



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM CITY OF CHICO PLANNING SERVICES DEPARTMENT

Based upon the analysis and findings contained within the attached initial study, a mitigated negative declaration is proposed by the City of Chico Planning Services Department for the following project:

PROJECT NAME AND NUMBER: Passive Park (UP 10-01)

APPLICANT'S NAME: Shawn Tillman, Senior Planner, City of Chico

PROJECT LOCATION: Southeast intersection of West 9th Street (Highway 32), and Hazel Street. APNs 004-465-001, 004-465-002, 004-465-003 and 004-465-004.

PROJECT DESCRIPTION: The 0.73 acre sized project site abuts Little Chico Creek (LCC) to the south, Hazel Street to the west, West 9th Street (Highway 32) to the north, and a single family residence to the east. The project site is level, at an elevation of approximately 190 feet.

Prior to the City owning the location, the project site contained approximately four residential structures. These structures occupied the site until the late 1980's when the city removed all structures, foundations, debris, shrubs, trash, etc., and capped the sewer laterals. Since that time, the site has remained vacant and has served as Little Chico Creek greenway, with routine maintenance conducted to control weeds, trash removal and transient activities.

The site contains nine Elderberry shrubs which are closely grouped into what would appear as one large bush. These bushes originate from within the channel of the creek, and grow up and over the top of the creek bank, onto the upland portion of the site.

The project involves the restoration of the vacant greenway area of Little Chico Creek, and the removal of invasive plants, and trash, to construct a park. No work will be conducted within the channel, bed, or banks of the Little Chico Creek. All landscape plantings will be native and initially watered by hand for approximately 3 years to establish each plant. All existing riparian conditions will remain.

The project also involves the construction of passive park elements including: path of travel, drinking fountain, benches, bicycle parking, garbage cans, and interactive stump spiral play area/amphitheatre arrangement. With the exception of native plantings, no other improvements will be installed from the top of creek bank for 25 feet.

The existing curb ramp located at Hazel Street and West 9th Street (Highway 32) will be upgraded. Perforated curbs will be installed along Hazel Street to allow stormwater run-off to be directed into a bio-swale along the western edge of the project site.

The anticipated use of the park will be a demonstration area for creekside landowners, students on field trips, and community members. Plaques will be installed to identify native plants, and to educate the public. It is also anticipated that the site will contain an art feature.

MITIGATION MEASURES and MONITORING:

The attached initial study indicates that there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for each identified impact:

MITIGATION MEASURE C.1.A (Biological Resources):

1. Prior to commencement of construction activities, a barrier fence shall be constructed of 4-foot by 8-foot sections of plywood or other sturdy material approved by the Planning Services Department and installed around the dripline of the elderberry shrubs along the upland portion of the project site. A qualified biologist shall inform all workers and volunteers working on site, about the elderberry life history and avoidance measures. The panels of the barrier fence may be removed when construction is not actively occurring, so long as they are replaced before construction resumes. The posts shall remain installed until construction is complete.

MITIGATION MONITORING C.1.A (Biological Resources):

1. Prior to commencement of construction activity, Planning Services staff shall confirm that the plywood fence has been installed. The qualified biologist who instructs all workers and volunteers shall submit a report to the Planning Services Department outlining the information that was presented all workers.

MITIGATION MEASURE C.1.B (Biological Resources):

2. A qualified biologist or ornithologist shall conduct a preconstruction field survey in and adjacent to the project area for nesting raptors and migratory birds prior to commencement of ground disturbing activities. The survey shall be conducted during the season immediately preceding grading operations when birds are building and defending nest or when young birds are still in nest and dependant on the parents (February – August). If no raptor or migratory bird nests are found during the survey, the project may proceed. If active nests are found, construction activities within 300 feet shall be postponed until after the breeding season or until clearance is provided from State Fish and Game Department staff. The time of the bird's departure must be determined by a qualified biologist.

If tree removal or construction activities occur outside the normal breeding period (September through January), a nest survey is not necessary.

MITIGATION MONITORING C.1.B (Biological Resources):

2. Prior to initiation of the project, the applicant shall provide the City Planning Services with a copy of the preconstruction field survey.

MITIGATION MEASURES D.2-4 (Cultural Resources):

3. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the applicant or their supervising contractor shall cease all work within the area of the find and notify the City Planning Services Department at 879-6800 as soon as possible, and all work within 100 feet of the discovered site shall cease and the project team shall notify the Butte County Coroner pursuant to Section 7050.5 of California's Health and Safety Code. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and

who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. City Planning Services staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the City Planning Services Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Planning Services Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report

MITIGATION MONITORING D.2-4 (Cultural Resources):

3. Should cultural resources be encountered, the supervising inspector shall be responsible for reporting any such findings to the Planning Services Department, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the referenced mitigation measures.

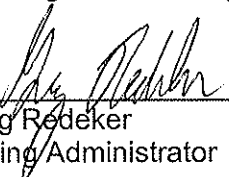
PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for the Hazel Street and W.9th Street Passive Park (UP 10-01), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.


Sherry Morgado, Director
City of Chico Housing & Neighborhood Services

Prepared by: 
Jake Morley, Associate Planner
Planning Services Department

5-5-10
Date

Adopted by: 
Greg Redeker
Zoning Administrator

5-10-10
Date