



## 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:** Wisconsin Street Acquisition – ER 10-02  
(Chico Redevelopment Agency)

**APPLICANT'S NAME:** Chico Redevelopment Agency, P.O. Box 3420, Chico, CA 95927

**PROJECT LOCATION:** 758 Wisconsin Street, Chico, California (Assessor's Parcel Nos. 005-391-010, -011, -012, and -013)

**PROJECT DESCRIPTION:** The project is the purchase of 758 Wisconsin Street (APN 005-391-012) by the Chico Redevelopment Agency (RDA). However, because the purchase is being made with monies intended for affordable housing, and because the adjoining properties (APNs 005-391-010, -011, and -013) are already owned by the RDA, it is reasonably foreseeable under CEQA that the subject property and the adjoining properties will be developed with an affordable housing project. This Initial Study and Mitigated Negative Declaration is intended to cover the maximum development potential of the property under current zoning regulations; any future development of the property compliant with these regulations will be within the scope of this IS/MND. Further environmental review should not be required if and when the subject property is subdivided and developed with an affordable housing project.

The 1.2 acre site (all parcels combined) could be developed with a maximum of 8 residential units using a planned development permit or the City's small lot subdivision regulations. A small private street would likely be needed to serve lots on the interior (northern) portion of the site. Pursuant to existing City regulations, a minimum 25-foot setback must be maintained between any improvements and the top of bank of Little Chico Creek. Any tree removal which occurs as part of a future project would comply with City tree replacement measures, generally one replacement tree for every six inches dbh of tree loss as established in Chico Municipal Code (CMC) Chapter 16.66.

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:

1. IMPACT D.1 (Biological Resources): Activities associated with site preparation and residential construction could impact sensitive biological resources located within the banks of Little Chico Creek.

Mitigation Measure D.1. (Biological Resources):

Prior to any ground-disturbing activities associated with site development within 100 feet of elderberry shrubs located in the riparian area, the developer shall consult with USFWS regarding proper protection measures for elderberry shrubs. At a minimum, continuous temporary construction fencing (e.g. orange snow fencing) shall be installed along the

entire Little Chico Creek creekside area adjoining the project site, approximately 25 feet from the top of bank, and a minimum of 25 feet from any elderberry shrubs. No construction or other project-related activity shall occur within the fenced creekside area unless prior written approval to do so has been obtained from the U.S. Fish and Wildlife Service. The developer shall arrange a pre-construction (pre-ground disturbance) site inspection by Planning Services staff to verify that the protective fencing has been installed and forms an effective barrier between the construction area and Little Chico Creek. Contact the Planning Services Department at 879-6800.

MITIGATION MONITORING D.1 (Biological Resources):

Building and Development Services staff shall condition any demolition permits and/or grading permits to install and/or maintain the fencing, and shall require inspection by the Planning Services Department prior to initial site disturbance.

2. IMPACT D.2. (Biological Resources): Construction activities have the potential to impact nesting birds, including raptors, which are protected under the Migratory Bird Treaty Act.

MITIGATION D.2. (Biological Resources): Prior to any tree removal or initiation of grading/construction between February 1st and August 31st, the developer shall hire a qualified biologist to conduct a field survey for nesting migratory birds. Tree removal or site disturbance shall only commence upon written concurrence from the Planning Services Department that the survey is adequate and if no active nests will be impacted by the tree removal.

MITIGATION MONITORING D.2 (Biological Resources):

The Planning Services Department shall coordinate with the Building and Development Services Department to ensure the timely submittal of migratory bird nest surveys from a qualified biologist. If raptor nests are discovered through these surveys, the Building and Development Services Department, in coordination with the Planning Services Department, shall withhold issuance of a grading permit and/or demolition permit until such time as determined to be appropriate according to the consulting biologist.

3. IMPACT E.1. (Cultural Resources): There is the potential to encounter cultural resources during construction activities.

MITIGATION E.1. (Cultural Resources): In the event any cultural materials (e.g. pottery fragments, rocks tools, etc.) are discovered or unearthed during the course of grading or construction activities, all work shall halt within 100 feet of the discovered site and the applicant shall contact the Planning Services Department at 879-6800 as soon as possible. The developer shall then retain an archeologist from the City's list of qualified archaeologists to evaluate the significance of the site. If the archaeologist determines that the materials represent a potentially-significant resource, the project proponent, archaeologist, City Planning Services Director, and local tribal coordinator shall begin a consultation process to determine a plan of action either for 1) total data recovery, as a mitigation, 2) tribal cultural resource monitoring, 3) displacement protocol, or 4) total avoidance of the resource.

In the event that human remains are discovered during the course of grading or construction activities, all work shall halt within 100 feet of the find and the construction

supervisor must immediately notify the Butte County Coroner pursuant to Section 7050.5 of California's Health and Safety Code, and the City Planning Services Director. The construction supervisor shall also take appropriate action to ensure that the discovery is protected from further disturbance and vandalism.

**MITIGATION MONITORING E.1. (Cultural Resources):**

Building and Development Services staff will verify that the above wording is included in project grading and construction plans. 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 & monitor the referenced mitigation measures.

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

I have reviewed the Initial Study for the Wisconsin Street Acquisition (ER 10-02), 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**  
**Housing and Neighborhood Services Director**

**Prepared by:**  \_\_\_\_\_  
Greg Redeker, Associate Planner  
Planning Services Department

**Date** 1/17/11

**Adopted by:** \_\_\_\_\_  
Chico Redevelopment Agency  
Deborah Presson, City Clerk

**Date** \_\_\_\_\_