



FINAL
Environmental Impact Report
Barber Yard Specific Plan
City of Chico, Butte County, California
State Clearinghouse Number 2023030641

Prepared for:
City of Chico
411 Main Street
Chico, CA 95928
530.879.6812

Contact: Mike Sawley, Principal Planner

Prepared by:
FirstCarbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
925.357.2562

Contact: Janna Waligorski, Project Director
Brittany Hagen, Project Manager

Date: August 25, 2026

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Table of Contents

Section 1: Introduction.....	1-1
Section 2: Master Responses	2-1
2.1 - List of Master Responses.....	2-1
2.2 - Master Responses	2-1
Chapter 3: Responses to Written Comments	3-1
3.1 - List of Authors	3-1
3.2 - Responses to Comments	3-2
Section 4: Errata.....	4-1
4.1 - Changes in Response to Specific Comments	4-1

List of Appendices

Appendix A: Aqua Terra Aeris Law Group (ATA) Comment Letter and Appendices

Appendix J: Traffic Supporting Information REVISED

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico (Lead Agency) has evaluated the comments received on the Barber Yard Specific Plan Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR; and errata, or revisions to the Draft EIR; as well as a Mitigation Monitoring and Reporting Program (MMRP) for use by the City of Chico during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses.** Provides a single, comprehensive response to similar comments about a particular topic
- **Section 3—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Master Responses on the Draft EIR (Section 2 of this document)
- Responses to Written Comments on the Draft EIR and Errata (Sections 3 and 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, organizations, or individuals through written comments submitted to the City of Chico (City).

2.1 - List of Master Responses

- Master Response 1—Request for Extension of Comment Period
- Master Response 2—Non-CEQA Issues Not Addressed in Final EIR
- Master Response 3—Clarifying Information on Hazardous Waste and Treatment Draft EIR Section
- Master Response 4—Clarifying Information on Off-site Water Treatment
- Master Response 5—Required Contents of EIR

2.2 - Master Responses

2.2.1 - Master Response 1—Request for Extension of Comment Period

Summary of Relevant Comments

Several commenters requested additional time to review the Draft Environmental Impact Report (Draft EIR) for the Barber Yard Specific Plan beyond the 45-day statutory public review period, which ran from January 6, 2025, to February 20, 2025, as stated in the Notice of Availability (NOA) for the Draft EIR dated January 6, 2025.

Response

The City made the Draft EIR available for a 45-day public review period pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15105(a). Pursuant to Section 15105(a), the public review period for a Draft EIR shall not be less than 30 days, nor should it be longer than 60 days, except in unusual circumstances. Neither CEQA nor the CEQA Guidelines requires a lead agency to extend a Draft EIR public review period upon request. However, if a lead agency elects to extend the public review period in its discretion, any such extension should not be longer than 60 days except in unusual circumstances. (CEQA Guidelines § 15105(a).)

Although it was not required to do so under CEQA, the City, in its discretion, voluntarily extended the public review period by 15 days to March 7, 2025, in response to these comments, for a total of 60 days. The City determined that there was no unusual circumstance related to the proposed project or the Draft EIR that necessitated the extension to 60 days; however, the developer was amenable to the 15-day extension and it was provided.

CEQA Guidelines

All written comments received by March 7, 2025, are included in this Final Environmental Impact Report (Final EIR). No further response is required.

2.2.2 - Master Response 2—Non-CEQA Issues Not Addressed in Final EIR

Summary of Relevant Comments

Several commenters commented on issues that either (1) reference environmental issues generally related but outside of the scope of recognized CEQA frameworks discussed in the Draft EIR, or (2) relate to social, economic, or general health and safety topics that are not project impacts on the physical environment and thus fall outside the scope of CEQA. Generally, these comments, referred to herein collectively as “Non-CEQA Issues” involve, but are not limited to, the following topics:

- General concerns regarding quality of life that are not tied to a specific significance threshold;
- Economic effects or other similar perceived impacts to property values;
- Social effects or other similar concerns related to the “right to privacy”;
- Issues related to the project design not tied to a specific significance threshold;
- Issues not related to the proposed project, such as the provision of farmers’ markets in the area, agreements between the developer and the City, etc.;
- California Department of Toxic Substances Control (DTSC) and other agency policies and procedures not within the City’s authority or tied to a specific significance threshold;
- Funding for street maintenance.

This Master Response addresses why these Non-CEQA Issues are not further addressed in the Final EIR and confirms that these comments will nonetheless be included in the administrative record and provided to City decision-makers for consideration during the proposed project’s public hearing process.

Response

In compliance with CEQA, the Draft EIR evaluates the potential for the proposed project to adversely impact the physical environment based upon an assessment of identified significance thresholds. Under CEQA, a lead agency must evaluate comments on the Draft EIR and prepare written responses for inclusion in the Final EIR (Public Resources Code [PRC] § 21091(d); CEQA Guidelines §§ 15088(a), 15132). The written responses must describe the disposition of any “significant environmental issues” raised by commenters. Providing a detailed written response to all identified significant environmental issues that set forth a reasoned, good-faith analysis helps ensure the lead agency fully considers the environmental consequences of a decision before it is made and thus facilitates informed decision-making (CEQA Guidelines § 15088(c)).

However, CEQA does not require that a lead agency respond to every comment received on an EIR, instead, only comments raising significant environmental issues (CEQA § 21091(d)(2)(B); CEQA

Guidelines §§ 15088(a)(c), 15132(d), 15204(a); *Citizens for E. Shore Parks v. State Lands Common* (2011) 202 CA4th 549).

The CEQA Guidelines specify that comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts and measures to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). "Environment" is defined as the "physical conditions that exist within [an] area. . . affected by a proposed project, including land, air, water, minerals, flora and fauna, noise, and objects of historic or aesthetic significance." (PRC § 21060.5; CEQA Guidelines § 15360). Further, the impacts analyzed in an EIR must be "related to a physical change." (CEQA Guidelines § 15358(b)). "Economic or social effects of a project" in and of themselves "shall not be treated as significant effects on the environment." (CEQA Guidelines § 15131(a)). Economic and social effects that are not related to physical impacts shall not be evaluated in an EIR (CEQA Guidelines § 15604(e), 15131(a), 15131(b)).

Accordingly, issues generally related to privacy, property values, and similar economic and/or social concerns are appropriately not addressed in this environmental document.

Additionally, as identified in the "Thresholds of Significance" section within each topical section (Section 3.1, Aesthetics, Light, and Glare through Section 3.18, Wildfire), the City utilized the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether the proposed project would have significant environmental impacts to that specific environmental topical area. A lead agency may exercise its discretion and apply standards that are based on its own determination of appropriate thresholds of significance, founded on substantial evidence in the record, when deciding whether a project's environmental impacts are significant (*Rominger v. City of Colusa* (2014) 229 CA4th 690, overruled in part on other grounds by *Union of Med. Marijuana Patients, Inc. v. City of San Diego* (2019) 7 C5th 1171). In the Draft EIR prepared for the proposed project, the Lead Agency elected to analyze the proposed project against the Appendix G Environmental Checklist significance thresholds to ultimately make a significance finding for that topical area, which is the City's standard practice for EIRs.

Several commenters have discussed concerns that could be generally characterized as related to a specific topical section, but these comments do not specifically relate or apply to any of the thresholds utilized by the Lead Agency and detailed in CEQA Guidelines Appendix G or otherwise specifically connect the identified concerns to an adverse physical impact to the environment.

Comments that do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold identified within the Draft EIR and/or otherwise within the purview of CEQA will not be further responded to in the Final EIR.

As such, this Master Response applies to general comments that do not provide evidence that an alleged impact is significant, quantifiable, direct, unmitigable, and specific to the proposed project based on objective, identified, written health and safety standards. For the reasons explained above, the Final EIR will not provide further responses to comments on Non-CEQA Issues. However, each comment will be included in the administrative record on the proposed project and will be provided to City decision-makers for consideration as part of the public hearing process on the proposed

project. In this regard, the City will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process.

Master Response 3—Clarifying Information on Hazardous Waste and Treatment Draft EIR Section

Summary of Relevant Comments

The City received several comments stating that hazardous waste should be transported by railroad instead of by truck. Several comments stated that cleanup should be done prior to construction of buildings or that the proposed project should be paused to work on hazardous waste evaluation or cleanup. Several commenters asked for additional soil testing.

Response

Hazardous materials may be transported during construction of the proposed project. As noted in Draft EIR Section 3.9, Hazards and Hazardous Materials, contaminated soils would be removed from the site in accordance with a Soil and Debris Management Plan (SDMP). Implementation of an SDMP, and its approval by the DTSC, is required by Draft EIR Mitigation Measure (MM) HAZ-1 and would be implemented prior to the issuance of on-site building permits.

The SDMP will address the appropriate soil mitigation and maintenance of existing on-site groundwater quality monitoring wells. Such remediation actions are typical to be completed as part of development and do not present any increased risk; rather, these actions ensure funding and implementation of the remediation. Transportation of contaminated soils, regardless of method, would be required to abide by requirements of the SDMP and standard hazardous material transportation regulations, thereby ensuring no further impact. Soil testing was conducted as part of the Phase I Environmental Site Assessment (Phase I ESA) and Phase II ESA. Furthermore, the proposed project would be required to be developed in accordance with all local, State, and federal laws and regulations addressing hazardous materials and water quality. No additional analysis is required.

Master Response 4—Clarifying Information on Off-site Water Treatment

Summary of Relevant Comments

The City received several comments related to the off-site drainage area, off-site water treatment, and potential impacts to the Comanche Creek Greenway or Comanche Creek itself. Several comments stated that drainage should be treated entirely on-site within the project site boundaries or that the stormwater basin should be constructed on-site consistent with Alternative 3. Some commenters stated that locating the stormwater basin on the county side of the Greenline amounts to “breaking” the Greenline.

Response

As discussed throughout the Draft EIR, the proposed project’s drainage system would be required to comply with the City’s Post-Construction Stormwater Standards Manual, which identifies Best Management Practices (BMPs) to control the potential pollutant load of stormwater runoff. Additionally, the outfall to Comanche Creek would be constructed in accordance with the City’s

Storm Drain Master Plan and would comply with the requirements from applicable regulatory agencies (United States Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB] and/or California Department of Fish and Wildlife [CDFW]).

The Draft EIR determined that implementation of the proposed project would not conflict with any Williamson Act Contract or existing zoning for agricultural use and would not result in the conversion of farmland to non-agriculture uses and impacts would be less than significant in these regards. As indicated in Response to Butte County Development Services (BCDS), the proposed stormwater basin would be an allowed use under the County's AG-40 designated zone and is therefore consistent with the agricultural uses the Greenline is intended to protect.

As described in Section 3.11, Land Use and Planning, of the Draft EIR, the off-site improvement area containing the stormwater retention basin is intended to occur under the City's extra-territorial acquisition of the parcel pursuant to Government Code Section 37351, without annexation. Establishing a permanent non-residential stormwater use without annexation would reinforce the jurisdictional boundary that coincides with the Greenline because it would eliminate the potential for residential development within the off-site improvement area. A similar City-serving detention basin exists on the County side of the Greenline in the Northwest Chico Specific Plan area (e.g., APN 006-690-006). Such stormwater basins adjacent to the City on the County side of the Greenline solidify a permanent boundary between urban development and adjoining County agricultural lands, in fact reducing pressure to "break" the Greenline because it is more costly and difficult to extend infrastructure around such permanent non-residential uses relative to simply extending them from an adjacent parcel separated only by a political boundary.

The Draft EIR determined that implementation of MM BIO-8 would reduce impacts to Comanche Creek to less than significant levels. As such, impacts related to implementation of the off-site stormwater infrastructure were found to be less than significant.

As for Alternative 3, this alternative was rejected by the Draft EIR because it met all project objectives to a lesser degree than the proposed project, and it was determined that the proposed project would better meet project objectives as analyzed in the Draft EIR. No additional analysis is required; however, this comment will be forwarded to decision-makers for consideration.

Master Response 5—Required Contents of EIR

Summary of Relevant Comments

Several commenters requested additional information, such as prior studies and reference materials, be included in the EIR.

Response

Under the principle that CEQA is not to be interpreted to add new requirements beyond the statute and Guidelines (see PRC §21083.1), the courts have generally rejected arguments that additional information is required beyond the specific requirements set forth in the Public Resources Code and CEQA Guidelines. The information required in draft EIRs is set forth in CEQA Guidelines Sections §§15122–15131 and is fully addressed in the Draft EIR. An EIR that provides a reasonable analysis of

an impact is not required to address all variations of the issues presented. *National Parks & Conserv. Ass'n v. County of Riverside* (1999) 71 CA4th 1341, 1365. The analysis need not be “so exhaustively detailed as to include every conceivable study or permutation of the data.” *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 CA4th 645, 666.

CEQA recognizes that the Lead Agency has the discretion and responsibility to decide the appropriate way to investigate and evaluate the project’s significant environmental impacts and to identify mitigation measures and alternatives that might reasonably be available to reduce or avoid those impacts. Because the City is charged with designing the Draft EIR, it has broad discretion to determine how environmental issues should be studied and assertions that they might be analyzed in a different way or that other studies might shed additional light on the subject do not provide a basis for challenging the Draft EIR. Although further investigation might be helpful, that does not make it necessary. See, e.g., *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 410, 415 (“A project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR”); *Tiburon Open Space Comm. V. County of Marin* (2022) 78 CA5th 700, 754–55; *Save Panoche Valley v. San Benito County* (2013) 217 CA4th 503, 524 [CEQA does not require that an agency conduct every recommended test and perform all recommended research in evaluating a project’s environmental impacts, CEQA Guideline §15204(a)]; *Bay Area Citizens v. Association of Bay Area Gov’ts* (2016) 248 CA4th 966, 1017; *Society for Cal. Archaeology v. County of Butte* (1977) 65 CA3d 832. See also *Association of Irrigated Residents v. County of Madera* (2003) 107 CA4th 1383, 1396; *Cadiz Land Co. v. Rail Cycle* (2000) 83 CA4th 74, 102; *Riverwatch v. County of San Diego* (1999) 76 CA4th 1428, 1447.

Finally, note that commenters on a Draft EIR have the responsibility to show either: the Draft EIR’s impact analysis “deprived the public and decision-makers of substantial relevant information about the project’s likely adverse impacts” (see *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 463); or that the conclusions, determinations, and methodology used to study the impact were not supported by substantial evidence in the record. See *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 514; *Tiburon Open Space Comm. v. County of Marin* (2022) 78 CA5th 700, 754–55.

CHAPTER 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Barber Yard Specific Plan Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author Author Code

State Agencies

California Department of Transportation CALTRANS
California Air Resource Board..... CARB
Department of Toxic Substances Control DTSC

Local Agencies

Butte County Association of Governments BCAG
Butte County Air Quality Management District..... BCAQMD
Butte County Development Services BCDS

Organizations

Aqua Terra Aeris Law Group ATA
Butte Environmental Council..... BEC

Individuals

Lau Ackerman ACKERMAN
Emily Alma 1 ALMA 1
Emily Alma 2 ALMA 2
Susan Baldwin.....BALDWIN
Sherry Butler.....BUTLER
Kathryn Cehrs CEHRS
Karen Cheney..... CHENEY
Bill DeBlonk.....DEBLONK
Elizabeth Devereaux DEVEREAUX
Janet Ellner 1 ELLNER 1
Janet Ellner 2 ELLNER 2
Janet Ellner 3 ELLNER 3
Janet Ellner 4 ELLNER 4
Janet Ellner 5 ELLNER 5
Jill Ely ELY
Adam Fedeli and Debbie Villasenor FIDELI-VILLASENOR

Sharon Fritsch	FRITSCH
Britta Goldman	GOLDMAN
Linda Hamilton	HAMILTON
Guy Hathorn	HATHORN
Hilary Herman.....	HERMAN
Kathleen Kirby	KIRBY
Grace Marvin	MARVIN
Jim and Kathleen Mathys.....	MATHYS
John Merz	MERZ
Maria Meyer	MEYER
Chris Nelson 1	NELSON 1
Chris Nelson 2	NELSON 2
Chris Nelson 3	NELSON 3
Sarah Salisbury	SALISBURY
Sherri Scott	SCOTT
Vita Segalla	SEGALLA
Diana Shuey 1	SHUEY 1
Diana Shuey 2	SHUEY 2
Elizabeth Stewart.....	STEWART
Debbie Villasenor	VILLASENOR
Barbara Vlamis.....	VLAMIS
Susan Walz.....	WALZ
David Welch.....	WELCH
Rhonda Whetstine.....	WHETSTINE
Dan Whittle	WHITTLE
Tyler Wilson	WILSON
Geoff Wintrup 1.....	WINTRUP 1
Geoff Wintrup 2.....	WINTRUP 2
Geoff Wintrup 3.....	WINTRUP 3

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Chico, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2023030641) for the Barber Yard Specific Plan, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

Note that the proposed project is referred to herein as the Barber Yard Specific Plan (BYSP), Specific Plan or proposed project throughout.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

California Department of Transportation

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
(530) 821-8401
www.dot.ca.gov



February 14, 2025

GTS# 03-BUT-2025-00353

Mr. Mike Sawley
City of Chico
411 Main Street
Chico, CA 95928

Barber Yard Specific Plan Environmental Impact Report (EIR)

Dear Mr. Sawley:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The project site is located approximately 0.4 miles from State Route (SR) 32 and approximately 1.25 miles from SR 99. This project is located at the cross streets of West 16th Street and Estes Road, located in the Barber Neighborhood within the incorporated City of Chico. The proposed project consists of the full buildout of the Barber Yard Specific Plan Area, resulting in a mixed-use community accommodating a diverse range of land uses. These include up to 1,250 housing units with a mix of commercial, recreational, and office uses located throughout. The proposed project would include adaptive reuse of the three existing on-site buildings (Warehouse, Engineering Building, and Shop). An approximately 3-5 acre combination water quality retention/detention basin (stormwater basin), access drive from Estes Road, and an associated storm drain alignment would be constructed to connect the Barber Yard Specific Plan Area and stormwater basin to a new outfall to Comanche Creek. Based on EIR provided, Caltrans has the following requests and recommendations:

Mr. Mike Sawley
February 14, 2025
Page 2

Highway Operations

Caltrans has identified potential impacts of the project to our SHS. The development's location and the anticipated increase in traffic could create traffic congestion, safety hazards, and impact the highway's operations. The following comments are made regarding Appendix J - Traffic Supporting Information:	2
The project degrades the operational and safety of study intersection 3 (Table 8), from a LOS of A to E, as well as lengthening the queue lengths. The project should include mitigation measures for study intersection 3 and other study intersections.	3
Please provide a queuing analysis for study intersection 2, 3, 19, 20, W 9th Street (SR 32)/Oroville Avenue, and W 9th Street/ Main Street. Please discuss any potential safety concerns caused by higher levels of queuing that result from this project, and any related mitigation.	4
Please add W 9th Street (SR 32)/Oroville Avenue, W 8th Street (SR 32)/Oroville Avenue, and W 9th Street/ Main Street as study intersections and evaluate existing conditions, existing plus project conditions, cumulative no project conditions, cumulative plus project conditions, and include queuing analyses for these intersections.	5
For Figure 3: Project Trip Distribution, the project trip distribution is not clear. The distribution in and out of the project area equals 100%, which is expected. This figure shows that once traffic leaves the project 30% of the traffic is assigned to E Park Ave to and from the Skyway interchange. That is a significant amount of traffic assigned to this interchange and therefore should be included in the analysis. It is unclear how that 30% will be distributed upon reaching the interchange.	6
Please provide clarification of the anticipated truck volumes during construction, and provide information on truck routes during construction. Note that E 20th Street and E Park Avenue are City Surface Transportation Assistance Act (STAA) routes, according to the "City of Chico – Local STAA Truck Route" map. Caltrans recommends that the applicant work with the City of Chico if E 20th Street or E Park Avenue will be utilized during the construction phase.	7
For any development that may have safety and operational impact to the SHS, roadways, and intersections, Caltrans highly recommends early consultation for a Transportation Impact Study (TIS) and Vehicle Miles Traveled analysis pre-scoping meeting. It appears that Caltrans Highway Operations was not a part of the previous review or scoping of the TIS. Moving forward, please include Caltrans Highway Operations for reviews.	8

Mr. Mike Sawley
February 14, 2025
Page 3

Complete Streets

Please consider including the following in the future site designs for the Barber Yard SP area:

- Sidewalks 6 to 8ft or wider in width
- High visibility crosswalks at intended pedestrian crossing locations, particularly in the vicinity of the commercial/industrial and mixed-use areas, as well as neighborhood parks and open spaces
- Multi-use, separated pathways for both bicycle and pedestrian use that maintain a buffer from vehicular traffic where possible
- Pedestrian-scale lighting
- Please refer to the attached Design Information Bulletin (DIB) 94 for the most recent Complete Streets guidance and standards from Caltrans.

9

Comments on the Notice of Preparation indicate that the bridge leading into the neighborhood on Ivy Street is in poor condition and may not include appropriate pedestrian or cyclist facilities. Please ensure that the extension of Ivy Street is designed in such a way that allows for safe and comfortable access for both cyclists and pedestrians.

10

Regarding the connection to Estes Road, please consider including improvements to the intersection where Estes Road connects with the bike path to nearby Comanche Creek Greenway. Please consider wayfinding signage at or near this location to direct bike traffic to the Comanche Creek Greenway path network.

11

The development should contribute transportation impact fees to the City of Chico's transportation impact fees program for capital improvement projects, which includes roadway, pedestrian, bicycle, and other complete streets infrastructure improvements. This would include, but not limited to, intersections that are adjacent to/on Caltrans Right of Way.

12

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

13

Mr. Mike Sawley
February 14, 2025
Page 4

If you have any questions regarding these comments or require additional information, please contact Morgan Gross, Local Development Review Coordinator, by phone (530) 720-2778 or via email at morgan.gross@dot.ca.gov.

13
CON

Sincerely,

Gary Arnold

GARY ARNOLD, Branch Chief
Local Development Review and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3

State Agencies

California Department of Transportation (CALTRANS)

Response to CALTRANS-1

This comment consists of introductory statements and summarizes the details of the proposed project. The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. This comment has been provided to decision-makers for consideration.

Response to CALTRANS-2

This comment provides an introduction to the comments on Appendix J of the Draft EIR provided by Caltrans regarding Appendix J of the Draft EIR. Responses to each specific comment are provided below.

Response to CALTRANS-3

The commenter expresses concerns about Level of Service (LOS), safety, and increased queue impacts to Intersection 3. The commenter generally suggests that mitigation measures for Intersection 3 and other study intersections should be included in the project.

For informational purposes only, Appendix J of the Draft EIR included analysis of specific intersections. Senate Bill (SB) 743 prohibits the use of LOS and similar traffic operations metrics from being used as the basis for transportation impacts under CEQA. This change is recognized in the following Caltrans technical guidance for Local Development Review (LDR).

- Vehicle Miles Traveled-Focused Transportation Impact Study Guide, Caltrans, May 20, 2020.
- Local Development Review Safety Review Practitioner's Guidance, Caltrans, February 2024.

As such, no transportation impact occurs under CEQA, and no mitigation is required. However, the City of Chico will consider Caltrans input related to traffic operations as part of the project's transportation entitlement review.

Response to CALTRANS-4

The commenter requests a queueing and safety analysis for intersections 2, 3, 19, 20, West 9th Street (SR-32)/Oroville Avenue, and West 9th Street/Main Street as well as any related mitigation.

Refer to Response to CALTRANS-3.

The commenter does not provide evidence that any safety concerns exist at these intersections or what relationship exists between queueing and safety for at-grade intersections. The specific methodology, metrics, and thresholds used to evaluate transportation impacts including those related to safety are subject to the discretion of the Lead Agency. The City of Chico determined to utilize the following safety threshold consistent with Appendix G of the CEQA Guidelines, which asks whether a proposed project would: "Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)." The Draft EIR transportation section explains the associated safety analysis methodology and impact findings.

In Caltrans' February 2024 *Local Development Review (LDR) Safety Review Practitioner's Guidance*, no nexus between traffic safety and queueing along urban segments of a conventional highway are identified. The *Practitioner's Guidance* does identify the potential for queueing to contribute to collisions by causing or exacerbating speed differentials between stopped or slowing vehicles on the exit/off ramp and the mainline traffic. Methodology for this analysis is provided in *Practitioner's Guidance* Appendix B, Freeway Exit-Ramp Queueing Analysis. Therefore, additional queueing analysis is being conducted at project study intersections with exit ramps—East 20th Street and SR-99 southbound ramps (Intersection #19) and East 20th Street and SR-99 northbound ramps—following Caltrans methodologies outlined in the *Practitioner's Guidance*. As part of Section 4, Errata, Appendix J has been amended with this information.

Response to CALTRANS-5

The commenter requests adding three additional study intersections to evaluate existing conditions, existing plus project conditions, cumulative no project conditions, cumulative plus project conditions, and include queueing analyses for these intersections.

Refer to Response to CALTRANS-4 regarding appropriateness of queue analysis to analyze traffic safety.

Response to CALTRANS-6

The commenter requests clarification on data in Figure 3 on trip distribution.

Appendix J has been modified to provide additional clarification for trip distribution at the SR-99/Skyway interchange in Figure 3, see Section 4, Errata. The amount of traffic distributed and assigned to this interchange does not change the Draft EIR transportation impact findings.

Response to CALTRANS-7

The commenter requests clarification of the anticipated truck volumes during construction and to provide information on truck routes during construction.

As noted in the Draft EIR, for the purposes of conservative analysis, and based on information available at the time of preparation of this Draft EIR, it is anticipated that any necessary demolition and/or soil hauling would occur within the first 2 years of development, and the majority of construction would occur within the first 10 years of development.

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 on-site 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.

Truck routes would be determined on a case-by-case basis as needed for each on-site development. The comment regarding Surface Transportation Assistance Act (STAA) routes is noted.

Response to CALTRANS-8

The commenter requests to please include Caltrans Highway Operations for early consultation Transportation Impact Study (TIS) and VMT analysis reviews and studies.

Comment noted.

Response to CALTRANS-9

The commenter requests that future site designs contain: 6- to 8-foot-wide sidewalks, visibility crosswalks, multiuse separated pathways for both bicycle and pedestrian use that maintain a buffer from vehicular traffic where possible, pedestrian-scale lighting, and the most recent Complete Streets guidance and standards from Caltrans from Design Information Bulletin (DIB) 94.

The commenter suggested the consideration of multiple design features for the project including 8-foot sidewalks, high visibility crosswalks, vehicle separated pathways for bicycle and pedestrian use, and pedestrian-scale lighting. The commenter also referred to the Design Information Bulletin 94 regarding Complete Street guidance and standards.

These suggestions are noted. As indicated in the Draft EIR, Chapter 2, Project Description, the proposed project would include a variety of bicycle and pedestrian infrastructure including sidewalks, crosswalks, paseos and lighting. Future development would be constructed in compliance with Complete Street guidance and City standards as applicable.

Response to CALTRANS-10

The commenter notes that the nearby Ivy Bridge is in poor condition and may not have pedestrian/cyclist facilities. They request that the Ivy Street extension is designed to allow for the safety of those two groups.

The condition of the Ivy Street bridge is an existing condition near the project site and is included in the City of Chico's Capital Improvement Plan. While the proposed project would add VMT, bicycle, and pedestrian trips across the bridge, the proposed project would not cause an adverse impact to the bridge and therefore an insufficient nexus is present to require corrective mitigation for the existing bridge. Design of the replacement bridge is forthcoming as a part of the Capital Improvement Program (CIP) process. Building permits for future BYSP development will be required to pay development impact fees, including street improvement fees, which go toward funding CIP projects.

Response to CALTRANS-11

The commenter requests considering improvements to the intersection where Estes Road connects with the bike path to nearby Comanche Creek Greenway as well as wayfinding signage at or near this location to direct bike traffic to the Comanche Creek Greenway path network.

Comment noted.

Response to CALTRANS-12

The commenter states that the proposed project should contribute transportation impact fees to the City of Chico to support capital improvement projects including Complete Streets infrastructure and intersections adjacent to/on Caltrans right-of-way.

As indicated in Draft EIR Section 3.11, Land Use and Planning, the proposed project would be consistent with General Plan Policy CIRC-1.3 regarding the contribution of fair share circulation

improvement fees to address transportation impacts, including those to State highways, local roads, and transit pedestrian and bicycle facilities, via the City's development impact fee program. The applicant for each specific individual development proposal would be required to pay all applicable transportation-related fees at the time building permits are sought to mitigate identified (including individual and cumulative) impacts.

Response to CALTRANS-13

This comment consists of closing statements and requests copies of any further actions.

Comment noted.



Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

February 19, 2025

Mike Sawley, Principal Planner
411 Main Street, Second Floor
Chico, California 95927

Dear Mr. Sawley:

I am writing to provide comments on the Draft Environmental Impact Report (DEIR) for the Barber Yard Specific Plan Project (Project) under consideration by the City of Chico (City). The California Air Resources Board (CARB) works to support the State's long-term climate goals by engaging with local jurisdictions and lead agencies as they evaluate the greenhouse gas (GHG), air quality, and vehicle miles traveled (VMT) impacts of new development during the California Environmental Quality Act (CEQA) process. Specifically, CARB is interested in encouraging new residential and mixed-use development to demonstrate consistency with the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan).¹ As noted in Appendix D, Local Actions, of the 2022 Scoping Plan (Appendix D), "[l]ocal government efforts to reduce greenhouse gas (GHG) emissions within their jurisdiction are critical to achieving the State's long-term climate goals."

1

Table 3 of Appendix D of the Scoping Plan lists "Key Residential and Mixed-Use Project Attributes that Reduce GHGs." CARB finds that the project features align closely with Table 3 of Appendix D and will assist with minimizing the overall GHG emission impacts associated with the project's long-term operation. CARB also notes that there are additional opportunities to bring the project more in line with the recommendations in Table 3 to further reduce GHG and vehicle miles traveled (VMT). This is further discussed below. Thus, CARB finds that the DEIR's analysis demonstrates that the project is largely aligned with the Scoping Plan's goals and also that there are some modifications to the project design that would further advance the state's climate goals without adding significant costs to the project.

2

The project's alignment with Table 3 of Appendix D is discussed in more detail below.

The Project is Adjacent to Existing Development and Will Incorporate Features that Will Promote Non-Motorized Travel

The project site is within incorporated Chico and is adjacent to existing urban development. The site is also near Chico State University, as well as the city's downtown area, and has been designated as a "Special Planning Area" in the Land Use Element of the city's 2030 General Plan. Appendix D of the CARB 2022 Scoping Plan recommends that new residential and mixed-use development occur on infill sites that are surrounded by existing urban uses, that redevelop underutilized land, and that are presently served by utilities and public

3

¹ [2022 Scoping Plan | California Air Resource Board](#)

services. The project shares a boundary with the existing city limit and a rail line, and so is adjacent to existing urban uses only on the northern and eastern project boundaries. However, the project is redeveloping an area that has been used for a variety of industrial uses up until 2004. Currently, uses consist primarily of abandoned structures and roadways in various states of disrepair, as well as storage for recreational vehicles. The site has been identified for development in the city's General Plan. Consequently, the project will allow for new growth to occur in a location that will not result in any loss of natural or working lands and will connect with the rest of the city.

The project's transportation network includes off-street multi-use paths throughout the project site that will encourage the use of non-motorized modes of travel within the project by residents. The network will also connect to existing transportation infrastructure in the urban areas adjacent to the project site, as well as to the Comanche Creek trail. The project will incorporate infrastructure to promote walking and biking and will be in proximity to both downtown Chico and the University, which will provide opportunities for residents to travel to destinations without driving. This emphasis on non-motorized travel options will allow the project to support Appendix D's GHG Reduction Strategy of VMT reduction.

The Project will Align with Building Decarbonization Goals

Appendix D of the Scoping Plan recommends electric appliances for new residential and mixed-use development, without the use of natural gas or other fossil fuels to provide for space heating, water heating, or indoor cooking. The DEIR's GHG analysis states that the project will implement mitigation measure ENER-1 which will require an all-electric design as a condition of approval, with limited exceptions, for construction within the project boundaries. This will result in no natural gas usage in all new residential uses, as well as all commercial uses without commercial kitchen components. Natural gas infrastructure will only be permitted for commercial sources with commercial kitchen components in new buildings and in existing buildings that are adapted to reuse where it can be demonstrated that conversion to all-electric is not physically or economically feasible. Incorporating this mitigation measure would align the project with Appendix D's building decarbonization recommendations.

Robust Infrastructure to Accommodate Electric Vehicles Will Support State Goals

California has established a goal for zero-emission vehicles (ZEVs) to make up 100% of new car and light truck sales by 2035. To accommodate this change to the vehicle fleet, California will need a robust ZEV infrastructure. Table 3 of Appendix D recommends that EV charging infrastructure be provided that meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval. Page 3.6-23 of the DEIR states that the project would include Tier 2 CalGreen EV charging infrastructure standards. However, it is unclear if those standards will be applied to the entire project, both residential and commercial uses. Providing ZEV-capable or ZEV-ready infrastructure throughout the project will be a benefit to project residents and those employed within the project as they transition from conventional vehicles.

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Increased Residential Densities Can Encourage Non-Motorized Travel and the Development of Transit

Appendix D of the Scoping Plan recommends that new residential development consist of densities of at least 20 dwelling units per acre. This will allow new development to be supportive of any transit that is provided to the project site in the future. Alternatively, Appendix D recommends that new development be within ½ mile of existing transit. The closest existing transit to the project site is the Butte Regional Transit B-Line bus service with stops at 13th Street and 17th Street, which are not conveniently located for future residents of the project. The Barber Yard Specific Plan states that a new bus route may be added at some point in the future to service the project site. The specific plan also describes the planned development as flexible enough to accommodate this possible future transit. The project will include a range of residential land-use categories but emphasizes Medium Density Residential uses that would allow for densities of between four and 14 dwelling units per acre. Devoting more of the project to the Medium-High Residential category, for densities of up to 35 units per acre, would better allow the project to achieve more transit-supportive densities, which will increase the likelihood of effective transit service in the future. Even if the project will not be serviced by Butte Regional Transit until a future year, other transit modes could be implemented sooner to provide connectivity to the downtown area and the university. Both shuttle service and micro-transit service could be options for the project in the near term and would allow residents to access the rest of the city without relying on automobiles.

6

Additional VMT Reduction Could be Achieved Through Reduced Parking Requirements

Another recommendation in Appendix D of the Scoping Plan for achieving reductions in VMT is reduced parking availability in residential development. Lower parking ratios can encourage residents to utilize non-motorized modes of travel. The parking planned for both single-family and multi-family residential uses within the project is relatively typical, with a parking space for each one-bedroom unit, 1.5 parking spaces for each two-bedroom unit, and 2 spaces for each unit of three bedrooms or more. Reducing these parking ratios can be an effective way to further reduce VMT by encouraging non-motorized travel. As emphasized in Appendix D, for multi-family units, the cost of parking is best to be unbundled from other unit rental costs, providing cost savings for those who do not use the parking that can fund their use of alternative modes of transportation. As noted above, providing transit options such as bus service, shuttle service, and microtransit or replacing automobile parking with bike parking or secure bike storage options could also reduce the need for parking within the project site.

7

Affordable Housing and Equity

Appendix D of the Scoping Plan notes that new development can align with State GHG reduction goals while simultaneously demonstrating consistency with State equity goals and advancing fair housing. The Barber Yard Specific Plan indicates that some affordable housing will be included in the project and will be provided per the Barber Yard Development Agreement. While the project will be creating new housing within the city of Chico, it also represents an opportunity to ensure that housing will be available for residents across income groups and promote overall equity.

Project Attribute Comparison Table

The table below summarizes the comments above and compares the project to the recommended project attributes in Table 3 of Appendix D of the Scoping Plan:

Table 1. Appendix D Project Attributes Comparison Table

Project Attributes from Scoping Plan Appendix D, Table 3	Barber Yard Specific Plan Project
Does not result in loss or conversion of natural or working lands	The project will redevelop an underused site within the city limits. No natural or working lands would be converted as a result of the project.
Electric Vehicle (EV) charging meeting most ambitious voluntary CA Green Building Code standard	Infrastructure meeting Tier 2 CalGreen EV charging standards will be available in part of the project.
Provision of units affordable to lower-income residents with no net loss of existing affordable units	Affordable housing will be provided per the Barber Yard Development Agreement. No housing will be removed as a result of the project.
For residential projects, uses all-electric appliances without any natural gas connections and does not use propane or other fossil fuels for space heating, water heating, or indoor cooking	The project will incorporate an all-electric design into all residential and commercial developments with limited exceptions.
Located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)	The project will redevelop an underused former industrial site within the city limits that is adjacent to the existing development.
New mixed-use or residential development includes transit-supportive densities, or ;	Residential development on the project site emphasizes Medium Density Residential uses

Mike Sawley, Principal Planner
February 20, 2025
Page 5

New mixed-use or residential development is in proximity to existing transit stops, or ; More stringent criteria as specified in applicable SCS	that allow for between four and 14 dwelling units per acre. No transit options exist within proximity of the project site.
Reduced parking requirement	The Specific Plan will allow for 1.5 parking spaces for each two-bedroom unit and 2 parking spaces for each unit of three bedrooms or more.

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Conclusion

CARB appreciates the opportunity to review and comment on the DEIR for the City of Chico's Barber Yard Specific Plan Project. CARB commends the city for utilizing an underused site that is adjacent to existing development and is inside the existing city boundaries to accommodate new growth within the city. CARB also recognizes the project's efforts to provide a transportation network that will support non-motorized travel modes, the installation of Tier 2 EV infrastructure throughout the project, and the decarbonization of new residential and commercial development.

As noted above, there are additional opportunities for the project to align itself with the recommendations in Appendix D of the 2022 Scoping Plan and further minimize any GHG impact. Providing a robust EV infrastructure throughout the project can also encourage residents and employees to transition to EVs even in advance of the state's 2035 EV goal. For clarification purposes, the DEIR should specifically address whether the project EV infrastructure will implement the most ambitious voluntary standard in the California Green Building Standards Code. Finally, increased residential densities and reduced parking can also help to reduce both GHG and VMT associated with the long-term operations of the project.

17

CARB looks forward to partnering with the City of Chico and working towards achieving healthy and sustainable growth while realizing California's climate goals. If you have any questions, please feel free to contact Pedro Peterson at (279) 208-7367 or by email at Pedro.Peterson@arb.ca.gov.

Sincerely,

Annalisa Schilla

Annalisa Schilla, Assistant Division Chief, Sustainable Transportation and Communities Division

Annalisa.Schilla@arb.ca.gov

cc: Chanell Fletcher, Deputy Executive Officer, California Air Resources Board
Chanell.Fletcher@arb.ca.gov

Jennifer Gress, Chief, Sustainable Transportation and Communities Division
Jennifer.Gress@arb.ca.gov

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California Air Resource Board (CARB)

Response to CARB-1

This comment consists of introductory statements, summarizes the agency's purpose, and highlights their role in the 2022 Scoping Plan.

The comment is noted.

Response to CARB-2

The commenter states that the Draft EIR prepared for the proposed project demonstrates that the project is largely aligned with the 2022 Scoping Plan's goals but there are some modifications that would further advance the State's climate goals. Specific comments regarding the project's alignment with the 2022 Scoping Plan and suggested further modifications are addressed in the following comments.

Response to CARB-3

The commenter summarizes how the project is adjacent to existing development and will incorporate features that will promote non-motorized travel. The commenter states that the proposed project's transportation network and emphasis on non-motorized travel supports the 2022 Scoping Plan's Greenhouse Gas (GHG) Reduction Strategy of Vehicle Miles Traveled (VMT) reduction. This comment is noted for the record.

Response to CARB-4

The commenter states that with implementation of proposed Mitigation Measure (MM) ENER-1 the proposed project would align with the 2022 Scoping Plan's building decarbonization goals. This comment is noted for the record.

Response to CARB-5

The commenter states that the Draft EIR is unclear whether Tier 2 CALGreen electric vehicle (EV) charging infrastructure would be applied to the entire project, including both commercial and residential uses. The commenter encourages providing Zero-Emission Vehicle (ZEV)-capable or ZEV-ready infrastructure throughout the project to residents and employees.

The proposed project would comply with all applicable EV parking provisions in the 2022 CALGreen Code, which requires EV parking spaces and/or EV charging equipment for residential and non-residential buildings. The proposed project does not include Tier 2 level of EV charging. Updates are made to Section 3.6, Energy, to reflect this aspect; refer to Section 4, Errata in this document. By providing ZEV infrastructure as required by CALGreen, the proposed project would contribute to the State's goal for zero-emission vehicles to make up 100 percent of new car and light truck sales by 2035.

Response to CARB-6

The commenter states that the closest existing transit service is not conveniently located for future residents of the project. The commenter notes that devoting more of the project to the Medium-High Residential category (up to 35 units per acre) would better allow the project to achieve more transit-supportive densities, which will increase the likelihood of effective transit service in the

future. Additionally, the commenter recommends shuttle services and micro-transit services to increase connectivity to the downtown area and university without relying on automobiles.

As noted in the Draft EIR, on-site B-Line stops, pull-outs, and shelters are envisioned along Ivy Street and 16th Street within the project site. These public transit services are subject to approval by the appropriate agencies. This comment does not raise any concerns related to the analysis provided in the Draft EIR. However, the suggestion for increased connectivity to the project site will be forwarded to the decision-makers for their consideration of the project as a whole.

Response to CARB-7

The commenter states that additional VMT reduction could be achieved through reduced parking requirements.

A VMT assessment was prepared for the proposed project. The VMT assessment determined that the proposed project would result in resident and employee VMT below Butte County Association of Governments (BCAG) thresholds due to the proposed project's location, land use diversity, and Medium-High Density Residential Housing. Refer to Section 3.16, Transportation for further discussion. This comment does not raise any issues related to VMT that were not previously considered during the preparation of the Draft EIR. Under CEQA, no further analysis of VMT impacts is required.

Response to CARB-8

The commenter notes that the proposed project includes some affordable housing and implies the potential for the proposed project to provide more. The comment is noted.

Response to CARB-9

The commenter provides a table that compares the project to the recommended project attributes in Table 3 of Appendix D of the 2022 Scoping Plan. This comment consists of introductory statements. Responses to specific comments within the table are provided below.

Response to CARB-10

This comment notes that the proposed project would redevelop an underused site and would not result in loss or conversion of natural or working lands, consistent with the 2022 Scoping Plan. This comment is noted. No response is required.

Response to CARB-11

This comment notes that the proposed project would meet Tier 2 CALGreen EV charging standards, consistent with the 2022 Scoping Plan. This comment is noted. No response is required.

Response to CARB-12

This comment notes that affordable housing would be provided, and no housing would be removed, consistent with the 2022 Scoping Plan. This comment is noted. No response is required.

Response to CARB-13

This comment notes that the proposed project would incorporate all-electric design into all residential and commercial developments, with limited exceptions, consistent with the 2022 Scoping Plan. This comment is noted. No response is required.

Response to CARB-14

This comment notes that the proposed project would redevelop an underused former industrial site, consistent with the 2022 Scoping Plan.

The comment is noted. No response is required.

Response to CARB-15

This comment notes that the proposed project uses Medium Density Residential and no transit options exist within close proximity of the project site. The 2022 Scoping Plan states that new mixed-use or residential development should include transit-supportive densities or be in proximity to existing transit stops. Please refer to Response to CARB-6 regarding transit.

Response to CARB-16

This comment references the 2022 Scoping Plan attribute related to reduced parking requirements and notes that the Specific Plan would allow for 1.5 parking spaces for each two-bedroom unit and two parking spaces for each unit of three bedrooms or more. Please refer to Response to CARB-7 regarding parking requirements. Note that parking is not directly within the purview of CEQA.

Response to CARB-17

This comment consists of concluding statements and summarizes prior comments regarding the opportunities for the proposed project to align with the 2022 Scoping Plan as discussed previously. This comment also states that the proposed project should provide EV infrastructure throughout the project and requests information regarding whether the proposed EV infrastructure would implement the most ambitious voluntary CALGreen standard.

This conclusory comment does not raise any additional or new environmental issues. Refer to Response to CARB-5 for additional information regarding CALGreen standards. Please refer to Response CARB-6 regarding transit and Response to CARB-7 regarding parking requirements.

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Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

February 12, 2025

Mike Sawley
Principal Planner
City of Chico
411 Main Street, Second Floor
Chico, CA 95927
mike.sawley@Chicoca.gov

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BARBER YARD
SPECIFIC PLAN DATED JANUARY 7, 2025, STATE CLEARINGHOUSE NUMBER
[2023030641](#)

Dear Mike Sawley:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Barber Yard Specific Plan (Project). The Project proposes a full buildout of the 133-acre Barber Yard Specific Plan Area (BYSP) resulting in a mixed-use community accommodating a diverse range of up to 1,250 housing units with a mix of commercial, recreational and office uses located throughout. The Project would include adaptive reuse of the three existing on-site buildings (Warehouse, Engineering Building, and Shop). Within the approximately 16-acre off-site improvement area, an approximately 3-to-5-acre combination water quality retention/detention basin (stormwater basin), access drive from Estes Road, and an associated storm drain alignment would be constructed to connect the BYSP Area and stormwater basin to a new outfall to Comanche Creek. The BYSP is located in the area of the DTSC cleanup project, [Louisiana Pacific Corporation Facility](#) (EnviroStor ID # 04240002).

DTSC provided comments to City of Chico on April 25, 2023 regarding the Notice of Preparation (NOP) for the Draft EIR, including disclosure of land use covenant (LUC)

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2

Mike Sawley
February 12, 2025
Page 2

restrictions due to the existing cap and groundwater plume, and a recommendation for regulatory oversight during redevelopment. These comments are summarized in Section 3.9 “Hazards and Hazardous Materials” in the Draft EIR, along with a remediation history. The Draft EIR also references the existing monitoring wells in the BYSP Area associated with off-site groundwater monitoring for the upgradient [Victor Industries Site](#), another DTSC cleanup project (EnviroStor ID # 04360003).

2
CONT

According to the Draft EIR, the 3-acre asphalt cap is proposed to remain as open space with permitted uses being ancillary surface parking or other uses allowed by DTSC. The existing groundwater monitoring network, including potential well relocations, is proposed to be maintained with oversight by DTSC. Redevelopment construction is not expected to require dewatering or new groundwater wells.

3

The Draft EIR recommends consultation with DTSC regarding development plans to minimize the potential hazards from the historic remediation, specifically with mitigation measure MM HAZ-1, where the developer shall prepare a Soil and Debris Management Plan to DTSC for review and approval, prior to initiating project site improvements.

4

DTSC recommends and requests consideration of the following comments:

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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 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

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Mike Sawley
February 12, 2025
Page 3

soil gas. As stated in the comments on the NOP, DTSC recommends regulatory oversight by entering into a voluntary agreement.

If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

8
CONT

DTSC appreciates the opportunity to review and provide comments on the Barber Yard Specific Plan Draft EIR. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

9

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Mike Sawley
February 12, 2025
Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Janna Waligorski
Associate Director
FirstCarbon Solutions / Consulting Firm
jwaligorski@fcs-intl.com

Dan Gonzales
Community Developer / Project Applicant
Barber Yard Land Holding Co., LLC
dan@gdco.com

Ruth Cayabyab
Supervising Hazardous Substances Engineer
Site Mitigation and Restoration Program
Department of Toxic Substances Control
Ruth.Cayabyab@dtsc.ca.gov

Casey Helfrich, P.G.
Project Manager
Site Mitigation and Restoration Program
Department of Toxic Substances Control
Casey.Helfrich@dtsc.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

California Department of Toxic Substances Control (DTSC)

Response to DTSC-1

This comment consists of introductory statements and discusses the Louisiana Pacific Corporation Facility cleanup site. This comment does not raise any new environmental issues that were not discussed in the Draft EIR. This comment is noted, and no further response is required.

Response to DTSC-2

The commenter discusses DTSC's comments provided to the City on April 25, 2023, made during the Notice of Preparation (NOP) scoping period that is referenced in Draft EIR, which included recommendations for regulatory oversight during redevelopment. This comment does not raise any new environmental issues that were not discussed in the Draft EIR. This comment is noted for the record, and no further response is required.

Response to DTSC-3

The commenter discusses the Draft EIR's proposed uses and limitations related to the asphalt cap and maintenance of existing groundwater monitoring network. This comment does not raise any new environmental issues that were not discussed in the Draft EIR. This comment is noted for the record, and no further response is required.

Response to DTSC-4

The commenter states that the Draft EIR recommends consultation with DTSC. This comment does not raise any new environmental issues that were not discussed in the Draft EIR. This comment is noted for the record, and no further response is required.

Response to DTSC-5

The commenter concurs with the Draft EIR's description of the remediation history. This comment is noted for the record, and no further response is required.

Response to DTSC-6

The commenter states that all uses of the existing on-site asphalt cap shall preserve its integrity and physical accessibility, and notification shall be made to DTSC within 10 working days of the discovery of any damage to the asphalt cap.

As discussed throughout the Draft EIR, future uses on the asphalt cap would be restricted to ancillary surface parking uses as well as any other uses permitted by DTSC. The asphalt cap would continue to be monitored in perpetuity by DTSC. MM HAZ-1 requires a Soil and Debris Management Plan (SDMP), which would include specific measures to protect the integrity of the soil gas monitoring system and asphalt cap. The SDMP would need to be approved by DTSC. Consistent with the Land Use Covenant (LUC), DTSC will be notified within 10 working days of the discovery of any damage to the asphalt cap.

Response to DTSC-7

The commenter states reasonable right-of-entry shall continue to be provided to DTSC throughout redevelopment and changes in ownership. As stated in the Draft EIR, the asphalt cap would continue to be monitored in perpetuity by DTSC in accordance with the LUC consistent with this comment. This comment has been provided to decision-makers for their review.

Response to DTSC-8

The commenter recommends the application of MM HAZ-1 for the entire project site, to address potential impacts from soil, groundwater, and soil gas. The DTSC recommends regulatory oversight by entering into a voluntary agreement using DTSC's standard Lead Agency oversight application.

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, 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.

Response to DTSC-9

This comment consists of closing remarks. The comment is noted. No further response is required.

From: Chris Devine <CDevine@bcag.org>
Sent: Tuesday, January 7, 2025 11:07 AM
To: Sawley Mike; Nicole Acain
Subject: RE: Barber Yard Specific Plan - Draft Environmental Impact Report

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Hi Mike,

We had a quick comment regarding page 2-43 under the “Rail” section. At the end of the first paragraph in this section, incorrect construction and service dates are referenced. Please see figure 6-1 on page 84 of the final North Valley Passenger Rail Strategic Plan for the correct dates:

<https://northvalleyrail.org/wp-content/uploads/2024/07/nvprsp-final-report-20240516.pdf>

Thanks,
Chris

Chris Devine
Planning Director
Butte County Association of Governments
326 Huss Drive, Suite 150
Chico, CA 95928
530-809-4616

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Local Agencies

Butte County Association of Governments (BCAG)

Response to BCAG-1

The commenter notes incorrect construction and service dates for Chapter 2, Project Description, page 2-43 “Rails” Section and provides a link to the document for correct dates. According to the North Valley Passenger Rail Strategic Plan, construction is anticipated to occur between April 2030 and March 2032, and service would begin in October 2032. The Draft EIR has been revised to reflect the correct dates; see Section 4, Errata.

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629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



STEPHEN ERTLE
Air Pollution Control Officer

PATRICK LUCEY
Assistant Air Pollution Control Officer

February 25, 2025

City of Chico Community Development Department
Attn: Mike Sawley, Principal Planner
411 Main Street, 2nd Floor
Chico, CA 95928

RE: Barber Yard Specific Plan

Dear Mr. Sawley:

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Barber Yard Specific Plan. Based on the information reviewed, the District has the following comments:

1. Page 3.3-9, Table 3.3-2 (*clarification*): – The US Environmental Protection Agency strengthened the Annual Particulate Matter (PM_{2.5}) Federal Standard to 12 ug/m³ in January 2012 and to 9 ug/m³ in February 2024. The 2024 action consequentially updated the Air Quality Index breakpoints for PM_{2.5} shown in Table 3.3-5.
2. Page 3.3-11, Table 3.3-3 (*clarification*): – The California Air Resources Board changed Butte County's State Attainment status to Attainment for PM_{2.5} and Nonattainment-Transitional for Ozone in 2024.
3. Page 3.3-26: Demolition of existing accessory buildings will require compliance with District Rule 270 – *Asbestos Demolition and Renovation*. Submittal of notification and site survey to the District is required before demolition work begins.
More information here: <https://www.bcaqmd.org/asbestos-demolition-and-renovation>.
4. Page 3.3-50: Recommend updating footnote 34 with corrected value for first year diesel PM emissions.
5. Construction Impacts: The District concurs that MM AIR-1 would reduce criteria & toxic emissions from construction activities to a less than significant impact (Impact AIR-2 & Impact AIR-3). 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.

It is the District's expectation that compliance with District Rule 205 – *Fugitive Dust Emissions* and MM AIR-3 will result in less than significant impacts from dust during construction activities.

6. Operational Impacts: The District considers MM ENER-1 and MM-AIR-2 feasible measures to bring emissions of operational criteria air pollutant to a less than significant level. The District recommends that on-site measures that reduce ROG and NOx emissions be considered and prioritized over off-site measures or offsets where feasible.

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If you have any questions, please contact me at 530-332-9400 x108.

Sincerely,



Jason Mandly
Senior Air Quality Planner

Butte County Air Quality Management District (BCAQMD)

Response to BCAQMD-1

This comment consists of introductory statements. Responses to specific comments are addressed below.

Response to BCAQMD-2

The commenter states a correction to Section 3.3, Air Quality in the Draft EIR, page 3.3-9, Table 3.3-2 (clarification): The United States Environmental Protection Agency (EPA) strengthened the Annual Particulate Matter (PM_{2.5}) Federal Standard to 12 µg/m³ in January 2012 and to 9 µg/m³ in February 2024. The 2024 action consequentially updated the Air Quality Index breakpoints for PM_{2.5} shown in Table 3.3-5.

Table 3.3-2 has been revised to reflect this update. Refer to Section 4, Errata in this document.

Response to BCAQMD-3

The commenter states a correction to page 3.3-11, Table 3.3-3 (clarification): The California Air Resources Board changed Butte County's State Attainment status to Attainment for PM_{2.5} and Nonattainment-Transitional for Ozone in 2024.

Table 3.3-3 has been revised to reflect this update. Refer to Section 4, Errata in this document.

Response to BCAQMD-4

The commenter states a correction to Section 3.3, Air Quality, page 3.3-26 of the Draft EIR: Demolition of existing accessory buildings will require compliance with District Rule 270—Asbestos Demolition and Renovation. Submittal of notification and site survey to the District is required before demolition work begins.

This Rule has been added to the Regulatory Setting of the Draft EIR Section 3.3, Air Quality. Refer to Section 4, Errata in this document. The project applicant is subject to all relevant District Rules, including Rule 270.

Response to BCAQMD-5

Correction to Section 3.3, Air Quality, page 3.3-50 of the Draft EIR: Recommend updating footnote 34 with corrected value for first year diesel PM emissions.

This footnote has been updated with the correct value, see Section 4, Errata in this document. The updated diesel PM emissions and associated cancer risks are nominally different and do not affect any significance findings.

Response to BCAQMD-6

The commenter concurs that MM AIR-1 would reduce impacts analyzed in Impact AIR-2 and Impact AIR-3 to a less than significant impact. 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. Additionally, the commenter states that compliance with District Rule 205 and MM AIR-3 would result in less than significant impacts related to dust during construction.

This commenter agrees with the findings of the analysis. Regarding any potentially significant impacts from potential increase from the expected construction fleet, as shown in Draft EIR Section 3.3, Air Quality, Table 3.3-12 related to construction criteria pollutant emissions, the mitigated daily emissions are projected to be far below (less than 26 percent of) the applicable significance threshold. 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.

Response to BCAQMD-7

The commenter agrees that MM ENER-1 and MM AIR-2 are feasible and sufficient. The commenter recommends that on-site measures that reduce reactive organic gas (ROG) and nitrogen oxide (NO_x) emissions be considered and prioritized over off-site measures or offsets where feasible.

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 operation. Project NO_x 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, off-site mitigation (MM AIR-2) is required to reduce potential ROG emission impacts to less than significant.



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.

1

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.

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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.

3

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

Butte County Development Services (BCDS)

Response to BCDS-1

This comment consists of introductory statements and summarizes the commenter's understanding of the proposed project.

The comment is noted. No specific environmental issues are raised, and thus no further response is required.

Response to BCDS-2

The commenter states that the off-site stormwater basin and related facilities would be allowed in the AG-40 zone as a Utilities, Accessory use, subject to approval of an Administrative Permit from Butte County. The commenter states that this permit may be obtained by contacting BCDS. This comment does not raise any environmental issues, and thus no further response is required.

Response to BCDS-3

The commenter indicates that Butte County Public Works requests to review the stormwater drainage plans and proposed best management practices, including trash capture devices. The commenter also states that the stormwater drainage system will be within the County's National Pollutant Discharge Elimination System (NPDES) MS4 Permit area.

This review request and information has been added to the EIR; Refer to Section 4, Errata.

Response to BCDS-4

This comment consists of closing statements. No further response is required.

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8 RIO VISTA AVE.
OAKLAND, CA 94611

KENYA S. ROTHSTEIN
ATTORNEY AT LAW

T: 818-648-4015
ksr@atalawgroup.com

March 7, 2025

Via Electronic Mail

Attn: Principal Planner Mike Sawley
The City of Chico Planning Division
PO Box 3420
Chico, CA 95927
mike.sawley@chicoca.gov

RE: Draft EIR Barber Yard Specific Plan Project Comment Letter from the Neighbors

Dear Mike Sawley,

We submit this comment letter on behalf of the Neighbors of the Barber Yard Specific Plan Project (the "Project"), regarding the Draft EIR for the Project. The action proposes mixed-use development at Barber Yard, which was previously an industrial site, in the City of Chico, Butte County, California.¹ Unfortunately, the Draft EIR fails to adequately consider or analyze mitigation measures for noise, traffic, wildfire emergency and evacuation, and offsite stormwater detention basin; fails to adequately describe and analyze or mitigate harms from the hazards and hazardous materials at the site; fails to adequately analyze or mitigate the heat gain caused by the Project; fails to adequately consider project alternatives. For these reasons, we respectfully request that the Draft EIR be revised, and these effects be reconsidered, and effective mitigation measures or avoidance alternatives be imposed, before the Project can be approved.

1

I. The Draft EIR Fails to Adequately Consider Effective Mitigation Measures Regarding Traffic, Noise, and Wildfire Emergency and Evacuation.

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. (See Pub. Res. Code §§ 21002.1(a), 21081(a)(1).) To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. (Pub. Res. Code §§ 21002.1(b), 21061, 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4; *Environmental Council of Sacramento v City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.) When it approves a project, the agency must adopt any feasible mitigation measures identified in the EIR that would mitigate or avoid the project's significant environmental impacts. (Pub. Res. Code §§ 21002.1(b); 21081(a)(1); CEQA Guidelines §§ 15021(a)(2), 15091(a)(1); see *King & Gardiner Farms, LLC v*

2

¹ Eight Assessor Parcel Numbers (APNs) comprise the BYSP Area: 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.

County of Kern (2020) 45 Cal.App.5th 814, 852.) The Draft EIR fails to adequately consider mitigation measures for traffic, noise, wildfire emergency and evacuation, and the stormwater detention basin.

A. Traffic

The Project Neighbors have identified numerous inadequacies with the traffic mitigation measures, which are analyzed below.

i. *Impact Trans-1*

As it relates to Impact Trans-1, the Draft EIR underestimates, and therefore fails to fully disclose or analyze, Vehicle Miles Traveled (“VMT”) generated by the Project. Instead, as it relates to Impact Trans -1, the Draft EIR concludes that “[t]he proposed project would not result in average VMT in excess of any of the applicable thresholds.” (Draft EIR at ES-38 [determining that no mitigation measures are needed].) However, VMT is a measurement of vehicle miles traveled (this is about distance), which is different than the actual number of cars (this is about volume). The VMT analysis assumes without support that people will walk, bike, and use public transit instead of drive (Draft EIR at 3.16-32 to 3.16-34.) Impact Trans-1 does not, but must, consider the VMT from destination traffic to and from the recreational facilities and impacts related to street parking. The Draft EIR concludes without support that the “[r]ecreational uses on-site, including Picnic Grove Park, Ruins Park, and The Diamond, are not anticipated to generate new vehicle trips beyond those considered otherwise in this analysis and, therefore, are not included in the quantitative VMT impact analysis.” (Draft EIR at 3.16-33 to 3.16-34 [concluding without support that it did not include the recreational activities in the VMT impact analysis].) However, the VMT analysis should have considered all the future park, recreational, and open space amenities contemplated by the Project (i.e., Barber Pop-up, Social Hub, Diamond at Barber Yard, Athletics Facility, Dog Park, Picnic Grove, Ruins Park, and various neighborhood parks). This includes evening / nighttime / weekend traffic because the recreational uses will likely attract visitors beyond those living in the area due to extracurricular sporting practices and events, picnics and parties, etc. For these reasons, the Draft EIR fails to adequately disclose or analyze VMT generated by the Project and corresponding effects to travel and greenhouse gas emissions / air quality. The Draft EIR’s conclusions regarding VMT effects caused by the Project are not supported by substantial evidence, and therefore violate CEQA. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.)

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ii. *Impact Trans-2 and Impact Trans-3*

Impact Trans-2 (bicycle infrastructure) and Impact Trans-3 (pedestrian facilities), both impermissibly defer mitigation measures. “[F]or [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval.” (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281].) “Impermissible deferral of mitigation measures occurs

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when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” (*Id.*) Impact Trans-2, references goals and policies in the Chico Bicycle Plan 2019 Update (“Bicycle Plan”) and General Plan but fails to analyze and show exactly how the mitigation measures are consistent with the General Plan and Bicycle Plan. The Draft EIR does not explain how the bicycle network will meet the goals and policies. Instead, it just describes where the bicycle paths will be. Similarly, Impact Trans-3 does not describe how the pedestrian paths will meet the policies in the General Plan Circulation Element. Such an analysis is flawed especially since the Draft EIR does not analyze the increased traffic, increased danger from the traffic, or an adequate number of streets to serve the Project automobile traffic.

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Traffic speeding, stop sign running, and aggressive road behaviors are already threats to residents, pedestrians, pets, and wildlife in this area and the traffic after Project operation is naturally going to be much worse. The *Southwest Chico Neighborhood Improvement Plan* discloses that “Speed humps have been installed to deter speeding, but speeding remains a concern for residents.” (Attachment A [City of Chico (2008) *Southwest Chico Neighborhood Improvement Plan* at pg. 16].) “[T]here are places in this network with histories of circulation conflict, such as vehicle speeding where pedestrians are present.” (*Id.* at pg. 86.) Notably, The *Southwest Chico Neighborhood Improvement Plan* covers the same streets (and more) as those that will be impacted by the Project. Yet, the Draft EIR ignores these conditions described in the *Southwest Chico Neighborhood Improvement Plan*.

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The Project, once complete, will increase residential units and be a significant destination source:

The proposed 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 office uses located throughout. The types of housing products envisioned include single-family detached, pocket neighborhoods, bungalow courts, duplexes, townhouses, garden apartments, and apartments over commercial, as detailed more fully in the Specific Plan.... At full buildout, a variety of potential future park, recreational, and open space amenities are contemplated by the BYSP including the Barber Pop-up, Social Hub, Diamond at Barber Yard, Athletics Facility, Dog Park, Picnic Grove, Ruins Park, and various neighborhood parks (e.g., the Yard).

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(DRAFT EIR at ES-2.) As explained above (*see, supra*, Impact Trans-1 section) this destination site, once built, will likely attract visitors beyond those living in the area. Such impacts of the development must be assessed against pedestrian and biker safety. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396; *Visalia Retail, LP v. City of Visalia* (2018) 20 Cal.App.5th 1, 13; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109.)

The Draft EIR does not acknowledge the traffic congestion and driver behavior implications on biker and pedestrian safety during operation or construction. For instance, there is a school on 11th and Broadway and a large daycare on Chestnut and 15th Street, which already create high amounts of traffic. The Project could easily pose safety concerns for children if there is to be more traffic in the area after the Project is completed. This traffic effect is not analyzed. In addition, the neighbors of the Project already experience dangerous traffic behavior from 9th street to 16th street

7

and have witnessed themselves that the traffic can be dangerous to pedestrians and bicyclists. The Project may exacerbate dangerous traffic behavior and increase congestion, which will make safety worse. Moreover, without adequate calming measures, automobile traffic will just move to other routes. The Draft EIR must analyze additional mitigation measures as it relates to biker, pedestrian, pet, and wildlife safety. The Neighbors would strongly support the following mitigation measures for traffic calming:

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CONT

- o During Operation
 - o Bollards to prevent cars
 - o Traffic mini-circles to slow traffic but keep it moving
 - o Keeping streets narrow
 - o Lane narrowing
 - o Medians
 - o Bridges
 - o Chicanes
 - o Raised crosswalks
 - o Improve signalization timing or consider roundabouts at Park Avenue
- o During construction
 - o Narrowing or removing lanes
 - o Providing detours
 - o Using construction signs
 - o Using raised medians
 - o Using curb extensions
 - o Using a phased construction schedule
 - o Using erosion controls

8

Lastly, the Draft EIR indicates that mitigation measures for Impact Trans-2 and Trans-3 will only occur “[t]o the extent that adequate funds exist...” This does not ensure that the effects will be mitigated. To ensure that there will be funding for bicycle and pedestrian facilities, the Project should consider having a developer fee that gets paid to the City. (*See San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 637.)

9

B. Noise

One of the goals of CEQA includes “freedom from excessive noise.” (Pub. Res. Cod. § 21001 (b); Cal. Cod. Regs. tit. 14 § 15360.) The Chico General Plan Noise Element has three (3) goals regarding noise: 1) To benefit public health, welfare and the local economy, protect noise-sensitive uses from uses that generate significant amounts of noise; and 2) Encourage noise attenuation methods that support the goals of the General Plan; and 3) Promote and enforce the City’s noise standards. (Draft EIR at pdf pgs. 586-588 [citing the General Plan Noise Element].) Yet, the Draft EIR does not satisfy these goals because the mitigation measures are inadequate.

10

For both the construction and operation of the Project, the Neighbors respectfully request that a reliable hotline service be established for Neighbors to call appropriate City staff if the noise levels and other hazards become too severe, and/or mitigation measures are not implemented. The hotline should have a standard and prompt response time for investigating complaints and working with the developer to improve construction operations.

i. *Noise during Construction of the Project*

The Project Neighbors have identified numerous inadequacies with the noise mitigation measures during construction, which are analyzed below.

MM NOI-2a (construction noise mitigation plan)

This mitigation measure impermissibly defers analysis (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281].) MM NOI-2a provides two options regarding a construction noise mitigation plan:

(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

Draft EIR at ES-33.) As to (1), the Draft EIR never explains how this measure would render noise effects to less than significant levels, nor ever considers whether it would be feasible for construction. As to (2), the Project effects can and should be considered now, not after project approval, to ensure all approved activities can and will comply with applicable standards. The second option regarding the acoustic study impermissibly defers mitigation by punting acoustic analysis without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR. Instead of conducting an analysis in the Draft EIR, MM NOI-2a provides:

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)...

(Draft EIR ES-34). If the Chico Municipal Code Section 9.38.060 exemption criteria are not met, the Draft EIR does not expressly adopt any criteria or standards. Instead, the Draft EIR lists BMPs that “may” be used. It does not provide any analysis as to the measures other than listing them. Another flaw with MM NOI-2a is that the first option does not sufficiently address noise at all. By requiring a note “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” does not actively reduce noise. And 50 feet within the property line of noise-sensitive receptors is not a far

11

distance at all. Moreover, the way MM NOI-2a is currently drafted, it allows a scenario where a note on project drawings would be the only mitigation measure, which is not adequate.

Lastly, MM NOI-2a qualifies adhering to construction hours with the phrase “if feasible,” which is not sufficient. (Draft EIR at ES-33 [“Each specific individual development proposal shall adhere to the permitted construction hours as delineated in the City’s Municipal Code, if feasible”].) Mitigation measures must analyze whether a measure is feasible or not. (Pub. Resources Code §§ 21061, 21100(b)(3); 14 Cal. Code Regs. §§ 15121(a), 15126.4(a); *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.)

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MM NOI-2b (Stationary Source Noise Reduction Plan)

This mitigation measure impermissibly defers analysis (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281].) MM NOI-2b provides two options regarding stationary source noise reduction: 1) shielding the line of sight between the noise and receptor or 2) preparing an acoustic study prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan. (Draft EIR at ES-35 to ES-36.) Instead of conducting an analysis in the Draft EIR, MM NOI-2b, provides:

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 Lmax and 50 dBA Leq. 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.

12

MM NOI-2b impermissibly defers mitigation by punting acoustic analysis without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281].) Instead, MM-NOI-2b should identify the specific criteria that the study will have to follow. And analyze specifically how the criteria will be met. MM NOI-2b does not conduct a thorough mitigation measure analysis as it only mentions shielding the line of sight.

MM NOI-3: (Construction Vibration Reduction Plan)

This mitigation measure impermissibly defers analysis. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281].) Instead of conducting an analysis in the

13

Draft EIR, MM NOI-3 includes the development of a Construction Vibration Reduction Plan that follows three (3) points, that are not actually standards or measures and instead just reiterate that a plan is required. This mitigation measure should identify specific criteria and fully analyze how mitigation measure would work.

13
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Additional Mitigation Measures for Noise Impacts

The Neighbors would strongly support additional mitigation measures for noise impacts during construction such as:

- Using quieter machinery
- Installing noise barriers and enclosures around noisy equipment
- Properly maintaining and lubricating machinery
- Implementing sound absorption materials
- Planning construction activities to minimize noise during sensitive hours
- Third party monitoring of noise levels
- Using vibration isolation systems
- Positioning noisy equipment away from residential areas.

14

ii. Noise during Operation of the Project

The only operational impacts the Draft EIR considers are related to the nearby railroad. However, there are additional operational impacts that should be considered such as:

- Substantial increase in delivery trucks that service urban areas (i.e., FedEx, UPS, USPS, Amazon, commercial deliveries etc.)
- Any night life resulting from restaurants, recreational facilities, and parks
- Later traffic due to restaurants, recreational facilities, nightlife, and parks

15

These effects must be disclosed, analyzed, and mitigated. The Draft EIR should consider mitigation measures for noise during operation such as:

- Related to delivery trucks
 - See traffic calming measures above (*See, supra*, Impact Trans-2 and Impact Trans-3 section)
- Related to nightlife
 - Implement a curfew

C. Wildfire Emergency and Evacuation Response

The Draft EIR inadequately analyzes the significant impact of the Project as it relates to wildfires because it fails to include a complete emergency response and evacuation analysis.

i. The Draft EIR fails to analyze current emergency response plans

16

The Draft EIR concludes without further analysis or support that “[t]he City’s General Plan anticipates buildout and development of the BYSP Area; therefore, current emergency response

plans have already taken into account the redevelopment of the project site,” (Draft EIR at 3.18-18 and 5-2.) To the extent the Draft EIR is tiering from another EIR or document,² it still has to relay the findings of that document (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 442 “[t]o the extent the County, in certifying the FEIR as complete, relied on information not actually incorporated or described and referenced in the FEIR, it failed to proceed in the manner provided in CEQA”]; *Banning Ranch Conservancy v. City of Newport Beach*, 2 Cal.5th 918, 935 (2017) [the incomplete presentation of information is a failure to proceed in a manner required by law].) An EIR should be written in a way that readers are not forced “to sift through” to find important components of the analysis. (*San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 659.) Accordingly, an EIR is usually prepared as a stand-alone document. CEQA provides that EIRs should be prepared in a “standard format” when feasible. (Pub. Resources Code §§ 21100(a), 21061; CEQA Guidelines, § 15122.) As such, here, the Draft EIR needs to disclose the project effects and specifically identify each plan/policy and explain any consistencies and inconsistencies, which, simply saying it complies with a plan, fails to do. (*Ebbets Pass Forest Watch v. Department of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 956.)

16
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Notably, the Kinder Morgan Liquids Terminal³ and the PG&E substation are less than one mile away from the Project site. However, the Draft EIR does not discuss the Kinder Morgan Liquids Terminal or the PG&E substation impact on evacuation routes during an emergency like wildfires. Kinder Morgan is only referenced in Appendix G as it relates to Hazards and Hazardous Materials. As both of these facilities are highly flammable and can contribute to the intensity and the spread of wildfires, the impacts of such should be discussed as part of the emergency response plans.

ii. *The Draft EIR fails to evaluate impacts of increased population on the evacuation response.*

The Draft EIR fails to analyze or disclose exactly how the Project would impact wildfire evacuation. *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63 illustrates how this type of significant impact should be analyzed. Regarding the potential impacts of the project to wildfire evacuation analysis, Placer County used the same significance threshold as the City here, located at Appendix G of the CEQA Guidelines. (*Id.* at 133.) Placer County conducted an evacuation analysis that “modeled how long it would take for the...development to evacuate in the event of a wildfire...Conservatively assuming that all of the project’s residences would be occupied and evacuated (935 vehicles)” (*Id.* at 135 [emphasis added].) Placer County then determined that the increased population evacuating from the new development would not have a

17

² The Draft EIR states that “...[t]he analysis in [Section 3.18 (Wildfire)] is based, in part, on information provided by the City of Chico (City) General Plan (General Plan) and the California Department of Fire and Forestry Protection (CAL FIRE), including the City 2030 General Plan and EIR, City Land Use and Development Regulations, 2008 CAL FIRE/Butte Unit Community Wildfire Protection Plan, City Community Wildfire Protection Plan (CWPP), and the California Air Resources Board (ARB). No public comments were received during the Notice of Preparation (NOP) scoping period related to wildfire.”

³ “Kinder Morgan is the largest independent transporter of petroleum products in North America, transporting approximately 2.4 million barrels per day. The great majority of these products are transported through our Products Pipelines business, which moves gasoline, jet fuel, diesel, crude oil and condensate through about 9,500 miles of pipelines. We also have approximately 65 liquids terminals in this business segment that store fuels and offer blending services for ethanol and biofuels.” (See <https://www.kindermorgan.com/Operations/Products/Index>)

significant impact on emergency response or evacuation; the court agreed. (*Id.* at 137.) Here, the Draft EIR still should have “conducted an evacuation analysis that ‘modeled how long it would take for the...development to evacuate in the event of a wildfire...Conservatively assuming that all of the project’s residences would be occupied and evacuated’” (*Id.* at 135 [emphasis added].) Yet, there is no such analysis in the Draft EIR.

17
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D. Offsite Stormwater Detention Basin.

The Project Neighbors have identified inadequacies with the Convert Farmland to Nonagricultural Use mitigation measures (a.k.a. the stormwater detention basin). The EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. (Pub. Res. Code §§ 21002.1(b), 21061, 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4; *Environmental Council of Sacramento v City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.) Impact AG-1 addresses the offsite stormwater detention basin, but it fails to consider several important factors that would impact mitigation. The Draft EIR should consider the following factors regarding an offsite stormwater detention basin:

18

- If the plan is to use another person’s property as mitigation, that plan is potentially infeasible if the 3rd party doesn’t cooperate
- Any potential implications and effects to nearby agriculture
- Whether the soil is contaminated where the offsite stormwater detention basin is going to be

II. **The Draft EIR Fails to Adequately Analyze the Hazards and Hazardous Materials at The Site and Related Mitigation Measures.**

The Project is set to occur on land that is known to have hazardous waste. (Draft EIR at 3.9-1 to 3.9-44 [Hazards and Hazardous Materials section].) The Draft EIR admits that project effects associated with the hazards and hazardous materials may cause significant environmental impact (Draft EIR at ES-30 to ES31 [listing the specific impacts and mitigation measures for each as it relates to hazards and hazardous materials].) However, the Draft EIR fails to adequately analyze the hazardous waste, including accurately determining the extent of the hazards onsite and describing the remediation. In turn, the analysis of mitigation measures is insufficient. And, if not accurately identified, hazards and hazardous materials can be exacerbated during construction (digging and other disturbances to the soil and groundwater).

19

A. The Draft EIR Fails to Accurately Describe the Existing Condition of Hazards and Hazardous Materials

The Draft EIR does not accurately describe the existing environment, specifically the extent and nature of the hazardous wastes at the site.”[A]n EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.” (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 119-120 [citing *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th at p. 952; CEQA Guidelines, §§ 15125, subd. (a), 15126.2, subd. (a).].) The Draft EIR does acknowledge that the Project site has a history of industrial activities as there was once a match factory at the site, lumber storage, bee supply manufacturing, plastic molding, RV storage, and fungicides and

20

adhesive use at the site and that over the years buildings were demolished and/or burned down releasing hazards, toxics, and pollutants. (Draft EIR at 3.9-5 to 3.9-6.) However, the Draft EIR fails to describe the current state of the site as there are information gaps as to the extent of the pollutants as well as remediation flaws.

The Draft EIR does acknowledge that the toxics have not been adequately cleaned up as they have a whole section devoted to hazardous waste clean-up before commencement of the Project. (Draft EIR at 3.9-37 to 3.9-39.) But, the Draft EIR fails to acknowledge the cracks in the Asphalt Cap. (Draft EIR at 2-15 and Draft EIR at 3.9-1 to 3.9-44 [discussing the historic remediation of the hazardous waste without addressing and analyzing the cracks in the cap and other issues with the cleanup]. Neighbors of the Project have seen cracks in the Asphalt Cap. (See Attachment B [photos depicting cracks in the asphalt cap].)

20
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And while, the Draft EIR does note that pollutants are still present and that there are gaps in data (Draft EIR at 3.9-12 to 3.9-13.), it fails to analyze a remedy for this. For example, the soil and gas investigation revealed that “several VOCs were identified in the collected soil gas samples,” including PCE; 2,2,4-trimethylpentane; ethanol; freon 1; and hexane. (Draft EIR at 3.9-21.) However, the Draft EIR impermissibly defers analysis of PCE. (Draft EIR at 3.9-21 [“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’”]; (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281).) Notably, “[t]he anomalies identified along the southwestern BYSP Area boundary could represent buried infrastructure or debris which could pose a concern during development of the BYSP Area.” (Draft EIR at 3.9-26.) This needs to be further analyzed. And “due to the age of structures onsite, the presence of [asbestos-containing materials (ACM) and lead-based paint (LBP)] cannot be ruled out.” Yet, they are not discussed in Phase I and Phase II ESAs. (Draft EIR at 3.9-27.)

21

The cracked asphalt cap, along with any gaps in data and identified pollutants still on site, require further analysis, and testing needs to be conducted to understand the exact nature and the extent of the hazards and hazardous materials on site before any mitigation measures and remediation can be adequately determined. More information regarding the existing site conditions and cleanup plans is necessary to determine if the project can be lawfully and safely built, especially since the development will be for residential and recreational use. Moreover, three (3) schools are located within 0.25 mile of the project site (Draft EIR at 3.9-27 to 3.9-28 [“Little Sprouts Preschool is approximately 95 feet from the northwest boundary of the project site; Mi Escuelita Maya is approximately 182 feet north of the northern boundary of the project site; and WaterSprites Swim School is approximately 200 feet southeast of the boundary of the project site. The project site does not currently contain any schools, and none are proposed as part of the project.”]. Chico Country Day School is not mentioned, but is located at 11th Street and Broadway, approximately .25 miles from the Project site.

22

B. The Draft EIR fails to adequately analyze the Hazard and Hazardous Materials Mitigation Measures

The mitigation measures are flawed for several reasons. First, CEQA requires that prior to approving any discretionary project, an agency must disclose, avoid, and mitigate a project’s

23

potentially significant direct, indirect, and cumulative environmental effects, (see, e.g., Guidelines §§ 15002(f), 15021(a)). However, since the environmental setting regarding hazards and hazardous materials is not adequately described in the Draft EIR, the mitigation measures are inadequate. It is not possible to provide reasonable mitigation measures for hazards and hazardous materials if the extent of the same is unknown. Moreover, the current mitigation measures do not explain or analyze how extensive additional cleanup will be as it defers mitigation (Draft EIR at ES-30.)

23
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Second, the Draft EIR impermissibly defers analysis as it relates to Impact HAZ-1, 2, 3, and 4. (Draft EIR at ES-30 [“the developer shall retain a qualified hazardous materials consultant to prepare a Soil and Debris Management Plan”]; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 442 [citing (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281).] The mitigation should specify criteria the plan needs to follow and conduct an analysis on how that will be an effective mitigation measure.

24

Third, the Draft EIR acknowledge that “...future uses on the asphalt cap would be restricted to open space, ancillary surface parking uses as well as any other uses permitted by DTSC.” (Draft EIR at 2-15.) However, the Draft EIR fails to analyze effects related to uses over the asphalt cap where people would create exposures with the contaminated soil, such as by children playing on a park or residents digging or planting gardens in contaminated soil. Accordingly, such uses should be prohibited in contaminated areas.

25

Lastly, the Project should follow additional protective actions such as those taken as part of the restoration project of the Humbolt Road Burn Dump (“HRBD”), which included a Covenant to Restrict Use of Property. (See Attachment C.) The covenant explains:

The HRBD is a group of properties in the City of Chico used in the past for waste disposal. The HRBD, as a whole, consisted of one primary disposal area located on APN 018-500-015, which was formerly operated as the City of Chico Bum Dump, and fourteen waste disposal areas on adjacent properties. In 2005 and 2006, bum ash and waste debris were consolidated and capped within an approximately nine acre area of APN 018-500- 015 (the "Consolidation unit").

(Attachment C at pg.1.) The Covenant restricted the use of the consolidation unit to “passive open space. While unrestricted pedestrian access may be allowed, the use of bicycles and all motorized vehicles shall be prohibited from access to areas on the landfill covert.” (Attachment C at 3.) This limitation on development where toxics were capped was to ensure public safety. Something similar should be considered at the site of the Barber Yard Specific Plan Project as it is also dealing with toxics under a cap. Here, the EIR should discuss any deed restrictions in more detail in the actual EIR, instead of discussing any restrictions and deeds in the appendices. (See Appendix G [this is a 1610 page document discussing hazards and hazardous materials supporting information]; see also *San Joaquin Raptor Rescue Ctr. v. County of Merced*, supra, 149 Cal.App.4th at 659 [explaining that an EIR should be written in a way that readers are not forced “to sift through” to find important components of the analysis].) Without analysis of deeds and land restrictions in the Draft EIR itself it is unclear how exactly they will work to address mitigation on the Project as a whole.

26

III. Heat Gain

The City's General Plan has a policy on maintaining a Healthy Urban Forest (Draft EIR at 3.11-46 [citing Policy OS-6.1].) The policy is to "[e]nsure the continued protection and management of the urban forest to reduce energy demand, increase carbon sequestration, and reduce urban heat gain." (*Id.*) In maintaining consistency with this policy, the Draft EIR states:

The proposed project would plant street trees and park trees as part of its landscaping. The proposed project would be required to adhere to the recommended street and park trees contained in the BYSP or the larger City of Chico Approved Street and Parking Lot Tree list guided tree selection for the site. All street trees would be approved by the City's Urban Forester.

27

(Draft EIR at 3.11-46.) This is the only analysis in the Draft EIR about reducing urban heat gain. More is required, especially given the significant increase in heat-generating automobile congestion caused by the Project. To better mitigate these effects, traffic calming and traffic route planning measures should be analyzed and implemented, and the locations and number of the trees to be planted, along with a commitment to plant adequate trees *before* the Project's adverse traffic effects occur, should be included in the Draft EIR.

IV. The Draft EIR Alternatives Analysis is Inadequate

The Draft EIR fails to adequately consider the project alternatives. Pursuant to Cal. Code Regs. tit. 14, § 15126.6 (d) "[t]he EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." The EIR "must explain in meaningful detail... a range of alternatives to the proposed project." (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 406, 253.) The Draft EIR does not provide sufficient information to allow for meaningful consideration. For example, regarding On-site Drainage with No Comanche Creek Outfall Alternative, the Draft EIR states, "[w]hile this alternative would avoid development on Prime Farmland and reduce air quality impacts, it would reduce housing and commercial development envisioned in the BYSP Area under the Chico General Plan." (Draft EIR at 6-17.) However, the Draft EIR rejects this alternative without any discussion of how much this alternative would reduce the housing and commercial development. This analysis is inadequate and does not allow for an informed comparison of the project and the alternative. (*Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 735 ["[t]he absence of this comparative data renders the analysis of the natural gas alternative incomplete and precludes meaningful consideration of the natural gas alternative.].) Moreover, the analysis in each alternative does not adequately discuss the traffic implications and instead discusses transportation and traffic impacts in conclusory fashion. (Draft EIR at 6-8 [alternative 2]; Draft EIR at 6-13 [alternative 3].)

28

V. Conclusion

For these reasons, the Neighbors of the Project respectfully request that the Draft EIR be revised, with the effects reconsidered, and effective mitigation measures or avoidance alternatives be imposed, before the Project is approved.

29

Respectfully,



Aqua Terra Aeris Law Group
Kenya S. Rothstein
Jason R. Flanders

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Organizations

Aqua Terra Aeris Law Group (ATA)

Note that this comment letter's appendices are provided in Appendix A of this document.

Response to ATA-1

This comment summarizes ATA's understanding of the proposed project and introduces the topical areas discussed in the letter. This comment does not raise any specific issues or provide any specific facts related to the proposed project. Responses to specific comments are provided below.

Response to ATA-2

The commenter describes the CEQA Guidelines and Public Resource Code sections pertaining to mitigation measures in EIRs and purports to summarize caselaw. The commenter alleges that the Draft EIR fails to adequately consider mitigation measures related to traffic, noise, wildfire emergency and evacuation, and the stormwater detention basin. The statutes and caselaw referenced by the commenter speak for themselves. This comment does not raise any specific issues or provide any specific facts related to the proposed project. Responses to these specific topical areas are addressed below.

Response to ATA-3

Commenter states that Impact TRANS-1 in the Draft EIR fails to fully disclose or analyze VMT, citing that the VMT analysis should have considered destination traffic to and from the recreational facilities contemplated by the proposed project, and impacts related to street parking. The commenter further states that the Draft EIR's conclusions regarding VMT effects caused by the proposed project are not supported by substantial evidence and therefore violate CEQA.

An analysis of VMT impacts for transportation purposes is not required to account for all VMT sources, as specified in the CEQA Guidelines Section 15064.3(a).

- (a) Purpose.** This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "**vehicle miles traveled**" refers to the amount and distance of automobile travel attributable to a project.

Per this section, partial VMT analysis is appropriate whereby truck VMT is excluded, and the focus is exclusively on automobile VMT. Of the automobile VMT that is relevant for transportation impact purposes, the lead agency has the discretion to select their preferred methodology and metric as specified in CEQA Guidelines Section 15064.3(b)(4).

- (4) Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles

traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The City's metrics focus on the weekday VMT generated by the project's residents and workers. This is consistent with the following metrics recommended on page 5 in the *Technical Advisory on Evaluating Transportation Impacts in CEQA* ("Technical Advisory"), California Governor's Office of Planning and Research (December 2018).

When a trip-based method is used to analyze a residential project, the focus can be on **home-based trips**. Similarly, when a trip-based method is used to analyze an office project, the focus can be on **home-based work trips**.

As established in the CEQA Guidelines and the *Technical+ Advisory*, the lead agency has discretion in selecting the appropriate methodology and metrics for VMT analysis. Focusing on weekday home-based and home-based work VMT is reasonable because these metrics involve the most frequent trips, the trips with the longest distance, and the trips that a lead agency like the City of Chico can more directly influence through its land use and transportation decisions.

The potential VMT effects of on-street parking and recreational uses were considered in the analysis. On-street parking does not generate vehicle trips or associated VMT. Trips are generated due to land uses and their associated activities. Parking areas simply represent the location from where those trips may start or end. The recreational and open space uses of the project were designed to serve the residents of the project and nearby community as noted on page 2-16 of the Draft EIR.

The open space network within the BYSP is designed to provide, at full buildout, opportunities for a wide array of active and passive recreation uses to help meet the **range of needs within the proposed project and broader community**.

As explained in the cumulative impact analysis of VMT on page 3.16-42 of the Draft EIR, the mix of project uses and inclusion of these types of recreational uses are complementary when it comes to reducing VMT.

The BYSP proposes development that is consistent with the land use diversity and multimodal transportation network of the study area. As the proposed project and the community develop over time, home-based VMT per resident and home-based work VMT per employee in the project vicinity are projected to decrease because the BYSP would provide complementary residential, commercial/retail, and recreational/open space uses in the City, thus decreasing VMT. In consideration of guidance in the OPR [California Governor's Office of Planning and Research] Technical Advisory, the proposed project was found to fall below VMT thresholds under the baseline condition, and thus a less than significant cumulative impact is determined.

In this sense, the recreational land uses are like local serving retail uses when it comes to reducing VMT as explained on page 3.16-33 of the Draft EIR. Local recreational uses within the project site create more opportunities for project residents and other nearby community residents to meet their recreational needs near their homes. Absent including these uses, residents would have to travel farther from their homes to engage in recreational activities. These types of uses reinforce the mixed-use nature of Chico's land use patterns and are an essential element of why the City produces much lower home-based VMT per resident and home-based work VMT per employee compared to the BCAG region.

For the reasons discussed above, the VMT calculated for the proposed project is appropriate and the use of such VMT for the purposes of estimating greenhouse gas (GHG) emissions and air quality is appropriate.

Response to ATA-4

Commenter states that Impact TRANS-2, references goals and policies in the Chico Bicycle Plan 2019 Update and General Plan but fails to analyze and show exactly how the mitigation measures are consistent with the General Plan and Bicycle Plan. Commenter also states that Impact TRANS-3 does not describe how the pedestrian paths will meet the policies in the General Plan Circulation Element. The commenter reaches the conclusion that Impact TRANS-2 and Impact TRANS-3, both impermissibly defer mitigation measures.

The project's consistency with specific General Plan policies is addressed in Table 3.11-2: City General Plan Consistency Analysis. MM TRANS-2 and MM TRANS-3 help to implement General Plan policies. With respect to Impact TRANS-2, it is unclear what part of the analysis commenter believes is impermissibly deferring mitigation. As described more fully in the BYSP (Specific Plan), the proposed project includes a comprehensive network of on-site bicycle facilities and connections to existing bicycle facilities on Ivy Street and 16th Street. See e.g., Specific Plan Exhibit 2-7. The proposed project, at full buildout, would implement approximately 2 miles of on-site bicycle facilities. This is a clear benchmark and a requirement for development under the Specific Plan. Accordingly, there is no evidence of improper deferral. Further, the Draft EIR clearly discloses that while the proposed project's extensive internal bicycle network exceeds what is proposed in the Chico Bicycle Plan 2019 Update, because the Specific Plan does not explicitly include any indication of the planned financing or construction of adjacent roadway circulation improvements to connect to existing nearby bikeways, there is a possible significant impact related to potential inconsistency with General Plan Policies CIRC-1.2 and CIRC-3.3. The Draft EIR then clearly explains that compliance with MM TRANS-2 would ensure that final maps would not be approved until the relevant improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement. As such, there is a clear development-dependent timeline and series of performance standards to ensure compliance with applicable General Plan policies and Bicycle Plan improvements. There is no evidence of improper deferral.

Similarly, it is unclear how Impact TRANS-3 or MM TRANS-3 constitute deferral. The analysis clearly indicates that the proposed project is required to implement MM TRANS-3 prior to final maps, which precedes occupancy of new land uses created by each final map. There is no evidence of deferral.

With respect to traffic safety, the Draft EIR notes that as described more fully in the Specific Plan, it is anticipated that on-site major streets designated in the Specific Plan would have bicycle lanes and/or separated bicycle/pedestrian paths that separate bicyclists and pedestrians from adjacent vehicle traffic, improving safety. In addition, multiuse paths, sidewalks, and paseos would be utilized as primary pedestrian paths throughout the Specific Plan Area to further improve pedestrian safety in the Specific Plan Area. See Section 3.16, Transportation, as well as the non-CEQA operational analysis (Appendix J) for further discussion.

Response to ATA-5

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.

Response to ATA-6

Commenter quotes the Draft EIR project description and states that impacts of the proposed project's increase in residential units and recreational facilities are not assessed against pedestrian and bicycle safety.

The Draft EIR has addressed the proposed project's transportation impacts as regulated by CEQA in Section 3.16, Transportation. Roadway safety, as defined by CEQA Guidelines Appendix G, checklist question XVII. c), was addressed in Impact TRANS-5. Pedestrian and bicycle facilities are addressed in Impact TRANS-2 and -3 and mitigation was required. Implementation of MM TRANS-2 and -3 requires the construction of sidewalks and bicycle facilities that would contribute to pedestrian and bicycle safety in the adjoining Barber Neighborhood.

Commenter cites *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 396 but fails to demonstrate how the test established in *Laurel Heights* applies to the analysis

contained in this Draft EIR. 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.

Response to ATA-7

Commenter states that the Draft EIR does not acknowledge the traffic congestion and driver behavior implications on biker and pedestrian safety during operation or construction. The commenter cites three examples of streets that currently face pedestrian safety concerns (11th and Broadway, Chestnut and 15th Street, 9th Street to 16th Street), and expresses concern that the buildout of the proposed project would exacerbate these risks.

Refer to Response to ATA-6.

Response to ATA-8

Commenter lists traffic mitigation measures supported by the neighbors of the proposed project. The list is separated into two sections: during operation, and during construction.

Refer to Response to ATA-6. These suggestions are noted. Roadway safety during construction would be subject to City of Chico standards.

Response to ATA-9

Commenter recommends that mitigation measures for Impact TRANS-2 and TRANS-3 include a developer fee that gets paid to the City to ensure that there will be funding for bicycle and pedestrian facilities.

The funds contributed to the bicycle and pedestrian improvements by future developers would be consistent with the Specific Plan Development Agreement and dependent upon the City’s ability to contribute funds. As noted in MM TRANS-2 and TRANS-3, final maps for proposed development within the Specific Plan shall not be approved until the relevant pedestrian and/or bicycle improvements are completed or bonded by inclusion in a City-approved subdivision improvement agreement. As such, funding and construction of the improvements prior to implementation of development are ensured.

Response to ATA-10

Commenter states that the Draft EIR fails to address the goals in the Chico General Plan Noise Element regarding noise, and states that the mitigation measures relating to noise in the Draft EIR are inadequate. The commenter suggests that a hotline service be established for neighbors to call appropriate City staff if the noise levels and other hazards become too severe, and/or mitigation measures are not implemented.

This comment is noted. The CEQA Guidelines provide that comments on an EIR should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the project's significant effects might be avoided or mitigated, especially specific alternatives or mitigation measures (CEQA Guidelines § 15204(a)). The Guidelines direct reviewers to explain the basis for their comments and, whenever possible, submit supporting data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. (CEQA Guidelines § 15204(c)). The purpose of the comment process is to bring out information that will produce a better EIR, not to set up "a series of hoops for the lead agency to jump through." *City of Irvine v. County of Orange* (2015) 238 CA4th 526, 549.

This comment does not detail in any way how the noise analysis does not address the goals of the Noise Element. The comment also does not provide any facts or evidence to support the assertion that the identified mitigation measure is inadequate.

The noise analysis of the Draft EIR identified all of the City's noise goals and addressed them in accordance with CEQA requirements. In regard to the suggestion about a hotline service, MM NOI-2a, Construction Noise Mitigation Plan, provides a list of specific measures that can be implemented to reduce construction noise impacts, but it also highlights that these listed measures are not exhaustive and that additional measures, such as the one suggested, can also be implemented.

Additionally, the suggestion for creation of a hotline is unnecessary because the City has an established procedure for notifying the City. The Code Enforcement Division is responsible for the preservation of neighborhoods by gaining compliance with applicable ordinances within the Municipal Code, including building and construction violations. Code Enforcement can be contacted at 530-879-6330. Additional information can be found at <https://chico.ca.us/Departments/Community-Development/Code-Enforcement/index.html>.

Response to ATA-11

Commenter states that MM NOI-2a (construction noise mitigation plan) impermissibly defers analysis because the Draft EIR does not explain how the measure would render noise effects to less than significant levels and does not demonstrate that it would be feasible for construction. The commenter then identifies portions of the mitigation measure to support this claim, citing the Draft EIR and providing the argument that the mitigation measure should be revised.

See Master Response 6. The noise analysis was performed commensurate with the level of detail available at the time of preparation of the analysis and as appropriate to describe the level of potential worst-case impact. No site-specific development is proposed at this time. Accordingly, it would be infeasible to provide site-specific mitigation at this stage. Based on municipal code thresholds, the mitigation identifies reasonable measures that would ensure construction noise impacts are capable of being monitored (through subdivision improvement plan reviews and inspections) and would remain below the City's applicable construction noise standards.

The Draft EIR explains that grading would be the noisiest stage of construction and Table 3.12-2 shows that only a few pieces of typical construction equipment used for grading could exceed the applicable noise thresholds if used within 50 feet of a sensitive receptor. The EIR explains that, due

to the additive nature of multiple noise sources, operating several pieces of grading equipment within 50 feet of sensitive receptors could potentially exceed the thresholds for temporary construction noise. Appendix H shows an example of how the simultaneous operation of a grader, excavator, dozer, front-end loader and backhoe within 50 feet of a sensitive receptor would equate to noise levels equal to the City's threshold for exempt construction noise. If the simultaneous operation of these equipment created an acoustic center closer than 50 feet, then the threshold would be exceeded and a temporary barrier or alternative construction methods would be required, supported by an acoustical analysis. The Draft EIR (see Table 3.12-10) also reproduced Table N-3 from the Chico 2030 General Plan, which sets forth the City's requirements for an Acoustical Analysis.

The CEQA Guidelines provide that comments on an EIR should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the project's significant effects might be avoided or mitigated, especially specific alternatives or mitigation measures (CEQA Guidelines §15204(a)). The Guidelines further direct commenters to explain the basis for their comments and, whenever possible, submit supporting data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts (CEQA Guidelines §15204(c)). This comment does not detail how the identified mitigation measure is inadequate at the programmatic or project-specific level. The construction noise impact analysis identified the City's construction noise performance standards, including restrictions on permissible hours of construction and limitations on operational noise levels of equipment, or the maximum operational construction noise performance standard of 86 dBA as measured at the property line. The construction noise impact analysis, supported by Appendix H, identified potential reasonable worst-case construction noise impacts (calculated at 86 dBA as measured at 50 feet from the acoustic center of construction) and then identified mitigation to ensure future development projects would demonstrate compliance with the identified City significance thresholds for construction noise (the standards set forth in the City's Municipal Code). Thus, it was concluded that restricting operation of heavy construction equipment within 50 feet of adjacent residential uses during construction (unless site-specific noise reduction measures are in place) would ensure construction noise would not exceed the City's established threshold. The measure further identified procedures in case construction activity involving multiple pieces of equipment was necessary within 50 feet of residential land uses to ensure that construction noise levels would remain less than significant (less than 86 dBA).

Thus, the analysis demonstrates, and substantial evidence supports, that with implementation of MM NOI-2a, potential construction noise impacts would meet the City's applicable construction noise thresholds. This will be enforced through required subdivision improvement and site plan review and monitoring as detailed in the Mitigation Monitoring and Reporting Plan (MMRP).

Response to ATA-12

The commenter states that MM NOI-2b (Stationary Source Noise Reduction Plan), impermissibly defers analysis. The commenter states that the Draft EIR does not provide specific criteria that the acoustic study will have to follow, and that MM NOI-2b does not conduct a thorough mitigation measure analysis as it only mentions shielding the line of sight.

As noted in Response to ATA-11, no site-specific development is proposed. Accordingly, it would be infeasible to provide site-specific mitigation at this stage. Therefore, the mitigation identifies reasonable measures that would ensure future development-related stationary source noise impacts would remain below the City's applicable noise performance standards.

Similar to comment ATA-11, this comment also does not detail how the identified mitigation measure is inadequate at either the programmatic or project-specific level. The stationary source operational noise impact analysis identified the City's noise performance standards. The noise impact analysis identified potential reasonable worst-case stationary source noise impacts (at both the nearest off-site and future on-site residential receptors) and then identified mitigation to ensure future development would demonstrate compliance with the City's noise performance thresholds. Thus, it was concluded that mitigation requiring minimum setbacks for various types of typical stationary noise sources or incorporation of site-specific noise reduction measures (including, but not limited to, shielding by structures such as buildings, enclosures, or masonry sound walls) would ensure stationary source operational noise would not exceed the City's noise performance thresholds. As an optional measure, the mitigation further identified that future project applicants could also provide an acoustical study, prepared consistent with the requirements set forth in the Noise Element of the Chico 2030 General Plan, to show that the operational noise associated with any proposed major noise-generating elements (e.g., truck loading docks, large parking areas, commercial grade mechanical systems), would remain below the City's nighttime noise standards as measured at noise-sensitive receptors. The mitigation measure further identifies that project applicants must demonstrate this compliance for individual commercial and multi-family residential projects during the City's design review process prior to issuance of building permits.

Thus, the analysis demonstrates, and substantial evidence supports, that with implementation of MM NOI-2b, potential future development-related stationary source noise impacts would be reduced to meet the City's applicable noise performance thresholds. This will be enforced through the required design review process prior to issuance of building permits as detailed in the MMRP.

Response to ATA-13

Commenter states that MM NOI-3, Construction Vibration Reduction Plan, impermissibly defers analysis. The commenter states that MM NOI-3, is not specific and the Draft EIR should identify specific criteria included in the plan and fully analyze how the mitigation measure would work.

Similar to the response to comment ATA-11, above, the Draft EIR construction vibration analysis was performed commensurate with the level of detail available at the time of preparation of the analysis and appropriate to describe the worst-case level of impact. No site-specific development is proposed at this time. Accordingly, it would be infeasible to provide site-specific mitigation at this stage. Therefore, the construction vibration impact analysis identified potential reasonable worst-case construction vibration impacts and then identified mitigation to ensure future development would demonstrate compliance with the Federal Transit Administration (FTA) construction vibration impact criteria for receiving structures. Thus, it was concluded that mitigation prohibiting the use of impact pile driving and requiring minimum setbacks for other types of construction equipment would ensure stationary source noise would not exceed FTA performance thresholds. In cases where such minimum setbacks would not be feasible for a proposed development, then a construction vibration

reduction plan would be required to be implemented prior to the issuance of building permits that would detail site-specific techniques, such as the depth and location of temporary trenching, that would minimize potential vibration impacts to potentially impacted structures. City approval of the plan would occur through the site plan review and ongoing monitoring would be conducted through the established ongoing site inspections.

Thus, the analysis demonstrates, and substantial evidence supports that, with implementation of MM NOI-3, potential construction vibration impacts would be reduced to meet the applicable construction criteria thresholds. This will be enforced through the required site plan review and monitoring as detailed in the MMRP.

Response to ATA-14

Commenter suggests additional mitigation measures for noise impacts during construction.

The comment does not establish a need for additional mitigation, nor does it explain how the suggested mitigation is different from the mitigation proposed in the Draft EIR. Notably, MM NOI-2a lists 13 best management noise reduction practices, including several aspects of these suggested measures, as potential measures to reduce construction noise impacts. MM NOI-2a details that the City and developer are not limited to the best management noise reduction practices listed when considering future detailed construction timing and techniques. MM NOI-2a incentivizes the use of many of the suggested noise minimization measures to avoid a construction-specific acoustical analysis and the City reserves the ability to verify compliance during construction using noise measuring equipment as necessary to ensure compliance with the City's Municipal Code requirements.

Response to ATA-15

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 commenter then states that mitigation measures should be adopted for these impacts including the same mitigation measures recommended in ATA-4 and a curfew to lessen noise impacts from nightlife.

The comment incorrectly claims that the only operational noise impacts analyzed in the Draft EIR were related to the nearby railroad. Draft EIR Section 3.12, Noise, included an operational mobile source noise impact discussion, and an operational stationary source noise impact discussion. In fact, the commenter acknowledged the existence of the Draft EIR stationary source noise impact discussion in their comment ATA-12, addressed above.

The analysis did model and analyze all project-related traffic noise impacts and concluded none of the modeled off-site 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 proposed 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.

The Draft EIR also modeled and analyzed potential reasonable worst-case stationary source operational noise impacts including truck loading/unloading activities at anticipated commercial

land uses, parking lot activities at any proposed parking areas, mechanical ventilation equipment operations for residential and commercial land uses, as well as noise levels from future sport field activities. See response to comment ATA-12 regarding the completeness and adequacy of the stationary source operational noise impact discussion and related MM NOI-2b.

Thus, the analysis demonstrates, and substantial evidence supports, that with implementation of MM NOI-2b, potential future development-related stationary source noise impacts would be reduced to meet the City's applicable noise performance thresholds. This will be enforced through the required design review process prior to issuance of building permits as detailed in the MMRP.

Response to ATA-16

The commenter states that the Draft EIR fails to disclose the project's emergency response plan impacts and that it should identify each plan/policy and explain inconsistencies. The commenter alleges that the Draft EIR fails to discuss the impacts of the Kinder Morgan Liquids Terminal and the Pacific Gas and Electric Company (PG&E) substation on emergency evacuation routes.

An impact could occur related to the physical interference with an emergency evacuation plan if a project's additional traffic would significantly delay or inhibit overall evacuation of an area. As described in Section 3.16, Transportation, the project's vehicular traffic would not significantly delay an emergency evacuation and would not represent a significant potential to interfere with evacuation.

As discussed in Section 3.18, Wildfire, of the Draft EIR, the proposed project is not located in a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ) and is therefore not at an increased risk of wildfire and impacts would be less than significant. Per CEQA thresholds, only those projects located in an SRA or VHFHSZ would present the potential nexus to have significant wildfire impacts (including emergency response or evacuation plan impacts). Such is not the case for the project site. Arguably, development of the project site would remove hazardous wildfire conditions related to the current on-site weedy vegetation and its exposure to anthropogenic ignition points. Additionally, as discussed in the Draft EIR, identified emergency evacuation routes in the City are SR-99 and SR-32. Park Avenue and East 20th Street are the most likely evacuation routes from the project site. The Kinder Morgan Liquids Terminal and PG&E are located near the intersection of Midway and Hegan Lane. Project occupants are not required to bypass or otherwise encounter the Kinder Morgan Liquids Terminal or the PG&E facility to access the aforementioned evacuation routes. Should hazardous conditions occur at these facilities, closure of the adjacent portions of Midway and Hegan Lane would not block emergency evacuation from the project site. As such, there are no potentially significant impacts related to evacuation routes in this regard.

The Draft EIR correctly identifies the fact that the proposed project site has been considered for future development for some time in the City's General Plan, and therefore, overall accounting for future needed emergency facilities and operations have occurred therein. Further, as indicated in Section 3.11, Land Use, the proposed project would be consistent, as applicable to General Plan Goals, policies and actions related to wildfire and emergency evacuation (See Table 3.11-2: City General Plan Consistency Analysis).

Response to ATA-17

The commenter states that the Draft EIR does not analyze or disclose exactly how the proposed project would impact wildfire evacuation. The commenter then states that the Draft EIR should have conducted an evacuation analysis that modeled how long it would take for the development to evacuate in the event of a wildfire, conservatively assuming that all of the project's residences would be occupied and evacuated.

Refer to Response to ATA-16.

An impact could occur related to interference with an emergency evacuation if a project's additional traffic would significantly delay or inhibit overall evacuation of an area. As described in Section 17, Transportation, the project's vehicular traffic would not significantly delay an emergency evacuation and the proposed project would not represent a significant potential to interfere with evacuation. Additionally, as discussed in Section 3.18, Wildfire, the project site is not located in an SRA or VHFHSZ and is therefore not at an increased risk of wildfire nor subject to analysis under the City's CEQA thresholds regarding wildfire. Nonetheless, due to wildfire concerns of the community, wildfire risks were discussed. The commenter does not provide information that would change these conclusions in the Draft EIR, and CEQA does not require the analysis to include evacuation modeling.

Response to ATA-18

Commenter states that Impact AG-1 addresses the off-site stormwater detention basin, but it fails to consider several important factors that would impact mitigation. The commenter then states that the Draft EIR should consider the following: that if the plan is to use another person's property as mitigation, that plan is potentially infeasible if the third party does not cooperate; any potential implications and effects to nearby agriculture; and whether the soil is contaminated where the off-site stormwater detention basin is going to be.

Impact AG-1 discusses the potential impacts that could result from the project permanently converting agricultural land to nonagricultural uses. Impact AG-1 concludes that the project's impacts related to the conversion of agricultural land would be less than significant and that no mitigation is required. Notably, the off-site stormwater basin location is owned by the project applicant and an easement to Comanche Creek has also been acquired to accommodate the stormwater basin; the operation of such facilities is consistent with the County's AG-40 zoning (see Response to BCDS-2); and as indicated in Draft EIR Section 3.9, no hazardous soil conditions were identified within the proposed stormwater basin area. As such, the concerns raised by the commenter are non-issues. Refer to Master Response 4 for additional information about off-site stormwater treatment.

Response to ATA-19

Commenter states that the Draft EIR fails to adequately analyze the hazardous waste and hazardous materials on the project site, including accurately determining the extent of the hazards on-site and describing the remediation. The commenter then states that the mitigation is insufficient.

Please refer to Response to ATA-20 through 26 and Master Response 3 regarding hazards and hazardous materials.

Response to ATA-20

Commenter states that the Draft EIR does not accurately describe the existing environment, citing information gaps and specifically the extent and nature of the hazardous wastes at the site. The commenter then states that cracks have been seen in the on-site asphalt cap, and the Draft EIR should have acknowledged them.

Please refer to Master Response 3. Soil testing was conducted as part of the Phase I Environmental Site Assessment (Phase I ESA) and a Phase II Environmental Site Assessment (Phase II ESA) as summarized in the Draft EIR and entirely provided in Draft EIR Appendix G. Furthermore, as indicated throughout the Draft EIR, the BYSP would preserve in perpetuity the approximately 3-acre asphalt cap area which would remain as open space, with the only additional permitted uses being ancillary surface parking and those other uses allowed by DTSC who monitors the asphalt cap in perpetuity. The SDMP required by MM HAZ-1 will specify any special procedures for addressing issues with the asphalt cap which is to remain in place according to the LUC for the project site.

Response to ATA-21

Commenter states that although the Draft EIR does note that pollutants are still present and that there are gaps in data on hazardous materials for the site, it fails to analyze a remedy for this.

Please refer to Master Response 3 regarding mitigation for hazardous waste. Remediation of on-site soils must be approved and monitored by DTSC, which is required by MM HAZ-1, and would occur prior to on-site project construction permitting.

Response to ATA-22

Commenter states that the cracked asphalt cap, along with any gaps in data and identified pollutants still on-site, require further analysis, and testing needs to be conducted to understand the exact nature and the extent of the hazards and hazardous materials on-site before any mitigation measures and remediation can be adequately determined.

Please refer to Master Response 3 regarding hazards and hazardous materials.

Refer to Master Response 6. As indicated in Draft EIR Section 3.6, Hazards and Hazardous Materials, significant testing and analysis has been conducted on-site to identify existing hazardous conditions. Any necessary additional hazards investigation will be completed in accordance with the development and approval of the SDMP as required by MM HAZ-1. This comment does not detail what additional analysis or testing needs to be conducted, nor how the existing analysis and testing is lacking. Therefore, no further response is warranted.

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 6. 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 is appropriate and does not represent deferred mitigation.

Response to ATA-24

Commenter states that the Draft EIR impermissibly defers analysis as it relates to Impacts HAZ-1, 2, 3, and 4. Then the 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

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.

Response to ATA-25

Commenter states that the Draft EIR fails to analyze effects related to uses over the asphalt cap where people would create exposures to the contaminated soil, such as by children playing in a park or residents digging or planting gardens in contaminated soil.

The asphalt cap will remain in place during and following development in accordance with the LUC for the project site and as required by MM HAZ-1. The only proposed use of the asphalt cap in the BYSP is for parking; it is coded as an open space zoning in the BYSP to acknowledge its limited potential uses per the LUC. Further, 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. No exposure to materials beneath the asphalt cap is anticipated during or following development.

Response to ATA-26

Commenter states that the project should follow additional protective actions, such as those taken as part of the restoration project of the Humbolt Road Burn Dump, which included a Covenant to Restrict Use of Property. The commenter states that the Draft EIR should also discuss any deed restrictions in more detail.

An LUC already exists for the project site, which specifies restrictions and allowable uses for the asphalt cap area. The LUC is mentioned throughout the Draft EIR. There is no evidence in the comment that additional measures would substantially reduce any identified impacts.

Response to ATA-27

Commenter states that the Draft EIR should include more analysis on reducing urban heat gain; that traffic calming and traffic route planning measures should be analyzed and implemented; and the locations and number of the trees to be planted, along with a commitment to plant adequate trees before the project's adverse traffic effects occur, should be included in the Draft EIR.

Consideration of heat gain is not required by CEQA. As indicated in the Draft EIR, future projects within the BYSP site would be required to incorporate landscaping, including trees, in accordance

with the BYSP or the related City of Chico regulations regarding tree plantings. All street trees would be approved by the City's Urban Forester.

Response to ATA-28

Commenter states that the Draft EIR fails to provide sufficient information to allow meaningful consideration of alternatives, citing the On-site Drainage with No Comanche Creek Outfall Alternative as lacking definition of how much this alternative would reduce the house and commercial development. Additionally, the commenter states that the analysis in each alternative does not adequately discuss the traffic implications and instead discusses transportation and traffic impacts in conclusory fashion.

CEQA Guidelines Section 15126.6 sets forth the standards for the consideration of alternatives in an EIR. This section states that an EIR must describe a reasonable range of alternatives and contain sufficient information about each alternative to permit an evaluation of the relative merits of the alternatives compared to the project. (CEQA Guidelines Section 15126.6(a)). The Guidelines specify that the major characteristics and significant environmental effects of each alternative must be discussed, but in less detail than is required for the project's effects. (CEQA Guidelines Section 15126.6(d)). This can be accomplished via a matrix that summarizes the comparison of alternatives with the proposed project. (Id.). See *Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547.

Here, the Draft EIR meets the requirements of Section 15126.6 by providing a discussion of each of the alternatives' characteristics and potential significant environmental effects in Chapter 6, Alternatives to the Proposed Project. Additionally, the Draft EIR includes a matrix to summarize the alternatives as shown in Table 6-3, Summary of Alternatives. The comment does not identify any specific issues with the Draft EIR's evaluation of the alternatives' major characteristics or potential significant effects, or allege that the analysis is insufficient under Section 15126.6.

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. Furthermore, CEQA Guidelines Section 15126.6 indicates that an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible, due to, among other reasoning, inability to avoid significant environmental impact. Because this alternative was rejected, the standard of sufficient information to allow meaningful evaluation is reduced to reasoning for infeasibility, which the Draft EIR clearly presented. Accordingly, no revisions to the alternatives analysis are necessary in response to this comment.

Response to ATA-29

This comment consists of closing statements for the letter, requesting that the Draft EIR be revised.

The comment is noted.

Response to ATA-30

This comment includes all the attachments to the comment letter, including the Southwest Chico Neighborhood Improvement Plan, site photos, and the Covenant to Restrict the Use of Property.

The comment is noted along with the concerns. However, per CEQA Guidelines (CEQA Guidelines § 15088(c)), no specific environmental issues are raised, and thus no response is required. However, this comment has been provided to the decision-makers for consideration.

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Community Forum Series

Staff

Patrizia Hironimus

Executive Director

Miranda Kokoszka

Assistant Director



313 Walnut Street, #140
Chico, CA 95928
(530) 891-6424
www.becnet.org
Federal Tax ID
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CA Charity Number
018005

March 7, 2025

Butte Environmental Council (BEC) respectfully submits the following comments for consideration in the DEIR notice of preparation for the Barber Yard Specific Plan.

BEC applauds the Barber Yard Specific Plan for its commitment to the following:

1. Create a wide range of housing opportunities and choices that are generally smaller than the average unit size in Chico and focused on providing housing options to broad and underserved segments of the community to include lower income and residents with increased exposure to environmental hazards.
2. A variety of transportation choices, including access to public transit, support for people-powered modes, and accommodation of emerging technologies, although there could be a greater adherence to LEED certification in building codes to account for future environmental considerations.
3. Create safe walkability and biking throughout the BYSP Area and into the surrounding spaces.
4. Commitment to build close to Chico's core to utilize existing infrastructure as well as help preserve the "green" land to the southeast and west of Chico to include the Doe Mill Special Planning Area in the General Plan and protection of the Green Line.
5. The focus on sustainable and environmentally friendly building technologies.
6. The incorporation of the Chico's Climate Action Plan Update "to create a plan for a safer and more resilient future in the face of drought, wildfires, and flooding which are all projected to worsen across the state due to climate change. (Barber Yard Specific Plan Section 2.2)
7. The location: infill development that is in close proximity to Park Avenue, Downtown Chico, and CSU, Chico.
8. Focus on electrically generated energy and recommendations against the use of natural gas.

Any conversation about development must be framed in terms of the future durability of communities.

BEC also appreciates the Barber Yard Specific Plan's recognition of Chico's Climate Action Plan "to create a plan for a safer and more resilient future..." and the knowledge that "...sustainability is at the scale of local communities, where public health, equity, and longevity are top priorities." We would appreciate the developers working closely or including recommendations from the city of Chico's Climate Action Commission throughout planning and execution for this development.

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Concerns/Suggestions for Revision

- Previous industrial use of the land resulted in detection of toxins in the soil. We recommend extensive testing, soil mitigation, and confirmation that the land is free of environmental hazards to humans, animals, and the ecosystem health before urban development can commence. Please refer to the Barber Neighborhood Association comments and Chris Nelson's research on soil toxins for this site.

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- BEC recognizes past and projected efforts to address this. "In 1992, the Louisiana-Pacific Corporation complied with the order and completed soil removal activities, which resulted in the removal of more than 10,000 cubic yards of contaminated soil. The soil was removed to meet the human health cleanup levels approved by the DTSC. In 1994, a Baseline Human Health Evaluation (BHHE) was completed to evaluate the potential public health risk posed by soil and groundwater contamination. It was determined that the 1992 soil removal successfully reduced contamination levels. (3.9-7) The EIR anticipates removing "up to" an additional 12,971 cubic yards of contaminated soil. (pg 3.3-29).

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- We recommend researching and utilizing soil bioremediation to assist in eliminating toxins in the soil e.g biochar, compost wattles, inoculation, use of native plants like Willow and Elderberry to pull toxins and remediate the soil and water.

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- We recommend the Barber Yard developer and the Chico City Council consult the thesis work of Katherine A. Polan, entitled "Hazardous to Safe." A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility", Spring 2001. While the study provides a rich history of the site, it also illuminates the amount of hazardous material that still exists on the site, much of it arsenic laden soil buried under a concrete cap and PCP in the groundwater, as identified in section 3.9.2 of the Barber Yard EIR.

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- We recommend the results from the independent contractor testing the soils for toxins be made available to the public. As a community of interest, it's crucial to make certain the site is completely clean given the consequences to Comanche Creek, Butte Creek, and to the broader watershed and the ecosystems and people that depend on the watershed.

- As stated in section 3.9.2 "Based on the inferred groundwater gradient, depth to groundwater, and physical setting information, the potential for a vapor encroachment condition (VEC), to exist on the subject property cannot be ruled out." With the potential of hazardous vapors seeping into people's homes from the mismanagement of the toxic soil and water, we believe it is absolutely essential for the project site to be thoroughly tested, understood, monitored, and cleaned appropriately so as to not harm the future residents of this development.

8



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• In addition to the measures taken to protect species identified as a candidate, sensitive, or special-status species within and around the development site as stated in the Biological Resources section 3.4, we recommend incorporating more robust field studies spanning over these next several months to get a more appropriate sample size and accurate results that consider the natural cycles of the potential wildlife in the development area. These site studies can be done through participatory science or utilizing environmental organizations like AltaCal Bird Alliance, The Stream Team and Butte Environmental Council.

• Ensure a “hard edge” for the continued protection of the Greenline to include the detention/retention pond or On-Site Drainage within the boundaries of the development as illustrated in Alternative 3 or Alternative 6.7.3.

• Recommend a perimeter path around the development.

• We have noise concerns for the housing along the railroad tracks.

Typically, high-density housing has been developed along noisier and more polluted areas which is an issue of equity, social, and environmental justice considerations. We recommend a 12-foot wall/sound barrier or something comparable be constructed along this side of the project.

• We recommend multi-purpose community green spaces with grasses and native plants, community gardens, and composting capabilities for the benefit of the current and incoming communities, and to be in compliance with law SB1383.

• We recommend using a portion of the large existing warehouse to be solar powered and converted to a daily grocery store/farmer’s market, incentivizing people to use alternative transportation and mitigating GHG emissions.

• We recommend leveraging the proximity of local growers to provide local produce to offset current food-desert conditions in the area.

• Documentation is minimal regarding historical use of pesticides on the project site, however, lead-arsenate and next generation organo-chlorine pesticides have a long residence life in surface soils at application areas; the lack of documentation of pesticide use represents a significant data gap and a Recognized Environmental Condition (REC) considering the proposed residential development of the project. We recommend the consultant address this data gap and provide potential solutions.

• ...the Phase II Environmental Site Assessment recommended a waste soils mitigation effort be undertaken in the former burn dump areas, under a planned Department of Toxic Substances Control Standard Agreement. We recommend confirmation to the community that this mitigation has taken place.

• We recommend the developer provide access to the public of a Soil and Debris Management Plan

• 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

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responsibility to design and construct the bicycle facilities listed below concurrently with the associated phase: (3-16.38 and 3-16.39) Bike infrastructure is necessary to increase people traveling by bike. The language is non-committal. We recommend a Memorandum of Understanding (MOU) between the City of Chico and the developer to provide bicycle infrastructure which will will reduce Greenhouse Gas Emission as prescribed in the Chico Climate Action Plan.6-16, 6-17

- With the Detention/Retention Pond designed to “treat 2-year storms and detain with metered release the 10- and 100-year storms” as stated in section 6.4.4 of the Barber Yard EIR, we recommend a more robust flooding plan be incorporated into the design of the development, such as Alternative 3 or Alternative 6.7.3, as research shows flooding to become more frequent and disastrous.

- In compliance with the Stormwater Management Plan stated in the Barber Yard EIR section 3.10.6, we want to highlight the use of LID measures like: Green Roofs, Bioretention Rain Gardens, Soil Amendments, Rain Barrel Catchments, and Vegetative Swales to collect pollutants and decrease erosion potential while combating the urban heat island effect and in preparation for future megafloods.

- In compliance with the City of Chico’s Climate Action Plan Update to plan for a safer and more resilient future in the face of droughts, wildfires and flooding, quoted in section 2.2.2 of the Barber Yard Specific Plan, we recommend designing the public spaces of this development with more permeable surfaces to mitigate extreme heat and heightened flooding. The excessive use of turf in the parks and public spaces impede water permeability and add to the Urban Heat Island Effect in both the Urban and “Green” spaces of this development. Scientifically, turf is known to trap heat, spread toxic chemicals and increase the chance of injuries.

- So as not to break the Greenline and prevent increased flooding impacts, we recommend Alternative 6.7.3, On-site Drainage with No Comanche Creek Outfall Alternative as recommended by LAFCO (see attached) for the following reasons: 1) Reduction in residential units can be compensated by increase in density. 2) The On-site Drainage Basin Alternative would prevent development within prime farmland.

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Butte Environmental Council (BEC)

Response to BEC-1

This comment consists of introductory statements. Responses to specific comments are provided below.

Response to BEC-2

The commenter compliments the BYSP for its focus on housing opportunities, transportation choices, walkability and biking, location and site characteristics, sustainable building, incorporation of the City's Climate Action Plan, infill development, and focus on electricity.

The comment is noted.

Response to BEC-3

The commenter expresses appreciation for the BYSP's consideration of the Chico Climate Action Plan, and requests that developers work closely with the City of Chico's Climate Action Commission throughout planning and execution for the development of the proposed project.

This comment is outside the scope of the CEQA analysis; however, this comment has been provided to the decision-makers for their consideration. Refer to Master Response 2 for more information about non-CEQA issues.

Response to BEC-4

Commenter requests further soil testing and mitigation to ensure that the project site is free of toxins and hazardous materials.

Please refer to Master Response 3 and Response to ATA-23. The Phase II ESA investigation included a collection of soil samples from identified areas of concern. The report notes that results should be evaluated in the context of specific development plans at this location and in consultation with DTSC. Draft EIR MM HAZ-1 requires the development of an SDMP, its approval by DTSC, as well as its implementation prior to issuance of grading permits.

Response to BEC-5

The commenter summarizes previous mitigation performed to address soil contamination and the proposed project's proposed mitigation to further reduce contamination.

The comment is noted.

Response to BEC-6

The commenter recommends research and utilization of soil bioremediation techniques such as biochar, compost wattles, inoculation, and use of native plants, as a method of removing soil toxins.

The recommendations are noted and will be forwarded to the decision-makers. This comment does not raise any new environmental issues that would change the conclusions of the Draft EIR, and thus, no further analysis is required. The comment is noted. Remediation actions will be determined as part of the SDMP required by MM HAZ-1.

Response to BEC-7

The commenter recommends that the proposed project developer and Chico City Council reference the thesis work of Katherine A. Polan, entitled “Hazardous to Safe.” A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility,” Spring 2001, to gain further insight into the previous uses of the project site and the amount of hazardous material that still exists on the project site. The commenter also requests that the results from the independent contractor testing the soils for toxins be made available to the public.

A Phase I ESA and a Phase II ESA were prepared for the proposed project along with a subsurface investigation, soil gas investigation, and soil investigation. These materials were included in Appendix G.1 and Appendix G.2 of the Draft EIR. These reports are available to the public along with the Draft EIR; the Draft EIR Section 3.9, Hazards and Hazardous Materials, was based, in part, on these materials. The proposed project would be required to be developed in accordance with all laws and regulations addressing hazardous materials and water quality, and would be required to implement MM HAZ-1, in coordination with DTSC, to reduce any hazards and hazardous materials on the project site. Please see Master Response 3.

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 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.

Response to BEC-9

The commenter recommends incorporating more robust field studies to get a more appropriate sample size and accurate results that consider the natural cycles of the potential wildlife in the development area. The commenter states that these studies can be done through participatory science or utilizing environmental organizations like AltaCal Bird Alliance, The Stream Team, and Butte Environmental Council.

The field studies provide a robust and accurate assessment of biological resources affected by the proposed project. They were conducted according to industry standards and California Department of Fish and Wildlife (CDFW) guidelines, as applicable. Per the Draft EIR, several mitigation measures have been included to reduce the level of impact to special-status species to a less than significant

level. As proposed, implementation of 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, and MM BIO-8 will reduce the impact levels of all relevant sensitive and protected species and their associated habitats to less than significant levels under CEQA. No reasoning was provided for why additional measures or surveys would be required to further reduce potential impacts. No further response is required.

Response to BEC-10

The commenter requests that the proposed project ensures a “hard edge” for the continued protection of the Greenline to include the detention/retention basin or on-site drainage within the boundaries of the development as illustrated in Alternative 3 or Alternative 6.7.3.

This comment has been noted. Alternative 3 and the On-Site Drainage with No Comanche Creek Outfall do not adequately meet the project objectives or are infeasible. Additionally, the On-Site Drainage with No Comanche Creek Outfall was found to increase flood risk. While the proposed off-site 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. Please refer to Response to ELLNER 5-1 for additional discussion of the Greenline.

Response to BEC-11

The commenter recommends a perimeter path around the proposed development.

This comment does not raise any new environmental topics or change the conclusions of the Draft EIR. This comment has been provided to the City decision-makers for their review and consideration.

Response to BEC-12

The commenter recommends a 12-foot wall/sound barrier or something comparable be constructed along the portion of the project site adjacent to the railroad tracks.

The comment is noted. Potential railroad noise impacts were analyzed in the Draft EIR, and MM NOI-1 would be required to ensure potential impacts would be reduced to less than significant. The measure identifies that individual development proposals must demonstrate noise land use compatibility by inclusion of soundwalls, such as the one proposed by the commenter, as a potential measure to reduce railroad noise impacts where needed, or by provision of an acoustic study demonstrating the proposed development would remain below the City’s applicable noise land use compatibility standards. MM NOI-1 further identifies that project applicants must demonstrate this compliance for individual noise-sensitive land use development projects during the City’s design review process prior to issuance of building permits.

Thus, the analysis demonstrates and substantial evidence supports that with implementation of MM NOI-1, potential railroad noise impacts to future noise-sensitive land use developments would be reduced to meet the City’s applicable noise level compatibility criteria. This will be enforced through

the required design review process prior to issuance of building permits as detailed in the MMRP. No additional response is required.

Response to BEC-13

The commenter recommends multi-purpose community green spaces with grasses and native plants, community gardens, and composting capabilities for the benefit of the current and incoming communities, and to be in compliance with SB 1383.

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the Statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. This comment does not raise any new environmental topics or change the conclusions of the Draft EIR. As discussed in the Draft EIR, implementation of SB 1383 is not a project-specific requirement; rather, SB 1383 would need to be implemented by the City and development within the BYSP area would be subject to any new citywide requirements to implement SB 1383. Accordingly, this comment has been provided to the City for their review and consideration.

Response to BEC-14

The commenter recommends using a portion of the large existing warehouse to be solar powered and converted to a daily grocery store/farmer's market to support alternative transportation and reduce GHG.

As detailed in the Specific Plan and as discussed in the Draft EIR, the proposed project would reduce GHG emissions and promote energy efficiency by including EV charging infrastructure, incorporating solar panels, and would be required to comply with the latest adopted energy efficiency, water conservation, and stormwater management laws and regulations. On-site commercial space would have the ability to support a grocery store, and the BYSP park spaces would similarly have the ability to support operations such as a farmer's market. Refer to the BYSP for more specific information. This comment does not provide any information that could change the conclusions of the Draft EIR with respect to transportation or GHG impacts. Therefore, no further analysis is required.

Response to BEC-15

The commenter recommends leveraging the proximity of local growers to provide local produce to offset current food-desert conditions in the area.

This comment is outside the purview of CEQA and does not raise any new environmental topics or change the conclusions of the Draft EIR. This comment has been provided to the City decision-makers for their consideration. Refer to Master Response 2 regarding non-CEQA issues.

Response to BEC-16

The commenter recommends the consultant address the data gap associated with the historical use of pesticides on the project site.

As presented in the Phase II ESA report, upon which Draft EIR Section 3.6 Hazards and Hazardous Materials was partially based, extensive testing for lead arsenate was performed throughout the orchard areas of the project site. In addition, organochlorine pesticides were tested, albeit at a lower

frequency, and found to be below levels of concern. The findings of the Phase I did not provide evidence of pesticide application in other portions of the project site. No further analysis is required.

Response to BEC-17

The commenter recommends that confirmation to the community be provided that the waste soils mitigation effort detailed in the Phase II ESA has taken place.

Comment noted. Excavation and disposal of impacted soils will be performed under the SDMP as required by MM HAZ-1. This work will be performed prior to site redevelopment and report availability will be in accordance with applicable laws and regulations.

Response to BEC-18

The commenter recommends that the developer provide the public with access to the SDMP.

The SDMP will be completed in the future as required by MM HAZ-1. Refer to Response to BEC-17 and to Master Response 2 regarding non-CEQA issues.

Response to BEC-19

The commenter recommends that a Memorandum of Understanding (MOU) between the City of Chico and the developer to provide bicycle infrastructure be established.

This comment is outside the purview of the CEQA analysis provided in the Draft EIR; however, this comment has been provided to the City decision-makers. Refer to Master Response 2 regarding non-CEQA issues.

Response to BEC-20

The commenter recommends that a more robust flooding plan be incorporated into the proposed project's design, and that the Stormwater Management Plan includes the use of Low Impact Development (LID) measures like Green Roofs, Bioretention Rain Gardens, Soil Amendments, Rain Barrel Catchments, and Vegetative Swales to collect pollutants and decrease erosion.

The analysis in the Draft EIR provides a robust and accurate evaluation of potential impacts consistent with current industry and City standards for design and analysis. As discussed in the Draft EIR, the proposed project would install new storm drainage improvements that meter the release of runoff during peak storm events and incorporate pollution prevention measures and LID measures. The Draft EIR determined that impacts related to flooding, polluted runoff, and erosion would be less than significant with incorporation of MM BIO-8. This comment does not raise any new issues that were not previously considered in the Draft EIR. As such, this comment does not provide any information that would change the conclusions of the Draft EIR, and no further analysis is warranted.

Response to BEC-21

The commenter recommends designing the public spaces of the proposed project with more permeable surfaces to mitigate extreme heat and heightened flooding and avoid using turf.

As discussed in the Draft EIR, the proposed project would result in increased impervious surfaces as compared to the existing conditions. However, the proposed project's storm drainage system includes a stormwater basin and other LID features and infiltration approaches, such as permeable

pavers, gravel alleys instead of concrete, reducing street widths, separating sidewalks, and planting trees, which would promote infiltration of runoff into the soil. These features would promote groundwater recharge. Runoff that is collected into the proposed project's storm drainage system would be conveyed to an off-site stormwater basin south of the BYSP Area for attenuation before eventual discharge into Comanche Creek. Additionally, the proposed project would be required to prepare a Storm Water Management Plan (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 were found to be less than significant. This comment does not raise any issues that were not previously identified in the Draft EIR, and no further analysis is required.

Please see Master Response 5 for information related to the proposed off-site water treatment.

Response to BEC-22

The commenter recommends that the On-Site Drainage with No Comanche Creek Outfall Alternative be adopted.

This comment is noted. The Draft EIR rejected this alternative because it met the project objectives to a lesser degree than the proposed project and increased impacts related to flooding. However, this comment has been provided to the City decision-makers for their review and consideration of the project as a whole.

From: Lau Ackerman <ackermanorganic@gmail.com>
Sent: Monday, March 3, 2025 2:10 PM
To: Sawley Mike
Subject: Barber Yard specific plan

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Hello Mike,

I would like to comment on the proposed Barber Yard plan. It is my understanding that there is a request to be able to address storm water by moving the proposed Barber Yard plan SW border to beyond the RR right of way. It is my understanding that this would move the project footprint across the Greenline on to the SW side of the tracks.

I do not believe that this proposal should be approved. The footprint of the Barber Yard project should stay on the East side of the RR right of way.

I have been a homeowner and lived near 10th and Normal for over 27 years. I am fine with the Barber Yard project, but it should not be allowed to move outside of the initially planned area.

Thank you,

Lau Ackerman
Ackerman Organic
530-518-4920

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Lau Ackerman (ACKERMAN)

Response to ACKERMAN-1

The commenter requests that the project's footprint, including stormwater infrastructure, remain on the east side of the railroad right-of-way and within the City of Chico Greenline.

Stormwater is addressed throughout the Draft EIR. As discussed in Draft EIR Sections 3.10, Hydrology and Water Quality and 3.17, Utilities and Service Systems, the proposed project would include an approximately 4.09-acre off-site stormwater detention basin directly south of the BYSP Area, east of the railroad mainline and south of an inactive rail spur which roughly coincides with the Greenline. Refer to Response to BEC-10 for further discussion of the Greenline.

Response to ACKERMAN-2

The commenter states they support the BYSP but requests that it remain in its initially planned area.

Comment noted. See Response to ACKERMAN-1.

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Sawley Mike

From: Emily Alma <emilyearth41@gmail.com>
Sent: Thursday, February 13, 2025 1:09 PM
To: Sawley Mike
Cc: Bryce Goldstein
Subject: Postpone deadline for comments

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Dear Mike Sawley,

I own property near the Barber neighborhood and will be affected by the proposed development on the Diamond Match land. Please postpone the public comment period for at least 30 days to allow for more comment from the community. At this point, there are many residents and property owners who are hardly aware of this huge project that will significantly affect our day-to-day lives.

Thank you for considering this request,

Emily Alma
2300 Estes Road, Chico 95928
530 864-0714

*There is Light as long as we are brave enough to see it,
As long as we are brave enough to be it.*

Amanda Gorman, Jan. 20, 2021

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Emily Alma 1 (ALMA 1)

Response to ALMA 1-1

The commenter requests that the public comment period be extended by at least 30 days to allow more people the chance to comment.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

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From: Emily Alma <emilyearth41@gmail.com>
Sent: Monday, March 3, 2025 11:58 AM
To: Sawley Mike
Subject: Comments for Barber Yard EIR
Attachments: EA Ltr re Barber Yard EIR.docx

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Dear Mike Sawley,
Please see below and attached - my comments for the Barber Yard EIR.

Thanks,
Emily Alma

1

Date: March 3, 2025

To: Mike Sawley, Chico Planning Department

From: Emily Alma
2300 Estes Road, Chico CA 95928
Member, Barber Neighborhood Association

Re: Draft EIR for the Barber Yard Specific Plan

Dear Mike Sawley,

I am co-owner and a resident on the property at 2300 Estes Road, south and east of the Diamond Match land, at the end of Normal Avenue and the beginning of Estes Road. Below are my personal issues that need to be thoroughly addressed by the EIR for the proposed Barber Yard:

2

- The corner where Normal Avenue meets Estes Road is extremely narrow and hemmed in by Crouch Ditch to the east and private property to the south. I am concerned that the exit from Barber Yard planned for that location will become a traffic nightmare, particularly if truck traffic would be part of the mix. It also seems that it is not necessary because it only would feed the low population of Estes Road, a handful of homes. A bike path at that location would be ideal because it would link with the Comanche Creek bike path, and not cause dangerous traffic issues.

3

- I am concerned about the proposed "overflow pond area" to be placed south of the Diamond Match property on prime agricultural land. All aspects of the Barber Yard project should be contained within the present boundaries, certainly not a pond that would break the Greenline.

4

- I understand that providing “low income housing” is complicated (Isn’t that crazy, that they don’t make it easy when there are so many thousands of homeless everywhere?) I know you must comply with regulations, but please seek ways to increase the number of lower cost housing units for those many “middle class” folks, families and singles, who struggle to make ends meet in this warped economy where rents are astronomical, compared to middle class incomes.

5

- I am concerned about the remaining toxics on the Diamond Match property, and about the damaged condition of the asphalt cap, with cracks so large that plants are growing through them. How will those toxins be safely removed? When will the asphalt cap be repaired and how will it be kept intact? I am horrified that toxins continue to be washed into the underlying soil through those cracks. It may already be too late to protect our precious groundwater from contamination.

6

Thank you for giving careful consideration to these concerns. At best, this Barber Yard project will have a challenging effect on the quiet Barber Neighborhood and the semi-rural neighborhoods to the south. I understand the need for infill to provide housing, and appreciate the mixed-use quality of this Barber Yard plan. I hope solutions can be found to these environmental concerns.

7

Emily Alma 2 (ALMA 2)

Response to ALMA 2-1

This comment consists of introductory statements. No response is necessary.

Response to ALMA 2-2

The commenter expresses concern that the proposed exit planned for the corner where Normal Avenue meets Estes Road would cause unsafe traffic conditions, especially with respect to truck traffic. The commenter suggests that a bicycle path that connects with the Comanche Creek bike path would be a better option at this intersection.

As shown in the Specific Plan Figure 5.11, Bicycle Infrastructure Plan, a Class I bike path connecting to Comanche Creek Road is proposed on the southeast corner of the site at the location suggested by the commenter. Additionally, there is a Class I bike path proposed on the eastern side of the project site connecting to Ivy Street, and a Class III bike route is proposed at the intersection of Normal Avenue and 20th Street, located just west of the junction of Normal Avenue and Estes Road. Therefore, the commenter's suggested bike path location is already planned as part of the proposed infrastructure system.

The proposed project's traffic study (Draft EIR, Appendix J) analyzed LOS impacts at key study intersections, including the intersection of Normal Avenue and West 20th Street (Intersection 15), and the intersection of Normal Avenue/Estes Road and West 22nd Street (Intersection 17). According to the analysis, these intersections would continue to operate at acceptable levels of service with the addition of traffic generated by the proposed project. Therefore, the impact was found to be less than significant. The commenter does not provide any additional facts or information that would change these conclusions, and no further analysis is required. The junction of Normal Avenue and Estes Road at the railroad intersection was not analyzed and would experience minimal project-related traffic as it would primarily serve only a small portion of the BYSP development. Furthermore, the site access point would be constructed to City of Chico street development standards, as applicable, thereby ensuring appropriate operation and safety. Note that the site access point would be north of the Estes Road/Normal Avenue/railroad track/Crouch Ditch intersection area specifically identified by the commenter.

Response to ALMA 2-3

The commenter expresses concern regarding the "overflow pond area," and states that all aspects of the project should be contained within the present boundaries and avoid the Greenline. Please refer to Master Response 4. Additionally, please refer to Response to ELLNER 5-1 for information regarding the Greenline and Prime Farmland.

Response to ALMA 2-4

The commenter requests that the number of low-income housing units be increased. As discussed in more detail in the Specific Plan and Chapter 2, Project Description, of the Draft EIR, the proposed project would include a variety of housing types, including both single- and multi-family units with a range of densities to help the City accommodate its need to serve all economic segments of the Chico community. Increasing the number of low-income units would not reduce any of the significant impacts and would not meet the project objective to provide a range of housing

opportunities to the same degree as the proposed project. This comment does not raise any new environmental issues and is therefore outside the purview of CEQA. The comment will be forwarded to decision-makers for consideration. No further response is necessary.

Response to ALMA 2-5

The commenter expresses concern about the damaged asphalt cap located on the project site and asks how the present toxins will be removed and how the asphalt cap will be repaired.

Please see Response to DTSC-6 regarding alteration, maintenance and monitoring of the asphalt cap. The asphalt cap would remain in place during and following property redevelopment. See also Section 3.9, Hazards and Hazardous Materials, for more information.

Response to ALMA 2-6

This comment consists of closing statements and states that the Barber Yard Project would have a challenging effect on the quiet Barber Neighborhood and the semi-rural neighborhoods to the south. No further specifics were provided regarding the challenges that would occur. Note that the Draft EIR evaluates project-related noise impacts to surrounding receptors. The proposed project would be required to comply with the City's applicable noise standards. The Draft EIR found that implementation of the proposed project would not increase noise levels beyond significant levels (Section 3.12, Noise). All noise impacts were found to be less than significant or less than significant after mitigation. Mitigation would be required for temporary construction noise impacts only. This comment does not provide additional information to support potentially significant noise impact findings in the Draft EIR.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. No further analysis is required.

From: Susan Baldwin <sbaldy20032003@yahoo.com>
Sent: Monday, March 3, 2025 8:40 PM
To: Sawley Mike
Subject: Draft EIR Barber Yard

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- The clean-up process is not specific enough to even ask the appropriate questions but I will try based on what I read.
- 1) There is still much clean-up to be done, many unknowns. It seems premature to have an EIR until clean up of very toxic soils is removed and digging up buried tanks with unknown contents is complete. The environmental impacts of build-out are significant enough on their own with traffic, dust, noise, emissions, light pollution, etc. Can there be a separate EIR specifically to address the toxins? Will all of the clean up be done before any kind of construction begins?
 - 2) 16th street is the only street in the neighborhood that could accommodate large vehicles because it's wide enough and heavily constructed. Even if the streets to be connected to the project get "opened up" sooner than later they cannot accommodate that type of traffic. Is that the current plan? If so, it would make living on or near 16th street unbearable. Using the railroad is the only solution for getting the toxic soil out of the site. I oppose using the neighborhood streets for hauling out the toxic dirt and the demolition material.
 - 3) Is it even possible to guess that clean-up and demolition of the site will take a year? And how can 200 dwelling units and 65,000 sq. ft. of commercial units be built during this clean-up phase? Wouldn't that incorporate toxins into the actual construction?
 - 4) Are there some sort of governors on the equipment to make sure they never idle beyond 5 minutes? Does someone closely monitor the construction equipment to make sure it is Tier 4 standards? I have a health condition that makes me very sensitive to diesel emissions. I would guess I'm not alone. Perhaps this came about because of the toxic dust I was subjected to in 1992 when all that toxic dust came out of there. I can testify the loads were not properly covered. And now for the other aspects of this proposal:
 - 1) I am opposed to housing of 1,250 residential units with only 5 streets for ingress and egress.
 - 2) I am opposed to a sports facility or any other commercial enterprise that would add daily traffic from outside the neighborhood to an already overwhelmed neighborhood.
 - 3) I am opposed to the stormwater basin going off-site.
 - 4) I am opposed to any traffic taking out materials or bringing in materials that could be brought in by rail.
 - 5) I support infill development but this neighborhood is landlocked so to speak and a very peaceful one at that. I would like to see this development lose the commercial plans and shrink the housing significantly.

Thank you for your time,
Susan Baldwin
1544 Normal Ave.
Chico, CA 95928
(530)403-3826
Sent from my iPad

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Susan Baldwin (BALDWIN)

Response to BALDWIN-1

The commenter states that the cleanup of toxins on-site should be completed prior to an EIR being drafted, and asks if a separate EIR be completed specifically to address the toxins. The commenter then asks if the toxins will be removed prior to construction.

CEQA directs lead agencies to consider the “whole of the action” in evaluating environmental impacts. Accordingly, the Draft EIR appropriately considers specific construction measures to be implemented at the project site as part of the proposed project. Impacted soil would be remediated under an SDMP to be completed and approved pursuant to MM HAZ-1 prior to initiating site improvements for the project. This comment does not provide any new information that would change the conclusions of the Draft EIR. No further actions are required, and a separate EIR is not warranted under CEQA.

Response to BALDWIN-2

The commenter expresses concern over the width of streets leading into the project and their ability to support large vehicles. The commenter then goes on to say they are opposed to contaminated soils being transported by truck through surrounding neighborhoods, and instead suggest they be transported by rail.

Please refer to the Draft EIR Section 3.16, Transportation, for a discussion of roadway impacts. Please refer to Master Response 3 regarding hazards and hazardous waste. No further response is required.

Response to BALDWIN-3

The commenter expresses doubts about the accuracy of project phasing timelines and concern over the possibility that toxins be released during the construction of the 200 dwelling units and 65,000 square feet of commercial space.

The SDMP prepared to satisfy MM HAZ-1 would include procedures for minimizing the generation of airborne dust during remediation and development. These measures would include periodically wetting soils, keeping soil stockpiles covered, and stopping work during periods of high winds and conducted in accordance with applicable laws and regulations as overseen by DTSC.

Response to BALDWIN-4

The commenter expresses concern regarding equipment idle times and asks how construction equipment will be kept to Tier 4 standards.

As described in Section 3.3, Air Quality, of the Draft EIR, impacts related to construction vehicle idle times were found to be less than significant with implementation of mitigation measures. MM AIR-1 and MM AIR-3 require reasonable documentation that demonstrates the use of construction equipment that meets or exceeds EPA or California Air Resources Board (CARB) Tier 4 Final off-road emission standards for all off-road equipment with engines greater than 50 horsepower, and the implementation of BCAQMD Best Management Practices during construction, including reduction measures for equipment idle times. As such, this comment does not raise any new concerns or information about the analysis provided in the Draft EIR, and no additional analysis is required.

Response to BALDWIN-5

The commenter states they are opposed to 1,250 residential units with only five streets for ingress and egress.

Please refer to the Draft EIR Section 3.16, Transportation, for a discussion of project site ingress and egress and transportation impacts. This comment does not raise any specific environmental issues that were not previously addressed in the Draft EIR. This comment will be forwarded to decision-makers for consideration. No further response is required.

Response to BALDWIN-6

The commenter states they are opposed to a sports facility or any other commercial enterprise that would add daily traffic from outside the neighborhood.

Please refer to the Draft EIR Section 3.16, Transportation, for a discussion of traffic impacts. This comment does not raise any specific environmental issues that were not previously addressed in the Draft EIR. This comment will be forwarded to decision-makers for consideration. No further response is required.

Response to BALDWIN-7

The commenter states they are opposed to the off-site stormwater basin.

Please refer to Master Response 4 regarding the off-site stormwater facilities. No further response is required.

Response to BALDWIN-8

The commenter states they are opposed to any traffic taking out materials or bringing in materials that could be brought in by rail.

Please refer to Master Response 3 regarding hazards and hazardous waste. This comment does not raise any specific environmental issues that were not previously addressed in the Draft EIR. This comment will be forwarded to decision-makers for consideration. No further response is required.

Response to BALDWIN-9

Commenter requests that the proposed project remove the commercial plans and reduce the housing significantly.

The Draft EIR analyzed a potential alternative with reduced commercial uses in Section 6, Alternatives to the Proposed Project. The Draft EIR found that the Reduced Commercial Alternative would not reduce the project's impacts, including the significant and unavoidable air quality impacts, and was therefore rejected. Reducing the housing would result in a project that does not meet the project objective to 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, or the objective of supporting the efficient use of land through higher density. Notably, the Draft EIR found that altering the project components would not significantly reduce impacts compared to the proposed project. This comment does not provide information that would alter the conclusions of the Draft EIR; therefore, no further response is required. However, this comment has been provided to decision-makers for their review and consideration.

From: SherryB <sherry.chico@gmail.com>
Sent: Friday, March 7, 2025 2:48 PM
To: Sawley Mike
Cc: SherryBChico Butler
Subject: Sherry Butler Comments - Barber Yard Specific Plan Draft EIR

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Hi Mike, here are my comments on the Barber Yard Draft EIR. My property backs directly up to the Barber Yard on Normal Ave. My comments are not in the order of priority.

I support Alternative 3 with onsite water storage, with slightly less development for less impact overall on the Barber Neighborhood, the oldest development in Chico. Alternative 3 will have less impact on roads with the massively increased traffic and won't lead to breaking the Greenline, a well established guideline for conscientious development and preservation.

1. Privacy - Height of the units built directly behind those of us who back-up to the development. I reiterate that 1 story units behind Normal and Chestnut are necessary to align with our current privacy. I was happy to hear that an alleyway is not planned directly behind the existing houses along Normal and Chestnut. I deliberately didn't buy a house with an alley behind it, due to more noise, pollution and traffic.

2. Fencing - Height and depth of the fence between the development and the existing Barber Neighborhood. Please consider installing the highest fence possible, with the best sound proofing quality. Noise and light pollution will be a huge change and impact for the existing neighborhood and wildlife.

3. Light Trespass and Pollution - Shielding of outside lighting on units and street lights to prevent light trespass and pollution. Please consider lighting options that would minimize light trespass and pollution.

4. Construction Impact Mitigation - Since construction will be going on for many years, possibly 2038+, mitigating the noise, traffic, dust and impact on the existing neighborhood, by giving the neighborhood a break on the weekends and concentrating the construction Monday - Friday. This would increase our quality of life through this transition from a quiet neighborhood to the portal of a very large development. This construction will have a huge impact on our neighborhood.

5. Increased Traffic Impact - My concern is not only for the massively increased traffic on the even numbered streets, Ivy and Chestnut access into the development, but the overflow that will occur into the other cross streets, such as Normal. We currently have problems getting out from the neighborhood onto Park Avenue due to the traffic. During the day, I know that many of us drive to a street with a traffic light in order to merge safely out onto Park. My neighbors and I around W 19th and Normal, drive to either W 16th or W 22nd to gain traffic light controlled access to Park Ave. I hope that all alternative

transportation options will be explored extensively: bicycle routes and paths, shuttles, bus line access to the major cross streets. During the construction years, the excavation and large trucks and equipment will add substantial noise and wear on tear on already poorly maintained roads.

7
CONT

6. Toxic Waste Disruption - Please ensure very strict removal, or disruption, of the Asphalt Capped Arsenic Hazardous Waste site in the corner of the property, along with the 20+ capped wells. I'm very concerned about the soil being disturbed and releasing the Diamond Factory pollutants into our air and onto our properties. I'm very concerned to read in the Draft EIR that there is missing historical data and not much known on what will be found once the soil is being disturbed on a massive scale with impacts on our water runoff and air quality.

8

There will be a massive change to the esthetic and community feel of the Barber neighborhood. The sprawl behind and beside us, the massive traffic increases through all of the Barber with the subsequent noise, speeding, road damage, congestion and safety problems for pedestrians, disabled, children and all of us enjoying our currently quiet neighborhood. We are dependent on the City of Chico to care, remediate, improve, evolve and maintain the existing Barber Neighborhood. Our Quality of Life should be considered. I do believe that in-fill is important in growth and a much healthier alternative to massive sprawl into the fragile and fire hazardous outlying areas. Please do this right for all of us, not just the developers. It's going to be a long 12+ years ahead of us.

9

Thank you for the opportunity to weigh in on the largest development in Chico, up against a historic Chico neighborhood community.

--

enjoy, Sherry

Everyone laughs in the same language.

Keep it Open - Butte County Library www.chicolibrary.org

Sherry Butler (BUTLER)

Response to BUTLER-1

The commenter states their property is adjacent to Barber Yard, and introduces the comment letter. Responses to specific issues raised in the comment letter are provided below.

Response to BUTLER-2

The commenter expresses support for Alternative 3 and provides reasons for their support. The commenter notes that this alternative would have lesser impacts related to traffic and will not break the Greenline.

The commenter's preference has been noted and has been provided to the decision-makers for their review and consideration of the project as a whole. With regard to the Greenline, refer to Response to Master Response 4.

Response to BUTLER-3

Commenter expresses gratitude that an alleyway is not planned directly behind the existing houses along Normal Avenue and Chestnut Street. The commenter also states that single-story units behind Normal Avenue and Chestnut Street are needed to preserve privacy in the area.

Privacy concerns are outside the purview of CEQA, and therefore, no further analysis is required. However, this comment has been provided to decision-makers for their review and consideration.

Response to BUTLER-4

Commenter requests that the highest fence possible with the best sound proofing quality be installed between the proposed project and the existing Barber Neighborhood. The commenter also references changes to nighttime lighting.

Potential stationary source operational noise impacts were analyzed in the Draft EIR and MM NOI-2b was required to ensure potential impacts would be reduced to less than significant. MM NOI-2b identifies measures including but not limited to soundwalls, such as the one proposed by the commenter, as a potential measure to reduce stationary source operational noise impacts where needed. The mitigation measure further requires that project applicants must demonstrate compliance during the City's design review process prior to issuance of building permits.

Thus, the analysis demonstrates, and substantial evidence supports, that with implementation of MM NOI-2b, potential future development-related stationary source noise impacts would be reduced to meet the City's applicable noise performance thresholds. This will be enforced through the required design review process prior to issuance of building permits as detailed in the MMRP.

As described in Draft EIR Section 3.1, Aesthetics, Light, and Glare, all proposed lighting on the project site would be required to comply with City standards and guidelines. This includes Municipal Code Chapter 19.18 and Chapter 19.60.50, which stipulate that exterior lighting shall be shielded or recessed so that direct glare and reflections are confined and directed downward and away from adjacent properties. As such impacts resulting from light and light trespass were found to be less than significant. This comment does not raise any issues that were not previously addressed in the Draft EIR; therefore, no further response is required.

Response to BUTLER-5

The commenter requests that the proposed project consider lighting options that would minimize light trespass and pollution.

Refer to Response to BUTLER-5.

Response to BUTLER-6

The commenter requests that construction be limited to Monday through Friday to mitigate noise, traffic, dust, and traffic impacts on the existing neighborhood. Impacts and mitigation related to noise are discussed in the Draft EIR in Chapter 3 (for noise see Section 3.12, dust is discussed in Section 3.3 and traffic is addressed in Section 3.16). Pursuant to MM NOI-2a, individual development proposals would be required to adhere to the permitted construction hours as delineated in the City's Municipal Code. This comment has been provided to the City decision-makers for consideration.

Response to BUTLER-7

Commenter expresses concern for overflow traffic impact during construction and operation on cross streets such as Normal Avenue. The commenter requests that all alternative transportation options will be explored extensively, including bicycle routes and paths, shuttles, bus lines, and access to major streets. The commenter further states that large trucks and equipment during construction will add substantial noise and wear and tear on already poorly maintained roads.

The project's potential impacts to transportation, including transit, bicycle and pedestrian modes, were analyzed in Draft EIR Section 3.16, Transportation. The analysis concluded that all impacts were less than significant with the implementation of MM TRANS-1 through MM TRANS-3. Notably, as a part of mitigation implementation the proposed project would be required to construct off-site sidewalks and bicycle infrastructure.

Construction noise was considered in Draft EIR Section 3.12, Noise, specifically under the temporary construction noise impacts under Impact NOI-2. The analysis concluded that short-term construction-related noise impacts associated with the highest average daily construction haul trips would be less than significant. Implementation of MM NOI-1 would ensure on-site construction noise impacts would be reduced to less than significant.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the purview of CEQA, and therefore no further response is warranted. This comment has been provided to decision-makers for consideration.

Response to BUTLER-8

Commenter expresses concern about the Asphalt Capped Arsenic Hazardous Waste site and the data gap associated with it, and its implications for soil contamination.

There are no data gaps associated with the asphalt cap. The cap will remain in place during and following redevelopment. Maintenance of the cap is required by the Land Use Covenant (LUC) and

regulatory oversight administered the DTSC. Per MM HAZ-1, a Soil and Debris Management Plan (SDMP) will be required, as approved by DTSC, prior to the start of grading on-site. The SDMP will identify specific construction measures to be implemented at the project site to properly handle contaminated soils and materials. Furthermore, the SDMP will protect the on-site asphalt cap and monitoring wells in accordance with the LUC.

Response to BUTLER-9

This comment consists of closing statements for the letter, reiterating previous concerns and expressing that the community will undergo significant changes as a result of the proposed project. Scenic quality and other aesthetic impacts are addressed in the Draft EIR Section 3.1, Aesthetics, Light, and Glare. Under CEQA, the threshold of significance for the project site is whether the project would conflict with applicable zoning and other regulations governing scenic quality. As indicated in the Draft EIR, the proposed project would be consistent with applicable urban zoning and other regulations governing scenic quality. As discussed in further detail under Impact AES-2, the BYSP aims to preserve the existing Barber Neighborhood historic aesthetic of the area. This comment does not present any issues that would change the conclusions of the Draft EIR under Impact AES-2; therefore, no further analysis is required. However, this comment has been provided to decision-makers for their review and consideration.

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From: Kathryn Cehrs <kcehrs@gmail.com>
Sent: Tuesday, February 11, 2025 6:06 PM
To: Sawley Mike
Subject: Barber Yard EIR comment

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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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov .

Hello,

I live on West 16th street in Barber Yard. This new proposal will negatively impact both my property value and my quality of life. I purchased this property specifically because it is a very quiet neighborhood with low traffic and low noise. As the plan is proposed the new project will use 16th street as access. There will be constant noise of trucks and cars past my house. My house is over 100 years old and is not noise insulated, and there is no way to reduce street noise in my house without a major, expensive remodel. This will reduce my ability to work as well because loud noise makes it difficult for me to sleep at night, and with increased traffic for the development there will be more noise, and lack of sleep will affect my ability to work. My cat will be at risk of being run over by the increased number of cars.

Additionally, Rotary Park, is on 16th street. As I live across from the park I can attest that it is constantly filled with kids. Families host children's birthday parties there. Youth groups meet in the park. Dogs use the park as well. Increasing the amount of vehicle traffic on 16th street jeopardizes the lives of every child at that park. Right now, very few people drive past Rotary Park on 16th so if a kid accidentally runs into the street nothing happens. But with the number of vehicles said to be going down the street in this new proposal, a kid running into the street could easily be killed. Same for dogs. Additionally large trucks going past the park will decrease the enjoyment of people in the park due to noise and exhaust.

The plan needs a different access road than 16th street. Affordable housing is great, but it should not come at the cost of the current residents of this neighborhood.

Kathryn Cehrs

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Kathryn Cehrs (CEHRS)

Response to CEHRS-1

This comment consists of introductory statements and states that noise from the proposed project will affect property values and quality of life. The commenter further states that the increased traffic would cause sleep disturbance and put the commenter's cat at risk of being run over.

Property values are an economic issue and not an environmental topic addressed by CEQA. Moreover, the comment does not include any evidence that any significant physical changes to the environment will result from any loss in the property value of neighboring lands. Therefore, no further analysis is required in this regard. (*Gray v. County of Madera* (2008) 167 CA4th 1099, 1121).

In regard to potential increase in traffic noise levels, the Draft EIR analysis demonstrated that none of the modeled roadway segments in the project vicinity 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, and the impact would be less than significant. Compliance with these exterior maximum allowable noise levels for transportation noise sources would also ensure the interior noise standard of 45 dBA CNEL would be met for residential units that are of conventional construction, and would thus ensure that noise levels would not result in sleep disturbance for persons of normal sensitivity.

With respect to pets, there is no substantial information presented to suggest a potential impact related to any of the City's thresholds of significance.

Response to CEHRS-2

The commenter explains how increased traffic resulting from the proposed project could endanger residents, pets and children at Rotary Park on 16th Street. The commenter further notes that large trucks going past the park will decrease the enjoyment of people in the park due to noise and exhaust.

Air quality, GHG emissions, and noise impacts related to construction are addressed in Sections 3.3, Section 3.8, and 3.12 of the Draft EIR, respectively. The proposed project does not include any design features or uses that would substantially increase hazards. See Draft EIR, Impact TRANS-5 at pages 3.16-40–3.16-41. As concluded therein, impacts would be less than significant or less than significant with the implementation of mitigation. This comment does not present any issues that would change the conclusions of the Draft EIR in this regard; therefore, no further analysis is required. However, this comment has been provided to decision-makers for their review and consideration.

Response to CEHRS-3

The commenter states a need for a different access point than 16th Street.

The proposed project involves the extensions of Ivy Street and 16th Street, both of which would serve as primary access points, connecting the BYSP Area to the existing communities to the north and northeast east of the BYSP Area. Other access points would include connections at West 14th Street, West 18th Street, and West 20th Street. Site access is restricted to the west and south by an active railway and railway right-of-way. Construction of access points transversing the railroad tracks to the south and west of the project site is infeasible due to cost, safety, and right-of-way.

Please refer to Response to CEHRS-2 above.

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From: karen cheney <kchenrock@gmail.com>
Sent: Monday, February 17, 2025 8:24 AM
To: Sawley Mike
Subject: EIR

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It has been brought to many of us who live in the area of the land that you want to develop that we were not notified of this and we would like to have a say in what happens around us.

We need to know that all the proper channels are followed so that there are no repercussions later because you wanted to fast track this development for your own gains. We are not against progress but there needs to be lots of testing done to make sure the land is safe for us who live here and for the people who choose to buy new homes on that land. We as the community around the property were not notified of any of this and we believe that we have a right to have a say in what happens since it will affect our community as a whole. Please give us an extension so we can take the proper channels to further investigate all the health issues this may cause to the new homes and business plus, the toxic waste that was dumped while the previous company was working there. Thank you a concerned member of the community around the project. Could you please forward this to Bryce Goldstein, again thank you.

1

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Karen Cheney (CHENEY)

Response to CHENEY-1

The commenter believes that the comment period is too short and requests an extension in order to assess the extent of the toxic waste on the project site and the effect it will have on surrounding residents.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days. For information regarding hazardous materials, refer to Draft EIR Section 3.9, Hazards and Hazardous Materials.

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From: Bill DeBlonk <bill@kzfr.org>
Sent: Friday, March 7, 2025 9:57 AM
To: Sawley Mike
Subject: Comments about Barber Yard from a Barber neighborhood resident

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Hello

I have resided in my current home in the Barber neighborhood for almost nineteen years, and I have owned the home for over a decade now, after buying it from the guy who used to rent it to me.

I think it's a great neighborhood to live in, and there is no place I would rather live.

I have been aware of the impending development of the former Diamond Match land for most of the time I have lived here, and to be honest I have not been very anxious for it to happen.

Here are some of my concerns:

- I know that there are environmental concerns due to the manufacturing that occurred at that site for many decades. I have heard that the developers are planning to deal with environmental cleanup as they build, and I think that is very wrong. The site should be totally cleaned up before any building begins.
- One thing I like about this neighborhood is the lack of traffic. The plan shows that, in addition to houses, there will be gathering spots in Barber Yard that will attract people from outside of the area. I am vehemently opposed to regular events happening there that will cause people to travel through the Barber neighborhood to attend.
- The map shows just a few points of access to Barber Yard, all through the existing neighborhood. I think there should be a road connecting the development to Dayton Road, so cars don't have to travel through the current neighborhood when coming from the south or west.

Thank you

Bill DeBlonk

321 West 19th Street

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Bill DeBlonk (DEBLONK)

Response to DEBLONK-1

The commenter provides an introduction to the comment letter, relaying that they are a resident of the Barber Neighborhood and expressing opposition. This comment is noted.

Response to DEBLONK-2

The commenter states that all site cleanup relating to the prior manufacturing uses on-site should be conducted prior to any construction.

Impacted soil would be remediated under an SDMP to be completed and approved pursuant to MM HAZ-1 prior to issuance of a grading permit for the project site (see Response to BALDWIN-1 and Master Response 3).

Response to DEBLONK-3

The commenter is opposed to regular events occurring in proposed gathering spaces and expresses concerns about traffic through the neighborhood. They then suggest an additional access road connecting to Dayton Road so cars do not have to travel through the current neighborhood when coming from the south or west.

The proposed access routes are sufficient to meet City standards regarding circulation and emergency access and the comment does not provide any substantial evidence to support a need for an additional access point. With respect to alternative access, refer to Response to CEHRS-3. This comment has been provided to decision-makers for consideration.

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From: Elizabeth Devereaux <edevero@devglas.com>
Sent: Tuesday, February 18, 2025 11:15 AM
To: Sawley Mike; Bryce Goldstein
Subject: A REQUEST

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Barber Yard Specific Plans a deadline of Feb. 20th. I am hoping you can extend that deadline for another 30 days.

We want to have time to give it our best responses and it is lengthy, and hard to accomplish in the allotted amount of time.

Thank you,

Elizabeth Devereaux

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Elizabeth Devereaux (DEVEREAUX)

Response to DEVEREAUX-1

The commenter requests an extension to the public comment period.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

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Sawley Mike

From: jellner <jellner@aol.com>
Sent: Thursday, February 13, 2025 11:35 AM
To: Sawley Mike
Subject: Barber Yard Draft EIR comment period

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Dear Mike,

I am surprised that we don't have the full 60 days, allowed by law, to review the BYSP Draft EIR. The document is huge and difficult to access, and I have met many householders that weren't even aware that their lives would be impacted by the construction traffic generated by the build-out. As an online article about the public hearing stated, "The discussions at the meeting [Public Hearing] underscored a growing demand for accountability and safety in urban development, particularly in areas with a legacy of contamination."

I request that the response period for the Draft EIR be delayed so that neighborhood concerns have an adequate time to be expressed. The 1,250 units (per the Enterprise Record) will result in probably an equal number of car owners traveling the area. Please allow everyone who will be impacted to be heard.

Janet Ellner
Barber Neighborhood Association

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Janet Ellner (First Letter) (ELLNER 1)

Response to ELLNER 1-1

The commenter expresses concern that the public review period is not 60 days long and that the proposed project would result in impacts related to construction and operation traffic.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days. Refer, also, to Draft EIR Section 3.16, Transportation, for a discussion on traffic impacts.

Response to ELLNER 1-2

The commenter requests an extension to public comment period.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

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From: jellner <jellner@aol.com>
Sent: Wednesday, March 5, 2025 11:16 AM
To: Sawley Mike
Subject: Draft EIR, commentary #1

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Hi Mike,
How does the Draft EIR mitigate construction noise and truck traffic?

There are significant concerns with construction noise involved in the development of the Barber Yard property. In addition, it is unclear how long the construction noise would affect the neighborhood. The Specific Plan suggested that there would be a phased build-out, which could impact the neighborhood for an indefinite number of years.

1) **The historic Southwest Neighborhood is quiet and walkable.** "The only noise mitigation plan shall adhere to the permitted construction hours as delineated in the City's (Chico's) Municipal Code.", pg 3.12-30, The municipal code specifies (chapter 9.38 "Noise") that hours will be limited to 6am-9pm all other days besides Sundays and holidays . Since many homes are inhabited by families with children of school age, as well as senior citizens, an appropriate mitigation would require quiet construction hours between 8am and 6pm. This would allow residents to eat their dinners and sleep in peace.

2) The City's mitigation measures include the installation of sound barriers between receptor locations, dates and duration of the construction activity and with "phone numbers of the City's Planning Department and the construction contractor where noise complaints can be reported and logged."

3) Notices shall be posted clearly visible to the public with hours of construction allowed, to make complaints that can be logged. Idling of construction equipment should be no more than 5 minutes.

4) Replace back-up alarms with human spotters as feasible.

Sincerely,
Janet Ellner

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Janet Ellner (Second Letter) (ELLNER 2)

Response to ELLNER 2-1

The commenter asks how construction noise and truck traffic would be mitigated and states that it is unclear how long construction of the proposed project would last.

As described in Chapter 2, Project Description, of the Draft EIR, the overall construction timeline for the proposed project is expected to occur over 17 years, between 2024 and 2041, in accordance with the preliminary development schedule illustrated in Exhibit 2-10 of the Draft EIR. Mitigation measures for noise and traffic are provided in the Draft EIR in Table ES-1: Executive Summary Matrix and discussed in detail in Draft EIR Section 3.12, Noise. The construction timeline is appropriate for a program-level analysis of a planning document like the proposed project.

Response to ELLNER 2-2

The commenter suggests that the proposed project should incorporate “quiet construction hours between 8:00 a.m. and 6:00 p.m.” to mitigate project impacts related to construction noise.

The comment is noted. Pursuant to MM NOI-2a, individual development proposals would be required to adhere to the permitted construction hours as delineated in the City’s Municipal Code. As such, construction hours for future development would be limited to the hours permitted in the City’s Municipal Code. No additional response is required.

Response to ELLNER 2-3

The commenter summarizes Draft EIR MM NOI-2a. The comment is noted along with the implied concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to ELLNER 2-4

The commenter summarizes portions of Draft EIR MM NOI-2a. The comment is noted along with the implied concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to ELLNER 2-5

The commenter summarizes a portion of Draft EIR MM NOI-2a regarding backup alarms being replaced with human spotters as feasible. The comment is noted along with the implied concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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From: jellner <jellner@aol.com>
Sent: Wednesday, March 5, 2025 11:52 AM
To: Sawley Mike
Subject: Draft EIR Commentary, #2

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Dear Mike,

How are the funds being collected (divided up) for the maintenance of the roadways for the entrance to the Barber Yard Development? There will be an excessive amount of upkeep for the entrance and exit streets. Is it simply grant driven? There will be a strenuous amount of vehicle traffic on the residential streets adjacent to the Barber Yard. Is there a specific Maintenance Fund that will be allocated to the byproducts of the development?

Janet Ellner

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Janet Ellner (Third Letter) (ELLNER 3)

Response to ELLNER 3-1

The commenter asks how funds will be allocated for maintenance of project site access points and streets affected by project traffic. The commenter also expresses concern over traffic created by the development. The commenter asks if there will be a “maintenance fund that will be allocated to the byproducts of the development.”

Transportation impacts were analyzed in the Draft EIR. Funding of projects and project maintenance is beyond the purview of CEQA. This comment does not raise any additional environmental issues that would change the conclusions of the Draft EIR. However, this comment is provided to the City decision-makers.

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From: jellner <jellner@aol.com>
Sent: Friday, March 7, 2025 1:55 PM
To: Sawley Mike
Subject: Draft EIR Commentary #3

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

I have lived in this neighborhood for almost 50 years. My home is in the peaceful Barber Yard Neighborhood. I am very concerned about the disruption to our old historic neighborhood that construction could cause. What health issues might be addressed?

1

The Diamond Match Factory was a contaminated site, part of which was excavated and sealed with a concrete cap. In order for construction to take place, contaminants would inevitably be released into the air, thereby affecting the health of residents in the area. There are a number of air pollutants associated with this industrial site. The health risk during project construction could be mitigated by requiring the use of water-spray to reduce the dust that would be released into the air.

2

In addition, toxic air particulate matter from diesel trucks and other truck traffic is likely to affect air quality. It is important to address this by enforcement of the hours that construction traffic is allowed. Ours is a well-walked neighborhood, with many pedestrians out and about. Walkability is an important feature of our "City of Trees".

3

Respectfully submitted,
Janet Ellner
1629 Broadway St.
Chico, CA

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Janet Ellner (Fourth Letter) (ELLNER 4)

Response to ELLNER 4-1

The commenter is concerned with the impacts that the development would cause to the historic neighborhood and inquired about health impacts.

This comment does not raise any new concerns or provide additional facts or information about the analysis provided in the Draft EIR. Project impacts, including impacts related to historic resources, are addressed and mitigated as needed throughout the Draft EIR. Health impacts are addressed throughout the Draft EIR, but are addressed primarily in Section 3.3, Air Quality. Refer to Master Response 2 regarding public comments about non-CEQA health concerns. No further analysis is required.

Response to ELLNER 4-2

The commenter expresses concern that the hazardous materials on-site would cause health impacts and suggests requiring the use of water-spray to mitigate air pollutant impacts.

Please refer to Response to ELLNER 4-1. Note that the SDMP required by MM HAZ-1 would include procedures to control for dust during construction. The use of water trucks to wet the soil would be included in the SDMP. The SDMP must be approved by the DTSC and verified by the City prior to the issuance of the first grading permit. Furthermore, MM AIR-3 requires the reduction of construction dust as recommended by the BCAQMD, including, when appropriate, the use of water trucks to control dust.

Response to ELLNER 4-3

The commenter expresses concern over construction traffic-related air quality impacts, and requests that the hours that construction traffic is allowed be limited.

Potential air quality impacts that could result from the proposed project are addressed in accordance with CEQA in Draft EIR Section 3.3, Air Quality, including the assessment of toxic air contaminants such as those from diesel fueled engines. Since no specific information was provided regarding the analysis, no further response can be provided in this regard.

Refer to Response to ELLNER 2-2 for response to construction noise.

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From: jellner <jellner@aol.com>
Sent: Friday, March 7, 2025 3:27 PM
To: Sawley Mike
Subject: Draft EIR Commentary #4

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Any improvements to the site project should rightfully be within the bounds of the project itself. The Draft EIR cites a "16 acre off-site improvement area (3.11-1) to serve the proposed project...[including] an approximately 3-to 5-acre stormwater basin". It is unclear from the Draft EIR description how this land might intersect with the land that has been purchased by the City of Chico for the riparian park known as the Comanche Creek Greenway. The Draft EIR should certainly include more specific geographical data about how this may contradict established policy with regard to the Greenline (thus causing an environmental impact on prime agricultural land) and with bike connections to the public Greenway. Any "outfall into Comanche Creek" (3.11-1) could impact the public.

Please include the stormwater basin on the private land that it serves.

Sincerely,
Janet Ellner

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Janet Ellner (Fifth Letter) (ELLNER 5)

Response to ELLNER 5-1

The commenter requests that the Draft EIR specify the placement of the 16-acre off-site improvement area and its potential to intersect with land purchased by the City for the Comanche Creek Greenway. The commenter also indicates that any conflicts with the City's Greenline should be discussed. The commenter expresses general concern that the "outfall into Comanche Creek" would have adverse impacts on the public.

The location of off-site improvements is shown on Draft EIR, Chapter 2, Project Description, Exhibit 2-2b: Off-site Improvement Area. As discussed in Chapter 2, Project Description, Section 2.4.5, Utilities, two alignment options are being considered and evaluated for the routing and configuration of the outfall, although only one would be built. As shown on Exhibit 3.4-2b, Alignment Option 1 travels directly southeast from the stormwater basin to Comanche Creek. Alignment Option 2 traverses eastward from the stormwater basin to Estes Road where it then turns south to Comanche Creek. Under either alignment option, the area of agricultural land that would be disturbed would be small.

The outfall to Comanche Creek is part of the proposed project's stormwater system. Potential impacts associated with the proposed outfall to Comanche Creek were evaluated throughout the Draft EIR and particularly in Sections 3.4, Biological Resources; 3.10, Hydrology and Water Quality; and 3.17, Utilities and Service Systems.

As discussed throughout the Draft EIR, the proposed 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. Additionally, the outfall would be constructed in accordance with the City's Storm Drain Master Plan and would comply with applicable regulatory agencies (United States Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB] and/or CDFW).

The Draft EIR determined that implementation of the proposed project would not conflict with any Williamson Act Contract or existing zoning for agricultural use and would not result in the conversion of farmland to non-agriculture uses, and impacts would be less than significant in this regard. Furthermore, as indicated in Response to BCDS-2, the proposed stormwater basin would be an allowed use in the County's AG-40 designated zone and therefore consistent with the agricultural uses the Greenline is intended to protect. A similar City-serving detention basin exists on the County side of the Greenline in the Northwest Chico Specific Plan area (e.g., APN 006-690-006). Such stormwater basins adjacent to the City on the County side of the Greenline solidify a permanent boundary between urban development and adjoining County agricultural lands, in fact reducing pressure to "break" the Greenline because it is more costly and difficult to extend infrastructure around such permanent non-residential uses relative to simply extending them from an adjacent parcel separated only by a political boundary. This comment does not provide any additional information that would change the conclusions of the Draft EIR with respect to agricultural land.

The Draft EIR determined that implementation of MM BIO-8 would reduce impacts to Comanche Creek to less than significant levels. This comment does not provide any additional information

regarding impacts that were analyzed and mitigated in the Draft EIR. Therefore, this comment does not provide any information that would change the conclusions of the Draft EIR related to Comanche Creek, and no further analysis is required.

Alternative 3, included in the Draft EIR, analyzed the potential impacts related to developing a drainage system entirely on the project site without construction in an off-site area. As analyzed in the Draft EIR, this alternative would avoid development on Prime Farmland. However, this alternative would not fulfill the project objectives to the same extent as the proposed project, and it would result in greater flooding impacts and was therefore rejected. The commenter does not provide any additional information that would change the conclusions of the Draft EIR's analysis of Alternative 3. Therefore, no further response is required.

Please see Master Response 4 for additional information related to off-site water treatment.

From: Jill Luoma Ely <jkvandy@gmail.com>
Sent: Thursday, January 16, 2025 1:27 PM
To: Sawley Mike; Bryce Goldstein
Subject: Barber Yard comment for EIR report

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Hello Mr. Sawley and Ms. Goldstein,

I live at 1712 Broadway St in the Barber neighborhood. I have lived in this house since I purchased it in 1984.

I have always expected that the Diamond Match property would be developed and it's quite a relief that a local with a neighborly vision is in the lead.

I have a comment for the EIR report: To lessen the impact on traffic in the neighborhood I would suggest that the city would rethink its position on an Ivy street extension from the 22nd street egress. Perhaps even having a dead end on Normal where it turns into Estes road to discourage use of Normal as a thoroughfare. That way, no matter your direction from the new development, there is a main thoroughfare you can take in each direction. I also suggest a traffic circle at Broadway and 16th.

Our streets are crumbling in the neighborhood. To allow more traffic on the existing crumbling roadway (and missing sidewalk construction along with repair of what is already existing) is mind boggling to me. Isn't the 22nd to Ivy to Myers to the Skyway to 99 a much better route due to existing infrastructure and lack of neighborhood impact?

I respectfully ask the above be included in the EIR report.

Additionally, I'm not sure why north Chico (a newer development) is getting attention before south (much much older.) I realize that this is a separate funding issue but surely you can see a connection. I suggest you take a drive south on Broadway from downtown and make a left on 18th to Park. You'll see what I mean.

Thank you,
Jill Ely

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Jill Ely (ELY)

Response to ELY-1

This comment consists of introductory remarks. This comment is noted. No further response is required.

Response to ELY-2

The commenter provides a suggestion to rethink the position on the expansion of Ivy Street to reduce traffic impacts on the neighborhood. The commenter further suggests having a dead end on Normal Avenue where it turns into Estes Road to discourage the use of Normal Avenue as a thoroughfare. That way there is a main thoroughfare to take in each direction. The commenter suggests the implementation of a traffic circle at 16th Street.

Suggestions noted. This comment will be forwarded to decision-makers for consideration. As noted in the Draft EIR, there are no significant and unavoidable traffic impacts requiring mitigation.

Response to ELY-3

The commenter mentions the current state of deteriorating roads and expresses worry about additional project impacts. The commenter asks if 22nd Street to Ivy Street to Meyers Street to the Skyway to SR-99 is a much better route due to existing infrastructure and lack of neighborhood impact.

Comment and suggestions noted. This comment will be forwarded to decision-makers for consideration. Consistent with General Plan Policy CIRC-1.3, developments within the BYSP site will be required to contribute fair share cost of circulation improvements necessary to address cumulative transportation impacts through the City's Development Impact Fee program, such as repaving. Roads within the existing Barber Neighborhood (west of Park Avenue and 9th Street to 20th Street) are included in the City's Capital Improvement Plan's 2031 Annual Road Rehabilitation.

Response to ELY-4

The commenter questions why north Chico is being developed ahead of south Chico.

This comment is unrelated to the proposed project. No specific environmental issues are raised, and thus no response is required. This comment has been provided to decision-makers for consideration.

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Date: March 5, 2025

To: Mike Sawley, AICP, Principal Planner, City of Chico Community Development Department

From: Adam Fedeli, Resident of Barber Yard Neighborhood
Debbie Villaseñor, Resident of Barber Yard Neighborhood

RE: Comments for the Barber Yard Specific Plan Draft Environmental Impact Review (BYSP-EIR)
Sections 3.11 Land Use and Planning and 3.13 Population and Housing

Below are concerns within the Land Use and Planning and Population and Housing sections.

Section 3.11-Land Use and Planning

1. **Draft EIR Pag 3.11.1, Stormwater Basin:** This section includes a statement that the city should consider the consistency of the off-site stormwater basin with agricultural zoning. Butte County's General Plan designates this property as Agriculture (AG-40), prime farmland; therefore, it should not be used for this purpose. In addition, the proposed off-site facility conflicts with the City's General Plan Policy LU-1.2, Growth Boundaries/Limits (page 3.11-6), intended to maintain long-term boundaries between urban and agricultural uses. The stormwater basin should be developed on-site per Alternative #3, item #6.5 (page 6-9). An on-site stormwater basin is the best alternative and avoids significant environmental effects. 1
2. **Draft EIR Pages 3.11.5 and 3.11.16, Greenline:** This section reviews "Threshold of Significance (b)," which considers if the project "causes 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." The proposed project would "retain" the Greenline by using the parcel south of the BYSP Area, within Butte County's jurisdiction, for long-term drainage purposes. This proposed activity is outside the Barber Yard Special Planning Area and is inconsistent with the City's General Plan, LU.1.2.1 (Greenline) goals. The city is not annexing this property to "retain" the Greenline. However, the proposed action conflicts with the Threshold of Significant (b) by proposing a plan to avoid an environmental effect. 2
3. **Draft EIR-Urban, In-fill Site:** Throughout the draft EIR, the proposed project is described as an "urban, in-fill site." This description conflicts with the proposed use of property within Butte County's jurisdiction and outside the BYSP area. 3

4. **Draft EIR-Regulatory Framework-State Laws (page 3.11-4):** This section determined that no State plans, policies, regulations, or laws related to land use and planning are relevant to the analysis. This is an incorrect determination. The Historic Remediation section of the draft EIR notes that in 1991, the California Department of Toxic Substances Control (DTSC) issued an imminent and substantial endangerment determination in part of the project area. As part of the mitigation for this item, approximately 3 acres of “asphalt cap” was created. This area is to remain capped and monitored in perpetuity by DTSC. This State action is relevant to the proposed project's analysis and allowable land use. 4
5. **Barber Yard Development Agreement (Page 3.1-20):** The development agreement must include as many requirements as possible to construct on-site and off-site infrastructure and facilities, such as roads, sidewalks, bike lanes, and bus stops. Build the multiuse circulation plan and do not put it off through payment of impact fees. Older neighborhoods have suffered years of neglect because they are not prioritized in Chico’s Capital Improvement budgets. 5

Section 3.13-Population and Housing

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. 6
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. 7
3. **Architecture Design, Policy CD-3.1, Page 3.11-30:** It is important to celebrate and support the history of the Barber Yard neighborhood. Our neighborhood's architectural features and character should remain constant throughout the buildout period for this project. The goals should be memorialized in the Barber Yard Development Agreement to protect this value if the property changes ownership. 8

Adam Fedeli and Debbie Villasenor (FIDELI-VILLASENOR)

Response to FIDELI-VILLASENOR-1

The commenter recommends that the stormwater basin be constructed on-site, as per Alternative 3, to ensure consistency with AG-40 zoning in the off-site improvement area and with the City's General Plan Policy LU-1.2, Growth Boundaries/Limits.

Please refer to Response to Master Response 4, ACKERMAN-1, Response to ELLNER 5-1, and Master Response 4 regarding agricultural land and the off-site stormwater treatment.

Response to FIDELI-VILLASENOR-2

The commenter claims that the proposed off-site improvement area containing the stormwater basin is outside the Barber Yard Special Planning Area and is inconsistent with the City's General Plan, LU.1.2.1 (Greenline) goals.

As described in Section 3.11, Land Use and Planning, of the Draft EIR, the off-site improvement area proposed to contain the stormwater retention basin would fall under the City's extra-territorial acquisition of the parcel pursuant to Government Code Section 37351, without annexation. This would allow the proposed project to reinforce the jurisdictional boundaries that coincide with the Greenline. A similar City-serving detention basin exists on the County side of the Greenline in the Northwest Chico Specific Plan area (e.g., APN 006-690-006). Such stormwater basins adjacent to the City on the County side of the Greenline solidify a permanent boundary between urban development and adjoining County agricultural lands, in fact reducing pressure to "break" the Greenline because it is more costly and difficult to extend infrastructure around such permanent non-residential uses relative to simply extending them from an adjacent parcel separated only by a political boundary. As such, impacts related to Land Use and Planning were found to be less than significant. Refer also to Response to FIDELI-VILLASENOR-1. No additional analysis is required; however, this comment has been provided to decision-makers for consideration.

Response to FIDELI-VILLASENOR-3

The commenter claims that the description of the proposed project as an urban infill site conflicts with the proposed use of property within Butte County's jurisdiction and outside the BYSP Area.

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 description of the proposed project does not present any conflicts that would result in adverse environmental impacts. Refer to Responses to FIDELI-VILLASENOR-1 and 2.

Response to FIDELI-VILLASENOR-4

The commenter claims that the Regulatory Framework section in the Land Use section of the Draft EIR fails to recognize the imminent and substantial endangerment determination issued by the DTSC for the project site as a State plan, policy, regulation, or law related to land use and planning relevant to the proposed project.

An imminent and substantial endangerment determination is not a state plan, policy, regulation or law related to land use and planning and, as the commenter noted, was appropriately referenced in the Historic Remediation subsection of the Draft EIR Section 3.9, Hazards and Hazardous Materials.

The BYSP and Draft EIR recognize the LUC established for the project site and its requirements related to use restrictions on the asphalt cap and operation of the groundwater monitoring wells on-site. Implementation of the project would abide by LUC restrictions. Further incorporation of such regulations would not change the analysis or conclusions of Draft EIR Section 3.11, Land Use and Planning.

Response to FIDELI-VILLASENOR-5

The commenter recommends that the Barber Yard Development Agreement include requirements related to infrastructure and that the multiuse circulation plan should be built and not put off through payment of impact fees.

Recommendation noted. The Barber Yard Development Agreement will address items such as infrastructure requirements. As noted in MM TRANS-2 and -3, implementation of bicycle and pedestrian improvements must be completed or bonded by inclusion in a City-approved subdivision improvement agreement prior to the filing of final subdivision maps. Together with the Draft EIR MMRP, the Development Agreement will guide the development of the BYSP inclusive of infrastructure as proposed and mitigated.

Response to FIDELI-VILLASENOR-6

The commenter references that the proposed project would result in approximately 20.2 percent of the estimated growth of Chico over the next 20 years and urges the City to engage as many neighbors as possible in the review process.

This comment is noted. Please refer to Master Response 1, regarding the extension of the comment period.

Response to FIDELI-VILLASENOR-7

The commenter states that existing and new infrastructure must be constructed to serve existing and proposed new residents and accommodate the proposed infill development's effect on surrounding neighborhoods.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Impacts related to streets and sidewalks are analyzed in the Draft EIR Section 3.16, Transportation, under Impact TRANS-3 and are mitigated through MM TRANS-3, which requires the construction of sidewalks where gaps are present. The proposed project's utility impacts were addressed in Draft EIR Section 3.17, Utilities and Service Systems. Impacts related to population increases are analyzed in Section 3.13, Population and Housing. All impacts were determined to be less than significant or less than significant with the implementation of mitigation.

Response to FIDELI-VILLASENOR-8

The commenter indicated that the Barber Yard neighborhood architectural features and character should be maintained and continued into the proposed project's Development Agreement.

As described in the BYSP and Draft EIR Section 3.11, Land Use and Planning, the proposed project would be consistent with all goals and policies in the City's General Plan that relate to visual character of new developments and implementation of the Barber Yard Special Planning Area. Consistent with these goals and policies, the proposed project would incorporate and celebrate the

history of the BYSP Area, and buildings are envisioned to have contextual architectural features that link to the surrounding Barber Neighborhood's character.

The proposed project's development is intended to create a cohesive neighborhood character that acts as an extension of the adjacent Barber Neighborhood. As such, no additional analysis related to visual character is required. However, this comment has been provided to decision-makers for consideration.

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Sawley Mike

From: SHARON FRITSCH <safritsch@comcast.net>
Sent: Wednesday, February 19, 2025 11:08 PM
To: Sawley Mike; Bryce Goldstein
Subject: Proposed Barber Yard development

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Good day.

I live in the Barber Yard neighborhood, and I have attended several of the meetings about the proposed development of 1200 housing units plus three parks there.

1

The main problem that current residents worry about is the increased traffic going through that quiet residential neighborhood on those small streets. The proposed changes to enhance traffic safety would involve cutting into people's yards.

2

I suggest that the project be cut down to a third to size, at least initially. I think that adding no more than 400 housing units to the neighborhood would not have a significant detrimental effect. Then people could discuss what changes might need to be made to the streets after those 400 housing units were built.

We never know what will happen in the housing market. Twenty-five years ago a developer was planning to do basically the same thing -- build 1100 housing units in Barber Yard -- but apparently the housing market dropped.

3

Let's just agree to build no more than 400 units, and then see what happens after that.

Thank you for your thoughtful consideration.
Sharon Fritsch

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Sharon Fritsch (FRITSCH)

Response to FRITSCH-1

The commenter makes introductory statements and states they attended several meetings about the proposal. This comment is noted.

Response to FRITSCH-2

The commenter states concern for increased traffic.

This comment does not raise any new concerns or provide additional facts or information about the analysis provided in the Draft EIR. Traffic impacts are analyzed in the Draft EIR Section 3.16, Transportation, to the extent required by CEQA. Additionally, the proposed project's operational impacts to certain identified intersections have been evaluated in a LOS operational analysis contained in Appendix J of the Draft EIR. This comment does not raise any issues that were not previously considered in the Draft EIR. Therefore, no further analysis of Traffic and Transportation is required.

Response to FRITSCH-3

The commenter suggests the proposed project be cut down to 1/3 of its original size, initially. The commenter believes that 400 additional housing units would not have a detrimental effect. Then new changes or adjustments can be made after assessing resulting traffic impacts and adjusting for future housing market conditions.

This comment does not identify specific environmental impacts that would be alleviated by the initial reduction of housing units. Furthermore, as described in the Draft EIR, the overall construction timeline for the proposed project is expected to occur over 17 years, between 2024 and 2041. Therefore, the development process would not include development of all the proposed units at one time. The Draft EIR states, "Because of market fluctuations over time as well as other factors, it is impossible to predict with precision the exact timing for buildout."

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Sawley Mike

From: britta goldmann <brittagoldmann@hotmail.com>
Sent: Wednesday, February 19, 2025 9:28 AM
To: Sawley Mike
Subject: Current Projects; Barber

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Hello Mike Swaley, and to whom else it may concern,

I am writing in regards to the final draft environmental impact report for the barber yard specific plan.

I'm a long-term resident of the barber neighborhood continue to reside here regardless of the developments that the city is about to undertake. My young family depends on visiting the Rotary Park every day for recreation and exercise. My daughters are only 20 months and four months. The Rotary Park is a sanctuary for our mental and physical health.

I have recently learned that 16th St. will be a thoroughfare for the developmental project in the Barber Yard. The first phase includes many trucks exiting and entering along the street, loading potentially hazardous material back-and-forth from the construction site. We are heartbroken to learn this, the reason being is that our neighborhood is currently a safe and quiet place for our family to grow in. The idea of this development will drastically transform the environment that we currently thrive in.

I urge you to amend these plans and please find a solution to creating alternative entrances and exits to the developmental project. I know that there is no changing the plans ahead for this project as a whole, despite how much it will change our local neighborhood however, we urge that the city makes the decisions that will have less of an impact on our children's health and safety.

Your decision, May impact the quality of our life for a long time period. Please think of all of the young children that currently depend on the safety, quietness and peace of Rotary Park for their health and happiness.

Many Blessings,
Britta I. Goldmann

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Britta Goldman (GOLDMAN)

Response to GOLDMAN-1

The commenter makes introductory statements and expresses the importance of the nearby Rotary Park to their family. This comment is noted.

Response to GOLDMAN-2

The commenter argues that traffic from the proposed project would negatively change the environment their family lives in from a safe and quiet place to a busy street with trucks carrying hazardous materials along West 16th Street, which is adjacent to Rotary Park.

As noted in Section 3.12, Noise, Table 3.12-11 and 3.12-12, both construction and operation-related project traffic noise would remain below the 65 dBA threshold on 16th Street from Chestnut Street to Normal Avenue. Therefore, no significant impacts related to noise on 16th Street, including Rotary Park, were identified.

Hazardous materials may be transported during construction of the project. However, as noted in Draft EIR Section 3.9, Hazards and Hazardous Materials, contaminated soils would be removed from the site in accordance with a SDMP as approved by DTSC. Transportation of contaminated soils would be required to abide by requirements of the SDMP and standard hazardous material transportation regulations, thereby minimizing impact.

Please refer to Master Response 3 regarding hazardous waste.

Response to GOLDMAN-3

The commenter asks that alternative entrances and exits to the project site be identified.

Comment noted. Because of the site's constraints, the need to connect the project with existing infrastructure, and maintenance of the City's Greenline, alternative entrances and exits are not feasible. Furthermore, as indicated by the less than significant impacts concluded in the Draft EIR, alternative routes are not warranted.

Response to GOLDMAN-4

The commenter makes closing statements and reiterates that Rotary Park is important to the young children who use the park and depend on the safety and quietness of Rotary Park. Please refer to Response to GOLDMAN-2 through -3.

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THE DRAFT EIR FOR THE BARBER SPECIFIC PLAN PROJECT

March 3, 2025

The Draft EIR, for the Barber Yard Specific Plan Project, does not appear to include a schedule or a plan for improving and mitigating the adverse environmental impacts to the existing neighborhood.

Given there is an ongoing, historic, and symbiotic relationship between the proposed Barber Yard project and the existing historic Barber neighborhood, it would be appropriate to include the environmental impacts affecting the neighborhood's roads, streets, side walks, and bridges.

The proposed Barber Yard Project is completely landlocked by a 120 year old historic neighborhood, and there would be an untold number of additional vehicle trips per day during all phases of this build out and upon completion. Because of this, I expected to find additional information about scheduled roadway improvement projects and traffic calming measures in the existing neighborhood.

The ingress & egress arteries to the proposed Barber Yard Project must not destroy the character and charm of the existing neighborhood, nor should it adversely affect the value of established properties.

On page 21 of the Draft EIR, there is mention of the purpose of the EIR, and it includes "To inform ... the public and other interested parties of the potential environmental effects that may result from the implementation of the proposed project." This is why I think it is important to further explore possible off-site improvements, such as: traffic calming, infrastructure and capital projects.

We need to do this in conjunction with the Draft EIR because the development of the proposed new and modern neighborhood can only happen by using the current streets, bridges and neighborhoods of one of Chico's oldest and historic neighborhoods.

The two primary Framework streets, as described on page 104 of the Draft EIR, are W. 16th Street and Ivy Street. How will these two off-site roadway connections be improved to become primary Framework streets and when? Who pays for the modernization? The current bridge on Ivy Street and Little Chico Creek is old and inadequate. When would it be replaced? The Supporting streets, W.14th Street, W.18th Street and W.20th St. would also need improvements to accommodate any new extensions from the Barber Yard development.

I am hoping my concerns will be taken into consideration, and more information about off-site roadwork projects will be available to the public soon.

Sincerely,

Linda Hamilton
lhamilton@todays.email

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2

3

4

5

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Linda Hamilton (HAMILTON)

Response to HAMILTON-1

The commenter states that the Draft EIR does not appear to include a schedule or a plan for improving and mitigating the adverse environmental impacts to the existing neighborhood. Additionally, this comment requests information about the proposed project's impacts to the surrounding neighborhood's roads, streets, sidewalks, and bridges.

As described throughout the Draft EIR, the proposed project would implement several mitigation measures to mitigate potential environmental impacts. These mitigation measures would be implemented at different stages of development, from before building permits are issued, through construction and operation. An MMRP has been prepared for the proposed project. The MMRP includes timing and responsible parties for the implementation of the project-specific mitigation measures. A copy of the proposed project's MMRP can be obtained from the City of Chico Community Development Department.

The proposed project's operational impacts to certain identified intersections, including those in the surrounding neighborhood, have been evaluated in a LOS operational analysis contained in Appendix J of the Draft EIR. Note that street operational impacts are outside the purview of CEQA. Furthermore, refer to Draft EIR Section 3.16, Transportation, for a discussion of project-related transportation impacts, including impacts to off-site pedestrian and bicycle infrastructure.

Response to HAMILTON-2

The commenter expresses concern about vehicle trips during construction and operation of the proposed project. The commenter also requests "additional information about scheduled roadway improvement projects and traffic calming measures in the existing neighborhood." The commenter states that the ingress and egress arteries to the proposed Barber Yard Project must not destroy the character of the existing neighborhood or affect property values. The commenter requests further exploration of possible off-site improvements, such as traffic calming, infrastructure and capital projects.

Comment noted. A proposed project's possible impact on property value is an economic issue and is not an environmental issue. (CEQA Guidelines §§15064 (e-f); 15382). The proposed project's operational impacts to certain identified intersections, including those in the surrounding neighborhood, have been evaluated in a LOS operational analysis contained in Appendix J of the Draft EIR. Note that such impacts are outside the purview of CEQA.

Response to HAMILTON-3

The commenter reiterates that improvements to existing neighborhoods should be in conjunction with the Draft EIR and states that the development of the proposed project will use the existing roadways.

This comment and concern are noted. Transportation impacts are provided in Draft EIR Section 3.16, Transportation. No additional environmental issues beyond those analyzed in the Draft EIR are raised, therefore no response is required. However, this comment has been provided to decision-makers for consideration.

Response to HAMILTON-4

The commenter asks how and when off-site roadway connections will be improved to become primary Framework streets and who will pay. They state that the bridges and supporting streets, West 14th Street, West 18th Street, and West 20th Street would also need improvements to accommodate any new extensions from the Barber Yard development.

Project connection to access points would occur in accordance with and be supported financially by future proposed on-site development phases. The proposed project's operational impacts to certain identified intersections, including those in the surrounding neighborhood, have been evaluated in a LOS operational analysis contained in Appendix J of the Draft EIR. Note that such impacts are beyond the purview of CEQA.

Response to HAMILTON-5

The commenter makes concluding statements.

This comment is noted along with the concerns. This comment has been provided to the decision-makers for consideration.

From: Guy Hathorn <guyhathorn@att.net>
Sent: Monday, February 24, 2025 4:52 PM
To: Sawley Mike
Subject: Barber Yard Project

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My name is Guy Hathorn. I have lived on W. 22nd. St. for 40 years. I would like to address an issue that concerns me. I don't think adequate appraisal has been given to the question of wildfire safety. If a fire pushed by an east wind would occur, the inhabitants of the proposed project would be trapped. There is no exit route to the west because of the railway. No exit to the south because Estes Road is a dead end. The even numbered streets which are supposed to serve as ingress-egress routes are basically just antiquated neighborhood rights-of-way. 22nd. St. is already heavily traveled because it, along with 16th. St., both have traffic lights on to Park Ave. In the event of an emergency, there would be no way to move people out quickly. I calculate that the proposed development would have at least 5000 occupants. That is not counting the commercial establishments.

After the Park Fire, a member of the Chico Fire Department, made the statement, "we were lucky the wind wasn't blowing from the north, or we might have lost half of the city." That was on the KHSL evening news. There is not a lot of fire protection in the Barber neighborhood. Lots of older wooden structures and only one fire hydrant per block. We are not prepared for an influx of traffic from the west. Thank you from hearing me out. Guy Hathorn

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Guy Hathorn (HATHORN)

Response to HATHORN-1

The commenter states that wildfire safety in terms of emergency evacuation has not been properly considered. The commenter states that there is no exit route to the west or to the south, and that a wildfire with an east wind could trap project occupants. Additionally, the commenter expresses concerns about the amount of time it would take for project occupants to evacuate.

As described in Section 3.14, Public Services, Section 3.16, Transportation, and Section 3.18, Wildfire, of the Draft EIR, the proposed project is not located within a wildfire hazard area, would be adequately served by police and fire services, would have a less than significant impact related to traffic, and would have a less than significant impact related to emergency wildfire evacuation. Moreover, the proposed project does not approve, propose or authorize development in a Fire Hazard Severity Zone. The project's vehicular traffic would not significantly delay an emergency evacuation because evacuation notices are typically given with as much notice as possible and prevent, to the extent feasible, evacuation trips from all occurring at once. Additionally, as described in the Draft EIR, areas of the City most vulnerable to wildfires are on the eastern side of the City, adjacent to the foothills, approximately 2 miles east of the BYSP Area.

As illustrated in the 2024 Park Fire, which started in Upper Bidwell Park, the distance and open grassland terrain between the foothills and the eastern portions of the City provide a buffer for significant portions of the City from the areas most vulnerable to wildfire. Furthermore, as noted, the project site is on the west side of the City, farthest from the adjacent foothills. 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.

Coordination with police and fire would occur as each project area is developed pursuant to applications for individual specific development proposals. See Section 3.14, Public Services, for additional discussion regarding project-specific coordination with police and fire. As described in the Draft EIR, the project site has ready access to evacuation routes including SR-99 and SR-32. While evacuation of the project site to the south and west is limited, sufficient exit routes are provided to the north and east, connecting to west and south oriented streets.

Therefore, the proposed project would not result in significant potential to interfere with evacuation. As such, no additional analysis related to wildfire related evacuation is required.

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From: hilary herman <hilaryrherman@gmail.com>
Sent: Wednesday, February 19, 2025 7:32 PM
To: Sawley Mike
Subject: Draft EIR comments

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Mr. Michael Sawley
Principal Planner, City of Chico
411 Main Street
Chico, CA 95928

February 18, 2025

Dear Mr. Sawley,

Thank you for the opportunity to provide comments on the Draft EIR for the Barber Yard Specific Plan (BYSP) . I am a 35-year resident of the Barber Neighborhood, and I support responsible urban infill. I think a well-planned development at Barber Yard has the potential to enhance our community... *if* it is well planned and executed. Others will certainly be contacting you about problems regarding toxicity, sustainability, wildlife displacement and air quality. My concern is that the project as it stands is not going to integrate with existing neighborhoods and does not meet the City's long-term mobility and infrastructure goals.

Here are some of my key concerns:

1. The BYSP includes modern internal streets, sidewalks, and bike lanes within the development itself, but fails to address connectivity between the new neighborhood and the rest of Chico. The Complete Streets Act (AB 1358) requires cities to accommodate all transportation modes. This EIR does not outline any clear, enforceable strategy for access to and from Barber Yard.

-
-
- The nearest bus stop is half a mile away, which would make access
- to public transit highly inconvenient for incoming residents.
-
-
- Existing historic streets that are being proposed for access to
- the Yard lack sidewalks and bike lanes, which would force both new and existing residents into cars for basic errands.
-
-
-
- The absence of safe pedestrian and cycling infrastructure contradicts
- the City of Chico's own General Plan Transportation Goals.
-

Recommendation: The EIR should require a specific off-site connectivity plan before project approval, ensuring that surrounding streets have adequate bike lanes, pedestrian paths, and improved transit access now and not in a hoped-for future.

3

2. The EIR acknowledges that adjacent streets, like my own W. 14th Street, currently carry low traffic volumes (~40 vehicles/day) which will see significant increases, especially with the planned sports/recreational facility. Where are the upgrades needed to handle such an increased traffic flow?

-
-
- These streets are narrow, lack sidewalks, and have no bike lanes,
- making it unsafe for pedestrians and cyclists.
-
-
-
- Increased vehicle traffic could lead to congestion and emergency
- response delays. There is no plan in place for mitigating these risks, only suggested "post-construction monitoring."
-

4

Recommendation: The City should require a feasibility study for a traffic management plan that includes:

-
-
- Sidewalk and bike lane improvements on all access roads.
-
-
-
- Traffic-calming measures to prevent excessive speeds through residential
- areas.
-
-
-
- A clear timeline for these improvements, ensuring they are in place
- before any certificate of occupancy is issued.
-

5

3. The Chico Bicycle Plan and General Plan require developments to support alternative transportation. While Barber Yard itself will meet modern standards internally, there's no indication that existing bike paths will connect with them. Without improvements, this development risks becoming an isolated, car-dependent neighborhood, failing to meet citywide sustainability goals.

6

Recommendation:

-
-
- The developers must show they can provide sufficient integrated
- access to the Barber Yard before project approval, or they should not connect to the small local streets at all.

7

•

The Barber Yard development has the potential to be a model for responsible urban infill, but only if it is planned holistically. The EIR, as written, does not go far enough in ensuring safe, multimodal connectivity and traffic mitigation for surrounding neighborhoods. It does not meet even its own stated goals. Rather than waiting for problems to arise, I urge the City of Chico to require clear, enforceable commitments from the developer now. 8

Thank you for the opportunity to provide input on this important project. I appreciate your time and consideration.

Respectfully submitted,

Hilary Herman
322 West 14th st
Chico, Ca 95928

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Hilary HERMAN (HERMAN)

Response to HERMAN-1

The commenter makes introductory statements and expresses general concern regarding the project's integration with existing neighborhoods and meeting long-term mobility and infrastructure goals.

The comment is noted along with the concerns. Per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to HERMAN-2

The commenter argues that the BYSP project does not address connectivity of all transportation modes to the surrounding City.

As discussed more fully in the Specific Plan and Chapter 2, Project Description, of the Draft EIR, the proposed project's multimodal circulation plan includes numerous bicycle/pedestrian path connections, as well as funding to the City to facilitate the same, which are intended to support enhanced connectivity to the nearest bikeways, including, among other things, by providing access to the adjacent Barber Neighborhood.

Refer to Section 3.16, Transportation, Impact TRANS-4, for a discussion of transit connection; Impact TRANS-3, for a discussion of pedestrian facilities including mitigation requiring the construction of sidewalks; and Impact TRANS-2, for a discussion of bicycle facilities including mitigation requiring implementation of bike routes. Also, see Section 3.11, Land Use and Planning, Table 3.11-2, for a discussion of the project's consistency with transportation-related General Plan policies. As such, the proposed project and the Draft EIR have addressed the project's connection to adjacent areas via all modes of transportation. No comments were provided on the analysis provided in the Draft EIR regarding multimodal transportation and connection and therefore no further response can be provided.

Response to HERMAN-3 and 4

The commenter recommends that the EIR should require a specific off-site connectivity plan before project approval, ensuring that surrounding streets have adequate bike lanes, pedestrian paths, and improved transit access now and not in a hoped-for future.

As discussed more fully in the Specific Plan and Chapter 2, Project Description, of the Draft EIR, the proposed project's multimodal circulation plan includes numerous bicycle/pedestrian path connections, as well as funding to the City to facilitate the same, which are intended to support enhanced connectivity to the nearest bikeways, including, among other things, by providing access to the adjacent Barber Neighborhood. This provides sufficient detail to meet the requirements of CEQA and provide the decision-makers with the information necessary to evaluate the proposed project. As such, no additional analysis is required. However, this comment has been provided to the decision-makers for their review.

Response to HERMAN-4

The commenter asks about upgrades needed to handle increased traffic flow for surrounding adjacent streets, referencing existing narrow streets, lack of sidewalks and bike lanes. The

commenter indicates that increased vehicle traffic could lead to congestion and emergency response delays.

As discussed in Section 3.16, Transportation, of the Draft EIR, the proposed project's impacts on traffic would be less than significant. While not required by CEQA, an operations analysis was prepared and provided in an appendix of the Draft EIR (Appendix J). It indicates that intersections, including those on 14th Street, would continue to operate at acceptable levels both in the Existing Plus Project and Cumulative Plus Project scenarios, with the exception of West 18th Street and Park Avenue (signalization would make operational level acceptable). As such, increased traffic would not lead to significant congestion or emergency response delay.

As for pedestrian safety in the surrounding arterial streets, 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. As such, impacts on pedestrian and bicycle safety due to traffic in the surrounding off-site areas were found to be less than significant. No additional analysis is required.

Response to HERMAN-5

The commenter recommends the City should require a feasibility study for a traffic management plan that includes sidewalk and bike lane improvements, traffic calming measures, and a clear timeline for these improvements before any certificate of occupancy is issued.

As described in 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.

Response to HERMAN-6

The commenter argues that while Barber Yard itself will meet modern standards internally, there's no indication that existing bike paths will connect with those constructed.

As discussed more fully in the Specific Plan and Chapter 2, Project Description, of the Draft EIR, the proposed project's multimodal circulation plan includes numerous bicycle/pedestrian path connections, as well as funding to the City to facilitate the same, which are intended to support enhanced connectivity to the nearest bikeways, including, among other things, by providing access to the adjacent Barber Neighborhood. Draft EIR, Section 3.16, Transportation, Exhibit 3.16-6 illustrates existing and proposed bicycle facilities thereby indicating planned connections. Refer to Response to HERMAN-5 regarding required bicycle and pedestrian facilities and connections. As such, no additional analysis is required.

Response to HERMAN-7

The commenter recommends the developers must show they can provide sufficient integrated access to the Barber Yard before project approval, or they should not connect to the small local streets at all.

Note that MM TRANS-2 and TRANS-3 require pedestrian and bicycle facility improvements in off-site areas that serve the project site. Refer to Response to HERMAN-5.

This comment does not raise any new concerns or provide additional facts or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition, but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the purview of CEQA and do not require a further response in the Final EIR.

Response to HERMAN-8

The commenter makes closing statements.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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From: Kathleen Kirby <KKirby@csuchico.edu>
Sent: Friday, February 14, 2025 5:28 PM
To: Sawley Mike
Cc: Bryce Goldstein; Brendan Vieg
Subject: Request Deadline Extension for EIR on Diamond Match Development

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Dear Mr. Sawley,

I am writing in behalf of myself and nearby neighbors regarding the upcoming deadline (2/20/25) for feedback related to the Diamond Match Housing Development EIR. Many of us have not received this report. Please let us know how we can retrieve it so that we can assure it is reviewed by our designated community advocates. In the meantime, we ask that you delay the deadline to allow time for this review.

Thank you for your consideration.

Sincerely,
Kathleen Kirby
1250 Normal Ave.
Barber Neighborhood
530-514-9607

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Kathleen Kirby (KIRBY)

Response to KIRBY-1

The commenter requests an extension for the public review and comment period on the Draft EIR.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

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From: GRACE M MARVIN <g-marvin@comcast.net>
Sent: Thursday, February 20, 2025 11:29 AM
To: Sawley Mike
Subject: Comments about the Barber Yard development due today

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Mr. Sawley:

Comments about Barber Yard development:

Please place this project on hold until the following issues have been resolved:

1-Cleaning up the area, that was once the location of Diamond Match, is an absolute necessity, since many citizens are duly worried about chemical toxins.

2-Other concerns that still need to be addressed included: MINIMIZING the effects of the project on air quality, traffic, and noise on existing residents of the area.

3- The existing project does not adequately address how groundwater would be protected from potential pollution.

Thank you for consideration of these very serious concerns.

Grace M. Marvin
1621 N. Cherry St.
Chico, CA 95926

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Grace Marvin (MARVIN)

Response to MARVIN-1

The commenter requests the proposed project to be placed on hold until the following issues are resolved. The responses to the specific issues are provided below. As demonstrated in the responses below, the comment does not raise any new environmental issues that were not addressed in the Draft EIR. Therefore, no further actions are required.

Response to MARVIN-2

The commenter requests cleanup be done first due to concerns of toxins on-site. Please refer to Master Response 3 regarding hazardous materials. This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. No further response or analysis is required.

Response to MARVIN-3

The commenter requests minimizing the effects of the project on air quality, traffic, and noise on existing residents of the area.

As described in the Draft EIR, mitigation measures would be implemented to minimize potential impacts related to air quality, noise, and traffic. With the implementation of mitigation, as required as a part of the project, impacts would be less than significant. This comment does not raise any new concerns or provide any facts or information about the analysis provided in the Draft EIR. No further response is required.

Response to MARVIN-4

The commenter states that the Draft EIR does not adequately address how groundwater will be protected.

As described in Section 3.10, Hydrology and Water Quality, of the Draft EIR, the proposed 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 SWMP. This, in conjunction with the implementation of mitigation HAZ-1, and adherence to applicable laws and regulations would ensure that impacts related to groundwater quality remain less than significant. Furthermore, as indicated in Section 3.9, Hazards and Hazardous Materials, the existing on-site groundwater contamination monitoring wells would remain in place and be incorporated in the project's SDMP, thereby ensuring their continued operation. This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. As such, no further response is required.

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EIR COMMENTS
PROPOSED DEVELOPMENT OF DIAMOND MATCH PROPERTY

Jim & Kathleen Mathys
1608 Hemlock Street
Chico CA 95928

February 9, 2025

The following concerns about the Diamond Match Development are made after attending the Zoom meetings, in person meetings and reading the EIR. We will be directly impacted by the development as we own property at the corner of Hemlock Street and East 16th Street a major entry point to the proposed development.

1

- 1) Traffic issues were not fully explored that will impact the neighborhood. Impacts will extend all the way to Mulberry Street and not end at Park Avenue as the study was designed. 16th Street will be used to bring students to Chapman elementary School at the end of 16th Street. Traffic mitigation will need to be explored on all proposed entries into the development to avoid issues during peak traffic hours. We already experience fast, speeding traffic on 16th Street with accidents occurring, two in the last month at Locust and 16th Street. I do not believe the EIR did a good job of studying the impacts of traffic flowing into and out of the proposed development.
- 2) Air quality was highlighted in the EIR and must be fully dealt with to avoid dangerous pollution being released into our environment.
- 3) Water use and the effects of leaching into the ground water of the dangerous substances must be considered. How much water will the future homes and landscapes be using was not fully explored. What type of landscapes will be allowed following the MWELO guidelines for the State of California? All these issues need to be fully explored.
- 4) Sound mitigation from the railroad will be an issue as multiple very loud trains will pass by the development daily. Has anything been proposed like a sound wall or shrubbery?

2

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We appreciate the opportunity to comment on this development. The process leading up to the approval has been good up to this point. Listening to the concerns of the community and actually addressing them completely is the outcome we would like to see. Thank you for the opportunity to comment.

6

Sincerely,
Jim & Kathleen Mathys

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Jim and Kathleen Mathys (MATHYS)

Response to MATHYS-1

The commenter makes introductory statements and states their property at the corner of Hemlock Street and East 16th Street will be directly impacted. Responses to specific concerns are provided below.

Response to MATHYS-2

The commenter argues that 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. This comment does not provide any new information that would change the conclusions of the Draft EIR's analysis of traffic impacts or necessitate any additional analysis or mitigation measures.

Response to MATHYS-3

The commenter states that air quality must be fully dealt with to avoid pollution.

Air Quality impacts were analyzed in the Draft EIR Section 3.3, Air Quality, and mitigation measures were incorporated to reduce impacts to the fullest extent feasible. CEQA is an informational process and does not require that all impacts be reduced to below a level of significance in the environmental impact report. The comment does not raise any new concerns or provide additional facts or suggested mitigation or alternatives regarding the proposed project or the Draft EIR analysis.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, Air Quality impacts have been adequately analyzed pursuant to CEQA, and no further analysis is warranted. This comment does not provide any new information that would change the conclusions of the Draft EIR or necessitate any additional analysis or mitigation measures.

Response to MATHYS-4

The commenter argues that the impacts of the project's water use and subsequent infiltration be considered, particularly in relation to leaching. They ask how much water the future homes and landscapes would use as well as what type of landscapes would be allowed following the Model Water Efficient Landscape Ordinance (MWELO) guidelines for the State of California.

As described in the Draft EIR, the project site is currently under a deed restriction enforced by the DTSC that prohibits the use of groundwater on-site due to contamination concerns. As described in Section 3.17, Utilities and Service Systems, of the Draft EIR, the project site would receive water from Cal Water. Based on a Water Supply Assessment (included as Appendix K of the Draft EIR), it was found that existing City water supplies and infrastructure would be able to support the increased demand created by the proposed project. As described in Section 3.11, Land Use and Planning, the proposed project would be required to include 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. Further, as noted in Section 3.10, Hydrology and Water Quality, the proposed project's storm drainage system includes a stormwater

retention basin and related facilities and other LID features and infiltration approaches, such as permeable pavers, gravel alleys instead of concrete, minimizing street widths, separating sidewalks, and planting trees, which would promote infiltration of runoff into the soil and help protect groundwater and aquifer recharge areas. As described in Section 3.9, Hazards and Hazardous Materials, existing on-site groundwater monitoring wells would be maintained as required by the LUC and on-site contaminated soils would be remediated in accordance with a SDMP as approved by the DTSC. This would reduce potential impacts related to the leaching of existing chemicals in the soils to groundwater.

The Draft EIR prepared for the proposed project is a Program EIR. A Program EIR is not expected to analyze site-specific or project-specific environmental impacts, nor provide the level of detail found in a Project EIR. Projected water demand of the proposed project and groundwater impacts were evaluated commensurate with the level of detail available at the time of preparation assuming full buildout of the BYSP. Individual development proposals would prepare a project-specific CEQA analysis to evaluate project-specific impacts and ensure they are within the conclusions of this EIR. Mitigation measures included in the Draft EIR would apply to future individual development proposals within the BYSP planning area as needed. As such, additional analysis of water demand and groundwater impacts would not be necessary or appropriate under CEQA at this time.

Response to MATHYS-5

The commenter asks if a sound wall or shrubbery have been proposed to combat noise from railroads on the proposed project.

The analysis in the Draft EIR focuses on potential impacts of the project on the environment. CEQA does not typically evaluate the potential for the existing environment to impact the proposed project. Nonetheless, the proposed project includes mitigation specifically related to railroad noise in MM NOI-1 that would be required prior to the issuance of building permits. Please refer to Response to ATA-12 regarding noise impacts and mitigation.

Response to MATHYS-6

The commenter makes closing statements and encourages the City to listen to and address the community's concerns. This comment is noted and has been provided to decision-makers for their consideration.

MIKE SAWLEY, PRINCIPAL PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF CHICGO

FEBRUARY 20, 2025

1 | DEAR MIKE:

1 | BELOW PLEASE FIND MY COMMENTS ON
THE DRAFT ENVIRONMENTAL IMPACT
REPORT (DEIR) FOR THE PROPOSED BARBER
YARD SPECIFIC PLAN (PROJECT).

2 | 1) A PRIMARY ISSUE CONCERNING THE
PROJECT IS THE STATUS OF TOXIC WASTE
ON-SITE. A RECENT ARTICLE IN THE LOCAL
ENTERPRISE-RECORD (DATED JANUARY 16,
2025 - COPY ATTACHED) DID A GOOD JOB
HIGHLIGHTING THIS MATTER, WITH PRIMARY
DEVELOPER DAN GONZALES QUOTED AS
SAYING "AT THE END OF THE DAY, NO CLEAN-
UP, NO BUILDING".

2 | AS THE SAYING GOES, "THE DEVIL IS IN
THE DETAILS". IN THIS CASE, SUCH INFOR-
MATION APPEARS TO BE MISSING THE
MARK IN THE DEIR. THEREFORE, I
WOULD ASK THAT THE APPROVAL PROCESS
BE PUT ON HOLD UNTIL A CLEARER,
MORE DETAILED PICTURE IS PRESENTED
TO THE CHICGO COMMUNITY ON HOW THIS
ISSUE WILL BE (IS BEING?) ADDRESSED.

3 | 2) ON PAGE 6-16 OF THE DEIR THE
ENVIRONMENTALLY SUPERIOR (MY
EMPHASIS) ALTERNATIVE IS IDENTIFIED

(2)

3
CONT

AS ALTERNATIVE 3, THE ON-SITE
STORMWATER BASIN ALTERNATIVE.
I CONCUR AND ASK THAT ALTERNA-
TIVE 3 BECOME THE PROJECT GOING
FORWARD.

4

A TIMELY RESPONSE TO MY COMMENTS
IS APPRECIATED.

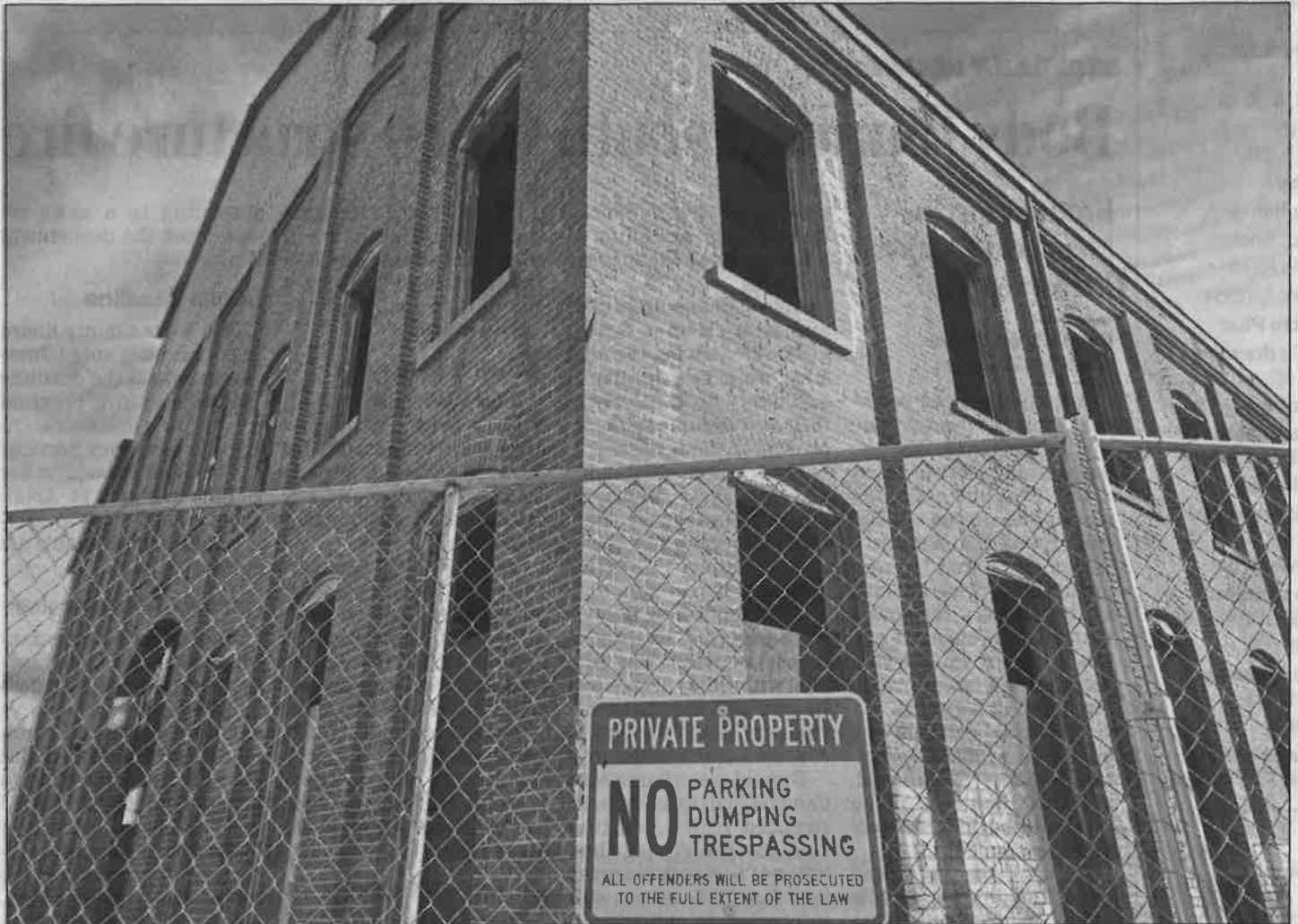
SINCERELY,



JOHN MERZ
1813 BROADWAY ST.
CHICO, CA, 95926
(530) 521-0031

'HOPEFULLY NOTHING INSURMOUNTABLE'

MERZ
Page 3 of 4



PHOTOS BY EVAN TUCHINSKY — ENTERPRISE-RECORD

The Diamond Match Engineering Building looms large at Barber Yard in southwest Chico on Monday.

Environmental analysis of southwest Chico plan open for public comment

By Evan Tuchinsky
etuchinsky@chicoer.com

CHICO » Barber Yard is not Meriam Park. That's a key point Dan Gonzales, developer of both, stresses when talking about his plans for the old Diamond Match property in southwest Chico, whose environmental impact report (EIR) draft is up for public review.

Meriam Park is located along major arterials (East 20th Street and Bruce Road) and features a strong commercial core along with housing.

REVIEW THE EIR

Where: chico.ca.us or at city hall, second floor

When: through Feb. 20

Comments: mike.sawley@chicoca.gov

Questions: 530-879-6812

Public hearing: Jan. 30, 5:30 p.m., City Council Chambers

Gonzales Development Co. inherited approvals the city gave the initial developer, New



A centerpiece of the property and plans for its development, the Diamond Match Engineering Building stands at Barber Yard in southwest Chico on Monday.

THURSDAY, JANUARY 16, 2025

Barber Yard

FROM PAGE 1

Urban Builders, and has modified the initial vision for the 270 acres.

The site for Barber Yard — a literal ground up project for Gonzales — is situated in the midst of the Barber Neighborhood, well off the nearest thoroughfares (Highway 32 and Park Avenue), and emphasizes housing and related services. The specific plan, which goes hand in hand with the EIR, calls for 1,250 residential units and 210,000 square feet of non-residential purposes, plus parks and open space, over 146 acres.

The place is not without issues. Foremost, it's a brownfield site with residue of pollutants from the match factory's operations, 1906-75. Soil studies included in the EIR indicate further earth removal is necessary. Neighbors, understandably, have expressed concerns about traffic impacts as well.

The city's Community Development Department released the EIR for a 45-day public comment period — Jan. 6 through Feb. 20 — and will hold a public hearing Jan. 30. Monday, Gonzales said the report is "about what we expected," though "we did find some contaminants in the soils" that the previous owner might have remediated.

"With the manufacturing and historical background, you never know what's going to come up," he continued. "We did more investigation than you'd typically do for a project, because in this situation, the perception is reality, so it's our burden of proof to say (contamination is) not there.



Utilities infrastructure remains at Barber Yard in southwest Chico on Monday.

EVAN TUCHINSKY
— ENTERPRISE-RECORD

We did go above and beyond in investigating the soils, and we did find some things that we weren't anticipating that are being addressed right now.

"So, hopefully (it's) nothing insurmountable and just some additional clean-ups we'll have to manage."

Per the EIR, investigation of soils and subsurfaces "confirmed the presence of arsenic and lead in the soil at the project site at concentrations exceeding Soil Screening Levels." The developer would need to follow a government-approved Soil and Debris Management Plan, after which "impacts would be less than significant."

Emissions, notably from traffic, pose another impact of significance. The EIR recognizes both construction and operations phases — the latter deemed more significant.

In remediating the soils, Gonzales hopes to reduce truck trips by utilizing the side spur of the train tracks on the west side of the property for transportation of

the debris by rail. He said he's exploring that option.

"At the end of the day," he said, "no clean-up, no building."

In the neighborhood

The Barber Neighborhood is a distinct area of Chico whose roots intertwine with the Diamond Match property in its midst. Gonzales sees Barber Yard as "an extension" of the neighborhood and has mapped out its development accordingly. Unlike other new developments, the site already has infrastructure connected to municipal utilities.

The specific plan calls for what Gonzales labeled "entry-level and attainable housing" — 700- to 1,100 square feet, estimated to cost around \$250,000 to \$275,000 — and for renovating and repurposing the iconic Engineering Building into a public space. (The latter does have a parallel at Meriam Park: The Barn.) Businesses in the commercial portions would gear toward service businesses

rather than large-scale commercial enterprises; the site's location offers pedestrians and cyclists proximity to both downtown and the Meyers Street industrial park.

Main entry points are 16th street from the east and Ivy Street from north and, via 22nd Street, the south. Barber Yard would not connect the segments of Ivy as a passthrough. Nonetheless, as the project builds out, traffic would unavoidably increase on connecting streets.

"This is one of Chico's last large infill development areas," Gonzales said, "so it behooves us to figure these things out."

City planner Mike Sawley, the Community Development Department's point person for Barber Yard, has monitored the specific plan from the outset four years ago along with the environmental review. He said the final EIR will include every comment submitted with a response to each.

Looking at the draft EIR as a whole, Sawley highlighted soils and traffic as consequential aspects, as well as historic preservation. He noted that Gonzales solicited considerable input from neighbors, such as a Zoom with 120 participants, and modified plans accordingly.

"They listened," Sawley said of Gonzales Development Co. and its consultant firms. "Before they even put together the specific plan, they held multiple Zoom meetings and incorporated neighborhood feedback into the plan. Now, when the neighbors see it, they're going to see some of their own ideas in there — and that's huge for a project, because these projects are for the community."

John Merz (MERZ)

Response to MERZ-1

The commenter makes introductory statements and expresses concern regarding the project impacts.

The comment is noted. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to MERZ-2

The commenter states concerns about toxic waste on-site. They attached an article from local Enterprise-Record that highlights those concerns. They request that the project be put on hold until a clearer, more detailed picture is presented to the Chico community.

This comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the Draft EIR analysis are raised, and thus no response is required. The reader is encouraged to review Draft EIR Section 3.16, Hazards and Hazardous Materials, for more information regarding on-site contamination and future steps in remediation.

Response to MERZ-3

The commenter expresses a preference for Alternative 3.

This comment is noted and will be forwarded to the decision-makers for consideration. The comment does not raise any questions or concerns regarding the proposed project or the Draft EIR.

Response to MERZ-4

This comment consists of closing statements and asks for a response to their comments.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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From: T. Meyer <77surfgirl@gmail.com>
Sent: Thursday, March 6, 2025 7:32 AM
To: Sawley Mike
Subject: Response to EIR regarding diamond match development area

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Mr. Sawley,

I have lived, as a property owner, on Orchard Way since 1984 - across the railroad tracks from the proposed diamond match development area.

I realize that this development will go forward, and that it will have substantial impacts on all surrounding areas of SOUTHWEST Chico, and into the County abutting the southwest boundary of the city . I realize that the city needs to expand its residential capacity. However, how this Development is built out needs to be done with best practices Consistent with the understanding that the decisions made now will impact the next 2 to 3 generations that live in Surrounding area areas. My concerns are:

1) Air quality

The federal government has certified that there are toxins In the soil of the proposed development area. The disturbance of soils containing such can easily create a toxic drift to areas surrounding the site. I am concerned that many areas have not yet been inspected for toxic dumping and request that a thorough search for such areas by "combing " through the entire area be conducted.

There are 2 schools nearby - the Escuelita Maya and Chico Country Day School- whose children will be affected by any drift caused by excavation, removal, and transportation of soil. And all the residents on both sides of the tracks will be affected.

Who will monitor air quality during all the phases, before and after?

2)Traffic

The EIR states countless truckloads of debris will be removed via 16th St daily. The containment of the debris is a concern and the disruption due to the use of 16th St for transportation of toxic and other debris through a historic residential area, currently noted for lack of traffic and quiet and a sense of Residential peace. And then there will be huge volume of traffic post clean up for the development/construction phase. And then the development will create again a multitude of residential and visitor traffic.

Traffic calming throughout the Barber neighborhood should be implemented simultaneously with the commencement of this project, not afterwards. Existing speed bumps are not enough right now, let alone as the project evolves.

More entrance and exit points should be enabled to disperse the effect.

The planned Development will create more traffic flowing in and out of the neighborhood. Mitigations for noise and traffic have to occur! I don't believe this has been adequately analyzed or considered .

5

3)Noise pollution

Obvious result of what happens in construction. Who is in charge of monitoring noise and who should be contacted with noise complaints? Who is responsible for altering the situation when volume exceeds reasonable tolerance?

6

Post development noise caused by increased traffic and activities must also have mitigations in place.

4)What will happen to the Barber neighborhood roads, sidewalks, curbs, gutters, drains, and bridges? Who will be responsible for upgrades to an area that has a rundown and antiquated infrastructure while we go through years of increased traffic and activity during and after the development happens? Residential streets are narrow, and parking is in the street for the most part.

7

At a minimum, traffic calming must occur simultaneously with upgrades to our infrastructure as the project unfolds. Has this been planned for? Who will pay for this and what plans have been made?

5) Light pollution

This is a darker area of town. Street and home and commercial lighting will increase light pollution unless some standards are enforced to preserve a more natural habitat.

8

The proposed mitigation measures noted in the EIR. Do not adequately control like pollution.Does the city have an interest in maintaining live-ability of wildlife and human life in this area of town?

6) What plans have been made for fire escape routes, etc.? We saw what happened in LA and our own Park Fire. How will a response to a fire in this or surrounding areas affect this residential and business side of Chico?

9

I know this project will not be stopped. But, how it unfolds and to what degree the existing neighborhood is affected is an extremely sensitive topic. Protective mitigation measures, active monitoring, and the ability of the neighborhood to provide constructive feedback must be required.

10

Thank you for your serious consideration of my comments.

Please inform me of all future developments.

11

Maria Meyer

email: 77surfgirl@gmail.com

**** If important, text me.**** I may NOT see yr email in less than 72 hrs.

Jim and Kathleen Meyer (MEYER)

Response to MEYER-1

The commenter makes introductory statements and expresses general concerns about project impacts, stating that the impacts will be substantial and will extend to surrounding areas and the County. The commenter states that buildout of the BYSP needs to be done using best practices and with consideration for future generations.

This comment is noted; however, the general allegations do not provide any new facts in support of any substantial evidence of more severe impacts than evaluated and disclosed in the Draft EIR.

Response to MEYER-2

The commenter expresses concern that many areas have not been checked for toxic dumping and request combing through rest of area to check. The commenter also expressed concern regarding air quality when contaminated soils are disturbed.

The Phase II ESA completed for the project site evaluated the potential presence of hazardous substances within the areas these substances are believed to be most likely to be found (e.g., former orchard areas, burn and dump areas, former underground tank locations, etc.). The Phase II ESA can be found in Appendix G of the Draft EIR. The report is summarized in the Draft EIR, Section 3.9, Hazardous and Hazardous Materials. The SDMP required by MM HAZ-1 will provide measures for addressing previously undiscovered issues and procedures for characterizing the environmental impact of any findings. The SDMP will include procedures for dust control during construction such as the use of water trucks to wet the soil. The SDMP must be approved by the DTSC and verified by the City prior to the issuance of the first grading permit.

Response to MEYER-3

The commenter asks who will monitor air quality during excavation, removal, and transport of soil. They raise concern over two nearby schools being affected.

Refer to Response to MEYER-2. Air quality will be regulated during all construction phases via the implementation of the SDMP as required by MM HAZ-1, as well as compulsory implementation of BCAQMD Rule 205 requiring all construction or active operations to implement control measures to reduce fugitive dust (See Draft EIR Section 3.3, Air Quality for further discussion of fugitive dust from construction activities). Furthermore, MM AIR-1 includes the fugitive dust control measures recommended by the BCAQMD. Implementation of the project's MMRP includes timing, monitoring and responsible parties for the implementation of the project-specific mitigation measures. A copy of the proposed project's MMRP can be obtained from the City of Chico Community Development Department.

Response to MEYER-4

The commenter notes the increase of traffic on 16th Street during project construction and operation and states that traffic calming measures should be implemented simultaneously with commencement of the proposed project.

Comment noted. Impacts to traffic are discussed in Draft EIR Section 3.16 Transportation in accordance with CEQA. In addition, LOS analysis is provided, for informational purposes, in Draft EIR

Appendix J. This comment does not raise any issues or provide any information not previously considered in the Draft EIR; therefore, no further response can be provided.

Response to MEYER-5

The commenter states that mitigation for noise and traffic are needed due to increase of traffic and such impacts have not been adequately analyzed or considered.

Comment noted. Mitigation measures for noise and traffic are provided in the MMRP prepared for the proposed project, consistent with the conclusions of the Draft EIR. This comment does not raise any issues or provide any information not previously considered in the Draft EIR; therefore, no additional mitigation measures are warranted and no revisions of the analysis are necessary.

Response to MEYER-6

The commenter asks who is in charge of monitoring noise, who should be contacted with noise complaints, and who is responsible for altering the situation when volume exceeds reasonable tolerance. They argue that post-development noise caused by increased traffic and activities must also have mitigation in place.

Refer to Response to ATA-10.

Response to MEYER-7

The commenter asks about maintenance of infrastructure features and asks who will be responsible for upgrades and payment of them. They ask if any plans have been made.

Impacts to traffic are discussed in Draft EIR Section 3.16 Transportation in accordance with CEQA. In addition, LOS analysis is provided, for informational purposes, in Draft EIR Appendix J. Note that MM TRANS-2 and 3 require the funding and construction of off-site pedestrian and bicycle infrastructure. This comment does not raise any issues or provide any information not previously considered in the Draft EIR; therefore, no further response can be provided.

Response to MEYER-8

The commenter argues that the MMs for light pollution are inadequate to preserve natural habitat.

Light and glare impacts were analyzed in the Draft EIR Section 3.1, AES-3. The analysis states that the implementation of the proposed project would result in a considerable increase in the amount light and glare in the BYSP Area, which could potentially result in an increase in light spillover to adjacent areas and glare. However, the proposed project would be required to comply with the lighting standards in the City's Municipal Code Section 19.60.50, which requires that exterior lighting shall be shielded or recessed so that direct glare and reflections are confined and directed downward and away from adjacent properties. Shielded light is defined by the Municipal Code as light rays that are directed onto the site and not visible from an adjacent property. Although the proposed project would result in new light and glare sources, it is not expected to adversely affect day or nighttime views, as lighting and materials would be designed to comply with City development standards. For these reasons, project impacts related to light and glare impacts would be less than significant. This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Therefore, no further analysis of light and glare is required.

Response to MEYER-9

The commenter asks what plans have been made for fire escape routes.

This comment and concern are noted. Because the project site is not located in or near a VHFHSZ or an SRA, it does not meet the threshold for a potentially significant impact set forth in Section 20 of Appendix G of the CEQA Guidelines. Nonetheless, to thoroughly consider the potential wildfire risks associated with the proposed development of the project site, and in the interest of public safety and full disclosure, the City has considered each of the risk categories set forth in Section 20. The proposed project would be required to comply with applicable provisions of the California Public Resources Code and the California Building Standards Code (CBC) with regard to fire safety design measures, construction measures, and plan check requirements. Furthermore, the City of Chico has an emergency response plan in place in preparation for effective protection, including the project area, in compliance with the State of California Emergency Operations Plan. Blockage of an evacuation route would not occur as a result of project operation because the proposed project would not result in permanent road closures along SR-99 and SR-32 nor along Park Avenue and East 20th Street, which are the most likely evacuation routes from the project site

Further Analysis of Wildfire and Emergency Routes are in Section 3.18 Wildfire and 3.9.5 Hazards under Impact HAZ-6 Wildfires. There is no further analysis of emergency evacuation required. This comment has been provided to decision-makers for consideration.

Response to MEYER-10

The commenter alleges that the project will not be stopped and argues that protective mitigation, monitoring, and public feedback are needed.

The comment is noted along with the concerns. The BYSP is a policy level planning document and establishes a regulatory framework that would be utilized to implement the proposed project's land use vision. However, no specific development projects are proposed or entitled. The Draft EIR evaluated potential buildout of the BYSP Area. To the extent that environmental impacts of an individual development proposal within the project area include components or results of impacts that were not adequately addressed in the Draft EIR, the proposal would be subject to additional, project-specific environmental review under CEQA. Such review may include, but is not limited to, the preparation of a project-specific CEQA document, an addendum to this EIR, or a consistency analysis pursuant to CEQA Guidelines sections 15168 or 15183. The appropriate level of review would be determined by the Lead Agency based on the nature and extent of the activity and any new impacts and would be conducted in coordination with other responsible or trustee agencies as applicable. No further analysis is required at this time. Individual development proposals to implement the BYSP would be reviewed by the City when they are deemed complete for consistency with the General Plan, the BYSP Specific Plan, City ordinances, and this EIR.

Response to MEYER-11

This comment consists of closing statements and asks to be informed of future developments.

The comment is noted.

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From: Chris Nelson <chris4pax@gmail.com>
Sent: Thursday, January 23, 2025 9:26 PM
To: Sawley Mike; Dan Gonzales
Subject: Comment on the Draft EIR

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The Barber Neighborhood Association agrees with my conclusions. I have sent a letter also to the City Council with this statement. Thank you for your serious consideration, Chris Nelson, RN, Women's Health Nurse Practitioner. | 1

I propose that the Barber Yard Project be paused for corrective mitigation which includes Public Notification and Participation in regards the hazardous waste discovery process, clean up, exposure pathways, transport and mitigation fill in with clean soils. There should be a Public Meeting for the public to ask DTSC (Department of Toxics and Substance Control) and the clean up contractors about the toxic water plumes and the soils. Maps with measurements need to be provided to the public with exact information and the scientific language on risk assessment, types of hazards and clean up levels (and public protection) which need to be supplied in lay terms to provide clarity and trust. | 2
| 3
| 4

After that the Draft EIR should be resubmitted but this current plan to rush and bundle the EIR and clean up simultaneously, while minimizing (and obscuring) health concerns, is exactly what drives and maintains public mistrust and maintains a negative view of this proposed infill housing project on historically contaminated land. | 5

Chris Nelson, Member Barber Neighborhood Association Steering Committee
2300 B Estes Rd. Chico

PS The Enterprise Record article of Jan. 16th 2025 indicates a willingness to use yet another novel way of exporting toxic materials- by rail. This surely would have been in the EIR had it been a legitimate option? We really insist on oversight and public scrutiny! | 6

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Chris NELSON 1 (NELSON 1)

Response to NELSON 1-1

The commenter notes the Barber Neighborhood Association agrees with their conclusions and that they have sent City Council a copy of the statement provided in the comment letter.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no further response is required.

Response to NELSON 1-2

The commenter requests the proposed project be paused for corrective mitigation which includes public notification and participation regarding the hazardous waste discovery process, cleanup, exposure pathways, transport and mitigation fill-in with clean soils.

The City has fully complied with all notice and public participation requirements under CEQA, including voluntarily extending the public comment period and holding two scoping meetings. As noted in Draft EIR Section 3.9, Hazards and Hazardous Materials, MM HAZ-1 requires the implementation of a SDMP as approved by DTSC which will address the appropriate soil mitigation and maintenance of existing on-site groundwater quality monitoring wells. This comment does not raise any new environmental issues that were not addressed in the Draft EIR's analysis of hazardous materials or in the Phase II ESA. This comment does not include any additional facts or information that would change the conclusions of the Draft EIR. Therefore, no further action is required.

Response to NELSON 1-3

The commenter requests a public meeting with the DTSC and site cleanup contractors regarding toxic water plumes and soils.

This comment is outside the purview of the City as a CEQA Lead Agency. Public accessibility of DTSC processes would be subject to DTSC procedures and regulations. No further response can be provided.

Response to NELSON 1-4

Commenter requests maps with measurements and information regarding on-site toxics be provided to the public.

The potential presence of hazardous substances within the project site was evaluated via a Phase I and Phase II Environmental Site Assessment (provided in Appendix G and discussed in Section 3.9, Hazards and Hazardous Materials, of the Draft EIR). Soils from areas where hazardous substances are believed to be found (e.g., former burn and dump areas, former underground tank locations) were tested and the resulting information provided on maps including Draft EIR Exhibit 3.9-1, -2 and -3. In addition, information for this can be found in Appendix G.2, where Figures 1-6 show all sampling locations and Tables 3-8 provides testing results. This comment does not provide information or facts that change the conclusions of the Draft EIR; therefore, no further response is required.

Response to NELSON 1-5

The commenter requests that the EIR be resubmitted and states that the Draft EIR and cleanup efforts have been rushed and should not be "bundled."

The Draft EIR accurately assesses the whole of the proposed project, consistent with CEQA's requirements. This comment does not provide any specific information or facts that would change the conclusions of the Draft EIR. As noted in Draft EIR Section 3.9, Hazards and Hazardous Materials, contaminated soils would be removed from the site in accordance with a Soils and Debris Management Plan (SDMP), as approved by DTSC. Per MM HAZ-1, an SDMP will be required to the satisfaction of DTSC prior to the start of grading on-site. The SDMP will identify specific construction measures to be implemented at the project site to properly handle contaminated soils and materials. Thus, there is a future step of the project approval process to specifically address site cleanup efforts that will be overseen by the State agency which oversees cleanup of soil contamination. No further response is required.

Response to NELSON 1-6

The commenter asks about use of rail for exporting hazard material as noted in an Enterprise-Record article dated January 16th, 2025.

Please refer to Master Response 3 regarding transporting hazardous materials by rail. Transportation of contaminated soils, regardless of method, would be required to abide by requirements of the SDMP and standard hazardous material transportation regulations, thereby ensuring minimal impact.

From: Chris Nelson <chris4pax@gmail.com>
Sent: Tuesday, February 11, 2025 10:05 PM
To: Sawley Mike
Cc: Bryce Goldstein; Addison Winslow
Subject: UNFAIR!

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

I got a copy of the Draft EIR and prepared my comments after many hours of reading through that 700 pages but this weekend I got into the Appendix just for the Toxics section, because I'd left my 80\$ copy at home with someone else and went online! 1610 pages!!!!

I did not realize that much of what I needed to know was in this section and I must insist that you provide the public with an extension as many haven't even been notified about the project!

The public meeting was a sham by the way. I have never been to one of those meetings without a presentation about the project in question. Maybe then I would have realized the importance of the Appendices.

It is so critical that this housing project be recognized as premature. It is much more obvious from the information in the appendix. I'm shocked that you and Mr. Gonzalez would try to go ahead with this project! You have seen the information and I'm only on page 30 of the Toxics appendix!

Someone has to protect the future people of that property! The City of Chico is obligated to protect the citizens and you have let the desires of a developer override common sense and decency.

DTSC may have signed off on this project but what has been recorded in the DEIR and the Appendices makes it obvious that the site is not safe.

Sincerely, Chris Nelson

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Chris Nelson (Second Letter) (NELSON 2)

Response to NELSON 2-1

The commenter expresses disapproval over the Draft EIR length and cost.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to NELSON 2-2

The commenter requests timeline extension for public review and comment.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

Response to NELSON 2-3

The commenter criticizes the public meeting and lack of a project presentation.

This comment is noted. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to NELSON 2-4

The commenter argues that the project is premature based on the information in Appendix G, which contains the Phase II ESA for the proposed project.

This comment and concern are noted. Hazards and Hazardous Waste materials were analyzed in the Draft EIR Section 3.9, Hazards and Hazardous Materials. This section provides a summary of the Phase I and II ESA's most important findings and their relation to CEQA thresholds. The section's analysis concluded that all impacts would be less than significant with the implementation of MM HAZ-1.

This comment does not provide details about how the hazardous materials analysis is inadequate. The analysis provided in the Draft EIR demonstrates that with implementation of MM HAZ-1, impacts would be reduced to less than significant. Therefore, no further analysis of Hazards and Hazardous Waste is required.

Response to NELSON 2-5

The commenter states the City has an obligation to protect future people.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to NELSON 2-6

The commenter indicates that DTSC has approved the project. The commenter states disapproval of project and expresses concerns about the safety of the project site.

This comment and concern are noted. Note that MM HAZ-1 in Draft EIR Section 3.6, Hazards and Hazardous Materials, requires that a SDMP be prepared for the proposed project prior to issuance of

first grading permits and the SDMP must be submitted to DTSC for review and approval prior to initiating project site improvements. As such, DTSC has not yet approved the project. This comment does not raise any new concerns or information about the analysis provided in the Draft EIR, and therefore, no further analysis of hazardous materials is required.

**Please address all of the following questions which are in italics.
Thank you, Chris Nelson, 2300 B Estes Rd. Chico**

Please note that the Riparia LLC legal border at the corner of Normal Ave and Estes Rd is within 100 ft of the corner of the Barber Yard Project Area and we received no written notice of the Draft EIR comment period, but we were notified of the extension. Many people in the Barber Neighborhood have been excluded from commenting on the Draft EIR because they were not sufficiently notified or could not get through the unwieldy information plus the public meeting gave no information about the project if they hoped to learn about it there.

1

This draft EIR was badly written. Information is minimized, duplicated, hidden, strategically incoherent. *How could this draft EIR have been more accessible and clear for a greater number of the public? What is the point of the draft EIR if it is incomprehensible? The DEIR was 700 pages and the Hazardous Soils Appendix G was 1610 pages making it prohibitive to review other Appendices in the review time period.*

2

Diamond Match and then Louisiana-Pacific operated from 1903 on the site of the Barber Yard. In 1991 the DTSC issued an Imminent and Substantial Endangerment Determination to L.P. By the fall of 1992, more than 10,000 cubic yards of contaminated soil was removed by L-P. The removal met the interim cleanup levels approved by DTSC. In 2000 DTSC declared the land "safe" due to an L-P numbers crunch in 1994 of potential toxic exposure doses and pathways to determine an acceptable level of human risk. *Did this mean the land was clean? (See Hazardous to Safe, A Case Study, attached.)*

3

3.4 Biological Resources- Wildlife studies can not be completed without carefully monitoring the site for an entire year. My home is kitty corner to the property of BY starting at the corner of Estes and Normal. (Please correct the maps due to the confusion. Estes has been renamed Normal, as a continuation of Normal Ave. past 22nd St.) In spring/fall we have many migrating species that feed on the seed heads on the BY property and many that probably nest there. We routinely see warblers, such as the yellow warbler at our hummingbird feeder (3-4-16,) great garter snake (3.4.19) in our gardens, as well as nesting oriole and western king bird. We have resident barn owls and great horned owls that feed on the rodents on the Barber Yard property. We have foxes, coyote, skunk and even recently, after the Park Fire, a mountain lion. Comanche Creek is very much a wildlife corridor, even deer and beaver have followed it in the past (none in the last years.) The BY property is a "bulb out" of habitat. The remaining properties of Ag land, abandoned farm land and riparian corridor are not enough to maintain some of these species, like the bats.

4

How will the loss of wildlife habitat be offset?

5

P 2-13 The so called "off site improvement area" was also part of the Diamond Match off site activities. It had never been tested but in old maps (see the original clean up maps,) the information exists and needs to be discussed in the EIR if "prime farmland" is to be disturbed. (Attached area of historical "overflow ponding area 1986 circled on a map titled Source Area Subdivisions.) The current random testing for just lead and arsenic are inadequate. *Considering what may have settled in soils over almost 100 years of "ponding" what other testing needs to be considered?*

6

Data Gaps- Cameron Cole was unable to acquire documents pertaining to previous monitoring and remediation efforts that occurred at the project site. They will not be able to adequately do further remediation without having clear information about what was done and where. They stated that "several significant data gaps were encountered during this phase 1 ESA." *They document in the Appendix how they approached data gaps but how will they move forward with grid based sampling which does not have the benefit of historical records? (I attempted to track down the binders that were previously available to the public at the Chico Butte County Library but they appear to have been lost/destroyed. Attached are a few pages I copied from that document years ago.)*

See attached "Test Pit and Sample Locations" from the original document. *Do these correlate with what is being done now or are they different? Please address issue of Formaldehyde mentioned on the last paragraph of that sheet. Also please note that DTSC found no PCE but this Phase 2 does identify PCE. What accounts for this difference?*

p. 2-15 If DTSC is monitoring the asphalt cap at BY please respond to why they allowed deep cracks to develop for water infiltration over many years. Why should we trust such a neglectful state agency? Also, has anyone monitored the soil at the edges of the asphalt? (3.7-14) That needs to be sampled and there must be some public change to the covenant regarding the asphalt cap if it will be used for parking or solar panels. The EIR does not mention that but the owner has stated that may be the use of the 3 acres. Will the extra weight and stress cause toxins to extrude? This should not be a C-REC! Will DTSC monitor the cap more vigorously? (What measures will be taken to ensure improved monitoring?) See attached photos and emails from 2014 in regards to the DTSC failure to protect the integrity of the cap. Note the deep crevices and the plants growing in the cracks, meaning that rain water could wash covered toxics out from under the cap.)

Attached- the actual Asphalt Cap Easement information. Does this mean it isn't just the visible cap but the entire easement area that is under the covenant? What boundaries are you using?

Ex 2-6. The report states frequently that there will be "a new connection to Estes Rd." (now Normal Ave.) It is not delineated in the draft EIR but all turns onto Estes/Normal would need to be sharp due to the presence of the ditch that parallels Estes/Normal. (The plan talks about 60% of hazardous waste that will be removed going down 22nd St. so it can only be supposed this would be via this "new connection to Estes Rd.") Please delineate this portion of the project. (Also 3-9-42)

There is also an arrow indicating a second exit from Estes at the south east corner of the property. *Is this a bike path only or is it another road? Why is there need for a road, if so? Where exactly would it be?* Please include information on what the plan is as this will greatly impact our farm and neighbors along Estes if there is traffic where there is a blind corner (due to a steep lip and 90 degree curve caused by the old RR berm.)

Please note attached photograph of flooding on Estes Rd which takes place every time it rains because the ditch can not handle the water volume and regularly overflows completely submerging the road and making it impossible. *How will you improve the infrastructure to make Normal AKA Estes usable during rains?*

The LA Times article of 1/7/2019 points out that the old Diamond Match land could not be used for debris sorting after the Camp Fire because "the roads in the area (were) not built to withstand the weight of industrial trucks and equipment." So that is still true for the removal of toxic wastes now. *Who will be responsible for the infrastructure of waste removal from the project area? Specifically for repairing roads?* Estes/Normal is already full of pot holes and is not being maintained adequately.

3-1 Greenline review every 5 years by Butte County. The Estes Triangle has long been sought after by developers and speculators have bought land and left orchards to fallow. Only Riparia LLC is still in production. On our 12 acres we grow organic produce and have a thriving native plant nursery. Recent soil testing shows that our soil is some of the best possible. This is prime farmland! If the developer puts in the detention pond on prime farmland and there are increased development pressures the county will allow Chico to annex the Estes Triangle and our 12 acre farm, Riparia LLC, which produces so much quality food, will be an outlier between the creek and housing tracts. This is extremely short sighted. It encourages the Greenline to also break in the next sector over, the MacIntosh Tract, which also has had development pressures, thus causing even greater harm to sustainability and local food supplies. (Attached parcel map that indicates how small the parcels are in the Estes Triangle. The "Offsite Improvement Area" would certainly jeopardize this greenline area further, then putting pressure on the adjoining farming area that has also been subdivided far more than is shown on this undated map.) *You must address the real probability that this project will break the Greenline that we depend on to protect our most valuable local asset, farming!*

3.3 Soil. Soil samples showing contamination (with As and pb) were generally superficial but one sample was 2.5 ft. bgs. *How do we know there aren't further deep areas of contamination? How will you rule that out?* 15

P 3-3-29 Excavation and export of contaminated soil, replacing it with prime farmland in order to create the need for the offsite storm water basin is not justified nor reasonable. This soil is also possibly contaminated since attached map indicates a historical Diamond Match retention pond at that site. (Never previously tested, just as the RR right of way between the two sites still has never had testing. *Why only for lead and arsenic in the case of the off site land? And when would the RR Right of Way be tested if trips back and forth or excavation to the offsite land was approved?*) 16

Alternative 3 is the logical alternative because it keeps all the development in one place, lessens the traffic impacts of this massive project and can come with some guarantees that the area around the storm water basin will be maintained (eg, fenced, mowed, etc.) It also decreases the risk to the greenline and takes pressure off of rural poorly maintained Estes Rd. (3-10-26) Fewer units also will take pressure off the local public school system which can not absorb this large project without maximizing its capacity. 17
The owner has stated in private conversation that he will have to raise the prices of the homes if Alternative 3 is adopted. That is a type of blackmail that should not be passed on to City Council who have to make decisions on the housing density of this project. *When planning this project it was obvious that off site close access to clean fill dirt was the objective. Can you dispute this?*

p3-3-29. This report gives short shrift to the amount of contaminated soil that needs to be hauled away. The estimates are glib and almost surely short sighted and do not anticipate further toxics that have not been discovered or planned for (as no one has a crystal ball and that is what it would take. That seems to be why Cameron Cole did such a careful job of denying liability.) 18
This is an exceptional amount of contamination for a project area that supposedly had already been up to the standards of DTSC! What will happen if the current owner sells the land with it only partially built out? Will a new owner have the same responsibilities? The same relationship to DTSC? The same integrity as this owner in terms of willingness to do everything possible to keep new home owners safe?

Also, are there jurisdictional issues for DTSC as they are not the agency that handles gasoline related toxic plumes? 19

p.31 A PFAs positive municipal well was located at 0.1477 miles north northeast up-gradient. It is not clear if that has been characterized to be sure it does not continue to exist and doesn't extend to this project. *What can be done to assure there are no PFAs under the Barber Yard site?* 20

P 3-4-52 Has this pre-existing on site detention basin (not on any maps) been characterized for toxins below it? Please indicate where it is on a map. 21

P 3.5-20/21 The DEIR shows a lack of objectivity to white wash or minimize the historical uses of the Diamond Match land. *We would like a complete history that lists the many toxics that were used or dumped on this land in the EIR (as well as crediting what clean up was previously done,)* so future residents can have a buyer beware mentality before their families move in. This is only fair. 22
Cameron Cole notes 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 needs to be remedied by more stringent historical records gathering! Please respond to this concern.*

P 3.7-2, 3.9-3, 3.9-25 Arsenic and Lead confirmed to exceed soil screening levels in multiple samples. This puts doubt on the former clean up that DTSC signed off on. P 3.9-5- 3.9-6 What about the other elements and heavy metals? Specifically Antimony, Barium, Beryllium, Cadmium, Cobalt, Copper, Mercury, Molybdenum, Nickel, 23

Selenium, Silver, Thallium, Vanadium and Zinc? The testing was done on 18 samples and there were elevated results consistently. (p 1340, 1346, 1352, 1355, 1364, 1369, 1376, 1382, 1388, 1400, 1412, 1442 of the Hazards Appendix G.) *They must be included in the EIR as many have health effects depending on the route of exposure and the concentration!* (3.9-6) (CAM-17 Metals results?)

23
CONT

I am also concerned about cumulative effects on pregnant women, toddlers and animals. Low levels of heavy metal exposure can pose health risks, including increased risk of cardiovascular disease, kidney damage, developmental issues in children and potential impacts on the nervous system. *Please explain the results of the heavy metals testing. Why were these results withheld from the Draft EIR? What is their significance? Will there be further testing? Why or why not? Will the soil be remediated of ALL heavy metals? Why and why not? Are you using residential standards or agricultural standards or industrial standards? That is not clear either.*

24

Were you aware that lead arsenate was used in orchards since the early 1900s to control codling moth? *Have all the old orchard areas been tested?*

25

P3.9.7 The statement, "The DTSC agrees (with who?) that the BYSP Area is no longer contaminated." demonstrates a lack of objectivity and has already been proven false by the high lead levels found at the former burn dumps. 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 the same scatter shot results of high levels of lead as does the current testing. The lack of accountability was similar to what we find in this EIR-- who did what, where, how are not answered until you read the Appendix. There is vagueness and an apparent attempt to minimize the concerns about remaining toxins on the BY land. *Can information in the Appendix that is primary to the reader of the Draft EIR be brought forward into the body of the document?*

26

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 notes 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 sampling can clean the whole site when it is not a comprehensive strategy. *How will the unsampled areas be considered safe for housing, children's play areas, gardens, dog play areas or anything else that disrupts the soil?*

27

3.9-9 It was stated that the "TCE plume also has benzene and other hydrocarbons." This is new information about the Victor Plume and there is no indication that any remediation is planned for this or PCE which was mentioned in P 3-9.5. (and PCE at 15 feet 3.9-37-38!) *What are the risks of volatile dioxins in the shallow groundwater- specifically pentachlorophenol? (3.9-10 Vapor Encroachment Condition.) There were test monitoring wells but they were far from extensive.*

28

Soil Gas 3.2- "An RSL is a specific type of ESL focused on residential settings." RSL is more stringent. *Why not use RSL when soil gas test results are borderline?*

29

It is also notable that the TCE is to be monitored Semi Annually but the last monitoring report (from the Victor Plume) is from 2021. There seems to be no effort to clean up this plume which was first identified in 1984! *Can the EIR get more up to date information or is there a failure to monitor this plume that the public needs to be made aware of?*

30

I do not know enough about soil vaporization and shallow ground water (as shallow as 15-25 feet) but public perception will be with me that this needs to be better characterized AND MITIGATED due to risks of vaporization during construction and long term. The use of Cal Water is certainly necessary but *what are the long term risks of living over a plume that may vaporize through soil? How will residents be kept safe? What recourse will they have if it is found that their home is affected?*

31

p.31 5.3 "Based on the inferred groundwater gradient, depth to groundwater and physical setting information, the potential for a VEC to exist on the property can not be ruled out."

Pg 4 of Conclusions section in Toxics Appendix- A limited soil gas investigation found PCE, benzene, TPH-g in soil gas "exceeding residential environmental screening levels." As a result soil gas wells have been placed. When will the public know the results of this monitoring since they are not included in this document? (They are in the Appendix but that information should be in the draft EIR!) *How will these off gassing toxic substances be mitigated?*

3.9.39 Mitigation Measures. *What is "over excavation" when the depth of contamination has not been adequately characterized over the entire 122 acres? Will the public see the report of the pending hazardous materials consultant or will the clean up all be a trust exercise? Will there be an addendum to the EIR prior to City Council authorization for the project?*

3-9-43 Fire Risks are historically high along the Union Pacific historic railroad line due to blight and neglect. Weeds are often high and dry in summer. Riparia farm had extensive damage to fencing, orchards and heritage trees due to a PGE contractor creating a spark with a piece of machinery and causing a wind driven fire in the RR right of way adjacent to the DM land. There are also unhoused individuals who have started fires along Comanche creek on a number of occasions-- depending on winds and vegetation management there is definitely fire risk. (The weedy conditions of the BY over the last years has been discussed with the Chico Fire Marshall because the land has been allowed to be a fire risk. *Will the owner do fuels reduction before the coming fire season?*) Estes Rd is the only exit for people living on Estes Rd to escape during a fire-- there are no other routes so the addition of traffic through an Estes connection would possible cause life threatening conditions of traffic standstill in the event of fire. *What will happen in the event of a north wind driven fire in the Barber Yard or RR right of way?*

There is also the Kinder Morgan Tank Farm that is about one half mile from the BYSP area. In the event of a fire at that facility there would be a massive fire ball due to the extreme amount of flammable and explosive gasoline products stored there-- *this needs to be included in the EIR.*

3-16-40 If a train (station) connection is put on one acre of this land it increases the need for noise and light mitigation and parking, none of which are addressed. (If hazardous waste is to be exported by train from the site it should be in the EIR not added as an afterthought. The RR right of way has been sprayed with herbicides for over one hundred years...when will it be tested and remediated?)

Pg 33 7.1 There is a previously unknown to the public PCB plume under the site. (5 year review 2013-2017) *Where is that located in depth, latitude and longitude on this site? In Phase II (p 1012) it is stated that L.P. is monitoring and has to submit a work plan for PCP groundwater contamination but this is noted to be outside of the Phase II CEQA. Why aren't all issues of public safety included in the Draft EIR? I understand about CREC and HREC but don't these obscure potential human risks which need to be identified and addressed?*

I can not find any reference to a Chico Press Gazette (source info for one of the RECs) operating in 1988. *Can the entire text of that article be made available? Attached is a historical source document describing removal of waste in a Chico Right of Way that may be the trench described. How do we know this clean up was adequate?*

One thing that needs to be considered and was not mentioned was the Clearwire antenna array, including microwave dishes on a telecommunications tower placed at the western edge of the property in 2006. *Are there health effects of non-ionizing radiation that may put nearby residents at risk? Please address this.*

Uncertainty Factors. Attached are the Uncertainty factors from the Conclusion of the DM report (1994?) *How will you address these multiple factors that remain today? To ignore or minimize them seems irresponsible to future residents.*

General Plan, Chico (2011) OS-5.2.1 (Agricultural Buffers) in regards to a previous residential plan for Barber Yard--"the plan is incompatible because there is no space for any buffer. There are required buffers for development adjacent to active agricultural operations along the Greenline to reduce incompatibilities." There are concerns about toxic soils on the RR right of way, on the Offsite Improvement Area and in the Crouch ditch which has for many years paralleled the RR right of way to Comanche Creek. *How will you address these if a spur is developed to carry toxics from the project site or for public use in the future? Who will have responsibility for this "no man's land" of abandoned but heavily exposed property?* 43

In Conclusion-

I support the No Project Alternative for the project currently. The mitigation measures do not address public concerns and are not well documented in the Draft EIR, they are buried in the Appendix. Consider all the work that went into remediating the Humboldt Road dump... these sites require the same level of consideration. 44

If the project goes forward I favor the Alternative 3 onsite storm basin which will decrease the project size by 154 units and decrease trip generation by 12 percent, taking off some of the pressure on the pre-existing Barber Neighborhood and traffic along 16th, 18th etc streets as well as possibly saving the Greenline and local agriculture. 45

I propose that the Barber Yard Project be paused for corrective mitigation which includes Public Notification and Participation in regards the hazardous waste discovery process, clean up, exposure pathways, transport and mitigation fill in with clean soils. Pg 1023 states "remedial investigations by L.P. were incomplete , 1992 to 1995. This indicates **the Public has a right to know. Why is this being denied by the land owner and the DTSC and just folded into a housing development EIR?**" 46

There should be a Public Meeting for all interested parties to ask DTSC (Department of Toxics and Substance Control) and the clean up contractors about the toxic water plumes and the soils. Maps with clear measurements need to be provided to the public with exact information and the scientific language on risk assessment, types of hazards and clean up levels need to be supplied in lay terms to provide clarity and trust. 47

After satisfactory remediation (and there are Brownfields grants available for clean ups such as these,) the Draft EIR should be resubmitted but **this current plan to rush and bundle the EIR and clean up simultaneously, minimizes legitimate health concerns** and is exactly what drives public mistrust and maintains a negative view of this proposed infill housing project. 48

In 3.1, pg 18 of Appendix G the Plan for short and long term evaluation and mitigation of Site RECs is discussed without any mention of the Public's Right to Know or even a land owner's Right to Know. *How would this be addressed in a land title? How would this effect home prices? How does this even make sense?* 49

Further Attachments include

Historical map of the Estes triangle and MacIntosh tract now under Greenline protections. 50

Hazardous to Safe: A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility for more source material. (copyright Butte Environmental Center, 2010) *please address additional Groundwater information and heavy metals in almonds grown on the land.* 51

Letter from Robert Carper, 10/2008 witnessing that the DM Company spread the (north) dump near his home over an open area of land in view of his residence, 1838 Normal Ave. *Have you investigated that area?* 52

Railroad Ballast (1994 DM report.) Ballast practices and use of weed killer.	53
PCP historical sampling. (1994 DM report) Also noted, TCE and Tetrachlorophenol. <i>Is Tetrachlorophenol also being investigated?</i>	54
Waste Disposal practices. The mean for the waste stream was used in making calculation and very high samples were excluded from calculations in the original clean up.	55
Watertable Aquifer Results through Jan. 1993. <i>Have you tested for all of the chemicals that were historically present and documented here? What remediation will there be?</i>	56
Summary Arsenic Ballast Contamination showing RR lines in 1988.	57
Historic Sampling 1990. Difficult to see but may be helpful. Also note where PCE was found and other contaminants like <i>Formaldehyde and Aluminum</i> . <i>Response is necessary if this is new information on what new sampling/remediation will take place as a result.</i>	58
Groundwater Treatment System undated- there was no mention of this in the DEIR, this map was in the Appendix. <i>Please investigate and inform the public if there are new findings.</i>	59
Hand written quote from p4-6 3/91 Supplemental Soil Sampling Report- In regards to the So. Orchard Burn Dump-- "In one or more of the underlying soil samples the barium, beryllium, chromium, cobalt, mercury, molybdenum, nickel and vanadian concentrations exceeded the mean background concentrations." <i>Have you investigated thoroughly enough for other metals besides lead that can also cause negative health effects?</i>	60
Risk Contributing Chemical Letter from Fernando Amador, lead of DTSC, 6/1/1994. Unsure still of what he is writing in regards to the soils and groundwater but it gives some indication of the state of the science at that time. <i>Is there new information here that needs to be included in Phase II?</i>	61
Out of sequence summary by this writer- Concerns about life time cancer risk from arsenic, beryllium, formaldehyde and chromium. It also discusses high background samples and historical lack of cooperation of LP with the DHS. <i>Please discuss cumulative risks of exposures through the pathways residents might be exposed to. Please address the Uncertainty Factors of Table 7-1 (attached.)</i>	62

63
CONT
FOR
REST
OF
PAGES

23
CONT

City Manager

30 June 1970

Director of Public Works

CM Info/Memo/BF 501 W. 16

Debris removal from Public Right of Way adjacent to Diamond National

Reference is made to our previous verbal conversations relative to the removal of debris from City of Chico right of way adjacent to the Diamond National Corp. plant on West 16th Street.

In conformance with your request, this office has been in contact with Mr. Richard Burgess of the Diamond National Corporation relative to the scheduling of debris removal from this site. On 11 June 1970, Mr. Burgess contacted me and advised that he had a D8 Cat in the area and had excavated out a 40'x40'x5' deep pit in the City right of way. He stated that he had removed from this area approximately four flat-bed truck loads of debris including railroad ties, spikes, etc., and asked that this office review the excavation prior to placing backfill.

Accordingly, the writer went down to the site and verified that no further debris was located in this hole by having the D8 Cat again make an additional cut at the bottom. Mr. Burgess was subsequently advised to backfill the hole with the existing material available and to grade out the site in a relatively smooth manner.

A review of the site upon completion of work indicates that it has been left in a satisfactory manner. This office is of the opinion that all debris buried underground at this specific location has been removed.

This office has secured photographs of this excavated site and will retain same in the departmental files.

A. J. Savitz, Director

AJS:pb

DIAMOND NATIONAL CORPORATION
A SUBSIDIARY OF
DIAMOND INTERNATIONAL CORPORATION

DIAMOND LUMBER
DIVISION
P.O. BOX 0
RED BLUFF, CALIF. 96080
916 - 527-2231

RECEIVED

APR 16 1970

CITY MANAGER
CITY OF CHICO

April 15, 1970

RECEIVED
APR 20 1970
CITY OF CHICO
DEPT. OF PUBLIC WORKS

Mr. Fred Davis, City Manager
City of Chico, California
P. O. Box 3420
Chico, California 95926

BY _____

Dear Mr. Davis:

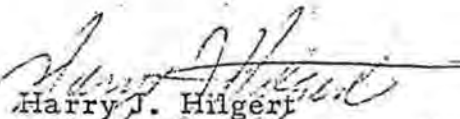
I have looked into the reported burying of debris as discussed in your letters of December 19, 1969 and April 1, 1970.

As explained in great detail to you by telephone last week, when Diamond cleaned up the property in question as a voluntary gesture of good will, there was residual debris on City property, debris which had been there prior to transfer of the property by Diamond to the City. It was this debris (in reality a City responsibility to remove) which was buried. Upon learning of your objection, the equipment operator re-excavated and removed the debris to Diamond property.

We are distressed that Diamonds' good faith gift of property, and subsequent action to present it in good condition has resulted in the reaction your letters convey.

Diamond does not contemplate any further action with regard to this matter, we suggest you advise the Council that the original assumption that Diamond used the property to dispose of Company debris is fallacious, and recommend that the Council withdraw its request for removal.

Very truly yours,


Harry J. Hilgert
General Manager, Specialty Products

HJH:lt

cc: Mr. Russell McLain
Mr. Richard Burge

41 10 11

G-CP-4-23/605

December 19, 1969

Mr. Clarence Kowlings, Plant Manager
Diamond National Co.
P. O. Box 1670
Chico, California 95926

R
FEB 16 1970
CITY MANAGER
CITY OF CHICO

Dear Clarence:

The City Council has asked that I contact the appropriate officials of Diamond National for the purpose of requesting the removal of the debris that was reported to have been buried in the property, deeded to the City of Chico by Diamond International Corporation.

I am attaching hereto a copy of the map of the right-of-way on which there is delineated, in red, where I am told the debris is buried. If you need any more specific assistance in locating the area, please feel free to contact Mr. A.J. Savitz, Director of Public Works, phone 343-4401, ext. 231.

I appreciate your assistance in this matter.

Very truly yours,

Fred Davis
City Manager

FD/mb
enclosure

DCM/AA Info

TF: 12-29-69

cc L P W



Table 7-1
Uncertainty Factors

<u>Uncertainty Factor</u>	<u>Effect of Uncertainty</u>	<u>Comment</u>
Chemical concentrations assumed constant over duration of exposure	May over or under estimate risk	Did not account for environmental fate, transport, or transfer which will alter chemical concentrations; more or less toxic forms could result
Much of the sampling was directed rather than random	May over estimate risk	Risks estimated at suspected source areas where concentrations exceed average levels
Sampling was not exhaustive	May under estimate risk	There is a chance that the approved sampling program will not detect small areas of higher concentrations (hot spots)
Analysis limited to TAL and TCL chemicals	May under estimate risk	TAL and TCL chemicals may represent only a subset of the toxic chemicals which are present
Method detection limits	May under estimate risk	Method detection limit for some chemicals may be above a concentration that might be of concern
Chemical loss during sampling	May under estimate risk	May under estimate chemical concentrations, especially VOCs
Groundwater samples were unfiltered	May over estimate risk	May over estimate chemical concentrations in groundwater, especially inorganics
Not all chemicals detected at the Chico site have critical toxicity values	May under estimate risk	Cannot quantitatively estimate risks, must address these chemicals qualitatively

Relative source contribution
is not accounted for

May under estimate risk

Baseline exposures not
associated with the Chico
site are not included within
the risk assessment;
Cumulative intake may be
higher than estimated

Dermal exposures used oral
toxicity values

May over or under estimate
risk

Chemical may be more or
less toxic when absorbed
through the skin versus
when ingested

TAL = Target Analyte List.

TCL = Target Compound List.

VOC = Volatile organic compounds.

To whom it my concern:

I Robert Carper have live in this area off and on for sixty five years at 1838 Normal Ave.

As a child I played in the dump area on the west side of my grandmother house. The dump site was owned by Diamond Match Co. The dumps consist of large mountain debris & large ponds that trucks dumped fluids in. The fluids had a strong order to them. The dump consisted of wood/metal/paint containers /etc.

Years later in Diamonds final days the dump was spread out over the entire area of open land and almond tree were planted in part of it.

The company that installed the watering system for the almond trees hit all types of debris digging his water lines, his name is Bruce McClintock at Shasta Vista Hulling Phone # (530) 895-8771

My name: Robert L Carper

1838 Normal Ave Chico Ca.

Phone: (530) 520-6460

A handwritten signature in cursive script, appearing to read "Robert L. Carper", is written over a horizontal line.

Oct. 25,2008

Pentachlorophenol

Pentachlorophenol has been detected in both regional aquifer monitoring wells located in the vicinity of the concrete impoundment. Concentrations as high as 28 $\mu\text{g/l}$ have been detected in Monitoring Well MW-25, which is located near the concrete impoundment, and 0.72 $\mu\text{g/l}$ in Monitoring Well MW-28, which is located approximately 200 feet downgradient from the concrete impoundment. These wells are screened from 150 to 160 feet in depth.

Trichloroethene

Trichloroethene has been detected in both regional aquifer monitoring wells located near the concrete impoundment at a maximum concentration of 50 $\mu\text{g/l}$ in Monitoring Well MW-25, and 48 $\mu\text{g/l}$ in Monitoring Well MW-28. Victor Industries is conducting a separate remedial investigation to address this contamination.

Other Organic Contaminants

Tetrachlorophenol has been detected along with pentachlorophenol in the regional aquifer monitoring wells. Remediation to address the pentachlorophenol contamination will also address the tetrachlorophenol contamination.

GROUNDWATER RISK SUMMARY

L-P performed a baseline human health evaluation for ingestion, inhalation, and dermal exposures to groundwater by nearby residents. Although the site is currently zoned for industrial use, the results of the human health evaluation presented below assume that the property will be developed for residential use, and that the residents will drink the underlying groundwater. In accordance with the Basin Plan, the beneficial uses of the groundwater beneath the site are domestic water supply, irrigation, and stock watering.

A summary of the pathway-specific and total risk estimates for each groundwater zone is provided in Table 3-2. In addition, the results are illustrated graphically in Figures 3-5a and 3-5b, and are described briefly in the following section.

Shallow Groundwater Zone

The noncancer HI for the shallow zone groundwater zone (0-50 feet bgs) ranges from 19 for the average case to 56 for RME, for the future residential scenario. The pathway-specific RME HI estimates for ingestion, inhalation and dermal exposures are 14, 0.01, and 42, respectively. Individual chemicals with HQs exceeding one include pentachlorophenol, dioxin, and manganese. The manganese, however, is likely the result of suspended particulates in the unfiltered samples. The dermal risk, comprising 75 percent of the total risk, is caused by dioxin and pentachlorophenol.

ENCLOSURE

Table 5-3
Watertable Aquifer
Summary Analytical Results
Through January 1993 ($\mu\text{g/l}$)

Parameter Name	Number of Detects	Number of Samples	Detection Frequency	Minimum Detect Value	Maximum Detect Value	Mean
Methylene Chloride	25	86	0.29	1.3	170	8.86
Pentachlorophenol	24	92	0.26	0.22	530000	10530.33
Xylenes, Total	21	85	0.25	1.5	900	48.74
Total Petroleum Hydrocarbons	18	25	0.72	0.07	2.58	0.60
Ethylbenzene	17	86	0.20	2.9	450	20.74
2,3,5,6-Tetrachlorophenol	14	84	0.17	0.47	4600	1179.74
Trichloroethene	13	85	0.15	1.1	4.6	1.70
Toluene	9	86	0.10	1.1	30	1.87
Methylene Blue Active Substances	4	26	0.15	0.03	0.04	0.01
Bis(2-Ethylhexyl)Phthalate	3	8	0.38	2	11	6.00
Acetone	3	3	1.00	9	120	72.67
2-Methylnaphthalene	2	8	0.25	29	30	11.13
Chloroform	2	86	0.02	15	31	1.89
Formaldehyde	2	84	0.02	22	28	10.35
* Heptachlorinated Dibenzo-p-Dioxins (Total) (ppt)	2	2	1.00	41.9	43.7	42.80
* Heptachlorinated Dibenzofurans (Total) (ppt)	2	2	1.00	36.9	37	36.95
* Hexachlorinated Dibenzofurans (Total) (ppt)	2	2	1.00	7.6	8.5	8.05
Napthalene	2	8	0.25	88	97	26.88
* Octachlorodibenzo-p-Dioxin (ppt)	2	2	1.00	122	127	124.50
* Octachlorodibenzofuran (ppt)	2	2	1.00	43.2	47.3	45.25
Benzene	1	86	0.01	1.4	1.4	1.36
Benzoic Acid	1	8	0.13	52	52	40.88
* Hexachlorinated Dibenzo-p-Dioxins (Total) (ppt)	1	2	0.50	2.8	2.8	2.15
* Pentachlorinated Dibenzo-p-Dioxins (Total) (ppt)	1	2	0.50	1.5	1.5	1.08
Tetrachloroethene	1	86	0.01	1.6	1.6	1.38

Confirmation Sample Results

The results from the confirmation sampling are included in Table 3-2. Laboratory analytical results are included in Appendix A. All constituents were below the approved cleanup levels with the exception of arsenic and beryllium. Individual sample results for arsenic and beryllium and the mean beryllium concentration exceeded the approved cleanup levels. The mean beryllium concentration is consistent with the beryllium concentrations observed in the areas of the detention pond and fuel oil bunker.

Waste Disposal

✓ Approximately 2,800 in-place cubic yards of material were excavated from the south orchard burn dump. The excavated material is in three piles onsite. The first pile (P-1) consists of ash mixed with soil, and the remaining two piles (P-2 and P-3) consist of soil and metal debris. The waste piles were sampled for disposal characterization on September 22, 1992, and the results are presented in Tables 3-3 and 3-4. The levels do not exceed RCRA regulatory levels for determination as a RCRA characteristic hazardous waste, and a single sample result exceeded the TTLC regulatory limit for lead. In response to this finding, the laboratory performed STLC analyses on selected samples, including the one with the highest TTLC lead concentration. The results are included in Table 3-5.

As with the TTLC waste results, an individual sample exceeded the STLC limit of 5.0 mg/l. However, the mean of the sample results at the 80 percent confidence limit did not exceed the regulatory limit. The sample with the highest STLC concentration did not correspond to the sample with the highest TTLC concentration.

✓ In order to better define the lead levels in the ash pile with the highest TTLC level, four additional samples were collected in and around the area where the highest concentration was observed. These samples were designated P1-1A through P1-4A on Table 3-4. Based on these results, L-P has concluded that the elevated lead level observed in sample P1-1 on Table 3-4 is not representative of the waste stream. For this reason, the P1-1 level has not been included in the calculations shown in Table 3-4.

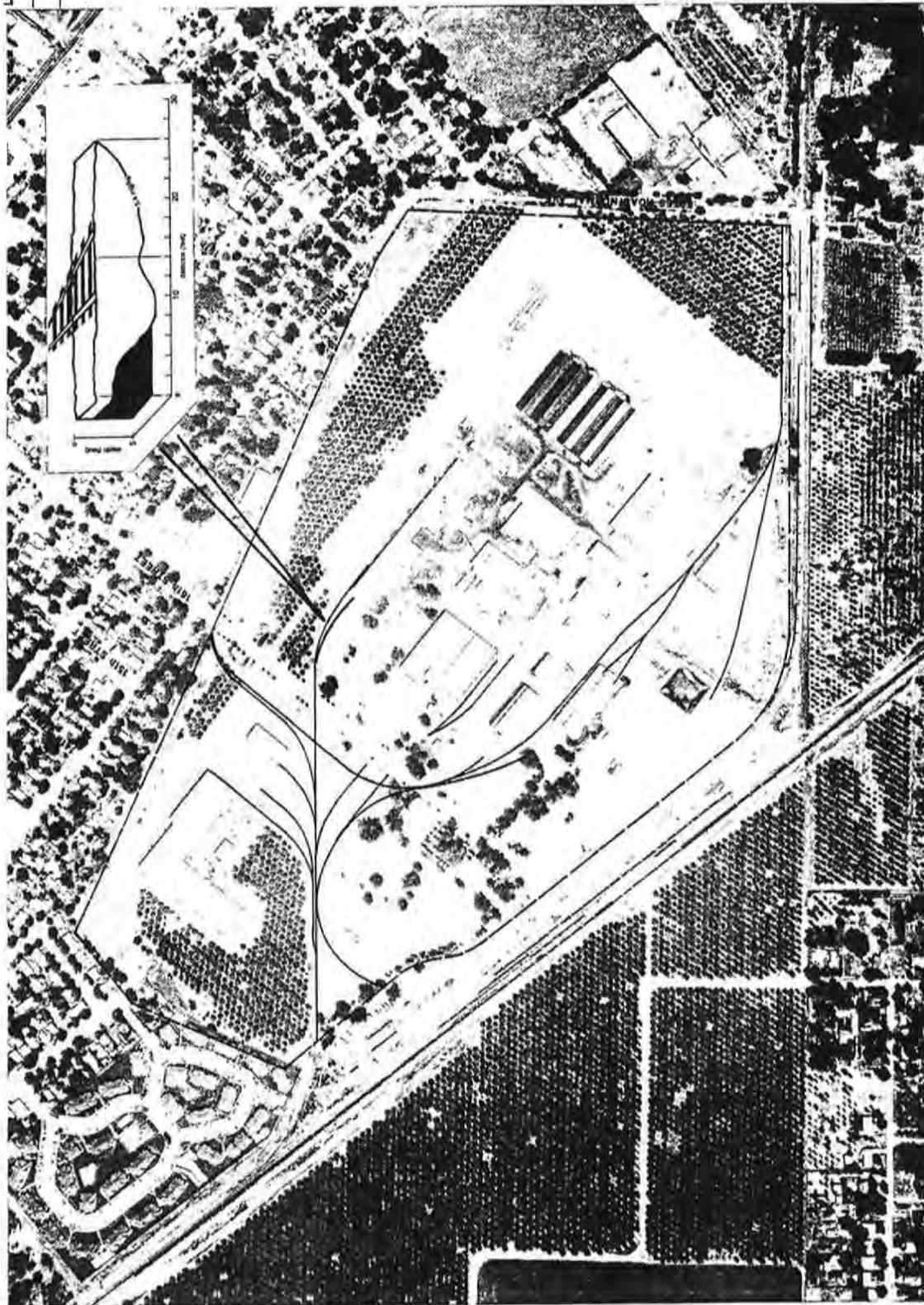
L-P has submitted these analyses to the Regional Water Quality Control Board along with a recommendation to dispose of the waste at the Anderson Solid Waste facility in Anderson, California.

Removal Costs

The estimated costs for interim removal at the south orchard burn dump are included in Table 3-6.

LEGEND

- TRACKS ON-SITE
- FACILITY BOUNDARY



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VERIFICATION SCALES
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1" = 100' VERTICAL
1" = 100' HORIZONTAL
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1" = 100' VERTICAL

DATE OF PHOTOGRAPHY: 1985

CONSULTING ENGINEERS
& GEOLOGISTS

480 Hemsted Drive
Redding, CA 96002
(916)221-5424
FAX (916)221-0135



NO.	DATE	REVISION	BY
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FIGURE 3-2
SUMMARY ARSENIC BALLAST CONTAMINATION
LOUISIANA-PACIFIC REMANUFACTURING FACILITY
CHICO, CALIFORNIA

The paint contractor was responsible for removing the empty paint barrels and cans, and it was common practice to leave unused paint in these barrels and cans. Hardened lacquer and sediment left over after cleaning the paint and inking machines were disposed in a pit outside the paint shed, and solvent is reported to have been discarded between the main building and the paint shed. Dumpsters were used at the site for waste disposal during the entire period of operation of the FWPD. When full, the dumpsters were transported to the Butte County landfill for disposal.

Railroad Ballast

✓ Rail spur lines were the primary means of moving raw and manufactured materials around the site beginning in 1906. Over 5 miles of track have been located onsite over the history of the site. The actual location of trackage has varied with site operations. When track was moved or demolished, tracks were removed, rock ballast was recycled onsite, and soil was graded. Currently, 1.7 miles of railroad ballast are identifiable onsite. Herbicides including Roundup®, Garlon®, and sodium arsenite have been used to control weeds along the tracks. Roundup® and Garlon® are newer, non-arsenical formulations, and have been used since the late 1970s. Prior to 1970, sodium arsenite is believed to have been the primary herbicide used to control weeds along the railroad ballast.

✓ Sodium arsenite is a weed killer that has been used commercially for many years. It has been used on railroad right-of-ways across the United States because of its effectiveness. Arsenic, being a metal, is indestructible, and hence any arsenical compound applied to the soil will become a soil residue upon decomposition of the original molecule in which it is applied. Arsenic is known to be bound tightly to soils and to resist leaching in moving water (Ashton & Craft 1981). For this reason, residues resulting from frequent repeated use of inorganic arsenicals are common.

PREVIOUS WORK

L-P began this site investigation at its Chico remanufacturing facility in Chico, California, in December 1989. The objectives of the original investigation were to identify possible source areas at the Diamond facility that may have contributed to the groundwater contamination, and to begin to characterize the sources and extent of groundwater contamination beneath the site.

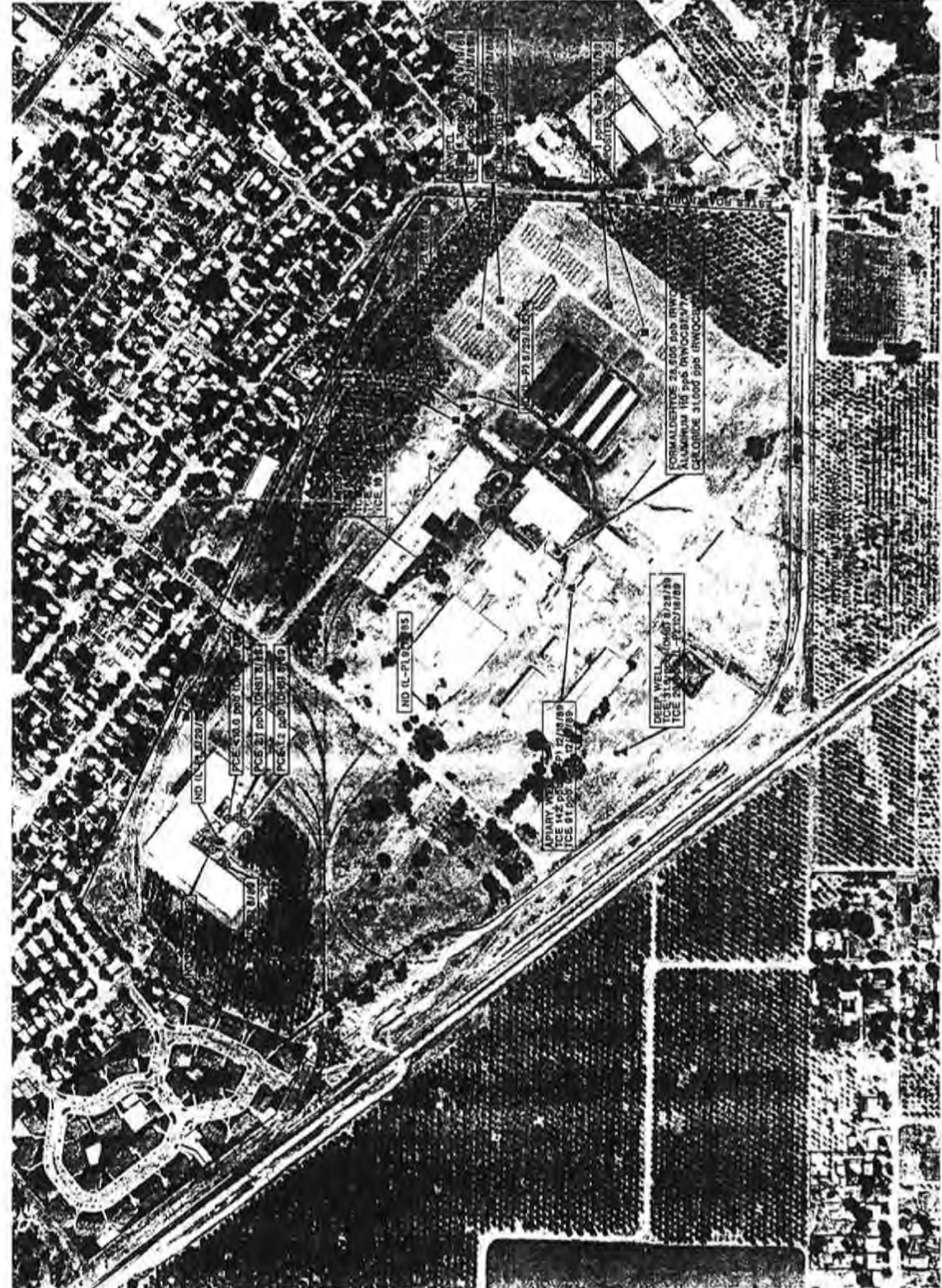
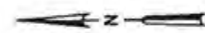
The initial investigation was conducted at the request and under the review of the Department. It was completed in three phases: Phase 1 - Source Evaluation, Phase 2 - Source Characterization, and Phase 3 - Well Installation. L-P completed this work and the Department issued an Imminent and Substantial Endangerment Determination and Order for the site in July 1991. In part, the Order required L-P to implement a Remedial Investigation/Feasibility Study to complete characterization of the site.

The overall objective of a Remedial Investigation/Feasibility Study is to implement remedies that eliminate, reduce, or control the risks to human health and the environment. The process to accomplish this objective generally involves completing the following steps:

LEGEND:
 ■ SOIL
 ■ BLUE WASTE
 ○ SOIL GAS
 ○ GROUNDWATER

NOTES:

1. AG WELL LOCATION IS APPROXIMATE
2. ALL SAMPLE LOCATIONS ARE APPROXIMATE
3. ONLY CONSTITUENTS SAMPLED FOR AND DETECTED ARE INCLUDED FOR OTHER CONSTITUENTS SAMPLED FOR, BUT WITH CONCENTRATIONS BELOW THE DETECTION LEVEL LIMITS ARE INCLUDED IN APPENDIX C.



DATE OF PHOTOGRAPH: 1988

FOR C. J. HORRALL
 BY C. J. HORRALL
 DATE 1/1/88

NO DATE REVISED BY

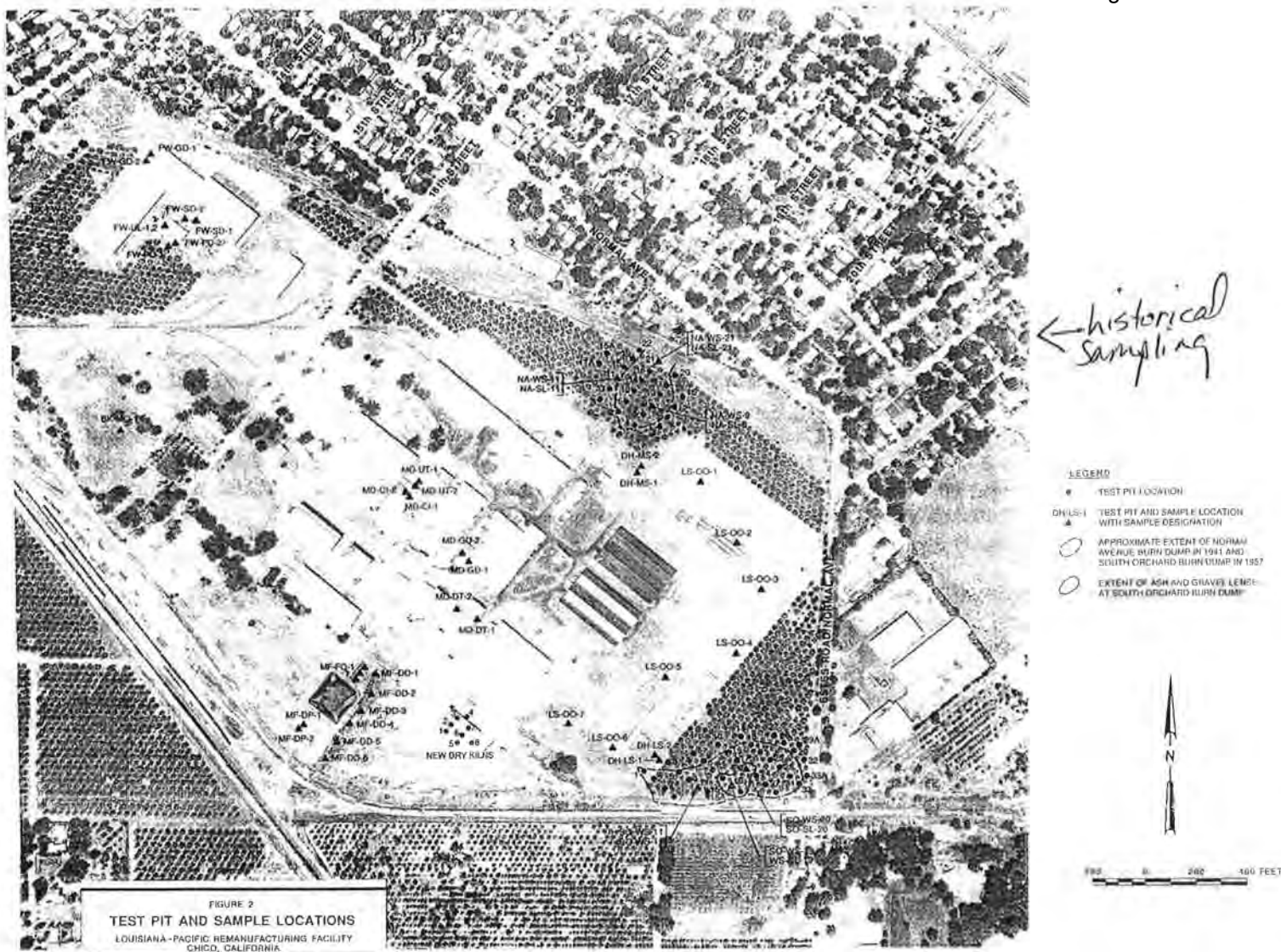
NO DATE BY

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SCALE: AS SHOWN
 ORIGINAL DRAWING
 THIS SHEET, ADJUSTED
 SCALES INDICATED

FIGURE 3-1
 HISTORIC SAMPLING RESULTS
 LOUISIANA-PACIFIC REMANUFACTURING FACILITY
 CHICO, CALIFORNIA

SHEET
 NO. 20
 DATE MAR 1988
 BY NELSON A.E.C.



Sample locations are shown in Figure 2. Details of the sampling techniques used are included in the Sampling and Analysis Plan (CH2M HILL, July 1990) and the Source Characterization Report (CH2M HILL, October 1990) located in the repositories listed at the end of this factsheet.

PHASE 2--SAMPLE ANALYSIS RESULTS

No sources of TCE or PCE were detected at the Diamond site. DHS has concluded that the site is not likely a contributor to volatile organics contamination in the south Chico plume.

Dried paint was found in isolated areas near the finished wood products division and old match factory.

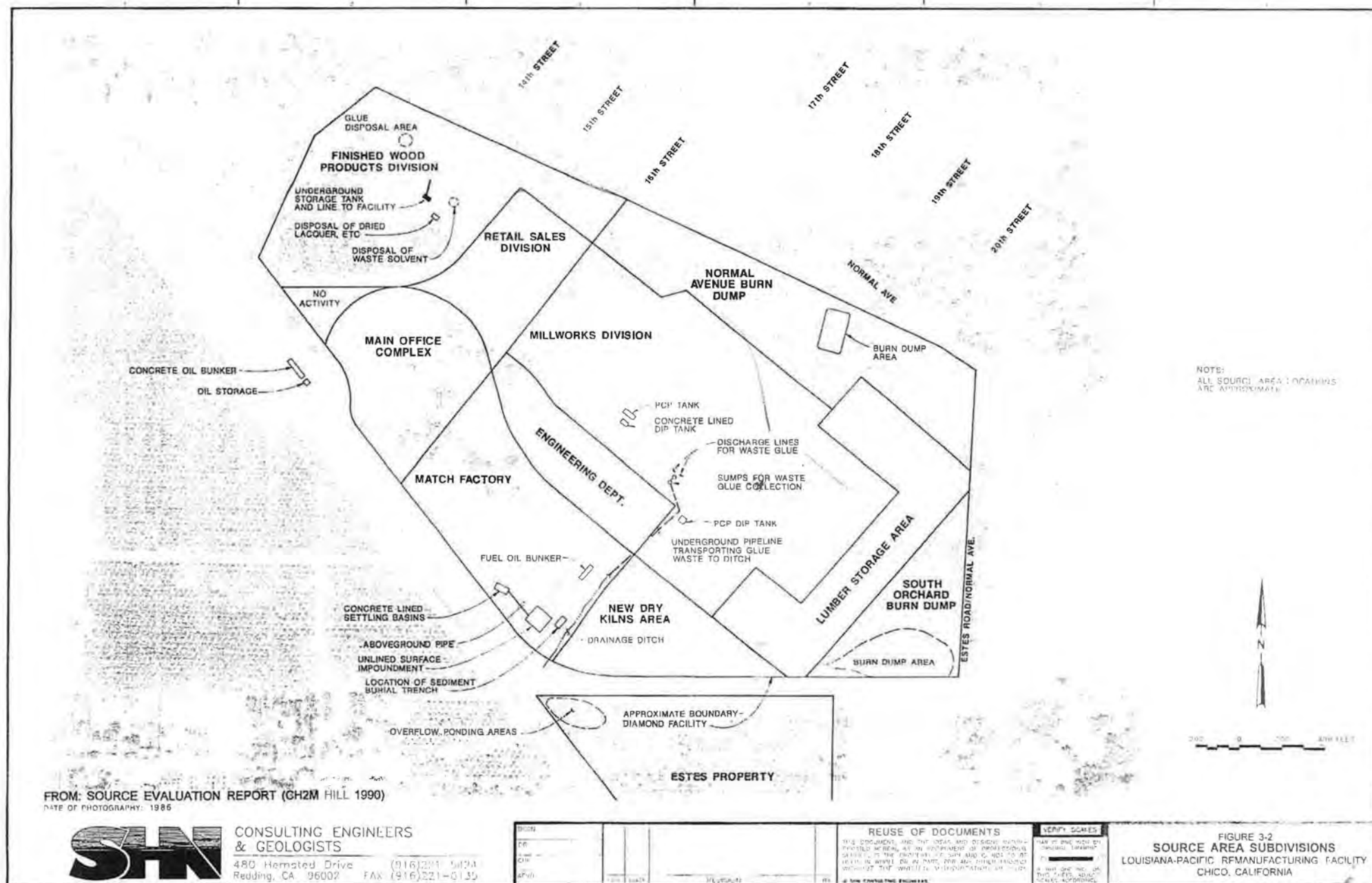
Levels of certain metals, specifically lead, were detected at or above tested background levels at the

Normal Avenue and South Orchard burn dumps and in other areas where dried paint was found. The lead levels appear to be associated with the use of lead-based paints onsite and the burning of painted wood.

Pentachlorophenol was detected in soils in the area of the millworks division concrete impoundment. Pentachlorophenol is a constituent of wood antistain fungicides used to prevent fungal growth on finished doors and windows.

Formaldehyde was detected at fairly consistent levels in nearly all samples collected at the site. Although formaldehyde is a minor constituent of the glues used for finger jointing in the millworks division, the levels in the vicinity of these buildings do not appear to be significantly different from the levels detected elsewhere on the site. Background formaldehyde samples will be collected in November 1990.

? Results



low doses (toxicity may not be linear with dose.)

- Critical toxicity values change as new evidence becomes available (eg. Lead safety.)
- Risks/doses may not be additive --consider synergistic effects.
- Absorption may vary across species and between adults and children.
- In the case of high baselines there may be increased cumulative risks.
- Oral and dermal exposures vary in absorption and thus, risk. Respiratory risk has also to be factored in, especially during building periods.

→ As a baseline, the report tells us that the excess lifetime cancer risk for background soil totals 3×10^{-5} , of which 70% is due to ingestion. Primary contributors include **arsenic, beryllium, formaldehyde and chromium**. In 1994 the risk level of 10^{-6} "is generally used as a point of departure for determining remediation goals." Background soil samples were collected from 2 onsite and 18 offsite locations. (High background samples taken in the neighborhoods around Diamond Match may reflect a higher than normal burden of toxics due to workers bringing home contaminated soil/dust on their clothing and shoes. It doesn't mean that high background levels indicate safe levels.)

Department of Health Services developed a branch called Department of Toxics and Substances Control (DTSC,) which became the lead agency in the toxics clean-up in 1986 and dictated the levels of clean-up, or clean-up levels were selected considering the Applicable Relevant and Appropriate Requirements (ARARs) analysis presented in the cleanup plans and the concentrations associated with the 10^{-6} cancer risk or hazard quotient of 1.0 for non-carcinogens. "Standard exposure assumptions were used to calculate the health based levels."

→ In 1986 the DTSC (formerly the DHS, using funds from a 1984 bond act,) prepared a Site Access, Endangerment Assessment and Community Relations Support Report per Metcalf and Eddy. (The contractor who did the clean-up was CH2MHill). Louisiana Pacific argued against public involvement and did the minimum required by the DTSC although the input of former employees after a public hearing 12/89 gave DHS historical dumping and past waste handling information that led to the identification of 10 potential source areas which DHS presented to LP 1/90 (and included in a required new work plan 2/90. There was correspondence between then and the final clean-up plan 9/91.) The plan after that was to notify the public 4/28/92 and complete the clean-up by 10/22/92. It was not always clear how well LP and the DHS worked together: "Although requests were made for information which would facilitate sample location placement, such as historical site maps and historical records of chemical usage, none were made available." (1/92 access authorization was obtained by DHS.)

Re:
DATA
GAPS.

Mr. Fernando Amador
Page 2
June 1, 1994
SWE35461.B0.RA

analyses, or risk management decision will be significantly impacted by the use of the 90% UCL in the HHE. As a result, the draft HHE has not been revised to include the 95% UCL concentrations.

Soils

2
The major risk-contributing chemical in all soil groups at L-P Chico was arsenic. Since arsenic was sampled and analyzed extensively during the RI, and since the variation in concentrations is relatively small, the differences between the 90% and 95% UCLs is minimal. The relative increases in soil arsenic following conversion from the 90% UCL to the 95% UCL are as follows: Railroad Ballast: 4.3%, Normal Avenue Burn Dump: 10.5%, South Orchard Burn Dump: 2.5%, Finished Wood Products Division: no change, Millworks Division: 5.0%, Match Factory: 4.3%, Background: 4.3%. No additional chemicals would have a noncancer hazard quotient in excess of one as a result of use of the 95% UCL. The impact of these changes on the risk estimates is expected to be minimal.

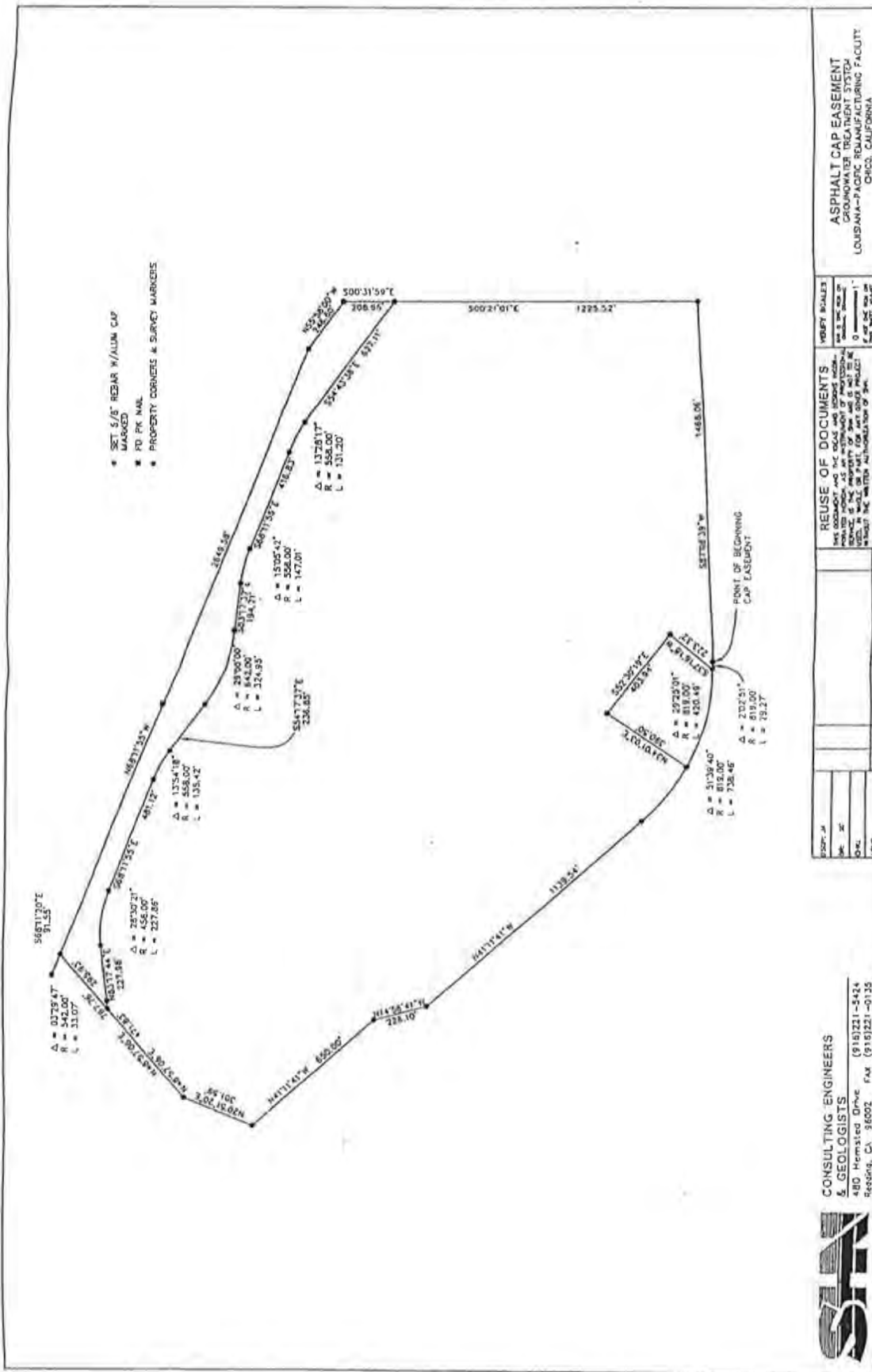
Groundwater

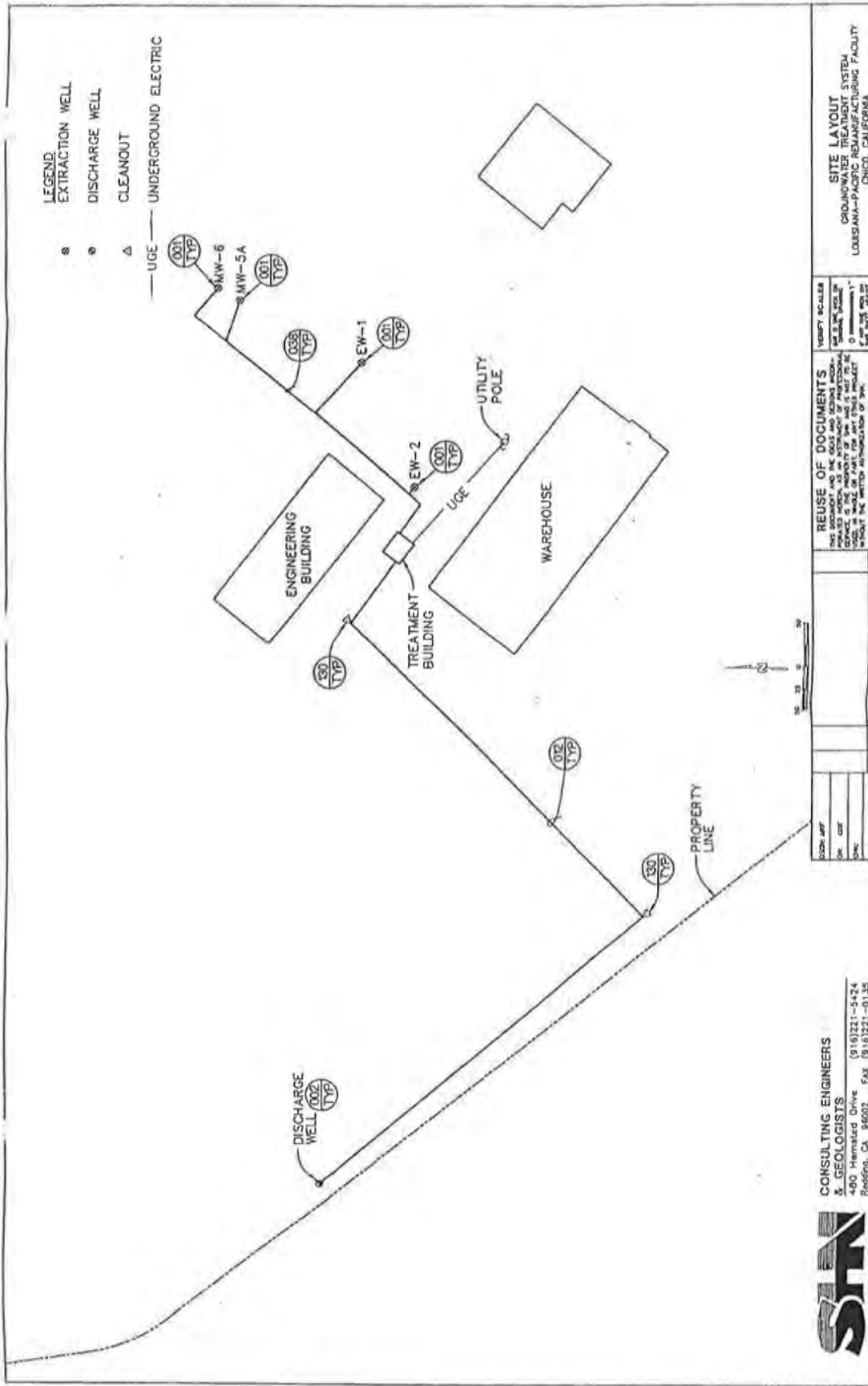
1
The major risk-contributing chemical in the shallow groundwater risk scenario, pentachlorophenol (PCP), does not change its relative contribution to total risk significantly as a result of conversion from the 90% UCL to the 95% UCL. The 95% UCL is 1.18 fold greater than the 90% UCL, resulting in the cancer risks for ingestion, inhalation, and dermal of 4×10^{-3} , 6×10^{-6} , and 7×10^{-3} , respectively. The slight increase seen is not enough to change the total multipathway cancer risk of 1×10^{-2} . Dioxin EPCs did not change in the shallow groundwater group since the data were based on a single sample (see response below).

PCP in the intermediate groundwater was not affected since the maximum detect was originally used as the EPC, due to a small sample size that resulted in UCLs greater than the maximum detect. Deep groundwater EPCs were increased by an average of 1.16 fold, which only slightly increased the individual pathway cancer risks but not the total multipathway risk. For the groundwater pathway, no additional chemicals would result in a noncancer hazard quotient in excess of one, and no additional hazard index values would exceed one as a result of use of the 95% UCL.

Calculation of TCDD Equivalents for Groundwater

DTSC expressed concerns that the TCDD toxicity equivalents used to estimate risk for shallow groundwater in the draft HHE was inconsistent with the concentrations reported in Table 5-3 of the RI Report. Dioxins were only detected in a single well sample (analyzed in duplicate) from well MW-5 in April, 1991. A review of the raw laboratory data sheet





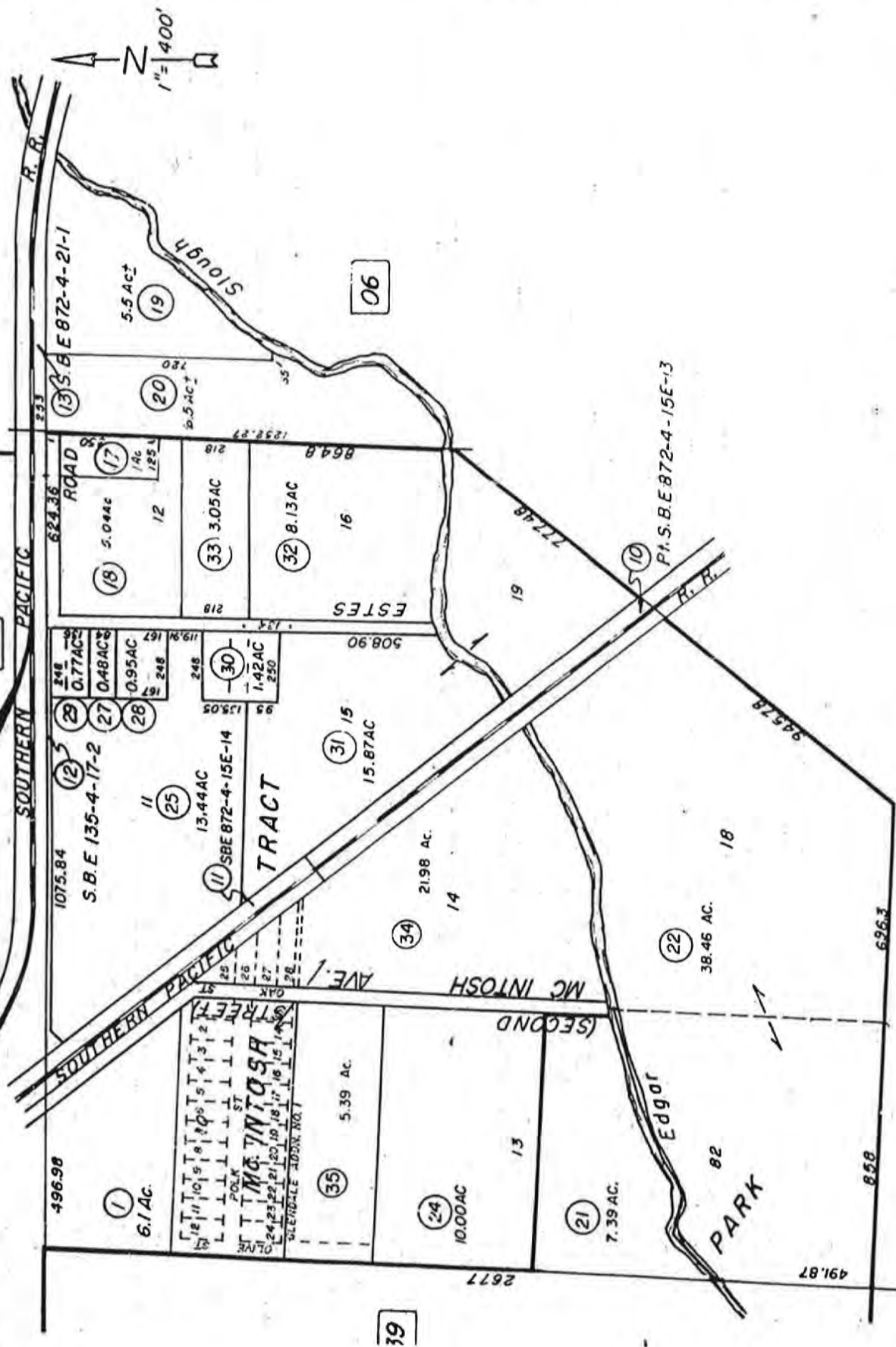


21N. R.1E.

M. D. B. & M.

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39-41



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08

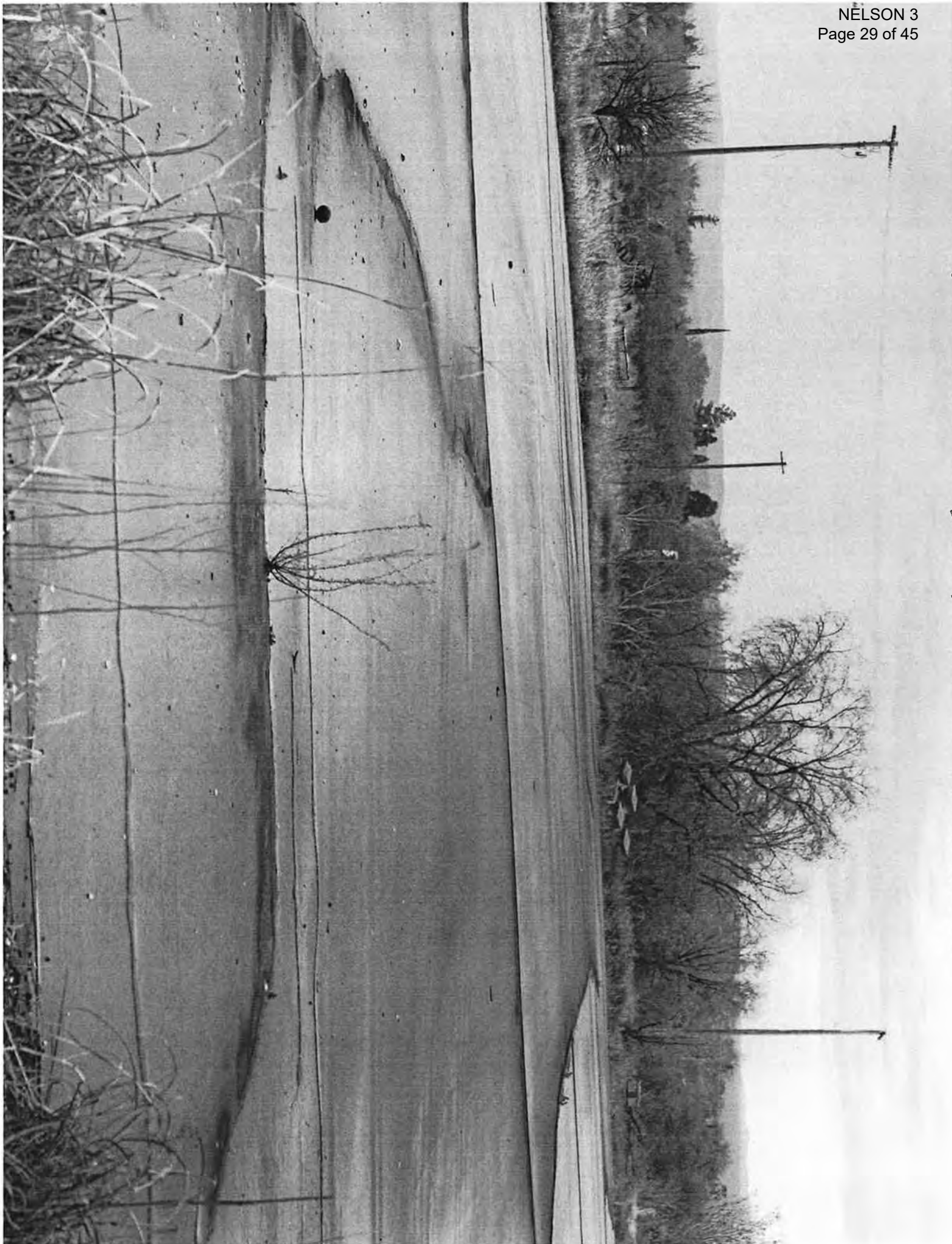
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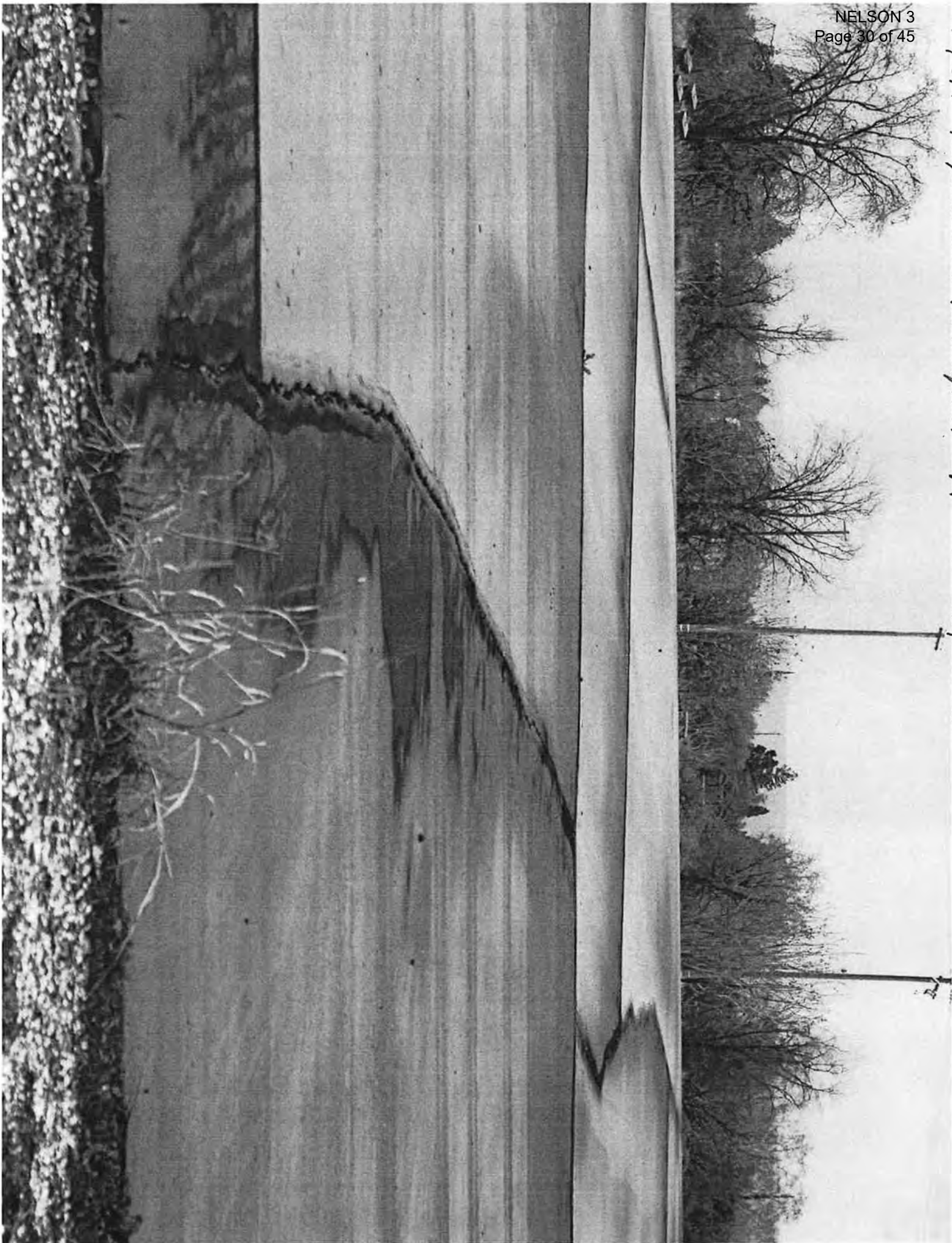
Normal between
22ND + Estes
2/05/25



3/9/2014 Photo growing up through cracks in asphalt exp. - DTSC received these images. CN



3/9/2014 Deep cracks into D.M. Asphalt Cap. DTSC notified. CR



≡ Gmail



Diamond Match

Inbox x



Chris Nelson <chris4pax@gmail.com>

to renee.schreindl@chicoca.gov, FAmador

The 5 acre asphalt cap (over on-site arsenic laden soils) at the former Diamond Match property in South-west Chico was to be kept intact by the terms of the DTSC agree today that large cracks have developed in the cap in the areas that cracked open a few years ago. Something like tar was used to fill the cracks but now they are wider th Please follow up on this.

Thank you, Chris Nelson, R.N.
2300 B Estes Rd. Chico, Ca.

3 Attachments • Scanned by Gmail



Renee Schreindl <renee.schreindl@chicoca.gov>

to me:

Hi Chris,

The current owner is:

Barber Land LLC

P. O. Box 6040

Chico, CA 95927

Since there is an agreement between the owner and the DTSC and you have notified the DTSC, would you let the City know what you hear from them?

Thank you.



☰ Gmail



Chris Nelson <chris4pax@gmail.com>
to Renee

I can drop them a line but it's too bad that the city doesn't routinely check for compliance. In the long run it would be better to have this stuff stored at a hazardous waste site. It will only get worse with time. Please relay my concern to whoever is the head of your department. But, Thank you for your quick reply. I know you are short-staffed. Sincerely,

[Message clipped] [View entire message](#)



Chris Nelson <chris4pax@gmail.com>
to Renee



On second thought, here is the info the City of Chico needs: "I contacted tami trearse at dtsc the new project manager for the diamond match site. Her email is tami.trears@dtsc.ca.gov who used to help with the Southwest Chico Toxics Task Force.)
Thanks for following up with Tami at the DTSC Renee. Sincerely, Chris Nelson

On Mon, Mar 10, 2014 at 8:59 AM, Renee Schreindl <renee.schreindl@chicoca.gov> wrote:

[Message clipped] [View entire message](#)

Reply

Forward





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to educate and advocate for the land, air and water



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Home : Issues : Hazardous to Safe: A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility

Hazardous to Safe: A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility

by *Katherin Polan*

The purpose of the Diamond case study is to~

- Outline social processes, which determine the Diamond site hazardous in 1991 and safe in 2000, and provide a critique of this process;
- Address risk assessment and examine the role of risk when assessing hazardous and safe levels to chemical exposure;
- Provide an update on the status of the Diamond site in order to encourage discussion among Chico community members regarding the future use of the Diamond site.

Thesis Defense

Why Diamond Match? I could have chosen any number of contaminated sites across the country. But why go far? This is my back yard and the [California Department of Toxic Substances Control](#) declared this site hazardous in 1991 and safe in 2000.

What does this mean when I am gardening in a community garden located on 16th and Normal?

Hazardous to Safe

After learning of possible environmental health effects caused by toxins within the environment I wanted to know why we still allow them to contaminate our environments

Approximately, 75,000 different synthetic chemicals are out in the global market, and many others are emitted as by-products of their production or incineration. Roughly 1/3 of these chemicals have been tested for acute toxicity, and fewer than that have been tested for their chronic, mutagenetic, teratogenic, carcinogenic or synergistic toxic effects (Luoma 1999, 62; Mitchell 1997, 28; Steingraber 1997, 99).

Regulations such as the Federal Emergency Planning and Community Right-to Know Act of 1986, track the release of only 650 toxic chemicals and chemical compounds. Of these 650 substances, 7.3 billion pounds of chemicals were released by industrial sources into our air, land, and water in 1998 (EPA 1998, 1). This acceptance exists regardless of the added health costs such as increased cancer rates. Steingraber (2000, 40) notes that, "all types combined, the incidence of cancer in the United States rose 49.3 percent between 1950 and 1991."

Cancer rates are also increasing among the most vulnerable population, children "At present, eight thousand children are diagnosed with cancer each year; one in every four hundred Americans can expect to develop cancer before age fifteen" (Steingraber 2000, 38). Increasing incidences to chemically induced health hazards such as cancer reflects a general social tolerance to this type of pollution. Uncertainties still exist surrounding the human health effects posed by particular chemical exposure level.

New technologies and ongoing scientific studies continue to advance our knowledge of hazardous and safe chemical exposure levels, and this in turn changes bureaucratic regulations for a hazardous and safe substance. Human exposure to a combination of chemical substances not tested for synergistic, additive, potentiation or promotion toxicity effects, leaves a gap in the vital information needed to determine what levels of chemical contamination in the environment constitute a hazard.

Why do we allow this to continue?

Because there are social forces that impact scientific determination of hazardous and safe. We are

all affected by these decisions for hazardous and safe, even here in Chico.

Why Diamond Match? Or, Why go far?

I could have chosen any number of contaminated sites across the country. Because this is my back yard and DTSC declared this site hazardous in 1991 and safe in 2000. What does this mean when I am gardening in a community garden located on 16th and Normal?

I found the site by researching for Lois Gibbs's Earth Day 1999 visit to CSUC. She requested information on local hazardous waste sites, found DM, one of 64 sites in Chico.

How did this site get on a hazardous site list?

ToxRAP MAP: Toxicology, Risk Assessment and Pollution Map



Source: Environmental and Occupational Health Sciences Institute, University of Medicine and Dentistry of New Jersey-Robert Wood Johnson Medical School and Rutgers, the State University of New Jersey.

The recognition of hazardous chemical contamination comes only after pathways between the hazards and health concerns become scientifically identified. A pathway, or exposure route, determines how a chemical is affecting human health. Pathways are described as inhalation, ingestion, or dermal contact to a suspected hazard. Social movements against the health hazards to chemical exposure push the scientific, medical, and bureaucratic communities to recognize pathways. With the pathways recognized, a direct link between the hazard and health effect forms, and the suspected hazard becomes a socially recognized hazard.

Exposure to the hazard plays a key role in determining a safe level for chemical contamination of the environment. When the pathway is eliminated then the hazard has been disconnected from the human health concerns. A role of a risk assessment is to point out the pathways in order to determine effective remediation for the chemical hazard. Pathways are eliminated by various means of remediation.

For instance this is a diagram showing the Diamond site as hazardous: COMPLETE TRIANGLE

And this is a "safe" Diamond site: NOT COMPLETE TRIANGLE

How do they complete the map?

Through a process of human health risk assessment:

1. Data collection and evaluation to identify the hazard.
2. Exposure assessment to identify pathways and people.
3. Toxicity assessment to identify a safe dose level.
4. Risk characterization to determine an acceptable level of risk.

I am going to go through the risk assessment of the diamond site to explain how the site was determined hazardous in 1991 and safe in 2000.

1. Data collection and evaluation to identify the hazard.

Data collection started in 1894. The results from a 1984 statewide groundwater-monitoring program revealed 3,000 public wells to be contaminated with VOC's. 18 of Chico's 59 wells were contaminated with Perchloroethylene, tetrachloroethylene common dry-cleaning solvents. By 1986, four plumes were identified (One of those areas was under L-P site) and then Soil-gas samplings revealed source areas for the PCE, TCE groundwater contamination.

August 1989, 45 private wells were tested which feed off the plume under L-P site. Three wells on L-P site and two down gradient of site revealed low levels of PCP. This prompted public awareness, newspaper articles, and eventually ex-employees coming forward with information relating to site operations, "For two years I watched glue residue pour into the ground from one of the buildings."

Public pressure prompted L-P to voluntarily sample four onsite wells in December of 1989. Trichloroethene was detected in all of the wells with a maximum concentration of 140 ppb and PCP was not detected in any of the water samples, contrary to what DHS found in their August 1989 well sampling.

The site evaluation performed by L-P consisted of three phases. Phase 1, Phase 2, and Phase 3

The source evaluation phase looked at the historical chemical use, handling, and disposal practices at the site. This information was provided by DHS, Metcalf and Eddy, L-P site records, employee interviews, aerial photographs, site maps and historic files maintained by the Regional Board, Special Collections at CSU Chico Meriam library and the Butte County Assessor's office.

DIAMOND LANDS PHOTO: As part of a larger investment, which included the acquisition of timberland and other milling operations throughout Northern California, Diamond purchased approximately 242 acres of land from the City of Chico in January of 1903.

The planned facility named "Barber" in honor of O.C. Barber, then President of the Diamond Match Company, had a company town, a railroad, engineering department, remanufacturing and millworks division, match factory and retail yard. **STIRLING MILL (STIRLING MILL photo)** The Barber facility, supported by Diamond Lands logging operations in the forests to the east was the largest Diamond facility in California. Logs were transported from the Stirling City mill to the Barber facility via the Butte County Railroad and sold throughout the facility.

By 1906, four separate divisions operated at the site:

- the engineering department,
- the remanufacturing or millworks division,
- the retail yard,
- and the match factory.

By 1910, these divisions were staffed and operated separately and "in general, raw materials and waste products were not moved between divisions following that year" (SHN March 1995, 2-1).

Engineering Department



The engineering department established to service the Butte County Railroad and logging operations, provided a foundry for the construction of needed equipment. Between 1904 and 1916, solvents, cutting oils, mineral oils, acids, and other petroleum distillates were used during the operations of the engineering department. All records pertaining to this department, after 1916, were destroyed when the millwork's office building transferred to the match factory (SHN March 1995, 1-4).

The engineering department is best known for the design and construction of the popular double-drum "Whistling Barber" steam donkeys used in logging operations.

Remanufacturing or Millworks Division



The largest division on the Diamond site, the remanufacturing or millworks division included the "main Barber powerhouse," box factory, planning mill, two warehouses, dry kilns, dry lumber sheds, sash and door factory (shown here), sorting shed, and an office building. Before 1915, the mill remanufactured an average of fifteen railcars a day of rough-cut green lumber from the Stirling City mill. Operations at the mill remained relatively unchanged during the years of operation.

Major compounds used by Diamond, at the remanufacturing division included mercury-based adhesives and pentachlorophenol (PCP)- based fungicides. PCP, used to treat wood, protects the wood from mechanical, physical, and chemical influences.

Wood at the Diamond facility was preserved by non-pressure measures, specifically dipping. This process involves the repeated use of the PCP preservative in a treatment tank. Fresh preservative solution was added to replace the solution, which had soaked into the wood products. This process often times results in the accumulation of wood chips, sand, stones, and other debris in the bottom of the treating tanks (EPA September 1995, 28). Treated wood was then placed on the concrete impoundment area where it remained until dripping ceased.

Just after purchasing the site, L-P dismantled and removed a PCP dip system, the concrete impoundment, and an underground tank Diamond used for storing PCP. Up to twenty 55-gallon drums of fungicide, waste was removed by L-P at this time.

Both Diamond and L-P used a polyvinyl acetate adhesive to finger joint and glue finished edges. Finger jointing and gluing wastewater discharged into two depressions located between the box factory and millworks. From here, the wastewater was routed via an underground drain to a ditch located near the large-surface reservoir.

Before 1970, scrap wood from the remanufacturing process was chipped and burned in the match factory boilers or in the on site teepee burners. Scrap lumber not chipped and other industrial debris was disposed of at one of two burn dumps.

Ash Sample Results

Wet Sample Results
(those detected from one sample)

Inorganic Chemical	media (ppm)
Antimony	2
Arsenic	9.5
Barium	169.1
Beryllium	0.4
Cadmium	1.4
Cobalt	21
Chromium	69.8
Copper	560.3
Mercury	5.1
Molybdenum	0.4
Nickel	36.2
Lead	120.1
Selenium	7.6
Silver	0.6
Thallium	0.2
Vanadium	106.5
Zinc	492.6

Source: SRA, March 1995, Final Remedial Action Plan, University of Pacific Corporation Pulp Remanufacturing Facility, Portland, OR. Prepared by LVI.

The Normal Avenue burn dump was located north of the mill site between 18th and 19th Avenues and the South Orchard burn dump was located in the southeast corner of the facility.

In 1971, the teepee burners were removed and open pit burning on the site ceased due to requirements under the Clean Air Act. Most excess sawdust and chips were then sold as fuel. Remaining wood waste and other mill debris was placed in dumpsters and then eventually taken to the county landfill.

Match Factory



The match factory began production in the fall of 1906 and by 1916, the capacity of the match factory more than doubled. A broiler house, shipping shed, composition building, two material storage buildings, fuel storage building, machine shop, an office building, the broiler house, and the block and veneer building composed the Match Factory. A deep well and a concrete reservoir were added to the factory in 1916. This reservoir, served as a swimming pool for employees of the match plant. Men from the mixing room, following their shift, often used a shower room on the side of the reservoir.

A large concrete fuel oil bunker located just north of the reservoir provided fuel for the match factory broilers in case the wood supply ran out. After this bunker was partially demolished in 1977, the L-P millworks division used it for occasional waste disposal.

The main match factory was a two-story brick building with a basement. The basement was primarily used for storage. The first floor also served as a storage area and was where the matchboxes and books were printed. The processing of matches occurred on the second floor.



Match machine

The chemicals used to produce the matches; phosphorus, sulfur, formaldehyde, chlorate of potash, were stored in the "Sesqui Building," the "Chlorate House," and the "Paraffin Building." The chemical mixture for the match heads, produced on the first and second floors of the composition building, was then transported to the match factory for use.



Match processing

Chemical compounds used in the production of the match heads changed over the life of the plant. Prior to 1911, white phosphorus was used until Diamond's general manager, W. A. Fairborn, discovered a formula for the "strike anywhere match" that used potassium chlorate. Both "red wax" and paraffin were used in the production of the Chico matches. According to historical records, a formula using sesquisulphide of phosphorus was never used at the Chico plant. "However, the naming of the match factory building as the "Sesqui Building" on the 1921 Sandborn maps would lead to the opposite conclusion" (SHN March 1995, 1-7).

Solid waste from the match factory was either recycled or sent to the county landfill. As early as the mid-1930's, empty cans and barrels containing the match chemicals were stored outside of the composition building and often times recycled by the company that delivered the chemicals. The remaining cans were either crushed or filled with defective matches and broiler ash before being sent to the landfill.

Wastewater from the match plant went into the ground. At first, the wastewater was routed to several concrete-lined settling basins. Overflow and sediment from these basins went into an unlined pond that was east of the match plant and south of the existing above ground fire reservoir.

Sediment from the unlined pond was buried in a trench located between the pond and a drainage ditch. The drainage ditch was used to transport overflow material from the pond off site.

Farming Operations

Farmed portions of the Barber site were cultivated as early as 1905 and became the responsibility of the match factory. Hay, grain, alfalfa, and prunes were farmed in 90 acres just west of the Southern Pacific railroad tracks.

Three deep wells were drilled in April of 1916 to water the prune orchard and provide water for the enlarged match factory. The 90-acre prune orchard, removed by 1942, was eventually parceled and sold. The land is now used for various agricultural productions and low density residential.



The almond orchards currently on site were planted in 1974 as a mitigation measure for building the Finished Wood Products building. Chemicals necessary for farming, including lime and sprays, were stored at the match factory. According to historical expense sheets, nitrogen and lime compounds were used on the orchard and row crops, but no history of pesticide use is available (SHN 1995, 1-8). (Chemicals Detected in Almonds)

Chemicals Detected in Almonds

Inorganics
Barium
Chromium (total)
Copper
Lead
Nickel
Vanadium
Zinc

A prune-dipping plant, erected in 1921, most likely used lime to loosen the prune skins. "No information is available regarding the location of the prune dipping facility, historic storage locations, waste disposal or additional chemical use" (SHN March 1995, 1-8).

Railroad Ballast

Beginning in 1906, the primary means of transporting items around the site was by rail spur lines. Actual track location has varied, but approximately 5 miles of track have been located onsite throughout its history. When track was removed, the rock ballast was recycled on site and the soil was graded.

Herbicides were used along the tracks and railroad ballast to control weeds. Sodium arsenic was the primary herbicide used to control weeds along the tracks. In the 1970_s when arsenic became socially recognized as hazardous and a threat to human health, non-arsenical formulations like Roundup and Garlon were used to control weeds along the tracks (SHN March 1995, 1-9).

Finished Wood Products Division

The finished wood products division (FWPD) building, constructed between 1969 and 1970, remains on site. This division processed molding purchased from the Diamond molding plant located in Red Bluff. "Processing consisted of applying one or two base coats of paint to the molding along the paint line, drying the paint in an oven, applying simulated grain at an inking station, and applying a protective coat of lacquer along the paint line" (SHN March 1995, 1-8).

After L-P's purchase of the site, the FWPD building processed hardboard from the L-P Oroville mill by applying a paper veneer, paint and then ink to the hardboard. Major compounds used in the processing operation were paint, lacquer, ink, and lacquer thinner. These compounds are reported

to be solvent-based but information on their composition before 1984 is not available.

Between 1987 and 1989, L-P used polyvinyl acetate adhesives and latex ink in its FWPD operations. From 1970 to 1984, an outside contractor delivered paint and ink used at the FWPD. The paint came in 55-gallon drums and was stored in a paint shed near the main building. It was then transferred by hand into smaller 5-gallon cans and hand carried over to the main building.

The ink was also delivered to the site in 1- and 5-gallon cans, stored in the paint shed and then hand carried over to the main building.

The primary solvent used by Diamond, probably acetone, was stored in a 10,000-gallon underground tank, delivered to a spigot inside the building near the paint line and was used to thin the paint and ink (SFIN 1995, 1-8).

Solvent used to clean the machinery along the paint and ink stations, was transported via a cutoff 55-gallon drum, and then was reused after the sediment settled out. Other chemicals thought to be used at the FWPD include methyl ethyl ketone (MEK) and trichloroethylene (TCE) (DHS 1991, 4).

Solid and hazardous wastes from the FWPD either went into the ground on site or were disposed of at the county landfill.

The paint contractor was responsible for removing the empty paint barrels and cans and often times unused paint was left in these barrels and cans. Hardened lacquer and sediments left over from cleaning the machines were disposed of in a pit outside the paint shed, and solvent was discarded between the main building and the paint shed.

During the entire operation of the FWPD, dumpsters were also used for waste disposal. When full, these dumpsters were transported to the county landfill.

This historical research led to 15 areas of potential concern on the site. Further investigation into these 15 sites revealed 7 areas where, again, further testing occurred. These 7 areas are considered to be where most of the chemical contamination occurred and became the areas where, if cleaned-up, the entire Diamond site would then be clean.

In the area of the

- Normal Avenue Burn Dump, elevated levels of barium, chromium (VI), copper, lead, silver, and zinc were found along with one sample indicating 2,3,7,8-tetrachlorodibenzodioxin (TCDD).
- The South Orchard Burn Dump area showed levels of arsenic, barium, cadmium, copper, lead, nickel, silver and zinc.
- The Match Factory Detention Pond and Fuel Oil Bunker contained elevated levels of arsenic, barium, cadmium, chromium (III), chromium (VI), copper, lead, mercury, thallium, zinc, and TPH.
- The Drainage Ditch area of the Match Factory contained an elevated level of TPH at 315 mg/kg. In the
- Millworks Division, the New Dry Kilns and the Concrete Impoundment areas contained elevated levels of antimony, arsenic, barium, cadmium, copper, lead, silver, zinc, and PCP.
- The Glue Discharge Area contained elevated levels of formaldehyde (37 mg/kg). At the
- FWPD Paint Disposal Pit, an estimated 50 cubic yards of soil contained paint lenses and layers. Formaldehyde, at the elevated levels of 39 mg/kg was found at the FWPD Glue Discharge Area.

In response to the additional testing, on June 28, 1991 John J. Kearns, Deputy Director to the Toxic Substances Control Program issued an Imminent and Substantial Endangerment Determination and Order to L-P. This Order is issued when DHS "determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment, because of a release or a threatened release of a hazardous substance" (DHS 1991, 1).

Human Health Risk Assessment

This order prompted further investigation into the site and required cleanup actions to occur. However, before remedial action could begin, a human health risk assessment had to be completed.

Table 1. Sampling Summary

Sample	Sample Name	Sampling Date	Sampling Location	Sample Quantity	Analytical Method
1	Groundwater	1/21/04	Groundwater	1	GC/MS
2	Groundwater	1/21/04	Groundwater	1	GC/MS
3	Groundwater	1/21/04	Groundwater	1	GC/MS
4	Groundwater	1/21/04	Groundwater	1	GC/MS
5	Groundwater	1/21/04	Groundwater	1	GC/MS
6	Groundwater	1/21/04	Groundwater	1	GC/MS
7	Groundwater	1/21/04	Groundwater	1	GC/MS
8	Groundwater	1/21/04	Groundwater	1	GC/MS
9	Groundwater	1/21/04	Groundwater	1	GC/MS
10	Groundwater	1/21/04	Groundwater	1	GC/MS
11	Groundwater	1/21/04	Groundwater	1	GC/MS
12	Groundwater	1/21/04	Groundwater	1	GC/MS
13	Groundwater	1/21/04	Groundwater	1	GC/MS
14	Groundwater	1/21/04	Groundwater	1	GC/MS
15	Groundwater	1/21/04	Groundwater	1	GC/MS
16	Groundwater	1/21/04	Groundwater	1	GC/MS
17	Groundwater	1/21/04	Groundwater	1	GC/MS
18	Groundwater	1/21/04	Groundwater	1	GC/MS
19	Groundwater	1/21/04	Groundwater	1	GC/MS
20	Groundwater	1/21/04	Groundwater	1	GC/MS

GC/MS = Gas Chromatography/Mass Spectrometry
 MCL = Maximum Contaminant Level
 OSHA = Occupational Safety and Health Administration
 EPA = United States Environmental Protection Agency
 CH2M Hill = CH2M Hill Company
 L-P = Lead-Plumb
 SOILS = Soil Sampling and Analysis Laboratory
 TSCA = Toxic Substances Control Act
 TSCA 66 = Toxic Substances Control Act, 1974
 TSCA 66 (a) = Toxic Substances Control Act, 1974 (a)
 TSCA 66 (b) = Toxic Substances Control Act, 1974 (b)
 TSCA 66 (c) = Toxic Substances Control Act, 1974 (c)
 TSCA 66 (d) = Toxic Substances Control Act, 1974 (d)
 TSCA 66 (e) = Toxic Substances Control Act, 1974 (e)
 TSCA 66 (f) = Toxic Substances Control Act, 1974 (f)
 TSCA 66 (g) = Toxic Substances Control Act, 1974 (g)
 TSCA 66 (h) = Toxic Substances Control Act, 1974 (h)
 TSCA 66 (i) = Toxic Substances Control Act, 1974 (i)
 TSCA 66 (j) = Toxic Substances Control Act, 1974 (j)
 TSCA 66 (k) = Toxic Substances Control Act, 1974 (k)
 TSCA 66 (l) = Toxic Substances Control Act, 1974 (l)
 TSCA 66 (m) = Toxic Substances Control Act, 1974 (m)
 TSCA 66 (n) = Toxic Substances Control Act, 1974 (n)
 TSCA 66 (o) = Toxic Substances Control Act, 1974 (o)
 TSCA 66 (p) = Toxic Substances Control Act, 1974 (p)
 TSCA 66 (q) = Toxic Substances Control Act, 1974 (q)
 TSCA 66 (r) = Toxic Substances Control Act, 1974 (r)
 TSCA 66 (s) = Toxic Substances Control Act, 1974 (s)
 TSCA 66 (t) = Toxic Substances Control Act, 1974 (t)
 TSCA 66 (u) = Toxic Substances Control Act, 1974 (u)
 TSCA 66 (v) = Toxic Substances Control Act, 1974 (v)
 TSCA 66 (w) = Toxic Substances Control Act, 1974 (w)
 TSCA 66 (x) = Toxic Substances Control Act, 1974 (x)
 TSCA 66 (y) = Toxic Substances Control Act, 1974 (y)
 TSCA 66 (z) = Toxic Substances Control Act, 1974 (z)

Historic sampling summary

2. Toxicity assessment to identify a safe dose level.

Toxicity Assessment Inorganic Arsenic

Known to cause Lung cancer, OSHA limit in workplace for air: 0.5 m

Known to cause Skin cancer: (Maximum contaminate level) MCL in drinking water: 50 ppb

Toxicity Assessment Pentachlorophenol

PCP is not a carcinogen but does effect liver, kidneys, blood, lungs, nervous system, immune system, and gastrointestinal track. PCP is listed as a possible carcinogen, but this classification has not been scientifically proven. For precautionary measures EPA set a MCL in drinking water: 1ppb

3. Exposure assessment to identify pathways and people.

Exposure Assessment for inorganic arsenic in soils: Pathways are ingestion and dermal contact. People are future residents and workers

Exposure Assessment PCP in groundwater: Pathways are ingestion, dermal contact, and inhalation. People are current and future water users, future residents



ToxRAP

Map All components complete, Arsenic, pcp as hazard. Exposure pathways determined, and how this hazard can effect the people are dtermined.

4. Risk characterization to determine an acceptable level of risk.

SOILS "Number crunch" L-P conducted this evaluation for the site and assessed the potential public health risks posed by the contaminants. "Risks are evaluated under current and potential future land use conditions" (CH2M Hill 1994, ES-1). Under this risk characterization, this site was assessed for future residential and industrial use, but never for a school or hospital zoning.

Chemicals Detected in Surface Soils

Semi-volatile Organic Compounds	Volatile Organic Compounds	Other Parameters	Inorganics
Bis (2-ethylhexyl)phthalate Formaldehyde Pentachlorophenol	Acetone 1,1-Dichloroethane 1,1-Dichloroethene 1,1-Dichloroethane Methylene Chloride Trichloroethylene Toluene 1,1,1-Trichloroethane Trichloroethane Trichloroethylene Xylenes, Total	Aroclor 1248 (PCB-1248) Dioxins and Furans Total Petroleum Hydrocarbons	Antimony Arsenic Barium Beryllium Cadmium Chromium (Mn) Cobalt Copper Lead Mercury Molybdenum Nickel Potassium Selenium Silver Titanium Vanadium Zinc

Chemicals Detected in Surface Soils #1

Chemicals Detected in Surface Soils

Semi-volatile Organic Compounds	Volatile Organic Compounds	Other Parameters
Bis (2-ethylhexyl)phthalate Formaldehyde Pentachlorophenol	Acetone 1,1-Dichloroethane 1,1-Dichloroethene 1,1-Dichloroethane Methylene Chloride Trichloroethylene Toluene 1,1,1-Trichloroethane Trichloroethane Trichloroethylene Xylenes, Total	Aroclor 1248 (PCB-1248) Dioxins and Furans Total Petroleum Hydrocarbons

Chemicals Detected in SubSurface Soils #2

Risk Estimate Summary for Surface Soil (Residential Scenario)

Results are presented as totals for ingestion, inhalation and dermal exposure routes

Surface Soil Area	Noncancer Hazard Index (Average Case)	Excess Lifetime Cancer Risk (Average Case)
Railroad Ballast	<0.19	8 x 10 ⁻⁶
Normal Avenue Burn Dump	<0.07	3 x 10 ⁻⁶
South Orchard Burn Dump	<0.06	3 x 10 ⁻⁶
Finished Wood Products Division	<0.05	3 x 10 ⁻⁶
Millworks Division	<0.06	3 x 10 ⁻⁶
Match Factory	<0.07	4 x 10 ⁻⁶
Background Area	<0.08	3 x 10 ⁻⁶

Source: CH2M Hill, August 1994, Appendix D Baseline Human Health Evaluation,
Louisiana-Pacific Corporation Chico Remanufacturing Facility,
Corvallis, OR; Prepared for L-P

Risk Estimate Summary for Surface Soils

GROUNDWATER All exposure scenarios are quantitatively evaluated. A 95th upper confidence limit was used to calculate exposure point concentrations. This confidence limit correlates to a risk assessment of 10⁻⁶ or one cancer incidence in 1,000,000 people per lifetime. (Chemicals Detected in Groundwater) (Risk Estimate Summary for Groudwater)

Chemicals Detected in Groundwater

Semi volatile Organic Compounds	Volatile Organic Compounds	Inorganics
Bis(2-ethylhexyl)phthalate	Acetone	Aluminum
Dioxins and Furans	Benzene	Arsenic
Formaldehyde	1,2-Dichlorobenzene	Barium
Pentachlorophenol	Ethylbenzene	Calcium
2,3,5,6-Tetrachlorophenol	Methylene Chloride	Copper
Total Petroleum Hydrocarbons	Tetrachloroethylene	Iron
	Toluene	Lead
	Trichloroethylene	Magnesium
	Xylenes, Total	Manganese
		Silver
		Sodium
		Sulfate
		Vanadium
		Zinc

Groundwater Remediation

Paul's Story: Scenario for Churchwide

Labels are provided as a guide for identification. 所有圖例均附註明說明之標籤

Drinking Water Zone	Potentially Exposed Individual	Population 1982 and 1994 Average Count	Exposure Lifetime (Years) R ₁ Average Count
Shallow Zone (34 wells)	Future Resident	25	1.8 x 10 ⁻³
Intermediate Shallow Zone (2 wells)	Future Resident	327	1.4 x 10 ⁻³
Intermediate Zone (2 wells)	Future Resident	162	1.4 x 10 ⁻³
Uppermost Intermediate Zone (1 well)	Future Resident	100	3.8 x 10 ⁻³
Deep Zone (6 wells)	Future Resident	1,000	2.4 x 10 ⁻³
Agricultural Wells (2 wells)	Current Occupational Worker (1982-1994)	2,000	2.4 x 10 ⁻³

12. $\frac{1}{2} \ln 2$ and $\frac{1}{2} \ln 2$ are the two solutions of the equation $\ln x + \ln \frac{1}{x} = \ln 2$. The other two solutions are $\frac{1}{2} \ln 2$ and $\frac{1}{2} \ln 2$.

Soil Remediation

Remediation

Now remediation can begin to make the hazards safe so that we can return to the site, use the land, water, etc. That is - by decreasing the risk chance of cancer, other health effects mentioned.

Groundwater Twenty-eight onsite groundwater-monitoring wells were installed and sampled on a quarterly basis between 1991 and 1996 to determine the extent of the groundwater contamination. Based on these results, it was determined that two specific areas on site have affected the groundwater.

PCP entered the groundwater from the concrete impoundment area and ethylbenzene and xylene entered the groundwater from the Finished Wood Products Division.

February 1997 sampling results determined that ethylbenzene and xylene concentrations did not exceed primary maximum contaminate levels (MCL) approved by the EPA and thus posed no health risk. The concentrations do, however, exceed secondary MCL's, which are set for taste and odor nuisances.

Groundwater Remediation

PCP	Contaminant	Cleanup Level (mg/l)	Source	Comment
			Federal MCL	Based on 1x10 ⁻⁶ cancer risk
	TCP	n/a	not available	Occurs in conjunction with PCP and will be remediated while meeting PCP standard
	Phenols	20	Federal Secondary MCL	More stringent than primary MCL or MCLG
	Ethylbenzene	30	Federal Secondary MCL	More stringent than primary MCL or MCLG
	Methylene Chloride	5	Federal MCL	More stringent than DTSC action levels or Prop. 65 requirements for protection of drinking water
	TCDD (toxicity equivalent for chlorinated dibenzodioxins and dibenzofurans)	0.0001	California	TCDD occurs in conjunction with PCP, and will be remediated while meeting the PCP standard
	1,1-Dichloroethene	10	State MCL	More stringent than Federal MCL

Source: SHL, March 1995, Final Remedial Action Plan, Louisiana-Pacific Corporation Chico Remanufacturing Facility, Redding, CA. Prepared for L-P.

Soil Arsenic 5.4 mg/kg in soil of r/r tracks which is equal to the background level. Naturally occurring, background level is considered safe, so to remediate until background level would make the arsenic contaminated soil safe.

Soil Remediation

Contaminant	Cleanup Level (mg/kg)	Source	Comment
Arsenic	5.4	Background soil concentration	Background mean plus two std. Deviations

Source: SHL, March 1995, Final Remedial Action Plan, Louisiana-Pacific Corporation Chico Remanufacturing Facility, Redding, CA. Prepared for L-P.

How do we remediate for the hazards?

We need to eliminate the connections between the hazards and the people to make the site hazard safe.

There are many different forms of remedial techniques; I will highlight the three techniques that occurred at the Diamond site in order for the site to be declared safe by DTSC in 2000.

1. REMOVE THE HAZARD

By the fall of 1992, more than 10,000 cubic yards of soil were removed by L-P and disposed of at a hazardous waste landfill. The removal of the contaminated soil met interim cleanup levels approved by DTSC. Remedial actions coincided with risk assessments for carcinogenic substances at 10⁻⁶, and to reference dose intake levels for noncarcinogens. After L-P removed the contaminated soils, confirmation samples taken by L-P ensured that a sufficient amount of contaminated soil had been removed.

Removing this contaminated soil off-site resulted in the mitigation of the on-site soil contamination. Eight areas Fuel Oil Bunker: approximately 1,400 cubic yards of debris were taken from the bunker. This debris is defined as soil, wood debris, metal strapping, dried paint, glue, asphalt, and other mill-generated wastes.

In addition, L-P removed 3,770 cubic yards of hydrocarbon-contaminated soil because fuel oil leaked from the bunker into the underlying soils.

New Dry Kilns: approximately 1,450 cubic yards of debris were removed which included non-specified drums, 5-gallon paint cans, strapping and wire rope. Concrete Impoundment: approximately 2,100 cubic yards of pentachlorophenol-contaminated soil were removed from this area.

Detention Pond: approximately 2,500 cubic yards of soil were removed from the unlined pond, which accepted wastewater and sediments from the Match Factory and was leveled in 1977 when the Match Factory was demolished.

Glue Discharge Area: approximately 104 cubic yards of soil containing glue residue were removed from this area. Paint Disposal Pit: approximately 95 cubic yards of soil containing paint residues were removed from this area.

South Orchard Burn Dump: approximately 2,800 cubic yards of ash and construction debris were removed from this area.

Normal Avenue Burn Dump: a minor amount of glass, ash, and metal was observed in this area, but no soil was removed. PCP PUMP Sampling for PCP revealed an average concentration in the groundwater near the vicinity of the concrete impoundment area to be 2,000 ppb

Page 2

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Chris Nelson (Third Letter) (NELSON 3)

Response to NELSON 3-1

The commenter states that, although they received notice of the comment period extension, notification of the initial Draft EIR comment period was not sent to them and was insufficient to allow for public comment. They also state that they found the Draft EIR poorly written, missing information, and too long.

The comment is noted along with the concerns. On January 2, 2025, the City mailed the Notice of Availability, which included dates for the Draft EIR comment period, to two parcels owned by Riparia, LLC (APNs 039-060-148 and 039-060-149) and four separate addresses for tenants located on those parcels. The same 500-foot mailing list was used to send notification of the extension of the comment period. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. Please refer to Master Response 1, 2, 5, and 6.

Response to NELSON 3-2

The commenter asks if land was cleaned, with reference to 2000 DTSC “Safe” declaration and earlier DTSC reports.

The commenter does not provide an exact source for their information regarding the DTSC’s “safe” declaration. It is not the purpose or within the purview of the EIR to evaluate the sufficiency of a “safe” declaration made by the DTSC, but to analyze potential impacts related to Hazards and Hazardous Materials under current regulations and existing conditions. Refer also to Master Response 6.

A summary of project site history and remediation activities is provided on Draft EIR pages 3.9-5 through 3.9-7, under the heading “Project Site History,” citing remediation activities through the year 2018.

Per CEQA Guidelines, Phase I and Phase II ESAs were prepared for the proposed project in order to identify the presence or likely presence of hazardous substances or petroleum products on the project site. As explained on pages 3.9-9 through 3.9-27 of the Draft EIR, the Phase I ESA revealed evidence of Recognized Environmental Concerns (RECs) in connection with the project site, specific to the BYSP Area. The four RECs include a Volatile Organic Compound Plume, Historical Pesticide and Herbicide Application, Former Dump and Burn Areas, Historical Underground Storage Tanks, prompting the preparation of a Phase II ESA, which included a limited soil gas investigation. The Phase II ESA identified several VOCs, but not at concentrations exceeding residential thresholds. It also identified subsurface anomalies along the southwestern project boundary that could represent buried infrastructure or debris that could be of concern. Lastly, soil investigation identified concentrations of lead and arsenic exceeding applicable thresholds, as well as TPH-mo that were below applicable thresholds. 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. However, 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. See pages 3.9-9 through 3.9-27 of the Draft EIR for more information.

Response to NELSON 3-3

The commenter states that the site must be monitored for an entire year for a wildlife study to be completed. The commenter also requests correction of a street name on Draft EIR map exhibits.

The Biological Resources Assessment (BRA) was prepared in accordance with applicable federal, State, and local regulations. A field survey was conducted in accordance with industry standards by a qualified Biologist, along with literature review. The Special-status Wildlife Species Evaluation (Table 3.4-3) identifies 27 federal and State-listed threatened and/or endangered wildlife species and State Species of Special Concern that have been documented within the *Chico, California* United States Geological Survey (USGS) Topographic Quadrangle Map and eight surrounding quadrangles by California Natural Diversity Database (CNDDB) and IPaC. This combination of field survey and literature indicates that eight special-status species could be on-site. Wildlife species that are not designated as special-status are not afforded protection under CEQA. As identified in the Draft EIR, implementation of biological mitigation measures (MM BIO-1a, -1b, -2, -3a, -3b, -3c, -4, -5, -6, -7, and -8) will reduce the impact levels to all relevant sensitive and protected species and their associated habitats to less than significant levels under CEQA. Therefore, additional monitoring for periods extending past the studies performed and mitigation required are not needed to reduce impacts to a less than significant level.

Response to NELSON 3-4

The commenter goes into detail regarding migratory species in the spring/fall that forage in the area and may nest there. The commenter states that Comanche Creek is a wildlife corridor and that the Barber Yard property is a “bulb out” of habitat. The commenter argues that the remaining properties of agricultural land, abandoned farmland, and riparian corridor are not enough to maintain some of these species, like bats. Finally, the commenter asks how the loss of wildlife habitat will be offset.

Refer to Response to NELSON-3-3. Comanche Creek is specifically discussed in the Draft EIR, and MM BIO-8 is provided to mitigate impacts to less than significant levels. This measure concludes that a delineation of potential jurisdictional aquatic resources shall be completed in coordination with applicable regulatory agencies. If deemed necessary, the project will pursue Clean Waters Act Sections 401 and 404 permits as well as obtain approval of and file notification of a Streambed Alteration Agreement prior to construction. Discussion of wildlife corridors is also addressed in the Draft EIR; see Section 3.4 Biological Resources, Impact BIO-4.

Response to NELSON 3-5

The commenter references that the off-site stormwater basin area was historically used for overflow “ponding” practices and claims the current lead and arsenic testing are inadequate if area is to be disturbed.

As indicated in Exhibit 3.9-3, the off-site stormwater basin area soils were sampled for lead and arsenic. Because those were the main constituents of concern on-site, it is unlikely that significant quantities of other constituents are present, especially in light of the characterization of the area as “overflow.” Refer to Master Response 6.

Prime agricultural land is discussed in depth in Section 3.2, Agriculture and Forestry Resources.

Response to NELSON 3-6

The commenter alleges that there are several significant data gaps in the Phase I ESA assessment and asks “how will they move forward with grid based sampling which does not have the benefit of historical records?”.

Refer to Response to NELSON 3-2 and 3-5 as well as Master Response 3. Note that implementation of MM HAZ-1 requires the creation, approval and implementation of an SDMP that will specifically address on-site contaminants and their removal as approved by DTSC in accordance with its applicable contaminant safety thresholds.

Response to NELSON 3-7

The commenter directs the reader to an attached “Test Pit and Sample Locations” document and asks if it correlates to what is being done now. They ask that the issue of Formaldehyde be addressed and ask why the DTSC did not identify PCE, but the Phase 2 ESA does.

The Phase II ESA identified low levels of PCE during soil gas testing. The DTSC did not perform soil gas testing. As such, it was not identified by the DTSC. Refer to Master Response 6.

Response to NELSON 3-8

The commenter asks why the DTSC has let the asphalt cap develop cracks from water infiltration and how it will be monitored going forward. They ask about potential risks associated with use of that portion of the project site for parking or solar panels.

As discussed throughout the Draft EIR, future uses on the asphalt cap would be restricted to ancillary surface parking uses as well as other uses permitted by DTSC. The asphalt cap would continue to be monitored in perpetuity by DTSC. MM HAZ-1 requires a SDMP, which would include specific measures to protect the integrity of the asphalt cap. The SDMP would need to be approved by DTSC. Consistent with the LUC, the DTSC will be notified within 10 working days of the discovery of any damage to the asphalt cap.

Response to NELSON 3-9

The commenter attached a current photo of the on-site asphalt cap showing surface cracks as well as asphalt cap easement information. The commenter expresses concern regarding soil contamination at the edges of the asphalt cap and that the LUC should be changed if parking is to be allowed on-site.

Refer to Response to NELSON 3-8. Note that monitoring of the asphalt cap is completed by DTSC and is beyond the purview of the City or CEQA.

Response to NELSON 3-10

The commenter requests that the new connection to Estes Road (“now Normal Ave”) be delineated.

As shown on Draft EIR Exhibit 2-6, two complete street connections (accommodating vehicles, cyclists, and pedestrians) to Estes Road/Normal Avenue would be constructed between 22nd Street and the Union Pacific Railroad (UPRR) spur (where Estes Road crosses the railroad right-of-way). This is also delineated similarly on other exhibits throughout the BYSP and Draft EIR.

Response to NELSON 3-11

The commenter notes arrow indicating a second exit on Estes Road and asks “Is this a bike path only or is it another road? Why is there need for a road, if so? Where exactly would it be?” They request information as a blind curve could impact their farm and neighbors.

Refer to Response to NELSON 3-10.

Response to NELSON 3-12

The commenter attached a photo of flooding on Estes Road due to rain and questions how infrastructure will be fixed to prevent this flooding.

This comment is noted. As explained in Impact HYD-3, particularly on pages 3.10-26 through 3.10-27 of the Draft EIR, the proposed project would address stormwater runoff on-site, directing it to the off-site stormwater basin and then to Comanche Creek. The project would not contribute to flooding in the surrounding areas including along Estes Road/Normal Avenue. Note that the proposed project is required to limit its own contribution to flooding risks, but it is not required to resolve existing flood conditions which are not attributable to the project.

Response to NELSON 3-13

The commenter attached an LA Times article stating how land could not be used for debris sorting after the Camp Fire due to the conditions of roads in the area (purporting the roads were not built to withstand the weight of industrial trucks and equipment). They express concern that heavy industrial equipment required for BYSP soil remediation would similarly not be supported, noting that roads are in disrepair and not adequately maintained. The commenter questioned who would be responsible for removal of contaminated soils from the project area and subsequently repairing the roads.

It was conservatively estimated that on-site soil excavation would consist of 12,971 cubic yards (or 17,511 tons using a standard multiplier of 1.35 tons) and off haul would result in 54 haul trips per day for 30 days. Camp Fire debris consisted of significantly greater amounts of rubble and contaminated soils from a much larger area (more than 3.66 million tons or equivalent to 10 Empire State Buildings, according to CalRecycle). As such, the level of roadway impact resulting from the proposed project would be significantly less.

Removal of contaminants would be conducted by project applicants within the BYSP as approved and monitored by DTSC in accordance with the SDMP required by MM HAZ-1. Physical condition of the streets within the Barber Neighborhood is an existing condition. While the proposed project would add traffic to these roadways, no significant impact would result per CEQA thresholds and therefore no mitigation is required. Note that pavement condition issues are recognized by the City of Chico and repaving is planned for inclusion in the City’s Capital Improvement Program.

Response to NELSON 3-14

The commenter states that the project contributes to pressure to develop prime farmland and beyond the Greenline.

While the proposed off-site drainage area is outside the Greenline and within Butte County, the proposed stormwater detention basin is considered an allowable use 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 and there is no supporting documentation that the long-planned-for development of the BYSP Area would lead to additional non-permissible development beyond the Greenline. See Master Response 4 for additional information regarding project effects upon farmland and the Greenline.

Response to NELSON 3-15

The commenter states that soil samples showing contamination (with arsenic and lead) were generally superficial but one sample was 2.5 feet below ground surface (bgs). They ask how it is determined that there is not contamination deeper in the soil.

Consistent with industry practices, both surficial (0–0.5 feet bgs) and near surface (2.5–5 feet bgs) samples were collected during the Phase II ESA. Deeper samples were only analyzed if the concentrations in the shallow samples exceeded screening levels. In each instance, the results of deeper samples show that concentrations of arsenic and lead return to levels below screening thresholds. As such, the data set includes a more robust set of surficial samples than near surface samples, and the deeper samples support the Phase II conclusions that most contaminated soils occur nearer to the ground surface.

Response to NELSON 3-16

The commenter expresses opposition to the excavation of farmland to provide the off-site stormwater basin. The commenter also states that the soil in the off-site stormwater basin area is possibly contaminated, referencing an attached map. They also inquire as to when the railroad right-of-way along the project southern border will be tested for soil contaminants

Refer to Response to NELSON 3-5 and 3-14. The railroad right-of-way alignment is not a part of the project and surface soils would not be disturbed; therefore, no soil testing therein is required to investigate potential impacts.

Response to NELSON 3-17

The commenter expresses approval for Alternative 3, citing its reduced impacts on traffic, storm drain maintenance, Greenline maintenance, and public schools. The commenter also makes a reference to the goal of using clean fill dirt that is locally accessible.

Impacts to traffic and public schools are addressed in the Draft EIR. Refer to previous responses regarding the Greenline, including, but not limited to, Master Response 4, ACKERMAN-1, BEC-10, ELLNER 5-1 and NELSON 3-14. Maintenance of the stormwater basin would be required and necessary regardless of its location. Overall, this comment does not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues within the purview of CEQA. Therefore, no further analysis is required and no further response is warranted.

Response to NELSON 3-18

The commenter believes the report underestimates the amount of contaminated soil that will need to be hauled away and expresses concerns that a new owner will not follow all DTSC requirements.

Assumptions used in the Draft EIR are based on best available information and industry standards. The commenter does not provide data supporting why significantly different assumptions regarding on-site soil contamination should be analyzed. Refer to Nelson 3-15.

Any future developer within the BYSP Area would be required to abide by the SDMP, as applicable, under coordination with the DTSC and the City.

Response to NELSON 3-19

The commenter asks why the DTSC does not handle gasoline related toxic plumes.

Gasoline and other petroleum products are not constituents of concern at the project site. As indicated by MM HAZ-1, remediation of the site would be under the purview of the DTSC, including the continued monitoring of the on-site groundwater quality monitoring wells and asphalt cap.

Response to NELSON 3-20

The commenter states that a polyfluoroalkyl substances (PFAS) positive municipal well is located at 0.1477 mile north-northeast of the project site and asks if it has been accounted for. The commenter asks what can be done to assure there are no PFAS under the Barber Yard site.

The presence of off-site PFAS is an existing condition to which the proposed project would not contribute. Furthermore, the project does not propose to create or use on-site groundwater wells.

Response to NELSON 3-21

The commenter asks if a pre-existing on-site detention basin has been characterized for toxins below it and requests that it be reflected in maps.

The on-site detention basin is illustrated on Draft EIR Exhibit 3.4-1 in the southwest corner of the project site, northwest of the asphalt cap. Testing was conducted surrounding this area but results did not indicate that further testing was required. See Draft EIR Section 3.6 Hazards and Hazardous Materials.

Response to NELSON 3-22

The commenter requests for a complete history that lists both the toxics that were used or dumped on this land as well as crediting what cleanup was previously done be added to the EIR to inform future residents. They request remediation by more stringent historical records gathering.

Accessible history of the project site related to contamination was completed as part of the Phase I and Phase II ESAs (see Draft EIR Appendix G and Section 3.6 Hazards and Hazardous Materials). Refer to Master Response 6.

Response to NELSON 3-23

The commenter notes that on-site arsenic and lead exceeded screening levels and says this puts doubt on a former DTSC approved cleanup. They wonder about other elements and heavy metals on-site and argue that expanded testing must be included in the EIR.

Chemicals included in the Phase II ESA were based upon the findings of the Phase I ESA which was based on existing and historical research. There was no indication of impact by other heavy metals. All of the listed compounds are certainly present at the site as components of the natural soil matrix but there is no evidence of a release or significant use of these compounds that would suggest further testing for elevated levels are necessary. Refer also to Response to NELSON-22.

Response to NELSON 3-24

The commenter asks for an explanation of the results of the heavy metals testing and asks if there will be further testing and remediation. They ask if the thresholds used are for residential uses, agriculture uses, or industrial uses.

All results of the Phase II ESA testing are presented in the Phase II ESA testing report, including in Appendix G.2 of the Draft EIR. Residential thresholds were used to evaluate the results. Refer to Response to NELSON 3-22 and 3-24.

Response to NELSON 3-25

Commenter asks if all old orchards on-site have been tested for lead arsenate.

Phase II ESA soil testing included extensive testing of the areas historically used for orchards. Detailed maps depicting all sample locations are included in the Phase II ESA located in Appendix G of the Draft EIR. Illustration of testing locations for lead and arsenic is provided in Exhibit 3.9-3 of the Draft EIR.

Response to NELSON 3-26

The commenter references Page 3.9-7 of the Draft EIR and asks with whom DTSC agrees that the BYSP Area is no longer contaminated, further stating that rudimentary techniques were used in 1994 compared to methodology now employed, and asks that information in the Draft EIR's appendix that is primary to the reader of the Draft EIR be brought forward into the body of the document.

The referenced Remediation History section of the Draft EIR documents its source in a footnote which references the 5-year report prepared by Vestra in 2018. The commenter does not state which information should be moved from the appendices to the body of the Draft EIR other than general reference to toxins. The appendices are considered part of the Draft EIR and are summarized in the body of the Draft EIR specifically to provide the information required to support CEQA conclusions. All appendices, with the exception of those containing sensitive information about the location of cultural and Tribal cultural resources, were available to the public during the public comment period and remain available to the public.

Response to NELSON 3-27

The commenter states that some historical documentation of on-site contamination was not obtained as part of the EIR process. They indicate that a more comprehensive analysis of

contaminated soils on-site should be implemented and asks how unsampled soils can be considered safe.

Refer to Responses to NELSON 3-22, -23, -24 and -26.

Response to NELSON 3-28

The commenter notes information that the on-site trichloroethylene (TCE) plume, which contains benzene and other hydrocarbons, does not have any indicated remediation planned. They ask “What are the risks of volatile dioxins in the shallow groundwater—specifically pentachlorophenol?”

Dioxins were not tested on the site and are not volatile. Pentachlorophenol is not volatile. Direct contact with groundwater will not occur at this site due to the restriction on groundwater use outlined in the LUC. Groundwater at the site is present 50 feet below ground surface and is, therefore, not considered shallow. Soil gas sampling performed at the site indicates that VOCs (specifically PCE), whether from soil or groundwater sources, have impacted the site at only one location and at a concentration only slightly exceeding highly conservative screening values.

Response to NELSON 3-29

The commenter asks why not use RSL when soil gas test results are borderline.

Both RSLs and ESLs are used to present a range of potential risks associated with the data. Note that additional testing and cleanup thresholds will be identified in the SDMP as approved by DTSC and required by MM HAZ-1.

Response to NELSON 3-30

The commenter notes that the TCE is supposed to be monitored semi-annually, but the last report is from 2021 and asks if information on monitoring or risks from failure to monitor can be made available in the EIR.

Provision of information regarding the current on-site groundwater monitoring outside that provided in the Draft EIR is beyond the purview of this EIR and not necessary to determine potential impacts. Refer to Response to NELSON 3-29.

Response to NELSON 3-31

The commenter requests that risk of soil vaporization be better characterized and mitigated in the Draft EIR. They ask “what are the long-term risks of living over a plume that may vaporize through soil? How will residents be kept safe? What recourse will they have if it is found that their home is affected?”

Soil gas sampling performed at the project site indicates that VOCs (specifically PCE), whether from soil or groundwater sources, have impacted the site at only one location and at a concentration only slightly exceeding highly conservative screening values. Additional evaluation of this location is recommended during redevelopment, as required via the SDMP of MM HAZ-1. Resulting remediation could include soil removal or use of a vapor intrusion mitigation system only if determined necessary.

Response to NELSON 3-32

The commenter expresses concerns for a potential Vapor Encroachment Condition (VEC) on-site. The commenter asks when the public will know the results of soil gas monitoring for PCE, benzene, and TPH-g and asks about mitigation measures.

All soil gas testing results are included in the Phase II ESA and summarized in Section 3.9 of the Draft EIR. Refer to NELSON 3-31.

Response to NELSON 3-33

The commenter expresses concern that the depth of contamination has not been adequately characterized and asks if further mitigation and remediation will be made public prior to City Council ruling on the proposed project.

Over-excavation is soil removal beyond the depth that contamination was encountered. For example, if impacts are identified at 2 feet below ground surface, over-excavation to 2.5 feet below ground surface would be performed prior to confirmation sampling. The SDMP, required by MM HAZ-1, will specify confirmation sampling procedures and frequencies, both of which will be subject to DTSC approval under appropriate regulatory oversight requirements. Confirmation sampling data will be summarized and presented in a report at the conclusion of site cleanup activities. Site cleanup activities will occur after the approval of the BYSP but prior to on-site building construction.

Response to NELSON 3-34

The commenter raises concerns over fire hazard risk and asks if fuel reduction will be performed before fire season. The fire risks are identified as those within the UPRR right-of-way and Comanche Creek, both of which are not located within the project site (with the minor exception of the stormwater outfall). The commenter also inquired about impacts to evacuation on Estes Road.

Although current maintenance and fuel reduction activities taking place at the BYSP site are outside the purview of this EIR or the City's review of the proposed BYSP, it is noted that the owner/developer has performed annual fuel reduction activities, including removal of brush and dead orchard trees, bulldozing perimeter fire breaks and goat grazing. The Draft EIR is intended to evaluate only the proposed BYSP project's impact on the existing conditions at the project site. Comments regarding concerns off-site are beyond the purview of this document. With respect to on-site fire risks, development of the project site will reduce on-site fire risk as a result of reduced on-site weedy vegetation and unauthorized use of the site. For a discussion of evacuation, refer to Draft EIR Impact HAZ-6 and Section 3. 18, Wildfire.

Response to NELSON 3-35

The commenter inquired about impacts to evacuation from Estes Road.

For a discussion of evacuation, refer to Draft EIR Impact HAZ-6 and Section 3. 18, Wildfire. Refer also to Response to NELSON 3-34.

Response to NELSON 3-36

The commenter notes the proximity of the Kinder Morgan Tank Farm indicating it is a fire hazard. They request this be evaluated in the EIR.

Refer to Response to ATA-16

Response to NELSON 3-37

The commenter argues that mitigation is needed for noise, light, and parking if train station is put on land.

While a train station has been considered on the UPRR adjacent to the project site, it is not being proposed as part of this project, nor is its construction dependent on the BYSP. The addition of a train station would be required to undergo its own CEQA review process in which resulting impacts would be analyzed and mitigated as necessary.

Response to NELSON 3-38

The commenter states that transport of hazardous waste by train needs to be in the EIR. They also ask when railway right-of-way soils will be tested and remediated in relation to pesticide use.

Refer to Master Response 3. Soils within the rail right-of-way are not a part of the project site or proposed for disturbance and therefore are not included in this assessment nor within the purview of this EIR.

Response to NELSON 3-39

The commenter asks for information about the depth, latitude, and longitude of the on-site pentachlorophenol (PCP) plume.

As noted by the commenter, the on-site PCP groundwater plume was noted in the Draft EIR and supporting Phase II ESA. The LUC restricts the use of groundwater on-site; therefore, there is no potential for exposure to PCP from groundwater and therefore no risk.

Response to NELSON 3-40

The commenter requests the entire text of a specific article be made available, suggesting that without the information regarding contamination identified therein, resulting clean up may not be adequate.

Investigation of on-site contamination was conducted as part of the EIR. Refer to Master Response 6.

Response to NELSON 3-41

The commenter asks about Clearwire Antenna array, including microwave dishes at western edge of the project site and if health effects of non-ionizing radiation may put nearby residents at risk.

Antenna arrays, including microwave dishes are regularly located in or adjacent to residential areas and they are not generally identified as a risk source.

Response to NELSON 3-42

The commenter asks how uncertainty factors from the DM [sic] report (1994), which they attached to their letter, would be addressed,

Refer to Master Response 6.

Response to NELSON 3-43

The commenter references a requirement for agricultural buffers. The commenter also asks how will project address concerns of toxic soils in the adjacent railroad right-of-way, off-site area, and Crouch ditch if a spur is developed to carry toxics from the project site or for public use in the future.

As detailed in the Specific Plan and Chapter 2, Project Description, as well as Section 3.11, Land Use and Planning, of the Draft EIR, the proposed project would include 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 the UPRR, exceeding the minimum buffering distance of 100 feet per Policy LU-2.6. See also Section 3.2, Agriculture and Forestry Resources, for further discussion.

Contamination of off-site locations is beyond the purview of this EIR.

Response to NELSON 3-44

The commenter states support for the No Project Alternative. The comment alleges that mitigation measures do not address public concerns, are not well documented and are “buried” in the Draft EIR Appendix.

The comment is noted along with the concern and has been provided to decision-makers for consideration. Note that per CEQA statute and Guidelines, mitigation measures are to address significant environmental impacts with nexus to the proposed project. Further, project mitigation measures are summarized in the Executive Summary, the Draft EIR’s first section, and are consistent with the mitigation measures throughout Draft EIR topical sections.

Response to NELSON 3-45

The commenter advocates for Alternative 3 if the project is to proceed.

Refer to Response to BEC-10, ACKERMAN-1, ELLNER 5-1 and Master Response 4. The comment is noted and has been provided to decision-makers for consideration.

Response to NELSON 3-46

The commenter proposes that the Barber Yard Project be paused for further public noticing and participation in regard to potential hazardous waste impacts and remediation efforts.

Refer to Master Response 3. A summary of project site history and remediation activities is provided on Draft EIR pages 3.9-5 through 3.9-7, under the heading “Project Site History,” citing remediation activities through the year 2018. Furthermore, Phase I and Phase II ESAs were prepared for the proposed project that identify RECs and document soil testing. This is explained on Draft EIR pages 3.9-9 through 3.9-27. Implementation of MM HAZ-1 requires the creation and approval of an SDMP, as approved by DTSC, that will guide and monitor on-site cleanup prior to on-site building construction. Information regarding the SDMP and related processes will be available in accordance with applicable regulations.

Response to NELSON 3-47

The commenter requests a public meeting with DTSC and the cleanup contractor to ask questions about the remediation of the project site.

This comment does not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-48

The commenter argues that the EIR should be resubmitted after satisfactory remediation and that the EIR and site cleanup should be separate processes.

Please refer to Master Response 3 and 6.

Response to NELSON 3-49

The commenter states that the Draft EIR and supporting materials do not address the public's or landowner's right to know. They ask how would this be addressed in a land title and how it would affect home prices.

This comment does not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-50

The commenter identified the attachment of a historical map to the comment letter.

Refer to Master Response 6.

Response to NELSON 3-51

The commenter attached an article from the Butte Environmental Council's website titled "Hazardous to Safe: A Case Study of Chemical Contamination at the Diamond Match/Louisiana-Pacific Chico Facility." They request that the analysis address this additional groundwater information and heavy metals in almonds grown on the land.

The LUC restricts the use of groundwater on-site, therefore there is no potential for exposure to contaminated groundwater and on-site. Refer to Master Response 6.

To the extent that almond trees remain on the BYSP site, they are no longer maintained or harvested for use. This comment does not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-52

The commenter attached a letter of a witness noting the Diamond Match company spread the north dump over open area. They ask if area has been investigated.

Refer to Master Response 6.

Response to NELSON 3-53

The commenter attached a report of railroad ballast practices and use of weed killer.

Refer to Master Response 6.

Response to NELSON 3-54

The commenter attached a PCP historical sampling report. They noted TCE and Tetrachlorophenol and ask if these are being investigated.

Refer to Master Response 6.

Response to NELSON 3-55

The commenter indicates that incorrect calculations were used regarding waste disposal practices in the original clean up.

This comment does not identify potentially adverse environmental impacts specific to the project, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-56

The commenter attached water table aquifer results through January 1993. They ask if all chemicals that were historically present and documented were tested for and what remediation there will be.

Updated information on groundwater conditions at the site can be found at the DTSC Envirostor page for the site and Victor Industries.

Refer to Master Response 6.

Response to NELSON 3-57

The commenter attached a Summary of Arsenic Ballast Contamination showing railroad lines in 1988.

Refer to Master Response 6.

Response to NELSON 3-58

The commenter attached a 1990 Report of historic sampling for extra information.

Refer to Master Response 6.

Response to NELSON 3-59

The commenter attached a Groundwater Treatment System report indicating that there was no mention of it in the Draft EIR.

Refer to Master Response 6.

Response to NELSON 3-60

The commenter attached a hand written quote from the Supplemental Soil Sampling Report in regard to the South Orchard Burn Dump—they ask if it has been investigated thoroughly enough for other metals besides lead that can also cause negative health effects.

As indicated in the Draft EIR, the Phase II ESA included testing for both arsenic and lead in the South Orchard Burn Dump based upon the historical use of lead arsenate pesticide. Refer also to Master Response 6.

Response to NELSON 3-61

The commenter attached a Risk Contributing Chemical Letter from Fernando Amador, lead of DTSC, dated June 1, 1994 and questions the “state of science at that time.”

Refer to Master Response 6. This comment does not identify potentially adverse environmental impacts specific to the project, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-62

The commenter expresses concerns about lifetime cancer risks from on-site contaminants, high background samples, and historical lack of cooperation by Louisiana Pacific with the Department of Health and Safety. They request to discuss cumulative risks of exposures through the pathways residents might be exposed to and to please address the Uncertainty Factors of Table 7-1, attached.

Refer to Master Response 6. This comment does not identify potentially adverse environmental impacts specific to the project, nor does it address significant environmental issues within the purview of CEQA. The City will consider all comments received on the proposed project as part of their review and consideration of the project as a whole.

Response to NELSON 3-63

This comment consists of the comment letter’s attached documents and reference materials. Materials noted.

From: Sarah Salisbury <66tiachacha@gmail.com>
Sent: Sunday, February 16, 2025 7:53 PM
To: Sawley Mike
Subject: EIR Barber Yard

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Mr Sawley~

Today, as I was canvassing along Broadway (my street) regarding the EIR for developing the Barber Yard sits, I found, to my dismay, that NO ONE had received notification of the plan! Nor did I receive notice, but as a member of the BNA, I know that the deadline for responses is fast approaching. I encouraged my neighbors to contact your office with their concerns and hope they will do so. I think that a better form of notifying residents

Is imperative. Folks feel protective of their homes and are dismayed by the disruptions that will ensue. Surely they deserve the right to respond to such a large impactful project.

The main concerns I heard today regard traffic after build out (already a problem along Broadway) and the noise and dust (some of which will be toxic, I imagine) which will be constant until 2038, when the project will be complete. Dan Gonzalez gave that date in an attempt to be consoling, but many folks (I among them) feel that the buildout will be extremely difficult in itself!

Noise issues also came up in conversations with my neighbors.

One fellow was quite distressed imagining the constant “beeping” that the big machinery used in developing a site must deploy when backing up. This could go on for 12 hours a day!

Unlike some folks, I am not a fan of lights at night. I prefer to see the night sky in all its silvery beauty. The prospect of my sweet neighborhood being lit up like a landing field is disturbing to me. Hardly peaceful. This could be true not only during buildout, but after completion as well.

As a survivor of the Camp Fire (my home in Concow did not survive), I perused the “Wildfire” section of the EIR specifically.

I did not find it reassuring. Of course, the west side of Chico is not so threatened by wildfire as the east side, but I felt that there was inadequate attention to the idea that fire could begin in the ag lands to our west or along the tracks (kids goofing around, sparks from metal on metal, a random toss of a cigarette). Especially during buildout, when construction materials will be all over the place, fire could so very easily rush through Barber Yard and consume my neighborhood, with its big trees and old wooden houses.

My hope is that the concerns of the people who currently live in the Barber neighborhood and who, in many cases, have paid taxes to the city for decades, will be heard and attended to with as much care and respect as the “need” for more development.

Thank you~ Sarah Salisbury

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Sarah Salisbury (SALISBURY)

Response to SALISBURY-1

This comment consists of introductory statements and alleges that many residents on Broadway Street were not notified of the Specific Plan or EIR for the project.

The comment is noted along with the concerns. The City notes that all notice requirements were adhered to, including, but not limited to, publication of the Notice of Availability (NOA) in the Enterprise Record stating the initial 45-day public comment period for the Draft EIR, mailing the NOA to all owners and occupants within 500 feet of the BYSP site, repeating the mailing for an updated NOA which extended the public review period to 60 days, and two public scoping meetings. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to SALISBURY-2

The commenter expresses general concerns about traffic after buildout as well as the noise and dust from construction.

Refer to Draft EIR Section 3.16, Transportation, Appendix J, Traffic Supporting Information, Section 3.12, Noise, and Section 3.3, Air Quality, for information related to traffic, noise, and dust. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the Draft EIR's analyses are raised, and thus no response is required. However, this comment has been provided to the decision-makers for consideration.

Response to SALISBURY-3

The commenter expresses concerns over noise impacts from construction happening all day, specifically beeping from big machinery.

The comment is noted. Noise was analyzed in the Draft EIR Section 3.12, Noise. The analysis concluded that impacts would be less than significant with the implementation of mitigation (inclusive of switching off back up alarms and replacing them with human spotters, if feasible). This comment does not raise any new concerns or provide additional facts or information about the analysis provided in the Draft EIR, and therefore, no further analysis of noise is required.

Response to SALISBURY-4

The commenter expresses concern related to the project's lighting.

Light and glare was analyzed in the Draft EIR Section 3.1, Aesthetics, Light and Glare. As discussed in Impact AES-3, potential impacts related to light and glare were determined to be less than significant. The comment does not provide any additional facts or information related to this impact and no changes to the analysis are required. This comment does not raise any new concerns about the analysis provided in the Draft EIR, and therefore, no further analysis of light and glare is required.

Response to SALISBURY-5

The commenter raises concern over wildfire risks and possible fire originating from agriculture lands or railroad tracks west of the project site. They also state concern of flammable materials laying around during buildout phases.

Wildfire was analyzed in Draft EIR Section 3.18, Wildfire. The analysis concluded that impacts would be less than significant. This comment does not raise any new concerns about the analysis provided in the Draft EIR, and therefore, no further analysis of wildfire is required.

Response to SALISBURY-6

This comment consists of closing statements.

The comment is noted along with the concerns. No further response is required.

From: Sherri Scott <sherri@grubchico.org>
Sent: Friday, March 7, 2025 11:45 PM
To: Sawley Mike
Cc: Nicole Acain
Subject: Re: Barber Yard Specific Plan Draft EIR - Extension of Comment Period

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Thank you for extending the comment period so that I might share some concerns.

My work/life triangle is intensely located in the immediate vicinity of the Barber Yard proposal. I have a lot of investment in this neighborhood and a lot at stake as a long time homeowner on W 19th St, a renter of neighboring farmland on Estes Rd, and a business owner on W 17th St. My work and business are entirely outdoors.

My underlying sentiment is that I love having this bit of wildness in the neighborhood and wish that it would never be developed. I also feel deeply for the increasing number of folks getting locked out of both rental and purchasing opportunities due to high costs that has some ties to the shortage of affordable housing. I also prefer smart* infill developments over sprawl. Part of me can get excited about facilities and businesses that would be within walking distance but some of the improvements proposed will bring in a significant amount of folks outside of the neighborhood, thereby increasing traffic even more than residential traffic instead of reducing the need for traveling out of the neighborhood for goods and services.

*smart in this case takes into account all of the environmental and neighborhood impacts and would enhance instead of degrade. There may be a fine line when such a large development is isolated/constricted on 2 sides creating an undue burden on the neighborhoods that are adjacent to the unrestricted sides.

Do creating roads over or under the railroad tracks I have not seen addressed and kept being ignored in the early involvement I partook in. What is the reason? Is it completely impossible due to laws regarding the railroad property and its specific infrastructure to the adjacent lot or is this just an expense that the developers are unwilling to pay for.

And here are some of my more direct concerns in regards the EIR (note that I am running out of time and will not be editing for grammar):

- Traffic increase is one that I find significant. Even without the development, neighborhood traffic and Park Ave has increased tremendously since the Camp Fire. In addition, speeding, blowing through stop signs and traffic lights has become so scary that I will go out of my way to cross Park at a light. On my block we fight over parking spots. Of course the condition of the road is terrible and the huge amount of Amazon and other delivery trucks double park, making it more hazardous to get around. More traffic from residents, construction and remediation trucks and of course all of the deliveries to residents and business would be extremely dangerous.

-Light trespass and pollution-it says no significant impact. While sitting at my home, it does not necessarily impact me, but as the dog walkers and star gazers, night bird watchers know, this would make significant

impact as this is the dark sky part of the neighborhood (not on this private land but the surrounding rr land) that we all go to get out of the light and watch the sunset or night sky watching events. | 6

Impact AG-3: The proposed 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. While this specific plot has not been useful farmland for awhile, the surrounding areas to the south and west have been significant farmland that has been protected by the greenline, have recently been noticeably bulldozed or fallow in hopes and speculation that this project will move the greenline. | 7

Air Quality is of significant concern, particularly that my entire business of farming and nursery production and sales is outside. Harm to myself and workers, the potential for taking days off or the reduction of customers during construction or accidents can hurt both me and my business. It is hard to believe anything but basic requirements are going to be observed. The row of trees and shrubs that were removed by the developer in 2024 reduced a significant barrier that could provide a natural and barrier and habitat for what will be the displaced wildlife. | 8

• Biological resources and habitat loss. Since disturbances started happening inside the Diamond Match property a couple of years ago, more wildlife has been discovered in our yards. Turkeys have been the neighborhood mascots, foxes have been common and even coyotes have been spotted by some. I have a picture of a deer in the yard at 19th and Salem. And there have been Mountain Lion sightings/evidence nextdoor along the Comanche Creek corridor. In concerns with neighboring agriculture, the undisturbed ground at the property has offered great habitat for native bees and wasps that offer so much more pollinator services than Euro Honey bees. And this whole neighborhood is covered in trees and the temperature is significantly cooler than the new developments around town. The asphalt, cement, buildings will contribute to this neighborhood heating up. There was one early map I saw where a goodly portion was reserved for wildlife and would really like to see a portion on the south-southeast be undisturbed island for the wildlife | 9

I have many more questions and concerns but here it is 11:45pm on march 7 so I will end it here.

Thank you.

~Sherri Scott

Sherri Scott (SCOTT)

Response to SCOTT-1

This comment consists of introductory statements.

The comment is noted along with the concerns. This comment has been forwarded to the decision-makers for consideration.

Response to SCOTT-2

The commenter states general concerns about the increase in traffic impacts.

The comment is noted along with the concerns. This comment has been forwarded to decision-makers for consideration. An analysis of traffic impacts can be found in Section 3.16, Transportation, and information about predicted traffic operations can be found in Appendix J of the Draft EIR.

Response to SCOTT-3

The commenter is concerned about the project's impacts to the adjacent neighborhood. They ask if it is possible to build roads over or under the railroad tracks to increase access points. They would like to know the reasoning if not.

The proposed project involves the extensions of Ivy Street and 16th Street, both of which would serve as primary access points, connecting the BYSP Area to the existing communities to the north and northeast east of the BYSP Area. Other access points would include connections at West 14th Street, West 18th Street, and West 20th Street. Construction of access points transversing the railroad tracks to the south and west of the project site is infeasible due to cost, safety, and right-of-way.

Response to SCOTT-4

The commenter discusses current poor conditions of road infrastructure, unsafe traffic behaviors, increase in volume, and lack of parking. They believe the proposed project will worsen these conditions.

The comment is noted. Transportation and traffic were analyzed in Draft EIR Section 3.16, Transportation. The analysis concluded that impacts would be less than significant or less than significant with the implementation of mitigation related to sidewalk and bicycle network. This comment does not raise any new concerns about the analysis provided in the Draft EIR, and therefore, no further analysis of transportation and traffic is required. However, this comment has been provided to decision-makers for consideration. Moreover, it should be noted that, under CEQA and its implementing guidelines, neither traffic congestion nor parking impacts are considered to significant impacts under CEQA.

Response to SCOTT-5

The commenter disagrees with the Draft EIR conclusion that light trespass and pollution impacts would be less than significant.

The issues identified by the commenter are not considered light and glare impacts under CEQA. The comment is noted along with the concerns. This comment does not raise any new concerns about

the analysis provided in the Draft EIR, and thus no response is required. However, this comment has been provided to decision-makers for consideration.

Response to SCOTT-6

The commenter states concern related to Impact AG-3 related to changes in the existing environment that could result in conversion of farmland. The commenter purports that reduced agricultural activities have occurred on adjacent farmland areas to the west and south in the hopes the proposed project would move the Greenline.

This comment does not raise any new concerns about the analysis provided in the Draft EIR. As noted by the commenter, the project site (with the exception of the off-site stormwater detention basin, which is an allowable use on County zoned AG-40 land, see Response to BCDS-2) is not used or designated as farmland. As indicated in Draft EIR Chapter 2, Project Description, the proposed project does not include the realignment of the Greenline. The Greenline restricts urban development from expanding west beyond the Chico Sphere of Influence Boundary. Accordingly, the proposed project is adjacent, but within the Greenline.

Response to SCOTT-7

The commenter states general concern for air quality and noise impacts to their ability to do business outdoors.

The comment is noted. Noise was analyzed in the Draft EIR Section 3.12, Noise. The analysis concluded that impacts would be less than significant. Air quality impacts analyzed in Section 3.3, Air Quality of the Draft EIR. This comment does not raise any new concerns about the analysis provided in the Draft EIR, and therefore, no further response can be provided. Additionally, the commenter argues that the row of trees and shrubs that were removed by the developer in 2024 reduced a significant barrier that could have provided natural habitat for displaced wildlife. Comment is noted. This comment is speculative as no specific studies or before and after photos are presented to support this statement. No additional response required.

Response to SCOTT-8

The commenter states concern regarding biological resources and habitat loss. Specifically, The commenter argues that common wildlife has seen an uptick since the disturbance started happening in Diamond Match property a few years ago, resulting in wildlife moving into the adjacent neighborhood. The commenter argues that the undisturbed ground at the property offered great habitat for native bees and wasps that provide greater pollinator services than European Honeybees. The commenter references an early map of the project site that would reserve a large portion of the project for wildlife, and that they would like to see the south-southeast portion of the project site become an undisturbed island for wildlife.

This comment and concern are noted. Biological Resource impacts were analyzed in Draft EIR Section 3.4. Surveys conducted for the proposed project did not note the presence of any special-status bee species on the property. While habitat within the project site may be present to support native bees, under CEQA the proposed project is only required to mitigate for protected special-status species. Therefore, if there are no protected bee or wasp species on-site, the proposed project is not obligated to alter the project design to provide additional habitat to non-threatened species. The

analysis concluded that all impacts would be less than significant with the implementation of MM BIO-1 through MM BIO-8.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Therefore, no further analysis of biological resources is required. However, this comment has been provided to decision-makers for consideration.

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From: Vita Segalla <vitasegalla@gmail.com>
Sent: Sunday, March 2, 2025 3:48 PM
To: Sawley Mike
Subject: Barber Yard EIR

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Hello -

I live at 1448 Normal Ave in Chico - just 2 blocks from 16th St. and 3 from the development site.

I know the development will go forward. However, hopefully it will occur with consideration for all the folks who will be affected during every stage of the development.

My concerns are:

1) Air quality

That site is known to have toxic waste randomly dumped throughout while the industry aspect of it was in full swing. The disturbance of soils containing such can easily create a toxic drift to areas surrounding the site. I am concerned that many areas have not yet been inspected for toxic dumping and request that a thorough search for such areas by "combing " through the entire area be conducted.

There are 2 schools nearby - the Escuelita Maya and Chico Country Day School- whose children will be affected by any drift caused by excavation, removal, and transportation of soil. And all the residents on both sides of the tracks will be affected.

Who will monitor air quality during all the phases, not just before and after?

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2)Traffic

The EIR states countless truckloads of debris will be removed via 16th St daily. The containment of the debris is a concern and the disruption due to the use of 16th St for transportation of toxic and otherwise debris through a historic residential area which is noted for lack of traffic and quiet and a sense of country. And then there will be huge volume of traffic post clean up for the development/construction phase. And then the development will create again a multitude of residential and visitor traffic.

4

Traffic calming throughout the Barber neighborhood should be implemented simultaneously with the commencement of this project, not afterwards. Existing speed bumps are not enough right now, let alone as the project evolves.

More entrance and exit points should be enabled to disperse the effect.

Some of the planned facilities will create more traffic flowing in and out of the neighborhood. Mitigations for noise and traffic have to occur! I don't believe this has been adequately analyzed or considered .

5

3)Noise pollution

Obvious result of what happens in construction. Who is in charge of monitoring noise and who should be contacted with noise complaints? Who is responsible for altering the situation when volume exceeds reasonable tolerance?

6

Post development noise caused by increased traffic and activities must also have mitigations in place.

7

4)What will happen to the Barber neighborhood roads, sidewalks, curbs, gutters, drains, and bridges? Who will be responsible for upgrades to an area that has a rundown and antiquated infrastructure

8

while we go through years of increased traffic and activity during and after the development happens?

At a minimum, traffic calming must occur simultaneously with upgrades to our infrastructure as the project unfolds. Has this been planned for? Who will pay for this and what plans have been made?

8
CONT

5) Light pollution

This is a darker area of town. Street and home and commercial lighting will increase light pollution unless some standards are enforced to preserve a more natural habitat.

Has this been considered? Does the city have an interest in maintaining live-ability of wildlife and human life in this area of town? Right now, and for years, the area is rich in wildlife.

9

6) What plans have been made for fire escape routes, etc.? We saw what happened in LA and our own Park Fire. Climate change presents many surprises and challenges. Who is dealing with this aspect of the project?

10

I know this project will not be stopped. But, how it unfolds and to what degree the existing neighborhood is affected is an extremely sensitive topic. Protective mitigation measures, active monitoring, and the ability of the neighborhood to provide constructive feedback must be required.

11

Please keep me in the loop of all future developments.

Thank you for serious consideration of my comments

Vita Segalla

1448 Normal Ave

Chico, CA 95928

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Vita Segalla (SEGALLA)

Response to SEGALLA-1

This comment consists of introductory statements.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. This comment has been provided to decision-makers for consideration.

Response to SEGALLA-2

The commenter expresses concern about contamination on-site and requests that the entire project site be surveyed for such.

Please see Response to NELSON 3-2 and Master Response 3. The Phase II ESA recommended exploratory excavation and the implementation of an SDMP in order to document the project site characterization according to the nature and extent of contamination that is present on the project site, as well as to validate applicable screening levels before local development activities proceed. MM HAZ-1 requires the implementation of the SDMP and its approval by the DTSC prior to issuance of grading permits.

Response to SEGALLA-3

The commenter asks who will monitor air quality during all phases of soil extraction, removal, and transport.

The treatment of hazardous materials, including contaminated soils, is governed by federal, State, and local laws that ensure safe removal and transport of hazardous materials. These are detailed in Section 3.9.3 of the Draft EIR, from page 3.9-29 through 3.9-26. Construction equipment would be serviced by trained technicians and potentially hazardous materials would be stored in secure facilities. Furthermore, the safe handling of hazardous substances is governed by occupational health and safety laws and regulations and construction contract requirements. Therefore, the use of removal equipment and related hazardous substances during construction would not present any undue risks to the public or the environment. Furthermore, MM HAZ-1 requires the implementation of an SDMP, as approved by DTSC, which would require air quality monitoring as applicable. Finally, remediation is also governed by federal, State, and local laws, and as specified in Draft EIR Section 3.3-25, MM AIR-3, BCAQMD Best Management Practices During Construction would be required and includes dust suppression. As such, air quality from hazardous materials and construction operations were appropriately considered in the Draft EIR as required by CEQA.

Response to SEGALLA-4

The commenter states concerns regarding noise and traffic on 16th Street and requests that traffic calming measures are implemented as well as more project site access points.

This comment and concern are noted. Noise impacts for both construction and operation were evaluated in Section 3.12, Noise, of the Draft EIR, including off-site construction noise impacts. For example, MM NOI-2a includes restricting haul routes and construction-related traffic to the least noise-sensitive roadways, coordination of deliveries to reduce truck idling, and other measures.

Draft EIR Section 3.16 Transportation, analyzed the impacts of the proposed project as required under CEQA, including pedestrian and bicycle mobility, emergency access, and safety. The analysis concluded that all impacts would be less than significant once MM TRANS-2a through TRANS-3 were implemented regarding pedestrian and bicycle facility improvements.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition, but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the purview of CEQA. Therefore, no further analysis of transportation and noise is required. However, this comment has been provided to decision-makers for consideration

Response to SEGALLA-5

The commenter states that the proposed project will create more traffic and states that mitigation for noise and traffic have to occur. They express concern impact not adequately analyzed.

The comment does not identify any specific issues or make any specific suggestions regarding mitigation. Refer to response to SEGALLA-4.

Response to SEGALLA-6

The commenter asks who is in charge of noise monitoring, whom to contact for complaints, and who will have responsibility to address them.

Refer to MM NOI-2a, which specifies that a notice shall be posted regarding construction dates and duration as well as where noise complaints can be directed (contractor and City's Community Development Department).

Response to SEGALLA-7

The commenter requests mitigation for post-development noise caused by increased traffic.

The Operational Mobile Source Noise Impacts evaluated on page 3.12-26 of the Draft EIR show that the proposed project would not result in a substantial increase in traffic noise levels in excess of established standards and therefore there is no nexus for mitigation. The commenter does not provide additional information specific to the analysis used to make this conclusion, therefore no further response can be provided.

Response to SEGALLA-8

The commenter asks about upkeep of neighborhood infrastructure (sidewalks, curbs, gutters, drains, and bridges). They state upgrades should happen simultaneously to project and ask who will pay for them and whether plans have been made for them.

As explained in Section 2, Project Description, the proposed project includes an off-site improvement area, including a detention basin, access drive from Estes Road, and an associated storm drain alignment to handle project site related stormwater. No stormwater would be directed to the adjacent existing streets.

The proposed project also includes installation of various other public utility connections and various public roadway/bike path connections to existing public roadways at Estes Road and at West 14th,

West 16th, West 18th, West 20th, and Ivy Streets specifically as designated in MM TRANS-2 and -3. Such improvements would be funded by the City and developers as required by the Municipal Code development agreements and aforementioned mitigation measures.

Upkeep of the overall infrastructure of the neighborhood would not be sole the responsibility of the proposed project. However, the proposed project would pay all required fees to the City.

Response to SEGALLA-9

The commenter expresses concerns regarding light pollution.

This comment and concern are noted. Lighting and glare, as related to the proposed project, were analyzed in Draft EIR Section 3.1, Aesthetics, Light, and Glare, in Impact AES-3. As stated in the analysis, the proposed project (inclusive of all future on-site development) would be required to comply with the lighting standards in the City's Municipal Code Chapter 19.18 (Site Design and Architectural Review) and Chapter 19.60.50, which stipulate that exterior lighting shall be shielded or recessed so that direct glare and reflections are confined and directed downward and away from adjacent properties. Although the proposed project would result in new light and glare sources, they are not expected to adversely affect day or nighttime views, as lighting and materials would be designed to comply with City development standards. For these reasons, project impacts related to light and glare impacts would be less than significant.

Furthermore, Section 3.4, Biological Resources, evaluates construction lighting impacts to nesting birds, and determines a less than significant impact with incorporation of MM BIO-1a, MM BIO-1b, and MM BIO-2.

Overall, this comment does not raise any new concerns or information about the analysis provided in the Draft EIR, and therefore, no further response can be provided. This comment has been provided to decision-makers for consideration.

Response to SEGALLA-10

The commenter asks what emergency fire route plans have been made and who is in charge of this.

Emergency evacuation was analyzed in the Draft EIR Sections 3.9 and 3.18. The analysis concluded that impacts would be less than significant. This comment does not raise any new concerns about the analysis provided in the Draft EIR, and therefore, no further analysis of emergency evacuation is required. However, this comment has been provided to decision-makers for consideration

Response to SEGALLA-11

This comment consists of closing statements and requests to be updated on all future developments.

The comment is noted.

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From: Diana Shuey <shueyd@rocketmail.com>
Sent: Tuesday, February 18, 2025 7:36 AM
To: Sawley Mike
Subject: Barber neighborhood

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My concern is increased traffic from a large residential and commercial development whose only access is through our quiet neighborhood. Many streets have no sidewalks or partial sidewalks in front of one or two homes. 16th Street has very few sidewalks and none for two blocks. Will new ones built in people's yards or in the current roadway?

I live at 17th and Broadway. I am worried about heavy traffic coming from downtown since Broadway is one of the main streets, to the south part of the development.

Many people use skateboards or bikes or scooters here, plus baby carriages, dog walkers and pedestrians. And young children walking or riding bikes on their own.

And few sidewalks! Or bike lanes.

Plus increased traffic entering or crossing Park Avenue which is a dangerous street with fast traffic. My car was totaled recently at 16th and Park.

Also many potholes and mud parking areas in front of homes

Diana Shuey

1705 Broadway Street

707-708-9471

shueyd@rocketmail.com

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2

3

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Diana Shuey (First Letter) (SHUEY 1)

Response to SHUEY 1-1

The commenter raises concern about increased traffic when there is already a lack of pedestrian and bicycle facilities.

As discussed in Section 3.16, Transportation, of the Draft EIR, the proposed project's impacts on traffic would be less than significant. As for pedestrian facilities in the surrounding arterial streets, 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. As such impacts were found to be less than significant. No additional analysis is required.

Response to SHUEY 1-2

The commenter indicates concern regarding existing and future traffic on or crossing Park Avenue at high speeds.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the analysis are raised, and thus no response is required. Nonetheless, as noted in Draft EIR Section 3.16, Transportation, Impact TRANS-5, the proposed project would not substantially increase transportation system hazards. While the proposed project would increase the volume of traffic on study area roadways, the mix and speed of traffic is expected to remain substantially similar to baseline conditions, although speeds may decline as a result of increased vehicles. Under CEQA, analysis is not required regarding the environment's impacts on the project. Refer to Draft EIR Appendix J as well for information regarding LOS impacts to roadways, but note that such information is provided for informational purposes only and is beyond the purview of CEQA.

Response to SHUEY 1-3

The commenters state poor current conditions with many potholes and muddy parking area in the neighborhood next to the proposed site.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the analysis are raised, and thus no response is required. Nonetheless, as noted in Draft EIR Section 3.16, Transportation, Impact TRANS-5, the proposed project would not substantially increase transportation system hazards, including any related to potholes and muddy parking areas. See Response to SHUEY 1-2.

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From: Diana Shuey <shueyd@rocketmail.com>
Sent: Tuesday, February 18, 2025 4:51 PM
To: Sawley Mike
Subject: Post script re: traffic in Barber

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It occurred to me that with commercial business and recreational opportunities in the proposed development, not only will there be more traffic going through our neighborhood from the new area but also traffic into the area

Diana Shuey
707-708+9471
1705 Broadway
shueyd@rocketmail.com

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Diana Shuey (Second Letter) (SHUEY 2)

Response to SHUEY 2-1

This commenter provided an additional comment to amend their previous letter, SHUEY 1. The commenter notes increase of traffic in the project vicinity due both to new residents and patrons of proposed recreational opportunities and businesses.

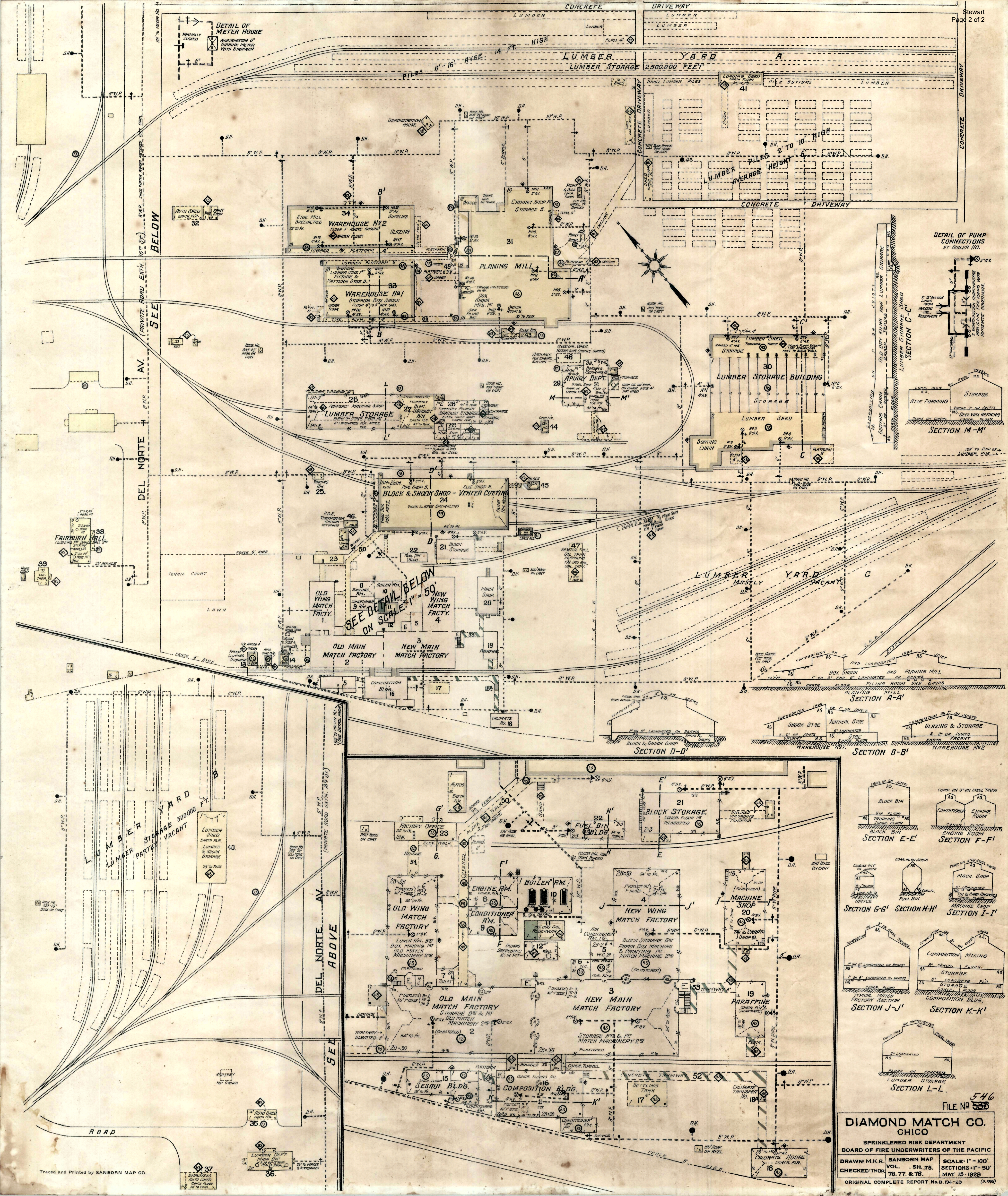
The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the Draft EIR analysis are raised, and thus no response is required. Refer to Response to SHUEY 1-2.

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From: Elizabeth Stewart <liz95928@gmail.com>
Sent: Tuesday, January 21, 2025 4:55 PM
To: Sawley Mike
Subject: Fwd: Your color scan:-)
Attachments: Diamond Match Map Cropped 12.31.24.pdf

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Here it is.



Elizabeth Stewart (STEWART)

Response to STEWART-1

The commenter attached a copy of “Diamond Match Co. Map.”

The comment is noted. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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From: Debbie Villaseñor <dvilla64@sbcglobal.net>
Sent: Thursday, February 13, 2025 10:29 AM
To: Sawley Mike
Cc: hilary herman; Cris Nelson; Janet Ellner; Adam Fedeli; Susan Baldwin; Linda Hamilton; Liz Stewart; Sandy and Paul Lieberum; John Merz
Subject: Re: Request a 30-60 day Extension for Public Comment on Draft EIR for the Barber Yard Specific Plan (2/13/2025)

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Hi Mike,

I echo Hillary's request to extend the public comment time for the Barber Yard Specific Plan draft EIR. The developer, city, and **consultants** have had over a year to review, study, analyze, and prepare this vast document.

To better capture the true spirit of the City's General Plan Goal 6.1.1, "Continue to support planning at the neighborhood scale by engaging with neighborhood groups..." a 30-60 day extension of time should be provided to allow more time to review and comment on this huge document and life changing undertaking.

Thank you.

Debbie Villaseñor
(530) 521-6401

"The future depends on what we do in the present." Mahatma Gandhi

On Thursday, February 6, 2025 at 10:43:45 AM PST, hilary herman <hilaryrherman@gmail.com> wrote:

Hey
Mike.
I 'm aware I have not contacted you asking for a quick conversation. Life/health got in the way this week.
I'm on an airplane headed to Mexico, just me, 1 week, well deserved break. Unfortunately I brought my computer to work on it!
But, quickie; I looked up
State Law. It appears a draft EIR allows 30-60 days (more with exceptions) for public and agency review. May I assume the 45 days was just cutting it in the middle? It makes sense of course, but given the magnitude of the document (note i am leaving out toxins, i leave that to those who understand) and neighborhood lay people trying to make heads or tails, or feeling too daunted by it, wouldn't the 60 days? at a minimum (i didn't read exceptions) be more reasonable?
I'm also fielding a lot of questions and concerns from folks feeling they have not been made aware etc etc.
I know you're doing all you can to get the word out in our conventional methods but people are people.
thanks, please lmk

Sent from my iPhone

> On Jan 30, 2025, at 7:20 PM, hilary herman <hilaryrherman@gmail.com> wrote:

>

>

> Hey Mike, I just wanted to say that I didn't mean to rain on your parade at the end of the meeting. But, between Bob's not so veiled threats and the other gentleman having an audience to share his health anxiety it just felt really negative. I felt we needed to acknowledge your and the developers willingness to listen to and work with us.

> I had tried to catch your eye before you adjoined the meeting, not just jump in front of you.

>

> Best,

> Hilary

Debbie Villasenor (VILLASENOR)

Response to VILLASENOR-1

This comment consists of introductory statements and requests for a time extension on the comment period.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days.

Response to VILLASENOR-2

This comment includes a previous reply in the email chain. The correspondence advocates for a time extension on the Draft EIR comment period.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to VILLASENOR-3

This comment is a previous reply in the email chain.

The comment is noted. Per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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RECEIVED

March 7, 2025

Mr. Mike Sawley, Principal Planner
City of Chico
PO Box 3420
Chico, CA 95927
mike.sawley@chicoca.gov

MAR 07 2025
CITY OF CHICO
BUILDING & DEVELOPMENT
SERVICES

Re Draft Environmental Impact Report Barber Yard Specific Plan Project, State Clearinghouse
Number 2023030641

Dear Mr. Sawley:

The following comments and questions are submitted for the Draft Environmental Impact Report *Barber Yard Specific Plan Project* (“DEIR” or “Project”). The Project contemplates 1,250 residential units on 133 acres combined with approximately 210,000 square feet of commercial space made up of “...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.”¹ Appendix J provides more explicit numbers for housing unit types with 530 detached single-family houses, 107 attached single-family houses, and 613 multi-family apartment units planned.²

1

Here is an infill project on an old polluted industrial site, which is certainly suited for some development, but is the Project appropriate? Has the DEIR fully disclosed impacts?

2

I. Traffic Impacts are Poorly Defined

Chico is like most communities built around the automobile. This priority facilitates congestion, lack of accessible and affordable transportation options, unsafe streets, and frequently sprawling, and ecologically destructive built environments. Infill is certainly more appropriate for urban development, but *how* development occurs in an existing community fabric requires care and an intense effort to diminish impacts.

As reported in the Congress for New Urbanism Journal, “Wide lanes are deadly in urban places, as planner Jeff Speck reported in detail, because they encourage speeding. Narrow lanes make drivers more cautious—and save lives. Slower traffic allows walking, biking, and other forms of transportation to flourish.”³ Sixteenth Street and parts of Salem Street, Chestnut Street, and Normal Avenue are quite wide and already encourage reckless driving behavior such as running stop signs, speeding, and attacking speed bumps for a thrill. Sadly, the City of Chico, like so many jurisdictions, doesn’t have the capacity to proactively address such safety hazards, but does have a penchant for building and “improving” vehicular infrastructure that produces dangerous conditions for non-vehicular users. One such example planned for the Barber neighborhood is the replacement of the bridge at Little Chico Creek and Salem starting in 2025 – a major entry point to the neighborhood.

3

¹ DEIR p. 2-16

² DEIR Appendix J, p. 1.

³ Steuteville, Robert 2015. *As traffic deaths rise, blame engineering dogma: US traffic deaths are rising again—fatalities jumped 8.1 percent in the first half of 2015.* <https://www.cnu.org/publicsquare/2015/02/03/traffic-deaths-rise-blame-engineering-dogma>

This project is an example of excess that doesn't meet traffic calming criteria, but is blamed on CalTrans.

3
CONT

The DEIR fails to acknowledge the existing and pending conditions, let alone how the proposed Project will increase vehicular volume, hazards, and noise. The proposed housing alone will generate significant traffic, and the commercial component will add significant vehicle trips. The recreational part of the proposed project will invite major traffic to the Barber neighborhood potentially all hours of the day and night, such as the baseball diamond, athletics facility, and “[p]laces for social gatherings, events, music, or smaller parties.”⁴ None of the concerns raised above have been adequately disclosed or analyzed in the DEIR and must be corrected in a recirculated document for public review and comment.

4

Southwest Chico Neighborhood Improvement Plan

The DEIR's discussion of the *Southwest Chico Neighborhood Improvement Plan* (“Improvement Plan”) is found on a third of a page late in the document (pdf p. 697 of 794 pages). The cursory review in the DEIR of this important document is also light on substance. The DEIR could have used the Improvement Plan as a springboard to address the numerous issues the proposed Project presents, particularly for circulation concerns. Goal five in the Vision section provides an underpinning for it: “This Plan provides recommendations for incremental improvements to calm traffic, increase circulation options, alleviate congestion, create new and safer routes and crossings for pedestrians and cyclists, and encourage urban patterns that support transit. Along with supporting a variety of modes of transportation, the Plan considers different scales of transportation, from local to citywide, and supports the concept of the ring transportation corridor suggested by the General Plan.”⁵

5

Significant development impact fees will be needed to address the traffic calming that will be necessary when the 12,553 new vehicle trips per day hit the Barber Neighborhood. Please provide the range of possible impact fees that could be charged to the development and contrast it to the costs of many mini-circles, chicanes, median barrier/narrowings, raised crosswalks, full traffic circles, and more possible measures that will be necessary to keep the Barber Neighborhood livable.

6

Additional Transportation Concerns

1. The DEIR fails to disclose how the Project will “Build on the historic grid system in the adjacent Barber Neighborhood to balance the load of additional traffic created by the new development.”⁶ Please explain.
2. The DEIR states that “Access to the project site is described in Chapter 2, Project Description. Ivy Street, 14th Street, 16th Street, 18th Street, and 20th Street would connect to the project site.”⁷ How will vehicular traffic impact north/south and east/west streets that aren't planned as the main transportation corridors?
3. The DEIR fails to disclose and analyze the significant traffic conditions at the 11th and Broadway intersection.⁸ Chico Country Day School generates significant traffic already, which significantly impacts adjacent streets and intersections. This must be corrected.

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⁴ DEIR, Table 3.15-3: Proposed Parks and Amenities, pp. 3.15-9 to 3.15-11

⁵ City of Chico. 2008. *Southwest Chico Neighborhood Improvement Plan*, pp. 35-36.

⁶ DEIR, p. 3.16-32.

⁷ *Id.* p. 3.16-2.

⁸ *Id.* Appendix J, Table 4, pdf p. 11.

4. Will timing for the signalized intersections along Park Avenue be adjusted with Project construction and build-out? Examples of existing conditions at 12th or 14th and Park Avenue, which are signalized intersections, are current delays that will be significantly exacerbated by the 12,553 additional vehicle trips generated by the Project daily.⁹ It takes over 40 seconds for the signal light to trip for east/west traffic at those intersections now, yet only the intersection at 18th and Park is deemed poor (LOS F). This leads to questions about the efficacy of the traffic modeling inputs. Please disclose the modeling assumptions.

10

The concerns raised above must be addressed in a recirculated CEQA document for public review and comment.

II. Hazardous Waste Issues to Address

All Project development approvals, if they occur, should take place after the full assessment for toxic and hazardous material is finished and the cleanup completed with all necessary state approvals and conditions. Only then, when the toxics are fully characterized and removed to the best degree possible, will the public and policy makers have ability to ensure that no housing will be built on remediated land.

This is in keeping with the remediation of the Humboldt Road Burn Dump and the subsequent approvals for developments there that were/are most protective of residents. The City of Chico, with significant input from its citizens, made major decisions from 2003-2005 to make the HRBD remediation and future development much safer for residential use. These requirements were imposed by the City to protect its residents, independent of the orders of the State of California, such as: 1) The decision not to remediate during the school year while Hank Marsh School was in session; 2) Following the most conservative monitoring protocol sought by the Citizens' Committee by requesting that the Butte County Air Quality Management District oversee the cleanup monitoring by third party experts; 3) Insisting that no housing of any type be placed on remediated land.

11

Three schools within .25 miles of the Project site are disclosed in the DEIR as containing sensitive receptors: Little Sprouts Preschool, Mi Escuelita Maya, and WaterSprites Swim School.¹⁰ Noticeably missing from the list in section 3.9, Hazards and Hazardous Materials, is Chico Country Day School that is, according to elsewhere in the DEIR, just .33 miles from the Project and hosts the largest population of children of all the schools (K-8th grade).¹¹ This oversight must be explained and corrected. I recommend that the City continue here the legacy of protecting its current and future residents to the highest degree possible by following steps 1-3 above used for the HRBD.

III. The Alternatives Analysis is Inadequate

The DEIR is required to evaluate and implement feasible project alternatives that would lessen or avoid the project's potentially significant impacts. Pub. Resources Code §§ 21002, 21002.1(a), 21100(b)(4), 21150; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. This is true even if the DEIR purports to reduce or avoid any or all environmental impacts to less than significant levels. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376. Alternatives that lessen the project's environmental impacts must be considered even if they do not meet all project objectives. CEQA Guidelines § 15126.6(a)-(b); *Habitat & Watershed Caretakers*

12

⁹ *Id.* Table 3: Project Trip Generation. pdf p. 10.

¹⁰ DEIR. pp. 3.9-27 to 3.9-28.

¹¹ *Id.* p. 3.14-6.

v City of Santa Cruz (2013) 213 Cal.App.4th 1277, 1302; *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866.

The Alternatives Analysis here is weak, since the alternatives are narrowly defined and explored. A hybrid alternative might pass muster under CEQA and the watchful gazes of the thousands of people who will be directly affected by the Project. Accentuating safety and livability needed for current and future residents while also protecting existing and planned future commercial spaces on Park Avenue and downtown would be a good place to start. This may entail removing some of the large recreational projects that will draw external traffic at all hours and all days.

12
CONT

IV. Additional Comments and Questions

1. The DEIR fails to analyze the air quality impacts from the ever increasing number of commercial vehicles that will serve 1,250 new residences. Instead the DEIR asserts "[t]he daily vehicle trips generated by development under the proposed project would be primarily generated by passenger vehicles."¹² While it is true that vehicle trips from the Project will be primarily passenger vehicles, secondary impacts must also be disclosed and analyzed. This is an omission that must be corrected.
2. There may be grave consequences from the planned commercial space from increased traffic, and all the dangers that come with humans and vehicles, to economic impacts to existing commercial spaces on Park Avenue and the downtown. How does the Project conflict with the Park Avenue Visioning Study and the *Southwest Chico Neighborhood Improvement Plan*?

13

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In closing, the DEIR is a good first try for development at a former industrial site with toxic material within an urban fabric. I hope the City will take the opportunity to weigh the significant issues raised by numerous residents and others to rethink how a project could move forward at Diamond Match. Pursuant to CEQA, "lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Public Res. Code § 21067.) As such, the lead agency has authority to require imposition of alternatives and mitigation measures to reduce or avoid significant project effects, and must have the authority to disapprove of the project altogether. The City must assert its authority and suggest a second bite at an EIR, which might get the developer and the City closer to a Project that will provide the safety and livability needed for its current and future residents and will also protect existing and planned future commercial spaces on Park Avenue and downtown.

15

Sincerely,



Barbara Vlamis
P.O. Box 4346
Chico, CA 95927

¹² DEIR. Project Operations as Toxic Air Contaminants Generator. p. 3.3-52.

Barbara Vlamis (VLAMIS)

Response to VLAMIS-1

This comment consists of introductory remarks and summarizes the project description. No response is required.

The comment is noted.

Response to VLAMIS-2

The commenter questions if the Draft EIR has fully disclosed impacts.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. Responses to the commenter's specific comments are addressed below.

Response to VLAMIS-3

The commenter expresses concerns over hazardous driving and wide lanes on streets in the vicinity of the project site and refers to study data about traffic calming street design utilizing narrower streets.

The comment is noted along with the concerns. The commenter discusses traffic concerns broadly but does not address impacts or specific concerns regarding the proposed project. Thus, no additional analysis is required.

Response to VLAMIS-4

The commenter argues the Draft EIR fails to acknowledge how the proposed project would increase vehicular volume, vehicle trips, hazards, and noise specifically related to on-site commercial and recreational uses. They state this must be adequately disclosed, analyzed, and corrected in a recirculated document for public review and comment.

The Draft EIR utilizes trip generation to calculate air quality (Section 3.3), VMT (Section 3.16), and traffic related noise impacts (Section 3.12). Impact TRANS-5 analyzes transportation hazards. Impacts related to noise are addressed in Draft EIR, Section 3.12, Noise. The commenter provides no comment on the provided analysis therein and therefore no further response can be provided in this respect. There is no basis provided for recirculation.

Refer to Response to CALTRANS-3 and ATA-3. In addition, the effect of increased vehicle volumes was addressed in the Draft EIR based on the methodology and metrics selected by the City of Chico under the discretion allowed by CEQA. Potential impacts associated with vehicle volumes are measured using the metric VMT, as specified in CEQA Guidelines Section 15064.3.

The City's methodology and preferred VMT metrics focus on the weekday VMT generated by the project's residents and workers. The commenter claims the proposed project will generate significant traffic and vehicle trips. No evidence is provided to support this statement or to identify errors or inadequacies in the VMT impact analysis. As explained in the cumulative impact analysis of VMT on page 3.16-42 of the Draft EIR, the mix of project uses and inclusion of recreational uses are

complementary when it comes to reducing VMT. As such, no transportation impact occurs under CEQA, and no mitigation is required.

Information regarding other effects of the proposed project's vehicle traffic related to traffic operations is provided through a separate traffic analysis performed for the project's entitlement review, see Appendix J of the Draft EIR. This analysis focuses on typical weekday traffic conditions and the change in vehicle trips and traffic operations expected from housing and commercial components of the project.

Response to VLAMIS-5

The commenter argues that the Southwest Chico Neighborhood Improvement Plan should be utilized more heavily to address numerous issues, particularly circulation.

Refer to Response to ATA-5.

Response to VLAMIS-6

The commenter requests a range of possible impact fees that could be charged and contrasts those with the costs of safety features that would purportedly be necessary to keep the Barber Neighborhood livable.

The future development projects within the BYSP Area would pay development impacts fees as outlined by, and in accordance with, applicable regulations including the Chico Municipal Code and pursuant to any development agreements made with the developer, as applicable.

Response to VLAMIS-7

The commenter requests further explanation on how the project will "Build on the historic grid system in the adjacent Barber Neighborhood to balance the load of additional traffic created by the new development."

For information regarding the connection to and extension of roadways in the existing Barber Neighborhood and project phasing, refer to the BYSP document. See also Master Response 2.

Response to VLAMIS-8

The Draft EIR states that "Access to the project site is described in Section 2, Project Description. Ivy Street, 14th Street, 16th Street, 18th Street, and 20th Street would connect to the project site." They ask how vehicular traffic will impact north/south and east/west streets that aren't planned as the main transportation corridors?

Appendix J of the Draft EIR included traffic operational analysis of select intersections in the project vicinity for informational purposes only. Refer to Response to CALTRANS-3 and ATA-3. No related transportation impact occurs under CEQA, and no additional analysis is required under CEQA.

Response to VLAMIS-9

The commenter says the Draft EIR fails to disclose and analyze the significant traffic conditions at the 11th and Broadway intersection, including traffic related to Chico Country Day School.

Intersection traffic operations are not a basis for CEQA transportation impacts as explained in response to CALTRANS-3, ATA-3, and VLAMIS-8. Traffic operation analysis in Appendix J of the Draft EIR was provided for informational purposes only and did not include traffic operational analysis at 11th and Broadway streets. No related transportation impact occurs under CEQA, and no additional analysis is required under CEQA.

Response to VLAMIS-10

The commenter asked if timing for the signalized intersections along Park Avenue would be adjusted with project construction and buildout. Requests disclosure of modeling assumptions.

Refer to Response to CALTRANS-3, ATA-3, VLAMIS-8, and VLAMIS-9. For informational purposes only, traffic operation analyses are provided in Appendix J of the Draft EIR and specify analysis methodology. No related transportation impact occurs under CEQA, and no additional analysis is required under CEQA.

Response to VLAMIS-11

The commenter states that the project should only be approved after hazardous materials are fully characterized and cleaned. The Humboldt Road Burn Dump remediation is cited as an example of how development could proceed in a different manner.

See Master Response 3.

Response to VLAMIS-12

The commenter states that the analysis of alternatives in the Draft EIR is weak and suggests consideration of reducing proposed large recreational components to reduce traffic impacts to accentuate safety and livability while protecting existing and planned commercial space on Park Avenue and downtown.

The commenter misinterprets CEQA caselaw regarding the Lead Agency's choice of alternatives. The purpose of an EIR's discussion of alternatives and mitigation measures is to identify ways to reduce or avoid significant environmental effects; therefore, a lead agency is not required to consider every conceivable alternative. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 403). Instead, CEQA directs the lead agency to focus on alternatives that can avoid or substantially lessen a project's significant environmental effects. (Public Resources Code § 21002). The alternatives discussed should offer substantial environmental advantages over the proposed project. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 566). As noted in the cases cited by commenter, an alternative that would substantially reduce the project's significant environmental impacts should not be excluded from the analysis simply because it would not fully achieve the project's objectives. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 CA4th 1277, 1304). An EIR need not, however, include alternatives that are incompatible with the project's fundamental purpose or alternatives that would not meet most project objectives. (*See e.g., In re Bay-Delta Programmatic Env't Impact Report Coordinated Proceedings* (2008) 43 C4th 1143). The commenter does not provide specific reasoning regarding why the alternatives are weak or how the analysis of alternatives should be updated. With respect to the commenter's proposed alternative, the proposed project does not have significant traffic impacts, and thus, a proposed alternative that would reduce recreational options for the stated purpose of reducing traffic, would

neither address a significant impact created by the proposed project nor reduce the need for any mitigation; however, this alternative would reduce the benefits of providing adequate recreational space for additional residents in the City.

Response to VLAMIS-13

Commenter states that the Draft EIR fails to analyze the air quality impacts from the increasing number of commercial vehicles that will serve 1,250 new residences. They argue secondary impacts must also be disclosed and analyzed. They state that this omission must be corrected.

The air quality analysis evaluated a range of vehicle mixes that would travel in the project area. As explained in Draft EIR Section 3.3, Air Quality, the air quality modeling uses the Butte County fleet (or vehicle) mix from the CARB's EMFAC2021 which is the latest emissions inventory model that calculates emissions inventories for motor vehicles operating on roads in California. It was then adjusted to reflect the relative proportions of vehicle classes that were tallied in the May 2022 traffic counts on neighborhood streets used for the traffic analysis and was adjusted for project area-specific characteristics utilizing a traffic study of local streets (2022). Therefore, the air quality analysis accounts for the emissions from a range of vehicle types occurring at different percentages, including passenger cars; light-duty, medium-duty, light-heavy-duty, medium-heavy-duty, and heavy-heavy-duty trucks; and buses. The analysis also accounts for the different emission factors for various vehicle types. Therefore, the air quality impacts from operational mobile sources are appropriately analyzed and disclosed.

Response to VLAMIS-14

Commenter expresses concern for general safety from traffic due to commercial spaces. They ask how the project conflicts with the Park Avenue Visioning Study and the Southwest Chico Neighborhood Improvement Plan.

Refer to Response to ATA-5. The Park Avenue Visioning Study is not a regulatory document.

Response to VLAMIS-15

Commenter states that the Draft EIR should be improved upon and provides general recommendations for additional alternatives and mitigation measures.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

From: Sue <suebedowa@gmail.com>
Sent: Thursday, February 13, 2025 4:38 PM
To: Sawley Mike
Cc: Brendan Vieg; Bryce Goldstein
Subject: 90 day extension re Diamond Match Development EIR public comment deadline

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

I write due to concerns over the need for more time required to review the voluminous report of over 3000 pages before fair public comment can be made. I've been a resident of the neighborhood over 8 years have not received any notice of the impact report of this development. I will be moving in a few weeks to a new address with in the same neighborhood only much closer to the impact area. It's imperative that current residents are informed of all ramifications to the environment we share.

Sincerely,

Susan Walz, Chico resident 30 year
Current address 1200 Park Ave #331 moving to 1448 #2 Normal Ave, Chico, CA 95928

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Susan Walz (WALZ)

Response to WALZ-1

This comment consists of introductory statements and requests for a time extension on the comment period.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days. The City notes that all notice requirements were adhered to including, but not limited to an extended 60-day public review period and two public scoping hearings.

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From: David Welch <davidwelch311@gmail.com>
Sent: Monday, January 13, 2025 7:54 AM
To: Sawley Mike
Subject: Comment on Barber Yard

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Mr. Sawley

As a general comment, I believe that this is the kind of development that is appropriate for Chico. At the same time, it does have the potential for significant impacts on its immediate neighbors, primarily in the form of increased traffic on what are presently fairly quiet neighborhood streets. It's important to do what is possible to minimize that impact.

It's a positive, from that standpoint, that there are multiple points of entry, so that the traffic is dispersed, rather than concentrated on one or two streets.

The goal in minimizing traffic impact should be to help traffic to flow smoothly but SLOWLY, while minimizing the noise and pollution that comes from frequent stops and starts. The best way to accomplish that would be with the simple, inexpensive neighborhood roundabouts at each intersection on the streets giving entry to the project. These can be done with little or no alteration to the overall shape of the intersection and can be as simple as a large planter and a few signs.

This approach would have the added benefit of slowing traffic on the existing North/South streets like Salem and Chestnut, where residents often complain of traffic that is too fast for the neighborhood.

Thank you for your consideration

David Welch

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David Welch (WELCH)

Response to WELCH-1

This comment consists of introductory statements and states approval of project type, but emphasizes that impacts to neighborhood, primarily traffic, must be minimized.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. Nonetheless, refer to Draft EIR Section 3.16, Transportation, and Appendix J regarding changes to transportation system as a result of the proposed project. As indicated in Section 3.16, Transportation, with the implementation of mitigation measures, impacts would be less than significant.

Response to WELCH-2

The commenter expresses their approval of multiple entry points design.

The comment is noted.

Response to WELCH-3

The commenter promotes the use of roundabouts to slow and smooth traffic flow along streets that provide access to the project site, thereby reducing noise and pollution.

Comment noted. Refer to Draft EIR Section 3.3, Air Quality and Section 3.16, Transportation for analysis of project impacts on pollution related to transportation and noise.

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From: Rhonda Whetstine <rhondarwhetstine@gmail.com>
Sent: Wednesday, February 12, 2025 5:49 PM
To: Sawley Mike
Subject: Diamond match development 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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

To Mike Sawyer;

I am a resident of the Barber neighborhood, and I live only a couple blocks from the site of development. We need an extension of time so we can go through the lengthy 3000 pages, as well as hear all concerns of the neighborhood , of which many haven't even been informed yet! 1

There are real dangers to this process that need addressing, I live here and do not want exposure to toxic air, animals and children are most vulnerable, please be responsible, to your fellow human beings, money making and progress shouldn't come at a cost to one's health, wouldn't you agree?! 2

Sincerely, Rhonda Whetstine
1448 Normal ave.
Chico, ca.95928
808-419-8385

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Rhonda Whetstine (WHETSTINE)

Response to WHETSTINE-1

This comment consists of introductory statements and requests for a time extension on the comment period.

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the City voluntarily extended the public review period from 45 days to 60 days. The City notes that all notice requirements were adhered to including, but not limited to, an extended 60-day public review period and two public scoping hearings.

Response to WHETSTINE-2

The commenter expresses general concern over project impacts, citing toxic air and impacts to wildlife and health.

The comment is noted along with the concerns. Please refer to Draft EIR Section 3.3., Air Quality and Section 3.4, Biological Resources, for more information.

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From: Dan Whittle <whipplelicks@yahoo.com>
Sent: Friday, February 28, 2025 4:16 PM
To: Sawley Mike
Subject: Fw: Failure Notice

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, February 28, 2025, 8:42 AM, MAILER-DAEMON@yahoo.com wrote:

Sorry, we were unable to deliver your message to the following address.

<mike.sawley@chicoco.go>:

No mx record found for domain=chicoco.go

----- Forwarded message -----

i saw your plan ,seems to be lacking the actual placement of the houses ,like the one i saw in the meeting i attended ?why are you hiding these facts from the public?we live on the last part of normal ave where you showed you would just butt the new houses right up against existing houses?no alleys ?this does not keep up with the integrity of our neighborhood we have alleys this is a fine planed neighborhood ,you are going to ruin it by stuffing as many people as you can in there.i am holding you personally responsible for ruining our neighborhood.i walk these streets everyday with my 27 year old girl in a wheelchair our streets are crumbaling and i can barely push her down these streets now you want hundreds of contractors and concrete diesil trucks to crush what little is left to our steets and pollute our air.18th street will go from a dozen cars a day to thousands ,everyone is going to go that way to go to winco and walmart.you cant go left on 20 th street.you are going to ruin our way of life ,our air ,our streets.i will hold you and dan accountable for this ,i will stand in front of your house with my kid in a wheelchair in protest to show everyone how you are in the back pockets of these contractors .you should be ashamed of yourself for not realizing what you are doing to us. dan whittle home owner 30 years on normal

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Dan Whittle (WHITTLE)

Response to WHITTLE-1

The commenter requests plan details of actual house placements and whether alleys would exist between new and existing properties.

The comment is noted along with the concerns. Per CEQA Guidelines Section 15088(c), no specific environmental issues are raised and thus no response is required. Nonetheless, the design and placement of individual home sites would be determined by individual future subdivisions. Alleys would be included in the new roadway network; however, due to the angled interface of the BYSP site with the existing neighborhood, specific evaluation will be necessary as specific subdivision designs are proposed. The three street classifications—Framework Streets, Supporting Streets, and Alleys—are discussed in further detail in the BYSP Section 5.1. The proposed BYSP contains all of the elements needed to create new streets that interface compatibly with the existing neighborhood. The level of detail regarding homes and alleys provided in the Draft EIR is appropriate for a CEQA analysis. No further details are required under CEQA.

Response to WHITTLE-2

The commenter notes the deteriorated state of the streets and sidewalks, and that project-related construction and operational traffic will further deteriorate conditions.

This comment and concern are noted. The proposed project's transportation-related impacts were analyzed in Section 3.16 of the Draft EIR. The analysis concluded that all impacts would be less than significant with the implementation of MM TRANS-1 through -3. Note that MM TRANS-2 and -3 require the construction of off-site bicycle and pedestrian facilities, specifically in the adjacent Barber Neighborhood referenced in the comment.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Therefore, no further analysis is required. This comment has been provided to decision-makers for consideration.

Response to WHITTLE-3

This comment consists of closing statements and states disapproval of the proposed project.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. This comment has been provided to decision-makers for consideration.

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From: Tyler Wilson <tylwil@yahoo.com>
Sent: Saturday, January 25, 2025 3:23 PM
To: Sawley Mike
Cc: Christine Wilson
Subject: Re: Barber Yard Specific Plan - Draft Environmental Impact Report

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Hello Mr. Sawley,
Thank you for this information and for the opportunity to review and comment on the Barber Yard Specific Plan Draft EIR. The following comments are focused on the Land Evaluation Site Assessment (LESA) model (Appendix B) and the conclusion in the draft EIR that the conversion of agricultural lands is considered less than significant.

1. The LESA model should use the entire proposed project boundary in the analysis, not just the stormwater detention basin and alignment options.
2. The entire project site is considered to be LCC Class I soils, not just the stormwater detention basin.
3. It appears, or at least the mapping doesn't indicate, that the model did not correctly define the project's zone of influence (step 2 under "Site Assessment") in the LESA Model Instruction Manual which requires a rectangle be drawn that completely contains the project site (which should be the entire project site). See Figure 1: Defining a Projects Zone of Influence from the LESA Model Instruction Manual.
4. The direct impacts of 7.1 acres to the prime farmland as a result of the stormwater detention basin would effectively remove any potential to farm on the overall 13.44 acre parcel.
5. It would be helpful if Attachment B of the LESA model included highlighted areas of the scoring categories to better inform the reader.
6. Based on comments 1, 2 and 4 above, Table 3 of the LESA model (project size scoring) should be a minimum of 30, if not more.
7. Based on comment 6 above, the resulting Site Assessment score would be greater than 20.
8. Based on Table 9 of the LESA Model Instruction Manual, the impacts on farmlands would be considered significant.

Please consider reviewing LESA model per the comments above and reconsidering the conclusion that the proposed project would have a less than significant impact on farmland conversion as stated in Section 3.2—Agriculture and Forest Resources, Impact AG-1.

Please confirm receipt of these comments. Thank you for your time.

Sincerely,
Tyler Wilson

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Christine Wilson (WILSON)

Response to WILSON-1

This comment consists of introductory remarks. Comments are addressed below.

Response to WILSON-2

The commenter states that the Land Evaluation and Site Assessment (LESA) model should have used the entire project boundary and not just the stormwater detention basin and alignment options area.

The BYSP Area, outside of the off-site stormwater detention basin and alignment options, is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. It is designated as “Other Land” by the Farmland Mapping and Monitoring Program California Important Farmland Finder, meaning it is land not included in any other Farmland Mapping and Monitoring Program (FMMP) mapping category. As such, the LESA model is not required for the entire project site because there are no classified agricultural lands outside of the off-site stormwater detention basin area.

Furthermore, as noted in the Draft EIR, the area where the stormwater basin is proposed is not actively farmed or irrigated and therefore does not currently reflect a key characteristic of Prime Farmland. Nonetheless, the Draft EIR considered the potential impacts to such lands by preparing a LESA model for the portion of the project site currently designated as Prime Farmland.

The LESA model appropriately examines land use on those parcels that are within a Zone of Influence of the defined boundary to ensure that impacts to adjacent agricultural activities are appropriately considered. The LESA model thus appropriately identified the relevant Zone of Influence and accounted for properties within 0.25 mile of the project site for a total of 481.4 acres. See Appendix B, Exhibit 3.

Finally, as noted in the comment letter submitted by the Butte County Development Services, the off-site stormwater basin and related facilities would be an allowed use in the AG-40 zone as a Utilities, Accessory use, subject to approval of an Administrative Permit from Butte County (Refer to Response to BCDS-2). Therefore, despite the off-site stormwater infrastructure being an allowed use within an agricultural zoned parcel, the Draft EIR conservatively considered Prime Farmland impacts via a LESA model.

Response to WILSON-3

The commenter notes that the entire site is considered LCC Class I Soils, and not just the stormwater basin.

See Response to WILSON-2.

Response to WILSON-4

The commenter notes that the LESA model appears to have not correctly defined the project’s zone of influence in the LESA model.

The LESA model appropriately identified the relevant Zone of Influence and accounted for properties within 0.25 mile of a square that bounds the off-site development area for a total of 481.4 acres. See Appendix B, Exhibit 3. Refer to Response to WILSON-2.

Response to WILSON-5

The commenter argues that the impact to 7.1 acres of prime farmland from the stormwater basin would remove any potential to farm the 13.44-acre parcel.

Please see Response to WILSON-2 and Response to BCDS-2. The proposed stormwater basin and related infrastructure is an allowable use within the AG-40 zoned lands.

Response to WILSON-6

The commenter requests a table be highlighted to help reader comprehension.

Comment noted.

Response to WILSON-7

The commenter argues that the minimum score for the project size scoring in Table 3 of the LESA should be 30 and the resulting Site Assessment score should be greater than 20.

Please see Response to WILSON-2 and Response to BCDS-2. The entire project site is not accounted for in the LESA model because it is not designated as important farmland as defined by the FMMP, nor has it been used as farmland in the past.

Response to WILSON-8

The commenter argues that based on Table 9 of the LESA Model Instruction Manual, impacts to farmland should be considered significant.

Refer to Response to WILSON-2 through -7.

Response to WILSON-9

The commenter requests that the LESA model be revised based on the provided comments and the less than significant farmland conversion impact be reconsidered.

Refer to Response to WILSON-2 thorough -7.

Response to WILSON-10

This comment consists of closing statements and requests confirmation of receipt of comments. No response necessary.

From: Geoff Wintrup <gwintrup@gmail.com>
Sent: Tuesday, January 7, 2025 11:56 AM
To: Sawley Mike; Nicole Acain
Subject: Re: Barber Yard Specific Plan - Draft Environmental Impact Report

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 Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Hello Mike & Nicole,

I have read through the EIR and there is definitely some language that is concerning.

As a Barber resident for 35 years and living very close to the entrance to the Barber Yard, I am feeling very leery about this project.

Don't think that all of us in the Barber don't see what is going on at Meriam Park. The proposed buildout for that development has changed so much from its original concept that there is no resemblance.

Gonzales Development promised parks and open space—all they got was the world's smallest dog park and a pickleball court.

There needs to be an agreement for a minimum amount of open space and parks in this new development—not just potential.

Below is an excerpt from the EIR that says many, if not all, of the features that would benefit the existing neighborhood are only being considered as "potential" and "contemplated."

"At full buildout, a variety of potential future park, recreational, and open space amenities are contemplated by the BYSP including the Barber Pop-up, Social Hub, Diamond at Barber Yard, Athletics Facility, Dog Park, Picnic Grove, Ruins Park, and various neighborhood parks (e.g., the Yard). The open space network within the BYSP is designed to provide, at full buildout, opportunities for a wide array of active and passive recreation uses to help meet the range of needs within the proposed project and broader community."

In the list below of Potentially Controversial Issues that may be raised during the public review—I don't see any mention of:

- Safety
- Impacts to roads (unless that would fall under Traffic Increase)
- Noise Pollution (because of all the new residents and activity, not just Construction Noise)

- Transportation and alternative transportation options
- Traffic increase
- Greenhouse Gas Emissions
- The Asphalt Cap and toxic waste disruption
- The UPRR Railroad crossing and associated noise impacts
- Construction noise impacts
- Parking availability
- Light trespass and pollution
- Aesthetics and architectural design
- Biological resources and habitat loss
- Utilities and increased demand on wastewater and stormwater systems

4
CONT

As far as Aesthetics and Architectural design are concerned, the tightly packed homes with alley access that were developed in Meriam Park are awful.

5

The BYSP plans to do the same thing: "construct additional single-family homes throughout the site with alleyways."

Unless the "single-family homes with alleyways" will match the spacing of the existing, surrounding neighborhood, this will be a very claustrophobic place to live and navigate through.

6

Have you ever tried to drive through the Doe Mill neighborhood? It's terrible!

I know that Doe Mill was done by New Urban Builders, not Gonzalez—but you get my point.

Sincerely,
a concerned neighbor,
Geoff Wintrup

Geoff Wintrup (WINTRUP 1)

Response to WINTRUP 1-1

This comment consists of introductory statements and states concern for the proposed project.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no environmental issues specific to the project analysis are raised, and thus no response is required.

Response to WINTRUP 1-2

The commenter notes another project being developed in the City of Chico, stating that the development being constructed is different from the original concept with minimal parks and open space.

The comment is noted. Per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required. Furthermore, the merits of other projects are beyond the purview of this CEQA document.

As noted in the Draft EIR Chapter 2, Project Description, a total of approximately 13 acres of primary and secondary open space is proposed. The timing of the construction of the open space amenities would be dependent on a number of factors including any specific timing requirements set forth in the Specific Plan and/or Development Agreement as well as market and other conditions. Per Draft EIR Section 3.15, Recreation, Impact REC-1, the proposed project's increase in residential population would require approximately 4.46 acres of neighborhood parks and approximately 7.44 acres of community parks; however, the project is planned to exceed these requirements.

Response to WINTRUP 1-3

The commenter requests that the EIR guarantees a minimum amount of open space and parks, and not just the potential of it.

Individual projects would be required to demonstrate consistency with Chico Area Recreation District (CARD) parkland standards and pay applicable park development fees as a condition of project approval. Accordingly, development of required open space and parks would be ensured by the City's planning process.

Response to WINTRUP 1-4

The commenter requests the following items be added to the "Potentially Controversial Issues" section: Impacts to roads (unless that would fall under Traffic Increase), noise pollution (because of all the new residents and activity, not just construction noise), transportation and alternative transportation options, traffic increase, GHG emissions, asphalt cap and toxic waste disruption, UPRR crossing and associated noise impacts, construction noise impacts, parking availability, light trespass and pollution, aesthetics and architectural design, biological resources and habitat loss, and lastly utilities and increased demand on wastewater and stormwater systems.

This comment and concern are noted.

Traffic and Transportation impacts were analyzed in Draft EIR Section 3.16, Transportation. The analysis concluded that all impacts would be less than significant once MM TRANS-2 and MM TRANS-3 were implemented.

Noise and Vibration impacts were analyzed in Draft EIR Section 3.12, Noise. The analysis concluded that all impacts would be less than significant once MM NOI-1 through MM NOI-3 are implemented.

Greenhouse Gas Emissions (GHG) emission impacts were analyzed in Draft EIR Section 3.8, Greenhouse Gas Emissions. The analysis concluded that all impacts would be less than significant once MM ENER-1 is implemented.

Hazards and Hazardous Waste impacts were analyzed in Draft EIR Section 3.9, Hazards and Hazardous Materials. The analysis concluded that all impacts would be less than significant once HAZ-1 is implemented.

Biological Resource impacts were analyzed in Draft EIR Section 3.4, Biological Resources. The analysis concluded that all impacts would be less than significant once MM BIO-1 through MM BIO-8 are implemented.

Flooding, Hydrology, and Water Quality impacts were analyzed in Draft EIR Section 3.10, Hydrology and Water Quality. The analysis concluded that all impacts would be less than significant once MM HAZ-1 is implemented.

Light and glare impacts were analyzed in Draft EIR Section 3.1, Aesthetics, Light, and Glare, Impact AES-3. The analysis states that the implementation of the proposed project would result in a considerable increase in the amount of light and glare in the BYSP Area, which could potentially result in an increase in light spillover to adjacent areas and glare. However, the proposed project would be required to comply with the lighting standards in the City's Municipal Code Chapter 19.18 (Site Design and Architectural Review) and Chapter 19.60.50, which stipulate that exterior lighting shall be shielded or recessed so that direct glare and reflections are confined and directed downward and away from adjacent properties. Shielded light is defined by the Municipal Code as light rays that are directed onto the site and not visible from an adjacent property. Although the proposed project would result in new light and glare sources, they are not expected to adversely affect day or nighttime views, as lighting and materials would be designed to comply with City development standards. For these reasons, project impacts related to light and glare impacts would be less than significant. The analysis found that the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition, but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the Draft EIR and/or otherwise within the purview of CEQA. Therefore, no further analysis is required.

Response to WINTRUP 1-5

The commenter expresses disapproval of narrow alleyways and crowded housing plots.

Comment noted. Per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

Response to WINTRUP 1-6

This comment consists of closing statements and reiterates disapproval of narrow alleyways and crowded housing plots and hopes that the spacing will match the existing, surrounding neighborhood.

The comment is noted along with the concerns. However, per CEQA Guidelines Section 15088(c), no specific environmental issues are raised, and thus no response is required.

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From: Geoff Wintrup <gwintrup@gmail.com>
Sent: Friday, January 24, 2025 2:12 PM
To: Sawley Mike
Cc: Nicole Acain
Subject: Re: Barber Yard Specific Plan - Draft Environmental Impact Report

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The Barber Yard Project be paused for corrective mitigation which includes Public Notification and Participation in regards the hazardous waste discovery process, clean up, exposure pathways, transport and mitigation fill in with clean soils. There should be a Public Meeting for the public to ask DTSC (Department of Toxics and Substance Control) and the clean up contractors about the toxic water plumes and the soils. Maps with clear measurements need to be provided to the public with exact information and the scientific language on risk assessment, types of hazards and clean up levels need to be supplied in lay terms to provide clarity and trust. After that the Draft EIR should be resubmitted but this current plan to rush and bundle the EIR and clean up simultaneously, while minimizing health concerns, is exactly what drives and maintains public mistrust and maintains a negative view of this proposed infill housing project.

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Geoff Wintrup (WINTRUP 2)

Response to WINTRUP 2-1

The commenter requests that the proposed project be paused for corrective mitigation which, the commenter suggests, includes public notification and participation regarding the hazardous waste discovery process, cleanup, exposure pathways, transport and mitigation fill-in with clean soils.

The City complied with all public notification requirements, including an extended comment period on the Draft EIR and two in-person public scoping meetings. Please see Response to NELSON 3-2 and Master Response 3 regarding hazardous waste and mitigation.

Response to WINTRUP 2-2

The commenter requests a public meeting with DTSC and the cleanup contractors for Q&A.

Please see Response to NELSON 1-3

Response to WINTRUP 2-3

The commenter requests maps with measurements and information on hazards be provided to the public.

All maps depicting sampling locations are included in the Phase II ESA and are summarized in Draft EIR Section 3.9 Hazards and Hazardous Materials.

Response to WINTRUP 2-4

The commenter requests after above provisions that the EIR be resubmitted to combat what the comment characterizes as the public distrust with rushing the current project.

Please see Response to NELSON 1-5.

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From: Geoff Wintrup <gwintrup@gmail.com>
Sent: Thursday, February 13, 2025 5:01 PM
To: Sawley Mike
Subject: Re: Barber Yard Specific Plan Draft EIR - Extension of Comment Period

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Potential Issues for Current Residents, Environmental and Planning Issues for the BYSP Project

Areas of Controversy and Issues to be Resolved:

•

Traffic and Transportation: The project is expected to bring a significant increase in traffic, which could impact the flow of traffic on surrounding streets such as Chestnut Street, Normal Avenue, Estes Road, and UPRR. Increased demand for alternative transportation options and better public transit access may also arise.

1

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Noise Pollution: Construction noise, as well as the ongoing noise from the UPRR Railroad crossing, may negatively affect the quality of life for residents in nearby areas.

2

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Parking Availability: With the development of mixed-use spaces, there is concern over adequate parking, which could result in congestion for both residents and visitors.

3

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Light Pollution: Potential light trespass from the development could negatively impact residential properties in the vicinity, especially with the construction of recreational areas and commercial developments.

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Air Quality: The project may cause significant air quality concerns, including obstruction of the air quality plan and cumulative air pollution impacts from the development.

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Biological Resources: Habitat loss, especially in areas near Comanche Creek, may have negative impacts on local wildlife and plant species.

6

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Water Quality: The development of stormwater basins and stormwater management infrastructure could affect water quality in nearby Comanche Creek, with potential impacts on surrounding ecosystems.

7

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Hazardous Materials: The presence of a former asphalt cap in the southern portion of the site and the potential for toxic waste disruption poses a risk to the surrounding area. This could require careful handling and oversight from agencies such as the California Department of Toxic Substances Control (DTSC).

8

•	
Greenhouse Gas Emissions: Increased development could lead to significant greenhouse gas emissions, raising concerns about the environmental sustainability of the project.	9
•	
Wildlife and Habitat: The project could negatively impact species in the surrounding agricultural and rural residential areas, especially if development occurs on sensitive lands.	10
•	
Flooding and Hydrology: Changes to the water flow through the stormwater basin and potential development in flood-prone areas could lead to hydrological imbalances or flooding risks.	11
•	
Geotechnical Concerns: The potential for unstable soils and geotechnical hazards, especially in the development of stormwater infrastructure and residential areas, should be assessed further.	12
•	
Land Use and Zoning Conflicts: While the site is designated as a Special Planning Area (SPA), the project could face opposition from those concerned about the disruption of rural residential areas and agricultural lands in the surrounding Butte County area.	13
•	
Aesthetic Concerns: The architectural design and visual appearance of the development, particularly in relation to the existing rural landscape, could raise concerns about maintaining the character and aesthetic integrity of the surrounding area.	14
•	
Cultural and Tribal Resources: The project may face scrutiny regarding the potential disturbance of cultural or tribal resources in the region, which should be evaluated thoroughly in consultation with local tribes and agencies.	15
•	
Transportation and Traffic: Increasing traffic volume and transportation concerns may lead to disagreements on how to best address congestion and public transit needs.	16
•	
Asphalt Cap and Toxic Waste: The handling of the existing toxic waste area and ensuring that it remains contained or mitigated is a significant concern.	17
•	
Noise and Vibration: Concerns over the noise impact from both construction and the nearby UPRR Railroad could affect nearby residents and may be contentious.	18
•	
Environmental Impact of Development: The loss of biological resources, potential water quality degradation, and greenhouse gas emissions may be areas of concern.	19
•	
Cultural Resources: Potential disruption of cultural resources may lead to disputes among stakeholders, especially regarding tribal heritage and preservation efforts.	20

The BYSP project has the potential to significantly affect both the environment and the current residents of Chico, Butte County.

Key issues, including traffic congestion, noise pollution, water quality, and the management of hazardous materials, will require thorough planning and mitigation efforts.

Additionally, there are concerns regarding the preservation of agricultural land, protection of local wildlife habitats, and the overall aesthetic impact on the area.

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Geoff Wintrup (WINTRUP 3)

Response to WINTRUP 3-1

The commenter claims that the proposed project would have a significant increase in traffic that could impact the flow of traffic on surrounding streets such as Chestnut Street, Normal Avenue and Estes Road. The commenter also notes this increase will impact demands on alternative transportation and public transit.

The project's potential impacts to transportation, including transit, bicycle and pedestrian modes, were analyzed in Section 3.16 of the Draft EIR. The analysis concluded that all impacts were less than significant with the implementation of MM TRANS-1 through MM TRANS-3.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition, but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the purview of CEQA and therefore no further response can be provided. This comment has been provided to decision-makers for consideration.

Response to WINTRUP 3-2

The commenter notes that noise from construction and the UPRR crossing may negatively impact quality of life for residents in nearby areas.

This comment and concern are noted. Noise and vibration impacts were analyzed in Section 3.12 of the Draft EIR. The analysis concluded that all noise impacts would be less than significant with the implementation of MM NOI-1 through MM NOI-3. These mitigation measures provide noise reduction both for existing sensitive receptors from construction noise, as well as future on-site residents from railroad noise.

This comment does not raise any new concerns or information about the analysis provided in the Draft EIR. Comments that only generally state concerns or opposition, but do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the purview of CEQA and therefore no further response can be provided. This comment has been provided to decision-makers for consideration.

Response to WINTRUP 3-3

The commenter states concerns about adequate parking, which could result in congestion for residents and visitors.

Parking is not a CEQA related issue. Public Resources Code Section 21099(b)(3), states that the "adequacy of parking for a project shall not support a finding of significance pursuant to [CEQA]." In *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 CA4th 656, 697, the court held that the inconvenience resulting from a parking shortage is a social impact, not an environmental impact. Accordingly, the City may determine that the adequacy of parking is not a significant environmental impact requiring evaluation in the Draft EIR.

Response to WINTRUP 3-4

The commenter generally notes that light trespass could negatively impact residential properties in the vicinity, especially with the construction of recreational areas and commercial development.

Impacts related to light and glare were analyzed in Section 3.1 of the Draft EIR. Refer to Response to SEGALLA-9.

Response to WINTRUP 3-5

The commenter generally notes significant air quality concerns related to obstruction of the air quality plan and cumulative impacts.

Air quality, including consistency with the applicable air quality plan and cumulative impacts were analyzed in Section 3.3 of the Draft EIR.

Response to WINTRUP 3-6

The commenter generally states that habitat loss, especially in areas near Comanche Creek, may have negative impacts on local wildlife and plant species.

Impacts related to biological resources were thoroughly analyzed in Section 3.4 of the Draft EIR. It was concluded that all impacts in this regard would be less than significant with the implementation of mitigation.

Response to WINTRUP 3-7

The commenter generally states that development of the stormwater basins and stormwater management infrastructure could affect water quality of Comanche Creek and have potential impacts on surrounding ecosystems.

Impacts related to water quality and stormwater infrastructure were addressed in Draft EIR Sections 3.10 and 3.17. It was concluded that all impacts in this regard would be less than significant with the implementation of mitigation.

Response to WINTRUP 3-8

The commenter generally notes concern about the asphalt cap and potential toxic waste disruption that needs DTSC oversight.

The asphalt cap and on-site hazardous materials were analyzed in Section 3.9 of the Draft EIR. The analysis concluded that all impacts would be less than significant with the implementation of MM HAZ-1. MM HAZ-1 requires the implementation of an SDMP and its approval by DTSC, thereby ensuring DTSC oversight as requested in the comment.

Response to WINTRUP 3-9

The commenter generally notes that increased development could lead to significant GHG emissions, raising concerns about the environmental sustainability of the proposed project.

Impacts related to Greenhouse Gas Emissions were analyzed in Section 3.8 of the Draft EIR. The analysis concluded that all impacts were less than significant with the implementation of MM ENER-1.

Response to WINTRUP 3-10

The commenters generally note that the proposed project could negatively impact wildlife species and habitat in the surrounding agricultural and rural residential areas, especially if development occurs on sensitive lands.

Impacts related to special-status species and sensitive communities were analyzed in Section 3.4 of the Draft EIR. All impacts were reduced to less than significant with the implementation of 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, MM BIO-7, and MM BIO-8.

Response to WINTRUP 3-11

The commenter generally notes that changes to the water flow through the stormwater basin and development in flood-prone areas could lead to hydrological imbalances or flooding risks.

As noted in Section 3.10 and according to Exhibit 3.10-1, FEMA Flood Zones, of the Draft EIR, the BYSP Area and surrounding area is designated as an area of minimal flood hazard. Impacts were found to be less than significant.

Please see Master Response 5 for additional information related to off-site water treatment.

Response to WINTRUP 3-12

The commenter generally notes the potential for unstable soils and geotechnical hazards, especially in the development of stormwater infrastructure and residential areas, and requests that this be assessed further.

Geologic impacts were analyzed in Section 3.7 of the Draft EIR. In accordance with Chico Municipal Code Section 16.28, a site-specific soil engineering or engineering geology report would be required. The recommendations would be included in the grading plan for future on-site development projects to further address geotechnical issues such as liquefaction and soil instability. Impacts were found to be less than significant in this regard.

Response to WINTRUP 3-13

The commenter states that the site is designated as a Special Planning Area (SPA), and the project could face opposition from those concerned about the disruption of rural residential areas and agricultural lands surrounding the Butte County Area.

Land use and zoning impacts are addressed in Section 3.11 of the Draft EIR. Impacts to adjacent agricultural areas are addressed in Section 3.2 of the Draft EIR. The proposed project is consistent with the SPA-2—Barber Yard land use designation as identified by the Chico General Plan. Impacts to agricultural uses were determined to be less than significant. Refer to Response to Master Response 4 and ACKERMAN-1 for information related to the off-site improvements and their land use consistency. Furthermore, see Master Response 5 for additional information related to off-site water treatment.

Response to WINTRUP 3-14

The commenter generally notes that the architectural design and visual appearance of the development in relation to the existing rural landscape could raise concerns about maintaining the character and aesthetic integrity of the surrounding area.

Aesthetics and visual impacts were analyzed in Section 3.1 of the Draft EIR. As noted in the section, the proposed project seeks to emphasize the BYSP Area's history by incorporating existing structures and maintaining the historic industrial aesthetic of the BYSP Area into new development. For example, the existing palm trees within the BYSP Area along the 16th Street extension would be retained, as feasible. Street and pedestrian lighting and site furnishings such as benches, trash cans and bicycle racks, and the overall streetscape have been designed based on applicable City and BYSP standards, guidelines, and recommendations and would be required to follow the overall BYSP design style to create a cohesive and aesthetically pleasing neighborhood character. With respect to the off-site improvement area and the Stormwater Alignment Option Areas, visual changes would be primarily limited to temporary construction activities. Upon completion, the underground drainage alignment would not be visible and the detention basin would be visually consistent with the surrounding agricultural lands consisting of drainage appurtenances and managed vegetation. Furthermore, public views of the off-site improvement area and stormwater alignment area are significantly limited, if not nonexistent based on their location set back from Estes Road and bordered by the adjacent UPRR tracks. Please see Master Response 5 for additional information related to off-site water treatment.

Response to WINTRUP 3-15

The commenter purports that project may face scrutiny regarding the potential disturbance of cultural or tribal cultural resources in the region, which should be evaluated thoroughly in consultation with local tribes and agencies.

As discussed in the Draft EIR, the City of Chico thoroughly evaluated potential impacts to cultural and tribal cultural resources. The City conducted tribal consultation, pursuant to Assembly Bill 52, in June 2023. The consultation cycle concluded after the standard 30-day period and no tribal responses were received. Nevertheless, the cultural resources analysis, in addition to the implementation of the mitigation measures, shall ensure that inadvertent discovery of cultural resources (built environment, historic and pre-contact) are addressed within a cultural resources treatment plan and on-site sensitivity training, in addition to implementation of CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98.

Response to WINTRUP 3-16

The commenter generally notes that increased traffic volumes and transportation concerns may lead to disagreements on how to address congestion and public transit needs.

Transportation was analyzed in the Draft EIR Section 3.16. The analysis concluded that all impacts would be less than significant once MM TRANS 1 through -3 were implemented.

Response to WINTRUP 3-17

The commenter generally notes that the handling of the existing toxic waste area and ensuring that it remains contained or mitigated is a significant concern.

On-site hazards and hazardous materials were analyzed in Draft EIR Section 3.9. The analysis concluded that with the implementation of mitigation, inclusive of an SDMP approved by DTSC, impacts would be less than significant. See Master Response 3 for additional information.

Response to WINTRUP 3-18

The commenter generally states that concerns over the noise impact from both construction and the nearby UPRR Railroad could affect nearby residents and may be contentious.

Potential noise and vibration impacts to on-site and nearby residents were addressed in Draft EIR Section 3.12. It was concluded that with the implementation of mitigation, impacts would be less than significant. No comments specific to the analysis provided therein were provided, therefore no further response can be provided.

Refer to Response to ALMA 2-6.

Response to WINTRUP 3-19

The commenter restates general concerns related to biological resources, water quality degradation and GHG emissions impacts.

Refer to Response to WINTRUP 3-6, -7, -9, -10, and -11.

Response to WINTRUP 3-20

The commenter generally states that potential disruption of cultural resources may lead to disputes among stakeholders, especially regarding tribal heritage and preservation efforts.

Refer to Response to WINTRUP 3-16.

Response to WINTRUP 3-21

The commenter provides a general summary of the topical areas described above.

The comment is noted along with the concerns. This comment has been provided to decision-makers for consideration.

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SECTION 4: ERRATA

The following are revisions to the Draft EIR for the Barber Yard Specific Plan. These revisions are minor modifications and clarifications to the document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Changes in Response to Specific Comments

Executive Summary

Project Location, Page ES-1

The project site is located in the City of Chico, Butte County, California. The City is located approximately 90 miles north of Sacramento and 30 miles east of Interstate 5 (I-5). The approximately 133-acre BYSP Area is located in the southern portion of the City, as shown in Exhibit 2-2a. ~~Eight~~ Nine Assessor Parcel Numbers (APNs) comprise the BYSP Area: 039-400-016 (partial), 039-400-023, 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053.

Section 3.4—Biological Resources, Page ES-22

Cumulative Impact	~~Implement MM BIO-1 through MM BIO-8.~~ <u>None required.</u>	Less than significant impact.

Project Description

Rail, Page 2-43

Butte County Association of Government provides a correction for the Rails Section. According to the North Valley Passenger Rail Strategic Plan, construction is anticipated to occur between April 2030 and March 2032, and service would begin in October 2032.

If services are extended to Chico, the two options being considered are expanding the existing boarding platform at the depot on West 5th Street or constructing a new platform and stop location adjacent to Barber Yard. If the strategic plan were to be implemented, construction is anticipated to ~~start in fall of 2026 to 2028~~ occur between April 2030 and March 2032, with service beginning in ~~2029 and beyond October 2032.~~

Section 3.3, Air Quality

Page 3.3-9-3.3-10

An update was made to the Federal Standard Column under Particulate Matter.

Table 3.3-2: Federal and State Air Quality Standards

Air Pollutant	Averaging Time	California Standard	Federal Standard ^a
Ozone	1 Hour	0.09 ppm	—
	8 Hour	0.070 ppm	0.070 ppm ^f
Nitrogen dioxide ^b (NO ₂)	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Carbon monoxide (CO)	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Sulfur dioxide ^c (SO ₂)	1 Hour	0.25 ppm	0.075 ppm
	3 Hour	—	0.5 ppm
	24 Hour	0.04 ppm	0.14 (for certain areas)
	Annual	—	0.030 ppm (for certain areas)
Lead ^e	30-day	1.5 µg/m ³	—
	Quarter	—	1.5 µg/m ³
	Rolling 3-month average	—	0.15 µg/m ³
Particulate matter (PM ₁₀)	24 Hour	50 µg/m ³	150 µg/m ³
	Mean	20 µg/m ³	—
Particulate matter (PM _{2.5})	24 Hour	—	35 µg/m ³
	Annual	12 µg/m ³	~~9.15-9~~ µg/m ³
Visibility-reducing particles	8 Hour	See note below ^d	
Sulfates	24 Hour	25 µg/m ³	—
Hydrogen sulfide	1 Hour	0.03 ppm	—
Vinyl chloride ^e	24 Hour	0.01 ppm	—

Notes:µg/m³ = micrograms per cubic meter

30-day = 30-day average

Annual = Annual Arithmetic Mean

ppm = parts per million (concentration)

Quarter = Calendar quarter

^a Federal standard refers to the primary national ambient air quality standard, or the levels of air quality necessary, with an adequate margin of safety to protect public health. All standards listed are primary standards except for 3-hour SO₂, which is a secondary standard. A secondary standard is the level of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

^b To attain the 1-hour nitrogen dioxide national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (0.100 ppm).

^c On June 2, 2010, a new 1-hour SO₂ standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 parts per billion (ppb). The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in

Air Pollutant	Averaging Time	California Standard	Federal Standard ^a
areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. ^d Visibility-reducing particles: In 1989, the ARB converted both the general Statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the Statewide and Lake Tahoe Air Basin standards, respectively. ^e The ARB has identified lead and vinyl chloride as “toxic air contaminants” with no threshold level of exposure for adverse health effects determined. These actions allow for implementing control measures at levels below the ambient concentrations specified for these pollutants. ^f The EPA Administrator approved a revised 8-hour ozone standard of 0.07 ppb on October 1, 2015. The new standard went into effect 60 days after publication the Final Rule in the Federal Register. The Final Rule was published in the Federal Register on October 26, 2015, and became effective on December 28, 2015. Source: California Air Resources Board (ARB). 2016. Ambient Air Quality Standards. May 4.			

Page 3.3-11

Edits were made to the State designation column of the table below.

Table 3.3-3: Butte County Attainment Status

Pollutant	Designation	
	State	Federal
Ozone—1-hour	~~Nonattainment~~ ~~Nonattainment-Transitional~~	— ¹
Ozone—8-hour	~~Nonattainment~~ ~~Nonattainment-Transitional~~	Nonattainment
Carbon monoxide	Attainment	Attainment
Nitrogen dioxide	Attainment	Attainment
Sulfur dioxide	Attainment	Attainment
PM ₁₀ —24 hour	Nonattainment	Attainment
PM ₁₀ —Annual	Attainment	— ¹
PM _{2.5} —24 hour	— ¹	Attainment
PM _{2.5} —Annual	~~Nonattainment~~ <u>Attainment</u>	Attainment
Notes: ¹ No Established Standard Source: Butte County Air Quality Management district (BCAQMD). 2018.		

Page 3.3-22, Regional Regulatory Framework

Rule 231 Cutback and Emulsified Asphalt. The purpose of this Rule is to limit emissions of VOCs from the use of cutback and emulsified asphalt in paving, construction, or maintenance of parking lots, driveways, streets, and highways.

Rule 270 Asbestos Demolition and Renovation. The purpose of this Rule is to limit the emission of asbestos to the atmosphere and require appropriate work practice standards and waste disposal

procedures. This Rule is applicable to all renovations or demolitions and asbestos waste disposal sites within the BCAQMD unless exempted by Section 1.4 of this Rule. Submittal of notification and site survey to the BCAQMD is required before demolition work begins.

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.³⁴

³⁴ Total construction PM₁₀ diesel exhaust emissions (793.2-800.5 pounds) minus first year of construction PM₁₀ diesel exhaust emissions (67.9-95.6 pounds) = approximately 705 pounds of construction PM₁₀ diesel exhaust emissions from second construction year through end of construction.

Page 3.3-52

Edits have been made to the Maximum DPM Concentration and Cancer Risk columns of the table below.

Table 3.3-16: Proposed Project Construction Health Risks and Hazards

Scenario	Age Group	Maximum DPM Concentration (µg/m ³)	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index ²
Off-site MEIR ¹ (unmitigated)	Infant–18 years	0.021355	15.2	0.004
On-site MEIR (without MERV-13 Filters)	Infant–9 years	0.02325	8.97	0.005
BCAQMD Significance Threshold			10	1.0
Exceeds BCAQMD Threshold?			Yes	No
Off-site MEIR ¹ (mitigated)	Infant–18 years	~~0.00438~~ 0.0048	~~3.11~~ 3.42	0.001
On-site MEIR (with MERV-13 Filters)	Infant–9 years	0.00465	1.79	0.001
BCAQMD Significance Threshold			10	1.0
Exceeds BCAQMD Threshold?			No	No
Notes: µg/m ³ = micrograms per cubic meter MEIR = Maximally Exposed Individual Resident ¹ The closest off-site air pollution sensitive receptors near the BYSP Area include residences located in a neighborhood directly adjacent to the project site to the north. ² Chronic non-cancer hazard index was estimated by dividing the annual average DPM concentration (as PM ₁₀ exhaust) by the REL of 5 µg/m ³ . Source: Appendix C.				

Section 3.6, Energy

Impact ENER-2, Page 3.6-23

The following edits were made in response to the comment letter from the California Air Resources Board.

As discussed under Impact ENER-1, the proposed project would be designed in accordance with then-current Title 24 standards. These standards, which are viewed as some of the most stringent in the nation, would include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. Incorporating the applicable Title 24 standards into the proposed project's design would ensure that the proposed project would not result in the use of energy in a wasteful manner (in most respects) and would help facilitate important state and local goals for energy efficiency. Furthermore, on-site renewable energy sources, such as, for example, solar panels, would be incorporated into the project design to the extent required under applicable laws and regulations. ~~Furthermore, The proposed project would include Tier 2 CALGreen EV charging infrastructure standards, and commitment to enroll in a 100 percent renewable electricity service. The foregoing which~~ would allow the proposed project to utilize more renewable energy sources as part of its energy supply. Compliance with these aforementioned project design features, as well as mandatory requirements under applicable laws and regulations, would ensure that the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy.

Cumulative Impacts, Page 3.6-24

Additionally, ~~the sustainable design features detailed in Chapter 2, Project Description (as set forth more fully in the BYSP), such as meeting Tier 2~~ the proposed project would comply with CALGreen energy efficiency standards and Tier 2 CALGreen EV charging infrastructure standards. Moreover, the proposed project would be located near major transportation and public transit facilities on an under-utilized infill site near downtown Chico, which would further reduce potential consumption of transportation energy resources. Furthermore, the proposed project would be required to implement MM ENER-1 requiring the limitation of natural gas infrastructure and therefore use consistent with CAP Action E-2-1. Therefore, the proposed project would not result in the unnecessary, inefficient, or wasteful consumption of energy resources nor would it conflict with applicable plans, policies, or regulations adopted for renewable energy and energy efficiency.

Section 3.10, Hydrology and Water Quality

Page 3.10-3

Butte County Department of Development Services requests to review the stormwater drainage plans and proposed best management practices, including trash capture devices, proposed by the project.

Stormwater Runoff

Though previously developed, the project site is generally clear of existing storm drainage features except for some minor culverts and low swales that convey some surface runoff to the southwest

corner toward a small retention basin. However, it is noted that this basin has likely been nonfunctional for numerous years due to the primarily vacant nature of the project site.

Most of the rainwater that falls on the project site is infiltrated on-site, with only rainwater from large storm events leaving the site via surface flow along the site's southern edge. Surface water is collected in an existing off-site drainage ditch along the BYSP Area's southern boundary that drains a large culvert under the Union Pacific Railroad (UPRR) tracks.

As the site will be within the County's NPDES MS4 Permit area, Butte County Department of Development Services would be required to review the stormwater drainage plans and proposed best management practices, including trash capture devices.

Section 3.16, Transportation

Page 3.16-38-3.16-39

The following edits were made for clarity.

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 bicycle sidewalk facilities listed below 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.

Section 3.17, Utilities and Service Systems

Page 3.17-6

Electric Power, Natural Gas, and Telecommunications

Pacific Gas and Electric (PG&E) provides electricity and natural gas services to residents and businesses within the City, including the BYSP Area. PG&E has provided a "Will Serve" letter to the proposed project for both electric and gas services. The City, including the BYSP Area, is currently served by Comcast for telecommunications will be served by multiple telecommunication companies. Overhead power lines are located adjacent to the project site, and existing PG&E gas lines are located south of the BYSP Area along Estes.

Page 3.17-18

Electric Power, Natural Gas, or Telecommunications

As discussed above, PG&E provides gas and electric services to the City and has issued a “Will Serve” letter for the proposed project. A proposed electrical system, including underground conduits, wires, above-ground transformers, and other miscellaneous vaults, would connect to the existing facilities to the northwest and northeast of the project site (at Ivy and West 16th streets). With respect to telecommunications facilities, the BYSP Area ~~is currently served by Comcast.~~ will be served by multiple telecommunications companies.

Page 3.17-25

Electric Power, Natural Gas, and Telecommunications

The geographic context for an analysis of cumulative impacts to electricity and natural gas is the PG&E service area, and with respect to telecommunications, it is the service area of ~~Comcast~~ multiple companies.

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