managed for flood control and mostly devoid of vegetation. These drainage ways provide open space in the SPA, which, in conjunction with appropriate setbacks to address flooding and biological considerations, will provide recreational corridors and buffers from adjacent land uses. As the SPA is surrounded on three sides by streams, flood considerations will be at the forefront of planning for the SPA. Finally, the SPA is located within Chico Municipal Airport Compatibility Zones B2, C, and D, and therefore planning will require special land use considerations that address airport safety and noise.



**GENERAL PLAN DESIGNATIONS**

- LDR Low Density Residential
- MDR Medium Density Residential
- MHDR Medium-High Density Residential
- CMU Commercial Mixed Use
- IOMU Industrial/Office Mixed Use
- PFS Public Facilities & Services
- POS Primary Open Space
- SOS Secondary Open Space
- Greenline
- City of Chico Sphere of Influence Boundary
- North Chico SPA Boundary

Data Source: City of Chico
Aerial: March, 2009

0 0.1 0.2 Miles

N

# Special Planning Area - North Chico

CHICO 2030 GENERAL PLAN



**Exhibit B**

**South Entler Special Planning Area**

## Existing Conditions

The South Entler Special Planning Area (SPA) is approximately 300 gross acres, with over a half mile of State Route 99 frontage (but a single point of access at Southgate Avenue), and is located within the City's existing Sphere of Influence. The SPA is bounded by Entler Avenue to the north, State Route 99 to the east, Butte Creek and Marybill Ranch Road to the south, and the City Sphere of Influence and Greenline to the west.

The site is mostly undeveloped, relatively flat, and marked with mine tailings and evidence of past mining activity. Mine tailings consisting of undulating piles of cobble, sand, and gravel extend into the southern, western, and northern edges of the SPA. Over the years, cottonwood and oak trees and brush have grown in the tailings. A drainage channel runs through the property southward to Butte Creek. Within the SPA there is an 18-acre Little League baseball facility on the south side of Southgate Avenue.

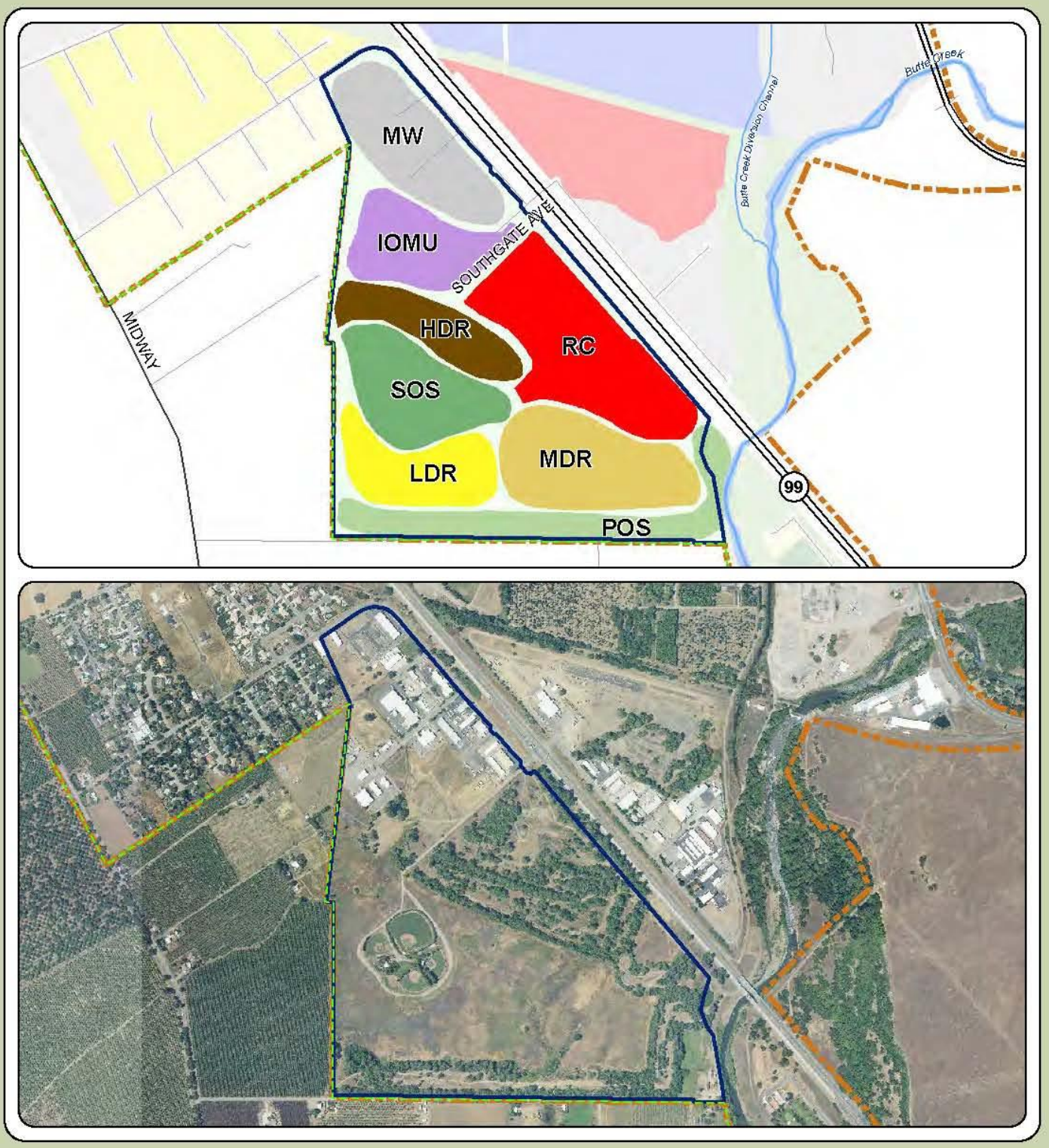
Land uses that flank the site are agriculture along the west and south edges, a variety of light industrial and commercial uses to the north, and industrial uses to the east across State Route 99.

## Conceptual Land Use Plan

The South Entler SPA will be a mixed-use development at the City's southern end providing a gateway that adds a sense of arrival to the community. This SPA will include a blend of regional and community commercial, office, light industrial, and single- and multi-family residential uses. Residential uses will be located away from State Route 99 and will include low density, medium density, and high density designations intended to accommodate a variety of households. A mixed-use regional center will take advantage of the area's proximity to State Route 99 and provide opportunities for retail, hospitality, and entertainment uses that will serve as the focal point of social interaction and activity for the SPA community. The regional center will also include vertical mixed-use development and will be connected to the surrounding community with a variety of vehicular, pedestrian, and bicycle connections. Development of the SPA will include reclamation and reuse of the former mining operation on a portion of the site.

Parks, conservation buffers, an interconnected pedestrian and bicycle network, tree-lined streets, and other open space elements will encourage pedestrian activity and foster a livable community. The combination of employment centers, retail, and housing all within walking and bicycling distances will make this area a complete neighborhood.

The intersection of State Route 99 and Southgate Avenue is being studied as an interchange to accommodate future traffic. To ensure the SPA is an active and accessible hub, future planning will address the Southgate Avenue/State Route 99 intersection and the provision of multiple access points to the site.






**GENERAL PLAN DESIGNATIONS**

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RC Regional Commercial
- MW Manufacturing & Warehousing
- IOMU Industrial/Office Mixed Use
- POS Primary Open Space
- SOS Secondary Open Space
- Greenline
- City of Chico Sphere of Influence Boundary
- South Entler SPA Boundary

Data Source: City of Chico
Aerial: March, 2009

0 0.09 0.18 Miles

# Special Planning Area - South Entler

CHICO 2030 GENERAL PLAN



**Exhibit B**

**ORDINANCE NO. _____**
**(Uncodified)**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE ZONING OF PROPERTY WITHIN THE BARBER YARD SPECIFIC PLAN AREA (Rezone 22-03)**

BE IT ORDAINED by the City Council of the City of Chico that:

**Section 1.** The zoning of all that real property identified as Assessor's Parcel Nos. 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, 039-400-053, and 039-400-016 (partial) is amended as depicted on Exhibit A.

**Section 2.** The City Council finds that:

A. The rezone is consistent with the General Plan, as amended pursuant to General Plan Amendment 22-05 approved by this Council under separate resolution, and with the Barber Yard Specific Plan, as it would apply zoning districts that are consistent with the proposed land use designations (Policy LU-2.7). Together, General Plan Amendment 22-05 and Rezone 22-03 would facilitate implementation of the Barber Yard Specific Plan (BYSP), which would implement the Barber Yard Special Planning Area (SPA-2) as set forth by the General Plan. The BYSP is consistent with General Plan direction specific to SPA-2, general direction for planning Special Planning Areas (SPAs), and is supportive of and consistent with General Plan policies and objectives pertaining to development projects. The BYSP, including this rezone, is consistent with General Plan direction for SPA-2 in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. Although the BYSP differs from the General Plan's conceptual land use plan by omitting manufacturing and low-density residential land use designations, the favored Medium Density Residential and Residential Mixed Use designations would provide flexibility for developing future residential uses while remaining near the midpoint of anticipated density, promoting neighborhood compatibility. The BYSP is consistent with General

Plan direction for planning SPAs in that the proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space (Policy LU-3.1, Goal LU-6, Policy LU-6.2). Flexibility is built into the BYSP by zoning the majority of the site R2 (Medium Density Residential), which supports a wide variety of housing types, and by zoning the proposed Athletics Facility (existing warehouse) R3 (Medium-High Density Residential), which supports its potential conversion to residential uses in the future. Flexibility is also provided by zoning approximately 15 acres of the site to RMU (Residential Mixed Use), which can support a variety of housing types as well as commercial uses in various configurations. The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP. All parcels within the SPA are planned with specific land use designations and zoning based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road) (Action LU-6.2.1). Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future

potential connections to the south and west, thereby retaining the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico, subject to all necessary approvals required under applicable laws and regulations, to avoid extending City limits past the Greenline boundary that generally divides the agricultural areas to the west and Chico urban areas to the east. Dedicating the off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative modes of transportation, further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. If the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4, the BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, as analyzed in the EIR as Alternative 3, and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek. In addition, the BYSP is consistent with numerous General Plan policies and actions pertaining to general development, including blending a range of densities that will facilitate a compact urban form, favoring R2, R3, and RMU zoning over conventional R1 to promote an efficient and sustainable land use pattern. The BYSP is situated beyond the City's minimum 100-foot buffer from active agricultural uses (240-250 feet) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential visual, noise, and air quality concerns (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, and Action OS-5.2.1). The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into “The Diamond at Barber Yard,” and reuses roughly 150,000 square feet across three existing buildings,

including the historic Engineering Building and Match Block Storage Building, with restoration guided by the Secretary of the Interior's Standards. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the Southwest Chico Neighborhood Improvement Plan's goals for multimodal connections and shared open space (Goal CD-2, Policy CD-2.1, Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, and Action CRHP-2-2.1). The project provides up to 1,250 units across a mix of single- and multi-family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and “missing middle” housing and assisting with Regional Housing Needs Allocation obligations. The BYSP’s arrangement of land uses is designed to complement the existing neighborhood's character (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2, Policy H-3.3, and Policy H.5.1). Beyond the Ivy Street and West 16th Street extensions, new connections along West 14th, 18th, and 20th Streets will serve the project's mix of uses, funded in part by required transportation impact fees. The circulation system is integrated and multimodal, featuring extensive bicycle and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Yard pattern, and a bus stop on Ivy Street near 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these investments, the Draft EIR finds the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, and Policy CIRC-5.3). The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-

saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update (Policy SUS-4.2, Policy SUS-4.3, Policy SUS-5.2, and Goal S-9). The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5). As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and operational air emissions will be mitigated to the extent feasible, to minimize exposure to unhealthful pollutants (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, and Goal S-8). With Mitigation Measure NOI-1, residential noise will remain within the 65 dBA CNEL exterior standard, as supported by an acoustical analysis. Active railroad tracks lie more than 100 feet from the project, meeting Federal Transit Administration screening criteria with less-than-significant impacts, and remaining noise impacts are addressed through Mitigation Measures NOI-1 through NOI-3 and adherence to City noise standards (Policy N-1.2, Policy N-1.3, Policy N-1.5, and Goal N-3).

B. The relatively flat site is physically suitable for the pattern of zoning classifications contained in the BYSP and Rezone 22-03 and the anticipated future development resulting therefrom. The improvements include access by extending existing streets into the site, the extension of new utilities as necessary to serve the planned development, compatibility with adjoining land uses by integrating with the existing neighborhood and

securing non-residential portions of the perimeter, and the purposeful planning of new parks and amenities to retain historic structures and restore historic uses. Soil remediation, overseen by the State, will be required by the City as a precondition of development. Future tentative subdivision maps will be subject to review and approval by the Planning Commission, and City design review of future multi-family residential and commercial land development within the BYSP site will ensure that specific elements of individual sites are completed in a manner that is compatible with the site and adjoining land uses. There are no physical constraints on the BYSP site which would prohibit development and use of the site consistent with the proposed zoning classifications.

C. The City Council has certified the EIR prepared for the Barber Yard Specific Plan and adopted Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program by separate resolutions, and Rezone 22-03 is within the scope of the project analyzed in the EIR, as refined by the November 2026 Specific Plan.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 4.** This ordinance shall become effective 30 days following the date of its adoption.

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THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

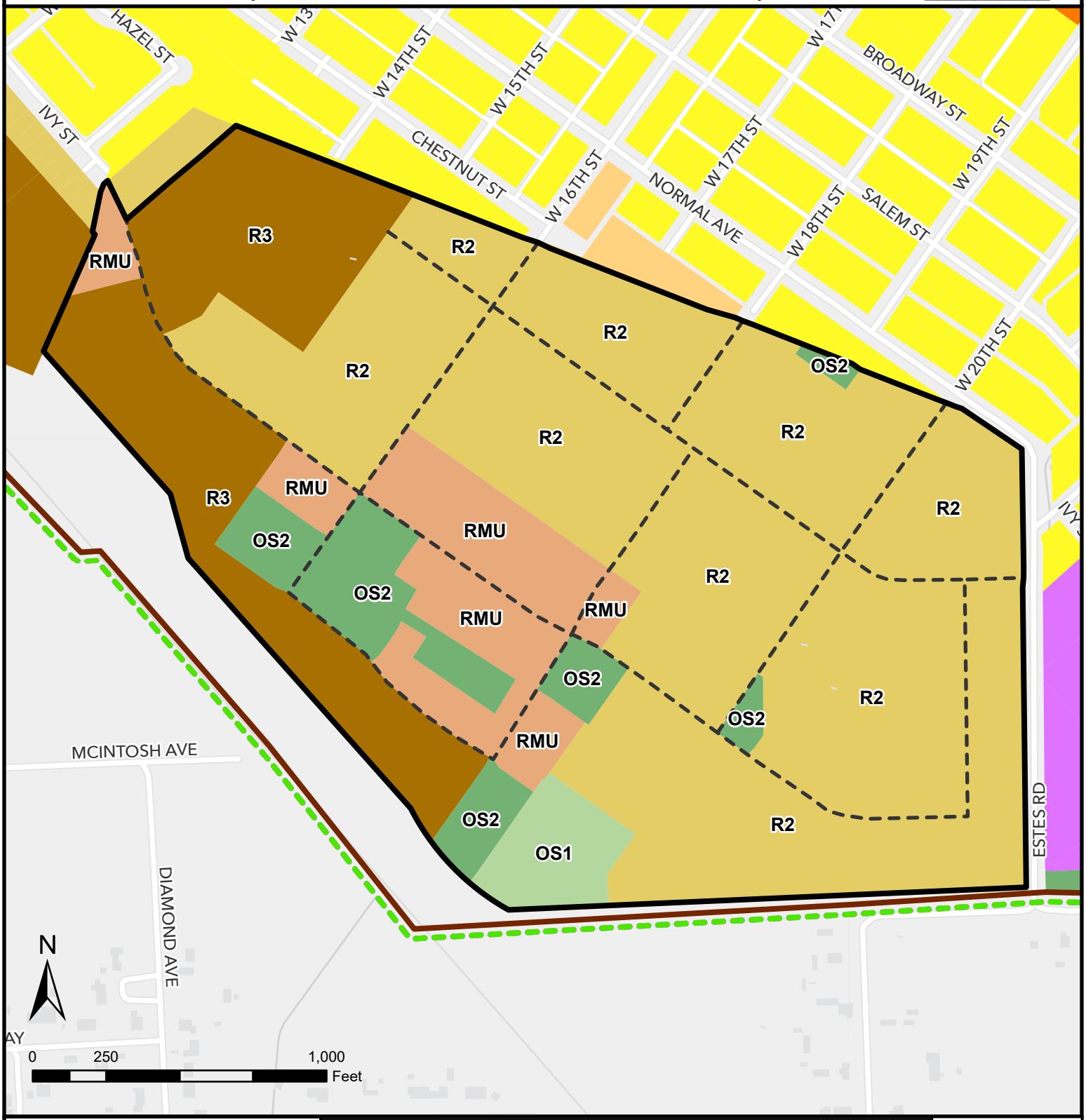
_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

# Rezone 22-03

Approval Recommended by Chico Planning Commission on _____ by Resolution No. 26-04.

Approved by Chico City Council on _____ by Ordinance No. _____.




Rezone 22-03
(Barber Yard Specific Plan)
APNs 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053

DATE PRODUCED: September 3, 2026

## BARBER YARD SPECIFIC PLAN

**From:** SPA Special Planning Area
**To:** Zoning Districts

| RESIDENTIAL | | OPEN SPACE | | BOUNDARIES | |
|---|---|---|---|---|---|
| MDR | Medium density residential | OS1 | Primary open space | Specific Plan boundary | |
| MHDR | Medium-high density residential | OS2 | Secondary open space | City limits | |
| RMU | Residential mixed use | | | Future Streets | |
| | | | | Greenline | |

**All Zoning Districts include -BY Barber Yard zoning overlay.**

CITY OF CHICO INC. 1872

**Exhibit A**

**ORDINANCE NO. _____**
**(Codified)**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE TO ADD THE BARBER YARD SPECIFIC PLAN ZONING OVERLAY DISTRICT (CA 22-03)**

BE IT ORDAINED by the City Council of the City of Chico that:

**Section 1.** The Barber Yard Specific Plan (BYSP) has been prepared for the subject property and creation of the Barber Yard overlay zoning district and application of that overlay zoning district to the BYSP site will support implementation of the Plan.

**Section 2.** Table 4-1, Zoning Districts, of subdivision 19.40.010, Zoning Districts Generally, of Title 19, Land Use and Development Regulations, is amended to add the -BY overlay zoning district as follows, with all other existing provisions of Table 4-1 remaining the same:

TABLE 4-1

ZONING DISTRICTS

| **Zoning Map Symbol** | **Zoning District Name** | **Primary General Plan Land Use Designation and Permitted Densities (1)** |
|---|---|---|
| **Overlay Zoning District** | | |
| -BY | Barber Yard | All designations |

**Section 3.** A new Section 19.52.120 entitled "Barber Yard (-BY) overlay zone" is hereby added to the Chico Municipal Code as follows:

**19.52.120 Barber Yard (-BY) overlay zone.**

A. Purpose. The purpose of the -BY overlay zone is to implement the Barber Yard Specific Plan.

B. Applicability. The -BY overlay zone may be combined with any primary zoning district established by Section 19.40.010 that exists within the bounds of the Barber Yard Specific Plan area.

C. Allowable Land Uses. Land use allowances within the -BY overlay shall be determined pursuant to the base zoning, as may be adjusted by the superseding Barber Yard Specific Plan or

associated Development Agreement. If the Specific Plan and Development Agreement are silent regarding a particular land use, then these Regulations shall be used to determine permitted land uses and permit requirements.

D. Development Standards. The development standards applicable to sites within the -BY overlay zone shall be as set forth in the Barber Yard Specific Plan or associated Development Agreement. If the Specific Plan and Development Agreement are silent regarding a particular development standard, then these Regulations shall be used to determine the applicable development standard.

E. Administration and Permit Procedures. The administration and permit procedures contained in Divisions II and III, respectively, of these Regulations shall be used to administer and process entitlement requests within the Barber Yard Specific Plan area.

**Section 4.** In making these code amendments the City Council finds that:

A. Adding the Barber Yard (-BY) overlay zone is consistent with the General Plan in that it would facilitate implementation of the Barber Yard Specific Plan (BYSP), which constitutes the comprehensive planning effort for the particular area identified as the Barber Yard Special Planning Area (SPA-2) by the General Plan. The BYSP is consistent with General Plan direction for SPA-2 in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. The BYSP is consistent with General Plan direction for planning SPAs in that the proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space (Policy LU-3.1, Goal LU-6, Policy LU-6.2).

Flexibility is built into the BYSP by designating the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site to Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations. The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP. All parcels within the SPA are planned with specific land use designations and zoning based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road) (Action LU-6.2.1). Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future potential connections to the south and west, thereby retaining the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico, subject to all necessary approvals required under applicable laws and regulations, without annexing the underlying site, to avoid extending City limits past the Greenline boundary that generally divides the agricultural areas to the west and Chico urban areas to the east. Dedicating the 13.5-acre off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate

alternative modes of transportation, further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. If the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4, the BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, as analyzed in the EIR as Alternative 3, and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek. In addition, the BYSP is consistent with numerous General Plan policies and actions pertaining to general development, including blending a range of densities that will facilitate a compact urban form, favoring R2, R3, and RMU zoning over conventional R1 to promote an efficient and sustainable land use pattern. The BYSP is situated beyond the City's minimum 100-foot buffer from active agricultural uses (240-250 feet) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential visual, noise, and air quality concerns (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, and Action OS-5.2.1). The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into “The Diamond at Barber Yard,” and reuses roughly 150,000 square feet across three existing buildings, including the historic Engineering Building and Match Block Storage Building, with restoration guided by the Secretary of the Interior's Standards. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the Southwest Chico Neighborhood Improvement Plan's goals for multimodal connections and shared open space (Goal CD-2, Policy CD-2.1, Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, and Action CRHP-2-2.1). The project provides up to 1,250 units across a mix of single- and multi-

family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and "missing middle" housing and assisting with Regional Housing Needs Allocation obligations. The BYSP's arrangement of land uses is designed to complement the existing neighborhood's character (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2, Policy H-3.3, and Policy H.5.1). Beyond the Ivy Street and West 16th Street extensions, new connections along West 14th, 18th, and 20th Streets will serve the project's mix of uses, funded in part by required transportation impact fees. The circulation system is integrated and multimodal, featuring extensive bicycle and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Yard pattern, and a bus stop on Ivy Street near 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these investments, the Draft EIR finds the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, and Policy CIRC-5.3). The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update (Policy SUS-4.2, Policy SUS-4.3, Policy SUS-5.2, and Goal S-9). The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water

supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5). As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and operational air emissions will be mitigated to the extent feasible, to minimize exposure to unhealthful pollutants (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, and Goal S-8). With Mitigation Measure NOI-1, residential noise will remain within the 65 dBA CNEL exterior standard, as supported by an acoustical analysis. Active railroad tracks lie more than 100 feet from the project, meeting Federal Transit Administration screening criteria with less-than-significant impacts, and remaining noise impacts are addressed through Mitigation Measures NOI-1 through NOI-3 and adherence to City noise standards (Policy N-1.2, Policy N-1.3, Policy N-1.5, and Goal N-3).

B. Adding the Barber Yard (-BY) overlay zone is consistent with other applicable provisions of Title 19 of the Chico Municipal Code in that the -BY overlay zone directs implementation of the Barber Yard Specific Plan by referring to the specific plan's land use allowances and development standards and directs the use of Title 19 regulations for administration, permitting procedures, and for land use allowances and development standards where the specific plan is silent. The land use allowances and development standards contained in the Barber Yard Specific Plan are modeled after, and are similar to, Title 19 land use allowances and development standards, with intentional exceptions to support the design objectives contained within the specific plan. For example, the BYSP allows smaller residential lots in order to support the provision of more affordable housing options, which advances the BYSP objective to provide housing choices that are generally smaller than the average unit size in Chico. The -BY overlay zone will result in uses which are compatible internally within the specific plan area and between the specific plan area and surrounding properties.

C. The City Council has certified the EIR prepared for the Barber Yard Specific Plan and adopted Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program by separate resolutions, and CA 22-03 is within the scope of the project analyzed in the EIR, as refined by the November 2026 Specific Plan.

**Section 5**. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 6.** This Ordinance shall be effective thirty (30) days following its adoption.

THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the City of Chico held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**RESOLUTION NO. _____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO ADOPTING THE BARBER YARD SPECIFIC PLAN (SP 21-01)**

WHEREAS, Section 65300 et. seq. of the California Government Code requires each city to adopt a comprehensive, long-term General Plan for the physical development of each city; and

WHEREAS, on April 12, 2011, the City Council adopted the a comprehensive update of the General Plan ("General Plan") to guide future growth in the City's Planning Area; and

WHEREAS, pursuant to Government Code Section 65450 et seq., a city may also adopt one or more specific plans to facilitate the implementation of its General Plan; and

WHEREAS, on November 22, 2021, the City received an application for a specific plan which would implement the Barber Yard Special Planning Area (SPA-2) as described in the General Plan, located on an approximately 133-acre former Diamond Match Factory site generally west of Normal Avenue and Estes Road, south of the terminus of Ivy Street and east of the Union Pacific Railroad mainline, in the southwest quadrant of the City of Chico, Assessor's Parcel Numbers 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053. Stormwater detention would be located on a 13.5-acre off-site stormwater basin parcel within unincorporated Butte County, APN 039-410-025, or, if the approvals for the off-site location are not obtained, on-site within the BYSP Area, as provided in Section 6.4.4 of the BYSP; and

WHEREAS, the specific plan application includes the Barber Yard Specific Plan (the "BYSP"), which has now been completed; and

WHEREAS, the BYSP is a document that provides objectives, land use regulations, and development standards for new development in the SPA-2 area; and

WHEREAS, the BYSP will facilitate implementation of the City's General Plan by providing a comprehensive development framework for SPA-2 that will help the City meet its future growth needs for housing and jobs; and

WHEREAS, the Planning Commission considered the BYSP, related approvals, recommendations set forth in the staff report and comments submitted at a duly noticed public hearing held on November 19, 2026, and made a written recommendation that the City Council certify the environmental impact report prepared for the BYSP, approve the related General Plan amendments, code amendments, zoning map amendments, development agreement, and approve the BYSP; and

WHEREAS, the City Council, at a public hearing, duly noticed and held in the manner required by law, has considered the recommendation of the Planning Commission and finds that it is in the public interest to approve the BYSP; and

WHEREAS, the City Council has certified an Environmental Impact Report (EIR) prepared for the BYSP and has adopted certain findings regarding the environmental effects, a statement of overriding considerations for those impacts which cannot be mitigated to a level of less than significant, and a mitigation monitoring and reporting program for the BYSP; and

WHEREAS, the City Council considered the staff report and comments submitted at a duly noticed public hearing held on _____.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

1. The Barber Yard Specific Plan (BYSP), dated November 2026, is hereby adopted and incorporated by reference into this resolution; and

2. In approving the BYSP the City Council finds that:

   A. The BYSP is consistent with the General Plan, as amended by General Plan Amendment 22-05, and Title 19 of the City of Chico Municipal Code on multiple levels, including direction for planning the Barber Yard Special Planning Area (SPA-2), general direction for planning Special Planning Areas (SPAs), and is supportive of and consistent with many General Plan policies pertaining to development projects in general. The BYSP is consistent with General Plan direction for SPA-2 in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. The BYSP is consistent with General Plan direction for planning SPAs in that the

proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space (Policy LU-3.1, Goal LU-6, Policy LU-6.2). Flexibility is built into the BYSP by designating the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site to Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations. The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP. All parcels within the SPA are planned with specific land use designations and zoning based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road) (Action LU-6.2.1). Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future vehicular connections to the south and west, thereby reinforcing the

Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico, subject to all necessary approvals required under applicable laws and regulations, without annexing the underlying site, to avoid extending City limits past the Greenline boundary that generally divides the agricultural areas to the west and Chico urban areas to the east. Dedicating the off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative modes of transportation, further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. If the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4, the BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, as analyzed in the EIR as Alternative 3, and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek. In addition, the BYSP is consistent with numerous General Plan policies and actions pertaining to general development, including blending a range of densities that will facilitate a compact urban form, favoring R2, R3, and RMU zoning over conventional R1 to promote an efficient and sustainable land use pattern. The BYSP is situated beyond the City's minimum 100-foot buffer from active agricultural uses (240-250 feet) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential visual, noise, and air quality concerns (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, and Action OS-5.2.1). The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into “The Diamond at Barber Yard,” and reuses roughly 150,000 square feet across three existing buildings, including the historic Engineering Building and Match Block Storage Building, with

restoration guided by the Secretary of the Interior's Standards. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the Southwest Chico Neighborhood Improvement Plan's goals for multimodal connections and shared open space (Goal CD-2, Policy CD-2.1, Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, and Action CRHP-2-2.1). The project provides up to 1,250 units across a mix of single- and multi-family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and "missing middle" housing and assisting with Regional Housing Needs Allocation obligations. The BYSP's arrangement of land uses is designed to complement the existing neighborhood's character (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2, Policy H-3.3, and Policy H.5.1). Beyond the Ivy Street and West 16th Street extensions, new connections along West 14th, 18th, and 20th Streets will serve the project's mix of uses, funded in part by required transportation impact fees. The circulation system is integrated and multimodal, featuring extensive bicycle and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Yard pattern, and a bus stop on Ivy Street near 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these investments, the Draft EIR finds the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, and Policy CIRC-5.3). The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update (Policy SUS-4.2, Policy SUS-

4.3, Policy SUS-5.2, and Goal S-9). The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5). As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and operational air emissions will be mitigated to the extent feasible, to minimize exposure to unhealthful pollutants (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, and Goal S-8). With Mitigation Measure NOI-1, residential noise will remain within the 65 dBA CNEL exterior standard, as supported by an acoustical analysis. Active railroad tracks lie more than 100 feet from the project, meeting Federal Transit Administration screening criteria with less-than-significant impacts, and remaining noise impacts are addressed through Mitigation Measures NOI-1 through NOI-3 and adherence to City noise standards (Policy N-1.2, Policy N-1.3, Policy N-1.5, and Goal N-3).

B. The relatively flat site is physically suitable for development associated with the BYSP, including access by extending existing streets into the site, extension of new utilities which will be extended with new facilities as necessary to serve the planned development, compatibility with adjoining land uses by integrating with the existing neighborhood and securing non-residential portions of the perimeter, and the purposeful planning of new parks and amenities to retain historic structures and restore historic uses. Soil remediation, overseen by the State, will be required by the City as a precondition of development. Future

tentative subdivision maps will be subject to review and approval by the Planning Commission, and City design review of future multi-family residential and commercial land development within the BYSP site will ensure that specific elements of individual sites are completed in a manner that is compatible with the site and adjoining land uses. There are no physical constraints on the BYSP site which would prohibit development and use of the site consistent with the BYSP.

C. The BYSP contains the elements required by Government Code Section 65451, including the distribution, location, and extent of land uses; the proposed distribution, location, and extent of major infrastructure and facilities needed to support those land uses, including the stormwater detention options described in Section 6.4.4; standards and criteria by which development will proceed; a program of implementation measures; and a statement of the relationship of the BYSP to the General Plan.

3. Future City approvals which require General Plan consistency findings within the BYSP area shall also be required to make findings of consistency with the BYSP.

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

**ORDINANCE NO. _____**
**(Uncodified)**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHICO AND BY LAND HOLDING CO, LLC (DA 23-02)**

WHEREAS, BY Land Holding Co, LLC ("Developer") submitted an application to the City to enter into a Development Agreement between the City of Chico and Developer (the "DA") to facilitate development of the Barber Yard Specific Plan located on a 133-acre site identified by Assessor's Parcel Numbers 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053, as refined by the November 2026 Specific Plan, including the stormwater detention options described in Specific Plan Section 6.4.4 ("BYSP" or the "Project"); and

WHEREAS, following a duly noticed public hearing on November 19, 2026, the Planning Commission has recommended approval of the DA by the City Council; and

WHEREAS, the City Council has reviewed the DA and finds and declares that the City has complied with all notice, hearing and procedural requirements as set forth by the law, thus allowing the City Council to review and consider the approval of the DA; and

WHEREAS, in connection with its approval of the DA, the City Council finds that the development provided for is consistent with the City's General Plan, is in the best interests of the City, and will promote the public interest and welfare; and

WHEREAS, in accordance with the provisions of the California Environmental Quality Act (CEQA), the City Council has certified an Environmental Impact Report (EIR) prepared for the Project and has adopted certain findings regarding the environmental effects, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Project; and

WHEREAS, the Council has considered the DA, the recommendations of the staff report, the Planning Commission's recommendation, and comments at a public hearing, duly noticed and held in the manner required by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico that:

**Section 1.** The City Council of the City of Chico hereby determines and finds that the facts set forth in the recitals are true and correct and are hereby added as substantive findings.

**Section 2.** The City Council hereby approves the DA, as set forth in Exhibit A attached hereto, based on the following findings:

A. The DA is in the best interests of the City and will promote the public interest and welfare of the City because it would: (i) help implement adopted City growth plans consistent with the General Plan as detailed below, providing for the orderly long-term growth of the City; (ii) support the timely provision of multiple new park sites during BYSP buildout; (iii) provide for a range of future housing, including housing affordable to moderate-income households; and (iv) require the provision of multi-modal infrastructure commensurate with project development; and

B. The DA supports implementation of the BYSP, which is consistent with General Plan direction for planning the Barber Yard Special Planning Area (SPA-2), general direction for Special Planning Areas (SPAs), and consistent with General Plan policies pertaining to development projects. The BYSP is consistent with General Plan direction for SPA-2 in that both the BYSP and General Plan call for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, compatible with adjoining residential areas. The BYSP is consistent with General Plan direction for planning SPAs in that the proposed arrangement of land use designations reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space (Policy LU-3.1, Goal LU-6, Policy LU-6.2). Flexibility is built into the

BYSP by designating the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site to Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations. The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP. All parcels within the SPA are planned with specific land use designations and zoning based on opportunities to extend existing neighborhoods and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (Maintenance and Operations) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (Infrastructure Phasing) describes the expected pattern of development, generally progressing from northwest (Ivy Street) to southeast (Estes Road) (Action LU-6.2.1). Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future potential connections to the south and west, thereby retaining the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico, subject to all necessary approvals required under applicable laws and regulations, without annexing the underlying site, to avoid extending City limits past the Greenline boundary that generally divides the agricultural areas to the west and Chico urban areas to the east. Dedicating the off-site parcel for the stormwater basin to such a long-term non-residential use will remove it from future development potential, reducing pressure to develop urban uses on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative modes of transportation,

further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. The City received a comment letter from Butte County Local Agency Formation Commission (LAFCo) staff dated September 18, 2026 regarding the off-site basin. Consistent with Section 6.4.4 of the BYSP, Section 3.6 of the DA provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if the approvals for the off-site location are not obtained by the milestone in Section 6.4.4, as analyzed in the EIR as Alternative 3. The on-site location would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek. In addition, the BYSP is consistent with numerous General Plan policies and actions pertaining to general development, including blending a range of densities that will facilitate a compact urban form, favoring R2, R3, and RMU zoning over conventional R1 to promote an efficient and sustainable land use pattern. The BYSP is situated beyond the City's minimum 100-foot buffer from active agricultural uses (240-250 feet) and includes 8- to 10-foot-tall metal fencing plus a 15-foot-wide vegetated corridor to address potential visual, noise, and air quality concerns (Goal LU-1, Policy LU-1.2, Policy LU-2.3, Policy LU-2.6, Policy OS-5.1, Policy OS-5.2, and Action OS-5.2.1). The project extends the character of the surrounding Barber Neighborhood through contextual architecture varied across lot type, building type, materials, and colors to create a cohesive, high-quality neighborhood. It preserves and restores historic elements, notably rehabilitating the old baseball field into “The Diamond at Barber Yard,” and reuses roughly 150,000 square feet across three existing buildings, including the historic Engineering Building and Match Block Storage Building, with restoration guided by the Secretary of the Interior's Standards. Extensions of Ivy Street and West 16th Street fulfill a long-planned collector roadway connection, while a walkable grid of multiuse paths, sidewalks, and paseos links the site internally and to adjacent areas, consistent with the Southwest Chico Neighborhood Improvement Plan's goals for multimodal connections and shared open space (Goal CD-2, Policy CD-2.1,

Goal CD-3, Policy CD-3.1, Policy CD-3.2, Action CD-4.1.1, Goal CD-5, Policy CD-5.1, Policy CRHP-2.2, and Action CRHP-2-2.1). The project provides up to 1,250 units across a mix of single- and multi-family housing types and densities, accommodating a broad range of economic segments, specifically helping the City meet demand for moderate-income and "missing middle" housing and assisting with Regional Housing Needs Allocation obligations. The BYSP's arrangement of land uses is designed to complement the existing neighborhood's character (Goal H.1, Goal H.2, Goal H.3, Policy H.3.2, Policy H-3.3, and Policy H.5.1). Beyond the Ivy Street and West 16th Street extensions, new connections along West 14th, 18th, and 20th Streets will serve the project's mix of uses, funded in part by required transportation impact fees. The circulation system is integrated and multimodal, featuring extensive bicycle and pedestrian connections, traffic-calming measures such as bulbed corners, short grid blocks tying into the existing Barber Yard pattern, and a bus stop on Ivy Street near 16th Street. Multiuse paths, sidewalks, and paseos form a continuous pedestrian network, supplemented by City funding for area-wide bicycle, pedestrian, and pavement improvements. Consistent with these investments, the Draft EIR finds the project's vehicle miles traveled would fall below applicable thresholds, aided by on-site local retail (Policy CIRC-1.2, Action CIRC-1.5.1, Policy CIRC-2.1, Action CIRC-2.1.3, Action CIRC-2.2.1, Policy CIRC-3.3, Policy CIRC-4.2, and Policy CIRC-5.3). The project incorporates drought-tolerant landscaping standards and will meet California Green Building Standards Code requirements for energy and water efficiency. Sustainable design features include electric-vehicle charging infrastructure, solar panels, and energy-saving technologies, alongside significant restrictions on natural gas use, consist with the City's qualified Climate Action Plan Update (Policy SUS-4.2, Policy SUS-4.3, Policy SUS-5.2, and Goal S-9). The project includes roughly 8 acres of public parks, including The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks, to be developed in coordination with the Chico Area Recreation and Park District. Additionally, the plan accommodates approximately 12 acres of private recreational

amenities such as the Engineering Building, Diamond Plaza, The Square, The Shop, and an Athletics Facility. These serve project residents and employees as well as the broader Chico community. California Water Service Company has confirmed adequate potable water supplies for the project's net demand alongside other planned growth in Chico. (HE Action 1.8.3, Goal PPFS-1, Goal PPFS-5). As an urban infill brownfield site, the project will implement mitigation to protect special-status species and habitats and support compliance with hazardous materials and water quality laws, with the California Department of Toxic Substances Control overseeing soil remediation under a required Soil and Debris Management Plan. Construction and operational air emissions will be mitigated to the extent feasible, to minimize exposure to unhealthful pollutants (Policy OS-1.2, Action OS-1.2.1, Action OS-3.2, Policy OS-4.1, and Goal S-8). With Mitigation Measure NOI-1, residential noise will remain within the 65 dBA CNEL exterior standard, as supported by an acoustical analysis. Active railroad tracks lie more than 100 feet from the project, meeting Federal Transit Administration screening criteria with less-than-significant impacts, and remaining noise impacts are addressed through Mitigation Measures NOI-1 through NOI-3 and adherence to City noise standards (Policy N-1.2, Policy N-1.3, Policy N-1.5, and Goal N-3).

**Section 3.** The DA is consistent with the provisions of California Government Code §§ 65864 - 65869.5 and Title 19 of the City of Chico Municipal Code.

**Section 4.** On or after the effective date of this ordinance the City Manager is authorized and directed to execute the DA on behalf of the City of Chico.

**Section 5.** Within 10 days after the DA being fully executed, the Clerk is authorized and directed to cause it to be recorded in the Office of the Butte County Recorder.

**Section 6.** Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 7.** The City Clerk shall certify to the adoption of this Ordinance and cause the same

to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

**Section 9.** Effective Date. This Ordinance shall be effective thirty (30) days following its adoption.

THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the City of Chico held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

_____
Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

_____
Ryan R. Jones, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

Exempt from payment of
Recording fees pursuant to
§ 6103 and § 27383 of the
California Government Code

After recording, return to:
City Manager
City of Chico
P.O. Box 3420
Chico, CA 95927-3420

**DEVELOPMENT AGREEMENT**

**CITY OF CHICO/BY LAND HOLDINGS CO, LLC ET AL.**
**(BARBER YARD SPECIFIC PLAN)**

**PREAMBLE**

THIS DEVELOPMENT AGREEMENT ("**DA**") is made this ___ day of _____, _____, by and between the CITY OF CHICO, a municipal corporation ("**City**"), and BY Land Holding Co, LLC, a California limited liability company ("**BY Land**"), BY Fitness Holding Co, LLC, a California limited liability company ("**BY Fitness**"), BY Apartments Holding Co, LLC, a California limited liability company ("**BY Apartments**"), and BY Townhome Holding Co, LLC, a California limited liability company ("**BY Townhome**"), and MPNorthfork LLC, a California limited liability company (("**MPN**") and, together with BY Land, BY Fitness, BY Apartments and BY Townhome, collectively, "**Developer**"). City and Developer are sometimes referred to herein individually as a "**Party**" and collectively as the "**Parties**".

**RECITALS**

A. Enabling Laws. To strengthen the public planning process, encourage private participation in comprehensive planning and to reduce the economic risks of development, the Legislature of the State of California adopted section 65864 *et seq*. of the California Government Code ("**DA Statute**") authorizing a city to enter into a development agreement with any person having a legal or equitable interest in real property regarding the development of that property and establishing, among other things, certain development rights therein. Pursuant to the DA Statute, City has adopted section 19.32 ("**Local DA Procedures**") of the Chico Municipal Code ("**Municipal Code**"), which outlines the procedures and minimum requirements for the review and consideration of development agreements by City. This DA has been prepared, processed, considered and adopted in accordance with the applicable procedures and requirements specified in the DA Statute and Local DA Procedures.

B. Subject Property. Developer has legal or equitable interest in a total of approximately 133 acres located in the southern portion of the City, as more particularly described and shown on attached Exhibit A (the "**BYSP Area**"). The BYSP Area is bounded by various individual properties to the northwest, Chestnut Street and Normal Avenue to the northeast, Estes Road to the east, and Union Pacific Railroad ("**UPRR**") to the southwest. To the south, the BYSP Area is bounded by a portion of Butte County that is unincorporated, including a decommissioned UPRR spur. Agricultural and rural residential areas lie to the south and west

across the UPRR. Developer also has legal or equitable interest in (1) approximately 13.5 acres of land located to the south of the BYSP Area in unincorporated Butte County ("**Stormwater Basin Property**"), and (2) an additional 0.43 acres of adjacent land ("**Storm Drain Easement**") that is planned to accommodate stormwater improvements to serve the Project (as defined below). The Stormwater Basin Property and the Storm Drain Easement are described and shown in more detail in attached Exhibit B and are referred to collectively herein as the "**Off-Site Properties**". The Stormwater Basin Property and the BYSP Area are collectively referred to herein as the "**Property**".

C. General and Specific Plans. City's 2030 General Plan ("**General Plan**") designates the BYSP Area as a Special Planning Area, a designation which identifies areas for significant new growth that require subsequent comprehensive planning and are to be developed as connected and complete neighborhoods. The BYSP Area is coextensive with the area covered by the Barber Yard Specific Plan, a regulatory document which defines parameters and policies for the future development of the BYSP Area, including, among other things, permitted land uses and associated development requirements ("**BYSP**"). The Off-Site Properties are designated AG, Agriculture under the Butte County General Plan, and zoned AG-40.

D. Project. Developer is seeking to develop a comprehensive, cohesive, long-term, mixed-use, residential development in the BYSP Area. This development has been designed as a new mixed-use neighborhood with a maximum of 1,250 residential units reflecting a range of housing types and sizes to serve various economic segments of the Chico community, and also to provide opportunities for commercial, recreational, open space, park and entertainment uses and amenities (including a maximum of 60,000 square feet of new non-residential uses), all within a connected network of streets, enhanced pedestrian and bicycle connectivity, and with new on- and off-site infrastructure and improvements, including, among others, drainage and stormwater systems, all as described in greater detail in the BYSP and the other Initial Discretionary Approvals (as defined below) (collectively, the "**Project**"). City and its residents have a significant interest in ensuring that the Project proceeds in an orderly fashion as part of the overall growth of the community.

E. CEQA. The discretionary entitlement process for the Project is subject to compliance with CEQA (as defined below). To satisfy requirements under CEQA, City, as the lead agency, has caused an Environmental Impact Report, State Clearinghouse Number 2023030641 (the "**Project EIR**") to be prepared for the Project by City staff and City's consultant team, FirstCarbon Solutions. By Resolution No. _____, adopted on _____, 2026 and pursuant to and in compliance with the applicable provisions of CEQA, the City Council of Chico (the "**City Council**") certified the Project EIR, adopted the required written findings related thereto, and adopted a mitigation monitoring and reporting program that incorporated all applicable mitigation measures set forth in the Project EIR (the "**MMRP**").

F. Initial Discretionary Approvals. On _____, _____, following review and written recommendation by the Chico Planning Commission, the City Council held a duly noticed public hearing. After taking testimony and considering the matter, the City Council closed the public hearing, deliberated, and took the following actions:

(i) Conducted the first readings of Ordinance No. _____, an ordinance amending the text of City's Zoning Code to reflect the implementation of the BYSP, and of Ordinance No.

_____, an ordinance amending the City's Zoning Map to reflect the implementation of the BYSP [and other conforming Code amendments] (collectively, ***"Zoning Amendments"***).

(ii) Conducted the first reading of Ordinance No._____, an ordinance approving this Development Agreement and directing its execution by City ("***DA Approval Ordinance***").

(iii) Approved and adopted the BYSP by Resolution No. _____ (the "**Specific Plan Adoption**").

On _____, _____, the City Council conducted the second reading of and adopted the Zoning Amendments and the DA Approval Ordinance. Collectively, the Zoning Amendments, the DA Approval Ordinance, and the Specific Plan Adoption constitute the "***Initial Discretionary Approvals***".

G. City Findings. City finds this DA is consistent with the relevant goals and policies of the General Plan, the BYSP, and the Municipal Code, as amended by the Initial Discretionary Approvals, is in the best interests of City, and will promote the public interest and welfare of City. This DA constitutes an exercise of City's discretion and police power.

H. Vested Rights. The Parties agree that it is necessary and appropriate for City to grant Developer vested rights to proceed with the implementation of the Project as set forth in this DA and the other Project Approvals. City recognizes and has determined that the granting of such vested rights and assurances, as set forth in this DA, is in the public interest and will facilitate Developer involvement and investment in undertaking the development and operation of the Project.

I. Mutual Agreement. City and Developer desire to enter into this DA in order to facilitate the orderly implementation of the development and operation of the Project in general and to provide for, among other things, Developer's vested rights to develop and operate the Project, the construction and improvement of required infrastructure and utilities, the provision of neighborhood parks and recreational facilities as well as substantial open space amenities, the implementation of appropriate development requirements and design guidelines, and the necessary funding, maintenance and operations of certain infrastructure and amenities to be built as part of the Project, all as set forth in detail herein.

**NOW, THEREFORE,** the Parties agree as follows:

## SECTION 1.
## GENERAL PROVISIONS

SECTION 1.1 Incorporation of Recitals. The Preamble and Recitals set forth above shall constitute an integral part of this DA and shall be binding on the Parties.

SECTION 1.2 Binding Covenants. This DA shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, successors, assigns and Transferees (as defined below) (including any and all persons acquiring any interest in all or any portion of the Property, whether by operation of law or in any other manner whatsoever). All of the provisions of this DA shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law, including, without limitation, Civil Code section 1468.

SECTION 1.3 Definitions. This DA uses certain terms with initial capital letters that are defined in this DA, either in this Section 1.3 or elsewhere. City and Developer intend to refer to the following definitions when capitalized terms are used in this DA:

"Adjacent Neighborhood" has the meaning set forth in Section 3.5 below, as more particularly shown in attached Exhibit F.

"Asphalt Cap" means an area of approximately three (3) acres of asphalt at the south-western-most corner of the BYSP Area which covers remediated materials and is monitored by the California Department of Toxic Substances Control, as discussed more fully in the BYSP.

"BSIF" has the meaning set forth in Section 3.5 below.

"BSIF Fee" has the meaning set forth in Section 3.5 below.

BSIF Account" has the meaning set forth in Section 3.5 below.

"BY Apartments" means BY Apartments Holding Co, LLC, a California limited liability company, as described in the Preamble.

"BY Fitness" means BY Fitness Holding Co, LLC, a California limited liability company, as described in the Preamble.

"BY Land" means BY Land Holding Co, LLC, a California limited liability company, as described in the Preamble.

"BY Townhome" means BY Townhome Holding Co, LLC, a California limited liability company, as described in the Preamble.

"BYSP" has the meaning set forth in Recital C.

"BYSP Area" has the meaning set forth in Recital B.

"CARD" has the meaning set forth in Section 3.3 below.

"CARD Facility" has the meaning set forth in Section 3.3 below.

"City" means the City of Chico, a California municipal corporation, as set forth in the Preamble.

"City Council" means the Chico City Council, as set forth in Recital E.

"Community Facilities District" or "CFD" means a financing district formed under the Mello-Roos Community Facilities Act of 1982, pursuant to Government Code section 53311 *et seq.*

"County Recorder" means the Butte County Recorder, which is responsible, in part, for recording legal documents that determine ownership of real property and other agreements related to real property.

"Cost Reimbursement" has the meaning set forth in Section 2.7(c) below.

"Days" means calendar days unless otherwise expressly indicated. If the last day to perform an act under this DA is a Saturday, Sunday or legal holiday in the State of California, said act may be performed on the next succeeding calendar day (a) that is not a Saturday, Sunday or legal holiday in the State of California and (b) on which City offices are open to the public for business.

"Default" has the meaning set forth in Section 6.1 below.

"Developer" means, as of the Effective Date, collectively, BY Land, BY Fitness, BY Apartments, BY Townhome and MPN, and, during the Term, such entities and their respective successors, assigns and Transferees pursuant to Section 1.5 below.

"Development Commencement Date" means the date of the of the "NO FURTHER ACTION" letter, or equivalent, issued by the California Department of Toxic Substances Control (DTSC), or five years after the Effective Date, whichever occurs first.

"DA" means this agreement, as described in the Preamble.

"Dispute Notice" has the meaning set forth in Section 6.1 below.

"Drainage Alignment Property" has the meaning set forth in Recital B, as more particularly shown and described in attached Exhibit B.

"DTSC" means the California Department of Toxic Substances Control.

"Effective Date" means the date that the City Manager executes this Agreement, on or after 30 Days following the adoption of the Ordinance approving this DA. The Effective Date shall be inserted in the Preamble of this DA, where indicated.

"Exchange Agreement" has the meaning set forth in Section 3.10 below.

"Excused Delay" has the meaning set forth in Section 6.4 below.

"Exhibits" has the meaning set forth in Section 8.16 below.

"Fee Credit" has the meaning set forth in Section 2.7(c) below.

"First TSM Approval Date" has the meaning set forth in Section 3.5 below.

"General Plan" has the meaning set forth in Recital C.

"Impact Fee(s)" means any monetary amount(s) charged by City or other governmental or quasi-governmental agency in connection with a Project Approval in order to lessen, offset, mitigate or compensate for the impacts of development and/or operation of the Project on the environment, facilities, services, improvements and/or infrastructure, or other public interests, including, without limitation, any "fee" defined by Government Code section 66000(b).

"Initial Amenities" has the meaning set forth in Section 3.3 below.

"Initial Discretionary Approvals" has the meaning set forth in Recital F.

"Initial Units" has the meaning set forth in Section 3.5 below.

"Later Enactment(s)" has the meaning set forth in Section 2.2(c) below.

"Local DA Procedures" has the meaning set forth in Recital A.

"MMRP" has the meaning set forth in Recital E.

"MPN" means MPNorthfork LLC, a California limited liability company, as described in the Preamble.

"Mortgage" means any mortgage, deed of trust, security agreement, sale and lease-back financing, or other like security instrument encumbering all or any portion(s) of the Property and/or any of Developer's rights under this DA.

"Mortgage Holder" means the holder of any Mortgage, and any Transferee, assignee or successor in interest of any such Mortgage Holder.

"Municipal Code" means the Chico Municipal Code, as set forth in Recital A.

"Notice of Default" has the meaning set forth in Section 6.1 below.

"Off-Site Properties" has the meaning set forth in Recital B, as more particularly shown and described in attached Exhibit B.

"O&M" has the meaning set forth in Section 3.8 below.

"Party" or "Parties" has the meaning set forth in the Preamble.

"Periodic Review" has the meaning set forth in Section 5.1 below.

"Project" has the meaning set forth in Recital D.

"Project Approvals" means, collectively, the Initial Discretionary Approvals and any and all Subsequent Approvals as and when granted, issued or obtained.

"Project EIR" has the meaning set forth in Recital E.

"Project Infrastructure" has the meaning set forth in Section 3.4(a) below

"Project Public Facilities" has the meaning set forth in Section 3.8 below.

"Property" has the meaning set forth in Recital B, as more particularly shown and described in attached Exhibit A.

"Regulatory Processing Fees" means any and all fees, costs and charges adopted or otherwise imposed by City for the purpose of defraying City's actual costs incurred or to be incurred in the processing and administration of any form of Subsequent Approval(s)including, without limitation, any permit, approval, license, entitlement, or formation of a financing district or mechanism, and/or any and all costs adopted or otherwise imposed by City for the purpose of defraying City's actual costs of periodically

updating its plans, policies, and procedures, including, without limitation, the fees and charges referred to in Government Code section 66014.

"Required BSIF Works" has the meaning set forth in Section 3.5 below.

"Reservation Period" has the meaning set forth in Section 3.7 below.

"Reserved Land" has the meaning set forth in Section 3.7 below.

"Specific Plan Adoption" has the meaning set forth in Recital F.

"Storm Drain Easement" has the meaning set forth in Section 3.6 below.

"Subdivision Map Act" means Government Code sections 66410 through 66499.35.

"Subsequent Amenities" has the meaning set forth in Section 3.3 below.

"Subsequent Approval(s)" means any and all discretionary and ministerial land use, environmental, building, construction and development approvals, entitlements and/or permits that are necessary or desirable to develop and operate the Project on and after the Effective Date, including, but not limited to, vacation or abandonment of public right(s) of ways; tentative and final subdivision maps, parcel maps, lot line adjustments, and lot mergers; site plan review; conditional use permits; development review; design review; tree removal permits; regulatory approvals related to remediation of contamination; regulatory approval related to air quality impacts, biological resources and/or hazardous materials; sign permits; building permits; demolition permits; grading permits; foundation permits, encroachment permits; certificates of occupancy; formation of (or annexation to) financing districts or other financing mechanisms; general construction permits; dewatering permits, and any amendments thereto (administrative or otherwise).

"Transfer Agreement" shall mean a written agreement memorializing the Transfer of rights and obligations hereunder from Developer to a Transferee.

"Transferee" has the meaning set forth in Section 1.5 below.

"UPRR" has the meaning set forth in Recital B.

SECTION 1.4 Term. The term of this DA shall commence on the Effective Date and shall continue for a period of twenty-five (25) years (the "**Term**"), unless sooner terminated or extended by the Parties' mutual written agreement pursuant to the terms and conditions set forth herein.

SECTION 1.5 Transfer. Developer shall have the right to sell, Mortgage, hypothecate, assign or transfer (each, a "**Transfer**") the Property (in whole or in part) and related Project Approvals to any individual or entity (the "**Transferee**") at any time during the Term of this DA without obtaining City's consent. Any such Transfer shall include the express assignment and assumption of all those rights, duties, and obligations arising under or from this DA applicable to the Property (or the portion(s) thereof) being Transferred to Transferee. Developer shall promptly notify City in writing of any such Transfer. Parties acknowledge and agree that the Transfer to an end user of a completed residential or commercial lot shall not be subject to the

Transfer provisions of this section. With respect to each completed single-family residential lot, multifamily residential lot, or commercial lot within the Project, this DA shall automatically terminate as to that lot, without any further action by any Party or need to record any additional document, after both of the following have occurred: (a) all buildings and site development approved on the subject lot pursuant to any existing Subsequent Approval have been completed and City has issued a final certificate of occupancy for all such building(s) on the lot; and (b) title to the subject lot has been conveyed by Developer(s) to a bona fide, good faith purchaser.

SECTION 1.6 Amendment of DA

(a) Amendment by Written Consent. Except as otherwise expressly provided for herein, this DA may be amended only by the Parties' mutual written consent, which shall be processed and considered pursuant to the DA Statute and Local DA Procedures. Consent of any Transferee(s) who acquire less than all of Developer's interest in the Property shall not be required for any amendment to this DA to be executed and effective if and to the extent said amendment does not materially and adversely change the applicable Transferee's rights and obligations assumed under the subject Transfer Agreement.

(b) Recordation of Amendment. In the event the Parties amend this DA, City shall cause notice of such action to be duly recorded in the official records of the County of Butte within ten (10) days of such action.

SECTION 1.7 Precedence. The provisions of the BYSP (including, without limitation, the Development Standards set forth therein) shall take precedence over the Municipal Code, except where the BYSP is silent or expressly references the Municipal Code, and in the event of a conflict between provisions of the BYSP and the Municipal Code, the BYSP shall govern. The provisions of this DA shall take precedence over the BYSP, and in the event of a conflict between this DA and the BYSP, this DA shall govern.

## SECTION 2.
## DEVELOPMENT OF THE PROPERTY

SECTION 2.1 Vested Right to Develop the Project. During the Term, Developer shall have the vested right to develop and operate the Project on all or any portion(s) of the Property in accordance with the Applicable City Law. The permitted uses; the density and intensity of such uses; the maximum allowable height and site coverage of proposed buildings; the provisions for the reservation or dedication of land for public purposes and the location of public improvements; the general location of public utilities; the construction, installation and extension of public improvements; and other terms and conditions of development applicable to the Project, including, but not limited to, the City's General Plan, Zoning Code, Initial Discretionary Approvals, and all other ordinances, resolutions rules and regulations adopted or utilized by the City for the processing of development projects (collectively, "***Development Standards***") shall be as set forth in the Applicable City Law. In the event of any inconsistency between this DA and any Subsequent Approval(s), to the fullest extent legally possible, the provisions of this DA shall prevail and control.

SECTION 2.2 Rules, Regulations and Policies Governing Development and Operation of the Project.

(a) Applicable Law. "***Applicable City Law***" shall consist of the rules, regulations and official policies governing the Development Standards applicable to the Project on the Property existing as of the Effective Date, as supplemented and modified by the Initial Discretionary Approvals, any Subsequent Approvals as and when they are issued, granted or obtained, and any applicable Later Enactment(s) pursuant to Section 2.2(c) and Section 2.2(d) below, all except as otherwise expressly provided in this DA.

(b) Processing Subsequent Approvals Generally. The Parties acknowledge that to develop and operate the Project, Developer will need to obtain City's approval of various Subsequent Approvals. For each such Subsequent Approval, Developer shall file an application with City for the Subsequent Approval at issue in accordance with the Applicable City Law and shall pay any and all applicable Regulatory Processing Fees in connection therewith. City shall diligently and expeditiously process each such application in accordance with the Applicable City Law and shall exercise any discretion City has related thereto in accordance with the terms and conditions of this DA.

(c) No Conflict with Vested Rights. City may adopt new or modified rules, regulations and policies after the Effective Date (each, a "***Later Enactment***" and, collectively "***Later Enactments***"); provided, however, any such Later Enactment(s) shall be applicable to the Project on the Property only to the extent that application of any Later Enactment does not modify the Project; does not prevent or substantially impede development of the Project; and does not conflict with this DA. Any Later Enactment shall be deemed to conflict with this DA and Developer's vested rights hereunder if the enactment seeks to accomplish any one or more of the following results, either with specific reference to the Project or the development and/or operation of the Property, or as part of a general enactment that would otherwise apply to the Project on the Property:

i. Limit or reduce the density or intensity of the Project, or otherwise require a reduction in the total number of proposed residential units, non-residential square footage, allowable site coverage, and/or allowable building height;

ii. Change any land use designation, zoning or permitted or conditionally permitted use(s) of the Property that materially affect the amount or type of any particular land use to be developed on the Property;

iii. Limit the timing or rate of the development of the Project; or

iv. Result in Developer having to substantially delay construction of the Project (or any portion(s) thereof).

(d) Applicable Later Enactments. Notwithstanding the foregoing, City shall not be precluded from applying a Later Enactment to the Project under the following limited circumstances:

i. It is specifically mandated by changes in state or federal laws or regulations adopted after the Effective Date as provided for in Government Code section 65869.5;

ii. It is specifically mandated by a court of competent jurisdiction; or

iii. It is specifically mandated as a result of changes to the Uniform Building Code or similar uniform construction code(s) (such as the California Fire Code) so long as such code (as modified to include the foregoing changes) has been adopted by City and is in effect on a Citywide basis.

iv. Processing fees and charges imposed or required by City under current or future regulations covering the actual costs of City in (a) processing applications and requests for permits, approvals, Subsequent Approvals, and other actions and (b) monitoring compliance with any permits issued or approvals granted or the performance of any conditions with respect thereto or any performance required of Developer hereunder.

If City imposes a Later Enactment on the Project as a result of the occurrence of one of the circumstances set forth in subsection (d)(i) through (iv) above and the Later Enactment modifies the Project, prevents or substantially impedes development of the Project, and/or conflicts with this DA; and the developer proposes to amend this DA, then the Parties shall work diligently and in good faith to amend this DA if and to the extent necessary to reasonably reflect the required Later Enactment while still achieving the underlying purposes of this DA.

The Parties acknowledge and agree that the City is restricted in its authority to limit its police powers by contract and that the foregoing limitations, reservations, and exceptions are intended to reserve to the City all of its police powers that cannot be so limited.

SECTION 2.3 Developer's Application for Non-City Permits, Entitlements and Approvals. City and Developer acknowledge and agree that other governmental agencies not within City's control may possess jurisdiction to regulate aspect(s) of development and operation of the Project on the Property and that this DA does not limit the jurisdiction of such other agencies. City shall reasonably cooperate and diligently work with Developer in Developer's effort to process and obtain approval of its applications for such Subsequent Approvals as may be necessary or desirable to develop and operate the Project; provided, however, City shall have no obligation to incur any material costs, without compensation or reimbursement, or to amend any City policy, regulation or ordinance in connection therewith.

SECTION 2.4 Life of Project Approvals. The life of all Initial Discretionary Approvals and any tentative subdivision maps or parcel maps (pursuant to Government Code section 66452.6(a)) shall be deemed extended for the longer of the Term of this DA or the term otherwise applicable to such approval. Any tentative map prepared for the Project shall comply with Government Code Section 66473.7.

SECTION 2.5 Timing of Development. The Parties acknowledge that Project construction may be delayed by, among others, litigation, market factors, economic considerations, or other reasons that are not within Developer's control. There is no requirement hereunder that Developer commence or complete construction of the Project at all or within any particular period of time during the Term; and City shall not impose any such timing requirement on any Subsequent Approval(s), except to reinforce adherence to the requirements set forth in this DA. The Parties further acknowledge that Developer cannot, at this time, predict if, when or the rate at which the Project may be constructed. Given the

foregoing, Developer shall have the right to develop the Project on the Property (or any portion(s) thereof) in such order, at such rate, and at such times as Developer deems appropriate within the exercise of its sole subjective business judgment, subject only to the terms of this DA and to the degree that the procession of development remains within the scope of the Project EIR.

SECTION 2.6 Mitigation. Nothing contained in this DA is intended to derogate the obligation of Developer relating to various environmental mitigation measures approved by City, as more fully set forth in the MMRP, and included as enforceable conditions of approval in the Project Approvals.

SECTION 2.7 Fees, Costs Charges; Fee Credits. Except as otherwise expressly provided for herein, Developer shall pay those fees, costs and charges imposed or required by City for the Project as follows:

(a) Regulatory Processing Fees. Developer shall pay all future Regulatory Processing Fees in effect at the time of the subject application's submittal that are required to be paid to pursue Subsequent Approvals necessary to undertake the Project.

(b) Impact Fees. Developer shall pay each applicable Impact Fee due to undertake the Project at the time such fee is due pursuant to the Applicable City, State or Federal Law. In recognition that Developer will provide public parks within the Project pursuant to Section 3.3 below, City and Developer agree that the Developer shall pay the Impact Fees adopted and in place as of the Effective Date of this Agreement, and pay those fee amounts for a period of five years after the Effective Date, which deadline shall be based on building permit issuance including payment of Impact Fees. A copy of the Impact Fees in place as of the Effective Date is included in Exhibit C of this Agreement. No fee adjustments, including typical annual inflationary increases or a wholistic Development Impact Fee update by the City, shall be applied during the initial five-year period of time. However, if any of the provisions of Section 3.3 are found to be unsatisfied, City reserves the right to notify Developer in writing of the outstanding design work submittals for park improvements or uncompleted park improvements and apply the Impact Fees then in effect until such time that compliance with the provisions of Section 3.3 are satisfied. After the first 5 years of the Term, Impact Fees shall be those then in effect, as published annually by City. Nothing in this Section 2.7(b) shall prevent Developer from challenging the legality of Impact Fees adopted by City after the Effective Date.

(c) Fee Credits and Cost Reimbursements. Developer shall receive a credit against any Impact Fee(s) imposed hereunder when such credit is due pursuant to applicable provisions of the Municipal Code for the demolition of any existing buildings on Property, and in the amounts as calculated pursuant thereto (each, a "**Fee Credit**"). Further, Developer shall receive reimbursement for actual costs incurred on items that are included in the City's Capital Improvement Program project lists (a "**Cost Reimbursement**"). Developer shall follow City of Chico requirements established to apply for and receive reimbursement, including but not limited to providing quotes for scopes of work intended for reimbursement, for City approval. Construction on projects that will be requesting Cost Reimbursement shall not start until the City has approved contracts in advance.

Developer shall not receive Cost Reimbursement for any work performed without prior City approval, even if the improvement in question is included in the Development Impact Fee Program as an improvement subject to reimbursement.

SECTION 2.8 Tentative Subdivision Maps. Any tentative or vesting tentative subdivision maps prepared for the subdivision of the Property shall comply with Government Code section 66473.7 regarding the availability of sufficient water supply for the Project. The Parties acknowledge and agree the combined Water Supply Assessment/Water Supply Verification prepared by Cal Water and included as an appendix to the Project EIR shall constitute satisfaction of the obligations set forth in this Section 2.8 so long as the total Residential Unit count and the total non-residential square footage have not materially increased at the time of approval and recordation of the subject final map(s). Tentative maps shall indicate phasing and shall use sequential numbering or lettering consistent with subsequent requests for City review of improvement plans and final maps.

**SECTION 3.**
**DEVELOPER OBLIGATIONS**

SECTION 3.1 Obligations of Developer Generally. The Parties acknowledge and agree that City's agreement to perform and abide by its covenants and obligations set forth in this DA is a material consideration for Developer's agreement to perform and abide by its covenants and obligations set forth herein. Failure by Developer to perform its covenants and obligations at the times and in the manner specified in this DA shall constitute a Default by the Developer subject to the provisions of Section 6 below.

SECTION 3.2 Property Development. Subject to the provisions of Section 2.5 above, the Property shall be developed and operated in accordance with this DA and the other Project Approvals. Notwithstanding Section 2.5 above, Developer shall take all commercially reasonable actions to develop the public improvements for the Project based on the phases and timelines set forth in attached Exhibit H. The City Manager shall have the authority to extend those timelines for performance for good cause. Any denial of a requested extension under this Section shall be appealable to the City Council. The sequential order of phases shown on Exhibit H are illustrative only and shall not dictate the order of development, however the timelines in Exhibit H shall still apply to the the public improvements in the respective phases. The timeline for the construction shall begin on the Development Commencement Date. Should Developer become insolvent or incapable of developing the Project or no progress has been made for a period of five consecutive years and Developer makes no showing that the delay is for reasons that are not within Developer's control, it is presumed that Developer has not complied in good faith with the terms of this DA. For the purposes of this Section, "progress" shall be defined as any development activity such as selling or transferring property, or construction activities exceeding $250,000.00 or more on the Property in a 12-month period.

SECTION 3.3 Installation of Parks. The BYSP describes numerous parks to be incorporated into the Project for the benefit of Project residents and visitors as well as the broader community, which are intended to become public facilities and maintained as described in Section 3.8. Each BYSP park shall be developed in accordance with the timing determined by Developer; provided, however, Developer recognizes the importance of developing an initial offering of certain parks in connection with the development of a specified number of Residential Units. Developer shall: (a) complete the installation of The Diamond at Barber Yard, and the Picnic Grove Park (each as more particularly described in Section 4.2 of the BYSP, and collectively, the "**Initial Amenities**") within 12 months of Developer's receipt of the certificate of

occupancy from City for the 200th residential unit developed in the Project; (b) complete the installation of the Dog Park and Ruins Park, and each of the Yard Parks, within 12 months of Developer's receipt of the certificate of occupancy from the City for the 500th residential unit, as more particularly described in Section 4.2 of the BYSP, and collectively, the "**Subsequent Amenities**"). Completion of one or both Yard Parks, may be deferred until Developer's receipt of the certificate of occupancy from City for the 500th residential unit developed in the Project, however, if two or more of the applicable block frontages remain unimproved at occupancy of the 500th unit, both of the Yard Parks shall be completed prior to Developer's receipt of the certificate of occupancy from City for the 900th residential unit developed in the Project.

In recognition that construction of the BYSP Recreational Facilities must be preceded by design work, Developer shall submit the design for each BYSP Recreational Facility to City for City and the Chico Area Recreation and Park District ("**CARD**") approval no later than reaching 80 percent of the relevant park improvement trigger outlined above. For example, the design for the Initial Amenities shall be submitted prior to City issuance of a certificate of occupancy for the 160th residential unit in the Project.

Upon completion of each of The Diamond at Barber Yard, the Dog Park, the Picnic Grove Park, the Ruins Park and each of the Yard Parks (each, a "**CARD Facility**" and collectively, "**CARD Facilities**"), Developer shall dedicate the parks to the city at the time of final map, and city shall not accept such dedication until such time park is completed in agreement with CARD, at which time, it will be accepted by the city and deeded over to CARD.

Following acceptance of each CARD Facility by City or CARD, Developer may submit a Cost Reimbursement agreement to City to reimburse Developer for the cost of the land (net acreage) and improvements upon which the accepted CARD Facility is located. Provided the CARD Facility is identified in the City's Development Impact Fee Program and meets or exceeds the park classifications and approximate acreage allocations set forth in the BYSP Table 4.1 – Approximate Parks and Amenities Acreage, as a Community Park or Neighborhood Park subject to reimbursement of net acreage and/or improvements, reimbursement eligibility shall be limited to improvements and land area located behind the back of sidewalk and to net acreage only, and the City shall process and enter into a Cost Reimbursement agreement for same.

SECTION 3.4 Athletics Facility. The site for the proposed athletics facility currently is an existing metal warehouse. The intended use is an athletics facility, with a portion potentially used as a mini storage, as described in the BYSP, to be owned and operated by the developer or a successive owner. The underlying land is zoned R3 (Medium-High Residential) in recognition that all or a portion of the athletics facility site may be converted to residential uses in the future. The Parties agree that any future conversion of the existing warehouse/proposed athletics facility site to residential uses exceeding the overall maximum of 1,250 units in the Project shall require an amendment to the BYSP and any associated environmental analysis.

SECTION 3.5 Off-Site and On-Site Road, Sidewalk and Bike Path Improvements. City and Developer shall establish the Barber Streets Improvement Fund (the "**BSIF**") to enable Developer to assist City with certain maintenance and infrastructure improvement costs, including roads, sidewalks and bicycle facilities in areas adjacent to the BYSP Area (as depicted in attached Exhibit F, the "**Adjacent Neighborhood**"). Within six months after the date on which City approves the first tentative subdivision map for the BYSP Area (such date, the "**First TSM Approval Date**"), City shall establish a restricted funding account (the "**BSIF Account**") for the sole purpose of administering the BSIF. City shall hold all BSIF Fees (as defined below) in

the BSIF Account and City shall notify Developer in writing of the date of the opening of the BSIF Account (which date shall not precede the First TSM Approval Date).

Subject to the provisions of this Section 3.5, Developer shall fund the **BSIF Account**, a total amount equal to $2,000,000 towards the costs of the offsite improvements identified and described in this section.

Within two (2) months of receipt of notice from City of the opening of the **BSIF Account**, or within six months of the Development Commencement Date, whichever is later, Developer shall deposit a total of $1,000,000.00 into the BSIF Account. Thereafter, prior to issuance of a certificate of occupancy for the 625th residential unit, Developer shall contribute the remaining $1,000,000 into the **BSIF Account**.

In connection with the funding of the BSIF by Developer, City shall undertake the following works (the works in (a), (b) and (c) below being, collectively, the "**Required BSIF Works**"):

(a) Pavement Preservation: Following City approval of improvement plans for the relevant phase of the Project, City shall design and complete the pavement preservation projects as shown in Exhibit E of this DA. Exhibit E reproduces Table 7 of Appendix J of the Draft EIR.

(b) Sidewalks: Following City approval of improvement plans for the relevant phase of the Project, City shall design and complete construction of sidewalks in those locations where gaps are currently present along both sides, consistent with Mitigation Measure TRANS-3 which lists improvements for sidewalks where gaps are present on West 16th Street between the project site and Broadway Street and on West 20th Street between the project site and Broadway Street, in conjunction with the construction of subdivision improvements that extend each of those respective streets into the project site. Consistent with Mitigation Measure TRANS-3, final maps shall not be approved for the phase which extends the specified street connection into the project site until the associated sidewalk gap improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement.

(c) Bicycle Facilities: Following City approval of improvement plans for the first phase of the First TSM, City shall design and complete construction of the following bicycle facilities, consistent with Mitigation Measure TRANS-2 which lists improvements for: Class III Bike Boulevards on Ivy Street from West 10th Street into the BYSP Area (concurrent with adding a Project connection to Ivy Street), on Chestnut Street between West 13th Street and West 16th Street (concurrent with adding a Project connection to West 16th Street, on West 16th Street from Salem Street to the BYSP Area (concurrent with adding a Project connection to West 16th Street), and on West 20th Street from Salem Street into the BYSP Area (concurrent with adding a Project connection to West 20th Street). Consistent with Mitigation Measure TRANS-2, final maps shall not be approved for the subject phase until the relevant improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement.

(d) Repair of Off-Site Street Impacts: The parties agree that in the event that on-site construction or soil remediation activities result in significant detrimental impacts to streets in the Adjacent Neighborhood as determined by the Director of Public

Works – Engineering, Developer shall within 90 days of the completion of the activities resulting in these impacts initiate repair or rehabilitation of the impacted off-site streets to an equal or better condition than existed prior to the on-site construction, at Developer's sole expense, separate from the BSIF.

City acknowledges that (i) the Required BSIF Works are not the only works that City intends to undertake in the Adjacent Neighborhood and (ii) the BSIF Fees collected by City are intended to supplement City's other available funds for future works in the Adjacent Neighborhood. Accordingly, City agrees that it shall not divert funds which would have otherwise been budgeted for and used in the Adjacent Neighborhood due to the availability of funds in the BSIF. In addition, the Parties acknowledge and agree that an appropriate use of the BSIF Fees is to cover City staff time for implementing the Required BSIF Works.

Following the completion of the Required BSIF Works, City may use any remaining funds in the BSIF, if available, to help offset the cost of additional street, sidewalk and bicycle facility improvements to be constructed in the Adjacent Neighborhood. Other than the Required BSIF Improvements, the nature and extent of all additional pavement, sidewalk and bicycle facility improvements within the Adjacent Neighborhood shall be at the discretion of City (provided such improvements are in accordance with City's relevant planning documents and otherwise meet the requirements of this Section 3.5).

Developer shall be responsible for designing and completing the following off-site and on-site improvements:

Construct connections of the framework streets and associated multipurpose paths to existing streets, consistent with Chapter 5 of the BYSP.

Construct the Ivy Street multi-use path to the Comanche Creek Greenway Trail, in substantial accord with Exhibit 5.28E of the BYSP, with a coordinated effort with the city to preserve as many trees as possible. This connection shall be included in the improvement plans for the 20th Street/Ivy Street intersection, constructed concurrently with that intersection, and shall be subject to concurrent City acceptance.

Construct street improvements adjacent to the BYSP Area which ensure a minimum paved width of 24 feet (containing two 12-foot travel lanes) in Normal Avenue/Estes Road, between W 20th street and Avenue B (Avenue B being the southernmost BYSP street connection to Estes Road, just south of the existing intersection of W 22nd Street and Estes Road). This widening may occur on either side of Normal Avenue/Estes Road, and no other street improvements shall be required. These widening improvements shall be included in the improvement plans for the W 20th Street/Ivy Street intersection, constructed concurrently with that intersection, and shall be subject to concurrent City acceptance.

Review sight distance at the curve on Normal Avenue/Estes Road, between W 20th and W 22nd Streets, and remove or prune trees as directed by the City. This tree removal and/or pruning shall be included in the improvement plans for the W 20th Street/Ivy Street intersection, completed concurrently with that intersection, and shall be subject to concurrent City acceptance.

Cape seal existing Normal Avenue/Estes Road from W 20th Street to the Comanche Creek Greenway trail. This pavement maintenance shall be included in the improvement

plans for the W 20th Street/Ivy Street intersection, completed concurrently with that intersection, and shall be subject to concurrent City acceptance. Developer shall coordinate with the City such that City maintenance crews can first perform pothole maintenance, prior to the Cape seal improvements.

Construct all multi-use paths within the BYSP Area using concrete, as depicted and described in the BYSP.

Construct traffic calming devices and treatments for street intersections and segments within the project, as recommended by the Department of Public Works – Engineering and approved by the Planning Commission or City Council, consistent with Section 5.7 of the BYSP and General Plan Action CIRC-2.2.1. Developer shall construct required traffic calming improvements in conjunction with the subject subdivision improvements.

SECTION 3.6 Off-Site Stormwater Improvements. In conjunction with site improvements for the first phase of development and prior to issuance of building permits for any new structures within the BYSP Area, Developer shall construct the following stormwater improvements (the "**Off-Site Stormwater Improvements**") on the Off-Site Properties, as shown on the attached Exhibit B and more fully detailed in the Project Approvals: (a) a combination stormwater quality detention and retention basin to be installed within the Stormwater Basin Property; and (b) a stormwater drainage outlet (which shall connect the retention basin to a new outfall at the Comanche Creek) to be installed within the Drainage Alignment Property. If permitted by all relevant agencies, Developer shall design the stormwater basin to accommodate additional stormwater from the existing conveyance along Estes Road which carries storm water runoff from City jurisdiction and is known to cause periodic flooding that affects County residents on Estes Road. Developer shall work cooperatively with City and the County of Butte to establish the Off-Site Stormwater Improvements as a regional-serving facility, if allowed and permitted by all relevant agencies. Developer shall construct the Off-Site Stormwater Improvements in accordance with the reasonable specifications of City (to the extent not in conflict with any mandatory requirements of Butte County), and upon completion, Developer shall (i) fund all applications and approvals necessary for City to acquire Off-Site Stormwater Improvements, (ii) offer to dedicate all such Off-Site Stormwater Improvements to City and, (iii) offer to dedicate the non-exclusive Storm Drain Easement ("**Storm Drain Easement**") depicted on Exhibit B to allow City to operate, maintain and repair the Off-Site Stormwater Improvements. City shall cooperate with County as reasonably required to facilitate Developer's timely completion of the Off-Site Stormwater Improvements. Notwithstanding the foregoing, should the necessary stormwater improvements prove infeasible to permit on the Off-Site Properties by the milestone set forth in Section 6.4.4 of the BYSP, stormwater detention shall be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, as analyzed in the EIR as Alternative 3.

SECTION 3.7 Commuter Rail Bus Interface. From the Effective Date until June 30, 2030 (the "**Reservation Period**"), Developer shall reserve approximately 1.0 acre of land along the northwest edge of the Asphalt Cap for potential future use as a bus interface (the "**Reserved Land**") in connection with the potential future expansion of North Valley Passenger Rail. At any time during such period, upon request by the relevant public agency, Developer and said public agency shall seek to negotiate in good faith mutually acceptable terms and conditions for the sale and purchase of the Reserved Land. Notwithstanding the foregoing, Developer and City acknowledge and agree that Developer shall not be expected or required under any

circumstances to convey the Reserved Land for a cost that is less than the then-fair market value of the Reserved Land. At the end of the Reservation Period, if Developer has not conveyed the Reserved Land to the relevant public agency pursuant to a mutually acceptable agreement, then Developer shall have no further obligation under this Section 3.7 to continue to reserve the Reserved Land and its obligations hereunder shall be deemed fully satisfied.

SECTION 3.8 Maintenance and Operations of Project's Public Facilities. Developer shall satisfy all City requirements to establish maintenance districts to fund all ongoing required O&M activities in accordance with applicable City standards and to at least the standard then in effect at other comparable facilities operated and maintained by City. To the extent that public park facilities are transferred to CARD, Parties shall use diligent and good faith efforts to facilitate CARD's adherence to the provisions of this Section.

Developer shall fund the creation of and provide reasonable assistance to City in the development and implementation of appropriate funding strategies for the O&M of the Project Public Facilities through Developer's support of the establishment of CFD(s) as described in California Government Code Sections 53311-53368.3 referred to as "The Mello Roos Community Facilities Act of 1982." Such support shall consist of Developer's funding of consultant(s) to prepare relevant documentation to establish same, and Developer's consent to the application of same to the Property, subject to the subject CFD or other financing district or mechanism.

SECTION 3.9 Compliance with Conditions of Approval. Developer shall, in consideration of City's commitments, comply with all conditions of approval imposed on Subsequent Approvals as may be reasonably imposed by City and which are in accordance with this DA, the BYSP and the MMRP.

SECTION 3.10 Ivy Street Lot Line Adjustment. Pursuant to Section 4.4 below and subject to City's approval of a lot line adjustment application to effectuate the Ivy Street Lot Line Adjustment as shown on attached Exhibit D (**Ivy Street Lot Line Adjustment**), Developer shall enter into an exchange agreement ("**Exchange Agreement**") to acquire from City approximately 15,443 square feet of land in exchange for conveying approximately 15,475 square feet to City for the purpose of extending Ivy Street into the Project site. Following the lot line adjustment, Developer shall construct the extension of Ivy Street from its current terminus into the Project site, subject to approved improvement plans and shall dedicate to City finished portions of Ivy Street improved to City street standards.

SECTION 3.11 Attainable Housing. In furtherance of the Developer's provision of a diverse supply of housing within the Project, as defined in Section 3.5.5 of the BYSP, Developer is planning to provide a minimum of 100 units of "Attainable Housing" within the first 7 years after the Development Commencement Date. For the purposes of this Agreement, Attainable Housing shall be defined as nonsubsidized housing with rent or sale prices affordable to households with moderate incomes which are further defined to not exceed 120 percent of the Area Median Income for Butte County as determined by the State of California's Department of Housing and Community Development annual State Income Limits publication. No deed restrictions shall be required on the Project's Attainable Housing, however, Developer agrees to submit an annual report no later than February 15 of each year up to year 7, identifying Attainable Housing Units initially sold or initially leased during the preceding calendar year until the Developer has documented one hundred (100) Attainable Housing Units in satisfaction of this Section. Upon Developer's request, the City Manager shall have the authority to extend the 7-year timeline for performance under this section for good cause. The report shall include only

the information identified in Exhibit G (**Attainable Housing Report**). Household income and household size information shall be optional and need only be provided if voluntarily disclosed by the purchaser or tenant. Upon documentation of one hundred (100) qualifying Attainable Housing Units, Developer's obligations under this Section shall be deemed fully satisfied, and Developer shall have no further reporting obligations with respect to subsequently sold or leased units, unless Developer voluntarily elects to provide additional information.

Up to one-half of the portion of the Project site planned for the Athletics Facility (approximately 2.5 acres) may be subdivided and used to construct single-family homes to meet the requirements of this section, regardless of its R3 zoning. However, the subdivision and construction of single-family homes for Attainable Housing shall follow the BYSP design and development criteria applicable to land zoned R2.

SECTION 3.12 Sanitary Sewer Improvements. Developer shall install all Sanitary Sewer improvements identified in the 2025 Sanitary Sewer Master Plan (Master Plan), in addition to those required by City Municipal Code. Moreover, this project shall complete the trunkline extension project entitled “P20: Barber Yard Trunk Sewer” as contemplated by the Master Plan. Construction costs associated with Master Plan projects or those required by the Applicable City Law shall be borne exclusively by Developer unless the Master Plan project is identified in the City’s approved Development Impact Fee Program as a sewer facility subject to reimbursement of costs.

SECTION 3.13 Performance Bonds for Public Improvements Required. Developer shall submit for approval improvement plans for each subdivision phase showing all public improvements required for that phase of development. With regard to any Transferee which acquired more than three acres of the Project to develop, Transferee shall provide City with a performance bond or letter of credit, or other security approved by the City Attorney, ensuring the completion of the public improvements shown any approved improvement plans in the amount of 100% of the engineer’s estimate of cost of all public improvements not yet constructed. At City Manager’s discretion, relief from this bonding requirement may be provided at the time of tentative map approval or improvement plan approval for individual Transferee phases subject to this section.

## SECTION 4. CITY OBLIGATIONS

SECTION 4.1 Obligations of City Generally. The Parties acknowledge and agree that Developer’s agreement to perform and abide by its covenants and obligations, including Developer’s decision to build the Project in the City and to construct the Project consistent with the requirements set forth in this DA, is a material consideration for City’s agreement to perform and abide by its covenants and obligations set forth herein. Failure by City to perform its covenants and obligations set forth in this DA at the times and in the manner specified shall constitute a Default by City subject to the provisions of Section 6 below.

SECTION 4.2 Processing Subsequent Approvals. The Subsequent Approvals shall be deemed mechanisms to implement those final policy decisions reflected by the Initial Discretionary Approvals and other provisions of Applicable City Law. City shall cooperate and diligently and expeditiously work with Developer to promptly process and consider all applications for Subsequent Approvals (provided such application(s) are in a proper form and include all reasonably required information and payment of any and all applicable Regulatory Processing Fees), in accordance with Developer’s vested rights granted hereunder, and taking into consideration such factors, among others, as cost efficiencies, economies of scale, and

appropriate engineering practices. City shall retain its discretionary authority in its consideration of any and all Subsequent Approvals that involve discretionary decisions.

SECTION 4.3 Subsequent Approvals From Other Public Agencies. City and Developer acknowledge and agree that other public agencies not within City's control may possess jurisdiction to regulate aspect(s) of development of the Property and the Project and that this DA does not limit the jurisdiction of such other agencies. City shall reasonably cooperate with Developer in Developer's effort to process applications to obtain such Subsequent Approvals as may be required by other public agencies in connection with the development of, or the provision of services to, the Property and/or the Project; provided, however, City shall have no obligation to incur any costs, without compensation or reimbursement, or to waive or amend any City policy, regulation or ordinance in connection therewith. Developer shall pay all required fees when due to such other public agencies and Developer acknowledges that City does not control the amount of any such fees.

SECTION 4.4 Ivy Street Lot Line Adjustment. Pursuant to Section 3.10 above and subject to (a) City's adherence to all applicable required procedures pursuant to Government Code Sections 54220-54234, and (b) Developer's concurrent execution of the Exchange Agreement to effectuate the conveyance of the Ivy Street Lot Line Adjustment, City shall enter into the Exchange Agreement and facilitate the conveyance in fee to Developer of approximately 15,443 square feet of land in exchange for approximately 15,475 square feet of land to City, as shown on attached Exhibit D ("Ivy Street Lot Line Adjustment"). No other City discretionary approvals aside from a lot line adjustment application shall be required to effectuate the Ivy Street Lot Line Adjustment forth in Section 3.10 and Section 4.4 of this DA.

## SECTION 5.
## PERIODIC REVIEW

SECTION 5.1 Periodic Review. No later than every twelve (12) months after the Effective Date, Developer and City's Community Development Director (or his or her designee) shall meet and review this DA to ascertain Developer's good faith compliance with the DA. This periodic compliance review (the **"Periodic Review"**) shall be commenced based on the request of either Party and shall be conducted in accordance with the DA Statute and the Local DA Procedures. In conducting this Periodic Review, City acknowledges and agrees that any finding of non-compliance on Developer's part shall be limited in effect to Developer's interest in the Property. Furthermore, City acknowledges and agrees that if and to the extent Developer has Transferred all or a portion of its rights and obligations to other Transferee(s) pursuant to Section 1.5 above, then any such Transferee(s) shall be responsible for conducting the Periodic Review as it relates to their respective rights and obligations hereunder, although Developer shall cooperate with respect to reasonable information requests from any Transferee(s) in order to facilitate the Periodic Review process. If, as a result of City's Periodic Review, City determines, on the basis of substantial evidence, that Developer has not complied in good faith with the terms of this DA, City may terminate this DA in accordance with the DA Statute and the Local DA Procedures and the provisions of Section 6.1 below; provided, however, Developer reserves any and all rights it may have to challenge in court any termination by City of this DA. If more than one Developer has obtained rights and assumed obligations hereunder as a result of a Transfer pursuant to Section 1.5 above, then the termination of this DA as a result of a Developer Default shall extend only to those rights and obligations of the applicable Developer and shall not terminate those rights and obligations of any other Developer(s) that are not in Default.

SECTION 5.2 Notice of Compliance. At Developer's request, City shall, from time to time, timely execute and deliver to Developer a written "**Notice of Compliance**" in recordable form, duly executed and acknowledged by City, that certifies the following:

(i) This DA is in full force and effect;

(ii) This DA has not been amended or modified or, or if it has been amended or modified, identifying the amendments or modifications;

(iii) Developer is not in Default of the performance of its obligations, or if it is in Default, describing therein the nature and extent of any such Default(s);

(iv) City is not in Default of the performance of its obligations, or if it is in Default, describing therein the nature and extent of any such Default(s);

(v) Any other information reasonably requested by Developer.

City shall execute and return such Notice of Compliance within 30 Days following a request therefor. Developer shall have the right, at its sole discretion, to record the Notice of Compliance. Developer and City acknowledge that a Notice of Compliance hereunder may be relied upon by any existing or potential Mortgage Holders, tenants, and/or other Transferees. If City fails to deliver a Notice of Compliance within the 30 Days period, then Developer shall have the right to deliver a second request clearly indicating thereon that failure of City to respond within 5 Days of its receipt of such second notice shall be deemed City's approval of all of the terms and conditions set forth in the Notice of Compliance.

SECTION 5.3 Notice of Completion. Within thirty (30) days following any written request that a Developer may make from time to time, City shall execute and deliver to such Developer a written "**Notice of Completion**" in, duly executed and acknowledged by City, which certifies the completion of certain or all improvements and/or other obligations such Developer is obligated to make or satisfy, as applicable, under this DA or to explain in writing why such notice cannot be provided. The form of Notice of Completion shall be provided by the requesting Developer at the time of its written request and shall be subject to approval as to form by the City Attorney and approval as to content by the Community Development Director. The failure to deliver such a statement or explanation within such time shall constitute a conclusive presumption against City that all improvements and/or other obligations that are the subject of Developer's request have been completed. Developer may record the Notice of Completion.

## SECTION 6.
## DEFAULT, DELAYS, RIGHTS AND REMEDIES

SECTION 6.1 Default and Cure; Dispute Resolution. Subject to any Excused Delay, a failure or any delay by either Party to timely perform any material term or condition of this DA constitutes a default hereunder, but only if the Party who so fails or delays does not commence to cure, correct or remedy such failure or delay within sixty (60) Days after receipt of a written notice ("***Notice of Default***") from the non-defaulting Party specifying such failure or delay, and does not thereafter prosecute such cure, correction or remedy with diligence to completion (in such case, a "***Default***"). In the event City sends Developer a Notice of Default, City shall continue to process in good faith development applications for any and all Subsequent Approval(s) during any cure period, but need not approve any such application(s) if it relates to the Property with respect to which there is an alleged Default hereunder until such time as said

Default is cured, the Parties mutually resolve the matter, or a court of competent jurisdiction determines there is no such Default, as provided for in this Section 6.

Upon occurrence of a Default and without any right to further notice or additional cure period, the non-defaulting Party shall have all remedies available to it under this DA as set forth in Section 7.3 below; provided, however, neither Party shall have the right to recover any punitive, consequential, or special damages. Failure or delay in giving any Notice of Default shall not constitute a waiver of any Default and any waiver of a Default shall be in writing and be signed by the non-defaulting Party. For purposes of instituting a legal action under this DA, any City Council determination as it relates to an alleged Default hereunder shall be deemed a final agency action. Except as otherwise provided in this DA, waiver by either Party of the performance of any term or condition herein shall not invalidate this DA, nor shall it be considered a waiver of any other term or condition. Waiver by either Party of the time for performing any act shall not constitute a waiver of time for performing any other act or an identical act required to be performed at a later time. The delay or forbearance by either Party in exercising any remedy or right as to any Default shall not operate as a waiver of any Default or of any rights or remedies or to deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies. Nothing in this DA shall relieve a non-defaulting Party from satisfying any applicable requirements of the California Government Claims Act.

If a Default is not cured in the manner required by this Section 6.1, the non-defaulting Party shall provide the defaulting party written notice ("***Dispute Notice***") that specifies, in reasonable detail, the reasons that a Default and dispute exists, and what, if any, reasonable actions may be taken to cure the Default and resolve the dispute. Within thirty (30) Days after the Dispute Notice is given, the Parties shall meet and confer in good faith in an attempt to resolve the dispute. In addition to any other rights or remedies, if, following the meet and confer process, the non-Defaulting Party determines that the dispute cannot be resolved informally, the non-Defaulting Party may institute legal action to cure, correct, or remedy the Default, enforce any covenant or agreement herein, enforce by specific performance the obligations and rights of the Parties hereto, or obtain any other remedy consistent with this DA.

Notwithstanding anything to the contrary in the foregoing, if more than one Developer has obtained rights and assumed obligations hereunder as a result of a Transfer pursuant to Section 1.5 above, then provisions under this Section 6 shall apply only to the extent those rights and obligations so assumed by a Developer are implicated with respect to a Default hereunder.

SECTION 6.2 Legal Actions.

(a) Institution of Legal Actions. Upon occurrence of a Default and subject to the Parties' good faith participation in the meet and confer process described in Section 6.1 above, the non-Defaulting Party shall have all rights and remedies available to it under this DA and other applicable laws and regulations, including, without limitation, the right to institute a legal action or proceeding to cure, correct or remedy such Default. Legal actions must be instituted and maintained in the Superior Court of the County of Butte, State of California, or in any other appropriate court in that county.

(b) Interpretation. The internal laws of the State of California shall govern the interpretation and enforcement of this DA without regard to conflict of law principles.

(c) Acceptance of Service of Process. If any legal action is commenced by Developer against City, service of process on City shall be made by personal service upon the City Clerk, or in such other manner as may be provided by law. If any legal action is commenced by City against Developer, service of process on Developer shall be made by personal service upon Developer at the address indicated in Section 8.11 below, or in such other manner as may be provided by law.

(d) Attorney's Fees. In the event of any litigation by either Party pertaining to this DA, the prevailing Party in such litigation, in addition to any other relief which may be granted, shall be entitled to its reasonable litigation costs and expenses, including reasonable attorneys' fees.

SECTION 6.3 Rights and Remedies are Cumulative. Except as otherwise expressly stated in this DA, the rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same Default or any other Default by the other Party.

SECTION 6.4 Excused Delay; Extension of Times of Performance. In addition to the specific provisions of this DA, performance by either Party hereunder shall not be deemed to be in Default when the delay or Default is due to war; infectious disease; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; pandemics; global and/or national health crises; epidemics; quarantine or shelter in place restrictions and/or government orders related thereto; freight embargoes; lack of transportation; governmental restrictions or priority; unusually severe weather that prevents, limits, delays or hinders the ability to perform; environmental conditions discovered that delay construction or development, including delays resulting from investigation and/or remediation of such conditions; initiatives, referenda, Third-Party Litigation challenging this DA and/or other Project Approval(s) on CEQA or any other grounds or any other material litigation related to the Project; acts or the failure to act of a governmental or quasi-governmental authority (except that acts or the failure to act of City shall not excuse performance by City); or any other similar causes beyond the control or without the fault of the Party claiming an extension of time to perform (each, an "**Excused Delay**"). Excused Delay shall also include (provided the Party seeking the extension is acting with reasonable diligence) additional reasonable period(s) (a) required to complete compliance with and/or obtain approval, adoption or certification (as applicable) of any supplemental or subsequent environmental analysis and/or documentation required for the Project or any portion(s) thereof; (b) the full and final resolution of any Third-Party Litigation filed (and if no Thirty-Party Litigation has been filed, then the running of all applicable statutes of limitations period(s)) challenging this DA and/or other Project Approval(s) on CEQA or any other grounds or any other material litigation related to the Project in a manner that is acceptable to Developer in its sole and absolute discretion; and (c) required to complete any pending application or request before City for an action or approval (including any Subsequent Approval) under this DA or before City for an action or approval (including any Subsequent Approval) under the Project Approvals.

The Party claiming the benefit of this provision shall give notice to the other Party in

writing within fifteen (15) Days of the declaring Party having actual knowledge of the incident specifying with reasonable particularity the nature thereof, the reason therefor, the date and time such incident occurred and a reasonable estimate of the period that such incident will delay the fulfillment of obligations contained herein.

In the event of an Excused Delay, the delayed Party shall continue to exercise reasonable diligence to minimize the period of the delay. An extension of time for any such cause shall be limited to the period of the Excused Delay and shall commence to run from the time of the commencement of the cause. Times of performance under this DA due to an Excused Delay may also be extended by mutual written agreement by City and Developer, with the City Manager having the authority on behalf of City to so consent.

SECTION 6.5 Rights of Mortgage Holders of Approved Security Interests in the Property.

(a) Developer's Default Shall Not Defeat Mortgage Lien. If Developer Defaults, any such Default shall not defeat or render invalid the lien of any Mortgage(s) made in good faith and for value as to the Property, or any portion(s) thereof or interest(s) therein; provided, however, that unless otherwise provided herein, the terms and conditions of this DA shall be binding and effective against any and all Mortgage Holder(s) whose interest is acquired by foreclosure, trustee's sale or otherwise.

(b) Holder Not Obligated to Commence or Complete Project. In accordance with Section 2.5 above, a Mortgage Holder shall in no way be obligated by the provisions of this DA to commence or substantially complete construction of the Project (or any portions(s) thereof) or to guarantee any such commencement and/or completion of same; provided, however, nothing in this DA shall be deemed to or be construed to permit any such Mortgage Holder to devote the Property or any portion(s) thereof to any uses, or to construct any improvements thereon, other than those uses or improvements provided for or authorized by this DA and the other Project Approvals.

(c) Notice of Default to Mortgagee, Deed of Trust or Other Security Interest Holders. With respect to any Mortgage granted by Developer on the Property or any portion(s) thereof, whenever City shall deliver any notice or demand to Developer with respect to any Default by Developer, City shall at the same time deliver a copy of such notice or demand to each Mortgage Holder of record who has previously made a written request to City therefor, or to the representative of such Mortgage Holder as may be identified in such a written request. No notice of Default shall be effective as to the Mortgage Holder unless such notice is given.

(d) Right to Cure Developer Default Hereunder. Each Mortgage Holder (insofar as the rights of City are concerned) shall have the right, at its option, within ninety (90) Days after the receipt of the Notice of Default, to:

(i) Cure or remedy or commence to cure or remedy any such Default and diligently pursue said cure until the same is completed, and

(ii) Add the cost of said cure to the Mortgage debt and the lien of its Mortgage.

Provided that in the case of a Default which cannot with diligence be remedied or cured within such ninety (90) Day period, such Mortgage Holder shall have additional time as reasonably necessary to remedy or cure such Default.

If possession of the Property (or portion(s) thereof) is required to effectuate such cure or remedy, the Mortgage Holder shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within ninety (90) Days, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy (the foregoing time periods being subject to extension during the period that such holder is precluded from taking or pursuing any such action as a consequence of any bankruptcy stay or other court order).

If there is more than one such Mortgage Holder, the right to cure or remedy a Default of Developer under this Section 6.5 shall be exercised by the Mortgage Holder first in priority or as the Mortgage Holders may otherwise agree among themselves, but there shall be only one exercise of such right to cure and remedy a Default of Developer under this Section 6.5.

Nothing in this DA shall be deemed to permit or authorize such holder to commence or continue the construction of any portion of the Project (beyond the extent necessary to preserve or protect the improvements or construction already made) without first having expressly assumed Developer's obligations to City with respect to such improvements by written agreement with respect to the Property (or any portion(s) thereof) in which the Mortgage Holder has an interest.

(e) Modifications. If a Mortgage Holder should, as a condition of providing financing for development of all or a portion of the Project, request any modification of this DA in order to protect its interest in the Property or this DA, then City shall reasonably consider such request consistent with its land use authority and process any resulting amendment pursuant to the terms of Section 1.6 above.

**SECTION 7. PARTICIPATION IN THIRD-PARTY LITIGATION; INDEMNITY**

SECTION 7.1 In General. The Parties acknowledge and agree that each Party shall have the right to elect to defend any Third-Party Litigation subject to the obligations of this Section 6, which shall survive the expiration or termination of this DA.

SECTION 7.2 Developer Indemnification in the Event of Third-Party Litigation. Subject to Section 7.3 below, Developer agrees to indemnify City and shall hold and save City harmless from any and all Claims concerning any Third-Party Litigation except if and to the extent said Claims arise from City's negligence, willful misconduct, or fraudulent acts. "**Third-Party Litigation**" shall mean any court action or proceeding instituted by any third party (i.e., any private individual or entity or any non-City governmental or quasi-governmental agency) solely for the purpose of challenging the validity of any provision of this DA, the other Initial Discretionary Approvals, any Subsequent Approvals as and when issued, granted or obtained, or any CEQA issue(s) or document(s) approved in connection therewith. City shall provide Developer with prompt notice of the pendency of any action or proceeding for which it believes it

is entitled to indemnity under this Section 7.2 and request that Developer defend it regarding such action or proceeding (provided, however, that any delay or failure by City to notify Developer shall reduce Developer's obligations to so defend or indemnify City to the extent of any actual prejudice suffered by Developer due to the delay or failure by City). Developer's indemnification obligations under this Section 7.2 shall survive the expiration or termination of this DA.

SECTION 7.3 Cooperation in the Event of Third-Party Litigation. Subject to subsection (c) below, Developer and City shall cooperate in defending any Third-Party Litigation pursuant to this Section 7.3, and the Parties shall keep each other informed of all developments relating to such defense, subject only to any privilege and/or confidentiality requirements under applicable laws and regulations that may prevent the communication of such information.

(a) Meet and Confer. If Third-Party Litigation is filed, upon receipt of the complaint or petition, the Parties shall have twenty (20) Days to meet and confer regarding the merits of such Third-Party Litigation to determine whether each Party elects to defend same and if so, whether they elect to so jointly defend, which period may be extended by the Parties' mutual agreement so long as it does not adversely and materially impact any litigation deadlines. Subject to an election to defend, City and Developer shall mutually commit to meet all required litigation timelines and deadlines. If City and Developer agree jointly to defend the Third-Party Litigation, they shall expeditiously enter a joint defense agreement, which shall include, among other things, provisions regarding the preservation of confidential communications. The City Manager is authorized to negotiate and enter such joint defense agreement in a form reasonably acceptable to the City Attorney and Developer's attorneys. Such joint defense agreement shall also provide that any proposed settlement of the Third-Party Litigation shall be subject to Developer's approval, in its reasonable discretion, except in the event City elects to solely defend under subsection (c) below. If the terms of the proposed settlement would trigger an amendment of this DA, the settlement shall not become effective unless such amendment is mutually approved by the Parties in accordance with applicable laws and regulations.

(b) Defense Election**.** If, after meeting and conferring, the Parties mutually agree (each in its sole discretion) to defend against the Third-Party Litigation, then the following shall apply:

i. Developer shall take the lead role in defending such Third-Party Litigation and may, in its sole discretion, elect to be represented by the legal counsel of its choice.

ii. City may, in its sole discretion, elect to be separately represented by the City Attorney with the reasonable costs of such representation to be paid by Developer; provided, however, if City elects to proceed with any outside legal counsel of its choice in addition to the City Attorney, then City shall be solely responsible for any such additional legal fees and costs beyond those of the City Attorney.

iii. To the extent due hereunder, Developer shall reimburse City, within twenty (20) business Days following City's written demand therefor, reasonable legal fees and costs incurred by the City Attorney, as well as

court costs, incurred in the month prior in connection with the Third-Party Litigation; provided, however, that Developer shall not be required to pay any internal City staff costs associated with defending the Third-Party Litigation, nor any outside City legal costs; moreover, City shall provide Developer with reasonably sufficient information to document the basis for said request for payment.

The Parties intend that City's role under subsection (ii) above shall be primarily oversight although City reserves its right to protect City's interests, and City shall make good faith efforts to maximize coordination and minimize its legal costs (for example, minimizing filing separate briefs, and duplication of effort to the extent feasible).

(c) Election Not To Defend. If, after meeting and conferring, Developer and City both elect not to defend against the Third-Party Litigation, Developer shall remain obligated to indemnify and hold City harmless from and against any damages, attorneys' fees or cost awards that are actually awarded by a court of competent jurisdiction in accordance with Section 7.2 above.

In the alternative, if Developer elects, in its sole and absolute discretion, not to defend against the Third-Party Litigation, it shall deliver written notice to City regarding such decision. If Developer elects not to defend, City has the right, but not the obligation, in its sole discretion to proceed to defend against the Third-Party Litigation at its sole cost and expense, in which case City shall then take the lead role defending such Third-Party Litigation. If, following receipt of Developer's Notice of election not to defend, City elects to defend and takes the lead role in such litigation, then City shall be solely responsible for all damages, attorney's fees or cost awards, if any, which are actually incurred or awarded from and after such time City has made such election; provided, however, that City shall have no right to approve any settlement obligating Developer to make any payment(s), incur any liability or take any action(s) related thereto.

## SECTION 8.
## GENERAL PROVISIONS.

SECTION 8.1 Authority to Execute. The person or persons executing this DA on behalf of the Parties warrant and represent that they have the authority to execute this DA on their respective Party's behalf and represent that they have the authority to bind their respective Party to the performance of its obligations hereunder.

SECTION 8.2 Construction of DA. The language in all parts of this DA shall, in all cases, be construed as a whole and in accordance with its fair meaning. The captions of the paragraphs and subparagraphs of this DA are for convenience only and shall not be considered or referred to in resolving questions of construction.

SECTION 8.3 Covenants of Good Faith and Fair Dealing. Neither Party shall do anything which shall have the effect of harming or injuring the right of the other Party to receive the benefits of this DA; each Party shall refrain from doing anything which would render its performance under this DA impossible; and each Party shall do everything which this DA contemplates that such Party do to accomplish the objectives and purposes of this DA.

SECTION 8.4 Entire Development Agreement. This DA, together with the Exhibits, constitutes the entire agreement between the Parties with respect to the subject matter of this DA.

SECTION 8.5 Amendments of Legislative Approvals or Subsequent Approvals. No Subsequent Approval that is granted, issued or obtained pursuant to this Development Agreement, or amendment of a Project Approval that is consented to by Developer, shall require an amendment to this DA. Instead, so long as Developer consents, any such amendment of a Project Approval shall automatically be deemed a Subsequent Approval, as applicable, and vested under this DA.

SECTION 8.6 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Developers. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Developers. To the extent allowable by law, the Developers shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Developers find it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. The City Manager shall have the authority to execute and bind the City to duties and obligations of the City set forth in an Operating Memoranda. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized upon consultation with the Developers, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to this Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any Operating Memoranda hereunder without further City Council action. Where Tenants request Operating Memoranda, they shall be subject to review and approval by the Owner of the subject portion of the Project.

SECTION 8.7 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this DA and the satisfaction of the conditions of this DA. Upon the request of either Party at any time, the other Party shall promptly execute, file or record any required instruments and writings necessary to evidence or consummate the transactions contemplated by this DA, and take any actions as may be reasonably necessary under the terms of this Development Agreement to carry out the intent and to fulfill the provisions of this DA.

SECTION 8.8 Severability. The provisions of this DA are contractual, and not mere recitals, and shall be considered severable, so that if any provision or part of this DA shall at any time be held invalid, that provision or part thereof shall remain in force and effect to the extent allowed by law, and all other provisions of this DA shall remain in full force and effect and be enforceable.

SECTION 8.9 No Third-Party Beneficiaries. This DA is made and entered into for the sole protection and benefit of the Parties and their successors, assigns and Transferees. No other person shall have any right of action based upon any provision in this DA.

SECTION 8.10 Independent Contractors; Private Undertaking. Each Party is an independent contractor and shall be solely responsible for the employment, acts, omissions, control and direction of its employees. All persons employed or utilized by Developer in connection with implementing the Project shall not be considered employees of City in any respect. Except as expressly set forth herein, nothing contained in this DA shall authorize or empower either Party to assume or create any obligation whatsoever, express or implied, on behalf of the other Party or to bind the other Party or to make any representation, warranty or commitment on behalf of the other Party. The Project is a private undertaking of Developer. Nothing in this DA is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another.

SECTION 8.11 No Financial Assistance; Prevailing Wage Matters. City is not providing any direct or indirect financial assistance to Developer that would make any part of the Project a "public work" "paid for in whole or in part out of public funds," as described in California Labor Code section 1720, such that it would cause Developer to be required to pay prevailing wages for any aspect of the Project.

SECTION 8.12 Notices. All notices required or provided for under this DA shall be in writing and delivered in person or sent by (a) certified mail, postage prepaid, return receipt requested; (b) reputable "overnight courier" such as UPS or Federal Express to the principal offices of City and Developer, or Developer's Transferee(s), or (c) email (if followed by a hard copy delivered pursuant to another delivery method provided in this Section 8.11). Notice shall be effective on the date delivered in person, or the date when such notice is mailed to the address of the receiving Party indicated below, or for purposes of email, on the date sent so long as said email is sent by or before 5 p.m., Pacific Time (and if sent after 5 p.m. Pacific Time, then it shall be treated as received the following Day):

Notice to the City: City of Chico
Attention: City Manager
P. O. Box 3420
Chico, CA 95927
Email: citymanager@chicoca.gov

Notice to Developer: BY Land Holding Co, LLC
Attn: John Cornish
1811 Concord Avenue, Suite 200
Chico, CA 95928
Email: John@gdco.com

Copy to: GVR Partners
Attn: Nadia Costa
345 California Street, Suite 700
San Francisco, California 94104
Email: nadia.costa@gvrpartners.com

Notices sent by a Party's attorney on behalf of such Party shall be deemed delivered by such Party. Notices to Mortgage Holders by City shall be given as provided above using the address provided by such Mortgage Holders. Notices to Transferees shall be given by City as

required above only for those Transferees who have given City written notice of their addresses for purposes of receiving such notices.

SECTION 8.13 Counterparts. This DA and any amendments thereto may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument. Delivery of the executed DA may be accomplished by transmitting a PDF by electronic mail, and if so done, the electronically mailed copy shall be deemed an executed original counterpart of this DA for all purposes.

SECTION 8.14 Recording. The City Clerk shall cause a copy of this DA to be duly recorded in the official records of Butte County no later than ten (10) Days following execution of this DA by both Parties, which execution shall take place no sooner than the Effective Date.

SECTION 8.15 Equal Authorship. This DA has been reviewed by legal counsel for both Developer and City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this DA.

SECTION 8.16 Time. Time is of the essence of this DA and of each and every term and condition hereof.

SECTION 8.17 Exhibits. The exhibits attached to this DA are incorporated herein by reference, and are identified as follows:

Exhibit “A” Description and Map of BYSP Area

Exhibit "B” Description and Map of Off-Site Properties

Exhibit “C” City Impact Fees as of the Effective Date

Exhibit “D” Ivy Street Lot Line Adjustment

Exhibit “E” Pavement Restoration Phasing

Exhibit "F” Adjacent Neighborhood

Exhibit “G” Attainable Housing Report

Exhibit “H” Barber Yard Specific Plan Phasing

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IN WITNESS WHEREOF, the Parties have duly signed this DA as of the date first above written.

BY LAND HOLDING CO, LLC
a California Limited Liability Corporation

By: Dan Gonzales*
Sole Managing Member

CITY OF CHICO,
a Municipal Corporation

By: Gillian Haen*
City Manager

APPROVED AS TO FORM:

By: Ryan R. Jones, City Attorney**

** Pursuant to Chico Charter Sec. 906.D.

Approved pursuant to City of Chico
City Council Ordinance No. _____,
Adopted _____.

*Signatures to be acknowledged.

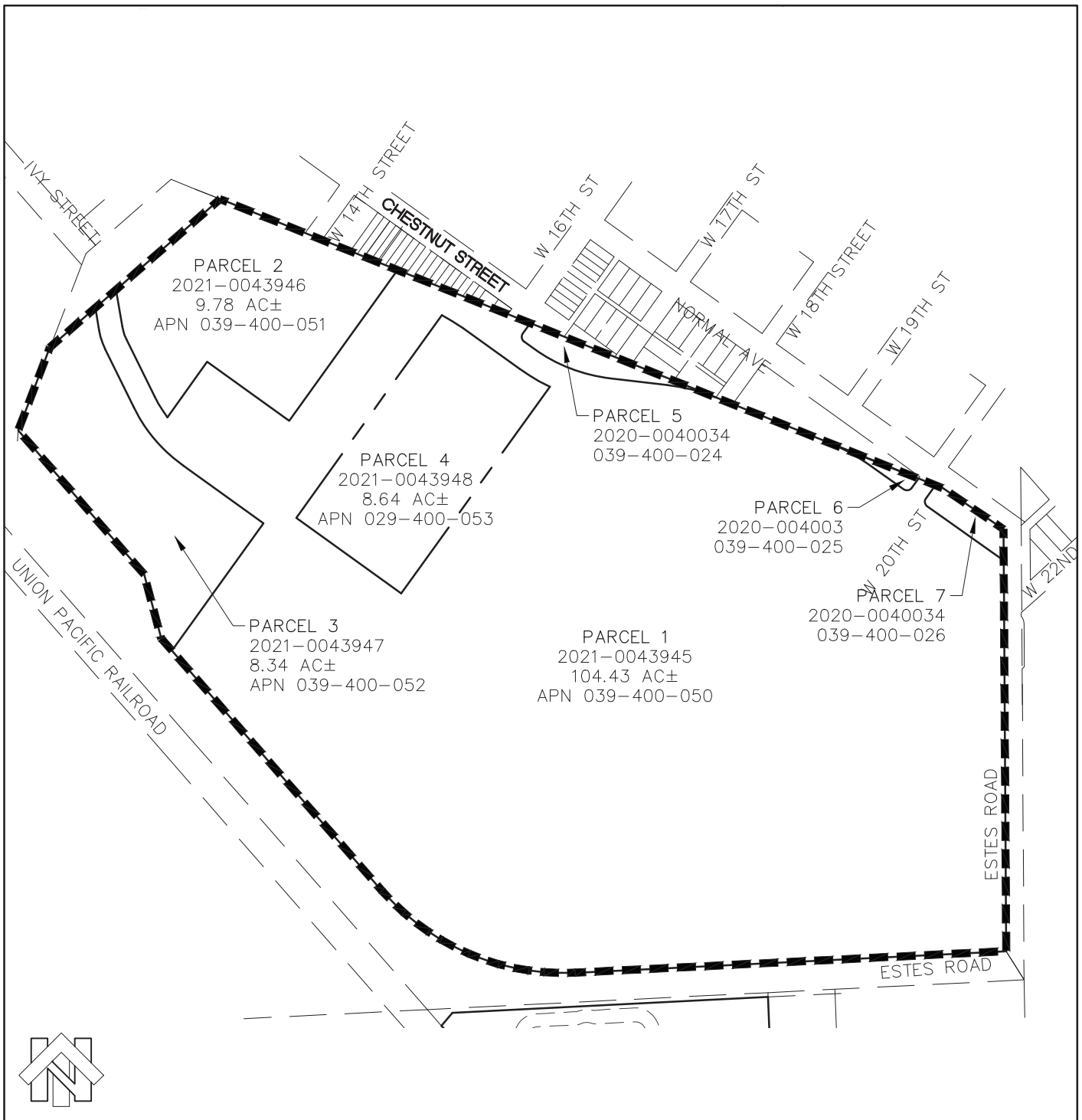

IVY STREET
W 14TH STREET
CHESTNUT STREET
W 16TH ST
W 17TH ST
W 18TH STREET
W 19TH ST
NORMAL AVE
PARCEL 2
2021–0043946
9.78 AC±
APN 039–400–051
PARCEL 5
2020–0040034
039–400–024
PARCEL 4
2021–0043948
8.64 AC±
APN 029–400–053
PARCEL 6
2020–004003
039–400–025
W 20TH ST
W 22ND
PARCEL 7
2020–0040034
039–400–026
UNION PACIFIC RAILROAD
PARCEL 3
2021–0043947
8.34 AC±
APN 039–400–052
PARCEL 1
2021–0043945
104.43 AC±
APN 039–400–050
ESTES ROAD
ESTES ROAD
LEGEND
BYSP AREA
EXHIBIT A
BYSP AREA
BARBER YARD
DEVELOPMENT AGREEMENT
SHEET 1 OF 3

EXHIBIT A
LEGAL DESCRIPTION

All that real property situate in the City of Chico, County of Butte, State of California, described as follows:

Being Parcels 1, 2, 3, and 4 as described in that Certificate of Compliance for Boundary Line Modification No. 21–06, recorded under Document Number 2021–0043734, Butte County Official Records and Parcels V, VI, and VII as described in that Grant Deed to Barber Holdings, LLC, recorded under Document Number 2020–0040034 and being more particularly described as follows:

Beginning at the most northerly corner of said Parcel 2;

Thence, along the northeast boundary of said Parcel 2, South 68°12'01" East, 649.93 feet to the most easterly corner of said Parcel 2, also being the most northerly corner of said Parcel 1;

Thence, along the northeast boundary of said Parcel 1, South 68°12'01" East, 486.20 feet to the most northerly corner of said Parcel V;

Thence, along the northeast boundary of said Parcel V, South 68°12'01" East, 677.67 feet to the most easterly corner of said Parcel V, also being a point on the northeast boundary of said Parcel 1;

Thence, along the northeast boundary of said Parcel 1, South 68°12'01" East, 416.84 feet to the most westerly corner of said Parcel VI;

Thence, along the northeast boundary of said Parcel VI, South 68°12'01" East, 327.25 feet to the most westerly corner of said Parcel VI, also being a point on the northeast boundary of said Parcel 1;

Thence, along the northeast boundary of said Parcel 1, South 68°12'01" East, 61.82 feet to the most northerly corner of said Parcel VII;

Thence, along the northeast boundary of said Parcel VII, South 68°12'01" East, 29.84 feet to an angle point in said northeast boundary of Parcel VII;

Thence, continue along said northeast boundary of Parcel VII, South 55°54'18" East, 246.57 feet to the northeast corner of said Parcel VII;

Thence, along the east boundary of said Parcel VII, South 00°31'50" East, 106.31 feet to the most southerly corner of said Parcel VII also being a point on the east boundary of said Parcel 1;

Thence, along the east boundary of said Parcel 1, South 00°31'50" East, 102.82 feet to an angle point in said east boundary of Parcel 1;

Thence, continuing along said east boundary of Parcel 1, South 00°20'53" East, 1,225.38 feet to the southeast corner of said Parcel 1;

Thence, along the southerly boundary of said Parcel 1, South 87°08'39" West, 1,467.89 feet to the beginning of a curve to the right, having a radius of 819.00 feet;

Thence, along the southerly and southwesterly boundaries of said Parcel 1, northwesterly, 738.63 feet along said curve, through a central angle of 51°40'23";

Thence, along the southwesterly boundary of said Parcel 1, North 41°11'41" West, 1,084.65 feet to the most southerly corner of said Parcel 3;

Thence, along the southwesterly boundary of said Parcel 3, North 41°11'41" West, 54.66 feet to an angle point in said southwesterly boundary of Parcel 3;

Thence, continuing along said southwesterly boundary, North 14°57'50" West, 225.99 feet to an angle point in said southwesterly boundary of Parcel 3;

Thence, North 41°11'41" West, 650.09 feet to the most westerly corner of said Parcel 3;

(CONTINUED ON SHEET 3)

EXHIBIT A
BYSP AREA

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 2 OF 3

EXHIBIT A
LEGAL DESCRIPTION

(CONTINUED FROM SHEET 2)

Thence, along the northwesterly boundary of said Parcel 3, North 20°51'20" East, 301.84 feet to an angle point in said northwesterly boundary of Parcel 3;

Thence, continuing along said northwesterly boundary, North 48°57'06" East, 205.02 feet to the most northerly corner of said Parcel 3 also being a point on the northwesterly boundary of said Parcel 1;

Thence, along said northwesterly boundary of Parcel 1, North 48°57'06" East, 93.82 feet to the most westerly corner of said Parcel 2;

Thence, along the northwesterly boundary of said Parcel 2, North 48°57'06" East, 468.97 feet to the point of beginning.

Containing 132.81 acres, more or less.

The basis of bearings of this description is that record of survey filed for record in the office of the Butte County Recorder in Book 205 of Maps, at Pages 43–44.




Timothy D. Alldrin, PLS 9684
NorthStar

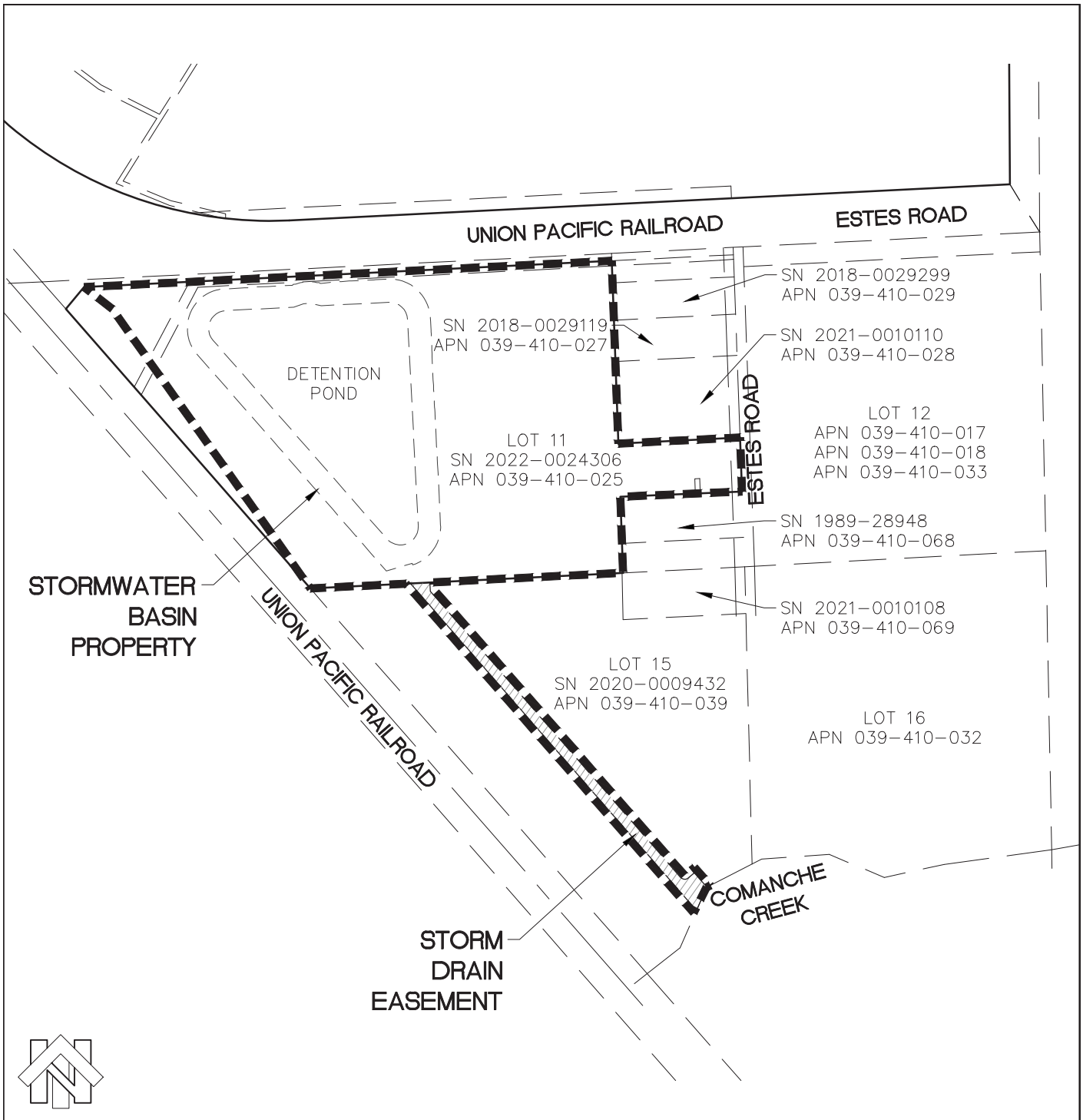
4/20/26
Date

**EXHIBIT A**
**BYSP AREA**

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 3 OF 3




# EXHIBIT B
# DETENTION POND AND OUTFALL PROPERTY

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 1

## DEVELOPMENT IMPACT FEES

| | | |
|---|---|---|
| **TRANSPORTATION FACILITY FEES** | | |
| **Street Facility Improvement Fees** | | |
| **Residential** | | |
| Single Family | 12,133.00 | Per Dwelling Unit |
| Multi Family | 10,403.00 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 23.47 | Per Square Foot |
| Office | 5.44 | Per Square Foot |
| **Industrial** | 2.74 | Per Square Foot |
| **Other** | 263.00 | Ave Daily Vehicle Trips rate |
| **Street Maintenance Equipment Fees** | | |
| **Residential** | | |
| Single Family | 313.50 | Per Dwelling Unit |
| Multi Family | 267.50 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 0.60 | Per Square Foot |
| Office | 0.14 | Per Square Foot |
| **Industrial** | 0.07 | Per Square Foot |
| **Other** | 10.47 | Ave Daily Vehicle Trips rate |
| **Bikeway Improvement Fees** | | |
| **Residential** | | |
| Single Family | 843.00 | Per Dwelling Unit |
| Multi Family | 719.00 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 1.63 | Per Square Foot |
| Office | 0.37 | Per Square Foot |
| **Industrial** | 0.18 | Per Square Foot |
| **Other** | 0.00 | No Fee |
| | | |
| **STORM DRAIN FACILITY FEES** | | |
| **Comanche Creek** | 28,590.00 | Total Cost Per Acre |
| **Residential** | | |
| Single Family | 14,295.00 | Per Acre Cost |
| Multi Family | 21,443.00 | Per Acre Cost |
| **Commercial and Industrial** | 22,872.00 | Per Acre Cost |
| **Little Chico Creek** | 31,150.00 | Total Cost Per Acre |
| **Residential** | | |
| Single Family | 15,577.00 | Per Acre Cost |
| Multi Family | 23,363.00 | Per Acre Cost |
| **Commercial and Industrial** | 24,922.00 | Per Acre Cost |

EXHIBIT C
IMPACT FEES AT APPROVAL

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 3

**SEWER FEES**

| | | |
|---|---|---|
| **Water Pollution Control Plant Capacity Rates** | | |
| **Residential** | | |
| Single Family | 1,973.00 | Per Dwelling Unit |
| Multi Family | 1,670.00 | Per Dwelling Unit |
| **Non Residential** | | |
| Commercial, Office, Medical, Industrial | 7,472.00 | Per Acre |
| Additional Non-Residential Categories | | |
| Motel/Hotel with /restaurant | 1,868.00 | Per Room |
| Motel/Hotel w/o restaurant | 934.00 | Per Room |
| Convalescent Hospitals | 934.00 | Per Bed |
| Hospitals | 1,401.00 | Per Bed |
| Dormitory or Group Dwelling w/ Food Services | 1,868.00 | Per 3 Occupants |
| Dormitory or Group Dwelling w/o Food Services | 1,868.00 | Per 6 Occupants |
| Schools | 1,868.00 | Per 9.2 FTE Students |
| Park or Recreational Facility | 1,868.00 | Per 20 Fixture Unit |

| | | |
|---|---|---|
| **Trunkline Capacity Rates** | | |
| **Residential** | | |
| Single Family | 2,356.00 | Per Dwelling Unit |
| Multi Family | 1,995.00 | Per Dwelling Unit |
| **Non Residential** | | |
| Commercial, Office, Medical, Industrial | 8,923.00 | Per Acre |
| Additional Non-Residential Categories | | |
| Motel/Hotel with /restaurant | 2,230.75 | Per Room |
| Motel/Hotel w/o restaurant | 1,115.38 | Per Room |
| Convalescent Hospitals | 1,115.38 | Per Bed |
| Hospitals | 1,673.06 | Per Bed |
| Dormitory or Group Dwelling w/ Food Services | 2,230.75 | Per 3 Occupants |
| Dormitory or Group Dwelling w/o Food Services | 2,231.00 | Per 6 Occupants |
| Schools | 2,230.75 | Per 9.2 FTE Students |
| Park or Recreational Facility | 2,230.75 | Per 20 Fixture Unit |

| | | |
|---|---|---|
| **Sewer Main Installation Rates** | | |
| Residential | 64.14 | Per Front Ft. 60' Min |
| Non Residential | 64.14 | Per Front Ft. 60' Min |
| Reimbursement for Sewer Main Extension | 67.21 | Per Front Ft |
| Sewer Lateral Installation Fee | 41.92 | Per Front Ft. |

EXHIBIT C
IMPACT FEES AT APPROVAL

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 2 OF 3

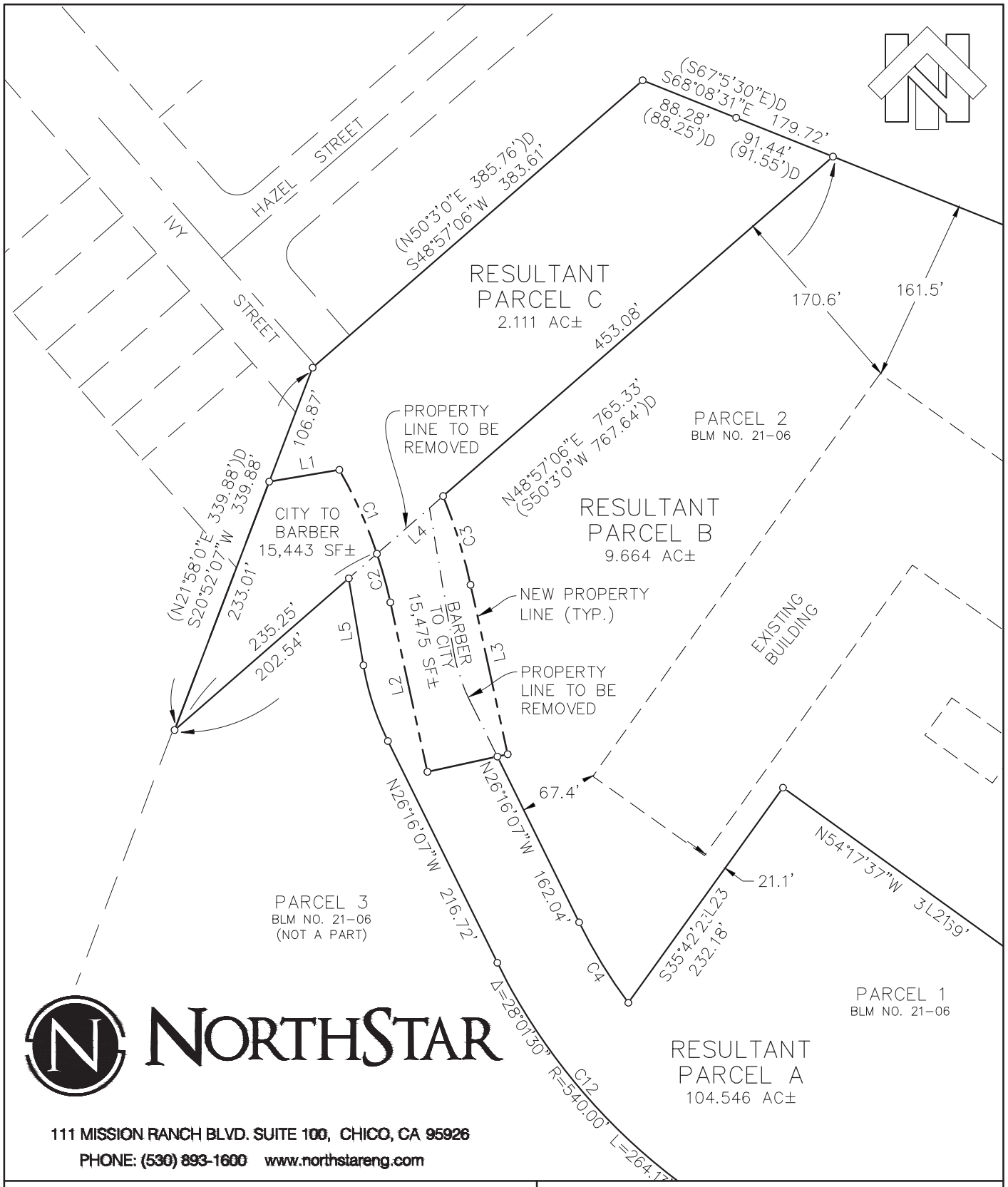
| | | |
|---|---|---|
| **PARK FACILITY FEES** | | |
| **Residential** | | |
| Single Family | 5,422.00 | Per Dwelling Unit |
| Multi Family | 5,422.00 | Per Dwelling Unit |
| **Commercial and Industrial** | 00.00 | Per Acre |
| **Bidwell Park Land Acquisition Fee** | | |
| **Residential** | | |
| Single Family | 77.00 | Per Dwelling Unit |
| Multi Family | 77.00 | Per Dwelling Unit |
| **Commercial and Industrial** | 00.00 | Per Dwelling Unit |
| **Factors For Usage** | | |
| **Residential** | | |
| Single Family | | 2.6 persons/household |
| Multi Family | | 2.2 persons/household |
| | | |
| **BUIDING AND EQUIPMENT FEES** | | |
| **Administration Building Fee** | | |
| **Residential** | | |
| Single Family | 58.00 | Per Dwelling Unit |
| Multi Family | 58.00 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 00.00 | Per Square Foot |
| Office | 00.00 | Per Square Foot |
| **Industrial** | 00.00 | Per Square Foot |
| **Fire Protection Building and Equipment Fee** | | |
| **Residential** | | |
| Single Family | 454.00 | Per Dwelling Unit |
| Multi Family | 454.00 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 00.84 | Per Square Foot |
| Office | 00.75 | Per Square Foot |
| **Industrial** | 00.01 | Per Square Foot |
| **Police Protection Building and Equipment Fee** | | |
| **Residential** | | |
| Single Family | 519.00 | Per Dwelling Unit |
| Multi Family | 519.00 | Per Dwelling Unit |
| **Commercial** | | |
| Retail | 2.55 | Per Square Foot |
| Office | 00.28 | Per Square Foot |
| **Industrial** | 00.03 | Per Square Foot |

EXHIBIT C
IMPACT FEES AT APPROVAL

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 3 OF 3




NORTHSTAR
111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926
PHONE: (530) 893-1600 www.northstareng.com

# EXHIBIT D
# IVY STREET LOT LINE ADJUSTMENT

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 1

## Modified Table 7: Phased Approach to Pavement Improvements

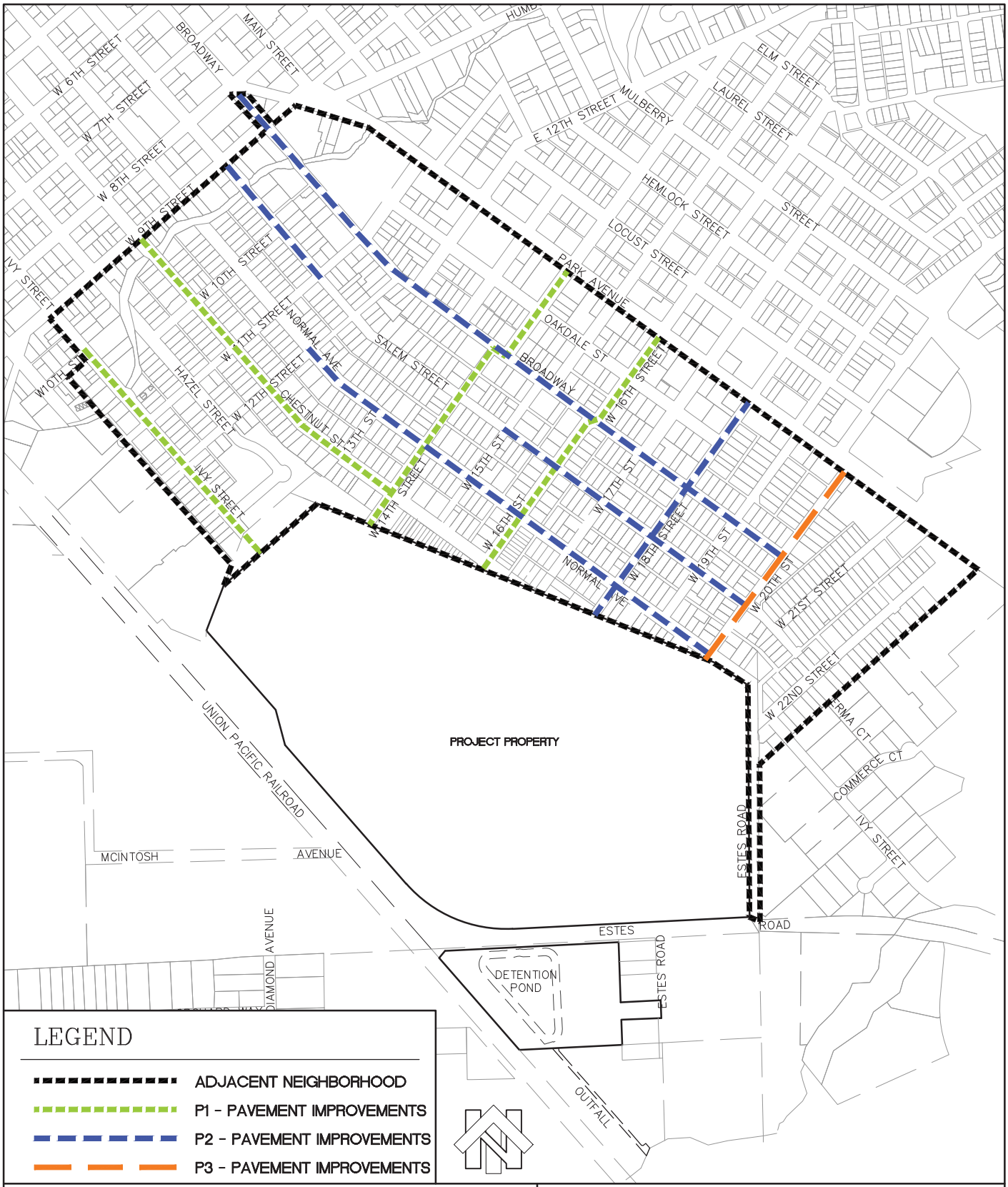
| Phase | Streets to Improve |
|---|---|
| Phase 1 | Ivy Street from within Barber Yard Plan Area to W. 10th Street<br>W. 14th Street from within Barber Yard Plan Area to Park Avenue<br>Chestnut Street from W. 9th Street to W. 14th Street<br>W. 16th Street from within Barber Yard Plan Area to Park Avenue |
| Phase 2 | W. 18th Street from within Barber Yard Plan Area to Park Avenue<br>Broadway from W. 8th Street to W. 20th Street<br>Salem Street from W. 9th Street to 11th Street & W. 15th Street to W. 20th Street<br>Normal Avenue from W. 12th Street to W 20th Street |
| Phase 3 | W. 20th Street from within Barber Yard Plan Area to Park Avenue |

**EXHIBIT E**
**PAVEMENT RESTORATION PHASING**

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 1

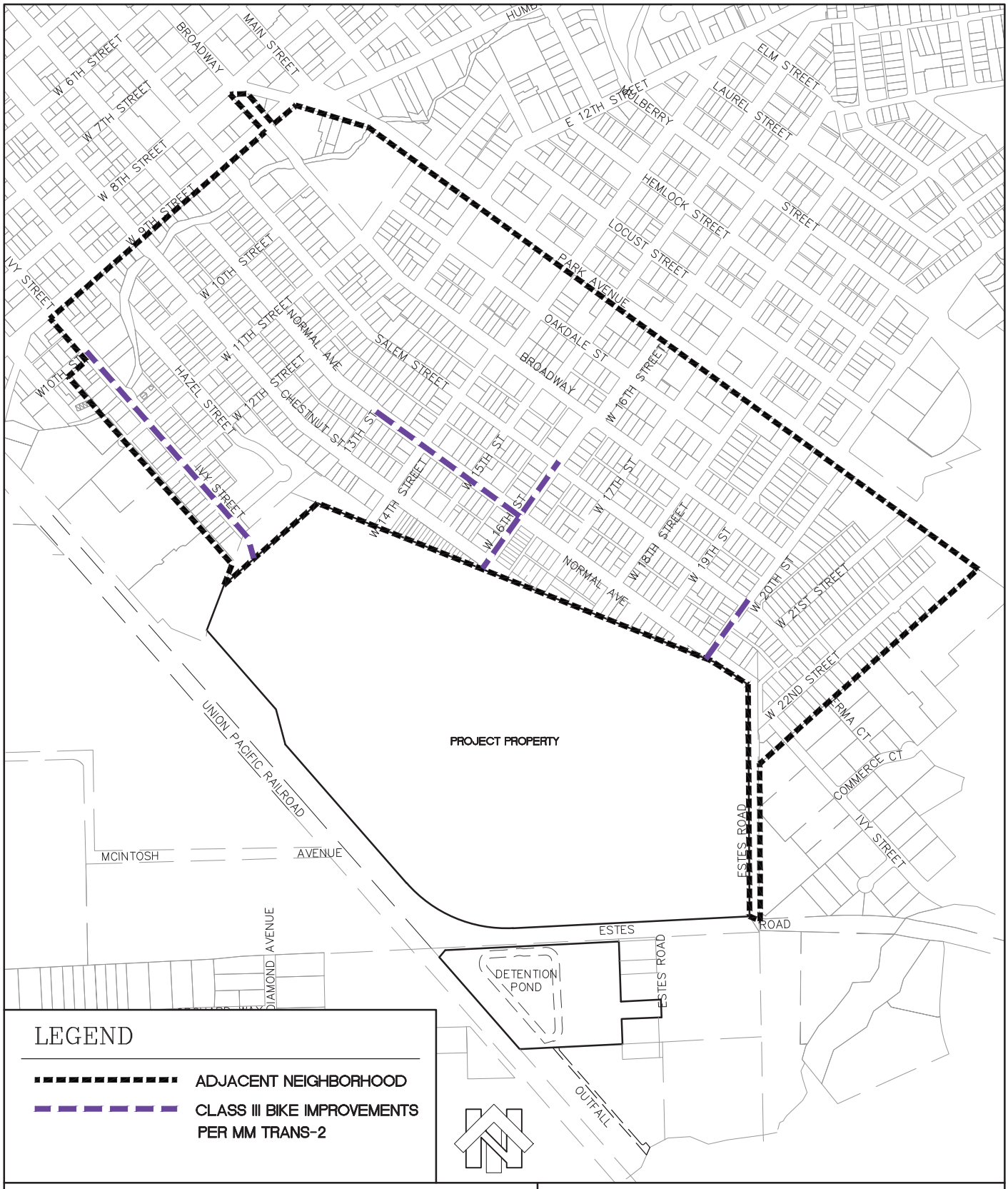



# EXHIBIT F
# ADJACENT NEIGHBORHOOD IMPROVEMENTS

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 3

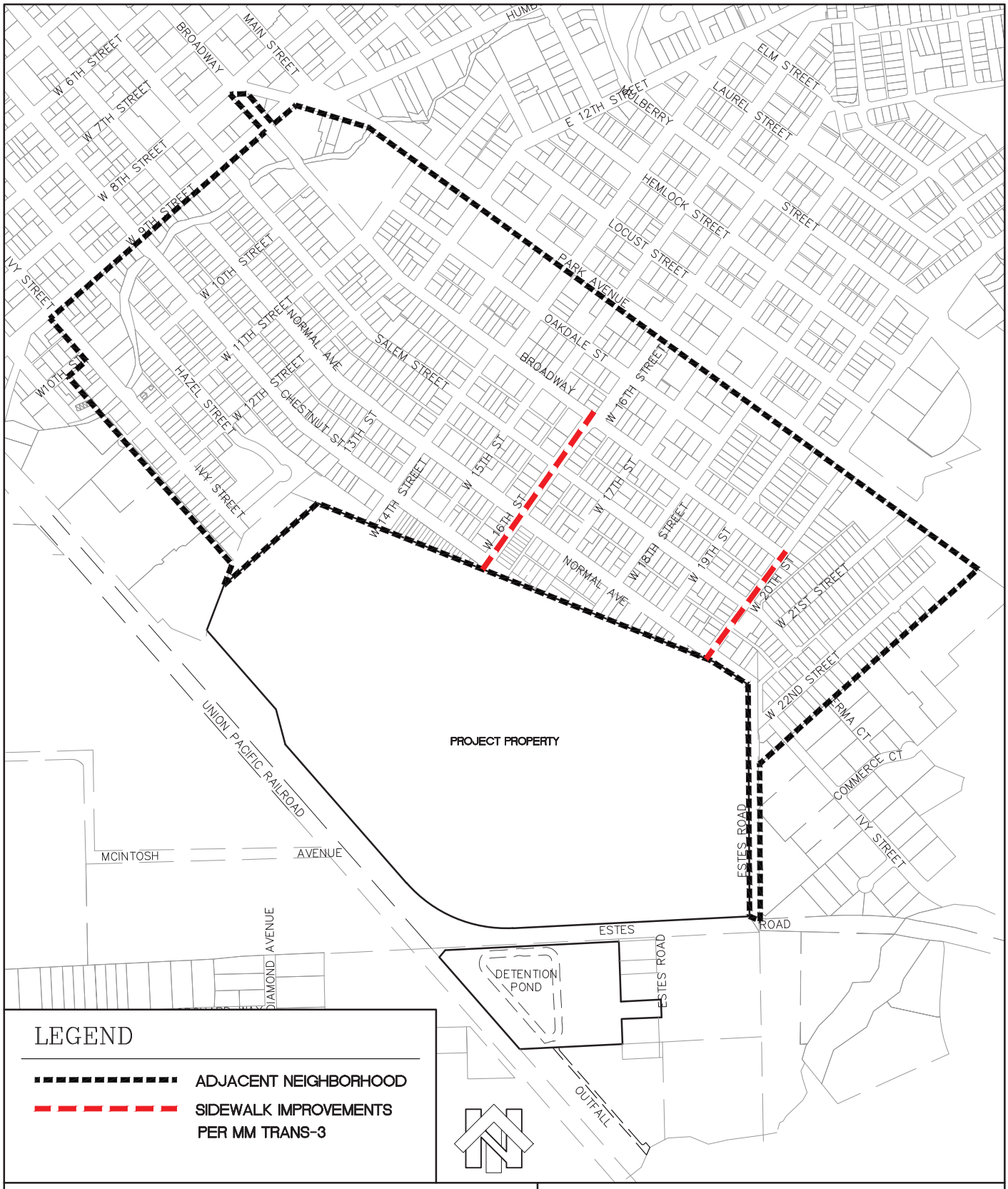



# EXHIBIT F
# ADJACENT NEIGHBORHOOD IMPROVEMENTS

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 2 OF 3




# EXHIBIT F
# ADJACENT NEIGHBORHOOD IMPROVEMENTS

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 3 OF 3

**Barber Yard Specific Plan Development Agreement**

Name of Preparer:

**Attainable Housing Report**

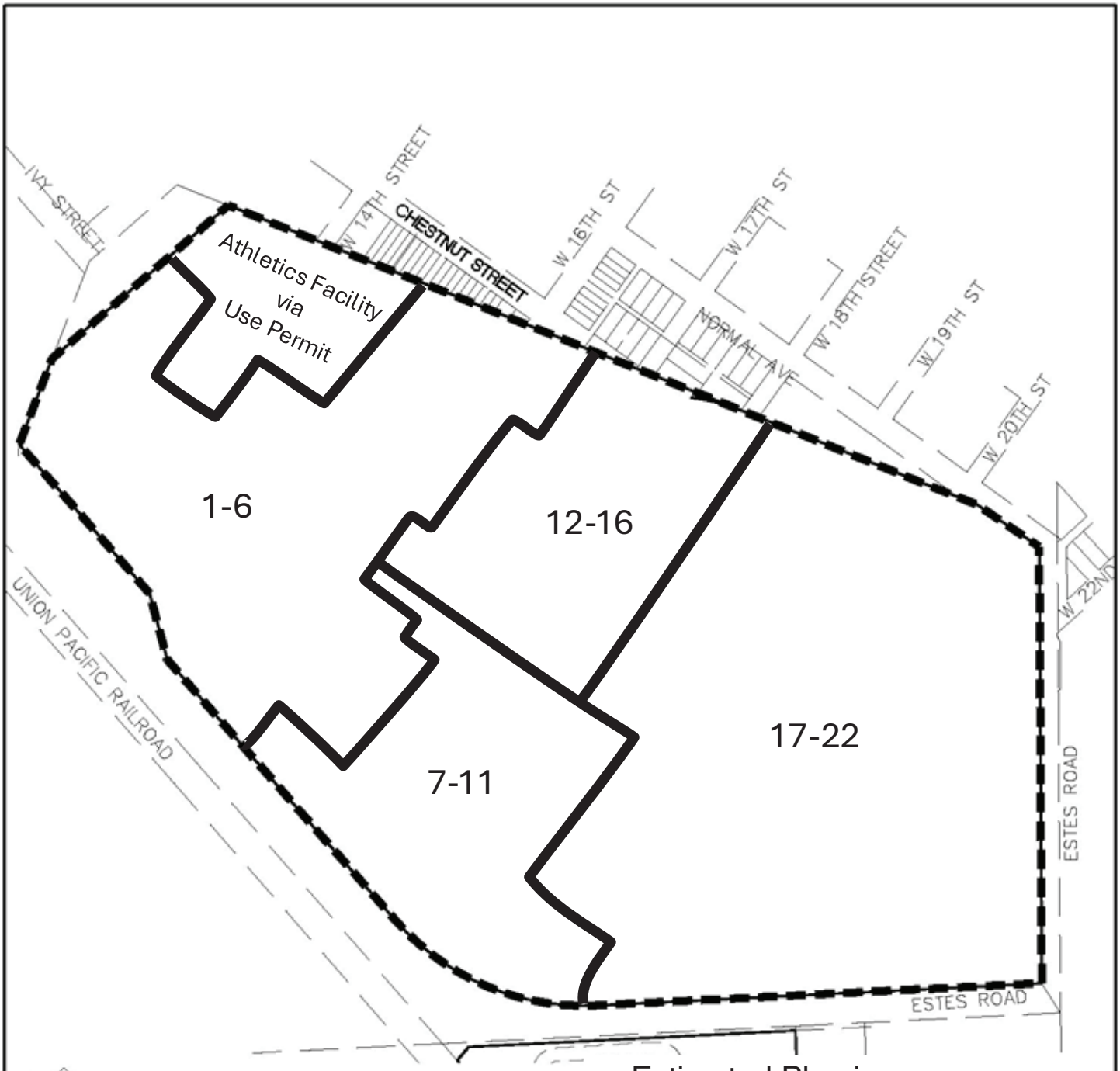
Year of Reporting:

*Submit annually by Feb. 15 to City of Chico, Housing Division - cityhousing@chicoca.gov*

| | | | | | | Optional | |
|---|---|---|---|---|---|---|---|
| | Address or APN | # Bedrooms | Tenure (owner or renter) | Final Sales Price | Monthly Rental Price | Annual Household Income | Household Size |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| ... | | | | | | | |

**Notes:** - Developer to prepare an annual report by February 15th for the preceding calendar year for units sold or leased that meet the requirments of DA Section 3.11 during that year.

- Developer is not responsible to report on any units sold or leased by other parties.




Estimated Phasing

Phases 1-6: Years 1 through 15
Phases 7-11: Years 3 through 25
Phases 12-16: Years 3 to 20
Phases 17-22: Years 5 to 25

[1] *From Development Commencement Date*

LEGEND

BYSP AREA

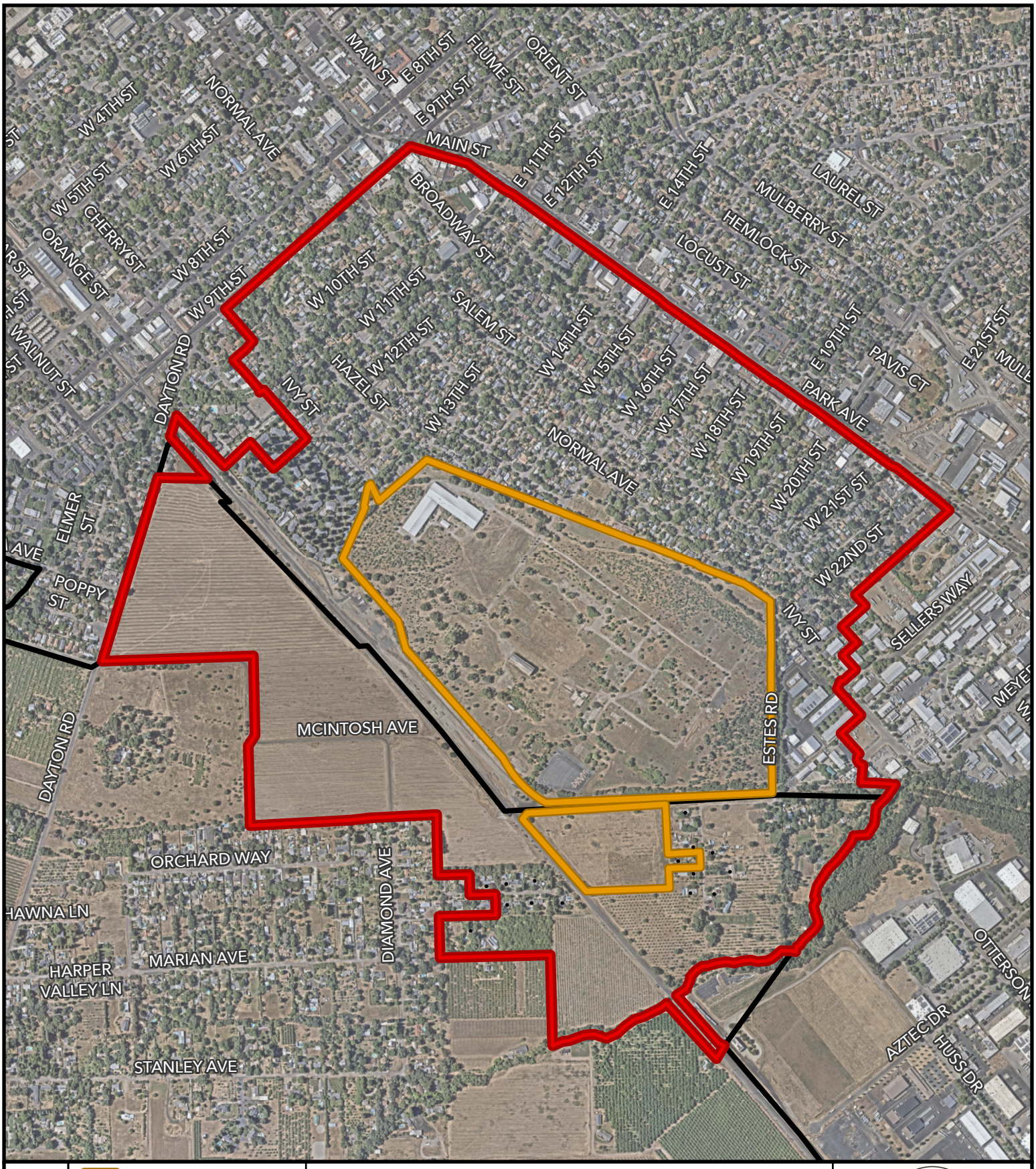
EXHIBIT H

Estimated Phasing

BARBER YARD

DEVELOPMENT AGREEMENT

SHEET 1 OF 1




# LOCATION MAP

APNs: 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, 039-400-053, and 039-410-025

CITY OF CHICO
INC. 1872

**Attachment B**

DATE PRODUCED: September 8, 2026




Figure 3.2 Proposed general plan land use designations



# PC Report Attachment C

# CLARIFICATIONS AND REFINEMENTS

The following are clarifications and minor revisions to supplement the information contained in the Draft Environmental Impact Report (Draft EIR) and Final EIR for the Barber Yard Specific Plan (State Clearinghouse No. 2023030641). The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

## Final EIR

### Section 1: Introduction, Page 1-1

Following preparation of the Final EIR document dated September 16, 2026, the City released an updated version of the Barber Yard Specific Plan (dated November 2026), containing refinements and clarifications for various elements of the plan.

The clarifications and refinements made to the Barber Yard Specific Plan include:

- Expressly stating that contaminated soils will be removed from the site by rail, if feasible
- Clarifying that the proposed Athletics Facility will be subject to City use permit approval
- Adding details for fencing height and setback standards
- Classifying parks into neighborhood-serving or community-serving
- Separating Dog Park from Picnic Grove Park and The Diamond at Barber Yard
- Re-aligning the future segment of West 18th Street
- Detailing traffic controls at new internal street intersections
- Specifying concrete for the proposed multi-use paths instead of asphalt
- Providing details for various street and bike path connections
- Showing required improvements for the Normal Avenue frontage
- Removing infeasible or undesirable traffic calming measures
- Providing that stormwater retention will be located either off-site within the 13.5-acre stormwater basin parcel (preferred), subject to all necessary approvals, or on-site within the BYSP Area, with the location determined by the milestone set forth in Specific Plan Section 6.4.4. The on-site location was analyzed in the EIR as Alternative 3, the On-Site Stormwater Basin Alternative, and would require reducing the maximum residential yield within the Project to approximately 1,096 units.
- Clarifying the acreage of the total off-site improvement area (approximately 16 acres) and the off-site stormwater basin parcel (approximately 13.5 acres)
- Adding the Mitigation Measures identified in the EIR as an appendix to the specific plan, and
- Other minor edits, typographical corrections and text clarifications.

The clarifications and refinements to the Barber Yard Specific Plan, individually and in sum, do not give rise to any new significant environmental impacts, would not substantially increase the severity of any environmental impacts identified in the EIR, and would not introduce any feasible project

alternatives or mitigation measures considerably different from those previously analyzed in the EIR. The environmental effects of both the off-site and on-site stormwater detention locations were analyzed in the EIR. Accordingly, these clarifications and refinements do not constitute significant new information requiring recirculation under CEQA Guidelines Section 15088.5. All the mitigation measures identified in the EIR are feasible and remain applicable to the updated specific plan.

## Draft EIR

## Executive Summary

### *Purpose, Page ES-1*

(State Clearinghouse No. 202303064120230360~~41~~)

## Introduction

### *Overview of CEQA Process, Page 1-1*

(State Clearinghouse No. 202303064120230360~~41~~)

## Project Description

### *Local Setting, Page 2-9*

The proposed project also includes an approximately 16-acre off-site improvement area which is mostly located south of the BYSP Area, in unincorporated Butte County, on APN 039-410-025 (Exhibit 2-2a and 2-2b), and also includes various other public utility connections for a new storm drainage outfall and various public roadway/bike path connections around the perimeter of the BYSP Area.

The 16-acre off-site improvement area includes a 13.5-acre stormwater basin parcel (APN 039-410-025) located within the unincorporated area, and several small miscellaneous areas around the perimeter of the BYSP Area associated with new street and utility connections.

### *Stormwater Drainage, Page 2-30*

Stormwater detention for the project will be provided either (a) off-site within the 13.5-acre stormwater basin parcel, which is the preferred location, subject to all necessary approvals required under applicable laws and regulations, or (b) on-site within the BYSP Area, as analyzed in Section 6.5 of this Draft EIR (Alternative 3, On-Site Stormwater Basin Alternative). The location will be determined in accordance with Section 6.4.4 of the Barber Yard Specific Plan.

### *Responsible and Trustee Agencies, Page 2-50*

A number of other agencies may have jurisdiction over aspects of the proposed project and thus would serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR would provide environmental information to these agencies and other public agencies, which may be coordinated with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- United States Army Corps of Engineers (USACE)
- United States Fish and Wildlife Service (USFWS)
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)

- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Butte County Air Quality Management District (Butte County AQMD)
- County of Butte
- Department of Toxic Substances Control (DTSC)
- Local Agency Formation Commission (LAFCo)

# General Plan Consistency
# Barber Yard Specific Plan Project

## City of Chico 2030 General Plan Overview

The Chico 2030 General Plan (General Plan) provides the following guidance for using the document:

> Given the broad scope of the General Plan, not all goals and policies are obviously complementary, and yet they all support the overarching vision for the City. When making decisions, goals and policies should be examined comprehensively, not individually. It is not the intent of the General Plan to predetermine decisions, but rather to help guide the decision-making process. (Introduction, p. 1-1)

The proposed Barber Yard Specific Plan (BYSP) need not be found consistent with every General Plan policy to warrant a finding of overall consistency with the General Plan, and there is no individual policy in the General Plan that, by itself, prevents finding the BYSP consistent with the General Plan. The policy direction is intended to be examined comprehensively.

Although there are no fundamental policies that individually dictate the outcome of a consistency determination, the General Plan text, policies, and actions bear varying degrees of applicability to an evaluation of BYSP consistency. For instance, the BYSP planning area directly relates to the Barber Yard Special Planning Area (SPA-2) described in the General Plan, so the policies associated with SPAs are featured most prominently in the following consistency analysis. Policies that deal with land use and development in general are addressed secondarily, and policies that are peripheral or unrelated to the City's consideration of a proposed specific plan are handled lastly or omitted from this focused evaluation.

## Consistency with Direction on SPAs

The General Plan identifies four new growth areas (SPAs) to help meet the City's future housing and job needs. *"Within each SPA, the City has identified a mix of desired land uses in the form of a conceptual land plan. The conceptual land plans do not represent precise proportions or locations for particular land uses. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area (page 3-15)."* The project site is located within SPA-2, Barber Yard SPA.

The first part of this section addresses the policy language which directly relates to SPA-2, followed by the policies which relate to all four of the General Plan's SPAs.

<u>Specific Direction for the Barber Yard SPA</u>

The General Plan, Appendix C (*Special Planning Areas*), states: *"General Plan consistency findings for subsequent land use planning will rely on a determination of substantial compliance with the written*

*descriptions of land use concepts and development capacity assumed for each SPA"* (p. C-1). The development capacity listed on page C-1 for the Barber Yard SPA includes 1,096 dwelling units and 403,822 square feet of non-residential floor area on approximately 112 net acres.

The written description for the Barber Yard SPA states the following:

> The Barber Yard SPA will include a mix of residentially designated land, including low, medium, and high density residential, and residential mixed-use, with an overall average density of approximately 6 to 15 units per acre. Residential areas will be developed as an interconnected series of walkable neighborhoods served by a village center and parks. Additional land uses in the SPA will include office, light industrial and public uses.
>
> Planning for this SPA will include adaptive reuse of existing buildings. The Barber Yard site will be physically reconnected to the adjacent neighborhood by extending existing streets into the site and improving connectivity to the south in order to disperse traffic impacts on the existing residential neighborhood. Design guidelines to be developed as part of future land use planning will integrate themes of the site's historical use, as well as the architecture from the adjacent neighborhood. Public transit will serve this SPA with a connection to the mixed-use village center. (Appendix C, p. C-2)
>
> Action LU-6.2.3 (Barber Yard SPA Planning) – Plan the Barber Yard SPA with a mix of low, medium and high residential densities, a neighborhood core or commercial mixed-use center, office and light industrial uses, and parks and open space. Subsequent planning will:
>
> - Address circulation with a focus on extending and improving existing streets into the site that will distribute traffic on multiple streets, and improving connectivity in order to reduce traffic impacts on the existing residential neighborhood.
> - Incorporate adaptive reuse of existing buildings, where feasible. (p. 3-37)

Consistency Analysis: The proposed BYSP General Plan Land Use Designations (BYSP Figure 3.2) depicts a variety of designations across the Barber Yard Special Planning Area, including Medium Density Residential, Medium-High Density Residential, Residential Mixed Use, Primary Open Space and Secondary Open Space. This mix of Land Use Designations is based on extending existing residential land use patterns, and streets, into the site from the neighborhoods located east (Barber Neighborhood, mixed residential) and north (predominantly higher density housing) and arranging those residential uses around a centralized mixed-use area containing commercial uses, and new parks and other recreational facilities. Primary (passive) open space is designated for the existing 3-acre asphalt cap, which would only be used for surface parking or avoided. Secondary (active) open space would be applied to areas reserved for public parks and private recreational facilities, including the adaptive reuse of the existing Diamond Match buildings. Specifically, the existing large Warehouse is planned to be adaptively re-used as a commercial athletics facility and the historic Engineering Building is planned to become the central element of a future "Social Hub," serving as a flexible social gathering and commerce space. The BYSP contains development standards for typical parcels, small-lot subdivisions, and provisions for variety in lot types, building types, floor plans and architectural styles to ensure residential diversity.

It is in the ways described above that the BYSP plans for a highly connected, mixed-use development offering adaptive reuse of existing historic buildings and a mixed-use village center, consistent with General Plan guidance for SPA-2.

The BYSP includes a potential development capacity of 1,250 dwelling units and a total of approximately 210,000 square feet of non-residential floor area, including approximately 150,000 square feet of adaptive reuse space from the three existing on-site buildings. This is a greater number of residential units (a 14% increase) and approximately one-half of the non-residential square footage contemplated by the SPA narrative in Appendix C of the General Plan. With an average density of approximately 9.4 dwelling units per acre, the BYSP would support residential development near the center of the density range of 6-15 units per acre anticipated by the General Plan. The BYSP's modest increase in residential capacity relative to the General Plan's concepts would be more than offset by the nearly one-half reduction in non-residential capacity.

The BYSP development would be physically connected to the adjacent neighborhoods by extending existing streets into the site, creating interconnected walkable neighborhoods served by a centralized commercial and recreational area. The BYSP omits dedicated office and light industrial uses, instead focusing primarily on the provision of new housing and recreational opportunities. Plans for transit service are included in the BYSP, showing a proposed fixed bus route using Ivy and West 16th Streets. In sum, the Barber Yard Specific Plan and associated approvals are consistent with the General Plan's vision for the SPA.

General Direction for Development of SPAs

Special Planning Areas, or SPAs, are defined in Table LU-2 of the Land Use Element of the General Plan as follows: *"This designation identifies areas for significant new growth that require subsequent comprehensive planning. Horizontal or vertical mixed-use is required (except for the Bell-Muir SPA). The General Plan includes a conceptual land plan for each SPA. Subsequent planning efforts for each area shall be found to be in substantial compliance with relevant SPA provisions and policies in the General Plan."* (p. 3-14)

Further, the General Plan includes the following policy direction specific to SPAs in the Land Use Element:

*"New Growth Areas. The General Plan identifies 4 new growth areas to help meet the City's future housing and job needs. These areas are designated as Special Planning Areas with conceptual land use plans, assumed development capacities, and policies guiding their detailed master planning. The Special Planning Areas are to be developed as connected and complete neighborhoods with a mix of housing types, services, employment and shopping opportunities, parks, and open space."* (p. 3-7)

*"Special Planning Areas. The Land Use Diagram includes [four] Special Planning Areas (SPAs). This designation identifies areas with significant new growth potential and carries a requirement for subsequent planning prior to development. Within each SPA, the City has identified a mix of desired land uses in the form of a conceptual land plan. The conceptual land plans do not represent precise proportions or locations for particular land uses. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area"* (p. 3-15)

Goal LU-6: Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs.

Policy LU-6.1 (Special Planning Area Designation) - To meet the City's growth needs, support development in the following four Special Planning Areas: Barber Yard, Doe Mill/Honey Run, North Chico, South Entler.

Policy LU-6.2 (Special Planning Area Implementation) – Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs.

Action LU-6.2.1 (SPA Planning Requirements) – Require more detailed land use planning in the form of a specific plan, planned development, or other comprehensive plan for each Special Planning Area

(SPA) prior to development occurring on vacant land within an SPA. In addition to the Actions specific to each SPA, subsequent land use planning shall:

- Create a parcel-specific land use plan based on site, infrastructure, and environmental analysis.
- Include public facility financing plans, infrastructure phasing plans, and other studies as applicable.
- Consider opportunities for the provision of housing units affordable to very low, low, and/or moderate income households within the SPA using governmental subsidies or other incentives.
- Include the range of uses identified on the SPA conceptual land use plan (a conceptual land use plan is not intended to direct specific acreage or organization of land uses, but is intended to depict the general mix of desired land uses within the project area).
- Have no significantly greater traffic, air quality, or noise impacts than those analyzed in the General Plan environmental analysis (residential and non-residential development assumptions for each SPA are provided in [General Plan] Appendix C).
- Be consistent with the corresponding text for the SPA found in Appendix C.

**Policy LU-1.3 (Growth Plan)** - Maintain balanced growth by encouraging infill development where City services are in place and allowing expansion into Special Planning Areas.

**Action LU-2.3.4 (Require Mixed-Use) –** Require horizontal or vertical mixed-use in the following land use designations: [Special Planning Areas (with the exception of the Bell-Muir SPA)].

**Action LU-1.2.1 (Greenline) – Retain the Greenline.**

Consistency Analysis: The proposed arrangement of land use designations in the BYSP reflects a horizontal mix-use project with potential to establish vertical mixed-use buildings within areas designated Residential Mixed Use. The BYSP differs from the General Plan's conceptual land use plan in that manufacturing and low density residential land use designations are omitted in favor of including additional land designated medium density residential. This shift in land use designations supports approximately 150 additional residential units and promotes neighborhood compatibility. Shaped by early public feedback, the BYSP would establish a framework for creating connected and complete neighborhoods with a mix of housing types, commercial uses, public parks, and private recreational facilities. The BYSP would help meet the City's future growth needs for housing and jobs by supporting up to 1,250 new residential units, repurposing up to 150,000 square feet of existing non-residential square footage, and creating up to 60,000 square feet of new commercial space.

Flexibility is built into the BYSP by designating the majority of the site Medium Density Residential, which supports a wide variety of housing types, and by designating the proposed Athletics Facility (existing warehouse) Medium-High Density Residential, which supports its potential conversion to residential uses in the future. Flexibility is also provided by designating approximately 15 acres of the site Residential Mixed Use, which can support a variety of housing types as well as commercial uses in various configurations.

The proposed network of complete streets would establish multimodal connections throughout the planning area and to existing bicycle and walking paths located near the site. A variety of parks and recreational facilities are planned within the BYSP area that will provide recreational opportunities and promote alternative modes of transportation, as contemplated in the BYSP.

All parcels within the SPA are planned with specific land use designations based on opportunities to extend the existing neighborhood and infrastructure into the site and create a recreational-oriented central area with commercial opportunities. Section 7.4 (*Maintenance and Operations*) of the BYSP outlines the anticipated use of Community Facilities Districts (CFDs) as a primary mechanism for financing the maintenance of project improvements, and Section 7.3 (*Infrastructure Phasing*) describes the expected pattern of development, generally progressing from northwest to southeast.

Although the BYSP plans for multimodal connections to all existing adjacent City streets, the plan is designed to avoid future potential connections to the south and west, thereby retaining the Greenline. The off-site stormwater basin is proposed to be operated by the City of Chico under an easement, subject to all necessary approvals required under applicable laws and regulations, to avoid extending City limits past the Greenline. Dedicating a portion of the off-site parcel for the stormwater basin and retaining the County zoning will remove the area of the basin from future urban development potential, reducing pressure to develop on the south and west side of the Greenline. In addition, the southernmost BYSP street only engages Estes Road to accommodate alternative modes of transportation, further solidifying existing City and County boundaries. The BYSP is consistent with General Plan Action LU-1.2.1, directing the City to retain the Greenline. The City received a comment letter from Butte County Local Agency Formation Commission (LAFCo) staff dated September 18, 2026, regarding the off-site basin. In response, the November 2026 BYSP provides that stormwater detention will be located on-site within the BYSP Area, with a corresponding reduction to approximately 1,096 residential units, if the approvals for the off-site location are not obtained by the milestone in Specific Plan Section 6.4.4. The on-site location was analyzed in the EIR as Alternative 3, the On-Site Stormwater Basin Alternative, and would reduce development beyond the Greenline to a linear storm drain alignment connecting to Comanche Creek.

Based on all the above, the BYSP is consistent with General Plan policy direction for the Barber Yard SPA, as well as broader General Plan policy direction for the development of SPAs.

# Consistency with General Direction for Development

In addition to adhering to the General Plan policy framework for SPAs, the BYSP is also subject to an array of General Plan Policies and Actions applicable to development projects in general. The following analysis evaluates the consistency of the BYSP with Policies and Actions which generally apply to development projects:

| Goal/Policy No. | Consistency Determination |
|---|---|
| **Sustainability** | |
| **Policy SUS-4.2 (Water Efficient Landscaping):** Promote drought-tolerant landscaping. | **Consistent:** As described more fully in the Specific Plan, the proposed project includes drought-tolerant landscaping where feasible. Landscaping would be required to meet the applicable requirements pursuant to the City's implementation of State Water Efficient Landscape Ordinance (AB 1881). |

| Goal/Policy No. | Consistency Determination |
|---|---|
| **Policy SUS-4.3 (Green Development Practices):** Promote green development practices in private projects. | **Consistent:** The proposed project would be subject to the energy and water efficiency standards set forth in the California Green Building Standards Code and Chico Municipal Code. The proposed project would significantly restrict its usage of natural gas (pursuant to applicable Energy mitigation measures) and utilize energy-saving technologies. |
| **Policy SUS-5.2 (Energy Efficient Design):** Support the inclusion of energy-efficient design and renewable energy technologies in public and private projects. | **Consistent:** The proposed project would include sustainable design features, including EV charging infrastructure to incentivize the use of EVs, solar panels, and be required to comply with the then-current, stringent energy efficiency standards set forth in the California Green Building Standards Code, which is consistent with the policy of supporting the inclusion of energy-efficient design in private projects. Moreover, the proposed project would significantly restrict its usage of natural gas (pursuant to applicable mitigation measures) and utilize energy-saving technologies. |
| **Land Use** | |
| **Goal LU-1:** Reinforce the City's compact urban form, establish urban growth limits, and manage where and how growth and conservation will occur. | **Consistent:** The proposed project is located on an infill site that is predominantly vacant, which has long been identified by the City as a new growth area. It is adjacent to existing residential development within the existing Barber Neighborhood. It involves a thoughtful, comprehensive site plan with a range of density levels within a compact, urban form. Thus, development within the BYSP Area would be consistent with the goal of promoting compact urban form. |
| **Policy LU-1.2 (Growth Boundaries/Limits):** Maintain long-term boundaries between urban and agricultural uses in the west and between urban uses and the foothills in the east, and limit expansion north and south to produce a compact urban form. | **Consistent:** The proposed project would be developed on an infill site that is predominantly vacant, and which has long been identified by the City as an appropriate location for significant new growth. The off-site stormwater basin is proposed to be operated by the City of Chico under an easement, without annexing the underlying site. Dedicating the parcel for the stormwater basin to such a long-term use will remove it from future development potential, reducing pressure to develop urban uses on the west of the Greenline. Additionally, no vehicular connections or vehicular improvements are proposed along the County project boundary, further reinforcing the existing jurisdictional boundaries. Alternative 3 is also consistent with retaining the Greenline. |

| Goal/Policy No. | Consistency Determination |
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| | Development within the BYSP Area is planned for within the General Plan and would not lead to unplanned expansion or urban sprawl. Thus, development within the BYSP Area would be consistent with the goal of promoting compact urban form. |
| **Policy LU-2.3 (Sustainable Land Use Pattern):** Ensure sustainable land use patterns in both developed areas of the City and new growth areas. | **Consistent:** The BYSP provides for a sustainable land use pattern within the subject new growth area by zoning the majority of the site R2 (Medium Density Residential), as opposed to R1 (Low Density Residential, which the most common zoning district in Chico), and by zoning large portions of the site R3 (Medium-High Density Residential) and RMU (Residential Mixed-Use), which support higher residential densities and mixed use development types. This zoning pattern supports efficient, more-sustainable use of land over conventional zoning patterns. |
| **Policy LU-2.6 (Agricultural Buffers):** Require buffering for new urban uses along the City's Sphere of Influence boundary adjacent to commercial crop production. Landscaping, trails, gardens, solar arrays, and open space uses are permitted within the buffer. Design criteria for buffers are as follows:<br><br>• A minimum 100-foot-wide physical separation, which may include roadways, pedestrian/bicycle routes, and creeks, between the agricultural use and any habitable structure.<br><br>• Incorporate vegetation, as may be needed, to provide a visual, noise, and air quality buffer. | **Consistent:** The proposed project is near, but not along the City's Sphere Of Influence (SOI) boundary adjacent to commercial crop production. The nearest such crop production occurs on the west side of the UPRR mainline, over 250 feet away, which meets this policy's minimum agricultural buffer of 100 feet. The project would incorporate buffering between the project boundary and the agricultural uses located to the west of the BYSP Area in the form of 8- to 10-foot metal fencing and a 15-foot vegetated corridor, which would serve to help buffer against visual, noise, and air quality related concerns associated with agricultural uses. |
| **Circulation** | |

| Goal/Policy No. | Consistency Determination |
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| **Policy CIRC-1.2 (Project-level Circulation Improvements):** Require new development to finance and construct internal and adjacent roadway circulation improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities. | **Consistent:** The BYSP would extend Ivy Street and West 16th Street to serve as primary access points for the proposed project. In addition, new extensions of W. 14th Street, W. 18th Street, and W. 20th Street are proposed to serve the proposed mix of uses. Further, circulation plans for the BYSP include the installation or enhancement (and related funding thereof) of numerous pedestrian and bicycle connections and facilities, both on- and off-site, as required by existing code requirements and specifically set forth in the Development Agreement. Development within the project would be required to pay all applicable transportation-related impact fees. |
| **Action CIRC-1.5.1 (VMT CEQA Analysis):** For projects that require a full traffic analysis as part of the CEQA review process, perform a VMT analysis consistent with the California Office of Planning and Research CEQA Guidelines. | **Consistent:** As discussed in the Draft EIR, the proposed project would not result in average VMT in excess of any of the applicable thresholds. It would generate home-based VMT per resident and home-based work VMT per employee at rates less than 85 percent of the regional baseline for residential uses. The inclusion of local retail uses contributes to the lower VMT generation rates for the proposed project's households. |
| **Policy CIRC-2.1 (Complete Streets):** Develop an integrated, multimodal circulation system that accommodates transit, bicycles, pedestrians, and vehicles; provides opportunities to reduce air pollution and greenhouse gas emissions; and reinforces the role of the street as a public space that unites the City. | **Consistent:** The BYSP incorporates an integrated, multimodal circulation system, including numerous bicycle and pedestrian connections/pathways and incorporates a range of transportation demand management strategies and designs for reducing the adverse effects of personal vehicle use. |
| **Action CIRC-2.1.3 (Multimodal Connections):** Provide connections between and within existing and new neighborhoods for bicycles, pedestrians, and automobiles. | Consistent: The proposed project would include expanded infrastructure for bicycles, transit, pedestrians, and would extend the grid system in the surrounding Barber Neighborhood. As such, the project would be integrated into the surrounding neighborhood and enhance existing multi-modal options. |
| **Action CIRC-2.2.1 (Connectivity in Project Review):** New development shall include the | **Consistent:** The Specific Plan incorporates, as appropriate, the internal circulation features, including traffic-calming measures (such as bulbed corners), bicycle and pedestrian connections to adjacent streets, bicycle routes, public spaces, and trails. Proposed streets would be constructed with relatively short block |

| Goal/Policy No. | Consistency Determination |
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| following internal circulation features:<br><br>• A grid or modified grid-based primary street system. Cul-de-sacs are discouraged, but may be approved in situations where difficult site planning issues, such as odd lot size, topography, or physical constraints exist or where their use results in a more efficient use of land, however in all cases the overall grid pattern of streets should be maintained.<br><br>• Traffic-calming measures, where appropriate.<br><br>• Roundabouts as alternative intersection controls, where appropriate.<br><br>• Bicycle and pedestrian connections to adjacent streets, trails, public spaces, and bicycle paths.<br><br>• Short block lengths consistent with City design standards. | lengths in a grid pattern, connecting to the adjacent existing grid pattern of Barber Yard. |
| **Policy CIRC-3.3 (New Development and Bikeway Connections):** Ensure that new residential and nonresidential development projects provide connections to the nearest bikeways. | **Consistent:** The project's multimodal circulation plan includes numerous bicycle/pedestrian path connections, as well as funding to the City to facilitate same, which are intended to support enhanced connectivity to the nearest bikeways, including, among other things, by providing access to the adjacent Barber Neighborhood. |
| **Policy CIRC-4.2 (Continuous Network):** Provide a pedestrian network in existing and new neighborhoods that facilitates convenient and continuous | **Consistent:** The proposed project would utilize multiuse paths, sidewalks, and paseos as a network of primary pedestrian paths throughout the BYSP Area, as well as providing funding to the City that could be used, among other things, to ameliorate issues with existing nearby pedestrian facilities and failing pavement. This is |

| Goal/Policy No. | Consistency Determination |
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| pedestrian travel free from major impediments and obstacles. | consistent with providing a pedestrian network that facilitates convenient and continuous pedestrian travel free from major impediments and obstacles. |
| **Policy CIRC-5.3 (Transit Connectivity in Projects):** Ensure that new development supports public transit. | **Consistent:** The BYSP includes a bus stop on Ivy Street near 16th Street, with final designs and locations to be determined in coordination with the Butte County Association of Governments at the time of improvement. |
| **Goal CIRC-8:** Provide parking that supports the citywide goals for economic development, livable neighborhoods, sustainability, and public safety. | **Consistent:** Parking for project residents, employees and visitors would be accommodated within the subject lot or per unit pursuant to applicable City standards and requirements for specific land uses. |
| **Community Design** | |
| **Goal CD-2:** Enhance edges and corridors that represent physical boundaries, transitions and connections throughout the community. | **Consistent:** The project would extend Ivy Street and West 16th Street to serve as primary access points to recreational areas of the proposed project, establishing a long-anticipated connection of collector roadways for the community. |
| **Policy CD-2.1** (Walkable Grid and Creek Access): Reinforce a walkable grid street layout and provide linkages to creeks and other open spaces. | **Consistent:** The project would provide for numerous park, open space, and recreational amenities as well as a walkable grid street, including pedestrian network consisting of multiuse paths, sidewalks and paseos to provide linkages within the BYSP Area and to the surrounding areas and other open spaces. |
| **Goal CD-3:** Ensure project design that reinforces a sense of place with context sensitive elements and a human scale. | **Consistent:** The project would incorporate and maintain historical elements of the BYSP Area by retaining existing structures and restoring historic uses, such as rehabilitating the old baseball field into The Diamond at Barber Yard. New homes and buildings are envisioned to have contextual architectural features that link to the surrounding Barber Neighborhood's character. Landscaping, lighting, and site furnishings would further contribute to a cohesive aesthetic. |
| **Policy CD-3.1 (Lasting Design and Materials):** Promote architectural design that exhibits timeless | **Consistent:** Architectural styles are intended to extend the Barber Neighborhood, (including Craftsman, Farmhouse Victorian, Spanish Revival, etc.), and would be varied in terms of lot type, building type, floor plans, materials and colors. These Specific |

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| character and is constructed with high quality materials. | Plan requirements are anticipated to result in a cohesive neighborhood constructed with high quality materials that blend into the surrounding area. |
| **Policy CD-3.2 (Bicycles and Pedestrians):** Maintain and enhance the pedestrian- and bicycle-friendly environment of Chico. | **Consistent:** The project includes among other things, multiuse paths, sidewalks, and paseos as a network of primary pedestrian paths throughout the BYSP Area and would also provide funding to the City to be used to further enhance bicycle and pedestrian facilities in the project vicinity. These characteristics are consistent with maintaining and enhancing the pedestrian- and bicycle-friendly environment of Chico. |
| **Action CD-4.1.1 (Neighborhood Design Details):** Develop and implement neighborhood plans that identify design qualities and elements for specific areas. | **Consistent:** The project's design is consistent with the surrounding neighborhood as well as the Southwest Chico Neighborhood Improvement Plan, as the project would create multimodal transportation connections to the Barber Neighborhood, provide common open space amenities, and would facilitate regional bicycle connections to the surrounding area. |
| **Goal CD-5:** Support infill and redevelopment compatible with the surrounding neighborhood. | **Consistent:** The BYSP Area is an urban, infill site adjacent to the existing Barber Neighborhood. The proposed project would provide for a range of housing types as well as commercial, recreational and open space uses. Buildings are envisioned to have contextual architectural features that link to the surrounding Barber Neighborhood's character. |
| **Policy CD-5.1 (Compatible Infill Development):** Ensure that new development and redevelopment reinforces the desirable elements of its neighborhood including architectural scale, style, and setback patterns. | **Consistent:** The proposed project incorporates and celebrates the history of the BYSP Area and vicinity, and future homes are envisioned to have contextual architectural features that link to the surrounding Barber Neighborhood's character. |
| **Housing Element (2014)** | |
| **Goal H.1:** Increase equal housing opportunities. | **Consistent:** The proposed project would include a variety of housing types (both single- and multi-family in a range of densities) which will help the City meet the demand for new residential units for all economic segments of the Chico |

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| | community, particularly moderate income or "missing middle" units. |
| **Goal H.2:** Provide housing that is affordable to low incomes. | **Consistent:** The project would include a variety of housing types, including both single- and multi-family units with a range of densities help the City accommodate its need to serve all economic segments of the Chico community. |
| **Goal H.3:** Promote construction of a wide range of housing types. | **Consistent:** The project would include a variety of housing types, including both single- and multi-family units with a range of densities help the City accommodate its need to serve all economic segments of the Chico community. |
| **Policy H.3.2:** Enable sufficient housing construction to meet future needs. | **Consistent:** The project would include a variety of housing types with up to 1,250 units. The project would help the City meet its demand for new residential units to serve a range of economic segments in the Chico community, as set forth by the Regional Housing Needs Allocation Process. |
| **Policy H-3.3:** Promote a mix of dwelling types and sizes throughout the City. | **Consistent:** The project would provide opportunities for the development of a mix of dwelling types and sizes, including Residential Mixed Use (RMU), Medium Density Residential (MDR), and Medium-High Density Residential (MHDR) land uses, encouraging a mix of densities and housing types. |
| **Policy H.5.1:** Maintain and enhance the character and affordable nature of Chico's older neighborhoods. | **Consistent:** The project has been thoughtfully and comprehensively designed to help maintain and enhance the character of the existing neighborhood surrounding the BYSP Area and incorporates a range of housing types and densities to help the City in meeting its housing production goals to serve all economic segments. |
| **Housing Element (2022)** | |
| **HE Action 1.8.3:**<br><br>As part of the Barber Yard Specific Plan, enhance recreational opportunities in the Southwest Chico neighborhood (Census Tract 12) by adding a variety of parks and recreation facilities. This may | **Consistent:**<br><br>The proposed project would include a broad range of parks that would enhance recreational opportunities in the Southwest Chico neighborhood. These include The Diamond at Barber Yard, Dog Park, Picnic Grove, Ruins Park, and The Yard pocket parks for a total of approximately 8 acres of public parks. Additionally, the Engineering Building, Diamond Plaza, The Square, The Shop, and |

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| include, but is not limited to, a historic ballpark, dog park, pocket parks, and event and picnic table areas along with an indoor athletics facility. Approximately 4.5 acres of new public parks would be open to the general public as well as residents that live in the Barber/Southwest Chico neighborhood (Census Tract 12). The remaining parks and the athletics facility, approximately 10 acres, may require a fee or membership. | the Athletics Facility comprise a total of approximately 12 acres of private recreational amenities. |
| **Parks, Public Facilities, and Service** | |
| **Goal PPFS-1:** Continue cooperative efforts with the Chico Area Recreation and Park District and the Chico Unified School District to provide a broad range of high quality parks and recreation facilities and services for all residents. | **Consistent:** The project would include a wide range of park, recreational and open space uses including approximately 8 acres of public parks that would be designed and developed in cooperation with Chico Area Recreation and Park District (CARD). These facilities, among other private open space elements, would serve the project residents, employees and visitors as well as the broader Chico community. |
| **Goal PPFS-5:** Maintain a sustainable supply of high quality water, delivered through an efficient water system to support Chico's existing and future population, including fire suppression efforts. | **Consistent:** As documented in the Draft EIR, California Water Service Company would have adequate potable water supplies to serve the net increase in water demand associated with the proposed project, as well as other planned growth in the Chico District. |
| **Open Space and Environment** | |
| **Policy OS-1.2 (Regulatory Compliance):** Protect special-status plant and animal species, including their habitats, in compliance with all applicable | **Consistent:** The project, which would be developed on an urban, infill brownfield site, would be required to implement mitigation for potential biological resource impacts, which would provide for the protection of several special-status species and related habitats. The proposed project would be designed, constructed and operated in compliance with all applicable federal, State, and |

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| State, federal and other laws and regulations. | other laws and regulations related to the protection of special-status plant and animal species. |
| **Action OS-1.2.1 (State and Federal Guidelines):** Ensure that project-related biological impacts are considered and mitigated, and require applicants to obtain all necessary local, State, and federal permits for projects that may affect special-status species or their habitat. | **Consistent:** As described in the Draft EIR, all project-related biological impacts are considered less than significant or less than significant with mitigation incorporated. |
| **Action OS-3.2:** Monitor the status of known groundwater and soil contamination sites within the Planning Area as identified by the California Department of Toxic Substances Control and the Regional Water Quality Control Board. | **Consistent:** Environmental Site Assessments were prepared for the proposed project, which include monitoring reports of the groundwater quality of known wells on the project site and vicinity. The proposed project would be developed in accordance with all laws and regulations addressing hazardous materials and water quality, with the California Department of Toxic Substances Control overseeing soil remediation efforts under applicable law. |
| **Policy OS-4.1 (Air Quality Standards):** Work to comply with State and federal ambient air quality standards and to meet mandated annual air quality reduction targets. | **Consistent:** The Draft EIR evaluated construction and operational air emissions and set forth feasible mitigation measures to reduce exposure to unhealthful air pollutants. The Draft EIR's analysis uses the Butte County Air Quality Management District's CEQA Air Quality Handbook, which is intended to help achieve compliance with federal and State air quality standards at the local level. |
| **Policy OS-5.1 (Urban/Rural Boundary):** Protect agriculture by maintaining the Greenline between urban and rural uses. | **Consistent:** The project, which would be developed on an urban, infill brownfield site long planned for significant new growth, would maintain the Greenline by using the parcel south of the BYSP Area for long-term drainage purposes, without annexation, reinforcing the jurisdictional boundaries that coincide with the Greenline. |
| **Policy OS-5.2 (Agricultural Resources):** Minimize conflicts between urban and agricultural uses by requiring buffers or use restrictions. | **Consistent:** The project includes a landscaping buffer to help reduce visual, air quality, and noise conflicts with adjacent agricultural uses. Additionally, the proposed project would be located over 240 feet from the nearest agricultural uses opposite |

| Goal/Policy No. | Consistency Determination |
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| | the UPRR, exceeding the City's minimum buffering distance of 100 feet. |
| **Action OS-5.2.1 (Agricultural Buffers):** Require buffers for development adjacent to active agricultural operations along the Greenline to reduce incompatibilities, and explore opportunities for public uses within buffers. | **Consistent:** The project would incorporate buffering between the project boundary and the agricultural uses located to the west of the BYSP Area in the form of 8- to 10-foot metal fencing and a 15-foot vegetated corridor, which would help buffer against visual, noise, and air quality related concerns associated with existing agricultural uses. |
| **Cultural Resources and Historic Preservation** | |
| **Policy CRHP-2.2 (Adaptive Reuse):** Encourage the adaptive reuse of historic buildings when the original use of the structure is no longer feasible. | **Consistent:** The BYSP provides for the adaptive reuse of up to approximately 150,000 square feet across three existing buildings, including The Engineering Building and Match Block Storage Building which are historic resources. |
| **Action CRHP-2-2.1 (Exterior of Historic Structures):** With discretionary actions or in compliance with the Historic Preservation Ordinance, restore or preserve the original exterior of historic structures at the time of a change in use, whenever feasible. | **Consistent:** Restoration and preservation efforts for the historic Engineering Building and Match Block Storage Building will be reviewed in concert with future phases and shall meet the requirements of Mitigation Measure MM CUL-1b which will ensure that exterior modifications are consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures. |
| **Safety** | |
| **Goal S-6:** As part of the project review process in wildland fire areas, require consideration of emergency evacuation routes and defensible buffer areas. | **Consistent:** The proposed project would not be located in a SRA or VHFHSZ. Nonetheless, individual project phases will be reviewed and conditioned to ensure adequate buffers from local fuel sources during project buildout. |
| **Goal S-8:** Reduce the potential for public exposure to hazardous materials or the accidental | **Consistent:** To reduce the potential for public exposure to hazardous materials that were identified within certain areas of the site, the project would be required to implement MM HAZ-1, which requires a Soil and Debris Management Plan (SDMP) to be reviewed and approved by California Department of Toxic |

| Goal/Policy No. | Consistency Determination |
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| releases of toxic or hazardous substances. | Substances Control (DTSC) and submitted to the City prior to initiating soil remediation operations. Additionally, the proposed project would be required to be in compliance with all applicable federal, State, and local regulations and codes related to toxic and hazardous substances to minimize potential public exposure. |
| **Goal S-9:** Protect the community from risks posed by climate change | **Consistent:** The proposed project is consistent with the City's CAP Update which is a qualified CAP. The proposed project would not have a significant greenhouse gas (GHG) emissions impact with the implementation of mitigation and would contribute its "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045. |
| **Noise** | |
| **Policy N-1.2 (New Development and Non-Transportation Noise):** New development of noise-sensitive land uses will not be permitted in areas exposed to existing non-transportation noise sources that exceed the levels specified in Table N-2 (Table 3.13-7), unless the project design includes measures to reduce exterior noise levels to the unadjusted levels specified in Table N-2 (Table 3.13-7). | **Consistent:** Noise levels for multi-family and single-family residential uses within the project site would not exceed the exterior noise standard of 70 dBA CNEL with the implementation of Mitigation Measure NOI-2. All other project uses would be required to adhere to applicable noise standards. |
| **Policy N-1.3 (Acoustical Analysis):** Where proposed projects are likely to expose noise-sensitive land uses to noise levels exceeding the City's standards, require an acoustical analysis as part of environmental review so that noise mitigation measures may be identified and included in the project design. The requirements for the content of an | **Consistent:** A noise assessment/acoustical analysis was conducted and the results found that development anticipated from the BYSP would be consistent with the requirements set forth in Table N-3 of the General Plan. All noise impacts were found to be less than significant after mitigation or less than significant and did not require mitigation. |

| Goal/Policy No. | Consistency Determination |
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| acoustical analysis are outlined in Table N-3. | |
| **Policy N-1.5 (Proposed Projects Near Railroads):** Require site-specific noise studies for noise-sensitive projects which may be affected by railroad noise, and incorporate noise attenuation measures into the project design to reduce any impacts to the levels specified in Table N-1 (Table 3.13-6). | **Consistent:** All active railroad tracks are over 100 feet from the BYSP Area, and would therefore meet the Federal Transit Administration (FTA) screening criteria and have been determined to result in less than significant impacts. |
| **Goal N-3:** Promote and enforce the City's noise standards. | **Consistent:** As outlined in the Draft EIR, with implementation of Mitigation Measures NOI-1 through MM NOI-3 and adherence to other applicable City noise standards, impacts in this regard would be less than significant. |

**Agenda Item 6.1**

**M E M O R A N D U M**

**TO:** Local Agency Formation Commission

**FROM:** Stephen Lucas, Executive Officer SEE BARBER YARD PROJECT, Page 4

**SUBJECT:** **Agenda Item 6.1 - Executive Officer's Report**

**DATE:** February 26, 2025 for the meeting of March 6, 2025

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**ADMINISTRATION**

- The Board of Supervisors re-appointed Supervisor Kimmelshue to the Commission to a new four-year term ending in May 2029.

- The Budget Committee will meet on March 13, 2025 at 10:00 am to consider the preliminary 2025/26 FY Budget.

- The regularly scheduled Butte LAFCo meeting on Thursday, May 1, 2025 has been rescheduled for Thursday, May 8 at 9:00 a.m. due to a conflict with the CALAFCO Staff Workshop for which staff are participants.

- Staff has initiated the special district election on February 7, 2025 by requesting nominations (***Attachment 1***) for one (1) Special District ***Regular*** **"Non-Enterprise"** Member and one (1) special district ***Alternate*** **"Enterprise/Non-Enterprise.** The term for these seats is four years and will begin June 1, 2025 and expire May 31, 2029.

- (*Ongoing)* The current lease for the LAFCo office at 1453 Downer Street will terminate in May 2026. The current rate is $1,332/month or approximately $1/SF. Staff will begin the process of securing a new lease either at the current location or elsewhere depending on cost estimates. Staff will bring this matter to a future agenda with options and analysis.

- (*Ongoing)* The 2023/24 annual financial audit has been initiated with the consultant meeting with staff to request and review our financial records. The audit is expected to take several months to complete and will be presented to the Commission for acceptance when complete.

**PUBLIC/AGENCY ENGAGEMENT**

- ***(NEW)*** **Butte County Local Hazard Mitigation Plan 2024 -** The 2024 Local Hazard Mitigation Plan was approved by the Federal Emergency Management Agency (FEMA) through February 2030. LAFCO staff participated in this effort by reaching out to our member agencies, especially special districts, to participate in the Plan. The following special districts have participated: Paradise Irrigation District, Thermalito Water and Sewer District, Durham Irrigation District, Feather River Recreation and Park District, Lake Oroville Area Public Utility District, Paradise Recreation and Park District and South Feather River Water and Power Agency.

- *(Ongoing*) ***Oroville Sewer Agencies -*** LAFCO adopted the Water and Wastewater Service Providers – Oroville Area Municipal Service Review (MSR) in May 2023. The MSR discussed the individual agency services and overall organization of the four agencies involved with wastewater treatment. In July 2024 the Butte County Grand Jury issued its report which addressed the same agencies and issues and made certain recommendations. The Commission discussed this matter at its December 5, 2024, meeting and directed staff to: 1) request the County Administration to immediately implement the approved 2006 Master Cooperative Environmental Review Agreement/Preliminary Review Application, 2) to work with the affected sewer agencies, the County and the City of Oroville to update the 2006 Master Cooperative Environmental Review Agreement/Preliminary Review Application to include the City of Oroville as a party to the Agreement; and 3) to work with the JPA/SCOR and its member agencies to expand the management role of the JPA to enhance collaboration between members and remove barriers to efficient, streamlined actions by and among the JPA members for the public benefit. The Executive Officer and Chair met with the County Administrative Officer on January 6, 2025, to informally request the County resume honoring the Master Cooperative Environmental Review Agreement between the County and the affected sewer agencies. The CAO indicated the request was reasonable and as of Friday, January 24, 2024, the Department of Development Services has resumed sending proposals for review pursuant to the Agreement.

- ***City of Chico -*** The Executive Officer was invited to participate in the City of Chico City Council – Growth and Community Development Committee which meets twice monthly to discuss future growth strategies and concerns following the voter disapproval of the Valley's Edge proposal located within the City's Sphere of Influence.

- ***Lake Madrone Water District -*** In working on the Municipal Service Review (MSR) update for the Berry Creek Community Services District (CSD), staff made contact with the nearby Lake Madrone Water District and found that its infrastructure remains critically damaged due to the 2020 North Complex Fire. Since the fire, the district has had to haul water to temporary storage tanks to provide for its customers while they work to secure funding for system repairs. To assist in their recovery, staff connected the Lake Madrone Water District with the local chapter of the California Special Districts Association (CSDA) to explore loan options and discuss potential financial resources. Additionally, staff is helping the district identify alternative funding opportunities to expedite repairs and restore regular water service to the community.

**PROJECT/GENERAL NOTES**

The following items/proposals are being reviewed, discussed and/or considered at various stages.

- *(NEW)* ***Valley's Edge Specific Plan*** *(Annexation).* The City of Chico Valley' Edge Specific Plan approval was overturned by a referendum on March 5, 2024. Almost a year later, the project proponents have initiated legal action to re-instate the projects approval. (**Attachment 2)** Should the project find a path forward; the next development step would be the annexation of the affected territory to the City of Chico.

- ***Town of Paradise Sewer Project -*** Since its incorporation in 1979, the Town has sought a formal wastewater treatment solution for the community, with service for commercial and densely populated residential areas being a priority. Failed and failing septic systems create public health and environmental concerns and have limited economic growth. Prior to the Camp Fire, which

almost completely destroyed the town in 2018, Paradise was the largest unsewered community in California. The Town has prepared numerous studies to address its need for a centralized wastewater treatment solution, and in its most recent study, the Town identified a proposed sewer service area. The proposed sewer service area includes the Town's commercial corridors, and as described in the 2017 feasibility study, it represented the area that had the most septic systems that had failed or were projected to fail by 2022. The Paradise Sewer Project consists of three primary components: Core Collection System, Export Pipeline System, and Extended Collection System. The Core Collection System would support the centralized businesses and housing in Town, including approximately 1,500 parcels along the Skyway, Clark Road, and Pearson Road corridors. The proposed Export Pipeline System would start at the southern end of the Core Collection System as a gravity sewer line and would continue southwest approximately 18 miles to the City of Chico for connection to the Chico Water Pollution Control Plant. LAFCo approved a service extension application restricting the sewer lines use to the Town of Paradise flow and no other connections will be allowed to the export pipeline. The Extended Collection System would be an extension of the Core Collection System that would allow collection of sewage from parcels outside the Core Collection System, but within the Town limits. The Town of Paradise has secured $45M through Community Development Block Grant Disaster Recovery funds to facilitate the design phase of the Paradise Sewer Project. Since the previous Paradise Town Council update in September, staff has continued funding pursuits with the State Water Board Division of Financial Assistance as well as other state and federal advocacy efforts. As part of the development of the Basis of Design Report and a Construction Cost Model, staff has learned the cost of completion (design through system commissioning) may exceed $400M. Previous funding endeavors aimed to secure an additional $262M, which have been unsuccessful to date. Following a critical project workshop with the State Water Board Division of Financial Assistance and Regional Water Quality Control Board, staff reached a conclusion that the project, as ***currently visioned, is financially infeasible***. It is difficult to anticipate what role LAFCo may have in the future on the implementation of the Town's goals. ***(NEW)*** Staff is aware of an alternative sewage collection system that is being discussed by community members that would include the Paradise Irrigation District (PID) in the solution. Additional information is being sought and will be shared when received.

- *(Ongoing**) Tuscan Ridge PUD –***The proposed project includes consists of 163 acres of what was formerly the Tuscan Ridge Golf Course, located on the southeast side of the Skyway between Chico and Paradise. The project involves a Planned Development and Vesting Tentative Subdivision Map to subdivide the site into 165 single-family residential lots, six commercial lots, 36 acres of open-space, 4 acres of landscaped area, 20 acres of roadway, and 49 acres of special utility district associated with the on-site water and wastewater sewer system. In addition to County approvals, the project would require an extraterritorial service agreement or sphere amendment/annexation of the site to the Paradise Irrigation District (PID) for maintenance of the system. As an alternative to PID managing the system, a CSA would be formed to fund operations and maintenance of the on-site water and wastewater systems. public hearing was held by the County Planning Commission for the Tuscan Ridge PUD on November 14, 2024, at which it was recommended for approval by a 4-1 vote. The County Planning Division was notified by PID and LAFCo on December 2, 2024, via email, that PID was not a viable option at this time without much additional review and planning. The Board of Supervisors approved the PUD at its meeting of December 5, 2024, without an identified service provider to provide domestic water to the development. This will most likely result in LAFCo being asked to support the creation of a county service area to manage on-site utilities.

- ***Barber Yard Project –*** The City of Chico is processing the Barber Yard Specific Plan (BYSP) and has released the Draft EIR for the mixed-use community accommodating a diverse range of housing opportunities with a mix of commercial, recreational and office uses located throughout the project site. It located in southwest Chico on approximately 133 acres of incorporated lands that was the old Diamond Match facility. The project also includes the use of two off-site parcels of unincorporated lands totaling 16 acres for the purpose of off-site drainage detention for the project. It is this "off-site" use that is an issue for LAFCo as the off-site parcels are:
  - ✓ located outside of the City's jurisdiction and Sphere of Influence,
  - ✓ designated by the County General Plan for agricultural uses,
  - ✓ on the agricultural side of the Greenline (same as SOI line),
  - ✓ are considered by the California Department of Conservation California Important Farmland Finder as prime agricultural lands,
  - ✓ utilized for the developments stormwater drainage facilities and is a considered urban/municipal service.

  The proposed use of these off-site parcels as described above would be considered an extension of services outside the City's jurisdictional boundaries and is subject to Government Code 56133, which requires the City to request LAFCo review and approval. In an interesting twist, the County was prepared to allow this use under a different government code that allows a city to acquire lands outside of its jurisdiction, but has no relationship to LAFCo law. It is not known how the County addressed the issue of allowing urban uses west of the Greenline on prime agricultural lands. The Draft EIR does provide for an alternative *(6.7.3 - On-site Drainage with No Comanche Creek Outfall Alternative)* Under this alternative, the proposed project's drainage would not be constructed in the off-site improvement area located within the County but would be wholly contained within the BYSP Area within the City of Chico. Unlike Alternative 3, drainage would not be directed to Comanche Creek and instead would be directed to surface stormwater drainage facilities directly west and south of the BYSP Area. This alternative would avoid development on Prime Farmland within the off-site improvement area and slightly reduce air quality impacts associated with construction emissions because of the reduced footprint similar to Alternative 3. Staff will be submitting DEIR comments to the City concerning this issue.

**CALAFCO**

- Staff will provide a verbal update of CALAFCO news.

**LEGISLATION -** None

BUTTE
LOCAL AGENCY FORMATION COMMISSION
1459 Humboldt Road, Suite A, Chico, CA 95928
(530) 552-5820 / www.buttelafco.org

September 18, 2026

Chair and Members of the Planning Commission
City of Chico
c/o Mike Sawley, Principal Planner
Community Development Department
411 Main Street, Second Floor
Chico, CA 95928

**Re: Final Environmental Impact Report, Barber Yard Specific Plan (SP 21-01, GPA 22-05, RZ 22-03, CA 22-03, DA 23-02)**

Dear Chair and Commissioners:

The Butte Local Agency Formation Commission staff has reviewed the Final Environmental Impact Report for the Barber Yard Specific Plan. LAFCO appreciates the City's efforts through this project to provide additional housing within its boundaries. Our comments concern the offsite drainage basin proposed on a parcel in unincorporated Butte County across the Greenline, and raise two issues: the extension of municipal services outside the City's jurisdictional boundary and sphere of influence, and the conversion of prime agricultural land on the agricultural side of the Chico Area Greenline to support urban development.

**The offsite drainage facilities are an extension of municipal services requiring LAFCO approval.**

The parcel proposed for the basin lies outside the City limits and outside the City's sphere of influence. According to Section 6.4.4 of the Specific Plan, after completion and acceptance, the City of Chico will operate the detention and retention basin, with funding provided by a Maintenance District specific to the Barber Yard neighborhood, and Section 6.4.3 describes discharge from the basin to Comanche Creek through a new city outfall.

Storm drainage is a municipal function of the City under Government Code Section 56040, and the construction, operation, and maintenance of the basin is a service established as part of that function under Section 56074. Neither definition depends on how the site is acquired or where the users of the service are located.



**PC Report Attachment F**

Government Code Section 56133 provides that a city may provide new or extended services outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission. A municipal service such as the proposed drainage basin, proposed to be located outside the city boundaries would ordinarily be subject to the provisions of that section. Section 56133 further limits where the Commission may authorize such an extension. Outside the sphere, the Commission may approve an extension only in response to a threat to public health or safety. The basin is proposed outside the City's sphere, and therefore would be subject to this limitation.

EIR Master Response 4 states that the offsite improvement area will proceed through the City's extraterritorial acquisition of the parcel under Government Code Section 37351, without annexation. That section authorizes a city to acquire real property inside or outside its limits for municipal purposes. LAFCO does not question the City's authority to acquire the parcel. Acquisition and the authority to provide a service are separate questions. The Final EIR addresses only the first--the acquisition--not whether the City must get LAFCO approval to operate the drainage basin outside its boundaries. The Final EIR also fails to address conversion of prime agricultural land beyond the Greenline to the provision of urban services. We raise these issues now, so the City may weigh them as the project moves forward.

**The Commission's authority to approve an extension at this location is limited.**

Section 56133 allows the Commission to authorize an extension of services outside a jurisdictional boundary but within an agency's sphere of influence in anticipation of a later change of organization. As discussed above, that pathway is not available here, as the parcel lies outside the City's sphere. Outside a sphere, the Commission may authorize an extension only in response to an existing or impending threat to the health or safety of the public or the residents of the affected territory. This must be supported by documentation from the applicant of the threat. A facility built to serve a proposed new development does not meet that standard.

The alternative available to the City is an application for an amendment to its sphere of influence to include the parcel, followed by annexation or LAFCO approval of an out of agency extension of services. We encourage the City of Chico to consult with LAFCO early so that the appropriate application will be identified before the city commits to a course of action that is legally impermissible.

**The proposal would convert prime agricultural land on the agricultural side of the Greenline.**

The Greenline was jointly adopted by the City of Chico and the County of Butte in 1982 and carried forward in the Chico 2030 General Plan and the Butte County General Plan 2030. Section 6.5 of the Commission's Policies and Procedures directs that the Commission give substantial consideration to the Greenline Policy and treat agricultural lands west of the Greenline as prime agricultural lands warranting heightened protection. The Commission's adopted 2018 Sphere of Influence Plan for the City of Chico uses the Greenline as the sphere boundary. The Greenline serves three purposes at once.

It is the City's own growth boundary, it is the County's agricultural protection policy, and it is the limit of the City's planned service area as determined by this Commission.

The parcel is mapped as Prime Farmland by the Department of Conservation. Government Code Section 56377 directs the Commission to guide development away from prime agricultural land and toward land not designated as prime, and Government Code Section 56425 requires the Commission to consider present and planned land uses, including agricultural uses, when establishing or amending a sphere of influence. If this parcel were proposed to be amended into Chico sphere of influence the provisions of Section 6.5 would govern the Commission's review.

**The County's informal zoning determination is questionable and inadequate to support a finding that the construction of the basin is consistent with the Greenline Policy**

Butte County Development Services has informally determined that the facilities would be allowed in the AG-40 zone as a Utilities, Accessory use, subject to approval of an Administrative Permit. That classification does not appear to be supported by the Zoning Ordinance.

As such, one has to question this determination. Article 42 of the Butte County Zoning Code defines Utilities, Accessory as utility facilities that are accessory to a permitted use and Section 24-156 supplies the meaning of accessory. Subsection (1)(a) provides that an accessory use or structure is permitted only when it is subordinate and incidental to the primary structure or zone to which it is related. Subsection (3) provides that an accessory use or structure shall be located only on the same parcel as the primary structure or zone to which it is related.

The proposed facility satisfies neither requirement. It is not subordinate, because it would occupy substantially the entire parcel and displace agricultural production rather than support it. It is not incidental to the AG-40 zone, because its function, capacity, financing, and operation are determined entirely by urban development in another jurisdiction. And it is not located on the same parcel as the use it serves; the use it serves is not a permitted use in the AG-40 zone at all.

Master Response 4 completely relies on that dubious informal County determination to conclude that the basin is consistent with the agricultural uses the Greenline intended to protect. The County reached no such conclusion. A comment letter identifying a zoning classification is not an entitlement, and no permit has been applied for or issued. Under the Butte County Code, an Administrative Permit is required for an accessory use such as that proposed here. It is only through the issuance of that permit that the County would make an official determination of consistency.

Several responses in the EIR cite the County’s informal allowed use conclusion as if it was conclusive to approve the basin. Furthermore, the EIR completely fails to include issuance of such an Administrative Permit as one of the required agency approvals in the Project Description as required by CEQA Guidelines Section 15124. We recommend that the EIR Project description be amended to include this Administrative Permit, and that the County consult with its legal counsel before issuing any assurance that such a permit could be issued for this proposed “Accessory Use”.

**The extraterritorial footprint is stated inconsistently.**

Section 1.2.2 of the September 2026 Specific Plan describes an offsite improvement area of approximately 16 acres, while Sections 2.2 and 6.4.3 of the same document describes 13.5 acres. The public hearing notice states 13.5 acres and the Final EIR states approximately 16 acres. The acreage determines the extent of agricultural land affected. If the EIR is to have an accurate and stable project description, the exact acreage of prime farmland needed for the facility and all related improvements such as piping and access roads needs to be determined and disclosed.

**Conclusion**

LAFCO is not opposed to this project. We are concerned, however, that the decision to locate a part of the project beyond the Greenline into prime agricultural lands creates significant legal and policy concerns that the EIR fails to address. Staff will bring the concerns stated in this letter before the LAFCO Commission at its October 1, 2026 meeting for further Commission consideration. In the meantime, LAFCO staff is submitting this letter in order to get these issues before the Planning Commission at their consideration of the Project and Project EIR.

Please enter this letter into the project record and forward this letter to the City Council in connection with its consideration of the Final EIR. LAFCO staff is available to meet with the City at its convenience to discuss this further.

Sincerely,

*Shannon Costa*

Executive Officer
Butte Local Agency Formation Commission

cc: City Clerk, City of Chico

## Sawley Mike

**From:** Healy, Angelina R@DOT <angelina.healy@dot.ca.gov>
**Sent:** Wednesday, September 23, 2026 6:05 AM
**To:** Sawley Mike
**Cc:** Smith, David@DOT
**Subject:** Caltrans District 3 LDR Response: Barber Yard Specific Plan FEIR

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Hello Mike,

Thank you for including the California Department of Transportation (Caltrans) in the review process of the proposed FEIR for the Barber Yard Specific Plan. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this project as we would appreciate the opportunity to review and comment on any changes related to this project.

Should you have questions regarding these comments or require additional information, please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 790-8138 or via email at D3.local.development@dot.ca.gov.

Thank you,

**Angelina Healy** (she/her/hers)
Native American Liaison, Equity & Local Development Review
Associate Transportation Planner
DPLAS | Caltrans – District 3
703 B Street | Marysville, CA 95901
---
Work Cell: (530) 790-8138
Email: angelina.healy@dot.ca.gov
Schedule: 6am - 3:30pm, M-F (Monday as rotating day off)
---



## Sawley Mike

**From:** Healy, Angelina R@DOT <angelina.healy@dot.ca.gov> on behalf of D3 Local Development@DOT <D3.local.development@dot.ca.gov>
**Sent:** Friday, November 6, 2026 8:55 AM
**To:** Sawley Mike
**Subject:** Caltrans District 3 LDR Response: Barber Yard Specific Plan FEIR

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Hello Mike,

Thank you for notifying the California Department of Transportation (Caltrans) the Public Hearing Notice for the proposed Barber Yard Specific Plan. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this project as we would appreciate the opportunity to review and comment on any changes related to this project.

Should you have questions regarding these comments or require additional information, please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 790-8138 or via email at D3.local.development@dot.ca.gov.

Thank you,

**Angelina Healy** (she/her/hers)
Native American Liaison, Equity & Local Development Review
Associate Transportation Planner
DPLAS | Caltrans – District 3
703 B Street | Marysville, CA 95901
---
Work Cell: (530) 790-8138
Email: angelina.healy@dot.ca.gov
Schedule: 6am - 3:30pm, M-F (Monday as rotating day off)
---



## Sawley Mike

**From:** Grace M Marvin <g-marvin@comcast.net>
**Sent:** Monday, September 21, 2026 3:40 PM
**To:** Sawley Mike
**Subject:** Barber Yard poject.

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Mr. Sawley, Please know that although I find much to like about the Barber Yard poject, I am very concerned about the bad air. It seems that that issue isn't being adequately addressed. Such smog is a serious health issue for many ! Please address Barber Yard's smog much more effectively.

Thank you.
Grace Marvin
Conservation Chair
Sierra Clyb, Blue Oak Group

## Mike Sawley

**From:** Judy Vickrey <j4vickrey@gmail.com>
**Sent:** Wednesday, May 10, 2023 11:49 AM
**To:** Mike Sawley
**Subject:** Barber Yard

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I am a Barber Neighborhood resident and have attended several of your meetings.
There are several points that I would like to point out.
1. There are several motorized wheelchair folks who regularly travel down Salem street, in the street.
Fortunately, Salem street has sidewalks which have ADA exists (Thank you!) which could be used in a pinch. However, the condition of the sidewalks in places would make the use by wheelchairs precarious.
2. The poor condition of sidewalks in the neighborhood is really appalling and definitely the lack of sidewalks all together in areas is sad. I don't understand why an older neighborhood has been neglected when other neighborhoods of similar age have sidewalks. I think this needs to be studied and addressed.If Gonzales expects people from his development to walk the neighborhood, he will be disappointed. This would lead to the increased use of cars.
3. Traffic:
Have you ever been to the Rose Bowl in Pasadena? The events require cars of participants to slowly drive through a lovely neighborhood that was there before the Rose Bowl. And the frequency of these events means these residents are kept prisoner in their homes as they would have to fight traffic in order to get out to go grocery shopping, etc.
I am having a hard time fathoming how increased traffic on a daily basis by approximately 2500 cars would benefit anyone.
4. The placement of housing next to a railroad track is very off put and potential renters would/should note this. At the last meeting, there was a slight mention of some changes by the Railroad industry that might increase traffic and noise right at the proposed development area.
How would this change the proposed culture of the development?
Thank you for reading this email.
Judy Vickrey, MSW
PS: I was an organizer, trainer and lecturer of an out of county program.I would suggest that you use a portable microphone system so that everyone can hear the content of the meetings.
Even better would be to have a person with a roving mike.

## Mike Sawley

**From:** Judy Vickrey <j4vickrey@gmail.com>
**Sent:** Wednesday, May 10, 2023 12:39 PM
**To:** Mike Sawley
**Subject:** Barber Yard

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Mike,
I have an additional thought.
There is concern as to the toxicity of the soil from previous land use.
If/when the ground is turned over during construction, etc., there will be toxins put into the wind which locals will be breathing. Those with compromised respiratory issues or immune systems could be impacted. And, always a concern for carcinogenic contamination exists.
Thank you.
Judy Vickrey, MSW
Salem Street

## Mike Sawley

**From:** Alan Reiff <alanr@asr-enterprise.com>
**Sent:** Thursday, May 11, 2023 12:42 PM
**To:** Mike Sawley
**Cc:** Nicole Acain
**Subject:** Barber Yard Specific Plan

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Hey Mike,

ASR Enterprises Inc owns 1000 feet of property along Estes Road.

Estes Road is currently unimproved. No curb, no gutter and we encounter flooding when the creek along Estes is at high flows.

ASR would like to see the City of Chico require the Barber project to improve Estes Road.

Also, any improvement of the Barber Yard will alter water runoff, if any of that is to go down the creek alongside Estes Road, then accomodations will have to be made to avoid flooding.

Best,

Alan Reiff, President
ASR Enterprises Inc.

## Mike Sawley

**From:** Sarah Salisbury <66tiachacha@gmail.com>
**Sent:** Monday, May 15, 2023 2:01 PM
**To:** Mike Sawley
**Subject:** remarks on Barber Yard Specific Plan, including some environmental questions

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Mr Sawley~
Embarrassed as I am to admit this, I thought I had mailed you my questions regarding the draft EIR for the proposed Barber yard Development, but OOPS!
I had not. So...I will be including these concerns along with other remarks/concerns about the Barber Yard Specific Plan.

One item of concern to me is that Mr Gonzales is sometimes disingenuous in his descriptions of how things "will be" out there. As we all know, and, as he himself has stated, he will be selling off portions of the area to be built out by other developers/contractors. This means that what he envisions or "hopes for" is unlikely to become reality. In fact, he will have no control of the design standards, color palette, tree choices, and other decisions that will greatly affect how well the development actually does have a seamless flow into the existing neighborhood.

Another statement that has caught in my throat a bit is that this development will be a boon to those of us who live in the current Barber neighborhood in that we will be able to walk there, bike there, take our dogs to the dog park and such. But again, the smaller areas-the sub-neighborhoods, if you will, having been sold to other developers to actually build, may choose to become HOAs and, in order to fund the maintenance of the pocket parks,trails, sidewalks, perhaps even sewers, will charge "visitors" to enjoy these amenities.

Furthermore,It is unrealistic to create appealing commercial destinations and expect that people won't drive to them, perhaps from farther away in the city.
I believe that strict regulations on driving must be created and enforced to protect not only those of us who have enjoyed living in this 'hood for decades, but also new residents of the development from an onslaught of auto traffic and it's concomitant problems.

The indoor sports center is, for me, the biggest nightmare suggestion. This is already a glaringly ugly building and will attract more traffic through the existing neighborhood...how could it not?. And reviving the historic ball field is a close second. This is an unnecessary thing: we have ball fields at 20th St Park, at the university, even at Chico Country Day School. The bright lights for evening games are destructive to birds who migrate at night, to star-gazing humans and to citizens who prefer a dark night for sleeping. In fact, although we have been told that dark sky lighting will be employed throughout the development, I am skeptical as to what this actually means. Lights on poles should illuminate a small circle near their base...enough to illuminate the ground on the driver's side of a car (and an equal area all around) and no further. No light into the sky. No light into windows of nearby houses. And, of course, noise would be an issue. Cheering crowds, announcers on microphones, again, the cars=lack of peace and quiet, which has been (with the exception of the weekend auto racing at the Fairgrounds) one of the loveliest things about living here in the original Barber Neighborhood. And to what end? The common good? I think not.

Although I do support infill as a means to creating more spaces for humans to live and work, I am concerned that there is not enough water in the Tuscan Aquifer to support more people and their showers and baths and washing machines and

dishwashers and hot tubs and kiddie pools,and landscaping and, god forbid(!) lawns etc etc. I think all who are engaged in planning should do some deep analysis t

## Mike Sawley

**From:** Sarah Salisbury <66tiachacha@gmail.com>
**Sent:** Monday, May 15, 2023 2:20 PM
**To:** Mike Sawley
**Subject:** Remarks on Barber Yard Development, cont

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Mr Sawley~
The email that you likely received just moments prior to this one was sent inadvertently...you can see that it is unfinished. Perhaps that is a message that I have said enough already! I will now bring my remarks to a close.

In meetings with Mr Gonzales and with your department, there is often employed a "Don't worry" tone when it is said: the build out will not be complete until 2038. Well, to some of us, the build out will be a greater nightmare than the completed project: the noise, the trucks, the lights, the dust. And, for some of us, these will be the last years of our lives. Not trying to be dramatic here, just realistic. Given this, please take it into account as you make decisions and employ some respect and consideration for the people who have called this fine old neighborhood home for decades now. Most of us know that we cannot stop the juggernaut of progress. And most of us support infill as opposed to sprawl. Just know that what you are doing will NOT be a boon to any of us nor to our property values.

Thank you for reading this~
Sarah Salisbury
1262 Broadway
95928

## Sawley Mike

**From:** Geoff Wintrup <gwintrup@gmail.com>
**Sent:** Tuesday, September 1, 2026 4:03 PM
**To:** Sawley Mike
**Cc:** Brendan Vieg
**Subject:** Re: Barber Yard Specific Plan - Final EIR and Public Hearing

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### FORMAL CEQA OBJECTION — BARBER YARD SPECIFIC PLAN FINAL EIR

Hi Mike & Brendan,

Thank you for providing notice of the availability of the Barber Yard Specific Plan Final Environmental Impact Report and the October 1, 2026 Planning Commission hearing.

I have now reviewed the Final EIR released in September 2026 and dated August 25, 2026, including its Master Responses, responses to public comments and Errata.

I live immediately adjacent to the Barber Yard site and am writing as an existing Barber Neighborhood homeowner who will be directly affected by both construction and long-term operation of this project.

**Please treat this correspondence as a formal objection to certification of the Barber Yard Final Environmental Impact Report and approval of the Barber Yard Specific Plan in its present form.**

For purposes of **Public Resources Code §21177**, I object to certification of the Final EIR and approval of the Barber Yard Specific Plan on **each and every ground stated herein**. I request that this correspondence, the authorities cited herein, the facts and evidence identified herein, and any materials incorporated herein be included in the administrative record and provided to the Planning Commission and, subsequently, to the City Council before either body acts upon the project.

I further request that the City refrain from certifying the EIR unless and until it has corrected any **failure to proceed in the manner required by CEQA**, supported its environmental conclusions with **substantial evidence**, corrected any improper deferral of environmental analysis or mitigation, adopted all feasible mitigation measures and feasible environmentally superior alternatives, provided legally adequate good-faith responses to significant environmental comments, and properly determined whether **significant new information** developed after circulation of the Draft EIR requires recirculation pursuant to Public Resources Code §21092.1 and CEQA Guidelines §15088.5.

Public Resources Code §21168.5 provides that prejudicial abuse of discretion is established when an agency has **not proceeded in the manner required by law or when its determination or decision is not supported by substantial evidence.**

Likewise, CEQA Guidelines §15088(c) requires responses to significant environmental issues to reflect a **good-faith, reasoned analysis**; conclusory statements unsupported by factual information are insufficient. See *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.

I recognize that Barber Yard has long been contemplated for redevelopment. I am **not opposed to appropriate housing, infill development, or responsible redevelopment of the former Diamond Match property**. I also recognize that CARB identified several positive aspects of the project's infill location and climate-related design.

Those benefits do not relieve the City of its obligation to fully evaluate and mitigate the project's **localized physical environmental effects upon the existing neighborhood and the residents who already live immediately beside the property.**

The project evaluated in the EIR includes up to **1,250 dwelling units, approximately 2,975 new residents, densities as high as 35 dwelling units per gross acre, and approximately 210,000 square feet of commercial uses**, including retail, restaurants, a large health/fitness use, an event center, athletic/recreational facilities, parks and other publicly accessible destinations.

This is not a minor infill project. It amounts to creation of a substantial new mixed-use district immediately against an existing residential neighborhood whose streets and environmental conditions were not designed around this intensity of development.

My objections include, but are not limited to, the following.

## 1. Significant post-Draft-EIR information requires an express CEQA Guidelines §15088.5 analysis before certification.

Public Resources Code §21092.1 provides that when **significant new information** is added to an EIR after notice and consultation but before certification, the agency must provide notice and consultation again before certification.

CEQA Guidelines §15088.5 identifies circumstances requiring recirculation, including where new information shows:

- a new significant environmental impact;
- a substantial increase in the severity of an environmental impact;
- a considerably different feasible mitigation measure or alternative that would clearly lessen significant effects but is not adopted; or
- that the Draft EIR was so fundamentally and basically inadequate and conclusory that meaningful public review was precluded.

In *Laurel Heights II*, supra, 6 Cal.4th 1112, the California Supreme Court held that recirculation is required when information added after circulation deprives the public of a **meaningful opportunity to**

**comment upon a substantial adverse environmental effect or a feasible way to mitigate or avoid that effect**.

In *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, materially revised air-quality and stormwater/hydrology analyses appearing in the Final EIR constituted significant new information requiring recirculation.

I have not located in the Barber Yard Final EIR a substantive discussion applying **CEQA Guidelines §15088.5 to information that arose after circulation of the Draft EIR**, particularly the City's 2025 Sanitary Sewer Master Plan and its subsequent 2026 sewer-system findings.

The fact that the Final EIR Errata characterizes its changes as "minor modifications and clarifications" that do not change significance conclusions does not substitute for the legally required evaluation of independently developed significant new information.

If the City determines that recirculation is unnecessary, I request that the City identify the **specific substantial evidence supporting that determination pursuant to CEQA Guidelines §15088.5(e).**

## 2. The Final EIR contains an apparent missing or erroneous "Master Response 6" that must be corrected before certification.

The Final EIR's Section 2 identifies only:

Master Response 1 — Extension of Comment Period;
Master Response 2 — Non-CEQA Issues;
Master Response 3 — Hazardous Waste and Treatment;
Master Response 4 — Off-site Water Treatment; and
Master Response 5 — Required Contents of EIR.

Nevertheless, numerous substantive responses—including responses concerning **construction noise, deferred mitigation and hazardous-material investigation—direct commenters to "Master Response 6."**

For example, Response ATA-11 regarding alleged improper deferral of construction-noise analysis directs the reader to Master Response 6. Responses ATA-22 and ATA-23 concerning hazardous-material investigation and deferred mitigation likewise refer to Master Response 6. Numerous responses to other commenters do the same.

I cannot locate any Master Response 6 in Section 2 of the Final EIR.

If this is merely an erroneous cross-reference, the Final EIR should be corrected before certification and the intended substantive response identified.

If a substantive Master Response 6 was inadvertently omitted, the problem is more significant: decision-makers and the public have been directed to reasoning that is **not actually contained in the Final EIR made available for review.**

Under CEQA Guidelines §15088(c) and *Laurel Heights II*, responses to significant environmental comments must provide a good-faith, reasoned analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 likewise cautions against environmental documents that force readers to search unsuccessfully for information necessary to understand the analysis.

If omitted substantive material is now added, the City must also consider whether that addition constitutes significant new information under §15088.5.

### 3. The project description and September 2026 Specific Plan must be stable, accurate and finite.

CEQA analysis depends upon knowing what is actually being approved.

In *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, the Court of Appeal emphasized that an adequate EIR requires an **accurate, stable and finite project description**.

The City is now circulating a September 2026 updated Barber Yard Specific Plan in both clean and track-changes formats at the same time the Final EIR is being considered.

The City should identify every material change between the project evaluated in the Draft EIR and the project now proposed for approval, including changes affecting:

land uses;
densities;
building intensity;
commercial uses;
parks and amenities;
parking;
road access;
utility infrastructure;
construction phasing;
Development Agreement obligations; and
mitigation.

If any change materially alters an environmental impact, mitigation requirement or feasible alternative, it must be considered under CEQA Guidelines §15088.5 rather than simply incorporated into the approval package.

### 4. The project does not become compatible with the existing Barber Neighborhood merely because its architecture references historic styles.

The Specific Plan describes Barber Yard as an **extension of the Barber Neighborhood.**

Yet it allows densities up to 35 dwelling units per acre and substantial commercial, recreational, athletic and entertainment activity immediately adjacent to existing residences.

Chico's Housing Element includes a policy to maintain and enhance the character of Chico's older neighborhoods.

The Final EIR largely answers neighborhood-compatibility concerns by referring to contextual architecture and the project's proposed design vocabulary.

That does not fully address the physical issue.

Compatibility involves more than architectural appearance. It includes:

building scale and massing;
height;
setbacks;
traffic intensity;
parking activity;
lighting;
commercial hours;
recreational activity;
noise;
and the physical transition between existing residences and substantially more intense development.

The City should require enforceable height transitions, setbacks, landscaping, parking setbacks and lower-intensity development immediately adjacent to existing Barber homes.

## 5. Caltrans itself identified traffic and safety concerns that should not be reduced merely to LOS.

Caltrans' comment letter identifies potential effects from increased traffic involving **congestion, safety hazards and highway operations**.

Caltrans specifically noted degradation of one study intersection from LOS A to LOS E, requested additional queueing and safety analyses, requested additional intersections be studied, and requested clarification of construction truck volumes and truck routes.

Caltrans also specifically called attention to the condition of the **Ivy Street bridge** and requested that its connection be designed for safe and comfortable pedestrian and bicycle access.

The Final EIR responds that SB 743 prohibits use of LOS as a CEQA transportation-significance metric.

I understand that.

But **SB 743 did not eliminate CEQA analysis of actual transportation hazards.**

CEQA Guidelines Appendix G continues to ask whether a project would substantially increase hazards because of a geometric design feature or incompatible use and whether it would result in inadequate emergency access.

The issue is therefore not simply whether cars wait longer at an intersection.

The issues include:

pedestrian conflicts;
bicycle conflicts;
speed differentials;
intersection geometry;
queue-related visibility or maneuvering problems where relevant;
emergency access;
truck interactions with local residential streets;
and known deficiencies in facilities carrying additional project-generated trips.

Where a responsible State transportation agency raises specific safety concerns, those concerns deserve a good-faith, evidence-supported response. See *Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013.

### 6. The Final EIR confirms that construction truck routes remain undetermined.

This is a particularly important new point.

In Response CALTRANS-7, the Final EIR states that demolition is assumed to produce approximately **42 haul truck trips per day for 20 days**, while soil excavation/off-haul is assumed to produce approximately **54 haul trips per day for 30 days**.

Yet the same response says:

**construction truck routes will be determined on a case-by-case basis for each on-site development.**

That leaves the residents who live immediately adjoining Barber Yard without knowing which streets will carry these vehicles.

Route selection directly affects:

noise;
diesel exposure;
fugitive dust and track-out;
pedestrian safety;
bicycle safety;
road damage;
vibration;
school and park exposure;
and neighborhood disruption.

Those are physical environmental effects.

For a project-level EIR approving development over approximately 17 years, the City should establish enforceable haul-route criteria now, including streets that may or may not be used, restrictions near sensitive receptors, truck hours, queuing restrictions and pavement-protection requirements.

## 7. Construction-related pavement damage is a physical impact even if the City considers “street-maintenance funding” a non-CEQA issue.

Master Response 2 classifies “funding for street maintenance” as outside CEQA, and Response ELLNER 3-1 similarly states that funding and project maintenance are beyond CEQA's purview.

That does not resolve the actual environmental issue I am raising.

**How the City generally funds roadway maintenance is an economic/governmental-budget issue. Physical deterioration of existing streets caused by thousands of heavy project-related construction trips is a physical effect.**

The distinction is important.

In *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, construction-traffic mitigation included designated haul routes, truck-hour controls, restrictions on construction vehicles in residential neighborhoods and **before-and-after pavement evaluations followed by repair of pavement deteriorated by construction traffic.**

I therefore request an applicant-funded:

pre-construction pavement-condition survey;

photographic record;

objective pavement rating;

periodic inspections during construction;

post-construction survey; and

binding obligation to repair project-caused deterioration to at least its pre-project condition.

The developer should provide sufficient bonding or other security so existing Chico residents and taxpayers are not ultimately left with the cost.

## 8. The approximately 17-year construction duration must be analyzed as it is actually experienced by adjoining residents.

The EIR assumes project construction over approximately **17 years, from 2024 through 2041**, acknowledges that the precise schedule cannot be predicted and states that its preliminary development schedule does not contain formal construction “phases.”

The Final EIR nevertheless repeatedly characterizes construction impacts as temporary.

That characterization is incomplete from the perspective of the sensitive receptor.

One bulldozer is temporary.

One grading operation is temporary.

One building is temporary.

But for a person living along the boundary of a 133-acre development, repeated demolition, soil remediation, grading, utilities, roads, single-family construction, multifamily construction and commercial construction may continue intermittently for a substantial portion of the period that person owns and occupies the home.

The environmental inquiry should address **duration, frequency, intensity, proximity, repetition and cumulative exposure**, not merely label each individual construction task temporary.

California precedent recognizes that temporary construction noise can nevertheless constitute a significant environmental impact. See *Pfeiffer v. City of Sunnyvale* (2011) 200 Cal.App.4th 1552 and *Yerba Buena Neighborhood Consortium v. Regents of University of California* (2023) 95 Cal.App.5th 779.

## 9. The Final EIR rejected more protective construction hours without adequately addressing long-term residential exposure.

A commenter specifically proposed quieter construction hours of approximately 8:00 a.m. to 6:00 p.m.

The Final EIR's response states essentially that development will instead comply with the general construction hours allowed by Chico's Municipal Code.

That may establish regulatory compliance, but it does not itself establish that the resulting environmental burden on the **nearest sensitive receptors over a 17-year buildout** is insignificant.

The City should evaluate project-specific hours that are more protective of adjoining occupied homes, particularly for demolition, grading, contaminated-soil excavation, concrete work and other exceptionally noisy activities.

## 10. The City should adopt a binding Adjacent Residential Construction Protection Program before approving the Specific Plan.

The Final EIR's responses to the Aqua Terra Aeris Law Group comments acknowledge that important construction details are not known and that future acoustical analyses and construction plans may be prepared for individual projects.

CEQA Guidelines §15126.4 permits some details to be developed after approval, but mitigation cannot simply postpone the fundamental mitigation decision.

See:

*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70;

*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296;

*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413; and

*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.

Where details must be developed later, the agency must commit to mitigation and establish objective performance criteria capable of ensuring that impacts are reduced.

Accordingly, I request a project-wide, applicant-funded **Adjacent Residential Construction Protection Program** applicable to every future Barber Yard developer.

It should include:

enforceable construction hours;

temporary acoustic barriers where needed;

noise monitoring;

vibration monitoring;

particulate/dust monitoring;

designated haul routes;

no truck queuing within existing residential blocks;

limits on unnecessary idling;

advance notice of disruptive work;

a dedicated resident complaint contact;

mandatory response times;

street sweeping;

track-out control;

construction-lighting standards;

property-condition documentation;

and meaningful enforcement, including penalties for repeated violations.

## 11. The Final EIR's 86-dBA construction-noise approach does not resolve the duration and cumulative-exposure question.

In responding to ATA's deferred-noise-mitigation objection, the Final EIR relies on Chico's construction-noise standards and states that MM NOI-2a would ensure noise remains below the applicable **86-dBA construction threshold**.

Even assuming the threshold is legally appropriate for assessing individual construction operations, that does not answer a separate question:

**What does recurring exposure to years of nearby construction mean for the homes immediately adjoining the Specific Plan?**

CEQA defines a significant environmental effect as a substantial or potentially substantial adverse change in the physical environment. Noise is expressly part of the CEQA environment. PRC §§21060.5, 21068.

A threshold is a tool for determining significance. It does not automatically excuse an agency from examining an unusual magnitude, duration or pattern of environmental change.

## 12. Pre-construction surveys and vibration monitoring should protect existing homes from construction damage.

The Final EIR defends MM NOI-3 in part by requiring future vibration plans and compliance with FTA vibration criteria.

Existing homeowners nevertheless need baseline evidence before heavy construction begins.

The developer should fund independent pre-construction condition surveys of potentially affected homes, documenting:

foundations;

masonry;

interior and exterior walls;

historic plaster;

windows;

fences;

hardscape;

and other vulnerable improvements.

Where heavy equipment operates near homes, vibration should be monitored.

There should also be an applicant-funded process for investigating and paying for documented construction-related damage.

An existing homeowner should not have to prove years later that a crack or structural defect did not predate Barber Yard construction.

### 13. Construction dust and diesel exhaust require receptor-specific protections.

The EIR acknowledges construction diesel particulate matter and fugitive dust and specifically models sensitive receptors around the project.

For people living immediately next to Barber Yard, dust is not merely a regional air-quality calculation.

It can physically deposit on:

homes;

windows;

vehicles;

yards;

outdoor furniture;

solar panels;

HVAC equipment;

and other surfaces.

The City should establish enforceable standards for off-site dust and particulate migration, perimeter monitoring during high-dust activities, rapid complaint response, street sweeping and track-out control.

Where substantial project-generated dust deposition on adjoining property is verified, the City should evaluate applicant-funded exterior cleaning and reasonable HVAC/filter replacement.

### 14. Hazardous-soil handling makes those dust protections even more important.

The site has an extensive industrial and remediation history.

I recognize that previous cleanup has occurred and I am **not claiming that the entire Barber Yard site is presently contaminated**.

Nevertheless, the EIR documents historical arsenic, pentachlorophenol and other environmental concerns, the asphalt-cap restrictions, recognized environmental conditions and the need to excavate approximately **12,971 cubic yards of contaminated soil**.

The Final EIR states that a Soil and Debris Management Plan will be prepared, approved by DTSC and completed before grading permits are issued.

It also states that **additional hazardous-material investigation, if necessary, will occur through development and approval of that future SDMP**.

That language is precisely why the deferred-analysis question remains relevant.

The City should explain under CEQA Guidelines §15126.4 why the information presently known is sufficient to establish the significance conclusion and why the remaining future characterization cannot reveal environmental conditions requiring different mitigation.

Under *Sundstrom*, an agency cannot use a requirement for future environmental study as a substitute for environmental analysis that should occur before project approval.

## 15. The asphalt cap must have enforceable restrictions and transparent long-term monitoring.

The Final EIR clarifies that the asphalt cap will remain in place, that arsenic-contaminated soil is buried beneath clean fill, and that its proposed use is limited principally to parking and other DTSC-authorized uses.

Those restrictions should be carried directly into the Specific Plan, Development Agreement, permit conditions and MMRP in a form that cannot be weakened through subsequent development approvals without appropriate environmental review.

Long-term inspection, repair responsibility, prohibited activities and DTSC oversight should be clear to future owners and the public.

## 16. The Final EIR's traffic-noise response appears to repeat the analytical problem identified in King & Gardiner Farms.

This remains one of my strongest objections.

The Draft EIR acknowledges that some quiet existing road segments would experience traffic-noise increases exceeding **10 dBA CNEL**—an increase that the EIR itself explains may be perceived as **more than a doubling of loudness**.

Examples include increases on West 18th, West 20th and West 22nd Streets from low-40-dBA existing conditions into the upper-50-dBA range.

The Final EIR nevertheless continues to state, including in Response ATA-15 and Response CEHRS-1, that because modeled traffic noise does not exceed the City's **65-dBA CNEL exterior standard**, the traffic-noise impact is less than significant.

That is strikingly similar to the analytical approach rejected in ***King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814**.

There, Kern County also used 65 dBA as the quantitative threshold for an increase in ambient noise. The Court of Appeal explained that an absolute maximum-noise standard does not necessarily disclose or

resolve the separate question of whether a project causes a **substantial increase over existing ambient noise**.

Likewise, ***Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714** emphasizes consideration of both the absolute noise level and the increase over existing conditions.

I therefore specifically object to the Final EIR's continued conclusion that these traffic-noise increases are insignificant merely because the final absolute level remains below 65 dBA CNEL.

The City should identify substantial evidence explaining **why a greater-than-10-dBA increase—described by its own EIR as potentially more than a doubling of perceived loudness—is environmentally insignificant for a currently quiet residential street.**

## 17. Stationary operational noise continues to depend substantially upon future site-specific design.

The Final EIR responds to ATA's objections to MM NOI-2b by stating that site-specific development details are not yet known and that future development must demonstrate compliance with nighttime noise standards through setbacks, shielding or an acoustical study.

The potential sources include:

truck loading;

large parking areas;

commercial mechanical systems;

sports fields;

and other noise-generating activities.

That response confirms that the precise placement and actual attenuation of potentially major noise sources will not be known until later.

The City should establish binding setbacks and performance criteria at the Specific Plan level so that a later applicant cannot place a major source next to an existing home and then attempt to engineer its way down to the regulatory maximum.

Where a quieter design is feasible through site planning, **avoidance should precede attenuation.**

## 18. Operational noise from restaurants, events, athletics and nighttime activity should be addressed as a neighborhood-interface issue.

The Final EIR states that operational stationary-source noise was modeled and will be subject to future standards.

That still does not fully address the change experienced by existing residents from converting a relatively quiet adjoining property into a mixed-use destination containing restaurants, fitness/athletic activity, an event center, public spaces, parking and potential evening activity.

The City should require:

defined hours of operation for high-impact uses near existing homes;

minimum setbacks;

event-noise controls;

loading-hour restrictions;

and enforceable nighttime standards measured at existing residential property lines.

## 19. The Final EIR's treatment of property values does not dispose of the underlying CEQA issue.

Master Response 2 categorizes “economic effects or other similar perceived impacts to property values” as non-CEQA matters.

Response CEHRS-1 likewise cites *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099 and states that property values are economic rather than environmental.

I agree with the narrow legal proposition that **a decrease in market value, standing alone, is not a significant environmental effect under CEQA.**

That is not the argument I am making.

CEQA Guidelines §15131 expressly states that although economic or social effects are not themselves environmental impacts, **economic and social effects may be used to determine the significance of physical changes caused by the project.**

The causal direction matters.

I am not arguing:

“Lower property value causes an environmental impact.”

I am arguing:

**Substantially increased noise, dust, light, vibration and traffic are physical environmental changes, and evidence that those changes materially impair the desirability, use or value of adjoining homes may help demonstrate the severity of those physical effects.**

Characterizing the property-value component as “economic” does not allow the City to disregard the physical environmental changes that may cause that economic result.

## 20. Existing homeowners do not automatically receive compensation if their neighborhood is transformed, which makes mitigation before approval particularly important.

California law generally does **not** guarantee compensation simply because lawful neighboring development makes an area busier or causes market preferences to change.

That is precisely why the environmental consequences must be addressed at the approval stage.

California nuisance law nevertheless recognizes circumstances in which substantial physical interference with the use and enjoyment of property can become actionable.

Civil Code §3479 includes conditions offensive to the senses or obstructing the free use and comfortable enjoyment of property.

Relevant cases include:

*Kornoff v. Kingsburg Cotton Oil Co.* (1955) 45 Cal.2d 265 — recurring dust and particulate intrusion;

*Varjabedian v. City of Madera* (1977) 20 Cal.3d 285 — nuisance and demonstrated diminution in property value;

*Wilson v. Interlake Steel Co.* (1982) 32 Cal.3d 229 — noise/light nuisance principles and distinction between intangible and physical particulate invasions;

*Harding v. State of California* (1984) 159 Cal.App.3d 359 — direct, substantial and peculiar burdens involving dust, debris and noise in the inverse-condemnation context;

and *Orpheum Building Co. v. BART* (1978) 80 Cal.App.3d 863 — construction-related interference.

I also recognize the limits explained in *Today's IV, Inc. v. Los Angeles County Metropolitan Transportation Authority* (2022): ordinary construction impacts do not automatically create compensable inverse-condemnation claims.

I am not asserting that the City owes every neighboring resident damages.

I am pointing out that **existing homeowners may bear very real economic losses from physical environmental changes without an automatic legal compensation remedy afterward**.

That strongly favors prevention, enforceable mitigation and applicant-funded protection now.

## 21. The City should establish a formal adjacent-property protection and damage-resolution program.

For homes closest to construction, I request consideration of:

pre-construction property-condition surveys;

construction noise, dust and vibration monitoring;

a formal complaint process;

investigation of alleged damage;

reimbursement for verified physical construction damage;

cleaning for documented extraordinary dust deposition;

and other applicant-funded measures reasonably necessary to protect neighboring properties.

If significant physical effects on an immediately adjoining property cannot feasibly be mitigated, the City should evaluate whether voluntary acquisition, easements or other property-protection arrangements are appropriate.

## 22. The Final EIR acknowledges a “considerable increase” in light but still provides no project-wide photometric analysis.

Response WINTRUP 1-4 expressly reiterates the Draft EIR's finding that the project would result in a **considerable increase in the amount of light and glare**, with potential spillover into adjacent areas.

The response nevertheless concludes that the impact is less than significant because future development must comply with Chico lighting standards requiring shielding and downward direction.

Compliance with a general code provision does not tell an adjoining resident how bright the property line or bedroom window will actually become.

The City should require a project-wide photometric study examining reasonable worst-case buildout, including:

streetlights;

parking-lot lighting;

athletic lighting;

commercial lighting;

event-area lighting;

signage;

security lighting;

and vehicle headlights.

Binding standards should address:

maximum horizontal and vertical illumination at existing residences;

fixture height;

shielding;

color temperature;

operating hours;

and automatic shutoff.

### 23. Parking adequacy itself may not be a CEQA impact, but associated physical effects cannot simply be ignored.

The Final EIR correctly notes that Public Resources Code §21099(b)(3) limits use of parking adequacy as a CEQA significance issue.

I therefore do **not** rely on parking shortage itself as an independent CEQA impact.

However, the project includes large public destinations whose parking numbers and configurations will partly be finalized later.

To the extent parking patterns create separate physical environmental effects—such as traffic circulation, nighttime noise, headlights, pedestrian conflicts, blocked emergency access or other safety problems—those effects must still be evaluated under the appropriate environmental category.

Separately from CEQA, the Planning Commission and City Council should protect existing Barber residential streets from becoming routine overflow parking for commercial, athletic or event uses.

### 24. Public-space sanitation, litter, illegal dumping, overnight use and maintenance require a credible operations plan.

The proposed development creates major publicly accessible destinations, including commercial uses, restaurants, recreational facilities, parks, plazas, event areas and parking.

Those areas will require continuing:

trash removal;

litter pickup;

restroom sanitation;

graffiti removal;

landscape maintenance;

event cleanup;

illegal-dumping response;

security;

and after-hours management.

The Project Description's discussion of routine residential and commercial solid-waste collection does not answer who cleans publicly accessible parks, parking areas, sidewalks and plazas—or what happens when trash migrates onto adjoining existing neighborhood streets.

This also includes management of **overnight occupation or encampments in publicly accessible areas**.

I am not asserting that homelessness itself is an environmental impact, and I am not asking the City to treat people differently because of housing status.

The CEQA issue is the reasonably foreseeable **physical consequences**, where supported by evidence, such as:

accumulated refuse;

sanitation problems;

fire risk;

degradation of public facilities;

impacts to waterways;

additional maintenance activities;

and potential need for additional public facilities.

CEQA Guidelines §15131 expressly recognizes the distinction between social conditions and resulting physical environmental effects.

The City should require a funded **Public Space Operations, Sanitation and Maintenance Plan** identifying responsibility for all public and privately owned publicly accessible spaces and ensuring that operational burdens are not simply transferred into the existing Barber Neighborhood.

## 25. The 2025 Sanitary Sewer Master Plan appears to constitute major new information the Final EIR fails to address.

This is now one of the most important issues.

The Draft EIR relies heavily upon the City's **2013 Sanitary Sewer Master Plan** and states that no off-site wastewater improvements would be necessary specifically to serve Barber Yard.

It estimates Barber Yard average dry-weather flow at approximately **154,650 gallons per day** compared with a 159,600-gallon planning allocation.

But after circulation of the Draft EIR, the City completed its **2025 Sanitary Sewer Master Plan Update.**

The environmental documentation for that updated plan specifically states:

**“The Barber Yard Trunk Sewer would extend service to the Barber Yard SPA through 3,275 feet of 10-inch diameter gravity sewer.”**

That is materially different on its face from the Draft EIR statement that no off-site improvements are necessary specifically to serve Barber Yard.

The Final EIR was completed in August 2026—well after the 2025 Master Plan.

Yet I have not located in the Final EIR a substantive discussion of:

the 2025 Sanitary Sewer Master Plan;

the Barber Yard Trunk Sewer;

its 3,275-foot length;

its purpose;

its environmental effects;

or its relationship to the Draft EIR's contrary infrastructure assumption.

The City needs to reconcile these statements **before certification.**

## 26. The Barber Yard Trunk Sewer may also implicate CEQA's “whole of the action” requirement.

CEQA Guidelines §15378 defines the “project” as the **whole of an action** having the potential to cause physical environmental change.

If 3,275 feet of new gravity sewer is necessary to “extend service to the Barber Yard SPA,” the City should explain whether that infrastructure is a component of the Barber Yard action for CEQA purposes.

Necessary infrastructure cannot be segmented from the development it enables merely because it appears in a separate capital-improvement document.

See *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376 regarding reasonably foreseeable related actions.

The City should identify:

the trunk-sewer alignment;

construction footprint;

construction impacts;

timing;

capacity;

relationship to Barber Yard phasing;

and responsible funding party.

If this information materially alters the utilities analysis presented to the public in the Draft EIR, recirculation under §15088.5 must be considered.

### 27. Chico's 2026 Sewer Rate Study further demonstrates materially changed infrastructure circumstances.

By the time this Final EIR was completed, the City was publicly reporting that:

current revenues were insufficient to meet required operating, regulatory and infrastructure needs;

more than ten years without rate increases resulted in **deferred infrastructure investment**;

approximately **$57 million in state-mandated treatment upgrades** are required by 2031;

some sewer pipes and treatment facilities are **50 to 70 years old**;

reserves are only approximately **$4.4 million**;

and inadequate funding creates risks including equipment failure, service disruption, reduced treatment capacity and limited ability to support planned General Plan development.

I am **not claiming that financial weakness proves the sewer system lacks physical capacity**.

I am saying that the City's current information materially changes the context of a utilities analysis relying upon a 2013 planning document.

The City should provide current project-specific substantial evidence regarding:

average dry-weather flow;

peak wet-weather flow;

infiltration and inflow;

downstream hydraulic capacity;

pipe condition;

system reliability;

treatment capacity;

and necessary capital improvements.

### 28. Existing sewer ratepayers should not subsidize project-specific infrastructure needed to make Barber Yard feasible.

The City's own current Sewer Rate Study states that its rate program does **not** fund new sewer extensions to unserved parcels and that such extensions are typically funded by the property owners or developers who benefit from them.

If the Barber Yard Trunk Sewer exists to extend service to Barber Yard, the City should clearly identify:

who pays;

whether existing ratepayers contribute;

whether impact fees are adequate;

and whether completion is required before specified project occupancy.

Off-site infrastructure can require fair-share mitigation even where another public entity exercises control. See *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341.

### 29. Current water-supply information should be used.

I am not asserting without evidence that Chico lacks sufficient water for Barber Yard.

The appropriate objection is narrower.

For a development expected to build out over nearly two decades, the City should confirm water-supply conclusions using current water-planning and groundwater-sustainability information, including the most recent Cal Water planning documents and Vina groundwater information.

In *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court held that long-term development requires meaningful disclosure of the water reasonably expected to serve the project and relevant uncertainties.

### 30. Stormwater infrastructure and the Comanche Creek outfall continue to warrant careful scrutiny.

The project includes a new off-site detention/retention basin and a new outfall to Comanche Creek.

The EIR acknowledges potential erosion, sediment, water-quality and drainage consequences.

The City should ensure the analysis addresses:

reasonable worst-case rainfall;

10- and 100-year storm conditions;

climate-related rainfall uncertainty;

emergency overflow;

downstream erosion;

water-quality treatment;

pollutant loading;

long-term maintenance;

and responsibility if facilities fail.

### 31. The Final EIR does not eliminate the biological-resource concerns identified in the Draft EIR.

The EIR identifies potential occurrence of multiple special-status species, including Swainson's hawk, burrowing owl, valley elderberry longhorn beetle, giant garter snake, western pond turtle and several bat species.

The record also identifies nesting habitat and elderberry shrubs relevant to valley elderberry longhorn beetle analysis.

Preconstruction surveys are useful, but surveys are not themselves mitigation for permanent habitat conversion.

Where impacts to nesting, foraging, roosting or habitat are foreseeable at the Specific Plan level, objective avoidance and mitigation standards should be established now rather than left primarily to future surveys.

### 32. Mature trees and existing habitat have environmental and neighborhood-buffer value even if no listed plant species is present.

The absence of a special-status plant does not make mature trees or existing vegetation environmentally valueless.

Existing vegetation provides:

shade;

habitat;

nesting opportunities;

carbon sequestration;

visual screening;

and physical separation between existing homes and future development.

Phrases such as retaining mature trees “to the extent feasible” should be replaced where possible with specific commitments, tree inventories, replacement ratios, survival requirements and substantial buffer planting along existing residential edges.

### 33. Significant and unavoidable air-quality impacts should receive real weight in the approval decision.

The EIR identifies significant and unavoidable air-quality impacts involving conflict with the applicable air-quality plan and cumulatively considerable criteria-pollutant effects.

Those findings should not become a formality.

In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, the California Supreme Court emphasized that an EIR must provide sufficient information for the public and decision-makers to understand environmental consequences and must make a reasonable effort to explain the health implications of pollutant increases where scientifically feasible.

Existing residences closest to Barber Yard are among the receptors that will experience both the prolonged construction environment and long-term operational emissions.

### 34. The Final EIR's response to my park comments does not resolve the distinction between public parks, private open space and private amenities.

Response WINTRUP 1-2 states that approximately 13 acres of primary and secondary open space are proposed and says the project is planned to exceed applicable park requirements.

Response WINTRUP 1-3 states that required open space and parks will be ensured by the City's planning process.

That response does not adequately address my actual concern.

The Draft EIR's own accounting distinguishes approximately:

**4.70 acres of CARD/City obligation;**
**4.82 acres of privately owned open space; and**
**6.26 acres of privately owned amenities.**

The City's Housing Element similarly describes only approximately 4.5 acres as public parks, with much of the remaining recreational acreage potentially requiring fees or memberships.

The roughly three-acre asphalt cap is also classified as open space even though it is a restricted remediation area and may be used for surface parking.

These are not equivalent categories.

The Final EIR should not imply that all open-space and amenity acreage constitutes guaranteed conventional public parkland.

### 35. “Market conditions” should not determine whether promised public benefits ever arrive.

The Draft EIR expressly states that timing of proposed recreational/open-space amenities depends in part upon the Specific Plan and Development Agreement **as well as market and other conditions**.

That makes enforceable phasing particularly important.

If parks and amenities are benefits used to justify the project's density and environmental tradeoffs, those benefits should be tied to:

fixed dates;

residential occupancy thresholds;

commercial occupancy thresholds;

bonding;

and consequences for failure to complete them.

### 36. Meriam Park remains a relevant local lesson in the need for enforceable development obligations.

I am not claiming that Meriam Park currently has no parks.

The relevant point is that Chico's own history demonstrates that large master-planned projects evolve, ownership changes, market conditions change and originally anticipated public improvements can be delayed or modified.

The City's own records have documented missed or revised Meriam Park park deadlines and the need for later safeguards preventing development phasing from avoiding timely park construction.

That is exactly why Barber Yard's parks, infrastructure and public benefits should be guaranteed through objective Development Agreement provisions rather than aspirations.

### 37. Public-service assumptions should use current 2026 information.

The EIR anticipates approximately 2,975 additional residents.

The Draft EIR used older police staffing and response-time information, including an officer ratio of approximately 1.09 sworn officers per 1,000 residents and an average response time of approximately 27.77 minutes based on earlier data.

The Final approval record should contain current information regarding:

police staffing;

calls for service;

response times;

fire/EMS call volume;

and cumulative approved development.

I recognize that CEQA's public-services threshold generally focuses upon physical impacts of constructing new or expanded governmental facilities.

Nevertheless, current service data are directly relevant to the City's broader land-use decision and to determining whether new physical facilities may become necessary.

### 38. School-generation information should likewise be current and transparent.

The EIR estimates approximately:

185 elementary-school students;

69 junior-high students; and

104 high-school students,

for approximately 358 students total.

The Draft EIR acknowledged that projected elementary enrollment exceeded then-available capacity in the data used.

I recognize that Government Code §§65995–65996 and SB 50 significantly limit local authority to impose additional school-facility CEQA mitigation.

That legal limitation does not require the City to present outdated information to decision-makers.

### 39. The cumulative analysis should examine the environmental condition experienced by the same existing household.

Environmental impacts do not arrive at an adjoining home in separate EIR chapters.

The same existing resident may experience:

construction dust;

diesel exhaust;

soil hauling;

construction trucks;

construction noise;

vibration;

security lighting;

road deterioration;

and later permanent increases in traffic noise, headlights, recreational activity, commercial activity and nighttime lighting.

CEQA requires analysis of whether project contributions are **cumulatively considerable.**

*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184 emphasizes the need for meaningful cumulative analysis rather than isolated conclusions that obscure the total environmental change.

The City should evaluate the **combined physical burden upon the existing residential receptors closest to the project.**

## 40. The On-site Stormwater Basin Alternative remains important because it demonstrates that reduced intensity is feasible.

The Draft EIR evaluates an alternative reducing approximately **154 residential units** and reducing trip generation by approximately **12 percent** while continuing to achieve the project's basic objectives, although to a lesser degree with respect to housing.

That matters under CEQA Guidelines §15126.6.

An EIR must evaluate alternatives capable of attaining most basic project objectives while substantially avoiding or reducing significant effects.

See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553.

The City should explain with substantial evidence why an alternative that:

still provides substantial housing;

still redevelops Barber Yard;

reduces 154 units;

reduces traffic;

and reduces multiple environmental effects

should not be preferred or used as the starting point for a less intensive neighborhood-edge alternative.

### 41. A stronger physical transition should be required along the existing Barber Neighborhood boundary.

The most intensive structures, parking facilities, commercial uses and recreational activity should not simply be placed as close to existing homes as zoning technically allows.

If Barber Yard is meant to be an “extension” of Barber, the edge should include enforceable:

height transitions;

setbacks;

landscape buffers;

tree canopy;

limits on multifamily massing;

parking setbacks;

light controls;

and lower-intensity residential development adjacent to existing houses.

### 42. Mitigation must remain enforceable throughout a project that may take nearly two decades to build.

Public Resources Code §21081.6 and CEQA Guidelines §15097 require a mitigation monitoring or reporting program.

The City remains responsible for ensuring implementation even when duties are delegated to future developers.

For a 17-year buildout, mitigation needs:

objective standards;

inspection requirements;

deadlines;

public reporting;

financial security;

occupancy triggers;

and consequences for noncompliance.

Environmental protections should not depend unnecessarily upon vague terms such as:

“as feasible”;
“to the extent feasible”;
“anticipated”;
“potential future”;
“envisioned”;
“subject to market conditions”; or
“to be determined during future development review.”

## 43. If significant environmental impacts remain unavoidable, the City must make legally adequate findings and a genuine Statement of Overriding Considerations.

CEQA Guidelines §15091 requires written findings supported by substantial evidence for each significant effect.

CEQA Guidelines §15093 requires a Statement of Overriding Considerations if significant impacts remain unavoidable.

The City must identify the **specific benefits** it determines outweigh those environmental impacts and support that conclusion with substantial evidence.

The published Chico CEQA decision ***Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839** likewise discusses the substantial-evidence requirement applicable to CEQA findings and overriding considerations.

Generic statements that housing, economic development or tax revenue are desirable should not substitute for explaining why **this particular intensity** is necessary where lower-impact alternatives exist.

## 44. At minimum, I request the following before certification or project approval.

I request that the City:

1. Correct the apparent missing/erroneous **Master Response 6** references and provide any omitted substantive response before certification.
2. Determine whether adding any omitted Master Response or other substantive Final EIR material requires recirculation under CEQA Guidelines §15088.5.
3. Prepare an express §15088.5 analysis addressing post-Draft-EIR information, including the **2025 Sanitary Sewer Master Plan and Barber Yard Trunk Sewer**.
4. Explain why the Final EIR completed in August 2026 contains no apparent substantive reconciliation of the 2013 sewer assumptions with the City's 2025 sewer planning.
5. Provide current project-specific wastewater analysis addressing average dry-weather flow, peak wet-weather flow, infiltration/inflow, downstream hydraulic capacity, infrastructure condition, treatment capacity and system reliability.

6. Identify the alignment, timing, purpose, environmental effects and funding responsibility for the 3,275-foot Barber Yard Trunk Sewer.
7. Determine whether that trunk sewer is part of the **whole of the Barber Yard action** for CEQA purposes.
8. Identify substantial evidence supporting any decision not to recirculate.
9. Reconsider the operational traffic-noise significance finding under *King & Gardiner Farms* and *Keep Our Mountains Quiet*, specifically addressing the admitted greater-than-10-dBA increases on currently quiet streets.
10. Provide a street-specific physical traffic-safety analysis for existing Barber streets.
11. Address Caltrans' safety concerns with a good-faith, evidence-supported response distinct from LOS.
12. Establish construction haul routes before project approval or adopt objective route-selection standards protecting residential streets and sensitive receptors.
13. Require an applicant-funded pre-, during- and post-construction pavement inspection and restoration program.
14. Adopt a project-wide Adjacent Residential Construction Protection Program.
15. Establish more protective project-specific construction hours where feasible.
16. Require project-boundary noise, dust and vibration monitoring.
17. Provide baseline condition surveys for nearby existing homes.
18. Establish a formal construction-property-damage investigation and reimbursement procedure.
19. Require enhanced dust, track-out and contaminated-soil handling controls.
20. Ensure that the SDMP contains objective performance criteria and that environmental investigation essential to determining significance is not deferred until after project approval.
21. Provide a project-wide photometric analysis and enforceable residential light-trespass limits.
22. Establish binding operational noise setbacks and nighttime controls for commercial, athletic, event and loading activities.
23. Establish a Public Space Operations, Sanitation and Maintenance Plan addressing litter, illegal dumping, restroom sanitation, graffiti, events, after-hours use, overnight occupation, security and cleanup.
24. Establish clear funding responsibility for public-space operations rather than shifting costs into the existing neighborhood.
25. Establish fixed park and public-amenity delivery dates, occupancy triggers and bonding.
26. Clearly distinguish public parks, privately owned open space, fee/membership facilities and the restricted asphalt-cap area in all representations to decision-makers.
27. Provide current police, fire/EMS and other public-service information.
28. Require stronger building-height, setback, landscaping and intensity transitions along the existing Barber Neighborhood boundary.
29. Fully evaluate the On-site Stormwater Basin Alternative and other reasonable reduced-intensity alternatives.
30. Ensure biological mitigation contains objective avoidance and performance standards and does not rely solely upon future surveys.
31. Adopt a legally adequate MMRP pursuant to PRC §21081.6 and CEQA Guidelines §15097.
32. Provide a **good-faith, reasoned response** to each significant environmental issue raised herein pursuant to CEQA Guidelines §15088(c).

To the extent the City concludes that any issue identified above is already resolved by the Final EIR, I request that the City identify the **specific Final EIR page, response to comment, technical study,**

**mitigation measure and substantial evidence supporting that conclusion**, rather than simply referring generally to a Draft EIR section.

To the extent the City concludes that a requested mitigation measure is infeasible or legally unavailable, I request identification of the **specific evidence and legal authority** supporting that conclusion.

To the extent the City concludes that significant new information does not require recirculation, I specifically request identification in the administrative record of the substantial evidence supporting that determination under CEQA Guidelines §15088.5(e).

The issue for those of us who already live here is fundamental.

The developer will eventually finish construction and move on.

The City will receive new housing and economic activity.

Future Barber Yard residents will know what Barber Yard looks like when they choose to move into it.

**The existing residents are the people who did not choose the environmental changes being imposed upon their homes.**

Those living nearest the site may endure demolition, excavation, remediation, trucks, dust, vibration, construction lighting and construction noise through repeated phases over many years.

We may live with physical deterioration of neighborhood streets from project construction traffic.

And when construction ends, we will permanently live with whatever additional traffic, roadway noise, nighttime lighting, parking activity, commercial activity, recreational activity and public-space impacts result from the development.

That does not give existing homeowners the right to freeze Barber Yard permanently in its current condition, and I am not suggesting otherwise.

It does require the City to comply fully with CEQA before approving the transformation.

The City must **fully disclose the physical environmental consequences, rely upon current and substantial evidence, adopt all feasible mitigation, meaningfully consider lower-impact alternatives, avoid improper deferred environmental analysis and mitigation, evaluate significant new information, provide good-faith responses to significant environmental comments, and make legally adequate findings before imposing those impacts upon an existing community.**

The question should not simply be whether every individual environmental effect can be characterized narrowly enough to fit below a chosen numerical threshold.

The City should also ask whether the project, considered as a whole, imposes a **direct, substantial and disproportionate physical environmental burden upon the existing Barber Neighborhood** and whether all feasible measures have actually been taken to avoid or reduce that burden.

Based upon the issues stated above, I respectfully request that the Planning Commission **not recommend certification of the Final EIR or approval of the Barber Yard Specific Plan in its present form unless and until these issues have been adequately addressed.**

Again, for purposes of **Public Resources Code §21177**, please treat this correspondence as an objection to certification and project approval on **each ground stated herein** and include the correspondence in its entirety in the administrative record.

Please provide these comments to the Planning Commission before the October 1, 2026 hearing and subsequently to the City Council before any consideration of project approval.

Thank you for your consideration,

**Geoff Wintrup**
Barber Neighborhood Resident

On Tue, Sep 1, 2026 at 12:49 PM Sawley Mike <mike.sawley@chicoca.gov> wrote:

> Hello, Interested Parties,
>
> The Final Environmental Impact Report (Final EIR) for the Barber Yard Specific Plan is available on the City's website at: https://chico.ca.us/Departments/Community-Development/Planning-Division/Current-Projects/index.html
>
> The attached notice provides additional details regarding an upcoming October 1, 2026, Planning Commission public hearing for the project. The Planning Commission will make a recommendation to the City Council, and the City Council will consider the project at a future meeting.
>
> Interested parties are invited to review the Final EIR and the updated Barber Yard Specific Plan at the link provided above. The Planning Commission staff report will be available approximately one week before the meeting.
>
> Thank You,
>
> **Mike Sawley, AICP**
>
> **Principal Planner**
>
> **City of Chico Community Development Dept.**
>
> **P.O. Box 3420, Chico, CA 95927**
>
> **(530) 879-6812**

## Sawley Mike

**From:** Tyler Wilson <tylwil@yahoo.com>
**Sent:** Sunday, September 6, 2026 1:27 PM
**To:** Brendan Vieg; Sawley Mike; Christine Wilson
**Subject:** Re: Barber Yard Specific Plan - Final EIR and Public Hearing

Subject: Barber Yard Specific Plan Final EIR—Supplemental Comments Regarding the LESA Analysis and Responses to WILSON-2 through WILSON-9
SCH No. 2023030641

Dear Mr. Sawley:

I am submitting these supplemental comments regarding the Land Evaluation and Site Assessment (LESA) analysis for the Barber Yard Specific Plan and the City's responses to my January 25, 2025 comment letter.

The Final EIR does not resolve the central issue raised in my original letter: whether the project would permanently or functionally remove at least 10 acres of Class I–II agricultural soil from agricultural availability. That question is outcome-determinative under the California Agricultural LESA Model.

The Final EIR also incorrectly identifies the commenter as "Christine Wilson." The January 25, 2025 email was submitted and signed by Tyler Wilson. Please correct the administrative record accordingly.

1. The responses do not provide the reasoned analysis required by CEQA

CEQA Guidelines Section 15088(c) requires responses to address significant environmental issues in detail, explain why specific objections or recommendations were not accepted, and provide a good-faith, reasoned analysis. Conclusory statements unsupported by factual information are not sufficient.

Responses WILSON-2 through WILSON-9 largely refer back to one another and rely on two general propositions:

- The principal 133-acre Barber Yard site is mapped as Other Land by the Farmland Mapping and Monitoring Program; and
- The proposed stormwater facilities are allowable in the County's AG-40 zone.

Neither proposition answers the specific LESA questions raised in my comment. In particular, the responses do not establish the acreage that would be permanently removed from agricultural availability, the continued farmability of the remainder of the off-site parcel, or the calculations used to establish the Zone of Influence.

The City may reasonably distinguish the historically industrial portion of Barber Yard from the mapped Prime Farmland south of the project. However, that does not justify assuming, without analysis, that the LESA project area is limited to a 7.1-acre construction footprint.

2. The relevant agricultural project area has not been adequately defined

The LESA report describes an approximately 16-acre off-site improvement area but uses only a 7.1-acre "Permanent and Temporary Impact Area" for the Land Evaluation and Project Size calculations. The report does not separate that 7.1-acre figure into:

- Permanent conversion to the stormwater basin, access road, outfall, or other infrastructure;
- Temporary construction disturbance that would be restored to agricultural use;
- Remaining land that would retain practical agricultural access and irrigation; and
- Remaining land that would become unavailable or impractical for commercial agriculture because of ownership, access, parcel configuration, infrastructure, maintenance requirements, or fragmentation.

The September 2026 Public Review Draft states that a 3- to 5-acre stormwater basin would be located within an approximately 13.5-acre off-site improvement area, with additional acreage devoted to related outfall infrastructure and street connections. The Final EIR also states that the basin property is owned by the project applicant and that the off-site area may be acquired for permanent stormwater purposes.

These facts require an evaluation of the entire area affected by the permanent stormwater use—not simply the limits of grading or construction. The relevant question is how much Class I–II land would remain realistically available for agriculture after construction and acquisition of the property.

Response WILSON-5 does not answer this issue. It states only that the facilities are allowable in the AG-40 zone. A use can be allowable under agricultural zoning and still physically convert mapped Prime Farmland or make the remainder of a parcel impractical to farm. Zoning permissibility is not a substitute for evaluating the physical and operational consequences of the project.

3. The Project Size score is outcome-determinative

The California Agricultural LESA Model Instruction Manual states that the Project Size rating is based on the acreage of the applicable soil classes within the project site. Table 3 assigns 30 points where a project affects 10–19 acres of Class I–II soils.

The existing LESA calculation is:

- Land Evaluation subscore: 48.75
- Site Assessment subscore: 15.75
- Total LESA score: 64.5
- Project Size rating: 0

If the project permanently or functionally removes at least 10 acres of Class I–II land, the Project Size rating becomes 30. Holding the other published inputs constant, the corrected calculation would be:

- Project Size weighted score: 30 × 0.15 = 4.5
- Revised Site Assessment subscore: 20.25
- Revised total LESA score: 69.0

Under Table 9 of the State LESA Manual, a project scoring between 60 and 79 points is considered significant unless either the Land Evaluation or Site Assessment subscore is less than 20. With a Project Size rating of 30, both subscores would exceed 20 and the farmland-conversion impact would be considered significant.

The Final EIR does not dispute this calculation. Instead, Response WILSON-7 repeats that the entire 133-acre project is not Important Farmland. That does not answer whether at least 10 acres of the approximately 13.5- to 16-acre off-site area would be removed from agricultural availability.

Because the significance conclusion turns on this single acreage determination, the City must support its selection of a zero Project Size score with substantial evidence.

4. The Zone of Influence calculation is not reproducible

The State LESA Manual specifies the following procedure:

1. Outline the proposed project site.
2. Establish the smallest rectangle that completely contains that site.
3. Extend a second rectangle 0.25 mile beyond the first rectangle on all sides.
4. Identify every parcel within or intersected by the second rectangle.
5. Define the Zone of Influence as the entire area of those parcels, less the proposed project area.

Response WILSON-4 states that the consultant used "a square that bounds the off-site development area" and arrived at 481.4 acres. The manual calls for the smallest bounding rectangle, not simply an unexplained square.

Neither Appendix B nor the Final EIR provides:

- The boundaries and dimensions of Rectangle A;
- The boundaries and dimensions of Rectangle B;
- A list of parcels included in the Zone of Influence;
- The gross acreage of those parcels;
- The acreage deducted for the proposed project;
- Confirmation that the project area was excluded as required by Step 5; or
- Parcel-level agricultural land-use calculations.

Exhibit 3 shows only the resulting dashed boundary and land-cover categories. It does not allow the public or decision-makers to reproduce or verify the reported 481.4-acre calculation. Merely repeating that the Zone of Influence was "appropriately identified" is not a reasoned response to the specific methodological concern.

5. The Surrounding Agricultural Land factor does not follow the stated criterion

The State manual directs the evaluator to calculate the percentage of the Zone of Influence that is currently producing agricultural crops. Fallow land must be considered individually to determine whether it remains part of an agricultural rotation or has been committed to nonagricultural use.

The LESA report instead calculates the percentage of the Zone of Influence mapped as Important Farmland and treats approximately 237.3 acres of mapped Prime Farmland as the numerator. It does not document which parcels were actually in agricultural production, which were fallow, or how the fallow-land criteria were applied.

Mapped soil or farmland classification is not necessarily equivalent to current agricultural production. The report should be revised to provide a parcel-level land-use determination consistent with the manual.

6. The Protected Resource Lands evaluation is incomplete

The LESA report defines Protected Resource Lands solely as land subject to active Williamson Act contracts. The State manual defines this category more broadly to include:

- Williamson Act contracted lands;
- Publicly owned lands maintained as park, forest, or watershed resources; and
- Lands subject to agricultural, wildlife habitat, open-space, or other natural-resource easements restricting conversion.

The report does not document whether public resource lands or conservation easements exist within the Zone of Influence. Therefore, the zero score for this factor has not been adequately supported.

7. The Final EIR contains inconsistent conclusions regarding farmland conversion

Master Response 4 states that the project "would not result in the conversion of farmland to non-agriculture uses." That statement is inconsistent with:

- Appendix B's evaluation of approximately 6.6 acres of mapped Prime Farmland;
- Impact AG-1's evaluation of potential permanent farmland conversion; and
- The alternatives analysis, which states that the on-site drainage alternative would avoid development on Prime Farmland.

The fact that stormwater infrastructure may be conditionally allowable in the AG-40 zone does not mean that construction of a permanent urban stormwater facility does not physically convert mapped Prime Farmland. The EIR should use consistent terminology and separately address zoning compatibility and physical farmland conversion.

Requested action

Before certification of the EIR, I respectfully request that the City:

1. Correctly identify Tyler Wilson as the author of the January 25, 2025 comment letter.
2. Prepare a revised LESA or supplemental technical memorandum based on the current September 2026 project design.
3. Identify and map the permanent, temporary, and residual portions of the off-site agricultural parcel.
4. Determine whether the remaining acreage would retain practical access, irrigation, and configuration for continued agricultural production.
5. Explain and support the project acreage used for the Project Size rating.
6. Provide the bounding rectangles, parcel list, acreage calculations, project-area deduction, and land-use data used for the Zone of Influence.
7. Recalculate Surrounding Agricultural Land based on current agricultural production, including a documented evaluation of fallow parcels.
8. Evaluate every category of Protected Resource Land identified in the State manual.
9. Recalculate the LESA score and reconsider the Impact AG-1 significance determination.
10. Revise Responses WILSON-2 through WILSON-9 to provide factual, reasoned responses to these issues.

If the revised analysis shows that at least 10 acres of Class I–II agricultural land would be permanently or functionally removed from agricultural availability, the currently published inputs produce a LESA score of approximately 69 with both component subscores exceeding 20. Under Table 9, that result is considered significant.

If correcting the analysis discloses a new significant impact, a substantially more severe impact, or a feasible alternative or mitigation measure that would materially reduce the impact, the City should evaluate whether recirculation of the affected portion of the EIR is required under CEQA Guidelines Section 15088.5.

I request that this letter and its attachments be included in the administrative record and provided to the Planning Commission and City Council before they consider certification of the EIR or approval of the project.

Sincerely,

Tyler Wilson

## Sawley Mike

**From:** Guy Hathorn <guyhathorn@att.net>
**Sent:** Monday, September 21, 2026 7:24 PM
**To:** Sawley Mike
**Subject:** Barber Yard

**ATTENTION:** This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the "Report Phishing" Button in Outlook or forward the email to phishing@chicoca.gov

I was dismayed to review the most recent EIR. I found the document, at least half of it, to be a rave review of what might come to fruition. I believe that the citizens of Chico deserve better. I think that the Planning Commission needs to include some hard facts like the cost of infrastructure to accommodate the development. There should be no push to hurry approval. Also, perhaps the Commission members should take a walk through the neighborhood and see what the area looks like. Thank you. Guy Hathorn

Sent from AT&T Yahoo Mail on Android

## Sawley Mike

**From:** jerome bohlman <jeromebohlman@gmail.com>
**Sent:** Wednesday, September 30, 2026 9:31 PM
**To:** Sawley Mike
**Subject:** Barber Yard Specific Plan, construction activity concerns

**ATTENTION:** This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the "Report Phishing" Button in Outlook or forward the email to phishing@chicoca.gov

- Dear Mike,

I have concerns regarding potentially substantial toxic exposure from contaminated soil dust.

Decisions and conclusions are being made with, to quote the summary of the draft EIR, " A significant data gap is associated with the absence of tank disposition and/or closure information, including analytical soil data that could help identify the presence or absence of subsurface contamination". (1)

**I don"t believe the mitigation regarding Air Quality Is sufficient, , MM Air-2 Purchase Offsets is inadequate as it does nothing to protect the residents of the Barber district from potentially a very substantial amount of toxic exposure, while it relieves the developer from liability.**

Ι ρεχεντλψ μοϖεδ το τηε Βαρβερ Διστριχτ. Τηε αννουνχεμεντ οφ τηε 10/1/26 μεετινγ ωασ τηε φιρστ χορρεσπονδεν χε Ι ηαϖε ρεχειϖεδ ρεγαρδινγ τηε ΒΨΣΠ. Ι μαψ ηαϖε μισσεδ σομε ιμπορταντ ινφορματιον αβουτ τηε τοξιχιτψ οφ σοιλ ορ οτηερ ενϖιρονμενταλ τεστινγ. Ι αμ συρπρισεδ τηατ ωιτη τηε ρεπυτατιον τηισ προπερτψ ηασ, τηερε ηασ ν οτ βεεν μορε σοιλ τεστινγ το αππεασε τηε χονχερνσ οφ νειγηβορσ ανδ προσπεχτιϖε οχχυπαντσ. (2)

Τηανκ Ψου!

ϑερομε Βοηλμαν

(1) Φρομ Δραφτ EIP,

"According to the HIST UST – CA database is associated with a 6,000-gallon diesel underground storage tank (UST), two 6,000-gallon unleaded gasoline USTs, a 500-gallon diesel UST, a 12,000- gallon diesel UST, a 1,000-gallon unleaded gasoline UST, a 3,000-gallon diesel UST, and a 10,000-gallon UST registered to Chico Remanufacturing in 1988. No information regarding the current status of the USTs was available. A significant data gap is associated with the absence of tank disposition and/or closure information, including analytical soil data that could help identify the presence or absence of subsurface contamination potentially associated with these unaccounted USTs. Based on Cameron- Cole's understanding the property is to be developed into residential development, this data gap and possibility that unidentified contamination could be present represents a REC to the subject property as defined by the applicable standard."

(2) From final EIR,

"Page 3.3-50, Footnote 34 The buildout of the proposed project could also expose future sensitive receptors within the BYSP Area to substantial pollutant concentrations due to the overlap of occupancy and construction. Demolition and removal of existing pavement, removal of contaminated soil, development of specified commercial and recreational spaces, and the initial phase of residential development could occur within the first construction year and prior to move-in of the first occupants. Total construction emissions after the first year of construction was estimated to be 705 pounds of PM10 diesel exhaust."

## Sawley Mike

**From:** Sawley Mike
**Sent:** Monday, October 19, 2026 11:40 AM
**To:** Sawley Mike
**Subject:** FW: Barber Yard Specific Plan, construction activity concerns

---

**From:** jerome bohlman <jeromebohlman@gmail.com>
**Sent:** Wednesday, September 30, 2026 9:31 PM
**To:** Sawley Mike <mike.sawley@Chicoca.gov>
**Subject:** Barber Yard Specific Plan, construction activity concerns

- Dear Mike,

I have concerns regarding potentially substantial toxic exposure from contaminated soil dust.

Decisions and conclusions are being made with, to quote the summary of the draft EIR, " A significant data gap is associated with the absence of tank disposition and/or closure information, including analytical soil data that could help identify the presence or absence of subsurface contamination". (1)

**I don"t believe the mitigation regarding Air Quality Is sufficient, , MM Air-2 Purchase Offsets is inadequate as it does nothing to protect the residents of the Barber district from potentially a very substantial amount of toxic exposure, while it relieves the developer from liability.**

I recently moved to the Barber District. The announcement of the 10/1/26 meeting was the first correspondence I have received regarding the BYSP. I may have missed some important information about the toxicity of soil or other environmental testing. I am surprised that with the reputation this property has, there has not been more soil testing to appease the concerns of neighbors and prospective occupants. (2)

Thank You!

Jerome Bohlman

(1) From Draft EIR,

"According to the HIST UST – CA database is associated with a 6,000-gallon diesel underground storage tank (UST), two 6,000-gallon unleaded gasoline USTs, a 500-gallon diesel UST, a 12,000- gallon diesel UST, a 1,000-gallon unleaded gasoline UST, a 3,000-gallon diesel UST, and a 10,000-gallon UST registered to Chico Remanufacturing in 1988. No information regarding the current status of the USTs was available. A significant data gap is associated with the absence of tank disposition and/or closure information, including analytical soil data that could help identify the presence or absence of subsurface contamination potentially associated with these unaccounted USTs. Based on Cameron- Cole's understanding the property is to be developed into residential development, this data gap and possibility that unidentified contamination could be present represents a REC to the subject property as defined by the applicable standard."

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"Page 3.3-50, Footnote 34 The buildout of the proposed project could also expose future sensitive receptors within the BYSP Area to substantial pollutant concentrations due to the overlap of occupancy and construction. Demolition and removal of existing pavement, removal of contaminated soil, development of specified commercial and recreational spaces, and the initial phase of residential development could occur within the first construction year and prior to move-in of the first occupants. Total construction emissions after the first year of construction was estimated to be 705 pounds of PM10 diesel exhaust."

September 16, 2026

City of Chico Planning Commission
c/o Planning Division
P.O. Box 3420
Chico, CA 95927-3420

**RE: Formal CEQA Objection - Barber Yard Specific Plan Final EIR**
October 1, 2026 Planning Commission Hearing

Dear Chair and Members of the Planning Commission:

Thank you for providing notice of the availability of the Barber Yard Specific Plan Final Environmental Impact Report and the October 1, 2026 Planning Commission hearing.

I have now reviewed the Final EIR released in September 2026 and dated August 25, 2026, including its Master Responses, responses to public comments and Errata.

I live immediately adjacent to the Barber Yard site and am writing as an existing Barber Neighborhood homeowner who will be directly affected by both construction and long-term operation of this project.

> **Please treat this correspondence as a formal objection to certification of the Barber Yard Final Environmental Impact Report and approval of the Barber Yard Specific Plan in its present form.**

For purposes of **Public Resources Code §21177**, I object to certification of the Final EIR and approval of the Barber Yard Specific Plan on **each and every ground stated herein**. I request that this correspondence, the authorities cited herein, the facts and evidence identified herein, and any materials incorporated herein be included in the administrative record and provided to the Planning Commission and, subsequently, to the City Council before either body acts upon the project.

I further request that the City refrain from certifying the EIR unless and until it has corrected any **failure to proceed in the manner required by CEQA**, supported its environmental conclusions with **substantial evidence**, corrected any improper deferral of environmental analysis or mitigation, adopted all feasible mitigation measures and feasible environmentally superior alternatives, provided legally adequate good-faith responses to significant environmental comments, and properly determined whether **significant new information** developed after circulation of the Draft EIR requires recirculation pursuant to Public Resources Code §21092.1 and CEQA Guidelines §15088.5.

Public Resources Code §21168.5 provides that prejudicial abuse of discretion is established when an agency has **not proceeded in the manner required by law or when its determination or decision is not supported by substantial evidence.**

Likewise, CEQA Guidelines §15088(c) requires responses to significant environmental issues to reflect a **good-faith, reasoned analysis**; conclusory statements unsupported by factual information are insufficient. See *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.

I recognize that Barber Yard has long been contemplated for redevelopment. I am **not opposed to appropriate housing, infill development, or responsible redevelopment of the former Diamond Match property**. I also recognize that CARB identified several positive aspects of the project's infill location and climate-related design.

Those benefits do not relieve the City of its obligation to fully evaluate and mitigate the project's **localized physical environmental effects upon the existing neighborhood and the residents who already live immediately beside the property.**

The project evaluated in the EIR includes up to **1,250 dwelling units, approximately 2,975 new residents, densities as high as 35 dwelling units per gross acre, and approximately 210,000 square feet of commercial uses**, including retail, restaurants, a large health/fitness use, an event center, athletic/recreational facilities, parks and other publicly accessible destinations.

This is not a minor infill project. It amounts to creation of a substantial new mixed-use district immediately against an existing residential neighborhood whose streets and environmental conditions were not designed around this intensity of development.

My objections include, but are not limited to, the following.

### 1. Significant post-Draft-EIR information requires an express CEQA Guidelines §15088.5 analysis before certification.

Public Resources Code §21092.1 provides that when **significant new information** is added to an EIR after notice and consultation but before certification, the agency must provide notice and consultation again before certification.

CEQA Guidelines §15088.5 identifies circumstances requiring recirculation, including where new information shows:

- a new significant environmental impact;
- a substantial increase in the severity of an environmental impact;
- a considerably different feasible mitigation measure or alternative that would clearly lessen significant effects but is not adopted; or
- that the Draft EIR was so fundamentally and basically inadequate and conclusory that meaningful public review was precluded.

In *Laurel Heights II*, supra, 6 Cal.4th 1112, the California Supreme Court held that recirculation is required when information added after circulation deprives the public of a **meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible way to mitigate or avoid that effect**.

In *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, materially revised air-quality and stormwater/hydrology analyses appearing in the Final EIR constituted significant new information requiring recirculation.

I have not located in the Barber Yard Final EIR a substantive discussion applying **CEQA Guidelines §15088.5 to information that arose after circulation of the Draft EIR**, particularly the City's 2025 Sanitary Sewer Master Plan and its subsequent 2026 sewer-system findings.

The fact that the Final EIR Errata characterizes its changes as "minor modifications and clarifications" that do not change significance conclusions does not substitute for the legally required evaluation of independently developed significant new information.

If the City determines that recirculation is unnecessary, I request that the City identify the **specific substantial evidence supporting that determination pursuant to CEQA Guidelines §15088.5(e).**

### 2. The Final EIR contains an apparent missing or erroneous "Master Response 6" that must be corrected before certification.

The Final EIR's Section 2 identifies only:

- Master Response 1 — Extension of Comment Period;
- Master Response 2 — Non-CEQA Issues;
- Master Response 3 — Hazardous Waste and Treatment;
- Master Response 4 — Off-site Water Treatment; and
- Master Response 5 — Required Contents of EIR.

Nevertheless, numerous substantive responses—including responses concerning **construction noise, deferred mitigation and hazardous-material investigation—direct commenters to "Master Response 6."**

For example, Response ATA-11 regarding alleged improper deferral of construction-noise analysis directs the reader to Master Response 6. Responses ATA-22 and ATA-23 concerning hazardous-material investigation and deferred mitigation likewise refer to Master Response 6. Numerous responses to other commenters do the same.

I cannot locate any Master Response 6 in Section 2 of the Final EIR.

If this is merely an erroneous cross-reference, the Final EIR should be corrected before certification and the intended substantive response identified.

If a substantive Master Response 6 was inadvertently omitted, the problem is more significant: decision-makers and the public have been directed to reasoning that is **not actually contained in the Final EIR made available for review.**

Under CEQA Guidelines §15088(c) and *Laurel Heights II*, responses to significant environmental comments must provide a good-faith, reasoned analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 likewise cautions against environmental documents that force readers to search unsuccessfully for information necessary to understand the analysis.

If omitted substantive material is now added, the City must also consider whether that addition constitutes significant new information under §15088.5.

### 3. The project description and September 2026 Specific Plan must be stable, accurate and finite.

CEQA analysis depends upon knowing what is actually being approved.

In *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, the Court of Appeal emphasized that an adequate EIR requires an **accurate, stable and finite project description**.

The City is now circulating a September 2026 updated Barber Yard Specific Plan in both clean and track-changes formats at the same time the Final EIR is being considered.

The City should identify every material change between the project evaluated in the Draft EIR and the project now proposed for approval, including changes affecting:

- land uses;
- densities;
- building intensity;
- commercial uses;
- parks and amenities;
- parking;
- road access;
- utility infrastructure;
- construction phasing;
- Development Agreement obligations; and
- mitigation.

If any change materially alters an environmental impact, mitigation requirement or feasible alternative, it must be considered under CEQA Guidelines §15088.5 rather than simply incorporated into the approval package.

### 4. The project does not become compatible with the existing Barber Neighborhood merely because its architecture references historic styles.

The Specific Plan describes Barber Yard as an **extension of the Barber Neighborhood.**

Yet it allows densities up to 35 dwelling units per acre and substantial commercial, recreational, athletic and entertainment activity immediately adjacent to existing residences.

Chico's Housing Element includes a policy to maintain and enhance the character of Chico's older neighborhoods.

The Final EIR largely answers neighborhood-compatibility concerns by referring to contextual architecture and the project's proposed design vocabulary.

That does not fully address the physical issue.

Compatibility involves more than architectural appearance. It includes:

- building scale and massing;
- height;

- setbacks;
- traffic intensity;
- parking activity;
- lighting;
- commercial hours;
- recreational activity;
- noise;
- and the physical transition between existing residences and substantially more intense development.

The City should require enforceable height transitions, setbacks, landscaping, parking setbacks and lower-intensity development immediately adjacent to existing Barber homes.

### 5. Caltrans itself identified traffic and safety concerns that should not be reduced merely to LOS.

Caltrans' comment letter identifies potential effects from increased traffic involving **congestion, safety hazards and highway operations**.

Caltrans specifically noted degradation of one study intersection from LOS A to LOS E, requested additional queueing and safety analyses, requested additional intersections be studied, and requested clarification of construction truck volumes and truck routes.

Caltrans also specifically called attention to the condition of the **Ivy Street bridge** and requested that its connection be designed for safe and comfortable pedestrian and bicycle access.

The Final EIR responds that SB 743 prohibits use of LOS as a CEQA transportation-significance metric.

I understand that.

But **SB 743 did not eliminate CEQA analysis of actual transportation hazards.**

CEQA Guidelines Appendix G continues to ask whether a project would substantially increase hazards because of a geometric design feature or incompatible use and whether it would result in inadequate emergency access.

The issue is therefore not simply whether cars wait longer at an intersection.

The issues include:

- pedestrian conflicts;
- bicycle conflicts;
- speed differentials;
- intersection geometry;
- queue-related visibility or maneuvering problems where relevant;
- emergency access;
- truck interactions with local residential streets;
- and known deficiencies in facilities carrying additional project-generated trips.

Where a responsible State transportation agency raises specific safety concerns, those concerns deserve a good-faith, evidence-supported response. See *Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013.

### 6. The Final EIR confirms that construction truck routes remain undetermined.

This is a particularly important new point.

In Response CALTRANS-7, the Final EIR states that demolition is assumed to produce approximately **42 haul truck trips per day for 20 days**, while soil excavation/off-haul is assumed to produce approximately **54 haul trips per day for 30 days**.

Yet the same response says:

> **construction truck routes will be determined on a case-by-case basis for each on-site development.**

That leaves the residents who live immediately adjoining Barber Yard without knowing which streets will carry these vehicles.

Route selection directly affects:

- noise;
- diesel exposure;
- fugitive dust and track-out;
- pedestrian safety;
- bicycle safety;
- road damage;
- vibration;
- school and park exposure;
- and neighborhood disruption.

Those are physical environmental effects.

For a project-level EIR approving development over approximately 17 years, the City should establish enforceable haul-route criteria now, including streets that may or may not be used, restrictions near sensitive receptors, truck hours, queuing restrictions and pavement-protection requirements.

### 7. Construction-related pavement damage is a physical impact even if the City considers "street-maintenance funding" a non-CEQA issue.

Master Response 2 classifies "funding for street maintenance" as outside CEQA, and Response ELLNER 3-1 similarly states that funding and project maintenance are beyond CEQA's purview.

That does not resolve the actual environmental issue I am raising.

> **How the City generally funds roadway maintenance is an economic/governmental-budget issue. Physical deterioration of existing streets caused by thousands of heavy project-related construction trips is a physical effect.**

The distinction is important.

In *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, construction-traffic mitigation included designated haul routes, truck-hour controls, restrictions on construction vehicles in residential neighborhoods and **before-and-after pavement evaluations followed by repair of pavement deteriorated by construction traffic.**

I therefore request an applicant-funded:

- pre-construction pavement-condition survey;
- photographic record;
- objective pavement rating;
- periodic inspections during construction;
- post-construction survey; and
- binding obligation to repair project-caused deterioration to at least its pre-project condition.

The developer should provide sufficient bonding or other security so existing Chico residents and taxpayers are not ultimately left with the cost.

### 8. The approximately 17-year construction duration must be analyzed as it is actually experienced by adjoining residents.

The EIR assumes project construction over approximately **17 years, from 2024 through 2041**, acknowledges that the precise schedule cannot be predicted and states that its preliminary development schedule does not contain formal construction "phases."

The Final EIR nevertheless repeatedly characterizes construction impacts as temporary.

That characterization is incomplete from the perspective of the sensitive receptor.

One bulldozer is temporary.

One grading operation is temporary.

One building is temporary.

But for a person living along the boundary of a 133-acre development, repeated demolition, soil remediation, grading, utilities, roads, single-family construction, multifamily construction and commercial construction may continue intermittently for a substantial portion of the period that person owns and occupies the home.

The environmental inquiry should address **duration, frequency, intensity, proximity, repetition and cumulative exposure**, not merely label each individual construction task temporary.

California precedent recognizes that temporary construction noise can nevertheless constitute a significant environmental impact. See *Pfeiffer v. City of Sunnyvale* (2011) 200 Cal.App.4th 1552 and *Yerba Buena Neighborhood Consortium v. Regents of University of California* (2023) 95 Cal.App.5th 779.

### 9. The Final EIR rejected more protective construction hours without adequately addressing long-term residential exposure.

A commenter specifically proposed quieter construction hours of approximately 8:00 a.m. to 6:00 p.m.

The Final EIR's response states essentially that development will instead comply with the general construction hours allowed by Chico's Municipal Code.

That may establish regulatory compliance, but it does not itself establish that the resulting environmental burden on the **nearest sensitive receptors over a 17-year buildout** is insignificant.

The City should evaluate project-specific hours that are more protective of adjoining occupied homes, particularly for demolition, grading, contaminated-soil excavation, concrete work and other exceptionally noisy activities.

### 10. The City should adopt a binding Adjacent Residential Construction Protection Program before approving the Specific Plan.

The Final EIR's responses to the Aqua Terra Aeris Law Group comments acknowledge that important construction details are not known and that future acoustical analyses and construction plans may be prepared for individual projects.

CEQA Guidelines §15126.4 permits some details to be developed after approval, but mitigation cannot simply postpone the fundamental mitigation decision.

See:

- *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70;
- *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296;
- *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413; and
- *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.

Where details must be developed later, the agency must commit to mitigation and establish objective performance criteria capable of ensuring that impacts are reduced.

Accordingly, I request a project-wide, applicant-funded **Adjacent Residential Construction Protection Program** applicable to every future Barber Yard developer.

It should include:

- enforceable construction hours;
- temporary acoustic barriers where needed;
- noise monitoring;
- vibration monitoring;
- particulate/dust monitoring;
- designated haul routes;

- no truck queuing within existing residential blocks;
- limits on unnecessary idling;
- advance notice of disruptive work;
- a dedicated resident complaint contact;
- mandatory response times;
- street sweeping;
- track-out control;
- construction-lighting standards;
- property-condition documentation;
- and meaningful enforcement, including penalties for repeated violations.

### 11. The Final EIR's 86-dBA construction-noise approach does not resolve the duration and cumulative-exposure question.

In responding to ATA's deferred-noise-mitigation objection, the Final EIR relies on Chico's construction-noise standards and states that MM NOI-2a would ensure noise remains below the applicable **86-dBA construction threshold**.

Even assuming the threshold is legally appropriate for assessing individual construction operations, that does not answer a separate question:

> **What does recurring exposure to years of nearby construction mean for the homes immediately adjoining the Specific Plan?**

CEQA defines a significant environmental effect as a substantial or potentially substantial adverse change in the physical environment. Noise is expressly part of the CEQA environment. PRC §§21060.5, 21068.

A threshold is a tool for determining significance. It does not automatically excuse an agency from examining an unusual magnitude, duration or pattern of environmental change.

### 12. Pre-construction surveys and vibration monitoring should protect existing homes from construction damage.

The Final EIR defends MM NOI-3 in part by requiring future vibration plans and compliance with FTA vibration criteria.

Existing homeowners nevertheless need baseline evidence before heavy construction begins.

The developer should fund independent pre-construction condition surveys of potentially affected homes, documenting:

- foundations;
- masonry;
- interior and exterior walls;
- historic plaster;
- windows;
- fences;
- hardscape;
- and other vulnerable improvements.

Where heavy equipment operates near homes, vibration should be monitored.

There should also be an applicant-funded process for investigating and paying for documented construction-related damage.

An existing homeowner should not have to prove years later that a crack or structural defect did not predate Barber Yard construction.

### 13. Construction dust and diesel exhaust require receptor-specific protections.

The EIR acknowledges construction diesel particulate matter and fugitive dust and specifically models sensitive receptors around the project.

For people living immediately next to Barber Yard, dust is not merely a regional air-quality calculation.

It can physically deposit on:

- homes;
- windows;
- vehicles;
- yards;
- outdoor furniture;
- solar panels;
- HVAC equipment;
- and other surfaces.

The City should establish enforceable standards for off-site dust and particulate migration, perimeter monitoring during high-dust activities, rapid complaint response, street sweeping and track-out control.

Where substantial project-generated dust deposition on adjoining property is verified, the City should evaluate applicant-funded exterior cleaning and reasonable HVAC/filter replacement.

### 14. Hazardous-soil handling makes those dust protections even more important.

The site has an extensive industrial and remediation history.

I recognize that previous cleanup has occurred and I am **not claiming that the entire Barber Yard site is presently contaminated**.

Nevertheless, the EIR documents historical arsenic, pentachlorophenol and other environmental concerns, the asphalt-cap restrictions, recognized environmental conditions and the need to excavate approximately **12,971 cubic yards of contaminated soil**.

The Final EIR states that a Soil and Debris Management Plan will be prepared, approved by DTSC and completed before grading permits are issued.

It also states that **additional hazardous-material investigation, if necessary, will occur through development and approval of that future SDMP**.

That language is precisely why the deferred-analysis question remains relevant.

The City should explain under CEQA Guidelines §15126.4 why the information presently known is sufficient to establish the significance conclusion and why the remaining future characterization cannot reveal environmental conditions requiring different mitigation.

Under *Sundstrom*, an agency cannot use a requirement for future environmental study as a substitute for environmental analysis that should occur before project approval.

### 15. The asphalt cap must have enforceable restrictions and transparent long-term monitoring.

The Final EIR clarifies that the asphalt cap will remain in place, that arsenic-contaminated soil is buried beneath clean fill, and that its proposed use is limited principally to parking and other DTSC-authorized uses.

Those restrictions should be carried directly into the Specific Plan, Development Agreement, permit conditions and MMRP in a form that cannot be weakened through subsequent development approvals without appropriate environmental review.

Long-term inspection, repair responsibility, prohibited activities and DTSC oversight should be clear to future owners and the public.

### 16. The Final EIR's traffic-noise response appears to repeat the analytical problem identified in King & Gardiner Farms.

This remains one of my strongest objections.

The Draft EIR acknowledges that some quiet existing road segments would experience traffic-noise increases exceeding **10 dBA CNEL**—an increase that the EIR itself explains may be perceived as **more than a doubling of loudness**.

Examples include increases on West 18th, West 20th and West 22nd Streets from low-40-dBA existing conditions into the upper-50-dBA range.

The Final EIR nevertheless continues to state, including in Response ATA-15 and Response CEHRS-1, that because modeled traffic noise does not exceed the City's **65-dBA CNEL exterior standard**, the traffic-noise impact is less than significant.

That is strikingly similar to the analytical approach rejected in ***King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814**.

There, Kern County also used 65 dBA as the quantitative threshold for an increase in ambient noise. The Court of Appeal explained that an absolute maximum-noise standard does not necessarily disclose or resolve the separate question of whether a project causes a **substantial increase over existing ambient noise**.

Likewise, ***Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714** emphasizes consideration of both the absolute noise level and the increase over existing conditions.

I therefore specifically object to the Final EIR's continued conclusion that these traffic-noise increases are insignificant merely because the final absolute level remains below 65 dBA CNEL.

The City should identify substantial evidence explaining **why a greater-than-10-dBA increase—described by its own EIR as potentially more than a doubling of perceived loudness—is environmentally insignificant for a currently quiet residential street.**

### 17. Stationary operational noise continues to depend substantially upon future site-specific design.

The Final EIR responds to ATA's objections to MM NOI-2b by stating that site-specific development details are not yet known and that future development must demonstrate compliance with nighttime noise standards through setbacks, shielding or an acoustical study.

The potential sources include:

- truck loading;
- large parking areas;
- commercial mechanical systems;
- sports fields;
- and other noise-generating activities.

That response confirms that the precise placement and actual attenuation of potentially major noise sources will not be known until later.

The City should establish binding setbacks and performance criteria at the Specific Plan level so that a later applicant cannot place a major source next to an existing home and then attempt to engineer its way down to the regulatory maximum.

Where a quieter design is feasible through site planning, **avoidance should precede attenuation.**

### 18. Operational noise from restaurants, events, athletics and nighttime activity should be addressed as a neighborhood-interface issue.

The Final EIR states that operational stationary-source noise was modeled and will be subject to future standards.

That still does not fully address the change experienced by existing residents from converting a relatively quiet adjoining property into a mixed-use destination containing restaurants, fitness/athletic activity, an event center, public spaces, parking and potential evening activity.

The City should require:

- defined hours of operation for high-impact uses near existing homes;
- minimum setbacks;
- event-noise controls;
- loading-hour restrictions;
- and enforceable nighttime standards measured at existing residential property lines.

**19. The Final EIR's treatment of property values does not dispose of the underlying CEQA issue.**

Master Response 2 categorizes "economic effects or other similar perceived impacts to property values" as non-CEQA matters.

Response CEHRS-1 likewise cites *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099 and states that property values are economic rather than environmental.

I agree with the narrow legal proposition that **a decrease in market value, standing alone, is not a significant environmental effect under CEQA.**

That is not the argument I am making.

CEQA Guidelines §15131 expressly states that although economic or social effects are not themselves environmental impacts, **economic and social effects may be used to determine the significance of physical changes caused by the project.**

The causal direction matters.

I am not arguing:

"Lower property value causes an environmental impact."

I am arguing:

**Substantially increased noise, dust, light, vibration and traffic are physical environmental changes, and evidence that those changes materially impair the desirability, use or value of adjoining homes may help demonstrate the severity of those physical effects.**

Characterizing the property-value component as "economic" does not allow the City to disregard the physical environmental changes that may cause that economic result.

**20. Existing homeowners do not automatically receive compensation if their neighborhood is transformed, which makes mitigation before approval particularly important.**

California law generally does **not** guarantee compensation simply because lawful neighboring development makes an area busier or causes market preferences to change.

That is precisely why the environmental consequences must be addressed at the approval stage.

California nuisance law nevertheless recognizes circumstances in which substantial physical interference with the use and enjoyment of property can become actionable.

Civil Code §3479 includes conditions offensive to the senses or obstructing the free use and comfortable enjoyment of property.

Relevant cases include:

- *Kornoff v. Kingsburg Cotton Oil Co.* (1955) 45 Cal.2d 265 — recurring dust and particulate intrusion;
- *Varjabedian v. City of Madera* (1977) 20 Cal.3d 285 — nuisance and demonstrated diminution in property value;
- *Wilson v. Interlake Steel Co.* (1982) 32 Cal.3d 229 — noise/light nuisance principles and distinction between intangible and physical particulate invasions;
- *Harding v. State of California* (1984) 159 Cal.App.3d 359 — direct, substantial and peculiar burdens involving dust, debris and noise in the inverse-condemnation context;

- and *Orpheum Building Co. v. BART* (1978) 80 Cal.App.3d 863 — construction-related interference.

I also recognize the limits explained in *Today's IV, Inc. v. Los Angeles County Metropolitan Transportation Authority* (2022): ordinary construction impacts do not automatically create compensable inverse-condemnation claims.

I am not asserting that the City owes every neighboring resident damages.

I am pointing out that **existing homeowners may bear very real economic losses from physical environmental changes without an automatic legal compensation remedy afterward**.

That strongly favors prevention, enforceable mitigation and applicant-funded protection now.

### 21. The City should establish a formal adjacent-property protection and damage-resolution program.

For homes closest to construction, I request consideration of:

- pre-construction property-condition surveys;
- construction noise, dust and vibration monitoring;
- a formal complaint process;
- investigation of alleged damage;
- reimbursement for verified physical construction damage;
- cleaning for documented extraordinary dust deposition;
- and other applicant-funded measures reasonably necessary to protect neighboring properties.

If significant physical effects on an immediately adjoining property cannot feasibly be mitigated, the City should evaluate whether voluntary acquisition, easements or other property-protection arrangements are appropriate.

### 22. The Final EIR acknowledges a "considerable increase" in light but still provides no project-wide photometric analysis.

Response WINTRUP 1-4 expressly reiterates the Draft EIR's finding that the project would result in a **considerable increase in the amount of light and glare**, with potential spillover into adjacent areas.

The response nevertheless concludes that the impact is less than significant because future development must comply with Chico lighting standards requiring shielding and downward direction.

Compliance with a general code provision does not tell an adjoining resident how bright the property line or bedroom window will actually become.

The City should require a project-wide photometric study examining reasonable worst-case buildout, including:

- streetlights;
- parking-lot lighting;
- athletic lighting;
- commercial lighting;
- event-area lighting;
- signage;
- security lighting;
- and vehicle headlights.

Binding standards should address:

- maximum horizontal and vertical illumination at existing residences;
- fixture height;
- shielding;
- color temperature;
- operating hours;
- and automatic shutoff.

**23. Parking adequacy itself may not be a CEQA impact, but associated physical effects cannot simply be ignored.**

The Final EIR correctly notes that Public Resources Code §21099(b)(3) limits use of parking adequacy as a CEQA significance issue.

I therefore do **not** rely on parking shortage itself as an independent CEQA impact.

However, the project includes large public destinations whose parking numbers and configurations will partly be finalized later.

To the extent parking patterns create separate physical environmental effects—such as traffic circulation, nighttime noise, headlights, pedestrian conflicts, blocked emergency access or other safety problems—those effects must still be evaluated under the appropriate environmental category.

Separately from CEQA, the Planning Commission and City Council should protect existing Barber residential streets from becoming routine overflow parking for commercial, athletic or event uses.

**24. Public-space sanitation, litter, illegal dumping, overnight use and maintenance require a credible operations plan.**

The proposed development creates major publicly accessible destinations, including commercial uses, restaurants, recreational facilities, parks, plazas, event areas and parking.

Those areas will require continuing:

- trash removal;
- litter pickup;
- restroom sanitation;
- graffiti removal;
- landscape maintenance;
- event cleanup;
- illegal-dumping response;
- security;
- and after-hours management.

The Project Description's discussion of routine residential and commercial solid-waste collection does not answer who cleans publicly accessible parks, parking areas, sidewalks and plazas—or what happens when trash migrates onto adjoining existing neighborhood streets.

This also includes management of **overnight occupation or encampments in publicly accessible areas**.

I am not asserting that homelessness itself is an environmental impact, and I am not asking the City to treat people differently because of housing status.

The CEQA issue is the reasonably foreseeable **physical consequences**, where supported by evidence, such as:

- accumulated refuse;
- sanitation problems;
- fire risk;
- degradation of public facilities;
- impacts to waterways;
- additional maintenance activities;
- and potential need for additional public facilities.

CEQA Guidelines §15131 expressly recognizes the distinction between social conditions and resulting physical environmental effects.

The City should require a funded **Public Space Operations, Sanitation and Maintenance Plan** identifying responsibility for all public and privately owned publicly accessible spaces and ensuring that operational burdens are not simply transferred into the existing Barber Neighborhood.

### 25. The 2025 Sanitary Sewer Master Plan appears to constitute major new information the Final EIR fails to address.

This is now one of the most important issues.

The Draft EIR relies heavily upon the City's **2013 Sanitary Sewer Master Plan** and states that no off-site wastewater improvements would be necessary specifically to serve Barber Yard.

It estimates Barber Yard average dry-weather flow at approximately **154,650 gallons per day** compared with a 159,600-gallon planning allocation.

But after circulation of the Draft EIR, the City completed its **2025 Sanitary Sewer Master Plan Update.**

The environmental documentation for that updated plan specifically states:

> **"The Barber Yard Trunk Sewer would extend service to the Barber Yard SPA through 3,275 feet of 10-inch diameter gravity sewer."**

That is materially different on its face from the Draft EIR statement that no off-site improvements are necessary specifically to serve Barber Yard.

The Final EIR was completed in August 2026—well after the 2025 Master Plan.

Yet I have not located in the Final EIR a substantive discussion of:

- the 2025 Sanitary Sewer Master Plan;
- the Barber Yard Trunk Sewer;
- its 3,275-foot length;
- its purpose;
- its environmental effects;
- or its relationship to the Draft EIR's contrary infrastructure assumption.

The City needs to reconcile these statements **before certification.**

### 26. The Barber Yard Trunk Sewer may also implicate CEQA's "whole of the action" requirement.

CEQA Guidelines §15378 defines the "project" as the **whole of an action** having the potential to cause physical environmental change.

If 3,275 feet of new gravity sewer is necessary to "extend service to the Barber Yard SPA," the City should explain whether that infrastructure is a component of the Barber Yard action for CEQA purposes.

Necessary infrastructure cannot be segmented from the development it enables merely because it appears in a separate capital-improvement document.

See *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376 regarding reasonably foreseeable related actions.

The City should identify:

- the trunk-sewer alignment;
- construction footprint;
- construction impacts;
- timing;
- capacity;
- relationship to Barber Yard phasing;
- and responsible funding party.

If this information materially alters the utilities analysis presented to the public in the Draft EIR, recirculation under §15088.5 must be considered.

### 27. Chico's 2026 Sewer Rate Study further demonstrates materially changed infrastructure circumstances.

By the time this Final EIR was completed, the City was publicly reporting that:

- current revenues were insufficient to meet required operating, regulatory and infrastructure needs;
- more than ten years without rate increases resulted in **deferred infrastructure investment**;
- approximately **$57 million in state-mandated treatment upgrades** are required by 2031;
- some sewer pipes and treatment facilities are **50 to 70 years old**;
- reserves are only approximately **$4.4 million**;

and inadequate funding creates risks including equipment failure, service disruption, reduced treatment capacity and limited ability to support planned General Plan development.

I am **not claiming that financial weakness proves the sewer system lacks physical capacity**.

I am saying that the City's current information materially changes the context of a utilities analysis relying upon a 2013 planning document.

The City should provide current project-specific substantial evidence regarding:

- average dry-weather flow;
- peak wet-weather flow;
- infiltration and inflow;
- downstream hydraulic capacity;
- pipe condition;
- system reliability;
- treatment capacity;
- and necessary capital improvements.

### 28. Existing sewer ratepayers should not subsidize project-specific infrastructure needed to make Barber Yard feasible.

The City's own current Sewer Rate Study states that its rate program does **not** fund new sewer extensions to unserved parcels and that such extensions are typically funded by the property owners or developers who benefit from them.

If the Barber Yard Trunk Sewer exists to extend service to Barber Yard, the City should clearly identify:

- who pays;
- whether existing ratepayers contribute;
- whether impact fees are adequate;
- and whether completion is required before specified project occupancy.

Off-site infrastructure can require fair-share mitigation even where another public entity exercises control. See *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341.

### 29. Current water-supply information should be used.

I am not asserting without evidence that Chico lacks sufficient water for Barber Yard.

The appropriate objection is narrower.

For a development expected to build out over nearly two decades, the City should confirm water-supply conclusions using current water-planning and groundwater-sustainability information, including the most recent Cal Water planning documents and Vina groundwater information.

In *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court held that long-term development requires meaningful disclosure of the water reasonably expected to serve the project and relevant uncertainties.

**30. Stormwater infrastructure and the Comanche Creek outfall continue to warrant careful scrutiny.**

The project includes a new off-site detention/retention basin and a new outfall to Comanche Creek.

The EIR acknowledges potential erosion, sediment, water-quality and drainage consequences.

The City should ensure the analysis addresses:

- reasonable worst-case rainfall;
- 10- and 100-year storm conditions;
- climate-related rainfall uncertainty;
- emergency overflow;
- downstream erosion;
- water-quality treatment;
- pollutant loading;
- long-term maintenance;
- and responsibility if facilities fail.

**31. The Final EIR does not eliminate the biological-resource concerns identified in the Draft EIR.**

The EIR identifies potential occurrence of multiple special-status species, including Swainson's hawk, burrowing owl, valley elderberry longhorn beetle, giant garter snake, western pond turtle and several bat species.

The record also identifies nesting habitat and elderberry shrubs relevant to valley elderberry longhorn beetle analysis.

Preconstruction surveys are useful, but surveys are not themselves mitigation for permanent habitat conversion.

Where impacts to nesting, foraging, roosting or habitat are foreseeable at the Specific Plan level, objective avoidance and mitigation standards should be established now rather than left primarily to future surveys.

**32. Mature trees and existing habitat have environmental and neighborhood-buffer value even if no listed plant species is present.**

The absence of a special-status plant does not make mature trees or existing vegetation environmentally valueless.

Existing vegetation provides:

- shade;
- habitat;
- nesting opportunities;
- carbon sequestration;
- visual screening;
- and physical separation between existing homes and future development.

Phrases such as retaining mature trees "to the extent feasible" should be replaced where possible with specific commitments, tree inventories, replacement ratios, survival requirements and substantial buffer planting along existing residential edges.

**33. Significant and unavoidable air-quality impacts should receive real weight in the approval decision.**

The EIR identifies significant and unavoidable air-quality impacts involving conflict with the applicable air-quality plan and cumulatively considerable criteria-pollutant effects.

Those findings should not become a formality.

In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, the California Supreme Court emphasized that an EIR must provide sufficient information for the public and decision-makers to understand environmental consequences and must make a reasonable effort to explain the health implications of pollutant increases where scientifically feasible.

Existing residences closest to Barber Yard are among the receptors that will experience both the prolonged construction environment and long-term operational emissions.

### 34. The Final EIR's response to my park comments does not resolve the distinction between public parks, private open space and private amenities.

Response WINTRUP 1-2 states that approximately 13 acres of primary and secondary open space are proposed and says the project is planned to exceed applicable park requirements.

Response WINTRUP 1-3 states that required open space and parks will be ensured by the City's planning process.

That response does not adequately address my actual concern.

The Draft EIR's own accounting distinguishes approximately:

**4.70 acres of CARD/City obligation;**

**4.82 acres of privately owned open space; and**

**6.26 acres of privately owned amenities.**

The City's Housing Element similarly describes only approximately 4.5 acres as public parks, with much of the remaining recreational acreage potentially requiring fees or memberships.

The roughly three-acre asphalt cap is also classified as open space even though it is a restricted remediation area and may be used for surface parking.

These are not equivalent categories.

The Final EIR should not imply that all open-space and amenity acreage constitutes guaranteed conventional public parkland.

### 35. "Market conditions" should not determine whether promised public benefits ever arrive.

The Draft EIR expressly states that timing of proposed recreational/open-space amenities depends in part upon the Specific Plan and Development Agreement **as well as market and other conditions**.

That makes enforceable phasing particularly important.

If parks and amenities are benefits used to justify the project's density and environmental tradeoffs, those benefits should be tied to:

- fixed dates;
- residential occupancy thresholds;
- commercial occupancy thresholds;
- bonding;
- and consequences for failure to complete them.

### 36. Meriam Park remains a relevant local lesson in the need for enforceable development obligations.

I am not claiming that Meriam Park currently has no parks.

The relevant point is that Chico's own history demonstrates that large master-planned projects evolve, ownership changes, market conditions change and originally anticipated public improvements can be delayed or modified.

The City's own records have documented missed or revised Meriam Park park deadlines and the need for later safeguards preventing development phasing from avoiding timely park construction.

That is exactly why Barber Yard's parks, infrastructure and public benefits should be guaranteed through objective Development Agreement provisions rather than aspirations.

### 37. Public-service assumptions should use current 2026 information.

The EIR anticipates approximately 2,975 additional residents.

The Draft EIR used older police staffing and response-time information, including an officer ratio of approximately 1.09 sworn officers per 1,000 residents and an average response time of approximately 27.77 minutes based on earlier data.

The Final approval record should contain current information regarding:

- police staffing;
- calls for service;
- response times;
- fire/EMS call volume;
- and cumulative approved development.

I recognize that CEQA's public-services threshold generally focuses upon physical impacts of constructing new or expanded governmental facilities.

Nevertheless, current service data are directly relevant to the City's broader land-use decision and to determining whether new physical facilities may become necessary.

**38. School-generation information should likewise be current and transparent.**

The EIR estimates approximately:

- 185 elementary-school students;
- 69 junior-high students; and
- 104 high-school students,
- for approximately 358 students total.

The Draft EIR acknowledged that projected elementary enrollment exceeded then-available capacity in the data used.

I recognize that Government Code §§65995–65996 and SB 50 significantly limit local authority to impose additional school-facility CEQA mitigation.

That legal limitation does not require the City to present outdated information to decision-makers.

**39. The cumulative analysis should examine the environmental condition experienced by the same existing household.**

Environmental impacts do not arrive at an adjoining home in separate EIR chapters.

The same existing resident may experience:

- construction dust;
- diesel exhaust;
- soil hauling;
- construction trucks;
- construction noise;
- vibration;
- security lighting;
- road deterioration;
- and later permanent increases in traffic noise, headlights, recreational activity, commercial activity and nighttime lighting.

CEQA requires analysis of whether project contributions are **cumulatively considerable.**

*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184 emphasizes the need for meaningful cumulative analysis rather than isolated conclusions that obscure the total environmental change.

The City should evaluate the **combined physical burden upon the existing residential receptors closest to the project.**

**40. The On-site Stormwater Basin Alternative remains important because it demonstrates that reduced intensity is feasible.**

The Draft EIR evaluates an alternative reducing approximately **154 residential units** and reducing trip generation by approximately **12 percent** while continuing to achieve the project's basic objectives, although to a lesser degree with respect to housing.

That matters under CEQA Guidelines §15126.6.

An EIR must evaluate alternatives capable of attaining most basic project objectives while substantially avoiding or reducing significant effects.

See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553.

The City should explain with substantial evidence why an alternative that:

- still provides substantial housing;
- still redevelops Barber Yard;
- reduces 154 units;
- reduces traffic;
- and reduces multiple environmental effects
- should not be preferred or used as the starting point for a less intensive neighborhood-edge alternative.

**41. A stronger physical transition should be required along the existing Barber Neighborhood boundary.**

The most intensive structures, parking facilities, commercial uses and recreational activity should not simply be placed as close to existing homes as zoning technically allows.

If Barber Yard is meant to be an "extension" of Barber, the edge should include enforceable:

- height transitions;
- setbacks;
- landscape buffers;
- tree canopy;
- limits on multifamily massing;
- parking setbacks;
- light controls;
- and lower-intensity residential development adjacent to existing houses.

**42. Mitigation must remain enforceable throughout a project that may take nearly two decades to build.**

Public Resources Code §21081.6 and CEQA Guidelines §15097 require a mitigation monitoring or reporting program.

The City remains responsible for ensuring implementation even when duties are delegated to future developers.

For a 17-year buildout, mitigation needs:

- objective standards;
- inspection requirements;
- deadlines;
- public reporting;
- financial security;
- occupancy triggers;
- and consequences for noncompliance.

Environmental protections should not depend unnecessarily upon vague terms such as:

- "as feasible";
- "to the extent feasible";
- "anticipated";
- "potential future";
- "envisioned";
- "subject to market conditions"; or
- "to be determined during future development review."

**43. If significant environmental impacts remain unavoidable, the City must make legally adequate findings and a genuine Statement of Overriding Considerations.**

CEQA Guidelines §15091 requires written findings supported by substantial evidence for each significant effect.

CEQA Guidelines §15093 requires a Statement of Overriding Considerations if significant impacts remain unavoidable.

The City must identify the **specific benefits** it determines outweigh those environmental impacts and support that conclusion with substantial evidence.

The published Chico CEQA decision ***Chico Advocates for a Responsible Economy v. City of Chico*** **(2019) 40 Cal.App.5th 839** likewise discusses the substantial-evidence requirement applicable to CEQA findings and overriding considerations.

Generic statements that housing, economic development or tax revenue are desirable should not substitute for explaining why **this particular intensity** is necessary where lower-impact alternatives exist.

**44. At minimum, I request the following before certification or project approval.**

I request that the City:

1. Correct the apparent missing/erroneous **Master Response 6** references and provide any omitted substantive response before certification.
2. Determine whether adding any omitted Master Response or other substantive Final EIR material requires recirculation under CEQA Guidelines §15088.5.
3. Prepare an express §15088.5 analysis addressing post-Draft-EIR information, including the **2025 Sanitary Sewer Master Plan and Barber Yard Trunk Sewer**.
4. Explain why the Final EIR completed in August 2026 contains no apparent substantive reconciliation of the 2013 sewer assumptions with the City's 2025 sewer planning.
5. Provide current project-specific wastewater analysis addressing average dry-weather flow, peak wet-weather flow, infiltration/inflow, downstream hydraulic capacity, infrastructure condition, treatment capacity and system reliability.
6. Identify the alignment, timing, purpose, environmental effects and funding responsibility for the 3,275-foot Barber Yard Trunk Sewer.
7. Determine whether that trunk sewer is part of the **whole of the Barber Yard action** for CEQA purposes.
8. Identify substantial evidence supporting any decision not to recirculate.
9. Reconsider the operational traffic-noise significance finding under *King & Gardiner Farms* and *Keep Our Mountains Quiet*, specifically addressing the admitted greater-than-10-dBA increases on currently quiet streets.
10. Provide a street-specific physical traffic-safety analysis for existing Barber streets.
11. Address Caltrans' safety concerns with a good-faith, evidence-supported response distinct from LOS.
12. Establish construction haul routes before project approval or adopt objective route-selection standards protecting residential streets and sensitive receptors.
13. Require an applicant-funded pre-, during- and post-construction pavement inspection and restoration program.
14. Adopt a project-wide Adjacent Residential Construction Protection Program.

15. Establish more protective project-specific construction hours where feasible.
16. Require project-boundary noise, dust and vibration monitoring.
17. Provide baseline condition surveys for nearby existing homes.
18. Establish a formal construction-property-damage investigation and reimbursement procedure.
19. Require enhanced dust, track-out and contaminated-soil handling controls.
20. Ensure that the SDMP contains objective performance criteria and that environmental investigation essential to determining significance is not deferred until after project approval.
21. Provide a project-wide photometric analysis and enforceable residential light-trespass limits.
22. Establish binding operational noise setbacks and nighttime controls for commercial, athletic, event and loading activities.
23. Establish a Public Space Operations, Sanitation and Maintenance Plan addressing litter, illegal dumping, restroom sanitation, graffiti, events, after-hours use, overnight occupation, security and cleanup.
24. Establish clear funding responsibility for public-space operations rather than shifting costs into the existing neighborhood.
25. Establish fixed park and public-amenity delivery dates, occupancy triggers and bonding.
26. Clearly distinguish public parks, privately owned open space, fee/membership facilities and the restricted asphalt-cap area in all representations to decision-makers.
27. Provide current police, fire/EMS and other public-service information.
28. Require stronger building-height, setback, landscaping and intensity transitions along the existing Barber Neighborhood boundary.
29. Fully evaluate the On-site Stormwater Basin Alternative and other reasonable reduced-intensity alternatives.
30. Ensure biological mitigation contains objective avoidance and performance standards and does not rely solely upon future surveys.
31. Adopt a legally adequate MMRP pursuant to PRC §21081.6 and CEQA Guidelines §15097.
32. Provide a **good-faith, reasoned response** to each significant environmental issue raised herein pursuant to CEQA Guidelines §15088(c).

To the extent the City concludes that any issue identified above is already resolved by the Final EIR, I request that the City identify the **specific Final EIR page, response to comment, technical study, mitigation measure and substantial evidence supporting that conclusion**, rather than simply referring generally to a Draft EIR section.

To the extent the City concludes that a requested mitigation measure is infeasible or legally unavailable, I request identification of the **specific evidence and legal authority** supporting that conclusion.

To the extent the City concludes that significant new information does not require recirculation, I specifically request identification in the administrative record of the substantial evidence supporting that determination under CEQA Guidelines §15088.5(e).

The issue for those of us who already live here is fundamental.

The developer will eventually finish construction and move on.

The City will receive new housing and economic activity.

Future Barber Yard residents will know what Barber Yard looks like when they choose to move into it.

> **The existing residents are the people who did not choose the environmental changes being imposed upon their homes.**

Those living nearest the site may endure demolition, excavation, remediation, trucks, dust, vibration, construction lighting and construction noise through repeated phases over many years.

We may live with physical deterioration of neighborhood streets from project construction traffic.

And when construction ends, we will permanently live with whatever additional traffic, roadway noise, nighttime lighting, parking activity, commercial activity, recreational activity and public-space impacts result from the development.

That does not give existing homeowners the right to freeze Barber Yard permanently in its current condition, and I am not suggesting otherwise.

It does require the City to comply fully with CEQA before approving the transformation.

The City must **fully disclose the physical environmental consequences, rely upon current and substantial evidence, adopt all feasible mitigation, meaningfully consider lower-impact alternatives, avoid improper deferred environmental analysis and mitigation, evaluate significant new information, provide good-faith responses to significant environmental comments, and make legally adequate findings before imposing those impacts upon an existing community.**

The question should not simply be whether every individual environmental effect can be characterized narrowly enough to fit below a chosen numerical threshold.

The City should also ask whether the project, considered as a whole, imposes a **direct, substantial and disproportionate physical environmental burden upon the existing Barber Neighborhood** and whether all feasible measures have actually been taken to avoid or reduce that burden.

Based upon the issues stated above, I respectfully request that the Planning Commission **not recommend certification of the Final EIR or approval of the Barber Yard Specific Plan in its present form unless and until these issues have been adequately addressed.**

Again, for purposes of **Public Resources Code §21177**, please treat this correspondence as an objection to certification and project approval on **each ground stated herein** and include the correspondence in its entirety in the administrative record.

Please provide these comments to the Planning Commission before the October 1, 2026 hearing and subsequently to the City Council before any consideration of project approval.

Thank you for your consideration,

**Geoff Wintrup**
Barber Neighborhood Resident
gwintrup@gmail.com

*1. Nelson*

**Final EIR Barber Yard Specific Plan Project comments to Chico Planning Commission (11/5/26):**

Introduction: I have lived on Estes Rd, kitty-corner to the Diamond Match property for 46 years and have followed the hazardous waste issue through the efforts to clean the site. I live on an organic ag 12 acre farm on some of the best soil in North America. I do not want to see any prime farmland be taken for the Barber Yard Project nor do I want development pressures to lead to annexation of the Estes Triangle.

LAFCO does not meet until Dec. 3, 2026 and their decision about Off site water retention will affect the Barber Yard project Alternative 3. I believe the Planning Commission should delay any decision about the project until after LAFCO input is finalized. Neighbors on Estes Rd., such as myself, already disenfranchised in Chico city decisions and physically isolated, with only one two lane egress from the Estes Triangle, are very much affected by what happens with this Off site water situation and Barber Yard traffic impacts, especially if there is an emergency need to exit.
I believe that the key reason for wanting the Off site water retention is to have clean fill dirt (prime farmland soil) for when excavation and removal will be needed for toxics discovered during the building process. This is not an acceptable reason to threaten the Greenline!

**Please do not take premature action for project approval at the 11/19 Planning Commission meeting.**

Furthermore, The Draft EIR was 794 pages with 3,102 pages in 12 Appendices and the Final EIR was 584 pages. The Public has not been able to weed through this. Much of the pertinent information is buried in the Appendices of the Draft EIR where even fewer affected people even knew they needed to comb through.

I believe that the real issues of Hazardous Materials from the legacy of Diamond Match is stronger than any slick ideas about Barber Yard and the push for infill development. It demands caution. Public perception is that this is a toxic waste land. Even with a close reading of Appendix G, the Hazards section, it is impossible to know where the contractor left off studying vs mitigating the remaining hazards.
Some of us from the Barber Neighborhood area asked for a Public Meeting before this EIR was completed to ask questions about what remains of the legacy of 100 years of indiscriminate dumping of toxic materials on the Diamond Match/Barber Yard land but were ignored. You can not ask people to have their children and animals play in yards that may be contaminated. This is not just a matter of an agreement between the project developer and the DTSC. This is the public's right to know!

All of us who neighbor this huge project area are worried about how and if City Impact Fees will be adequate and used to remediate the roads, sidewalks, Ivy St. bridge and safety concerns. Our neighborhood is over one hundred years old as it was built out of the housing needs for Diamond Match workers starting in 1910. The infrastructure is old and we believe we have a right to know how the city of Chico intends to provide mitigation measures that avoid or at least reduce the off site impacts.
As someone with lung disease I'm personally concerned about the air quality impacts of this project and want to hear from the city, not just the developer and his contractors, about how the city will not just set policies but monitor and enforce mitigation measures over the years of build out to cause/allow the least harm, especially to sensitive groups.

*2. Nelson*
**We need a Public Meeting prior to Approval of the Final EIR in order for the public to be able to ask questions and voice concerns.**

**Further comments:**
Commenters on a Draft EIR have the responsibility to show either: the Draft ElR's impact analysis **"deprived the public and decision-makers of substantial relevant information about the project's likely adverse impacts"** or that the "**conclusions, determinations, and methodology used to study the impact were not supported by substantial evidence in the record."** P12 The Final EIR discounts all or most of the public's concerns on the basis of this sentence. None of us are experts in CEQA law but many of us are home owners with decades of investment in our home properties and neighborhoods. Our concerns were not answered adequately or at all in the Final EIR, such as concerns about air quality, noise, safety impacts as- truck volumes during construction would depend on the phase of construction being implemented and the type of construction occurring on-site. For example, it is assumed that the demolition of onsite structures would result in 42 haul truck trips a day for 20 days, and the soil excavation and off haul would result in 54 haul trips per day for 30 days. P20 3-8

**The asphalt cap.** Department of Toxics and Substance Control recommends and requests consideration of the following comments: 1. *Generally*, DTSC concurs with the description of the remediation history within the Draft EIR. 2. The cap is proposed to be used as parking. All uses shall preserve the integrity and physical accessibility of the cap. Notification to DTSC shall be made within ten working days of the discovery of any damage to the cap and the completion of repairs. 3. As the property is redeveloped and likely to have changes in ownership, reasonable right-of-entry shall continue to be provided to DTSC for activities related to the LUC (Land Use Control) and property-wide operation and maintenance of the cap and groundwater remediation system. 4. **While the LUC requirement for a soil management plan is limited to the capped property, DTSC recommends the application of mitigation MM HAZ-1 for the entire property (BYSP), to address potential impacts from soil, groundwater, and soil gas**. As stated in the comments on the NOP (Notice of Preparation,) DTSC recommends regulatory oversight by entering into a voluntary agreement.
Buried in the EIR is this helpful statement that has never been in the literature of the previous clean up before and I want it available for the record- "the 3-inch asphalt cap covers a cell of arsenic-contaminated soils buried 5–9.5 feet deep underneath 22,000 cubic yards of clean soil." A point of concern is that 3 inches is very thin if trucks and SUVs are going to be parking on the cap.

It will be a permanent flaw to this project that will leave an indelible question in the minds of the public to leave historically generated arsenic capped on site in perpetuity when it can be removed to a toxic waste facility. (Historically this cap has not been maintained, see photos of weeds growing up through the cracks in the cap, and it was my communications with DTSC that got their attention to get the asphalt repaired. See documents in the Draft EIR. In other words, can state regulatory agencies always be funded and trusted?)

In regards to that: "p38 **MM HAZ-1** would apply to the entire BYSP project site and a regulatory oversight agreement with DTSC would be established prior to preparing the SDMP (Site Detection and Mitigation Program,) consistent with these recommendations. The SDMP would apply to the entire project site. As indicated in MM HAZ-1, the developer will be required to submit the **SDMP** and all of its components to DTSC for review and approval prior to initiating project site improvements." This excludes any public sharing regarding the extent or location or type of toxics that will be or have been removed from any part of the project area. It excludes home buyers with children and pets from being

*3. Nelson*
able to make informed decisions. This lack of transparency will affect public perception and the market for these homes. Requests for communication and disclosure and public education have not been addressed as I noted earlier.

My comments on the DEIR also were not addressed: P 3.5-20/21 It is my contention that the DEIR showed a lack of objectivity in order to white wash or minimize the historical uses of the Diamond Match land. Cameron Cole noted there are *no adequate longitudinal and latitude addresses on the site and that goes for pinpointing where toxic remediation was done also. All remediation was done by description and vague correlation with maps. This data gap was not addressed and in fact, was denied as not applicable.*
P3.9.7 The statement, "The DTSC agrees (with who?) that the BYSP Area is no longer contaminated." demonstrates a lack of objectivity and was proven false by the high lead levels found at the former burn dumps after the comment was made. 3.6-10 The original work by Metcalf and Eddy and CH2MHill was approved by the DTSC in 1994. At that time the chain of command, sampling techniques, characterization of toxins were rudimentary as compared to methodology now employed. There were no computers, the reporting lacked technical information to locate where work had been performed (eg soil sampling grid info was vague about depths, methods, what had become of the soil that was excavated. It appeared that random sampling had scatter shot results.)

Appendix P 34 -DTSC told Cameron Cole that everything was on Ecotracker but there are no documents regarding analytical results of the 1992 remediation and CONFIRMATION TESTING WAS NOT OBTAINED.
*Cameron Cole noted the "removal of 10,000 yards of contaminated soil in 1992 and that the clean up included,* ***but was limited to****," a number of known polluted buildings, pits, dumps bunkers...etc. The admission that the clean up was limited is stated but it is still not clear how current sampling can include all areas of the 133 acres with hazardous spikes. Apparently clean up will be one building site at a time.* Is that a reliable plan?

This section indicates what a huge amount of trust is required by the public and future home owners: From the Final EIR*: (Response to ATA-23 Commenter states that* ***since the environmental setting regarding hazards and hazardous materials is not adequately described in the Draft EIR the current mitigation measures are not adequate.*** *The commenter also indicates that because the Draft EIR does not explain or analyze additional cleanup it defers mitigation. Refer to Master Response 3. The* ***Draft EIR estimated that approximately 12,971 cubic yards of contaminated soil would be excavated and hauled off*** *to landfills for disposal, representing a worst- case estimate* ***that includes soil from Dump Areas 1–4 and addition excavation along the historical track spur rights-of-way.*** *Further, MM HAZ-1 requires the development, DTSC approval, and completion of a SDMP related to on-site contamination as appropriate and does not represent deferred mitigation. p77 Commenter states that the mitigation should specify criteria the plan needs to follow and conduct an analysis on how that will be an effective mitigation measure. Response is "Refer to Master Response 3." The commenter does not indicate how the analyses in Impacts HAZ-1, 2, 3 or 4 are deferred. MM HAZ-1 defines the timing, measures, and approval body for the implementation of an SDMP. Details regarding the specific remediation to be performed will be presented in the SDMP that will be completed and approved pursuant to MM HAZ-1 prior to issuing a grading permit for the site and with DTSC approval.)*
reference-*City of Chico—Barber Yard Specific Plan Final EIR Responses to Written Comments FirstCarbon Solutions 3-65 https://adecinnovations.sharepoint.com/sites/PublicationsSite/Shared Documents/Publications/Client (PN-JN)/1723/17230003/EIR/4 - Final EIR/17230003 Sec03-00 Responses to Written Comments.docx*

*"Response to BEC-8 The commenters reiterate their request for further site testing, particularly to mitigate hazards associated with hazardous vapors seeping into people's homes from the mismanagement of the toxic soil and water. Refer to Response to BEC-4. Available data indicate that with the exception of one testing location, the project site does not pose any concern with regard to vapor intrusion. As indicated in the Draft EIR Section 3.9, no volatile organic compounds (VOCs) were*

*4. Nelson*
*detected at concentrations exceeding residential Environmental Screening Levels (ESLs) and only one result for tetrachloroethylene (PCE) exceeded the Regional Screening Level (RSL). These data indicate that PCE may be present over a limited area at concentrations slightly exceeding RSLs; however, the Phase II ESA concluded that the "significance of this result should be evaluated in the context of specific development plans at this location and in consultation with DTSC, who will approve the final screening value." As such, in coordination with implementation of MM HAZ-1, which requires the creation, approval, and implementation of an SDMP prior to initiating on-site improvements, additional testing and management of soil vapor would occur as required and informed by previous analyses." P86 3-74* Vaporization of these cancer causing agents raises real concerns about the water table, the frequency and triggers for testing and the public's right to know where the areas of concern exist geographically. This isn't simply a discussion between the developer and the DTSC… these are real health concerns, real possible future cancer clusters, real future liability. Remember, testing was by sampling and is not necessarily enough simply because the science was exacting in the places it occurred. **Please ask Cameron Cole directly about the risks of vapor encroachment conditions as this is, I think, the most dangerous potential aspect of this entire project to human health and the subject was not concluded in the Appendix devoted to Hazards, it seemed to be mid-investigational.**
p1023 Field activities "would likely recur throughout the redevelopment process."

The DEIR mentioned on pg. 1016 that Louisiana Pacific, the previous owner of the Diamond Match property, is doing monitoring and has to submit a work plan for PCP groundwater contamination (the fenced and tarped well is at the corner of Normal and 22nd St. on Barber Yard property) but this was "outside of Phase II CEQA." I believe this persistent contamination can't be ignored.

*p 360 Page 3.3-50, Footnote 34 The buildout of **the proposed project could also expose future sensitive receptors within the BYSP Area to substantial pollutant concentrations** due to the overlap of occupancy and construction. Demolition and removal of existing pavement, removal of contaminated soil, development of specified commercial and recreational spaces, and the initial phase of residential development could occur within the first construction year and prior to move-in of the first occupants.*

In a letter to Planner Mike Sawley dated 4/25/23 from a DTSC official it was written that there were restrictions on day care centers, elder care centers, hospital use and even **residential use** under the covenant still on the EviroStor (https://dtsc.ca.gov/your-envirostor/) (There was no errata about this.)
In a letter to Mike Sawley on 5/9/23 a representative of the Regional Water Quality Control Board wrote this: "the EIR needs to consider **short term risks to workers** and long-term risks to residents via inhalation and/or ingestion of contaminated soils." Have the risks been adequately addressed? It is not clear from the EIR process that the health of workers was ever considered.

**Air Quality Impacts.**
From the Final EIR: "The commenter notes that an **increase from the expected construction fleet size for the project's first year of work may result in a significant impact from criteria air pollutants.**
Reference-City of Chico—Barber Yard Specific Plan Responses to Written Comments Final EIR 3-34
FirstCarbon Solutions https://adecinnovations.sharepoint.com/sites/PublicationsSite/Shared Documents/Publications/Client (PN-JN)/1723/17230003/EIR/4 - Final EIR/17230003 Sec03-00 Responses to Written Comments.docx
..."It is acknowledged that **quadrupling the amount of construction emissions in the first year over EIR estimates would result in a significant impact from criteria air pollutants;** however, the assumptions made in the EIR for construction emissions remain reasonable and valid for the purposes

of estimating air impacts from the proposed project. Therefore, no changes to the EIR are necessary to address this comment." (p 45-46)
The commenter recommends that on-site measures that reduce reactive organic gas (ROG) and nitrogen oxide (NOX) emissions be considered and prioritized over off-site measures or offsets. As shown in Draft EIR Section 3.3, Air Quality, Table 3.3-15, the **proposed project would result in an exceedance in ROG emissions during operatio**n. Project NOx emissions during operation would not exceed the applicable threshold. As explained on Draft EIR Section 3.3, Air Quality, pages 3.3-46 and 3.3-47, *on-site mitigation was considered and determined to be infeasible and unenforceable* (?) because it would require restrictions on the use of consumer products that are available on the marketplace not within the control of any individual project applicant or Lead Agency. Therefore, offsite mitigation (MM AIR-2) is required to reduce potential ROG emission impacts to less than significant. P46.
I would like the Planning Commission to please research and explain this to the public as it makes no sense why our health should be threatened with such a confusing explanation!

**Off site water retention**

From the Final EIR: "County Development Office regarding the offsite drainage_ **4.09-acre off-site stormwater detention pond** directly south of the Barber Yard Specific Plan Area, on Assessor's Parcel Number (APN) 039-410-025. (Note- other acreage amounts have been put forward elsewhere, "The approximately 133-acre BYSP Area occurs on an under-utilized parcel near downtown Chico and is properly referred to as an infill site. The approximately **16-acre** off-site improvement area is located directly to the south of the BYSP Area.") This property (APN: 039-410-025) is outside of Chico City Limits and within the jurisdictional boundaries of unincorporated Butte County. **This area is proposed to be owned and operated by the City of Chico** as part of their municipal drainage facilities.

As noted to planner Mike Sawley 9/25/26 the city of Chico has done a poor job to this point maintaining storm water ditches on the periphery of its sphere of influence. Are there more staff available now? More money available? It has not been a priority in the +45 years I have lived on the greenway side of the county/city border.

"Note that the commenter fails to recognize that the referenced alternative, On-site Drainage with No Comanche Creek Outfall Alternative, is specifically identified as rejected from further consideration due to its infeasibility related to the **potential for off-site flooding** as a result of the proposed project's stormwater discharge. In accordance with CEQA Guidelines Section 15126.6, an EIR is not required to consider alternatives which are infeasible." P78 The EIR does not explain why onsite storm drainage would lead to off site flooding nor why it is infeasible.

It is also stated that- "Alternative 3 and the On-Site Drainage with No Comanche Creek Outfall **do not adequately meet the project objectives** or are infeasible**.** While the proposed offsite drainage area is outside the Greenline and within Butte County, the proposed stormwater detention basin would be allowed by the County Zoning Ordinance for the AG-40 zone (see BCDS Draft EIR comment letter herein). As such, **this project-related infrastructure would be consistent with the agricultural uses protected by the Greenline**. No other areas within the project would be located outside the Greenline. Please refer to Master Response 5 regarding the off-site drainage area. Please refer to Response to ATA-28 regarding alternatives." How do they consider that the project related infrastructure would be consistent with agricultural uses when it removes currently fallowed land from the possibility of ever being productive farm land again?

*6. Nelson*

**Off project Traffic Impacts**

"Commenter states that the Draft EIR ignores the conditions set forth in the Southwest Chico Neighborhood Improvement Plan which describe **traffic speeding, stop sign running, and aggressive road behavior.** The commenter identifies this as an oversight because the Specific Plan covers similar streets to those included in the Southwest Chico Neighborhood Improvement Plan. As indicated in the Specific Plan, the Southwest Chico Neighborhood Improvement Plan was considered during the Specific Plan development. The Specific Plan is consistent with the goals and objectives outlined in the plan. **The commenter does not identify a specific City environmental threshold related to the speeding concerns, nor does the commenter identify how the proposed project would contribute to an adverse impact to the environment related to speeding.** As addressed in the Draft EIR, the proposed project does not contribute to or substantially increase any transportation-related hazards. See e.g., Impact TRANS-5, at pages 3.16-40–3.16-41. Existing conditions within the Barber Neighborhood need only be addressed by the proposed project if there is existing nexus to the project resulting in a significant adverse impact to the physical environment as defined by CEQA. As indicated in Draft EIR Section 3.16, Transportation, the project's potential impacts have been identified and mitigation implemented as required (e.g., MM TRANS-2 and -3 which require off-site contribution to sidewalk and pedestrian features). The comment does not specifically identify which Southwest Chico Neighborhood Improvement Plan guidelines or recommendations the project is purportedly not consistent with; therefore, no further response is warranted." P68 This is the kind of glib, disrespectful and unhelpful comments in the Final EIR that fail to address real concerns that most certainly matter in the development of the project and to the existing neighbors.

pg 69 In Laurel Heights, the court held that "that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project." Here, the commenter complains about impacts associated with buildout of the Specific Plan. Anticipated impacts associated with buildout of the Specific Plan are addressed throughout the Draft EIR and the commenter fails to explain how buildout under the Specific Plan would "likely change the scope or nature of the initial project" which is the Specific Plan.
I believe there is an important point here from the commenter but the response is so convoluted it is not clear how it addresses the concern.

"Commenter states that the Draft EIR should consider additional operational impacts related to delivery trucks, night life, and traffic related to restaurants, recreational facilities and parks." The Final EIR said they have addressed this but the answers are not discernible. Again, the questioner was just ignored. No citation was given on where the concern was addressed.

P180 "Section 3.16, Transportation, of the Draft EIR, the proposed project would be required to implement **MM TRANS-2 and MM TRANS-3,** which require pedestrian and bicycle facility improvements in off-site areas that serve the project site to ensure safety and to accommodate the expected increase in pedestrian and bicycle traffic. Such mitigation is required to be implemented prior to the City's acceptance of subdivision improvements for the nearest or specified street connection into the project site (as specified) in connection with the relevant specific individual development proposal. As such, **impacts to pedestrian and bicycle safety were found to be less than significant.** No additional analysis is required." This is an illustration of their attitude and the absurdity that "the proposed project's impact on traffic would be less than significant." - T**he commenter argues that**

*7. Nelson*
**traffic impacts were not fully studied and impacts will extend to Mulberry Street and not end at Park Avenue. The commenter also states that the Project EIR did not adequately study the impacts of traffic flow into and out of the BYSP. As discussed in Section 3.16, Transportation, of the Draft EIR, the proposed project's impact on traffic would be less than significant."**
Just looking at narrow 14th Street it is clear that bicycle safety would be seriously impacted. It is also obvious and logical that this project will increase gridlock at East Park and Park, 9th St and Park and at the lights at every egress/exit onto Park and 9th St.

Fidelli and Villasenor, Barber Neighborhood commenters- 1. Regional Housing Needs Plan (RHNP) and City's General Plan: Adopted in December 2020, the 6th Cycle RHNP covers an eight-and-a-half-year planning period between December 31, 2021, and June 15, 2030 (pg. 3.13.7). **The City of Chico's total RHNP allocation is 3,488 units.** The City adopted its 2022-2030 Housing Element in 2023. **It is noted in the draft EIR that the BYSP Area population potential of approximately 2,975 residents represents approximately 20.2 percent of the estimated growth for Chico over the next 20 years.** This greatly impacts our neighborhood and needs to be carefully reviewed and designed, and the City of Chico must fully engage as many neighbors as possible in the review process. 2. Infill Compatibility, City General Plan Policy LU-4.2: An infill project will provide access to existing infrastructure within the neighborhood. However, the projected growth significantly impacts the surrounding neighbors and existing old infrastructure, such as streets and sidewalks. To accommodate this large increase in residents, existing and new infrastructure must be constructed to serve existing and proposed new residents.
The Final EIR response to these concerns was dismissive and did not take into account the important statistics the commenters included to demonstrate the extreme impacts that will occur with the project.

As is this non-helpful comment response, "A proposed project's possible impact on property value is an economic issue and is not an environmental issue." p169

**Fire Risk and Emergency Exit from the Project**

p173 It is noted that the 2022 City's Community Wildfire Protection Plan identified the project site as a "highest priority parcel," as there is a need for maintenance and weed abatement to reduce wildfire potential on this site. Accordingly, the proposed development would reduce the existing high fuel loads on the project site, which would reduce the potential for wildfire spread. Individual project phases would continue to be reviewed and conditioned to ensure adequate buffers from local fuel sources and appropriate evacuation routes during project buildout. (The Barber Yard is overgrown with weeds, shrubs and dead trees currently and the owner has refused to do other than minimal fire maintenance as required by the fire marshall putting the entire surroundings at risk due to accidental and intentional fires. Phasing should not mean that fire risk remains high for years until buildout.)

The risk from a fire/explosion at the Kinder Morgan petroleum tanks at Hegan and Midway have long been discussed by local residents. The Final EIR should have included this in the Errata since it was part of my DEIR public comment because it was omitted in the DEIR and the comment was dismissed in the Final EIR(p 74.) A superficial google search confirms: "If a large tank or pipeline is involved in a major fire, emergency services expand the evacuation zone to 2,640 feet (0.5 miles) or more to account for thermal radiation and vapor spread." The direct distance between Kinder Morgan and the Barber Yard is approximately 0.5miles (16th St.) There was an incident that could have led to a massive explosion on 3/27/2015 for reference.

County residents off of Estes Road have no exit other than Estes Road to Normal Ave. in the event of a fire or explosion as there is railroad line without a crossing bordering 2 sides of the triangle and Comanche Creek on

the other. We have feared a situation with the “tank farm” for years. This risk was not mentioned in the EIR anywhere!

**In Conclusion- Alternative 3 Please Support.**
Review of the Greenline occurs every 5 years by Butte County. The Estes Triangle has long been sought after by developers. Speculators have bought land and left orchards to fallow. Recent soil testing however shows the soil in this area to be some of the best possible for agriculture. This is prime farmland facing continued development pressure, especially with a large housing development adjacent. The Off site Water Retention Area, despite what the city planner has surmised, will logically increase the threat to agriculture. The prime farmland soil that is dug out for the Offsite Water Retention Area will be used for clean fill dirt in areas where toxic soils are detected. In the case of Alternative 3, with on site water retention, it is easy to assume that the developer is concerned that more toxics would be detected and the removed dirt would require testing and might not be an acceptable fill dirt. This cynical approach to development may not be part of CEQA but Planning Commissioners must be aware of it. The EIR states that On site water retention does not meet the project objectives and this appears to be what is meant, besides maximizing profits by having the maximum number of units included in the plan.

The Barber Yard project exceeds BCAMD thresholds and there is ozone non attainment resulting in Significant Unavoidable Impacts for smog. Alternative 3 does not completely mitigate the air quality concerns but making the project 15 percent smaller (154 housing units) lessens some of the Barber Neighborhood traffic impacts, lessens impacts on local schools and increases protection for rural Estes Rd. It also helps address emergency egress. (see Appendix J, 3-16-41 regarding increased traffic and delays during peak periods.)

Alternative 3 also takes truck traffic pressure off of Butte County poorly maintained Estes Rd. and would not require the City of Chico to purchase acreage from the county.

Thank you for your attention to all the issues I have brought up.
Sincerely, Chris Nelson,
2300 B Estes Rd.
Chico, Ca. 95928

**Addendum**- Photo. Please note flooding on Normal Avenue between 22nd St and Estes Rd (adjacent and parallel to the project boundary) which takes place every time it rains hard, 2-3 times in a normal rainfall winter, because the ditch, which parallels the road on the other side of this narrow two lane road, can not handle the water volume and regularly overflows completely submerging the road and making it impassible. We need better coordination between the City and the County on the ditches that outflow to Commanche Creek.

**PC Report Attachment F**



CITY of CHICO

# PLANNING FILE

## Memorandum

Date: 11/09/2026

**Files: SP 21-01, GPA 22-05, RZ 22-03, CA 22-03, DA 23-02**

**TO:** File

**FROM:** Mike Sawley, Principal Planner (879-6812; mike.sawley@chicoca.gov)

**RE:** Barber Yard Specific Plan – Response to Additional Comments Received

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### ADDITIONAL PUBLIC COMMENTS RECEIVED

In addition to the public comments and responses contained in the Final Environmental Impact Report (Final EIR), various additional public comments have been received for the project. The additional public comments are included as **Attachment E** of the Planning Commission staff report. The purpose of this memorandum is to provide brief staff responses to the more-substantive issues raised in those additional public comments. The comment letters are as follows:

Agencies
Local Agency Formation Commission (LAFCo) Executive Officer Report, 2/26/2025
LAFCo letter, 9/18/2026
California Department of Transportation (Caltrans) two email, 9/23/2026 and 11/6/2026

Organizations
Sierra Club, Blue Oak Group, Grace Marvin email, 9/21/2026

Individuals
Vickery email, 5/10/2023 (2)
Reiff email, 5/11/2023
Salisbury email, 5/15/2023 (2)
Wintrup email, 9/1/2026
Wilson email 9/6/2026
Hathorn email, 9/21/2026
Bohlman email, 9/30/2026
Wintrup letter, 9/16/2026
Nelson letter, 11/5/2026 (Responses to be provided under separate cover)

Continued on next page.

## RESPONSE TO COMMENTS RECEIVED (AGENCIES)

### Local Agency Formation Commission (LAFCo) Executive Officer Report, 2/26/2025

Comment Summary: The LAFCo Executive Officer (EO) Report from February of 2025 states that the off-site drainage detention for the project, as it was understood at the time, would be considered an extension of services outside the City's jurisdictional boundaries and is subject to LAFCo review and approval. The EO Report identifies an alternative from the Draft EIR (On-site Drainage with No Comanche Creek Outfall Alternative) which would develop all stormwater drainage facilities on-site, thereby avoiding development on prime farmland and slightly reducing air emissions. The EO report concluded noting that LAFCO staff will submit comments on the Draft EIR concerning this issue.

Staff Response: On 3/25/2025, City staff met with the applicant team and the former and current LAFCo Executive Officers to discuss permitting options for the off-site basin. At that meeting, LAFCo staff disclosed that if the facility were designed to address runoff contributing to periodic flooding affecting County residents on Estes Road, a regional serving basin could be considered with cooperation from the County. Following that discussion, the City and applicant incorporated provisions into the Development Agreement to design the stormwater basin to accommodate the existing flooding on Estes Road, preserving the option of pursuing a regional-serving facility for the benefit of both the City and the County. LAFCo did not submit comments on the Draft EIR.

### LAFCo letter, 9/18/2026

Comment Summary: LAFCo submitted its first letter to the City for the project on 9/18/2026. The letter generally reiterates LAFCo's earlier position outlined in the 2/25/2025 EO report and provides additional details regarding the uncertainty of permitting processes. The main points of the letter are as follows:

- The off-site stormwater basin would constitute an extension of municipal services requiring LAFCo approval.
- The basin is located on mapped Prime Farmland, across the Greenline, which raises concerns regarding conversion of agricultural land.
- Questions the County's determination that the off-site basin could be permitted under the County's Zoning Ordinance.
- Confusion over the use of 16 acres versus 13.5 acres to describe the off-site improvement area which includes the stormwater basin.
- Alleges that the EIR completely fails to include issuance of the Administrative Permit required by the County for the basin.

Staff Response: On 11/12/2026, City staff sent a response letter to LAFCo. The response letter is appended to the end of this memorandum. In brief, City staff understands LAFCo's arguments and supports approval of the project in a manner which preserves multiple permitting pathways for the stormwater basin, including pathways that involve

LAFCo approval. Regarding the Greenline, staff believes that the off-site basin would be consistent with the purpose of the Greenline. The facility would not extend City limits and it would not make City services available to any County users on the agricultural side of the line. Therefore, locating the stormwater basin on the off-site parcel would not create the types of pressure for urban expansion the Greenline was adopted to prevent.
The project EIR used the California Agricultural Land Evaluation and Assessment Model (LESA Model) to analyze the proposed conversion of up to 6.63 acres of mapped Prime Farmland for the off-site stormwater basin and found that the potential impacts would be less than significant.

With respect to County permitting, the City will continue to rely in good faith on Butte County's comment letter on the EIR and acknowledges that subsequent formal permit review by the County will be necessary following any City approval of the project.

To clarify the use of 16 acres versus 13.5 acres in the EIR and Specific Plan, 16 acres represents the totality of off-site areas around the perimeter of the site that were subject to the EIR's impact analysis. The 13.5-acre stormwater basin parcel (APN 039-410-025) comprises most of the 16-acre off-site improvement area. As noted above, up to 6.63 acres of mapped Prime Farmland could be impacted within the off-site improvement area, mostly occurring on the off-site stormwater basin parcel.

With regard to listing the County administrative permit in the EIR's Project Description, CEQA Guidelines Section 15124 requires such permits to be listed "to the extent known" to the Lead Agency. Since the specific County permit was not known at the time, the Draft EIR listed four possible County permits that may be required to authorize the off-site basin, including an administrative permit for accessory utilities which was later confirmed by the County's comment letter on the Draft EIR (See Draft EIR, Table 3.2-2).

**California Department of Transportation (Caltrans) emails 9/23/2026 and 11/06/2026**
Comment Summary and Staff Response: Caltrans indicates it has no comments at this time and requests notification of future actions. The Caltrans contacts have been added to the Interested Parties list for this project and will receive future project notifications.

## RESPONSE TO COMMENTS RECEIVED (ORGANIZATIONS)

**Sierra Club, Blue Oak Group, Grace Marvin email, 9/21/2026**
Comment Summary: Concerns that the project does not adequately address air quality or smog impacts and associated health effects.

The commenter's concerns about air quality and public health are acknowledged. The EIR includes a comprehensive air quality analysis consistent with local air district guidance (EIR Section 3.3), evaluates construction and operational emissions, and identifies mitigation such as MM AIR-1 (Tier 4 equipment), MM AIR-2 (offset purchase),

and Mitigation Measure AIR-3 (dust control). As documented in the Final EIR, certain regional pollutant impacts remain significant and unavoidable, and these will be fully disclosed to decision-makers during project consideration.

**RESPONSE TO COMMENTS RECEIVED (INDIVIDUALS)**

**Vickery email, 5/10/2023 (2 emails)**

Comment Summary:

- Poor sidewalk/ADA conditions in existing neighborhood
- Questions how an increase in traffic (~2,500 vehicles/day) would benefit anyone
- Proximity of housing to the railroad and potential increased traffic and noise from the North Valley Passenger Rail Project
- Concern over soil contamination, dust, and health impacts during construction

Staff Response: City staff acknowledges the concerns regarding neighborhood infrastructure, mobility, and rail proximity. EIR mitigation requires sidewalk and bike path improvements in the adjacent neighborhood in conjunction with project build-out, and the development agreement would create a developer-funded mechanism for the City to construct new sidewalk and bikeway connections outside the BYSP area, primarily on West 16th, Ivy and West 20th Streets.

New trips from residents and workers within the project will increase traffic through the existing neighborhood. The increase in traffic from the project is not considered a benefit, but rather a necessary byproduct of providing additional housing that will result in additional motorists. The additional housing, particularly the types of attainable housing proposed by the project, constitute a benefit for the new residents by diversifying housing choices within the City and providing potential opportunities for home ownership.

Regarding railroad adjacency, Draft EIR Section 3.12 evaluates noise and vibration and identifies standards applicable to future development. The noise analysis includes mitigation that will ensure that residential uses within proximity to the railroad mainline shall either be substantially shielded from the rail noise by structures or addressed through a site-specific noise study based on specific design details.

Soil contamination concerns are addressed in Draft EIR Section 3.9. Mitigation requires the developer to obtain approval from the California Department of Toxic Substances Control for a Soil and Debris Management Plan (SDMP) that will regulate soil remediation efforts. The SDMP will identify various procedures for handling potentially hazardous materials, including contaminated soil, to minimize off-site impacts.

Construction dust and diesel particulate matter are also subject to Mitigation Measure AIR-3, which would minimize dust emissions through the use of Best Management

Practices, such as watering soil surfaces and stockpiles, minimizing areas of disturbance, using low speed limits for vehicles in unpaved area, as well as other practices.

**Reiff email, 5/11/2023**

Comment Summary: Requests that the City require the project to improve Estes Road to urban street standards and address potential flooding from altered stormwater runoff.

Staff Response: The project includes several design features that purposefully avoid new street connections and urban street improvements on Estes Road in efforts to ensure that the project is not growth inducing for the 45-acre County area located at the southerly end of Estes Road, east of the railroad. Development of the project is expected to improve drainage throughout the project site by installing a new stormwater collection system. The system would be designed to route storm water away from Estes Road, not towards it. Flooding relief for Estes Road is expected if the off-site stormwater basin is permitted to serve as a regional facility in future approval processes.

**Salisbury email, 5/15/2023 (2 emails)**

Comment Summary:

- Concern over developer claims, long construction duration, and neighborhood compatibility
- Potential HOA restrictions limiting public access to amenities
- Concerns about nighttime lighting, noise from events or sports uses, and dark sky compliance
- Traffic, dust, water supply constraints, and soil toxicity.

Staff Response: The City acknowledges the concerns regarding project buildout experience, neighborhood interface, and environmental effects. The 17-year construction schedule evaluated in the EIR (Section 3.12 and Master Responses) reflects preliminary phasing; however, the EIR analyzes maximum case construction emissions, noise, and traffic conditions. Mitigation measures for construction noise limits, dust control, and soil management during remediation activities are imposed to reduce and site-preparation and construction impacts to the extent feasible.

With support from the Chico Municipal Code, neighborhood compatibility concerns are addressed through the BYSP development standards (Ch. 3.5), which establish height limits, setbacks, and transition zones adjacent to existing residences. Lighting and glare are addressed in EIR Section 3.1, with requirements for full cutoff fixtures and downward directed lighting consistent with City standards. Operational noise from events, commercial uses, and sports facilities will be subject to future project level acoustical review, consistent with Mitigation Measure NOI-2b.

Water supply is addressed in EIR Section 3.17 and the Water Supply Assessment prepared by Cal Water. The analysis concludes Cal Water can serve projected demand with planned infrastructure and water supply. Regarding HOAs and fee-based amenities, future public parks will be open for public use and private recreational amenities (such as the Engineering Building and Athletics Facility) would be maintained by private owners and may involve use fees.

**Wintrup email, 9/1/2026**

Comment Summary:
Extensive objections regarding CEQA procedure, adequacy of environmental analysis, sewer system uncertainties, noise and traffic methodologies, mitigation enforceability, alternatives analysis, construction duration, toxic soils, lighting, cumulative impacts, and missing/erroneous references in the Final EIR.

Staff Response: The City appreciates the commenter's thorough review and prompt notification of errors in the original version of the Final EIR containing references to Master Response 6. All such references were corrected to refer to Master Response 3. A corrected Final EIR was published on the City's website on September 16, 2026, and circulated to commenting agencies.

Regarding the claim of significant new information requiring recirculation, the City evaluated the applicability of CEQA Guidelines Section 15088.5 and determined that revisions to the EIR did not constitute significant new information because they did not identify new significant impacts, substantially increase impact severity, or introduce new feasible alternatives not previously evaluated. These determinations are documented in the resolution adopting Findings Regarding Environmental Effects; the second resolution in the list of seven approval documents for the project.

Infrastructure master plan updates, including the 2025 Sanitary Sewer Master Plan Update and 2024 Storm Water Master Plan, used more-specific BYSP development assumptions for their respective analyses of infrastructure needs in the project vicinity. The BYSP is consistent with these more-recent master plans because the master plans fully anticipate the maximum proposed development proposed under the BYSP and the Draft EIR's reliance on available capacity projections remains supported by substantial evidence (EIR Section 3.17 and Appendix K.2).

Regarding the updates made to the Barber Yard Specific Plan (November 2026) and addition of the Development Agreement relative to the proposed specific plan dated 2022, no changes were made to the maximum development assumptions, densities, project intensity, or other change that were not adequately analyzed in the EIR. A summary of the changes is provided in the Final EIR Clarifications-Corrections provided in the Planning Commission staff report. In short, the updates to the Plan add clarity or reflect minor changes that were determined in coordination with City staff and responsible agencies.

Regarding pavement damage from construction activities, the Development Agreement (DA) contains provisions for the developer to fund pavement rehabilitation in the adjacent neighborhood as such needs were identified in Appendix J of the Draft EIR based on City pavement index ratings. In addition, the DA requires the developer to rehabilitate any street damage resulting from trucks exporting contaminated soil. The developer has indicated they intend to transport contaminated soil out of the area by rail, which would be more efficient than trucks and would minimize potential pavement damage. Despite the attractiveness of that option, the City cannot feasibly require soil transport by rail.

For noise, the use of the City's 65 dBA CNEL threshold is consistent with General Plan Noise Element standards; however, the EIR acknowledges that increases over ambient levels are relevant. Pursuant to Mitigation Measure NOI-2a, individual development proposals would be required to adhere to the permitted construction hours as delineated in the City's Municipal Code. Since no site-specific development is proposed at this time, it would be infeasible to provide site-specific noise mitigation at this stage. Therefore, noise mitigation identifies reasonable measures that would ensure future construction-related noise source noise impacts would remain below the City's applicable noise performance standards.

The Reduced Intensity and On-Site Basin alternatives were evaluated under CEQA Guidelines Section 15126.6, and while they reduce certain impacts, those alternatives do not meet the project objectives to the degree of the proposed project. All mitigation measures include enforceable performance standards as required by CEQA Section 21081.6.

**Wilson email 9/6/2026**

Comment Summary:

- Commenter's name correction
- Challenges the usage of the Land Evaluation and Site Assessment Model (LESA model) in the Draft EIR (Appendix B)
- Questions the post-project disposition of off-site stormwater basin parcel

Staff Response: The The Final EIR was corrected regarding the commenter's name and re-published on the City's website on 9/26/2026. The LESA model in the Draft EIR, Appendix B, used the acreage of the maximum proposed physical impacts to the off-site improvement area, 7.1 acres (6.63 acres mapped prime, 0.47 acres mapped "other land", to evaluate the proposed impacts to farmland. That 7.1 acres of impact, as shown and defined on Exhibit 1 of Appendix B and Exhibit 3.2-1 of the Draft EIR, includes permanent conversion of a portion of the off-site parcel to a stormwater basin (approximately 5 acres) and access easements, some of which would involve temporary construction impacts. The analysis covered two potential storm drain alignment options which were being considered at the time and have since been reduced to one, which will reduce the analyzed impacts to a small degree. There are no proposed impacts outside the 7.1-acre

area related to the stormwater basin, and the EIR is prohibited from speculating about impacts that are not proposed.

Consistent with LESA model guidelines and CEQA thresholds, the impact analysis focuses strictly on the direct and indirect physical conversion of agricultural land. It does not extend to economic speculation regarding the future farming choices of private landowners. The remaining portion of the 13.5-acre off-site parcel will remain physically unaffected by the project. Following project completion, this land will remain available for agricultural use, similar to current conditions. The applicant intends to construct the basin and dedicate it to the City via easement, leaving the remaining acreage under private ownership and at the owner's discretion to farm or leave the land fallow.

The Zone of Influence (ZOI) calculation applied in Appendix B follows standard LESA methodology and is reproducible. Any independent application of the LESA guidelines for this geographic footprint will yield an identical or substantially similar ZOI map. While the response to comments in the Final EIR colloquially referred to the smallest bounding rectangle as a "square" due to its symmetrical proportions, this terminology does not represent a technical or procedural error. The underlying mathematical and spatial calculations in Appendix B appear to be correct and remain technically sound.

It is agreed that a higher degree of precision could have been achieved regarding surrounding lands and protected resource lands, however, possibly losing one or two points on the former and gaining one point on the latter would not have altered the conclusion of the analysis which found that the Site Assessment Sub-score of 15.8 is lower than the 20-point threshold necessary to determine a significant impact to farmland.

Regarding consistency in conclusions, the detailed analysis contained in the Draft EIR and responses to comments in the Final EIR both conclude that potential impacts from the project's conversion of farmland to non-agriculture uses would be less than significant. The EIR analysis adequately discloses the environmental setting and the magnitude of potential farmland conversion. No new information triggering recirculation has been identified.

**Hathorn email, 9/21/2026**

Comment Summary:
Believes the Final EIR is overly positive, lacks infrastructure cost transparency, and urges Planning Commission members to walk though the neighborhood.

Staff Response: The commenter's opinions regarding the tone of the Final EIR and the need for decision makers to be familiar with the neighborhood are acknowledged. The intent of the Final EIR is to present substantial evidence-based analysis rather than advocate for or against the project. Indeed, most of the responses to comments in the

Final EIR reiterate, amplify, or clarify the methodology and conclusions contained in the Draft EIR and do not extoll the benefits of the project.

Infrastructure financing mechanisms are addressed in the Implementation section of the BYSP (Chapter 7) and are further detailed in the Development Agreement.

**Bohlman email, 9/30/2026**

Comment Summary:
Concern regarding toxic soil dust exposure, missing underground storage tank (UST) closure data, adequacy of air quality mitigation, and need for increased soil testing. Note: portions of this email comment were received in a non-English font. The email is provided in Attachment E in both its original font as well as a standardized English font for readability.

Staff Response: The commenter's concerns about historical contamination and potential dust exposure are acknowledged. Section 3.9 of the Draft EIR summarizes known contamination, including underground storage tank records and areas regulated by the CA Dept. of Toxic Substances Control (DTSC). A Soil and Debris Management Plan (SDMP), approved by DTSC, would be required prior to grading under Mitigation Measure HAZ-1, to address potential impacts from soil, groundwater and soil gas. DTSC enforces applicable state and federal hazardous waste laws and holds regulatory oversight for soil remediation at the project site. In addition to the SDMP, construction-related dust emissions, including fugitive soil particles, are addressed through Mitigation Measure AIR-3, which includes watering, track-out controls, stockpile covering, and real-time field monitoring where warranted. The offset program under Mitigation Measure AIR-2 addresses regional pollutant impacts but does not replace localized dust control measures, which remain required and enforceable.

The "significant data gap" regarding underground tanks was not a conclusion, it was the basis for identifying one of the Recognized Environmental Conditions (RECs). RECs are indications of the presence or likely presence of hazardous substances or petroleum products on the site which may warrant further investigation. The additional investigation in the case of underground storage tanks was analogous to x-raying the ground on the site to detect subsurface anomalies. The investigation found a couple that are now points on a map that will have to be investigated under authorization from the DTSC. The applicant's expert must prepare a Soils and Debris Management Plan, subject to DTSC approval. City permits can only be issued in compliance with the approved SDMP.

Purchasing offsets is required for air impacts associated with "operations" of the project, which essentially means future residents and workers that reside or work within the project. The estimated use of consumer products, which emit Reactive Organic Gasses, is sufficiently high with enough residents that it is considered a significant air impact. Consumer products include aerosols, adhesives, paints, and other compounds that off-

gas chemicals during use. Regarding construction emissions, mitigation requires state-of-the-art heavy equipment with certain distance requirements. The Tier 4/best Tier 3 heavy equipment makes a significant difference in the health impact estimates, as demonstrated in Section 3.9 of the Draft EIR.

The EIR consultant performed significant soil sampling to characterize the extent of soil contamination at the site. Old trash dumps were hot spots for arsenic and lead, and some locations along former rail lines. The soil remediation will also be handled through DTSC. The developer is pursuing an option with the Union Pacific Railroad to allow the soil to be loaded onto train cars and taken out by rail.

**Wintrup letter, 9/16/2026**

Comment Summary:
This comment is a letter-version of the Wintrup email received on 9/1/2026, discussed above.

Staff Response: See responses to Wintrup email, above.

# COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

411 Main Street, 2nd Floor | P.O. Box 3420, Chico, CA 95927
(530) 879-6800 | www.chicoca.gov


November 12, 2026

Shannon Costa, Executive Officer
Butte Local Agency Formation Commission
1459 Humboldt Road, Suite A
Chico, CA

Email: SCosta@buttecounty.ca.gov

**Re: Response to LAFCo Comments on the Barber Yard Specific Plan Final EIR (SP 21-01, GPA 22-05, RZ 22-03, CA 22-03, DA 23-02)**

Dear Ms. Costa:

Thank you for your September 18, 2026, comment letter outlining LAFCo's perspectives regarding the Barber Yard Specific Plan's off-site stormwater facilities. The City appreciates LAFCo's engagement, its support for added housing within City boundaries, and the identification of potential paths for accommodating stormwater needs associated with the project. The proposed off-site basin on APN 039-410-025 is consistent with the City's 2025 Stormwater Master Plan, and the City values the opportunity to work with LAFCo on a path that implements it.

Extension of Services and the City's Recommended Approach

Originally, the off-site stormwater basin for the project was proposed to serve only the project site, within City limits. While City staff respectfully disagree that a passive stormwater basin constitutes an extension of municipal services in a manner that would trigger LAFCO's authority under applicable laws, solely as a result of its location in unincorporated County territory, we acknowledge LAFCo's statutory duty to interpret and apply its governing laws, and the City intends to work within LAFCo's process in accordance with LAFCO's statutory authority as well as the City's legal authority as the local land use agency.

In response to the issues raised in your letter, City staff is recommending approval of both on-site and off-site stormwater detention options as part of the proposed project (as reflected in refinements to the Specific Plan providing for this optionality and as evaluated in the project's EIR), with final selection between them following the outcome of any subsequent LAFCo and Butte County approval(s) required under applicable laws and regulations. This keeps the City's housing objectives moving forward regardless of the path LAFCo and the City ultimately determines is appropriate pursuant to our agencies' respective regulatory authority under state and local law. City staff would prefer the off-site basin, with increased capacity to address longstanding flooding affecting County residents, and would welcome an opportunity to further discuss with LAFCO the appropriate path forward, once the City Council has taken action on the land use applications for the project, as your letter invites.

Regional Design and Estes Road Flooding

City staff would also like to emphasize the point that the regional design of the basin grew out of discussions with LAFCo. On March 25, 2025, City staff met with the applicant team and the former and current LAFCo Executive Officers to discuss permitting options for the off-site basin. At that meeting, LAFCo staff discussed that if the facility were oversized to address existing runoff contributing to periodic flooding affecting County residents on Estes Road, the regional-serving basin could be considered by LAFCo with cooperation from the County. Following that conversation, the City and applicant incorporated provisions into the Development Agreement to oversize the basin accordingly. Your September 14, 2026, email to City staff likewise noted that one available outcome is Commission authorization of the extension based on the regional scale of the facility and its flood control benefit outside City limits.

Addressing the longstanding existing flooding conditions on Estes Road is a shared City of Chico and Butte County concern. We understand LAFCo's concern that from its perspective, a facility built to serve new development does not meet the standard for an extension outside a sphere of influence. The regional component of this basin, however, is not driven by the Barber Yard project. It responds to existing flooding conditions that predate the project and would persist without it. Crouch Ditch has been filled west of the Union Pacific Railroad (UPRR), causing stormwater to pool against the railroad tracks on APN 039-410-025 during modeled events from the City's Stormwater Master Plan. This is the same parcel identified for the proposed off-site basin. Existing concerns related to flooding on Estes Road are documented in the Final EIR, the 2006 Chico Avenues Neighborhood Plan, and through City service calls reporting blocked access when Crouch Ditch overtops (11/20/2024, 11/21/2024, and 3/14/2025). Estes Road/Normal Avenue provides the sole means of ingress and egress for County residents in the 57 acre pocket east of the UPRR, so flooding at this location affects their ability to reach and leave their homes. Documentation of these safety concerns would, at minimum, accompany any application submitted to LAFCo for a regional-serving stormwater facility to the extent this approach is pursued in the future.

Greenline and Agricultural Land

The City also shares LAFCo's commitment to the Greenline and recognizes that the Commission will apply its own definition of prime agricultural land and Policy 6.5 in any review within its jurisdictional purview. The City, as the local land use agency, also has an obligation to ensure consistency of the project with the City's General Plan (including its provisions focused on protecting the Greenline). Along these lines, the City notes that the off-site area has not been irrigated since 2017. Aerial imagery shows that the parcel was green in 2017 and dry in each subsequent year. The State's Farmland Mapping and Monitoring Program designates land as Prime Farmland only if it was used for irrigated agricultural production at some time during the four years prior to the mapping date. Although the 2022 map remains the most recent available and was used for the EIR analysis, its Prime Farmland designation for this area does not appear to reflect conditions on the ground. The City intends to submit this imagery to the Department of Conservation for consideration in its next map update.

More broadly, City staff believes the basin is consistent with the purpose of the Greenline. The facility would remain open, unbuilt land. It would not extend City limits, and it would not make City services available to any other parcel on the agricultural side of the line. It therefore would not create the

pressure for urban expansion the Greenline was adopted to prevent. To the contrary, the contemplated basin is intended only to serve the project (as well as to help remedy existing flooding conditions for the benefit of County residents). As you know, Barber Yard provides the unique innovative opportunity to deliver critical housing, particularly attainable housing, to serve a range of economic segments within its municipal boundaries. In so doing, enabling Barber Yard to proceed as proposed thereby helps to prevent urban sprawl by encouraging opportunities for housing development within an urban setting and protecting the non-urban setting as required by the Greenline.

Project Description and Acreage

The EIR evaluated the contemplated development within the Barber Yard Specific Plan area (133 acres) and approximately 16 acres of off-site improvement areas, including the 13.5-acre stormwater basin parcel in the unincorporated County. A maximum of 7.1 acres was analyzed as potentially impacted by the basin and associated pipelines. Oversizing the basin would be accomplished through a combination of increased depth and footprint while remaining within the 6.6 acre area mapped as prime farmland. The LESA analysis in Appendix B concluded that, for the purposes of CEQA, conversion of farmland associated with the basin would be less than significant. The City has issued a clarification regarding the use of these figures in the EIR and updated the Specific Plan to provide these distinctions.

County Permitting

With respect to County permitting, the City recognizes that the County will apply its own codes and interpretations for lands within its jurisdictional purview, and that land use determinations sometimes involve judgment regarding substantially similar uses rather than solely enumerated definitions. The City has relied in good faith on Butte County's comment letter (attached), while also acknowledging that subsequent formal permit review will be the venue for definitive determinations, once the City Council has acted upon the Barber Yard project. The City will defer to the County on the interpretation of its code and will acknowledge the County Administrative Permit in the City's CEQA Findings.

Continued Coordination

Finally, in addition to the options LAFCo identified and as otherwise provided for under applicable laws and regulations, the City may explore forming a Joint Powers Authority with the County to address stormwater management challenges in this shared area of responsibility, and would coordinate with LAFCo on any such approach. The City values its working relationship with LAFCo and the County and remains committed to continued coordination with LAFCo and County staff to determine an appropriate and legally supportable path forward to address critical regional issues, including housing production and flooding. We appreciate the opportunity to consider LAFCo's comments and will forward your letter to the Planning Commission and City Council as part of the Final EIR record.

Sincerely,

Mike Sawley

Mike Sawley
Principal Planner

Attachment: Butte County Development Services comment letter, 03/20/2025

cc: City Clerk, City of Chico
Chico Planning Commission
Butte County Development Services
Brendan Vieg, Community Development Director
Nancy N. Ashjian, City Attorney's Office

**Department of Development Services**

Paula M. Daneluk, AICP, Director
Curtis Johnson, Assistant Director

7 County Center Drive | T: 530.552.3700 | www.buttecounty.net/dds

February 20, 2025

Mike Sawley, Principal Planner
City of Chico Community Development Department
Email: mike.sawley@chicoca.gov
P.O. Box 3420
Chico, CA 95928

Dear Mr. Sawley:

**RE: Notice of Availability Draft Environmental Impact Report, Barber Yard Specific Plan**

Please accept this comment from the Butte County Department of Development Services, and Butte County Public Works Department concerning the above-referenced DEIR.

In accordance with the project description as set forth in the DEIR, the storm drainage system would collect and convey runoff from the proposed project to an approximately 4.09-acre off-site stormwater detention pond directly south of the Barber Yard Specific Plan Area, on Assessor's Parcel Number (APN) 039-410-025.

This property (APN: 039-410-025) is outside of Chico City Limits and within the jurisdictional boundaries of unincorporated Butte County. This area is proposed to be owned and operated by the City of Chico as part of their municipal drainage facilities via an extra-territorial acquisition under Government Code Section 37351. The property is not proposed for annexation to the City of Chico.

Pursuant to the discussion within the DEIR regarding conflicts with Agricultural Use Zoning or Williamson Act Contract (pages 3.2-17 thru -19), the Butte County Department of Development Services has determined that the off-site stormwater pond and related facilities would be allowed under the Butte County Zoning Ordinance in the applicable AG-40 (Agriculture, 40-acre minimum parcel size) zone as a Utilities, Accessory use, subject to approval of an Administrative Permit from Butte County. An Administrative Permit application may be obtained by contacting Butte County Development Services at 530-552-3700, or by email to dsplanning@buttecounty.net.

Regarding the stormwater drainage system, the site will be within the County's NPDES MS4 Permit area. Butte County Public Works requests to review the stormwater drainage plans and proposed best management practices, including trash capture devices.

Thank you for the opportunity to comment on the DEIR for the Barber Yard Specific Plan.

Sincerely,

*Dan Breedon*

Dan Breedon, AICP
Planning Division Manager
Butte County Department of Development Services

cc: Kim Hunter, Deputy Director of Land Development, Butte County Public Works