

**Appendix A:  
Notice of Preparation and Scoping Comments**

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**City of Chico Community Development Department**  
**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND**  
**NOTICE OF SCOPING MEETING**

\*\*\* **UPDATED** \*\*\*

**Date:** April 12, 2023

**To:** Public Agencies and Interested Parties

**From:** Mike Sawley, Principal Planner, City of Chico

**Subject:** Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

**PROJECT TITLE: Barber Yard Specific Plan (SP 21-01, GPA 22-05, RZ 22-03)**

The City of Chico (City) is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed Barber Yard Specific Plan project (proposed project) and is preparing a Draft Environmental Impact Report (Draft EIR) to evaluate the potential effects of implementing the proposed project. The Barber Yard Specific Plan is available at: <https://chico.ca.us/barber-yard>.

This Notice of Preparation (NOP) initiates the environmental review process in accordance with CEQA. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environment impacts to allow agencies and interested parties to provide a meaningful response regarding the scope and contents of the Draft EIR including potential impacts and alternatives that should be considered. The City would like to know the view of your agency or organization concerning the scope and content of the Draft EIR that are germane to the statutory responsibilities of your agency or organization. If you do not belong to an agency or organization, this notice invites you to submit comments on the scope of the environmental review and to identify important issues that you believe should be evaluated in the Draft EIR. The Draft EIR will evaluate the project-specific and cumulative impacts, identify feasible mitigation measures to reduce or avoid significant project impacts, and identify a reasonable range of potentially feasible alternatives to the proposed project and describe their comparative effect.

**NOP COMMENT PERIOD: March 25, 2023 through May 9, 2023**

**PUBLIC SCOPING MEETING**

A second public scoping meeting will be held to inform agencies and interested parties about the proposed project, to provide an opportunity to learn more about the project, and to **submit written comments on the scope of the environmental analysis**. Similar to the first scoping meeting held on April 6, 2023, staff will present the proposed project and provide an overview of the CEQA process, followed by a question and answer session. City staff, as well as representatives from the project applicant team and EIR team, will be available to answer **questions regarding the scope of the Draft EIR**. The project applicant will also be available to provide more detailed project information. Comment cards will be available at the meeting to provide **written comments on the scope of the Draft EIR**. Written comments will be accepted through the end of the 45-day NOP comment period.

The second scoping meeting will be held April 27, 2023, from 6:00 p.m. to 7:30 p.m. at the Chico Country Day Middle School, 1056 Broadway Street, Chico, CA 95928.

## **Project Location**

The proposed project consists of an approximately 133-acre Barber Yard Specific Plan Area (BYSP Area) as well as an approximately 13.5-acre off-site improvement area directly south of the BYSP Area (Exhibits 1 and 2). The BYSP Area is located within the City of Chico and the 13.5-acre off-site improvement area is located directly south of the BYSP Area, within unincorporated Butte County.

The BYSP Area is comprised of eight Assessor Parcel Numbers (APNs): 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, and 039-400-053. The BYSP Area is bounded by various individual properties to the northwest, Chestnut Street and Normal Avenue to the northeast, Estes Road to the east, and Union Pacific Railroad (UPRR) to the southwest. To the south, the BYSP Area is bounded by a portion of Butte County that is unincorporated, including a decommissioned UPRR spur. Agricultural and rural residential areas lie to the south and west across the UPRR.

The approximately 13.5-acre off-site improvement area is located directly south of the BYSP Area on APN 039-410-025 (Exhibits 2 and 3). The off-site improvement area is bounded by a Pacific Gas and Electric Company (PG&E) parcel to the north, rural residential and agricultural land uses to the east, agricultural land and Comanche Creek to the south, and the UPRR as well as more rural residential and agricultural land uses to the west.

## **Project Background**

Among other things, the BYSP defines parameters for the future development of the project site. Work on the BYSP began in the spring of 2021, with the City, the Barber Neighborhood Association, the property owner, and other key stakeholders invited to participate in community meetings. Four community meetings were held throughout 2021 to receive early input on the BYSP. The preliminary draft BYSP was submitted to the City in November 2021 for initial feedback. The Public Draft Specific Plan was published in February 2023, and made available for review and comment, and serves as the basis for the Draft EIR Project Description.

## **Existing Setting**

The BYSP Area was the home of a factory operated by the Diamond Match Company in the early twentieth century. The factory closed in 1975. The Louisiana-Pacific Corporation purchased the BYSP Area in 1984 and operated its Finished Wood Product Division and a remanufacturing facility until 1989. The BYSP Area was used by other owners for various industrial uses until all such uses terminated in 2004.

Three main buildings remain within the BYSP Area: the Engineering Building (approximately 17,200 square feet), the Shop (approximately 2,800 square feet), and the Warehouse (approximately 130,000 square feet) (Exhibit 4). The Engineering Building and the Shop were constructed and used during the Diamond Match Factory Era. The Warehouse was constructed by Louisiana-Pacific in the late 1980s and remains in good condition and currently functions as RV storage. Three additional, accessory buildings are also still present at the site: an approximately 2,700-square-foot storage

building adjacent to the Warehouse, an approximately 800-square-foot storage building located near the project site entrance on the south side of West 16<sup>th</sup> Street, and an approximately 600-square-foot storage building located between the Engineering Building and Shop.

Currently, vehicular access is from West 16<sup>th</sup> Street, which runs northeast to southwest from the adjacent Barber Neighborhood to the BYSP Area. A network of streets in various states of disrepair are present on-site. Large palm trees line the former factory entrance road (an extension of 16<sup>th</sup> Street), and a small orchard of large palm trees is located near the end of the 16<sup>th</sup> Street extension. Significant areas of former orchards are evident on-site, located north, west and south of the Warehouse, along the project's eastern border south of West 16<sup>th</sup> Street, and in the southern corner of the BYSP Area, bounded by Estes Road and the decommissioned UPRR spur. Landscaping and orchards have not been maintained for at least two decades. Weedy vegetation, aged orchards, and various trees persist throughout the BYSP Area. The BYSP Area is generally flat and is fenced to prevent public access.

Approximately 3 acres of asphalt at the southwestern-most corner of the BYSP Area is known locally as the "asphalt cap." Remediated materials, including arsenic, are entombed under the asphalt cap, which is monitored by the California Department of Toxic Substances Control (DTSC). South of the BYSP Area, the off-site improvement area is largely cleared and undeveloped, within areas of a former almond orchard.

The Chico 2030 General Plan Land Use Element designates the BYSP Area as a "Special Planning Area" (SPA), specifically "SPA-2–Barber Yard." The General Plan Land Use Diagram (Figure LU-1 of the 2030 General Plan Land Use Element) conceptually identifies a mix of desired land uses within the SPA-2–Barber Yard, including "Low Density Residential," "Medium Density Residential," "Medium-High Density Residential," "High Density Residential," "Residential Mixed Use," "Office Mixed Use," "Industrial/Office Mixed Use," and "Secondary Open Space." The off-site improvement area is located within the jurisdiction of Butte County on parcels designated by the Butte County General Plan as Agriculture (AG).

The BYSP Area is zoned SPA by the Chico Zoning Ordinance. Within Butte County, the off-site improvement area and surrounding areas are zoned as AG-40.

The BYSP Land Use Designation Map (Exhibit 5) illustrates the location of proposed land use designations and primary roadway alignments.

## **Project Description**

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 proposed project land use designations and associated zoning are shown in Table 1 along with the total proposed acreage and the estimated units and/or square footage per land use/zone taking into consideration reasonable development assumptions and the residential unit/commercial caps set forth in the BYSP.

**Table 1: Proposed Land Uses/Zoning**

Land Use	Zoning	Approximate Gross Acres	Permitted Density Units/Gross Acre	Dwelling Units Assumed	Max Nonresidential Square Feet Allowed
<b>Mixed-Use Land Uses</b>					
Residential Mixed Use (RMU)	RMU	15	10-20	180 units	80,000 square feet <sup>1</sup>
<i>Mixed-Use Land Uses Total</i>	–	15	–	–	–
<b>Residential Land Uses</b>					
Medium Density Residential (MDR)	R2	79	4-14	632 units	0
Medium-High Density Residential (MHDR)	R3	26	14.1-35	438 units	130,000 square feet <sup>2</sup>
<i>Residential Land Uses Total</i>	–	105	–	–	–
<b>Open Space Land Uses</b>					
Primary Open Space (POS)	OS1	3	N/A	0	0
Secondary Open Space (SOS)	OS2	10	N/A	0	0
<i>Open Space Land Uses Total</i>	–	13	–	–	–
<b>Total–BYSP Area</b>	–	<b>133</b>	<b>N/A</b>	<b>1,250 Unit Cap</b>	<b>210,000 square feet Cap</b>
Notes: <sup>1</sup> Adaptive reuse of 17,200-square-foot Engineering Building and 2,800-square-foot Shop. <sup>2</sup> Adaptive reuse of 130,000-square-foot Warehouse.					

The following sections summarize the main components of the BYSP:

### ***Residential Use***

A maximum of 1,250 dwelling units is evaluated in this Draft EIR, in accordance with the residential unit cap set forth in the Specific Plan. Depending on the location within the BYSP Area, residential density would range from 4 to 35 units per gross acre. Housing types would include market rate for-rent and for-sale units, non-deed-restricted accessory dwelling units, and potentially deed-restricted affordable units.<sup>1</sup> 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.

### ***Commercial Uses***

A total of approximately 210,000 square feet of commercial space is envisioned upon buildout. The three existing on-site buildings (Warehouse, Engineering Building, and Shop), totaling approximately

<sup>1</sup> Any specific affordable housing obligations would be set forth in a Development Agreement between the BYSP property owner and the City.

150,000 square feet, would be available for adaptive reuse (based on market and other conditions) for commercial uses including a “Social Hub” centered around the existing Engineering Building. In addition, the proposed project involves an additional approximately 60,000 square feet of commercial uses, within a combination of new buildings incorporating residential uses above commercial/retail (mixed-use), as well as freestanding commercial/retail buildings. Overall, commercial uses would consist 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.

### ***Parks, Open Space, and Public Uses***

The BYSP contemplates a variety of potential future park, recreational and open space amenities, totaling approximately 16 acres (Exhibit 6). Proposed parks include approximately 4.7 acres of public parks, 4.8 acres of private open space parks and approximately 6.3 acres of private recreational amenities. Additional information on parks, open space, and public uses can be found within the BYSP.

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 addition, 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 the DTSC.

### ***Circulation and Site Access***

The BYSP contemplates an organized, connective network of streets that adequately services the BYSP Area (see Exhibit 7). The proposed extensions of Ivy Street and West 16<sup>th</sup> Street would serve as primary access points to the active areas of the BYSP Area. It is anticipated that on-site, major streets, designated in the BYSP, would have either bicycle lanes or separated bicycle/pedestrian paths that separate bicyclists and pedestrians from adjacent vehicle traffic. The proposed project’s on-site bicycle network would include interconnected multiuse paths, lanes, and trails comprised of Bike Paths (Class I) and Bike Routes (Class III). Multiuse paths, sidewalks, and paseos would be utilized as primary pedestrian paths throughout the BYSP Area. Extensions of West 14<sup>th</sup>, West 18<sup>th</sup>, West 20<sup>th</sup>, and West 22<sup>nd</sup> Streets would also be constructed to continue the existing street network into the site.

### ***Utilities and Service Systems***

The City would provide wastewater collection and treatment services for the BYSP Area and the California Water Service (Cal Water) would provide water service. Stormwater runoff from the BYSP Area would be collected and directed to a combination water quality and retention/detention basin (stormwater basin) to be located within the off-site improvement area (Exhibits 2 and 3).

### ***Off-site Improvements***

Located within the off-site improvement area (Exhibits 2 and 3), a 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. At this time, two potential storm drain alignment options are being considered, as shown on Exhibit 3, and both alignment options are evaluated in the Draft EIR, although only one would ultimately be developed. Alignment Option 1 would travel directly

southeast from the stormwater basin to Comanche Creek through a proposed new easement within APN 039-410-039. Alignment Option 2 would traverse eastward from the stormwater basin to Estes Road where it would then turn south down an existing right-of-way to Comanche Creek.

## **POSSIBLE ENVIRONMENTAL EFFECTS AND SCOPE OF THE DRAFT EIR**

### ***Environmental Topics that will not be Evaluated in the Draft EIR***

Pursuant to CEQA and California Code of Regulations Section 15064, the discussion of potential effects on the environment in the Draft EIR will be focused on those impacts that the City has determined may be potentially significant. Additionally, CEQA allows a lead agency to limit the detail of discussion of the environmental effects that are not considered to be potentially significant. (Public Resources Code [CCR] § 21100; CCR §§ 15126.2(a), 15128.) CEQA requires that the discussion of any significant effect on the environment be limited to substantial, or potentially substantial, adverse changes in physical conditions that exist within the affected area, as defined in Public Resources Code Section 21060.5.

The City has determined that the proposed project would result in either no impact or a less than significant impact on mineral resources as explained below. This issue area will not be further evaluated in the Draft EIR.

### **Mineral Resources**

Neither the State nor the City of Chico designates the project site as a location of known mineral deposits. Therefore, the proposed project would not result in the loss or availability of a known mineral resource or mineral resource recovery site and would result in no impacts to these resources. This topic will not be addressed in the Draft EIR.

### ***Environmental Topics to be Addressed in the Draft EIR***

The Draft EIR will address the following environmental topics:

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

## **ENVIRONMENTAL REVIEW PROCESS**

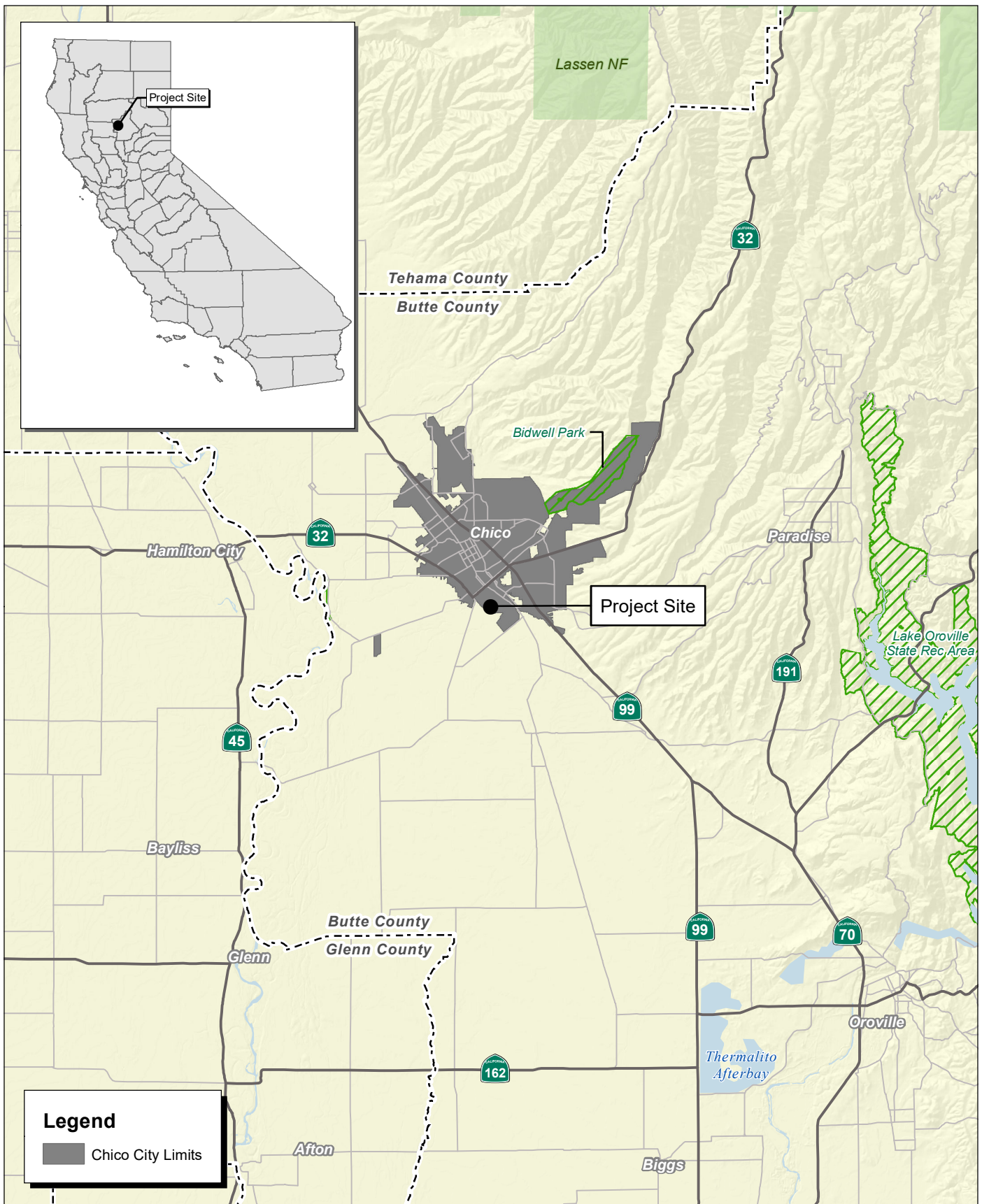
Comments as to the appropriate scope of analysis to be evaluated in the Draft EIR are invited from all interested parties. **Written comments or questions concerning the scope of the Draft EIR** for the proposed Barber Yard Specific Plan should be directed to the contact listed below no later than 5:00 p.m. on May 9, 2023. Please address comments, questions, and responses to the contact listed below:

City of Chico Community Development Department  
Mr. Mike Sawley, Principal Planner  
City of Chico  
411 Main Street, 2<sup>nd</sup> Floor  
PO Box 3420  
Chico, CA 95927  
Phone: 530.879.6812  
Email: [mike.sawley@chicoca.gov](mailto:mike.sawley@chicoca.gov)

Once completed, the Draft EIR will be made available for a 45-day public review and comment period in accordance with CEQA. Responses will be prepared for all substantial comments on the Draft EIR. These comments and responses, along with revisions made to the Draft EIR, if any, will be included in the Final EIR to be presented to the City for review and certification prior to consideration of the approval of the Specific Plan.

Notices associated with the project's CEQA review are available at:

<https://chico.ca.us/barber-yard>



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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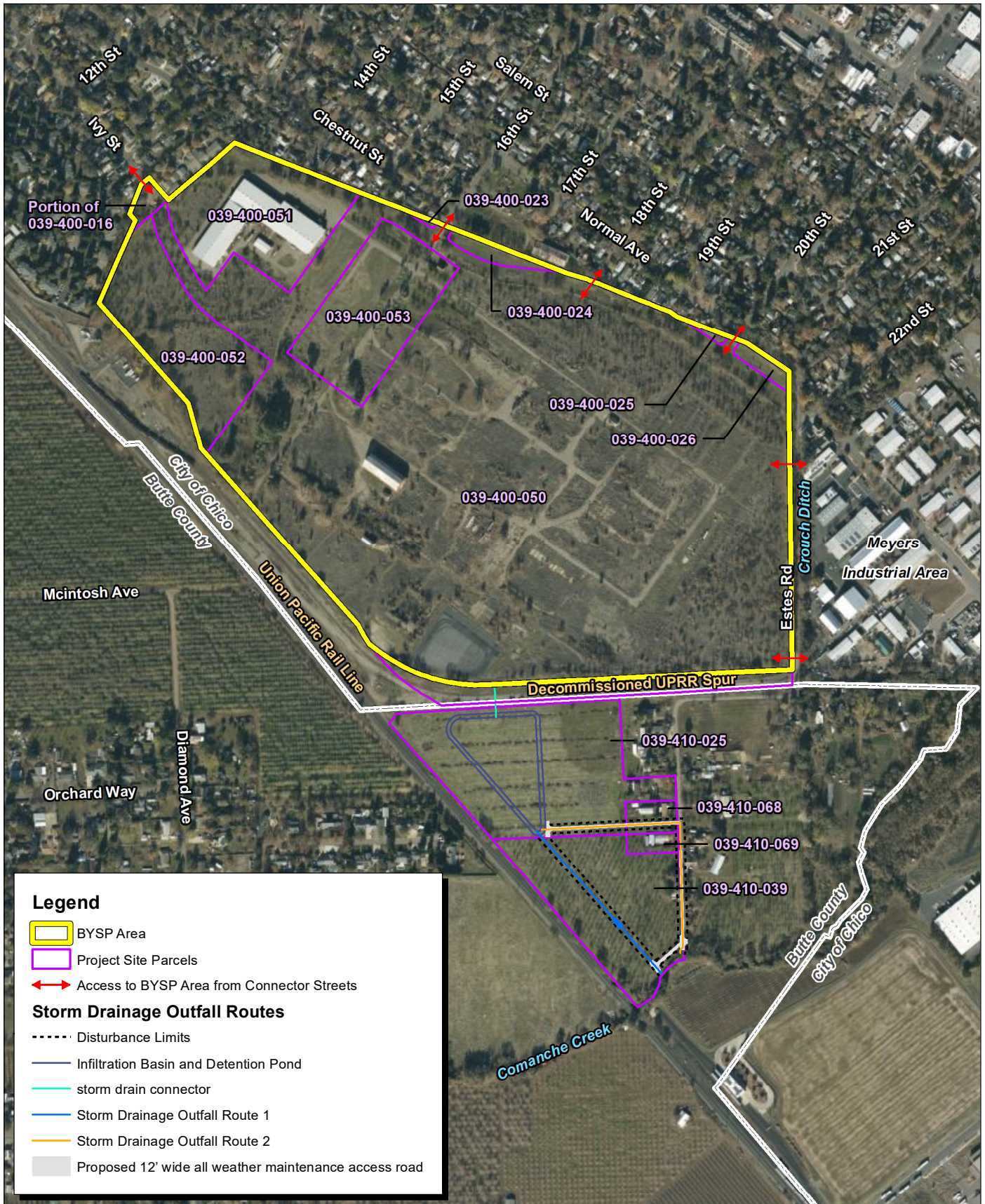


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## Exhibit 1 Regional Location Map

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



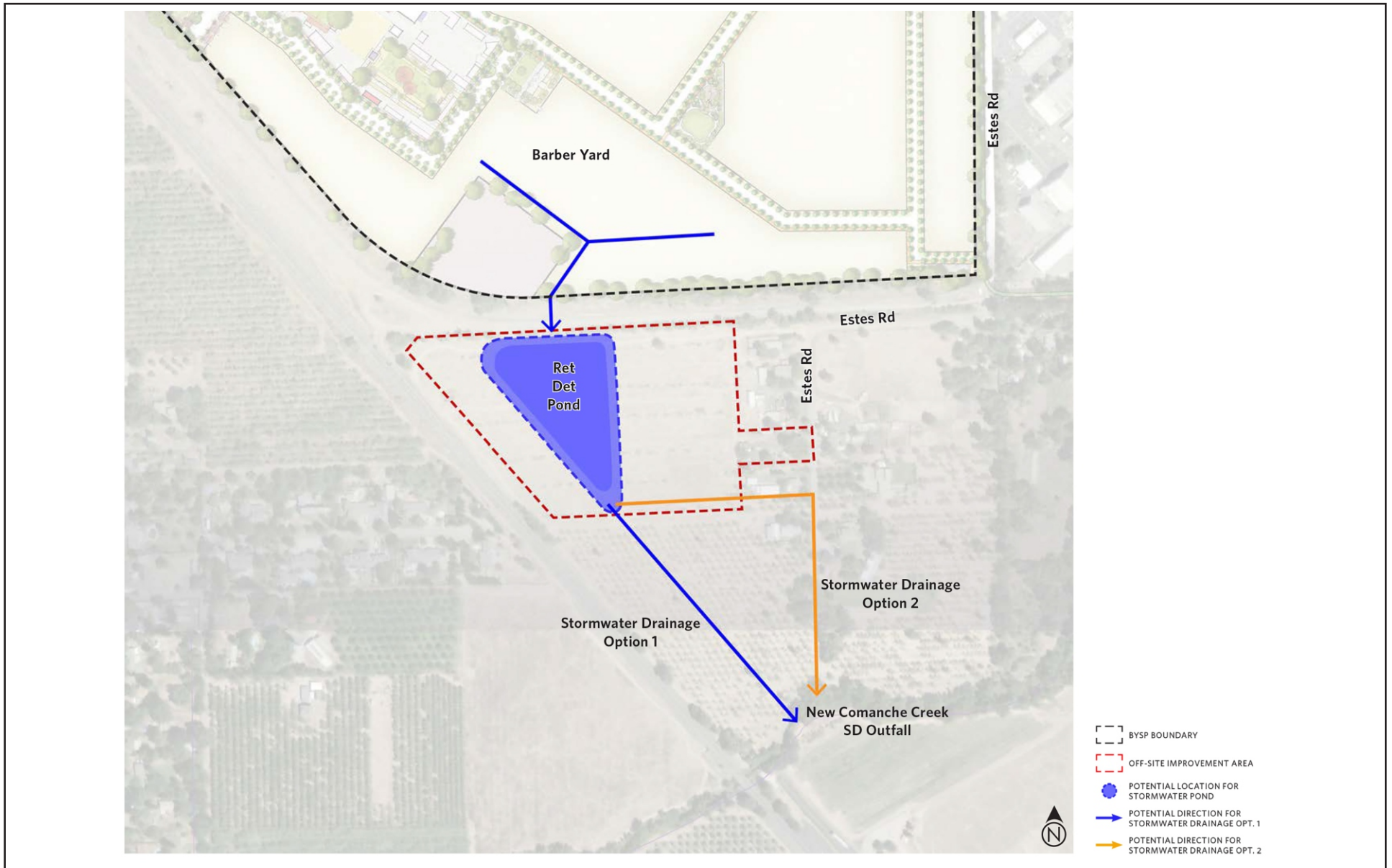
Source: Bing Aerial Imagery. Butte County Association of Governments; and NorthStar, 02/2023.



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## Exhibit 2 Project Site Map

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



Source: Urban Design Associates, 02/01/2023.

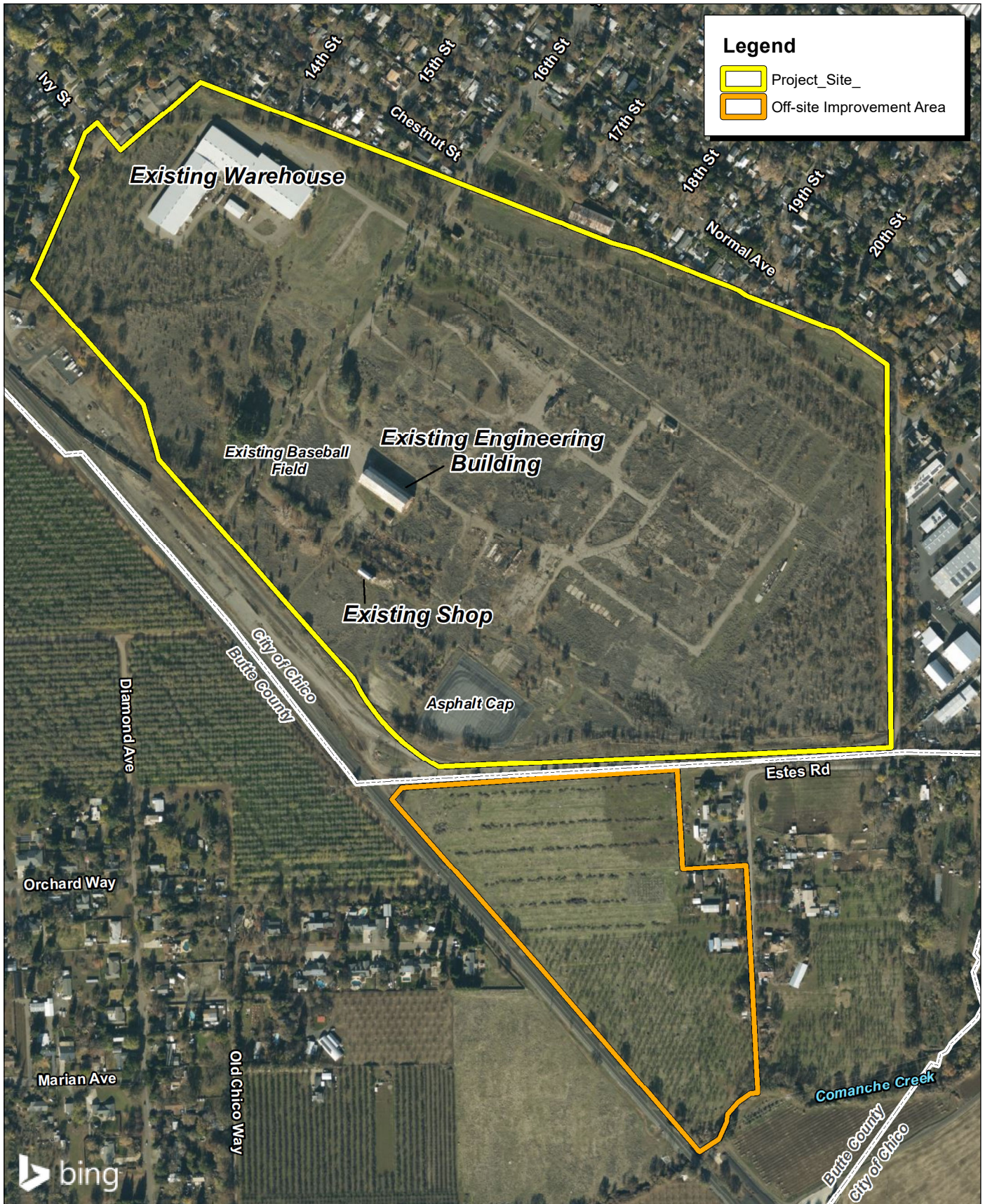
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## Exhibit 3 Off-site Improvement Area

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



Source: Bing Aerial Imagery.

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## Exhibit 4 Existing Conditions

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



Source: Urban Design Associates, 02/01/2023.

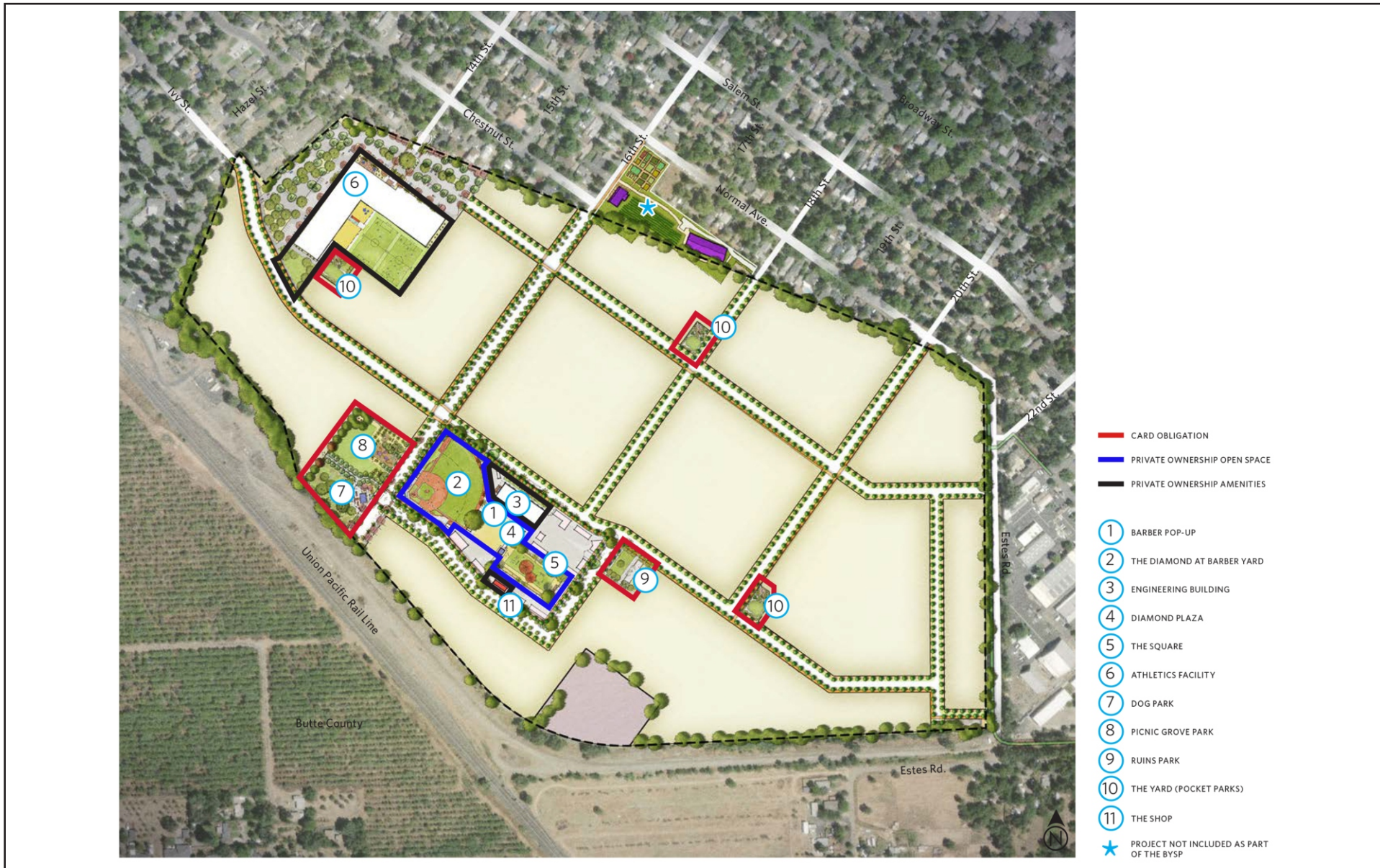
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## Exhibit 5 Land Use Map

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



Source: Urban Design Associates, 02/01/2023.

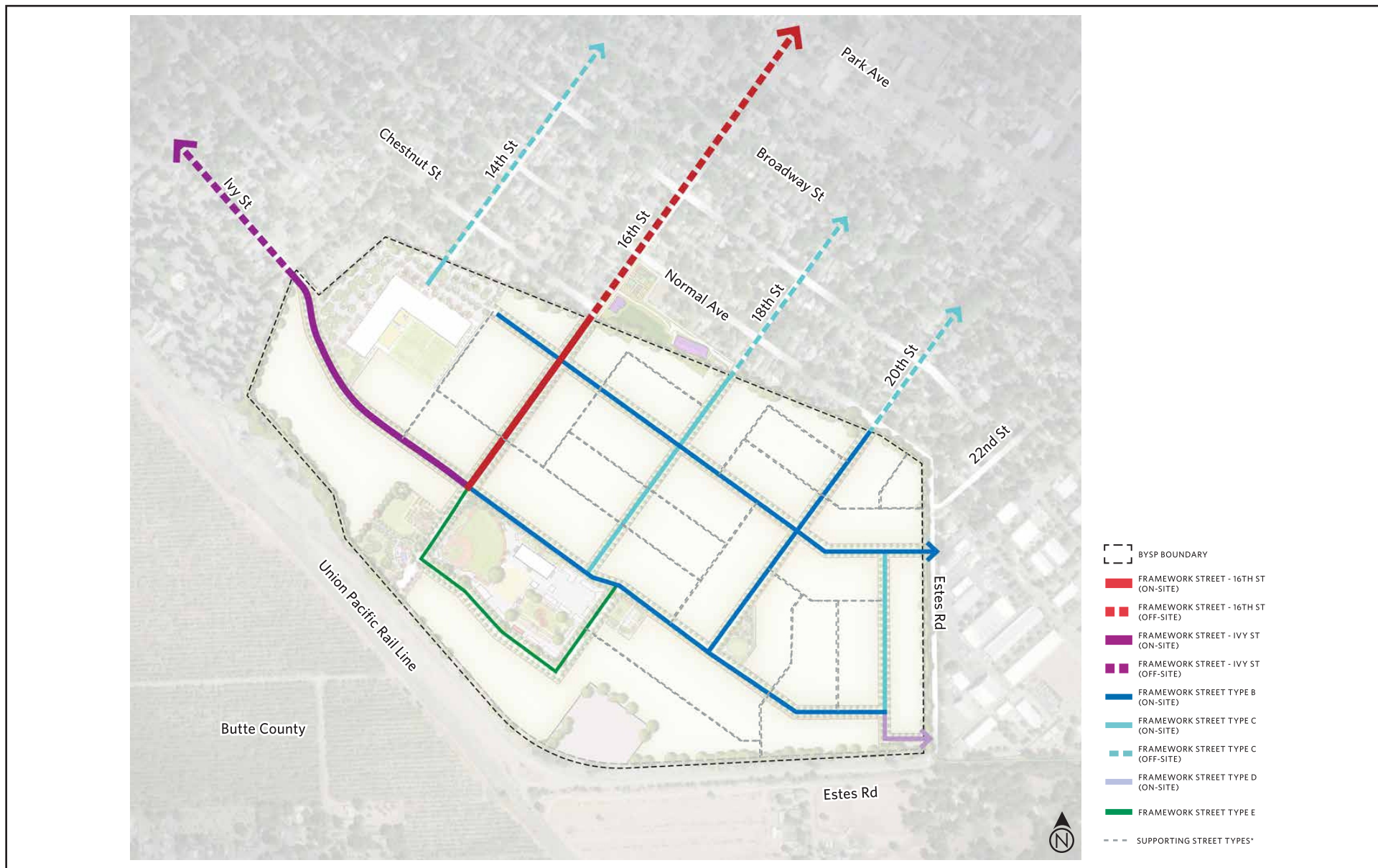
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## Exhibit 6 Parks and Amenities

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



Source: Urban Design Associates, 11/11/2022.

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## Exhibit 7 Street Framework

CITY OF CHICO  
BARBER YARD SPECIFIC PLAN  
NOTICE OF PREPARATION



## NATIVE AMERICAN HERITAGE COMMISSION

March 27, 2023

Mike Sawley  
City of Chico  
P.O. Box 3420  
Chico, CA 95927

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
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Nomlaki

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Kumeyaay

COMMISSIONER  
**[Vacant]**

COMMISSIONER  
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EXECUTIVE SECRETARY  
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Hitchcock**  
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**Re: 2023030641, Barber Yard Specific Plan (SP 21-01, GPA 22-05, RZ 22-03) Project, Butte County**

Dear Mr. Sawley:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cameron.Vela@nahc.ca.gov](mailto:Cameron.Vela@nahc.ca.gov).

Sincerely,

*Cameron Vela*

Cameron Vela  
Cultural Resources Analyst

cc: State Clearinghouse

## Mike Sawley

---

**From:** Annabel Grimm <agrimm@chicorec.com>  
**Sent:** Monday, April 3, 2023 8:46 AM  
**To:** Mike Sawley  
**Cc:** Scott Schumann  
**Subject:** RE: Barber Yard Specific Plan - Parks Meeting

**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](mailto:phishing@chicoca.gov)

Hi Mike,

I hope you had a lovely weekend. We reviewed the plan and think it looks great. The one thing to note is that having multiple pocket parks as opposed to one larger park will cost more depending on the amenities and features. From CARD's perspective, one or three doesn't make a difference. We just want to make sure everyone is aware of that possibility.

See you later this week!

With gratitude,  
Annabel

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**From:** Mike Sawley <mike.sawley@Chicoca.gov>  
**Sent:** Wednesday, March 22, 2023 9:54 AM  
**To:** Annabel Grimm <agrimm@chicorec.com>  
**Cc:** Scott Schumann <:sschumann@chicorec.com>  
**Subject:** RE: Barber Yard Specific Plan - Parks Meeting

Hi Anabel, I wanted to finally circle back now that I have received a subsequent draft of the Barber Yard Specific Plan. Please review the attached (especially Ch 4) and provide comments as you see fit or let me know if a meeting is appropriate.

Thank You,  
Mike Sawley, AICP  
Principal Planner (Environmental Program Manager)  
City of Chico Community Development Dept.  
P.O. Box 3420, Chico, CA 95927  
(530) 879-6812





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



April 19, 2023

Mike Sawley  
Principal Planner  
City of Chico  
PO Box 3420  
Chico, CA 95927

Subject: BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH# 2023030641

Dear Mr. Sawley:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) from City of Chico for the Barber Specific Plan (Project) in Butte County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law

**BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)**

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of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

**PROJECT DESCRIPTION SUMMARY**

The Project site is located within the City of Chico and the improvement area is located directly south of the Barber Yard Specific Area (BYSA), within unincorporated Butte County. The BYSP Area is comprised of eight Assessor Parcel Numbers (APNs): 039-400-016 (partial), 039-400-024, 039-400-025, 039-400-026, 039-400-051, 039-400-052, and 039-400-053. The BYSP Area is bounded by various individual properties to the northwest, Chestnut Street and Normal Avenue to the northeast, Estes Road to the east, and Union Pacific Railroad (UPRR) to the southwest. To the south, the BYSP Area is bounded by a portion of Butte County that is unincorporated, including a decommissioned UPRR spur. Agricultural and rural residential areas lie to the south and west across the UPRR. The approximately 13.5-acre off-site improvement area is located directly south of the BYSP Area on APN 039-410-025. The off-site improvement area is bounded by a Pacific Gas and Electric Company (PG&E) parcel to the north, rural residential and agricultural land uses to the east, agricultural land and Comanche Creek to the south, and the UPRR as well as more rural residential and agricultural land uses to the west.

The Project area includes the 133-acre former Diamond Match factory site as well as a 13.5-acre off-site storm drainage parcel to the south. The plan calls for a up to 1,250 residential units, adaptive reuse of existing buildings for recreational uses (150,000 square feet), up to 60,000 square feet of new commercial uses, and approximately 10 acres of new parks. The existing asphalt cap would remain unaltered.

**COMMENTS AND RECOMMENDATIONS**

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations presented below to assist the City of Chico in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

**Project Description**

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

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As required by § 15126.6 of the CEQA Guidelines, the EIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

**Assessment of Biological Resources**

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the EIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey (USGS) 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage [www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data](http://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of

## BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)

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species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship (CWHR) System, California Native Plant Society (CNPS) Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the lead agency rely on survey and monitoring protocols and guidelines available at: [www.wildlife.ca.gov/Conservation/Survey-Protocols](http://www.wildlife.ca.gov/Conservation/Survey-Protocols). Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see [www.wildlife.ca.gov/Conservation/Plants](http://www.wildlife.ca.gov/Conservation/Plants)).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

**Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the EIR:

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1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

**Mitigation Measures for Project Impacts to Biological Resources**

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the

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level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*); California black rail (*Laterallus jamaicensis coturniculus*); ring-tailed cat (*Genus Bassariscus*). Fully protected species may not be taken or possessed at any time. Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
3. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The EIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and

## BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)

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management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at [www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations](http://www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations).

5. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto;

## BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)

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section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

CDFW recommends that the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. If pre-construction surveys are proposed in the EIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

6. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the lead agency may condition the EIR to require that a qualified biologist with the proper permits be retained to be onsite prior to and during all ground- and habitat-disturbing activities. The qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
7. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in

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the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. To avoid deferring mitigation in this way, the EIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

**California Endangered Species Act**

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of state-listed CESA species, either through construction or over the life of the Project. CESA ITPs are issued to conserve, protect, enhance, and restore state-listed CESA species and their habitats.

CDFW encourages early consultation, as modification to the Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP or otherwise demonstrate compliance with CESA.

The Project area as shown in the NOP includes habitat for State and/or federally listed species. If during the environmental analysis for the Project, it is determined that the Project may have the potential to result in “take”, the EIR should disclose the potential for “take”. To receive authorization for “take”, an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be obtained and the EIR must include all avoidance and minimization measures to reduce the impacts to a less than significant level. If take of a listed species is expected to occur even with the implementation of these measures, CDFW recommends the EIR propose additional mitigation measures to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)) as an ITP will require that the take be minimized and fully mitigated. CDFW encourages early consultation with staff to determine appropriate measures to offset Project impacts, facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

**Native Plant Protection Act**

The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

**BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)**

April 19, 2023

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**Lake and Streambed Alteration Program**

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including access and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined that the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement will include measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce adverse impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain an LSA notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)

April 19, 2023

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CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. Addressing CDFW's comments ensures that the EIR appropriately addresses Project impacts facilitating the issuance of an LSA Agreement.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project.

BARBER SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03)

April 19, 2023

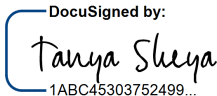
Page 12 of 12

Written notifications shall be directed to: California Department of Fish and Wildlife  
North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the NOP of the EIR for the Barber Specific Plan and recommends that the City of Chico address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please email [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1ABC45303752499...

Tanya Sheya  
Environmental Program Manager

ec: Sandra Jacks, Senior Environmental Scientist (Supervisory)  
Amy Kennedy, Senior Environmental Scientist (Specialist)  
*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento

#### Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California.  
<http://vegetation.cnps.org/>



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

April 25, 2023

Mr. Mike Sawley  
Principal Planner  
City of Chico Community Development Department  
P.O. Box 3420  
Chico, CA 95927  
[mike.sawley@Chicoca.gov](mailto:mike.sawley@Chicoca.gov)

RE: BARBER YARD SPECIFIC PLAN DATED MARCH 24, 2023 (STATE  
CLEARINGHOUSE NUMBER: [2023030641](#))

Dear Mr. Sawley:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Barber Yard Specific Plan. DTSC has identified that the Barber Yard Specific Plan Proposed Project (Project) may affect, and in turn may be affected by historical contamination by the Louisiana-Pacific Corp - Chico (04240002). The Louisiana Pacific Corporation-Chico facility was a former wood products facility, match production facility and wood treatment plant. Diamond International operated these facilities through 1984. These facilities were then purchased by Louisiana Pacific Corporation and were closed in 1989. The facility consists of approximately 140 acres of land. Historically, formaldehyde, pentachlorophenol, heavy metals, solvents, and fuel oil wastes were released, buried and/or burned onsite. In March 1992, elevated concentrations of pentachlorophenol were detected in onsite wells. Potential pathways of contamination are limited because

the entire site is fenced, and controls are in place to limit use of groundwater due to existing trichloroethylene contamination in the vicinity of the subject site. In 1995, arsenic contaminated soil was excavated, consolidated, and capped onsite. A ground water pump and treat system was installed and run from 1997 to 2003 and groundwater monitoring continues currently. Further information on the [Louisiana-Pacific Corp - Chico \(04240002\)](#) can be found on EnviroStor. The Project does have a list of [Land Use Covenant](#) associated with the Project area that can be found on Envirostor. Those restrictions include but are not limited to:

- Activities prohibited which disturb the remedy and monitoring systems without approval,
- Asphalt cover not to be disturbed without approval,
- Day care center prohibited,
- Elder care center prohibited,
- Hospital use prohibited,
- Land use covenant,
- Maintain fencing to control access,
- Maintain monitoring of groundwater,
- No excavation of contaminated soils without agency review and approval,
- No groundwater extraction at any depth without approval,
- Notify after change of property owner,
- Notify damages to remedy and monitoring systems upon discovery,
- Notify prior to change in land use,
- Notify prior to development,
- Notify prior to subsurface work,
- Only extraction of groundwater for site remediation permitted,
- Perform H&S plan prior to subsurface work, and
- Residence use prohibited.

The Project is documented in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. DTSC recommends that the Hazards

and Hazardous Materials section of the upcoming DEIR address actions to be taken for any potential impacts due to hazardous waste or hazardous materials within the Project area. DTSC recommends further coordination with other agencies that may have regulatory authority over the Project. DTSC has the following comments on the Project to be addressed in the DEIR:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that Louisiana-Pacific Corp – Chico (Site) is safe for construction and the proposed use.
2. The DEIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
4. The Site proposed for redevelopment has an associated Land Use Covenant (LUC) which restricts activities which use or interfere with the groundwater and prohibits any activities that may disturb the capped portion of the Site. The LUC also prohibits certain uses of the capped portion of the Site such as a residence, hospital, school, or day care. The Barber Yard Specific Plan Exhibit 5 shows the area of the capped portion of the Site planned as "Primary Open Space". The proposed use in this area does not conflict with the terms of the LUC.

5. The Barber Yard Specific Plan does not include language stating that all uses, and development of the Property shall preserve the integrity and physical accessibility of the Cap and the Groundwater Monitoring System as required by the LUC. DTSC requests language to this effect be added to the plans to ensure the LUC conditions are followed.
6. Any site activities that may be impacted by the terms of the LUC or that involve any hazardous materials should be coordinated with DTSC.

DTSC appreciates the opportunity to comment on the NOP and proposed DEIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3748 or via email at [Garrett.Thornton@dtsc.ca.gov](mailto:Garrett.Thornton@dtsc.ca.gov).

Sincerely,

*Garrett Thornton*

Garrett Thornton  
Project Manager  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)  
Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Sawley  
April 25, 2023  
Page 5

Ms. Tamara Purvis  
Associate Environmental Planner  
CEQA Unit-Permitting/HWMP  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Mr. Dave Kereazis  
Associate Environmental Planner  
CEQA Unit-Permitting/HWMP  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

## Mike Sawley

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**From:** Breedon, Dan <DBreedon@buttecounty.net>  
**Sent:** Thursday, May 4, 2023 2:59 PM  
**To:** Mike Sawley  
**Cc:** Daneluk, Paula  
**Subject:** Barber Yard Specific Plan NOP

**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](mailto:phishing@chicoca.gov)

Mike,

The Department of Development Services, Planning Division has reviewed the NOP for the Barber Yard Specific Plan and provides the following comments.

The project description refers to an off-site improvement consisting of a water quality retention/detention basin, and associated storm drainage alignment, as shown on Exhibit 3. The site is shown to be located just south of the project site on property zoned AG-40 (Agriculture, 40-acre minimum parcel is size). The scope of the EIR should address appropriate entitlements for development of this facility at this location and how the use may be consistent with the Agricultural zoning. The analysis should cover whether the proposed use would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. Butte County should be listed in the EIR as a responsible agency in regard to any entitlements required for development in the AG-40 zone within County jurisdiction.

Thank you for the opportunity to comment on the NOP.

Best,

**Dan Breedon, AICP, Planning Manager**

Butte County Department of Development Services, Planning Division  
7 County Center Drive, Oroville, CA 95965  
T:530.552.2538 (Direct) 530.552.3701(Planning Division)  
[dbreedon@buttecounty.net](mailto:dbreedon@buttecounty.net)



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*

May 9, 2023

City of Chico Community Development Department  
Attn: Mike Sawley, Principal Planner  
411 Main Street, 2<sup>nd</sup> 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 Notice of Preparation (NOP) for the project listed above. Based on the information reviewed, the District has the following comments:

1. Screening for criteria air pollutants: Based on the District's 2014 CEQA Air Quality Handbook (Handbook), this project exceeds the size provided by the screening criteria table in Section 4.3 *Screening for Criteria Air Pollutants*. The District recommends using the latest version of CalEEMod to perform modeling and quantification of pollutants created by construction and operational activities to estimate impacts of criteria air pollutants as well as greenhouse gases.
2. The District recognizes that Air Quality is an environmental topic that will be addressed in the Draft Environmental Impact Report (EIR).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Mandly", with a large, stylized flourish at the end.

Jason Mandly  
Senior Air Quality Planner

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## Central Valley Regional Water Quality Control Board

9 May 2023

Mike Sawley  
City of Chico Community Development Department  
P.O. Box 3420  
Chico, CA 95927

**COMMENTS ON THE NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND NOTICE OF SCOPING MEETING FOR THE BARBER YARD SPECIFIC PLAN (SP 21-01, GPA 22-05, RZ 22-03), APN NUMBERS 039-400-016 (PARTIAL) 039-400-024, 039-400-025, 039-400-026, 039-400-050, 039-400-051, 039-400-052, 039-400-053, AND 039-410-025, CHICO, BUTTE COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 17 April 2023, we received your request for comments on the Notice of Preparation of an Environmental Impact Report and Notice of Scoping Meeting for the Barber Yard Specific Plan (SP 21-01, GPA 22-05, RZ 22-03) (Project).

The proposed project consists of the full buildout of the Barber Yard Specific Plan, 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 Project site is located in two separate areas. The 133-acre Barber Yard Specific Plan Area is bounded by various individual properties to the northwest, Chestnut Street and Normal Avenue to the northeast, Estes Road to the east, and Union Pacific Railroad to the southwest. To the south, the Barber Yard Specific Plan Area is bounded by a portion of Butte County that is unincorporated, including a decommissioned Union Pacific Railroad spur. Agricultural and rural residential areas lie to the south and west across the Union Pacific Railroad. The approximately 13.5-acre off-site improvement area is located directly south of the Barber Yard Specific Plan Area and is bounded by a Pacific Gas and Electric company parcel to the north, rural residential and agricultural land uses to the east, agricultural land and Comanche Creek to the south, and the Union Pacific Railroad as well as more rural residential and agricultural land uses to the west.

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Based on our review of the information submitted for the proposed project, we have the following comments:

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)).

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) ([https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)).

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information

provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)).

#### Post-Construction Storm Water Requirements

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Chico must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and established maintenance requirements. The proposed project must be conditioned to comply with post-construction standards adopted by the City of Chico in compliance with their Phase II Municipal Storm Water Permit.

#### Contaminated Site Cleanup Cases

The proposed Barber Yard Specific Plan project is within the boundaries of a contaminated site regulated by both the Department of Toxic Substances Control (DTSC) and the Central Valley Water Board.

- DTSC refers to this site as Louisiana-Pacific Corp – Chico (ID# 04240002). All files can be found at EnviroStor here: [EnviroStor \(ca.gov\)](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=04240002) ([https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=04240002](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=04240002)).
- The Central Valley Regional Water Board refers to the site as LP, Chico Remanufacturing Facility, Case #SLT5R978. Documents related to this case can be found on Geotracker here: [GeoTracker \(ca.gov\)](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0600753056) ([https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=SL0600753056](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0600753056)).

Historically formaldehyde, pentachlorophenol (PCP), heavy metals, solvents, and fuel oil wastes were released, buried and/or burned onsite. Contaminated soil was excavated and hauled offsite or consolidated and capped onsite. Contaminated groundwater was pumped, treated, and disposed of onsite via a dry well. Currently only one monitoring well is included in the monitoring program, however the well has been dry since July 2020. The last detection of PCP in groundwater was 2.6 ug/L (site cleanup goal is 1 ug/L).

Land Use Covenants and Active Groundwater Monitoring Wells Throughout the property

The case was closed in 1999 with a Land Use Covenant (LUC) recorded on 9 February 1999 and certified on 29 June 1999. The LUC, which can be obtained on the EnviroStor database, includes specific requirements that the project planner/proponent needs to be aware of, specifically in the vicinity of the Asphalt Cap and the ongoing groundwater monitoring program. The LUC needs to be considered in the development of the project and be incorporated into the Environmental Impact Report (EIR), with coordination with DTSC as required by the LUC. Currently there is no mention of the LUC in the Notice of Preparation.

Given the potential for residual shallow soils contamination, especially regarding the Asphalt Cap, the EIR needs to consider short term risks to workers and long-term risks to residents via inhalation and/or ingestion of contaminated soils. Additionally, there are approximately 30 groundwater monitoring wells on the property that must be maintained and accessible both for the required monitoring per DTSC and to support the active Victor Industries/20<sup>th</sup> Street TCE plume investigation (Geotracker case #SLT5R953 or EnviroStor ID 04360003). The wells should be identified in the EIR and any modifications need to be discussed with DTSC and the Central Valley Water Board.

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at [Mey.Bunte@waterboards.ca.gov](mailto:Mey.Bunte@waterboards.ca.gov).

Mey Bunte, P.E.  
Senior Water Resource Control Engineer  
Groundwater Unit

MEWB: db

## Mike Sawley

---

**From:** Amy and John, HoneyRun Winery <honeyrunwine@gmail.com>  
**Sent:** Monday, March 27, 2023 1:39 PM  
**To:** Mike Sawley  
**Subject:** THE BARBER YARD SPECIFIC PLAN PUBLIC REVIEW DRAFT 02-14-2023

**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](mailto:phishing@chicoca.gov)

TO: City of Chico Community Development Department  
Mr. Mike Sawley, Principal Planner  
Phone: 530.879.6812  
Email: [mike.sawley@chicoca.gov](mailto:mike.sawley@chicoca.gov)

RE: THE BARBER YARD SPECIFIC PLAN PUBLIC REVIEW DRAFT 02-14-2023

Dear Mr. Sawley,

Thank you for giving us the opportunity to voice our concerns and give input regarding the Barber Yard Specific Plan Public Review Draft from February 2023.

My husband and I refurbished and own a house on W. 22nd Street. We have used it as a rental, and at times we have lived there. We've noticed that a number of owners on W. 22nd St have upgraded their houses and fought to keep the neighborhood quiet, as it is a boundary to Industrial Mixed Use zoning. I would like you to know that it is a sleepy little road with basketball hoops and games in the street, front yard gardens, and a few comfy front porches.


My family has two major concerns about the planned development of the Barber Yard. 1. Our sleepy street is slated to become one of six access roads. 2. We have cycled around town, and feel strongly about designing physical barriers between bicycles and vehicles.

Access to the Barber Yard is very limited due to the railroad on the west and houses on most of the odd numbered streets to the east. Ivy St. and W. 16th St. will be the major thoroughfares. Adding W. 17th St. as a vehicular access road would increase the minor points of entry by 20%. I would like to see the current garden reshaped to more of a square to allow for it. As a bonus, the garden would get drive-by exposure.

There is somewhat of a clean slate for the vehicle/bicycle/pedestrian/scooter interactions in and beyond the Barber Yard. We implore you to physically separate vehicles from bikes and persons on the major roads. Please don't just paint lanes. (Go check out the cars parked in the bike lane on Pine near 9th St. or frequently on Park Ave. near 18th and 19 St.) Please don't place the bike lane between the driving cars and the parking, as is proposed for W. 16th St in figure 5.14 of 5.6.3. Figure 5.13 would be terrific for 16th St all the way to Park Ave.

We have some thoughts about the traffic calming corners as well. Please consider evacuations in the design. Perhaps the corners could be sloped and have removable bollards instead of high curbs and planters.

We appreciate the time you spend on making this a nicer neighborhood. Please add W. 17th St as an access road, and please keep vehicles physically separated from bikes and persons on the main roads in and beyond the new Barber Yard.

Thank you very much,  
Amy Hasle  
[honeyrun@honeyrun.com](mailto:honeyrun@honeyrun.com)  
530-



Via Electronic Mail

March 28, 2023

City of Chico Community Development Department  
Mr. Mike Sawley, Principal Planner  
City of Chico  
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**Re: Earthjustice Comments on the Notice of Preparation of a Draft  
Environmental Impact Report for Barber Yard Specific Plan Project**

Earthjustice appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the Barber Yard Specific Plan Project (“Project”), which contemplates the redevelopment of the former Diamond Match Company factory and the surrounding area into mixed-use residential and commercial real estate, including up to 1,250 dwelling units and 210,000 square feet of commercial space. Our initial comments focus on the importance of incorporating building electrification requirements into the Project. New construction that relies on burning gas for end uses such as cooking and space and water heating has significant greenhouse gas (“GHG”), energy, and health impacts under the California Environmental Quality Act (“CEQA”). All-electric buildings avoid these impacts. Moreover, all-electric buildings are typically less costly to construct due to avoided costs of gas infrastructure. With the California Public Utilities Commission (“CPUC”) now ending subsidies for gas lines to new development, cost savings from all-electric construction will further increase. Accordingly, to comply with CEQA’s obligation to adopt all feasible mitigation to reduce significant environmental impacts, the City must require an all-electric Project design that is not connected to the gas system.

**I. Projects Connecting to the Gas System Have Significant GHG, Energy and Public Health Impacts.**

**A. The GHG Impacts of Projects Connecting to the Gas System Are Significant.**

CEQA requires a DEIR to identify all the significant impacts of a proposed project, including impacts from the project’s GHG emissions.<sup>1</sup> One option to determine the significance of the Project’s GHG impacts is to apply a net-zero emissions threshold. In addition to being CEQA-compliant, a net-zero threshold is also consistent with the severity of the climate crisis

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<sup>1</sup> CEQA Guidelines § 15126.2; Appendix F.

and the recognition that any increase in GHG emissions exacerbates the cumulative impacts of climate change.

Another option is to apply the approach recently adopted by the Bay Area Quality Management District (“BAAQMD”). In determining the significance of project impacts, a lead agency “must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Gov’ts* (2017) 3 Cal.5th 497, 519. To stay in step with evolving scientific knowledge and state policy, the Bay Area Quality Management District (“BAAQMD”) updated its previous CEQA GHG guidance for buildings this year to require all new projects to be built without natural gas and with no inefficient or wasteful energy usage in order to receive a finding of no significant impact.<sup>2</sup> BAAQMD’s previous 1,100 MT GHG significance threshold was derived from Assembly Bill (“AB”) 32’s 2020 GHG reduction targets, but did not reflect later developments, such as Senate Bill (“SB”) 32’s requirement to reduce GHGs to 40 percent below 1990 levels by 2030, nor Executive Order B-55-18’s requirement to achieve carbon neutrality by 2045.<sup>3</sup> As BAAQMD properly noted in its justifications for its updated GHG threshold, “[f]or California to successfully eliminate natural gas usage by 2045, it will need to focus available resources on retrofitting existing natural gas infrastructure. This task will become virtually impossible if we continue to build more natural gas infrastructure that will also need to be retrofit within the next few years.”<sup>4</sup>

Even outside of BAAQMD’s jurisdiction, the analysis supporting its zero-gas threshold provides substantial evidence to support an EIR’s finding of significance, particularly where, as here, GHGs are a globally dispersed pollutant. Indeed, state agencies have made similar findings regarding the incompatibility of gas in new construction with achievement of state climate requirements. As the California Energy Commission (“CEC”) determined in its 2018 Integrated Energy Policy Report (“IEPR”) Update:

New construction projects, retrofitting existing buildings, and replacing appliances and other energy-consuming equipment essentially lock in energy system infrastructure for many years. As a result, each new opportunity for truly impactful investment in energy efficiency and fuel choice is precious. If the decisions made for new buildings result in new and continued fossil fuel use, it will be that much more difficult for California to meet its GHG emission reduction goals. Parties planning new construction have

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<sup>2</sup> See BAAQMD, *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*, at 11 (Apr. 2022) (“BAAQMD 2022 Update”), <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>.

<sup>3</sup> See BAAQMD, *CEQA Guidelines Update, Proposed Thresholds of Significance* at 10-22 (Dec 7, 2009), <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/proposed-thresholds-of-significance-dec-7-09.pdf?la=en> (explaining methodology for previous project-level GHG threshold).

<sup>4</sup> Justification Report at 12.

the opportunity instead to lock in a zero- or low-carbon emission outcome that will persist for decades.<sup>5</sup>

Consistent with the CEC’s findings, the California Public Utilities Commission (“CPUC”) recently adopted a Decision that would end gas line extension allowances, finding that “gas line subsidies encourage gas use by providing incentives to builders to install more gas appliances, perpetuating a continued reliance on the gas system both now and over the life of the appliance, and offsetting if not reversing any GHG emission reduction benefits secured through other decarbonization measures.”<sup>6</sup> Accordingly, the CPUC found, subsidies for these new gas connections “work against today’s climate goals and conflict[] with SB 32 and 1477.”<sup>7</sup> This reflects the growing consensus that aggressive electrification will be needed to achieve the state’s climate goals. Indeed, the 2022 Title 24 update already requires heat pumps as a baseline for either space or water heating in single-family homes, as well as a heat pump space heating standard for new multi-family homes and businesses.<sup>8</sup> In addition, any new mixed-fuel single-family homes must already be electric-ready so they can “easily convert from natural gas to electric in the future.”<sup>9</sup>

Earthjustice strongly cautions against using approaches to determine the significance of Project GHG impacts that involve comparisons against “business-as-usual” emissions or a per capita emissions metric. In *Center for Biological Diversity v. Cal. Dept of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court held that determining the significance of project GHG impacts by comparing project emissions with emissions under a business-as-usual scenario derived from statewide emissions reduction goals under AB 32 lacked substantial evidence. For similar reasons, use of statewide per capita emissions metrics to determine the significance of project emissions has also been rejected for the purpose of determining project GHG impacts under CEQA. As the court held in *Golden Door Properties LLC*, “using a statewide criterion requires substantial evidence and reasoned explanation to close the analytical gap left by the assumption that the ‘level of effort required in one [statewide] context . . . will suffice in the other, a specific land use development.’” *Golden Door Properties LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904 (quoting *Center for Biological Diversity*, 62 Cal.4th at 227). While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of

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<sup>5</sup> CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 18 (Jan. 2019)(“2018 IEPR Update”), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>

<sup>6</sup> D.22-09-026, Phase III Decision Eliminating Gas Line Extension Allowances, Ten-Year Refundable Payment Option, and Fifty Percent Discount Payment Option Under Gas Line Extension Rules, at 27 (Sep. 20, 2022), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M496/K987/496987290.PDF>.

<sup>7</sup> *Id.*

<sup>8</sup> See CEC, 2022 Building Energy Efficiency Standards Summary, at 9 (Aug. 2021), [https://www.energy.ca.gov/sites/default/files/2021-08/CEC\\_2022\\_EnergyCodeUpdateSummary\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2021-08/CEC_2022_EnergyCodeUpdateSummary_ADA.pdf).

<sup>9</sup> *Id.*

existing and proposed new development, it is not appropriate for projects that only govern new development.

**B. The Energy Impacts of Projects Connecting to the Gas System are Significant.**

A key purpose of the evaluation of project energy impacts under CEQA is “decreasing reliance on fossil fuels, such as coal, natural gas and oil.”<sup>10</sup> Addressing energy impacts of proposed projects requires more than mere compliance with Title 24 Building Energy Efficiency Standards.<sup>11</sup> Including gas hook-ups in new projects, and thereby perpetuating reliance on fossil fuels, is contrary to California’s energy objectives and should be considered a significant impact under CEQA.

In addition to the lock-in effect discussed above and its perpetuation of reliance on fossil fuel infrastructure, gas appliances are also inherently wasteful because they are significantly less efficient than their electric alternatives. Heat pumps for space and water heating are substantially more efficient than their gas counterparts. Because heat pumps use electricity to move heat around rather than creating heat, their efficiency is far greater than 100 percent (energy services delivered are much greater than energy input). For example, gas water heaters advertised by Rheem, a major water heating manufacturer, have uniform efficiency factor (“UEF”) of 0.58 – 0.83.<sup>12</sup> In contrast, Rheem’s heat pump water heaters have UEFs between 3.7 and 4.0, making them roughly four to seven times more efficient than gas alternatives.<sup>13</sup> As recognized by the CEC, “[u]sing heat pumps for space and water heating, as well as other uses, is cost-effective in the long run simply because electrification technologies can be significantly more efficient than natural gas technologies.”<sup>14</sup> Given the low inherent efficiencies of gas space and water heating as compared to heat pump options, homes that continue to rely on gas cannot be reasonably construed as “the wise and efficient use of energy” and therefore result in significant energy impacts under CEQA.

**C. The Health/Air Quality Impacts of Projects Connecting to the Gas System are Significant.**

CEQA also requires consideration of “health and safety problems” that may result from a project’s emissions.<sup>15</sup> Indeed, Section III.(d) of Appendix G of the CEQA Guidelines

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<sup>10</sup> CEQA Guidelines, Appendix F, Sec. I.

<sup>11</sup> See *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211.

<sup>12</sup> Rheem, *Gas Water Heaters*, [https://www.rheem.com/products/residential/water-heating/tank/residential\\_gas/](https://www.rheem.com/products/residential/water-heating/tank/residential_gas/).

<sup>13</sup> Rheem, *Professional Prestige Series ProTerra Hybrid Electric Water Heater with LeakGuard*, <https://www.rheem.com/group/rheem-hybrid-electric-water-heater-professional-prestige-series-hybrid-electric-water-heater>.

<sup>14</sup> 2018 IEPR Update at 32.

<sup>15</sup> CEQA Guidelines § 15126.2; see also *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 520 (requiring an EIR to not only discuss air quality impacts and human health impacts separately, but to draw a connection between the two segments of information, to “meet CEQA’s requirements.”).

specifically asks a lead agency to evaluate if the project would “[e]xpose sensitive receptors to substantial pollutant concentrations.”<sup>16</sup> The health and safety hazards of gas-burning appliances in buildings are well-documented by the California Air Resources Board (“CARB”), the CEC, and numerous peer-reviewed academic studies. In a Board-adopted resolution, CARB determined that that “cooking emissions, especially from gas stoves, are associated with increased respiratory disease.”<sup>17</sup> Children in homes with gas stoves are particularly at risk. A meta-analysis examining the association between gas stoves and childhood asthma found that “children in homes with gas stoves have a 42 percent increased risk of experiencing asthma symptoms (current asthma)” and “a 24 percent increased risk of ever being diagnosed with asthma by a doctor (lifetime asthma).”<sup>18</sup> Other health effects observed in children from exposure to nitrogen dioxide (“NO<sub>x</sub>”), which is a byproduct of gas combustion, include cardiovascular effects, increased susceptibility to allergens and lung infections, irritated airways and other aggravated respiratory symptoms, and learning deficits.<sup>19</sup> As found repeatedly by peer-reviewed studies, combustion of gas in household appliances produces harmful indoor air pollution, including carbon monoxide, nitric oxide and nitrogen dioxide, formaldehyde, acetaldehyde, and ultrafine particles, often in excess of the levels set out by the California Ambient Air Quality Standards and the National Ambient Air Quality Standards.<sup>20</sup> CARB has therefore recognized “the conclusion of recent studies that 100 percent electrification of natural gas appliances in

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<sup>16</sup> CEQA Guidelines, Appendix G, Sec. III(d).

<sup>17</sup> CARB, *Combustion Pollutants & Indoor Air Quality*, <https://perma.cc/J6YH-VVZH> (as of March 30, 2022).

<sup>18</sup> Brady Seals & Andee Krasner, *Gas Stoves: Health and Air Quality Impacts and Solutions*, Rocky Mountain Institute, Physicians for Social Responsibility, and Sierra Club, at 13 (2020), <https://rmi.org/insight/gas-stoves-pollution-health/>.

<sup>19</sup> *Id.*

<sup>20</sup> See, e.g., Jennifer M. Logue et al., *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California*, 122 *Env’t Health Perspectives* 43, 43–50 (2014), <http://dx.doi.org/10.1289/ehp.1306673> (modeling exposure rates for gas stove pollutants and finding that “62%, 9%, and 53% of occupants are routinely exposed to NO<sub>2</sub>, CO, and HCHO levels that exceed acute health-based standards and guidelines” and that “reducing pollutant exposures from [gas stoves] should be a public health priority.”); John Manuel, *A Healthy Home Environment?*, 107 *Env’tl. Health Perspectives* 352, 352–57 (1999), <https://doi.org/10.1289/ehp.99107a352> (finding that gas furnaces and other gas appliances can be sources of unsafe indoor carbon monoxide concentrations); Nasim A. Mullen et al., *Impact of Natural Gas Appliances on Pollutant Levels in California Homes*, Lawrence Berkeley Nat’l Lab’y (Dec. 2012), [https://eta-publications.lbl.gov/sites/default/files/impact\\_of\\_natural\\_gas\\_appliances.pdf](https://eta-publications.lbl.gov/sites/default/files/impact_of_natural_gas_appliances.pdf) (finding that concentrations of NO<sub>2</sub>, NO<sub>x</sub>, and carbon monoxide were associated with use of gas appliances); Dr. Zhu et al., *Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California*, UCLA Fielding School of Pub. Health, (Apr. 2020), <https://ucla.app.box.com/s/xyzt8jclixnetiv0269qe704wu0ihif7> (finding that gas combustion appliances are associated with higher concentrations of NO<sub>2</sub>, NO<sub>x</sub>, CO, fine particulate matter, and formaldehyde in indoor air, and discussing the health impacts of acute and chronic exposure to each pollutant).

California would result in significant health benefits.”<sup>21</sup> Accordingly, projects that permit gas appliances such as stoves have significant air quality impacts under CEQA.

Gas appliances contribute to indoor air pollution even when they are not turned on. A recent study sampling the gas supply to home appliances also found additional harmful pollutants present, including the Hazardous Air Pollutants benzene and hexane in 95% and 98% of samples, respectively, among others.<sup>22</sup> These pollutants have serious health impacts, particularly given that residential appliances can last for upwards of ten years, and residents may be repeatedly exposed to their pollution multiple times daily. For example, in addition to being a known carcinogen, non-cancer long-term health effects of exposure to benzene include “harmful effects on the bone marrow,” “excessive bleeding,” and can compromise the immune system.<sup>23</sup> Similarly, “[c]hronic inhalation exposure to hexane is associated with sensorimotor polyneuropathy in humans, with numbness in the extremities, muscular weakness, blurred vision, headache, and fatigue,” and animal studies have shown “pulmonary lesions” as well as damage to reproductive organs following chronic inhalation exposure.<sup>24</sup> These pollutants were present in the gas supplied to home appliances prior to combustion, and a 2022 study also found that most gas stoves leak supply gas “continuously” even while turned off.<sup>25</sup>

## **II. Building Electrification is Feasible and Effective Mitigation to Reduce Project GHG, Energy, and Health Impacts.**

A lead agency may not lawfully approve a project where “there are feasible alternatives or feasible mitigation measures available which would substantially lessen [its] significant environmental effects.”<sup>26</sup> Only when feasible mitigation measures have been exhausted may an agency find that overriding considerations exist that outweigh the significant environmental effects.<sup>27</sup> This mandate—to avoid, minimize and mitigate significant adverse effects where feasible—has been described as the “most important” provision of the law.<sup>28</sup>

Eliminating natural gas use in new buildings is feasible mitigation that will substantially lessen the Project’s GHG, energy, and air quality/health impacts. For example, in *Residential*

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<sup>21</sup> CARB Resolution 20-32, *California Indoor Air Quality Program Update*, at 2 (Nov. 19, 2020), <https://ww3.arb.ca.gov/board/res/2020/res20-32.pdf>.

<sup>22</sup> Drew R. Michanowicz et al., *Home is Where the Pipeline Ends: Characterization of Volatile Organic Compounds Present in Natural Gas at the Point of the Residential End User*, *Environ. Sci. Technol.* 2022, 56, 10258–10268 at 10262 (Jun. 2022), <https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c08298>.

<sup>23</sup> See Centers for Disease Control and Prevention, *Facts about Benzene*, [https://emergency.cdc.gov/agent/benzene/basics/facts.asp#:~:text=\(Long%2Dterm%20exposure%20mean%20exposure,increase%20the%20chance%20for%20infection](https://emergency.cdc.gov/agent/benzene/basics/facts.asp#:~:text=(Long%2Dterm%20exposure%20mean%20exposure,increase%20the%20chance%20for%20infection).

<sup>24</sup> U.S. Env. Prot. Agency, *Hexane*, <https://www.epa.gov/sites/default/files/2016-09/documents/hexane.pdf>.

<sup>25</sup> Eric D. Lebel, et al., *Methane and NO<sub>x</sub> Emissions from Natural Gas Stoves, Cooktops, and Ovens in Residential Homes*, *Environ. Sci. Technol.* 2022, 56, 4, at 2534 (Jan. 27, 2022), <https://doi.org/10.1021/acs.est.1c04707>.

<sup>26</sup> Pub. Res. Code § 21002.

<sup>27</sup> *Id.* § 21081; see also CEQA Guidelines 15091(a).

<sup>28</sup> *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41 (1990).

*Building Electrification in California*, Energy and Environmental Economics (“E3”) determined that “electrification is found to reduce total greenhouse gas emissions in single family homes by approximately 30 to 60 percent in 2020, relative to a natural gas-fueled home.”<sup>29</sup> Moreover, “[a]s the carbon intensity of the grid decreases over time, these savings are estimated to increase to approximately 80 to 90 percent by 2050, including the impacts of upstream methane leakage and refrigerant gas leakage from air conditioners and heat pumps.”<sup>30</sup> As shown in the graph below, the GHG savings from heat pumps are substantial today and will only increase as California continues to decarbonize its grid as required under SB 100.

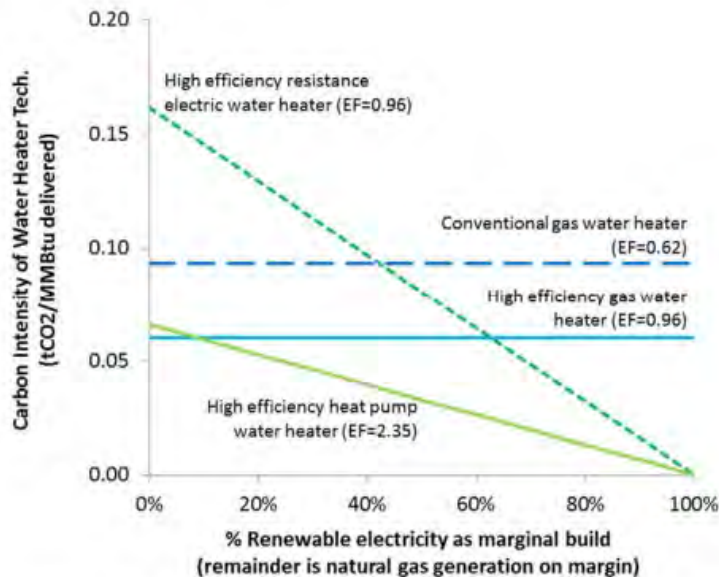


Figure 3. Carbon intensity of water heater technologies, as a function of renewable electricity percentage.  
Source: Author's calculations

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In contrast, because gas appliances will generate the same level of pollution over their lifetime, their emissions relative to electric alternatives will increase over time and increasingly interfere with achievement of California’s climate objectives.

Numerous local jurisdictions have also adopted all-electric building policies for a variety of building types, demonstrating the feasibility of all-electric new construction. For example, San Francisco adopted an ordinance effective June 2021 prohibiting gas in new construction for all building types, with narrow exceptions.<sup>32</sup> Several other California municipalities have

<sup>29</sup> E3, *Residential Building Electrification in California*, at iv (Apr. 2019), [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf).

<sup>30</sup> *Id.*

<sup>31</sup> Amber Mahone et al., *What If Efficiency Goals Were Carbon Goals*, at 9-7, American Council for an Energy-Efficient Economy (2016), [https://aceee.org/files/proceedings/2016/data/papers/9\\_284.pdf](https://aceee.org/files/proceedings/2016/data/papers/9_284.pdf).

<sup>32</sup> San Francisco Building Code § 106A.1.17.1, [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_building/0-0-0-92027](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_building/0-0-0-92027).

adopted similar legislation, including Berkeley, San Luis Obispo, Half Moon Bay, and the City of Los Angeles.<sup>33</sup>

All-electric new construction is also a feasible mitigation measure to avoid the health impacts of gas, particularly the indoor air pollution impacts in residential buildings. For example, Marin Clean Energy developed its Low-Income Families and Tenants (“LIFT”) Pilot Program to reduce energy burdens and improve quality of life for residents in income-qualified multifamily properties through energy efficiency, electrification, and health, safety, and comfort upgrades.<sup>34</sup> An evaluation of the LIFT Pilot found that on a per dwelling basis, participants who received heat pump replacements for gas or propane heating equipment saw reductions of greenhouse gases by over one ton of CO<sub>2</sub> per dwelling, NO<sub>x</sub> reductions of close to 1 pound, and carbon monoxide reductions of more than 2 pounds.<sup>35</sup> Notably, because the national health and safety limit for carbon monoxide is 1 pound annually, residents had been living with unsafe carbon monoxide levels. Heat pump installation virtually eliminated this pollution source.<sup>36</sup> In addition to direct health benefits from reduced pollution, tenants reported increased comfort, with “indoor air temperature being just right even on very hot days,” better air quality and reduced noise.<sup>37</sup> Electrifying gas end uses in buildings demonstrably mitigates not only building emissions but their associated health and safety impacts.

All-electric building design is also economically feasible under CEQA. When considering economic feasibility of alternatives under CEQA, courts consider “whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that a reasonably prudent [person] would not proceed with the [altered project].”<sup>38</sup> That is, even if an alternative is *more* expensive than the original plan, “[t]he fact that an alternative may be more

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<sup>33</sup> See, e.g., San Luis Obispo Ordinance No. 1717, <http://opengov.slocity.org/WebLink/DocView.aspx?id=162695&dbid=0&repo=CityClerk>, (prohibiting natural gas in new construction effective January 1, 2023, with narrow commercial availability and viability exceptions); Los Angeles Ordinance No. 187714 (approved Dec. 10, 2022) (requiring all newly constructed buildings to be all-electric with narrow exceptions for certain food service establishments, effective January 23, 2023), [https://clkrep.lacity.org/onlinedocs/2022/22-0151\\_ord\\_187714\\_1-23-23.pdf](https://clkrep.lacity.org/onlinedocs/2022/22-0151_ord_187714_1-23-23.pdf); Half Moon Bay Municipal Code § 14.06.030, <https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay14/HalfMoonBay1406.html#14.06.030>, (requiring all-electric construction for all new buildings, effective March 17, 2022). See also Sierra Club, *California’s Cities Lead the Way on Pollution-Free Homes and Buildings*, <https://www.sierraclub.org/articles/2021/07/californias-cities-lead-way-pollution-free-homes-and-buildings>, (running list of California municipalities with gas-free buildings commitments and electrification building codes).

<sup>34</sup> DNV, MCE Low-Income Families and Tenants Pilot Program Evaluation at 1 (Aug 5, 2021), [https://www.mcecleanenergy.org/wp-content/uploads/2022/08/MCE-Low-Income-Families-and-Tenants-Pilot-Program-Evaluation\\_08262022.pdf](https://www.mcecleanenergy.org/wp-content/uploads/2022/08/MCE-Low-Income-Families-and-Tenants-Pilot-Program-Evaluation_08262022.pdf).

<sup>35</sup> *Id.* at 28.

<sup>36</sup> *Id.* at 29.

<sup>37</sup> *Id.* at 4, 35.

<sup>38</sup> *SPRAWLDEF v. San Francisco Bay Conservation and Development Comm’n* (2014) 226 Cal. App. 4th 905, 918 (citing *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th 587, 600).

expensive or less profitable is not sufficient to show that the alternative is financially infeasible.”<sup>39</sup>

All-electric building design for new construction is financially feasible because it is now cheaper than mixed-fuel construction.<sup>40</sup> The CEC has found that capital costs for all-electric single family homes are “several thousand dollars less expensive than mixed-fuel homes.”<sup>41</sup> For mid-rise multi-family homes, “[a]n average reduction of \$3,300 per unit was found” by avoiding the costs of gas piping, venting, and trenching to connect to the gas system.<sup>42</sup> Indeed, as noted in Redwood Energy’s A Zero Emissions All-Electric Multifamily Construction Guide, “[i]n the downtown of a city like Los Angeles, just trenching and piping gas to an apartment building in a busy street can cost \$140,000.”<sup>43</sup> Moreover, there are additional embedded savings from faster build-out (related to not having to install gas plumbing and piping inside of the home), and by installing one heat pump instead of a separate furnace and air conditioning. As the CPUC is eliminating gas line extension allowances for all customer classes starting in July 2023, the infrastructure buildout to support gas hookups will raise costs of projects connecting to the gas system even more than before, when line extensions were subsidized.<sup>44</sup> Additionally, as discussed above, the 2022 update to the Title 24 Building Code already requires heat pumps as a baseline for space or water heating, and requires panel upgrades and other space modifications in any new mixed-fuel homes to ensure they are electric-ready when they inevitably convert to all-electric.<sup>45</sup> As a result, mixed-fuel design in new construction is likely *less* financially feasible than all-electric design, in addition to imposing significant GHG, energy, and health impacts.

Now is the critical window for the City to jump-start this transition away from gas to clean energy buildings. CEQA is an essential vehicle to take all feasible action to reduce GHGs

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<sup>39</sup> *Id.* (citing *Center for Biological Diversity v. Cty. of San Bernardino* (2010) 185 Cal. App. 4th 866, 833).

<sup>40</sup> See CARB, Draft 2022 Scoping Plan, Appendix F: Building Decarbonization, at 14–15 (May 2022) (finding that “all-electric new construction is one of the most cost-effective near-term applications for building decarbonization efforts,” and that all-electric new construction is crucial in particular because “it is less costly to build, avoids new pipeline costs to ratepayers, and avoids expensive retrofits later.”), <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp-appendix-f-building-decarbonization.pdf>.

<sup>41</sup> See CEC, Final 2021 Integrated Energy Policy Report Volume I: Building Decarbonization at 89 (Feb. 2022), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=241599>, (citing E3, *Residential Building Electrification in California: Consumer Economics, Greenhouse Gases and Grid Impacts*, [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf)).

<sup>42</sup> CEC, *California Building Decarbonization Assessment*, at 83 (Aug. 13, 2021) (“CEC Building Decarbonization Assessment”), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=239311>.

<sup>43</sup> Redwood Energy, A Zero Emissions All-Electric Multifamily Construction Guide at 2 (2019), <https://fossilfreebuildings.org/ElectricMFGuide.pdf>

<sup>44</sup> R. 19-01-011, Phase III Decision Eliminating Gas Line Extension Allowances, Ten-Year Refundable Payment Option, and Fifty Percent Discount Payment Option Under Gas Line Extension Rules, (Aug. 8, 2022), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M496/K415/496415627.PDF>.

<sup>45</sup> See CEC, 2022 Building Energy Efficiency Standards Summary, at 9 (Aug. 2021), [https://www.energy.ca.gov/sites/default/files/2021-08/CEC\\_2022\\_EnergyCodeUpdateSummary\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2021-08/CEC_2022_EnergyCodeUpdateSummary_ADA.pdf).

and limit further expansion of gas infrastructure. To comply with CEQA, we urge incorporation of all-electric building design into the Project.

Please contact Rebecca Barker at [rbarker@earthjustice.org](mailto:rbarker@earthjustice.org), and Matt Vespa at [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org) with any questions or concerns, and please include each of us in future notifications on the Project's development.

Sincerely,

Matt Vespa  
Senior Attorney  
Earthjustice  
50 California Street, Suite 500  
San Francisco, CA 94111  
[Email: mvespa@earthjustice.org](mailto:mvespa@earthjustice.org)  
Telephone: (415) 217-2123

Rebecca Barker  
Senior Associate Attorney  
Earthjustice  
50 California Street, Suite 500  
San Francisco, CA 94111  
[Email: rbarker@earthjustice.org](mailto:rbarker@earthjustice.org)  
Telephone: (415) 217-2056

Thursday, April 6, 2023

Mike Sawley, Principal Planner, City of Chico

RE: Comments on NOP of EIR for the Barber Yard Specific Plan (BYSP)

Dear Mike,

I am submitting the comments below for consideration in the subject NOP process:

- A. Provide analysis in the EIR by a qualified architectural historian (not an archaeologist) of all historic resources that qualify for listing on the City of Chico Historic Resources Inventory, the National Register of Historic Places, and/or the California Register of Historical Resources. These resources include but are not limited to:
  1. The Diamond Match Engineering Building
  2. The Diamond Match Shop Building
  3. Large palm trees that line the former factory entrance road
- B. In light of the loss (during the past 20 to 30 years) of two original historic structures (the Lumber and Apiary Buildings) due to vandalism/trespassing and fire, revise the project description to require retrofit of all historic buildings with fire sprinklers.
- C. Revise project description to include preservation of all historic palm trees and/or entry boulevard.
- D. Revise project description (and include as mitigation measure for related impacts to historic resources) compliance with Chico Municipal Code (CMC) Chapter 19.37 Historic Preservation.
- E. Address in the EIR the inconsistency between the City of Chico General Plan Diagram of SPA-2 (Barber Yard), which illustrates a large area of land to be designated IOMU Industrial Office Mixed Use along the UPRR, and the BYSP Diagram which does not illustrate the IOMU area, but instead illustrates this area to be MHDR. Note the related applicable GP Action item:

*Action LU-6.2.3 (Barber Yard SPA Planning) - Plan the Barber Yard SPA with a mix of low, medium and high residential densities, a neighborhood core or commercial mixed-use center, office and light industrial uses, and parks and open space. Subsequent planning will:*

  - *Address circulation with a focus on extending and improving existing streets into the site that will distribute traffic on multiple streets, and improving connectivity in order to reduce traffic impacts on the existing residential neighborhood.*
  - *Incorporate adaptive reuse of existing buildings, where feasible.*
- F. Discuss in Alternatives Chapter of the DEIR emergency access to BYSP a road crossing of the UPRR, connecting 16<sup>th</sup> Street to McIntosh/Diamond Avenues.

G. Discuss in Alternatives Chapter of the DEIR extension of sewer line across the UPRR at 16<sup>th</sup> Street to McIntosh/Diamond Avenues, connecting with existing (dead) sewer line in McIntosh Avenue.

Thank you Mike, please feel free to contact me with any questions.

Bob Summerville

(530) [REDACTED], cell

[Bob.summerville9@gmail.com](mailto:Bob.summerville9@gmail.com)

----- Forwarded message -----

From: Jacqui Wilson <[jacqui.wilson7@gmail.com](mailto:jacqui.wilson7@gmail.com)>

To: [mike.sawley@chico.gov](mailto:mike.sawley@chico.gov)

Cc:

Bcc:

Date: Wed, 12 Apr 2023 17:21:31 -0700

Subject: Barber Plan

Hi. I live in the neighborhood and attended the recent public meeting on 4/6/2023. I have some personal questions that I would like you to answer. Then I will give input.

?s How many acres is the property? If I'm interested in buying a smaller unit: When do they go on sale? What is the income requirements? I sphere any special funding?

Input: Neighbors should be concerned about cars. In a similar development I saw it downsized due to neighbors concerns about the # of cars. Are police and firemen in the city of Chico equipped for this development or do more need hired? What income brackets will be accepted into the development: Again, I've seen concern about lower income people driving loud cars.

I look forward to hearing from you. As I am a 14th Street renter I believe there should be a stop sign from the development onto 14th street.

Jacqui Wilson at [jacquiwilson7@gmail.com](mailto:jacquiwilson7@gmail.com)

## Mike Sawley

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**From:** Annie Kavanagh <anniek@iglide.net>  
**Sent:** Friday, April 14, 2023 10:25 AM  
**To:** Mike Sawley  
**Subject:** Re: Barber Yard Specific Plan - Notice of Preparation of an EIR and Public Scoping Meeting

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Thanks. I was there. 😊

Can I give you a few EIR comments here?

Another person mentioned the noise from the trains in the first meeting. I've been feeling for the folks who live in the housing by the trains, too. Even over on Normal, the trains are loud at night. So, if there is some nifty way to build a wall, maybe grow a vertical garden or something green on it.... That would be great.

Also, I'm concerned about traffic. This is, for the most part, a mellow part of town. With at least 2400 new neighbors, I can't see that being the case, anymore. However, I do see that you all are putting a tremendous amount of time and thought into the issues around traffic control.

The asphalt cap. I appreciate that Dan has had extra testing done. I am not very knowledgeable on the history there, but I have a lot of concern about unleashing or leaching those toxins out by mistake.

I appreciate this opportunity to voice my concerns. I learned a lot at the meeting and was impressed by the depth and scope of the EIR.

Not related to the EIR and not in your area of influence, I sure wish there were a community pool... However, I realize the liability would be prohibitive, so I'm just allowing myself a moment to dream.

Thanks very much, Mike.  
Sincerely,

Annie Kavanagh  
967 Normal Ave.

## Mike Sawley

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**From:** Robin Tenda <chicogreenbuilders@att.net>  
**Sent:** Monday, April 17, 2023 2:17 PM  
**To:** Mike Sawley  
**Subject:** Barber Yard EIR Comments

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Mike,

Thank you for holding the EIR review meeting. These are my comments from that meeting:

Overall, I think the plan is well thought out and constructed. My comments may be considered outside the scope of the EIR, however, as they are primarily directed at the impacts the development will have on the existing neighborhood.

1. Inadequate neighborhood sidewalks: Given the impacts to the existing neighborhood, I think it essential that the City of Chico enter into discussion with the neighborhood about improving sidewalks in many areas. Currently, because sidewalks are irregular and inadequate most people take their walks, and dog walks on the streets. On my street (Normal Ave), you literally see moms and dads with strollers walking near the middle of the street. Since this neighborhood is essentially at the edge of town and traffic is low, it's not much of a problem. But, if and when the projects develop we will become a pass-through neighborhood, this will become very problematic. How can we move the City on this matter?
2. Ivy Street Bridge: One of 2 main entry points of the Barber Yard plan is through Ivy Street. That section of Ivy is desperately in need of improvement and minor realignment. It is too narrow and unsafe in a couple of areas. The bridge needs to be widened and improved. How can we force the City to move forward on this?
3. 16th Street: The other main entry point is 16th St. I would say the neighborhood is most concerned with this street becoming unsafe during construction, especially if Ivy St. is not improved to handle construction traffic. The City needs to be proactive in ensuring traffic calming on this street.
4. Wish list:  
I understand there is an exercise facility. I would love to see a pool be a part of that planning. There is no community pool anywhere near this neighborhood, and virtually no one has a backyard pool, unlike other areas of town.

I agree with others that increasing the entry point on 17th St. would be helpful, even if it's only a walking/bike path.

Thanks,  
Robin Tenda  
1434 Normal Ave., Chico Ca, 95928

## Mike Sawley

---

**From:** smileycreek <smileycreek@gmail.com>  
**Sent:** Friday, April 21, 2023 10:10 AM  
**To:** Mike Sawley  
**Cc:** smiley creek; John Struthers; Betsy Delaney  
**Subject:** Environmental Impact of Barber Yard Specific Plan on 14th Street

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To: Mike Sawley, Principal Planner, City of Chico

From: Colleen DeLaney  
1350 Salem Street  
Chico, CA 95928  
530.762.8513

Re: Environmental Impact of Barber Yard Specific Plan on 14th Street

Dear Mr. Sawley,

I am one of three homeowners living on the corner of Salem and 14th Streets who have been closely watching the proposed Barber Yard development, which on the whole we support. Chico needs more affordable housing.

We urge you to please take a deeper look at the local environmental impacts of punching through the end of 14th Street for warehouse access, and to reconsider how the significant resulting stresses to the surrounding neighborhood could be ameliorated.

We are specifically concerned about the potential impact of the sports and entertainment center– or any other public use of the warehouse– that would require punching through the dead end of 14th Street. We do understand that under the current proposal the 14th Street access would open into a parking lot for the warehouse and would not be considered one of the main entrances into the development.

As residents of this neighborhood, we are deeply concerned about the potential consequences of increased visitor traffic, congestion and parking along 14th Street, especially if the warehouse is to be utilized for large public functions. Most of the older homes below 14th and Salem lack garages, so street parking is already at a premium. The narrowness of the street, coupled with the lack of curbs and sidewalks, already makes it difficult for residents to park their cars and navigate the area. Increased traffic and visitor parking along 14th Street would only compound this problem and create additional traffic congestion and safety concerns.

Furthermore, the potential for sporting events to occur in the evenings is particularly worrying. The increased traffic from visitors leaving the sports and entertainment center would significantly disrupt the evening peace and quiet that this neighborhood has enjoyed for decades. This disruption to the quality of life of the residents in the area is a significant concern and should not be overlooked.

It is vital that the City of Chico carefully consider the potential impact of increased traffic and visitor parking on 14th Street before approving the development of the sports and entertainment center and punching 14th Street through. Alternative routes to the Diamond Match Company property should be considered to mitigate the

impact of increased traffic and noise on our street, and adequate parking infrastructure should be provided to accommodate the additional parking demands that this facility is likely to create.

In conclusion, we urge the City to prioritize the needs of the residents of this neighborhood and ensure that any new development in our area is sustainable, environmentally responsible, and in harmony with our neighborhood's character. Let us work together to create a community that is livable and enjoyable for all. To that end, we implore you to seriously reconsider the environmental impact of pushing through the current dead end at 14th Street.

Thank you for your attention to this matter.

Sincerely,  
Colleen DeLaney  
John Struthers (co-owner)  
Betsy Delaney (co-owner)

## Mike Sawley

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**From:** Orah Palmer <orah2112@gmail.com>  
**Sent:** Sunday, April 23, 2023 9:55 AM  
**To:** Mike Sawley  
**Subject:** Barber Yard EIR Scope

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After attending the EIR Scope meeting I have concerns to share.  
Biological Resources- water for this many new developments

Noise - during time of construction

Traffic - Barber roads cannot handle current traffic load. Increased traffic due to heavy equipment used for construction and then daily traffic for residents and customers will further destroy the roads and negate the safety of our walkable neighborhood.

Air quality - increased traffic and construction will have a negative impact on the air quality of the Barber residents.

Hazardous Materials - the asphalt cap should not be used for parking as it is not stable enough to support the weight safely.

A concerned voter, parent, teacher, and long time resident of the Barber. I like the design of the Barber Yard and agree that multiple use zoning is smart planning. Keeping the surrounding areas safe and walkable is a priority as well. Thank you for your attention to these details as you plan.

## Mike Sawley

---

**From:** Chris Nelson <chris4pax@gmail.com>  
**Sent:** Tuesday, April 25, 2023 6:31 PM  
**To:** Mike Sawley  
**Cc:** Emily Alma  
**Subject:** Questions

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Mike, I can't come to the second scoping meeting but questions came up after the one I attended:

If Dan is going to sell the property after building out 25%, as I think I heard him say, will the new owner be absolutely bound to any clean up, housing plans, traffic links as what is approved by this council or can they go back and make changes? Also, dust abatement during building is important if there is heavy metal pollution (or other) in the soil... will all covenants like that transfer to the new owner?

Is there any way to get that water retention area inside the project area and run wastewater down Crouch ditch? I am very concerned that the Estes Triangle will be annexed as a result of this and once the Greenline is broken those of us who farm will lose our ability to keep people off our land and we'll lose the organic certification that is important to farmers.

Thanks,  
Chris Nelson

## Mike Sawley

---

**From:** SherryB <sherry.chico@gmail.com>  
**Sent:** Saturday, April 29, 2023 6:48 PM  
**To:** Mike Sawley  
**Cc:** Sherry Butler  
**Subject:** Barber 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](mailto:phishing@chicoca.gov)

Hi Mike, I attended the scoping meeting on April 27th, as well as 2 zoom meetings. I appreciated your time and patience with our questions.

My house backs directly up to the Diamond Match property at 1904 Normal and I currently look out at a meadow with trees and wildlife, no street lights, or noise.

Here are some items that I would like to be considered for the EIR. I can elaborate on these in more depth, please feel free to email me.

1. Privacy - Height of the units built directly behind those of us who back-up to the development. Please consider only 1 story units behind Normal and Chestnut 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.
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, please consider 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.
5. IncreasedTraffic 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.
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.

Thank you for this opportunity to express concerns for consideration.

Sherry Butler  
1904 Normal Ave, Chico  
530- [REDACTED]

## Mike Sawley

---

**From:** Monikker . <monikker@hotmail.com>  
**Sent:** Friday, April 28, 2023 10:58 AM  
**To:** Mike Sawley  
**Subject:** Barber Yard project and Ivy Street bridge

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Hi Mike,

I'm a Barber neighborhood resident that missed the public meetings, but wanted to get a comment in that doesn't seem to be addressed in the Barber Yard Specific Plan.

The current Ivy Street bridge over Little Chico Creek is narrow and dangerous; motorists have very poor visibility over the bridge, there is no bike lane and it has a narrow pedestrian crossing on only one side. If we're going to significantly increase traffic on Ivy Street to feed the new development at BYSP, I strongly feel that improvements to that bridge and surrounding roadway should be made part of that project scope.

Thank you for your consideration,

-Dennis Partington  
1829 Broadway Street

## Mike Sawley

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**From:** Kim hamberg <hamberg.kim@gmail.com>  
**Sent:** Monday, May 1, 2023 3:46 PM  
**To:** Mike Sawley  
**Subject:** Barber Yard EIR

.  
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Thank you for letting our questions and concerns be addressed in the Environmental Report on the Barber Yard.

Here are my questions/concerns.

- Light Pollution, while street lights provide safety, will the light pollution be mitigated
- Wildlife impact, we see hares, wild turkeys, fox and hawks among other wildlife in the yard...how will that wildlife be protected?
- Please don't make this a fenced off community, that would inhibit it being part of our current neighborhood and limiting access to the CARD parks within the Development
- Will the roads in the neighborhood outside the Development be repaired after all of the excessive wear and tear of construction?
- How will noise pollution be mitigated during the construction phase?
- Please consider blocking off the asphalt cap from any traffic (cars, people,etc) to insure it remains completely intact for forever
- With the large influx of additional cars and people, please consider adding more stop signs and speed bumps throughout the Barber neighborhood
- Please consider a bike and walking path through the odd numbered streets to encourage green traffic and use of the CARD parks
- Will any of the building be LEED certified? What types of GREEN energy will be utilized in the Development
- Will there be battery storage for the solar panels in the development?
- Is there enough water to sustain all of these additional dwellings? Will any sort of water catchment be built into the Development to take advantage of the wet years and provide for the dry one?

Please let me know if there are any other updates and that you received this letter.

Thank you,

Kim Hamberg

In regards to the BYSP; I hope the EIR consultant team, (First Carbon Solutions), will look into the following possibility.

My concern: The proposed development has failed to create the sense of being “An extension of the Barber Neighborhood.” Nor have the proposed building types provided a “Link to the surrounding neighborhood’s character.” (pg.12 of BYSP) (Specific Plan Vision 2.1.1 and Objectives 2.1.2)

A possible remedy could be: Establish a 500 foot setback, all along the proposed development’s outer line. Within that space, copy the style, lot sizes, and building types of the nearest existing dwellings, which have been part of the historic Barber Neighborhood, for years.

Beginning with Ivy St. - The existing Pine Tree Apartments could be the model for the proposed apartments in the first 500 feet.

Next, the dwellings along 14th St. and Chestnut St. could be the models for that section, and the dwellings all along Normal St. could be the models for that section.

Modeling the existing Barber Neighborhood dwellings into the proposed Barber Yard development area, would acknowledge the symbiotic relationship between these two land areas and the people who live in them.

It may even turn out that the parcels closest to the existing neighborhood, would become the most sought after parcels of future Barber Yard home buyers!

Linda Hamilton  
[lhilton@todays.email](mailto:lhilton@todays.email)



## Mike Sawley

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**From:** Chris Nelson <chris4pax@gmail.com>  
**Sent:** Tuesday, May 2, 2023 12:56 PM  
**To:** Mike Sawley  
**Subject:** Fwd:  
**Attachments:** IMG-3761.JPG; IMG-3762.JPG; IMG-3763.JPG; IMG-3764.JPG

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Please forward these pages to the consultants working on the Barber Yard EIR scoping.

From Right to Left--

Sampling was not extensive. The entire dumps were not removed. How will they deal with the former dump sites? Lead safety levels for children have become more stringent since the clean up.. Current CDC level is 3.5 mcg/dl. 10 is considered harmful and unacceptable. How will they verify that children are not exposed to harmful levels of heavy metals?

This goes to my contention that arsenic is not confined to under the cap and may be higher than background levels. This was as a result of an interview I did with someone with historical knowledge of dumping and spreading practices at DM. The question arises, how will they know what to test for when such a slurry of hazardous materials were used in the past?

Thank you for including this for the EIR scoping.

Another email follows this one.

Sincerely, Chris Nelson

----- Forwarded message -----

From: **Chris Nelson** <[chris4pax@gmail.com](mailto:chris4pax@gmail.com)>  
Date: Tue, May 2, 2023 at 12:37 PM  
Subject:  
To: <[chris4pax@gmail.com](mailto:chris4pax@gmail.com)>

total risk above background is  $2 \times 10^{-6}$ , most of which is due to arsenic in the ingestion and

LESTES ROAD/NORMAL AVE.

DH-LS (2)

LS-OO (8)

SO-WS (4)

SO-SL (2)

DH-MS (2)

NA-SL (3)

NA-WS (3)

OF BURN DUMP

works division totals  $4 \times 10^{-5}$ , which is only slightly above background cancer risks. The total risk above background is  $2 \times 10^{-6}$ , most of which is due to arsenic in the ingestion and dermal pathways. Other contributors include PCBs, dioxin, and PCP.

**Match Factory.** The noncancer HI estimated for the Millworks Division area is less than the calculated background risks. The RME excess lifetime cancer risk for the match factory totals  $4 \times 10^{-5}$ , which is only slightly above background cancer risks. The increase above background ( $2 \times 10^{-6}$ ) is due to the ingestion and dermal pathways, and involves slight elevations in arsenic, and PCBs.

**Background Area.** The estimated RME noncancer HI resulting from ingestion, inhalation, and dermal absorption of contaminants in background surface soil under a residential scenario is 0.33. This risk is the result of exposure to antimony, arsenic, mercury, and vanadium, with inadvertent soil ingestion contributing to over 80 percent of the risk. Excess lifetime cancer risk for background soil totals  $3 \times 10^{-5}$ , of which 70 percent is due to ingestion. Primary contributors include arsenic, beryllium, formaldehyde, and chromium VI.

**Surface Soil Lead Concentrations.** The highest concentrations of lead found in surface soils at the Chico facility are at the Normal Avenue Burn Dump, where the RME concentration is 125 parts per million (ppm). This level of lead contamination is less than the default action level from CALEPA's Leadsread model of 174 ppm, which results in a blood lead level of less than 10  $\mu\text{g}/\text{dl}$  in 99 percent of exposed children. A single soil sample from the Normal Avenue Burn Dump was as high as 1210 ppm, indicating a possible hot spot. Overall, however, the lead concentrations found in surface soils at the Chico facility do not appear to present significant risk to human health.

**Surface Soil Dioxins and PCBs.** Dioxins in the form of octachlorodibenzo-p-dioxin are found at the Normal Avenue Burn Dump and the Millworks Division. The 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin isomer is found in the Normal Avenue Burn Dump as well. None of the concentrations of dioxins in surface soils at the Chico facility present cancer

next pg ??

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. Pursuant to the Order, L-P implemented a Remedial Investigation/Feasibility Study

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.

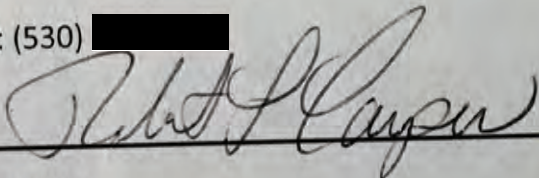
Years later in Diamonds final days the dump was spread out over the entire area of open land and almond tree were planted in part of it.

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 Huling Phone # (530) 895-8771

My name: Robert L Carper

1838 Normal Ave Chico Ca.

Phone: (530) [REDACTED]

A handwritten signature in cursive script, appearing to read "Robert L. Carper", written over a horizontal line.

Oct. 25, 2008

## Mike Sawley

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**From:** Chris Nelson <chris4pax@gmail.com>  
**Sent:** Tuesday, May 2, 2023 1:04 PM  
**To:** Mike Sawley  
**Subject:** Fwd:  
**Attachments:** IMG-3759.JPG; IMG-3760.JPG

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From: **Chris Nelson** <[chris4pax@gmail.com](mailto:chris4pax@gmail.com)>  
Date: Tue, May 2, 2023 at 12:45 PM  
Subject:  
To: <[chris4pax@gmail.com](mailto:chris4pax@gmail.com)>

Please include these in the scoping also-

The first page indicates that this land was to be designated industrial (a safer use) in the General Plan. I don't know the politics of how it happened that this land is zoned for housing but it was clear to those doing the work that Industrial was the way to go when the land was annexed. Why was this land allowed to be zoned for housing? Whose decision was it?

Lastly, I contended that both the Crouch ditch, the old RR right of way and this area of the Estes land were also contaminated during historical uses. Here is a document that verifies that Estes land also needs to be tested prior to being used for run off that will be discharged into Comanche Creek. How and when will testing be performed on the Crouch Ditch, RR spur and Estes land? How extensive will it be? Who will be responsible for it since this is undeeded railroad land and county land?

Thank you Mike. That is it, for now.

Sincerely, Chris Nelson  
2300 B Estes Rd. Chico

## Alternative 4: Excavation, Asphalt Cap, and Deed Restrictions

This alternative involves excavating the arsenic-contaminated soil beneath the railroad ballast to the mean background level of 5.4 mg/kg. It has been estimated that approximately 30,000 cubic yards of soil exceed 5.4 mg/kg. This material will be covered with an asphalt cap in an onsite area zoned for industrial use. This alternative has been proposed because:

- An asphalt cap, in combination with deed restrictions, will inhibit surface exposure;
- An asphalt cap will effectively control surface infiltration;
- The cap will be fully protective of human health (considering industrial exposure assumptions, the excess cancer risk associated with the average arsenic concentration in the contaminated material is already less than  $10^{-5}$ );
- Deed restrictions will be implemented to protect the cap; and
- The asphalt cap will be inspected annually, and cracks will be repaired as necessary.

Prior to placing the arsenic-contaminated soil beneath the cap, approximately 30,000 cubic yards of clean material will be excavated from the area. This material will be stockpiled onsite and used as backfill along the railroad ballast after the arsenic-contaminated soil is removed. It is estimated that the cap will cover approximately 3 acres.

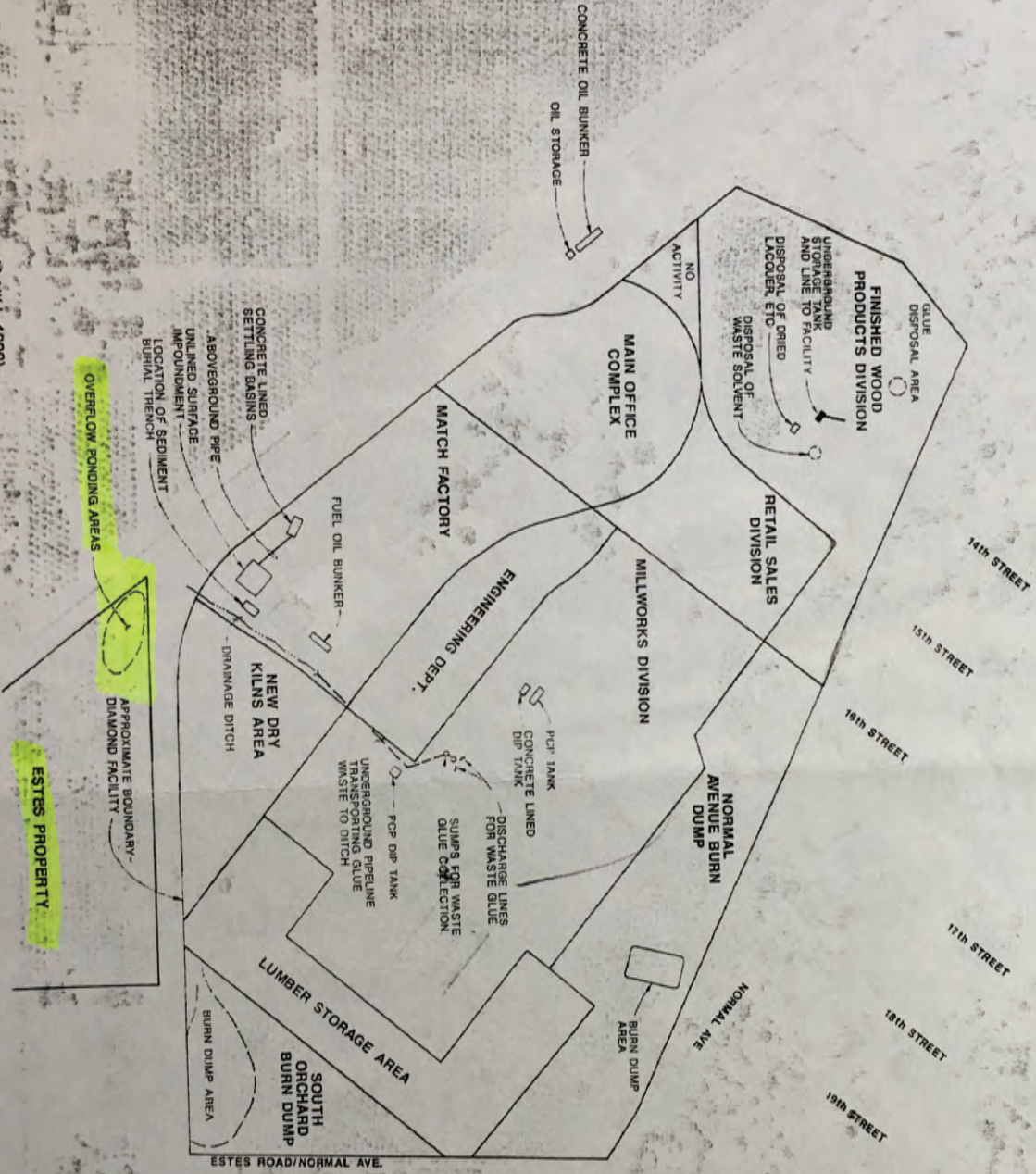
The cap will be designed with clean utility corridors to facilitate industrial development. Deed restrictions will also specify that soil removed from beneath the cap during site development must be used as backfill or transported offsite for disposal. Operations and maintenance of the cap will include routine inspections, sealing and repairing damage, and submitting inspection reports to the Department. The cost estimate assumes that these activities will be conducted for at least 30 years, at an annual cost of \$5,000 per year. An operations and maintenance agreement will be included as a deed restriction when the property is sold. The site development plan will allow for commercial and/or industrial development in this area. Eventually, L-P anticipates that portions of the cap will be incorporated into onsite buildings and nearby parking lots. As such, the integrity of the cap will be maintained during the normal activities associated with the maintenance of the buildings.

The area tentatively identified for industrial development is located adjacent to the railroad tracks in the vicinity of the old match factory. The industrial designation for this area will be incorporated into Chico's General Plan when the site is annexed by the City. Any developer that purchases the site will be required to develop the site in accordance with the conceptual plan incorporated into the General Plan. The conceptual plan being developed by L-P will be submitted to the Department upon completion.

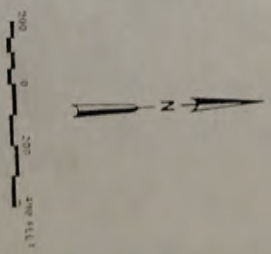
FROM: SOURCE EVALUATION REPORT (CH2M HILL 1990)  
DATE OF PHOTOGRAPH: 1986



CONSULTING ENGINEERS  
& GEOLOGISTS  
480 Hemsted Drive  
Redding, CA 96002  
FAX (916) 221-0135  
(916) 221-4474



NOTE:  
ALL SOURCE AREA LOCATIONS  
ARE APPROXIMATE



DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
07/21	REUSE OF DOCUMENTS	TR			
08		OR			
07/26		TR			

FIGURE 3.2  
SOURCE AREA SUBDIVISIONS  
LOUISIANA-PACIFIC, REFINING/FACILITIES  
CHICO, CALIFORNIA

## Mike Sawley

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**From:** Linda Hamilton <lhamilton@todays.email>  
**Sent:** Wednesday, May 3, 2023 1:59 PM  
**To:** Mike Sawley  
**Subject:** EIR & BYSP

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Hello, Mike

My Concern:

Chestnut Street is the only street, with a bridge over Little Chico Creek, that doesn't not have a traffic light on 9th Street.

Ivy Street has a traffic light at 9th street, so do Salem, and Broadway Streets.

Currently, it can be challenging and dangerous to dart across 9th Street. If the proposed development of the Barber Yard property goes forward, then more vehicles will be added to the daily use of Chestnut Street, and there will be more crashes and injuries at this risky intersection. Bicyclists and pedestrians also dart across the 9th Street & Chestnut intersection.

Please study the feasibility of installing a traffic light on 9th Street, at the Chestnut cross street.

Thank you,  
Linda Hamilton

[lhamilton@todays.email](mailto:lhamilton@todays.email)

5/4/23

In regards to the BYSP; I hope the EIR consultant team, (First Carbon Solutions), will look into the following.

My concern:

The proposed Barber Yard development presents many difficult vehicle and traffic issues. Because the project area is land locked, and because it is surrounded by micro-residential neighborhoods; there is no good way to route traffic through these micro-neighborhoods, without totally destroying the quality of life within them. The financial asset, which property owners enjoy; is also vulnerable to devaluation; under this traffic plan.

It's not right to have one new development destroy the quality of life of an older development.

Please reconsider the proposed traffic plan.

More protections and traffic calming solutions need to be installed; not just a dumping of vehicular traffic into the streets of existing micro-neighborhoods.

One helpful idea might be to "Choke-down" the 14th Street opening when constructing the new street within the Barber Yard project area. This might dissuade speedsters and heavy/ commercial trucks from choosing 14th Street as an ingress or egress option. Another good candidate for this calming measure might be 18th Street.

Thank you,  
Linda Hamilton  
[lhilton@todaysemail.com](mailto:lhilton@todaysemail.com)

5-4-23

Sirs,

I object to the proposed development of the Barber Yard.

I am a home owner in Barber. My house is located on the south end of Normal Ave, and the property backs up to Barber Yard.

① Privacy: The number of 1250 residences, many multi-storied backing up to my property line. <sup>I'm</sup> Concerned that a two-story house or town house looking into my yard.

② Noise: There will be noise of the addition of 1250 homes x two people per resident. The noise of cars coming and going, The noise of the ball parks, people and cars.

③ Lights: The addition of street lights, lights in parking areas, house lights. It will never be dark at night. The ball park stadium lights, as well as the event center lights. All intrusive to the current residences.

My house is located between 18<sup>th</sup> and 20<sup>th</sup> Streets.

(4) Traffic: The increased traffic through the Barber neighborhood, will effect the property values. The increased traffic to the houses, game parks and event area will change negatively the ~~slow~~ quiet neighborhoods. There will be speeding cars in the streets that people walk in. This a very bad idea. One major difference between the development of Meriam Park and the Barber yard, is that there were large major roads all ready there and in use, direct access to HWY 99 & 32.

(5) Houses/Townhouses/Apts.

The purposed density of the development is offensive. It mirrows the dreadful developments in the Sacramento area. People and houses cramed together. The developer is trying to redirect the public opinion by showing off the parks and gathering areas. But a closer look, you will see an ugly Sacramento like subdivision.

## (5) Enviroment

If this subdivision is allowed to be developed, Chico will lose another open area that is home to a variety of birds and animals. There are nesting birds of prey. Rabbits are a common site, as are coyotes, racoons. These animals might be consider pests, but there is an established eco-system. Chico needs to leave some areas open. Chico needs to remain a unique country/college town. Not another urban spread.

I would ask the City to reconsider this development and the effect it will have in a wonderfully quiet neighborhood in Chico.

thank you-

Celeste Riner

1930 Normal Ave.

Chico —

530- [REDACTED]

## Mike Sawley

---

**From:** Mark Stemen <MStemen@csuchico.edu>  
**Sent:** Friday, May 5, 2023 8:14 AM  
**To:** Mike Sawley  
**Subject:** Barner Yard EIR

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Hi Mike,

I hope this note finds you well.

It would be helpful if the EIR could recommend mitigations that would allow the project to meet the targets set by the City Council in the 2030 Climate Action Plan, and avoid them having to issue a finding of overriding-considerations on climate.

It would also be helpful to identify how the project will eventually meet the goals of the City of Chico (and the State) to be climate neutral by 2045, even though the 2030 CAP does not.

I am happy to reformulate these questions to be more helpful, if that will help you and Jenna.

Thanks, and take care,

Mark

## Mike Sawley

---

**From:** Chris Nelson <chris4pax@gmail.com>  
**Sent:** Saturday, May 6, 2023 7:59 PM  
**To:** Mike Sawley  
**Subject:** Last Barber Yard submission for EIR Scoping  
**Attachments:** IMG-3785.jpg; IMG-3786.jpg

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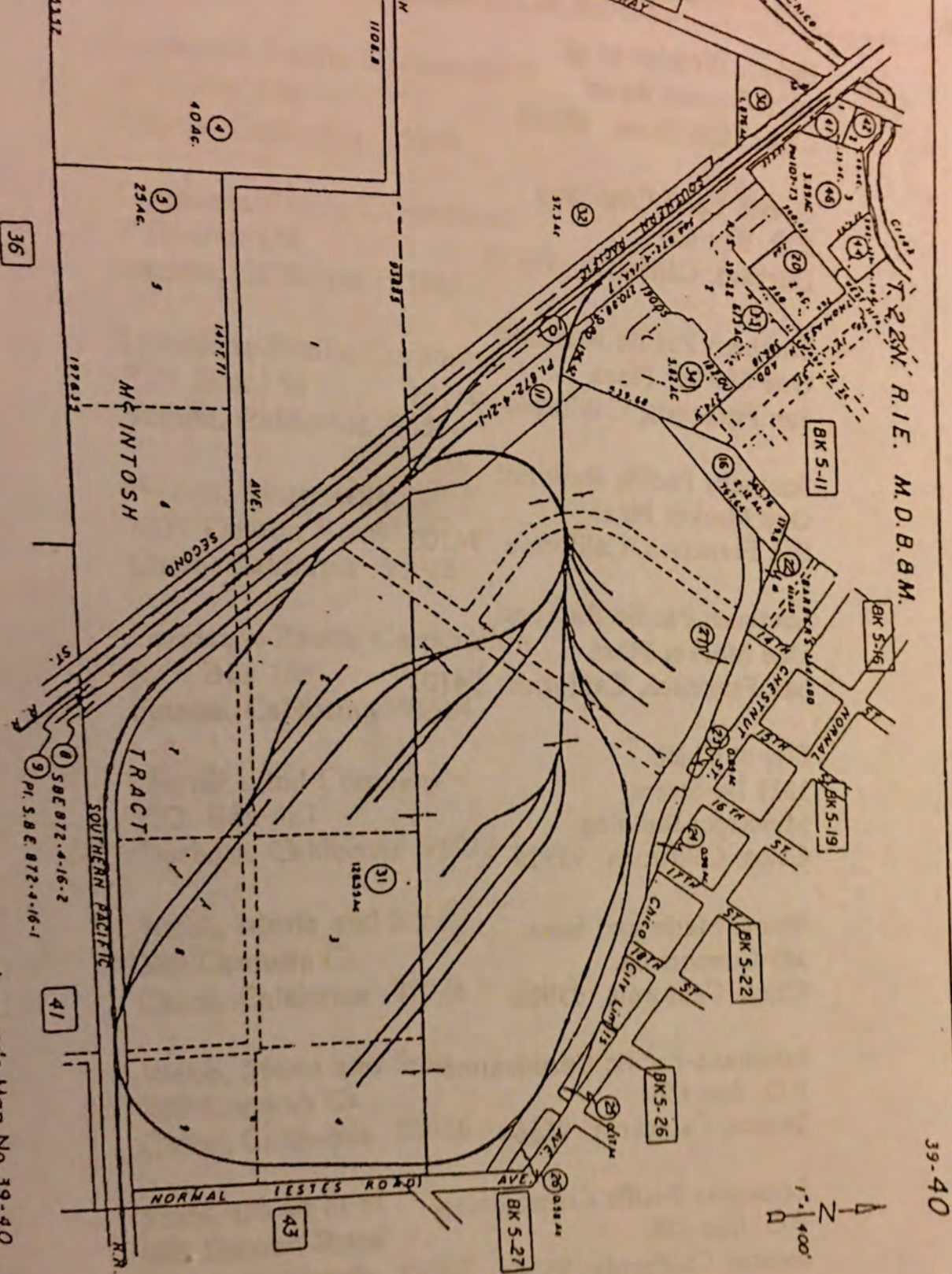
Attached- the best delineation of RR lines in the project area. Were they all tested for arsenic? I think the orchards were not disturbed for testing.

The Clearwire antenna array and other microwave on the telecommunications tower may put people living nearby at risk. Is that being considered?

Are there firm funding sources for the implementation of all the testing this project will require to assure residential safety, especially for children?

Thank you. Chris Nelson 2300B Estes Rd Chico

Assessor's Map No. 39-40  
County of Butte, Calif.



RECEIVED  
NOV 20 1998  
L-P WESTERN DIVISION EH



*Applicant:* Clearwire LLC  
381 S. Lexington Dr., Suite 103  
Folsom CA, 95630

*Property Owner:* Union Pacific Railroad  
1400 Douglas Street, Stop 1640  
Omaha, NE, 68179

*Project Description:* Co-location of an antenna array, including microwave  
an existing 220-foot telecommunications tower, including  
installation of associated ground-mounted equipment

*Location:* East of the UPRR train tracks, on the western edge  
Barber Yard (formerly Diamond Match) property

*Assessor's Parcel No.:* 039-400-011

*Parcel Size:* 3.5 acres

*Existing Land Use:* Telecommunications tower, railroad right-of-way

*General Plan Designation:* Low Density Residential

*Existing Zoning:* PMU

*Surrounding Land Uses:*

N	Multi-family Residential
S	Railroad and Agriculture
E	Vacant (Barber Yard)
W	Railroad and Agriculture

*Environmental Review:* Statutorily exempt, CEQA Guidelines Section 1526  
(Ministerial Projects)

*Date Received:* 08/16/06

*Date Deemed Complete:* 09/12/06

*Appeal Received:* 09/26/06

## Mike Sawley

---

**From:** SHARON FRITSCH <safritsch@comcast.net>  
**Sent:** Sunday, May 7, 2023 10:24 AM  
**To:** Mike Sawley  
**Subject:** Barber Yard

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Dear Mike Sawley,  
I am a resident of the Barber Yard neighborhood. I attended the meetings April 6 and April 27 about the Barber Yard Specific Plan.

The plan looks very nice, but it is too big for the area.

Why not just get approval for one third of the project.

The owner said that he does not intend to complete the project, but will have someone else finish it. After completing one third, the effect on traffic in the surrounding community could be evaluated. We could also see how all this construction might affect the cost of housing in Chico.

I thank you for your thoughtful consideration.  
Sharon Fritsch

## Mike Sawley

---

**From:** Susan Baldwin <sbaldy20032003@yahoo.com>  
**Sent:** Monday, May 8, 2023 9:48 PM  
**To:** Mike Sawley  
**Subject:** Comments on BYSP EIR

.  
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These comments/questions pertain to the EIR of the Barber Yard Specific Plan.

### \*Land Use and Planning

Considering the size and population at build out, there are not enough roads for ingress and egress. The strain it will put on the existing neighborhood will be extreme. Emissions, noise, dust, headlights and wear and tear of the streets cannot be mitigated. It is too much. Would you consider downsizing the entire project and making a crossing over the railroad tracks?

The sports complex would bring even more traffic into the neighborhood from the population at large. This is not a good place for it. The other sport clubs are on major roads with adjacent or nearby major roads. This one would have basically one way in and one way out. It just doesn't work in that location. Would you leave it as a storage facility, as is?

### \*Geology and Soils

Obviously the soils are contaminated from the previous operations. Specifically how do you plan to go about deciding where to test the soil? Shouldn't it be assumed the toxins are widespread? Will you test 10 spots or hundreds? How deep into the soil will you test? What toxins will you test for?

When construction begins how will the copious amounts of dust be dealt with? The newer neighborhoods in Chico haven't been built in the middle of established neighborhoods so this would be unprecedented. It needs to be well thought out. The same goes for the noise during construction.

### \*Energy

A development of any size should this day and age should be solar and reclaim water. It is unbelievable that it isn't mandatory. Will you consider incorporating these into your plans.

### \*Transportation

I don't know where best to make this comment. I use a bicycle as my main form of transportation. For some reason the city has adopted the use of bulb outs at intersections. It is a dangerous pitch spot. Would you please not use these in the Barber Yard? And will the city stop putting them in at all?

Thank you for your consideration,

Susan Baldwin

1544 Normal Avenue

Sent from my iPad

## Mike Sawley

---

**From:** David Donnell <cittyguy@gmail.com>  
**Sent:** Monday, May 8, 2023 3:07 PM  
**To:** David Donnell; Mike Sawley  
**Subject:** Barber-Yard Proposed Development - Environmental considerations

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Hello Mike.

I apologize if some of my comments don't fit within the confines of an EIR as it is viewed in your discipline. I didn't find that formally defined on Barber Yard announcements so I considered my environment (i.e., the neighborhood surrounding the proposed development) as worthy of consideration vis-a-vis potential impacts. All comments resulting from review of proposed specific plan as posted at <https://chico.ca.us/barber-yard> website.

Question / Comment #1. What will the proposed development mean in terms of increased traffic, pollution and safety concerns for residents of existing community? It appears that traffic will be managed with utmost ingenuity within the proposed development. It will then be funneled into 5 major exit points (14th, 16th, 20th, 22nd and Ivy Streets) that will, along with all connecting side streets, bear the brunt of a minimum of 1250, and likely far more, automobiles during rush hours. That's 250 autos per street within an approximate 2 hour window assuming an even distribution. This constitutes a multifold increase over current traffic loads with certain streets, namely those at either end of the development (Ivy and 22nd) likely to take the bulk of the traffic as people proceed to work in Chico proper or Oroville. Side streets and alleyways will likely be explored at great speed as motorists from the well-regulated designer neighborhood seek the quickest means of ingress/egress through the poorly planned existing community that I call home. Aside from stop signs, traffic mitigation measures in the existing neighborhood appear largely ineffectual (the "speedbumps" on my street do nothing to slow the speed of most traffic.). Traffic law enforcement appears non-existent (When was the last time a traffic ticket was issued within the Barber Neighborhood?). Proposing that sidewalks will be installed in some locations of the existing neighborhood to provide for safety appears to be planning speak for telling the locals that they need to forgo walks through the neighborhood since the city doesn't maintain passability of current sidewalks so that of new sidewalks can't be likely.

Question/Comment #2: What steps are being taken to attend to the long term health impacts on Barber Neighborhood residents associated with the disturbance of soil over the years of proposed development of Barber-Yard? Are people simply out of luck for having chosen to buy homes in the area?

Question/Comment #3: What will the City of Chico do to restore the roads of the existing neighborhood once the development process competes their destruction? When will this happen?

Question/Comment #4: What is the likely impact on existing neighbors, especially those deemed "within the project vicinity" (p40 of the specific plan), as motorists in the new development seek parking not provided for in the specific plan? What does it mean when the city gives a developer the right to create 1.5 parking spaces for a 2 bedroom residence? Can you buy an SUV and a Smart car? Where are all of the extra 0.5 cars going to park?

Question/Comment #5: Why is the City set against opening up the use of the Ivy street/Meyers Ave corridor for vehicular travel to/from the proposed development? The roads in this area appear wider even than those of 16th Street and so apt for handling additional traffic. The Old Dominion trucking company will doubtless be opposed to such use

but that just means their truck drivers will need to slow down. The burdens associated with this development shouldn't only land on the homeowners in the existing neighborhood who purchased their homes in good faith without knowledge of the current proposal.

Thank you for including these questions/comments with others submitted to you in good faith as a city employee.

David Donnell  
Resident, Barber Neighborhood

## Mike Sawley

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**From:** hilary herman <hilaryrherman@gmail.com>  
**Sent:** Monday, May 8, 2023 12:42 PM  
**To:** Mike Sawley  
**Subject:** EIR comments for BYSP

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To: Mr. Mike Sawley, Principal Planner  
City of Chico  
411 Main Street, 2nd floor  
PO Box 3420  
Chico, Ca 95927

Please accept this document regarding the EIR review of the Barber Yard.

While I have no doubt that the consultants will provide a thorough and professional review of the proposed development of the Barber Yard, I question how that can be achieved given the vagueness of the Specific Plan in its current state.

I understand from the public meetings that the consultants will evaluate the “worst case scenario.” But, how can we evaluate a worst case outcome of the project when we have no clear idea what the project will be? It’s obvious that medium density housing creates a different environmental impact than a sports facility. How can topics such as aesthetics, light, glare, air quality, traffic, noise, transportation, greenhouse gas emissions, potential wildfires and more be addressed if not fully evaluated for either scenario?

I would argue that the EIR must take all potential uses and evaluate them each separately and thoroughly.

Given the EIR shall address issues such as air quality, energy, noise, public services and transportation, how can this be achieved without a thoughtful plan for ingress and egress to and from the development? The BYSP, in Section 5.1.3, promises to provide a more equitable and robust transportation system, both locally and regionally. Yet it appears to only rely solely on cars, walking, biking and the city's local transit system – which is not within walking distance for many. How does one, in a sustainable way, get to the University, downtown, Meriam Park, entertainment and services? The BYSP specifically does *not* plan for a shuttle system, claiming it is “flexible enough” that this can happen in an unspecified future.

I am also concerned that the BYSP insists that the Chico climate is “relatively mild.” That is wishful thinking, especially in an era of global warming. We have days, weeks and months of over 100 degree temperatures and, when we’re lucky, rain for much of the winter months. We dare not add to our climate crisis by ignoring the facts.

Which brings up another glaring failure of the BYSP: Other than a general nod to a solar array, it offers no sustainable solution for the high demand to power this project will generate (pun intended.) How can we determine environmental impact without a solution to evaluate? The Title 24 requirement of solar panels on residential construction will not be sufficient. Can we at least make a solar array up to the demands of the development a condition of the EIR?

Lastly, regarding public open space: Considering the existing asphalt cap as “primary open space” is simply unconscionable. I may not be a wildlife expert, but I cannot envision this area utilized for recreation, or critter habitat, or anything but a secure monitored area. For consideration of the EIR can more open space be considered?

Respectfully submitted  
Hilary R Herman

## Mike Sawley

---

**From:** hilary herman <hilaryrherman@gmail.com>  
**Sent:** Monday, May 8, 2023 1:03 PM  
**To:** Mike Sawley  
**Subject:** BYSP comments

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To: Mr. Mike Sawley, Principal Planner  
City of Chico  
411 Main Street, 2nd floor  
PO Box 3420  
Chico, Ca 95927

Re: Barber Yard Specific Plan

I have owned my home in the Barber Neighborhood of Chico for 38 years, but I do not comment as a NIMBY resident opposed to any and all development. I am in favor of thoughtful growth in our community. While development of Barber Yard is an excellent goal and I have no doubt the developers have their heart in the right place, the Barber Yard Specific Plan is simply not specific enough to be approved in its current state. Nor does it adequately define how they intend to achieve their stated goal to "develop the BYSP as an extension of the Barber Neighborhood." One can argue it does the opposite.

The EIR will address areas including Agricultural and Biological impact, Greenhouse Gas Emissions, Water Quality, Wildfire and more. Let me address those issues I am most familiar with as a career Building Official: Land Use and Planning, Public Services, Transportation, Aesthetics, and Population & Housing. All of these will be affected by this proposal but as it stands, the proposal is not clear on how they will be affected.

Take, for example, the changes to the existing 100,000+ sq ft building. In one instance (p 26), it is proposed to be medium density housing and in another (p 54), an enormous commercial sports complex. Obviously, each of these would have entirely different impacts on every issue that the EIR addresses, from Light & Glare to Transportation to Noise to Utilities. We're not talking about an Amazon warehouse or a solar-powered server farm (an excellent option, in my opinion.) The existing infrastructure of a 100-year-old historic neighborhood could not possibly support the facility envisioned in figure 4-29. Nor has there been any consideration of impact from the proposed (p 48) baseball diamond, which would be significant.

Now let's talk about their housing proposals. They say "It is *anticipated* that the architectural styles will *reflect* a mix of revival styles that are most prevalent in the existing Barber Neighborhood." (p 38). Yet they also say on the same page that they will offer 2 floor plans for 30 or fewer lots, and 3 floor plans for 31 or more. This is cookie-cutter housing, cheaper for the developer but the end of neighborhood diversity. I feel I must be missing something in the proposal given all the lot sizes and

housing alternatives appear to be small lot subdivisions for single family residents, townhouses, apartments and other housing styles not reflected in the existing Historic Barber Neighborhood. Could you please enlighten me on how this is a reflection of the neighborhood?

Instead of miniature lots and existing parking regulations (Transportation Plan section 5.1, p 74), why not have a well thought out plan for alternate transportation, shuttles, and shared car availability as works in San Francisco and other cities. Bike paths are well and good, but hardly useful for, say, the aging or disabled population. If your "state of the art" transportation strategy is "put more cars on narrow, 100-year-old streets...." that is not good planning.

I am particularly concerned with the zoning of the north east section (Phase 1) as Medium and High Density. Page 26 says "BYSP-R2 districts are intended to help ensure overall compatibility with the adjacent neighborhood." That may be true of the Northwest side, because of the Ivy Street apartments, but not on the Northeast side. This is an area of almost exclusively single family dwellings. The proposed density does the opposite of ensuring compatibility. The entire project would entail smaller lot sizes and higher density than exists anywhere in the Barber Historic District, without any eye to amelioration of the impact that would cause.

I am more than willing to keep an open mind, and work with them. I am not out collecting signatures to make it go away. But they have to keep their commitment to make this an extension of our neighborhood. They have to be clear about what they are going to build -- Homes? Apartment buildings? A commercial fitness complex? -- and they have to provide a transportation plan that will not negatively affect the quality of life of every resident of Chico.

Respectfully submitted,  
Hilary R Herman

BARBER YARD DIAMOND MATCH DEVELOPMENT  
BY GONZALES DEVELOPMENT  
COMMENTS

May 1, 2023

- 1) 16<sup>th</sup> street, main entry, traffic issues from Mulberry St. to entrance at Chestnut St. Traffic is already constant and moving above speed limit, what measures will be taken to mitigate traffic flow. Will the study include number and speed of vehicles? Safety measures might include roundabouts or speed bumps, crosswalks & traffic lights. Alternative forms of transportation like electric train and bicycles are possible mitigation techniques.
- 2) On site water issues. What will the impact be on the ground water given existing Cal Water wells will be used to provide water to the proposed development. Are irrigation methods to be used in compliance with the Model Water Efficient Landscape Ordinance (MWELO) for the State of California? Are the landscapes around structures going to utilize low water use plantings and reduced turf areas? Will capturing grey water and on site runoff to irrigate the landscapes be considered?
- 3) Will CARD taking on the maintenance of the new parks increase the taxes for the people of Chico?
- 4) Is the noise from the trains going to be monitored and an adequate sound wall installed?
- 5) I am also concerned about how the project seems to be changing as we go along. The first zoom meetings I attended indicated about 500 living spaces/house/apartments and the parks located within the development would be maintained by the developer. Seems like a classic bait and switch to me.

Jim & Kathleen Mathys  
1608 Hemlock St.  
Chico CA. 95928  
530-[REDACTED]  
[terradesigns@sbcglobal.net](mailto:terradesigns@sbcglobal.net)  
[terrairrigationauditing.com](http://terrairrigationauditing.com)

## Mike Sawley

---

**From:** Vita Segalla <vitasegalla@gmail.com>  
**Sent:** Monday, May 8, 2023 7:21 AM  
**To:** Mike Sawley  
**Subject:** Re: Barber Yard Specific Plan - Updated Notice of Preparation and Second Scoping Meeting

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Hello -

I am responding to the EIR scoping meeting and offering comments. I felt a lot of good points were made regarding the way the development could impact the Barber neighborhood, where I live. Here are my comments.

1) I have concerns about the toxic substances that could be in that area, not only under the decaying asphalt cap, but in many possible locations due to the industrial activity that historically occurred there. These could be released into the air and spread through the area during construction. A thorough examination should be made, not only in the asphalt cap area.

2) Sound and light pollution during and after development : Studies have shown how noise and light can affect health. Noise and light will increase during and after construction in a significant way which does not enhance health or well being. The neighborhood is delightfully dark and quiet now.

3) Increase in traffic and lack of safety as a result of the development : We need to have the city partner with the development to improve roads and sidewalks in the current neighborhood so that the interface is seamless and safer for pedestrians and cyclists. There is very little traffic right now. A wonderful aspect of our current life. And the current

infrastructure is not continuous or on a par with newer parts of the city and will not elegantly merge with the proposed development.

4) What about considering having 17th Street be an additional entrance into the development?

5) What will happen to the front yards of those people living on 14th, 16th, 18th, 20th - the entrance streets - since right now there are no sidewalks in many parts of those streets and the front yards are quite small.

6) What about the bridges on Ivy, Salem and Broadway? Will they be improved to accommodate the additional flow of traffic? Traffic flow increases on those bridges could be hazardous and dangerous. They are not built for increased and compatible car, bike, and pedestrian traffic.

7) Air pollution is an issue everywhere. Our carbon footprint is an issue. Construction will certainly cause more pollution of many types. And unless the structures are on the cutting edge of progress in terms of climate change, air quality (natural gas is a known pollutant), solar, water usage, etc. this development will not enhance Chico's carbon footprint. We have to look at carbon footprint as an aspect of EIR.

8) Our city sewer, dump, and water aquifer will be taxed by this and any development in Chico. Development poses a huge environmental impact on these aspects of life. Even though we have had a wet year, it takes a long time to replenish an aquifer that is already taxed from agricultural and development overuse. The dump and sewer must be upgraded and expanded to meet the needs of development as well.

(Or - we could strive for no growth, as some cities have.)

9) The environmental impact of this development will be huge for wildlife and natural resources of our area. New homes and businesses in an area that is huge and empty will strain whatever birds and beasts roam in that area. And materials to create the development will vastly draw on natural resources, which are not endless in supply. Once the development would be complete and inhabited, it would continue to draw on energy, water, facilities, services, use of the parks (which at one time seemed large ),schools, etc.

We can not continue to endlessly grow or we will out-grow our beautiful community and what once seemed bountiful will become insufficient. We need to respect and preserve our environment, honor it and hold it above profit. Without a healthy and robust environment, we cease to exist living a comfortable and supportive lifestyle.

Thank you -

Vita Segalla  
1448 Normal Ave  
Chico, CA 95928

## Mike Sawley

---

**From:** Tyler Wilson <tylwil@yahoo.com>  
**Sent:** Monday, May 8, 2023 8:25 PM  
**To:** Mike Sawley; Nicole Acain  
**Cc:** Christine Wilson  
**Subject:** Diamond Match development EIR comments

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Hello, Below are our specific concerns about the Diamond match development.

We live on 16th St. and are concerned that during the 15/20 years it takes to complete the project the majority of construction traffic will be coming down 16th St. Causing a lot of noise and pollution/traffic. It would only be logical to distribute this traffic to lower the impact to those on 16th St. In addition, we're obviously concerned that there will be an enormous increase in traffic through our neighborhood after 1200 units go in, assuming it will be about 3,000 extra cars having to go THROUGH our neighborhood to get home/leave home. Part of the plan shows widening 16th St. so that there are two lanes for cars, bike lanes, and sidewalks. Also, traffic calming/slowing measures absolutely must be implemented. If this is widened as being discussed it will cut into all of the yards down 16th St. This would provide for the removal of many large mature shade and oxygen providing trees. New trees do not grow quickly enough to replace the existing ones. Regarding lighting - our neighborhood is dark at night and we like it that way! We are concerned about excess lighting going in, and causing light pollution. If there are restaurants, markets, parks that people are using from outside the neighborhood, this will also increase traffic. There seems to be no way to avoid cars having to go through the barber neighborhood, it is a small quaint, quiet, neighborhood and this will change that dramatically. We are of course also very concerned about the disturbance of toxic soil and airborne drift to the neighborhood during construction.

Tyler and Christine Wilson  
325 W 16th St

## Mike Sawley

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**From:** Geoff Wintrup <gwintrup@gmail.com>  
**Sent:** Monday, May 8, 2023 7:59 PM  
**To:** Mike Sawley  
**Subject:** Barber Yard Environmental Impact Report

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Mike,

As a 30+ year resident in very close proximity to the Barber Yard and its main thoroughfare of 16th St. I have many concerns about the proposed development.

Among my concerns are:

- Hydrology and water quality
- Sewer and storm drain
- Light and noise pollution
- Light pollution
- Increased traffic and pollution
- Cultural and tribal resources
- Air quality
- Geology and soil quality
- Underground toxic plume
- Too many apartments
- Not enough green space
- Not enough ingress/egress

The fact that 16th street will become a major thoroughfare is a big issue. We have a quiet neighborhood where kids play, and people walk and bike in relative safety and very little traffic.

All that will drastically change and our quiet lifestyle will be altered forever and not by our choosing. The reason we live the Barber neighborhood is how quiet and almost out in the country it feels while still being adjacent to downtown.

The new development seems has not been thoughtfully planned to consider the existing residential neighborhood surrounding it.

I look forward to your reply about all of my concerns.

Sincerely,  
Geoff Wintrup

## Mike Sawley

---

**From:** R B <rikiberlin@gmail.com>  
**Sent:** Tuesday, May 9, 2023 11:08 AM  
**To:** Mike Sawley  
**Cc:** Mike Sawley  
**Subject:** EIR Review Comment for Barber Yard Project and Social Hub

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Regarding the EIR Review Period for Barber Yard Project.

Mr. Mike Sawley,

Thank you for taking comments through tomorrow afternoon regarding the huge project along the edge of the Greenline of the Marian Diamond neighborhood.

The other day I was driving home and stopped to take photographs, as I frequently have done over the course of the last seven years of my retirement. My daily walks take me through my neighborhood, so that I can reflect on the lovely landscape and the wildlife of my new home in rural Chico. It is something I've saved for all my life: Retirement at the foot of the Sierra.

Frequently I drive to the local markets and stores and always notice all the empty buildings with either "Commercial Land For Lease" or "Commercial Property For Sale" signs near empty paved parking lots dotted around our town. There seems to be so much already in place for potential developers in Chico who are looking for a place for their projects or businesses. In fact, in light of the loss of Paradise, some 6 years ago, you would think that all the possible locations for businesses and housing projects would have been entirely developed-but they have not. Such a waste of resources and space, just sitting there, empty. You

probably see where I'm going with this, as I just learned about the plans are in the works, for expanding Chico into my neighborhood!

I am somewhat of a naturalist who tries to preserve the natural world around me. I live in a house from 1900 and can claim to have never disturbed any land by developing it. My old neighborhood in Santa Barbara was developed into a Hospital District and for over 20 years I watched all the old trees come down and the birds and the insect life disappear and after they put up all their structures in the heart of the west side of town, the trash and chaos of mismanagement followed. The proper services to maintain the larger population, did not come.

Should this project go forward, a great deal of peace and quiet and stands to be lost for our peace and quiet, our resting spots for migrating birds and especially our dark skies at night. First and foremost, all the residents on Orchard who since the trees were removed, will further lose their quiet and their views will diminish. Those who grow crops may be subjected to leaching of toxic soil from the newly disturbed underground construction site, onto their property. The testing prior to disturbing these soils, will not provide assurance of organic soils in the future. All properties will need monitoring. What will happen to Commanche Creek Organic Farms?

Thank you for listening and please keep me and others in this neighborhood informed so we can continue to participate in the planning of our town. We may not be able to vote on city matters here, but we do know what the needs and concerns of our Greenline neighborhoods are. Rural farmlands are what make this area unique, important and these

neighborhoods are filled with traditional rural character and families. I doubt that many of us want to expand the region of city life, over this way.

Please scale back the noisy business plans! Can you imagine another area of empty parking lots and unmanaged human activity along the railroad tracks? Not a smart idea to plan for something so broad.

Respectfully,

Riki Berlin

## Mike Sawley

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**From:** jellner <jellner@aol.com>  
**Sent:** Tuesday, May 9, 2023 10:17 AM  
**To:** Mike Sawley  
**Subject:** EIR Scoping

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I have several concerns regarding the Barber Yard Specific Plan:

1) Transportation:

The BYSP does not include any transportation plan. "The BYSP incorporates state-of-the-art transportation strategies and designs for reducing the adverse effects of personal vehicle use."(pg. 74) A strategy is not a plan. There is no mention of shuttle/van service which could provide an alternative to large, unwieldy buses. These would be so much more convenient and accessible, so as to encourage people to transition from cars to public transportation.

2) Traffic:

Although Traffic would generally be a subset of the Transportation topic, in this case traffic impacts need to be considered independently. The historic Barber Neighborhood is a quiet, residential area. The feeder streets into the Barber Yard are City streets. Without a specific public transportation plan, this could mean over 2000 car trips per day (1250 "maximum units"). There is no mention in the BYSP of maintenance of these feeder streets. The quality of street maintenance in Chico has been an ongoing problem. It behooves the EIR to address the inevitable impact that cars will have on the main feeder streets, especially 16th Street.

Additionally, there need to be rules in place regarding construction. The soils have been contaminated during the Diamond Match operations. Housing construction will create dust particles in the air which will affect the air quality for residents of the area. There will be sound effects (noise) of heavy truck traffic, as well as wear and tear of the roadways. Please consider the environmental impact during the construction phase, in order that the process not rely on being "complaint driven," which isn't appropriate for such a large construction project in a long established residential neighborhood.

3) Parks and Open Space:

There is a lack of clarity regarding the BYSP, for instance "If the BYSP Social Hub area is developed, then as the first phase of activation, a "pop-up," which could involve temporary food, retail, and similar uses, may be developed, which could create an interesting interim community destination and drum up interim interest in this area relatively early on. "pg. 46 .

Additionally, There are references to "the BYSP contemplates", and "if development of this feature is pursued", "it could be designed"....Reference is made to the "Barber Yard Development Agreement", as in: "Further details regarding parkland obligations are set forth in the Barber Yard Development Agreement."pg.44 The public use of these parks and open spaces needs to be secured as part of the BYSP.

4) Soil Quality

There have been the use of hazardous materials in past manufacturing processes at this site that have not necessarily been identified to current standards. Hopefully, the EIR will provide for ongoing testing alongside of the construction phase.

Unfortunately, in general, the BYSP is a Vision, not a Specific Plan.

Janet Ellner  
1629 Broadway St.  
Chico 95928

## Mike Sawley

---

**From:** Linda Hamilton <lhamilton@todays.email>  
**Sent:** Tuesday, May 9, 2023 9:11 AM  
**To:** Mike Sawley  
**Subject:** EIR & BYSP Concern

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Hello, Mike

I have another concern and suggestion.

-Develop the Athletic Fields to be on the west side of Ivy Street, near the railroad tracks, and near the historic Barber Yard baseball diamond.

A good example of this, is on the CSUC campus. All of their athletic facilities have been clumped together and near the railroad tracks.

This would create better parking for events and less noise/ traffic impacts on the existing Barber Neighborhood.

Thank you,

Linda Hamilton

## Mike Sawley

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**From:** Linda Hamilton <lhamilton@todays.email>  
**Sent:** Tuesday, May 9, 2023 9:16 AM  
**To:** Mike Sawley  
**Subject:** EIR & BYSP

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Hello, Mike

One last concern/ suggestion:

-Consider the installation of traffic metering lights near some of the exits from the Barber Yard; or at least pre-wiring for them, during the construction of streets within.

After major events, festivals, and tournaments, which may be held within the Barber Yard and the various facilities; there needs to be a good plan for all those vehicles as they leave. Controlling the peak flow of vehicles, out of the Barber Yard site, will help to lessen negative impacts on the existing Barber Neighborhood.

Thank you,

Linda Hamilton

## Mike Sawley

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**From:** Dana Hanson <cohassethanson@yahoo.com>  
**Sent:** Tuesday, May 9, 2023 1:56 PM  
**To:** Mike Sawley  
**Subject:** Re: Barber Yard Specific Plan - Updated Notice of Preparation and Second Scoping Meeting

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I am replying to the need to voice my opinion and concerns over the proposed Barber Yard development plan. I live on 14th St between Salem and Normal. I am a homeowner and have lived here 8 yrs. One of the draws to this neighborhood was the quiet, the wonderful neighborhood, and the close proximity to greenspaces, and downtown etc.

I have lived in Chico most of my life and grew up exploring the Diamond Match property and enjoying the Barber neighborhood.

My father had an Art Studio in the Purple Church on 16th st and as a teen I spent a lot of time in this neighborhood and I was in awe of the wonderful older homes and its charm.

When I found out about the plan to build a new community in The Barber Yard I had so many questions and attended meetings to review the plan. When I bought my home here, I did a bit of research and was minorly concerned with the arsenic problem left from the match company, but was ensured that it had been capped over with asphalt and was to be left alone.

That being said, I have concerns that development will disturb that area and in the process potentially release toxic dust. My home is only a few blocks away.

Okay, I've addressed that, but more over, my concerns lay in the reality that there will be a rather large community with the need to drive through our quiet streets to access said community. The current plan also calls for spaces, indoors and out, that will draw people in from outside this neighborhood. Having a planned baseball field just a few blocks from my home does not make me happy. I love outdoor sports, but ball fields are noisy. I lived about 10 blocks from the Chico Heat Ball field and the noise from those games was enough to keep me inside when I wanted to be outside, and even then I couldn't get away from the noise.

Then there is the fact that ball fields require lots of water to maintain them, and we are already in a stressed water table situation. Yes we had a rather big rainfall this winter, but that does not guarantee that our aquifers will fill up or that the winters to follow will provide enough water to ensure we will be fine.

I am watching so much building going on along Park Ave, and throughout Chico and the rate of occupancy is not matching the number of available residences. I am not sure I am onboard with the thinking that this is housing that is necessary. I am certainly not onboard with changing the dynamic of our historic and quaint neighborhood. Quirks and all, it is a gem.

I could go on and on, and I realize that many people have put hard work into the project. Never-the-less, I do not think it is a good fit for this part of town.

Sincerely,

Dana Hanson

## Mike Sawley

---

**From:** Susan Kirk <srkcedar@hotmail.com>  
**Sent:** Tuesday, May 9, 2023 6:26 PM  
**To:** Mike Sawley  
**Subject:** Barber Yard EIR Scoping Comments

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To: Mr. Mike Sawley, Principal Planner  
City of Chico  
411 Main Street, 2nd floor  
PO Box 3420  
Chico, Ca 95927

Below are our comments regarding the EIR review of the Barber Yard.

We have concerns about increased sound pollution in the Barber neighborhood during and after construction of the Barber Yard development. We have lived in the Barber neighborhood for 26 years and we have appreciated the relative quietness in this neighborhood. The increased noise would be due to construction activities and also to the increased residential traffic.

We are also concerned about the impact of increased traffic on the existing bridges at Ivy and Chestnut and the feeder streets leading into the Barber Yard development.

Sincerely,

Paul and Susan Kirk

## Mike Sawley

---

**From:** John Merz <jbmerz@sbcglobal.net>  
**Sent:** Tuesday, May 9, 2023 4:26 PM  
**To:** Mike Sawley  
**Cc:** 'jellner'  
**Subject:** NOP, Barber Yard Specific Plan DEIR

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Hi, Mike:

My comments will be brief at this stage, though I am looking forward to seeing the DEIR and related Specific Plan at some future date, hopefully in the Fall of this year. Thoughts for now are as follows –

1 ) The Barber Yard Specific Plan ( BYSP ) is short on specifics. Is there a Development Agreement in play and, if so, when will it show up in this process?

2 ) How will the historic nature of this property be represented physically? Is a museum and/or related features in the mix?

3 ) What is the interface with CSU, Chico and Butte College in terms of both student and faculty/staff housing opportunities? Will there be associated instructional facilities on the property and related infrastructure? Does CUSD have a role to play as well, especially in terms of an elementary school?

4) The treatment of the Normal Street/ Estes Road corridor and bordering Crouch Ditch is important for connectivity to the existing Barber neighborhood and the Comanche Creek greenway and needs to be integrated into the BYSP with that sensitivity in mind.

5 ) A history of toxic contamination on the property needs a thorough review and clear remediation.

Please keep me informed of next steps in this process, which promises to be a learning adventure for all concerned.

Best wishes,

John

## Mike Sawley

---

**From:** Caladonya Millwalkee <kayjess84@yahoo.com>  
**Sent:** Tuesday, May 9, 2023 4:54 PM  
**To:** Mike Sawley  
**Subject:** Barber Yard EIR

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I wanted to quickly address a couple of topics:

1. The tremendous amount of water it would take to supply all the homes, etc.
2. Proximity to the railroad tracks. If there is an emergency all the traffic would have to exit in one direction.
3. The toxic soil.
4. The amount of traffic that would be coming through the neighborhood. The streets are not equipped to handle that amount of cars.
5. The impact the increased population would have on schools, emergency services, and air quality.

This enormous project needs to be reconsidered. This is not a well thought out plan.

Thank you,  
Linda Hathorn  
148 W. 22nd St.  
Chico, CA. 95928



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## Mike Sawley

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**From:** William Mundy <ccrquake@gmail.com>  
**Sent:** Tuesday, May 9, 2023 7:05 AM  
**To:** Mike Sawley  
**Subject:** diamond match EIR input

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To Whom It May Concern,

I wish to comment on my concerns about the proposal for developing the Diamond Match property.

1. At the EIR meeting April 27, the developer stated that this is only the beginning of a 40 year project (or that it could go until 2040, I got a little bit confused on the exact length of time), and that, as this is his last big project, he intends on selling up to 75% of his interest in the development. That seems to indicate that after allaying the Barber neighborhood concerns to not oppose this development, and the city to approve it, that afterward, an investor that comes along will not bound by all the points the neighborhood is making in objecting and opposing this project. The new investors won't be held to the promises the developer is currently willing to agree to. So he could say yes to anything, and we have zero assurance that that will be the case. Makes this EIR process to just be a game of smoke and mirrors.
2. The project is being put forth with the desire that the Diamond Match property could be an extension of the Barber neighborhood and its association. That sounds appealing, yet, coupled with my statement in #1 above, with other investors comes the real possibility of a Home Owners Association, and the gating of the property and limited access. Also, in what limited maps I have seen of the project, it does not have even the remote similarity to the adjacent neighborhood - no dirt alleys for more space and privacy, etc, proposed walls built up to existing tree-lined streets, etc.
3. Water use. New developments in this modern US are always very heavy on water use. Lawns and new landscaping, numerous individuals all have large thirsts. Large ball fields and gathering places of monocultured lawn have huge water demands. The only water conservation mentioned was refusal to plant the native palm trees because they are very thirsty, yet I see places all over town with these trees on abandoned properties doing very well. The main thing I understand native fan palms have that people don't like is they host native animals - bats, birds and rats, and that they drop frons occasionally. So this doesn't strike me as being sincere.
4. Ball field. What's with all the baseball fields!? Chico has so many of them already. Between excess water use, additional neighborhood traffic, parking and having it as a destination (thinking drinking and driving), this seems completely unnecessary. Yes there may have been a ball field on this property in the past, but that was a different time then, and now Chico has ball fields - dozens of them.
5. Light pollution. So many additional houses, businesses and structures, ESPECIALLY a baseball field with flood lights, the starry views many people enjoy in the Barber Neighborhood will be eliminated.
6. Noise pollution. As noted with light pollution, noise pollution will increase. Currently, we get to hear the cars racing at the Silver Dollar Faire Grounds, so other entertainment events will also be experienced by folks at home with no interest in those events.

7. Superfund site. The large blacktop cap on the southwest corner of the property is proposed for overflow parking. This cap was installed to isolate sulfurs and heavy metals that were deemed unsafe to just let be left loose, but now we want to park numerous heavy vehicles upon it, stressing the surface over time and allowing for rain fall, and wind to either usure down to our water table, or blow it into neighboring properties. If the developer and his staff were living next door to a superfund site, would they want this feature? I don't think so.

7. Vehicle traffic and loss of bicycle/walking friendly neighborhood. The estimates of additional vehicle trips per day are from 1 to 3 thousand, depending upon what model you look at. I propose that some of the odd numbered streets be pedestrian/bicycle only access to promote the option of doing errands and social events automobile free.

8. Currently, with the occasional gathering at the end of Normal Ave, the Barber neighborhood is NOT a destination for people. As such, it has maintained a relatively quiet place to live and to enjoy the outside environment. If the proposed development proceeds, that will no longer be the case for many of the reasons stated above. The developer has attempted to be amenable to our concerns, but there is just no getting around that the Barber neighborhood will negatively be impacted by this project.

Wil Mundy

[ccrquake@gmail.com](mailto:ccrquake@gmail.com)

## Mike Sawley

---

**From:** William Mundy <ccrquake@gmail.com>  
**Sent:** Tuesday, May 9, 2023 7:13 AM  
**To:** Mike Sawley  
**Subject:** Concerning Diamond Match project

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3. Water use. New developments in this modern US are always very heavy on water use. Lawns and new landscaping, numerous individuals all have large thirsts. Large ball fields and gathering places of monocultured lawn have huge water demands. The only water conservation mentioned was refusal to plant the native palm trees because they are very thirsty, yet I see places all over town with these trees on abandoned properties doing very well. The main thing I understand native fan palms have that people don't like is they host native animals - bats, birds and rats, and that they drop frons occasionally. So this doesn't strike me as being sincere.

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Wil Mundy

## Mike Sawley

---

**From:** rgscholk@aol.com  
**Sent:** Tuesday, May 9, 2023 4:09 AM  
**To:** Mike Sawley; rgscholk@aol.com  
**Cc:** rgscholk@aol.com  
**Subject:** Fwd: Diamond Match past locations of buildings and history, 29 locations plotted on 24 x 36 aerial map.  
**Attachments:** Richard G Scholk Resume 2.16.2023.pdf; IMG\_8524.jpg

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Hi Mike,

Just a comment from me about the proposed development master plan by Gonzales Development Company LLC.

The Virtue of mixing creativity and great planning on this 130 + acre development site, producing a great PUD development master plan for the site, that should be designed. tailored, and centered around the existing community needs, for the existing communities West of Main Street , South of HWY 32, and North of E 20th street, I find lacking.

If a PUD on this site is planned correctly, this 130 acre + development site can contribute to solving a mountain of problems in the Chico communities if given the chance to do so.

I think we can do much better and I may be prepared to through my hat in the ring if given the chance to do so.

Sorry for the bad review.

Sincerely

Richard G Scholk CA & NV Real Estate Broker, Planner/Trustee  
CA. B.Lic 418077

-----Original Message-----

From: rgscholk@aol.com  
To: mike.sawley@chicoca.gov <mike.sawley@chicoca.gov>; rgscholk@aol.com  
Cc: rgscholk@aol.com  
Sent: Fri, May 5, 2023 1:55 pm  
Subject: Fwd: Diamond Match past locations of buildings and history, 29 locations plotted on 24 x 36 aerial map.

Mike Sawley,

Congratulations on developing the Diamond Match property.

This may help planning and inspections.

Diamond Match past locations of buildings and history, 29 locations plotted on 24 x 36 aerial map \$2,500.

I was once interested in developing this property and have a large file with information.

My information may be helpful to you in your needed inspections and development approval reports.

The fee is \$2,500 paid in cash to me at a meeting with you inside a bank.


You may look at the information at the bank before you pay me the cash of \$2,500.

Contact me if you need my materials.

Thank you

Richard G [Scholk](#) CA&NV RE Broker/Planner/Trustee

CA. B [Lic.](#) 418077

Cell 1-831-

[rgscholk@aol.com](mailto:rgscholk@aol.com)

## Mike Sawley

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**From:** Elizabeth Stewart <liz95928@gmail.com>  
**Sent:** Tuesday, May 9, 2023 2:50 PM  
**To:** Mike Sawley  
**Subject:** Diamond Match: input for scoping

**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](mailto:phishing@chicoca.gov)

I am asking that you look into the possibility of requiring basements in the homes to be built.

I have lived on the corner of 18th & Broadway since the fall of 1975. Many of those years I only had a roof-mounted swamp cooler. The house is 1272 sq. ft.; the garage is a separate building at the back of the lot.

There is a basement which has served as a bedroom, storage space and a guest room. A previous owner had a pool table. Today it has enough room for a ping pong table and a Queen size bed and storage. I would guess that the basement is approximately 1/3rd of the size of the house.

During our exceptionally hot summers the temperature downstairs is probably 6 or 7 degrees cooler. For the past two summers our local paper has reported 42 days with temperatures at or above 100.

No matter how hot it is outside, my basement is cool, comfortable. During the hottest days I have a floor fan blowing cool air up the stairs; it really does make a difference.

--

Liz Stewart

530-  
[liz95928@gmail.com](mailto:liz95928@gmail.com)

## Mike Sawley

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**From:** Dan Whittle <whipplelicks@yahoo.com>  
**Sent:** Tuesday, May 9, 2023 2:04 PM  
**To:** Mike Sawley  
**Subject:** Barber yard

**ATTENTION:** This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to [phishing@chicoca.gov](mailto:phishing@chicoca.gov)

I have lived here for 30 years and walk these streets everyday with my disabled child in a wheelchair,these streets are already falling apart,you can't have thousands of extra cars and trucks on any of the roads leading into the barber yard.I live on 18th and normal.18th street will go from 20 cars a day to hundreds upon hundreds.this will ruin my neighborhood.these guys said they will keep up with the look of the neighborhood yet they have already lied and have no alley's on the normal and chestnut streets?we all have alley's for safety and access.this project will ruin our quality of life here ,please make it stop.

## Mike Sawley

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**From:** David A Eaton <daeaton@csuchico.edu>  
**Sent:** Thursday, May 11, 2023 7:00 AM  
**To:** Mike Sawley  
**Cc:** David A Eaton  
**Subject:** Barber Yard 'scope and content' | comments - send Tu 5.9 but misdelivered; resending  
  
**Importance:** High

**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](mailto:phishing@chicoca.gov)

To: Mike Sawley, Principal Planner and Enviromental Program Manager  
City of Chico Community Development Department

Greetings Mike and greetings to all in Community Development. **I emailed two comments (below) on Tuesday May 9** about the **Chico Barber Yard proposed development** to make your deadline for inclusion for consideration in preparation of the Draft EIR after the second 'scoping' session held on April 27, 2023.

Unfortunately **I used a slightly wrong email address**, "[mikesawley@chico.ca.gov](mailto:mikesawley@chico.ca.gov)", and late last night (May 10) I received an error message from Outlook (at bottom) saying **the message was not delivered**. My apologies!

**I am resending this email now** to your correct address now **in the hopes that you can still accept it** as a contribution putting in writing, as you requested, comments that I made during the April 27 meeting.

Thank you in any case, and my apologies for any inconvenience to you all. Sincerely, David Eaton | 1080 E Lassen, Apt 28, Chico CA 95973

**From:** David A Eaton  
**Sent:** Tuesday, May 9, 2023 11:04 PM  
**To:** [mikesawley@chico.ca.gov](mailto:mikesawley@chico.ca.gov)  
**Cc:** David A Eaton <daeaton@csuchico.edu>  
**Subject:** Barber Yard 'scope and content' | comments  
**Importance:** High

Greetings. I'm writing to contribute comments to the second 'scoping' session held on April 27, 2023 for the **Chico Barber Yard proposed development**

As I volunteered verbally during this session, I request the following items be considered in the **'scope and content'** of the draft EIR to be prepared:

1. The plan has **protected bike lanes** for an inner ring within the development.

**CAN WE PLEASE ADD PROTECTION TO THE OTHER BIKE LANES ALSO PROPOSED FOR THE DEVELOPMENT?**

Protected bike lines separated from automobile traffic are known to be far safer than unprotected lanes that mix with motor traffic.

To help build a 21<sup>st</sup> century complete streets bike network in Chico, please PROTECT CYCLISTS with separated bike lanes wherever possible.

2. The plan has three existing buildings proposed for various uses.

### **CAN WE PLEASE ADD A \*SECURE BIKE PARKING FACILITY\* FOR THE DEVELOPMENT?**

This could be modeled on the new Shasta Bike Depot in Redding, on many successful US, Dutch, Danish, and German facilities, or on other proven local solutions of this kind..

**Secure bike parking** is most often the **missing link** in establishing robust commuter cycling, especially from apartments.

A dedicated, sheltered, and secure place for bike parking could be **part of the 'Social Hub'** planned for the development.

This would help relieve car traffic pressure in the neighborhood, and all of the noise and expense associated with it.

Perhaps it could be underground?

All current mandates at the city, county, state, and federal levels emphasize the importance of **'complete streets'** that are safe for ALL people traversing them in whatever way.

More sustainable infrastructure is urgently called for in the transition to **lower-impact urbanism** in response to the twin catastrophes of climate change and biotic impoverishment.

Thank you for your time and consideration!

David Eaton, PhD, MPH, Professor of Anthropology, CSU Chico

**From:** Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@csuchico.onmicrosoft.com>

**Sent:** Wednesday, May 10, 2023 11:08 PM

**To:** David A Eaton

**Subject:** Undeliverable: Barber Yard 'scope and content' | comments

### **Delivery has failed to these recipients or groups:**

[mikesawley@chico.ca.gov](mailto:mikesawley@chico.ca.gov) ([mikesawley@chico.ca.gov](mailto:mikesawley@chico.ca.gov))

Your message couldn't be delivered. Despite repeated attempts to deliver your message, querying the Domain Name System (DNS) for the recipient's domain location information failed.

For more information and tips to fix this issue see this article:

<https://go.microsoft.com/fwlink/?LinkId=389361>.

### **Diagnostic information for administrators:**

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Receiving server: DM6PR13MB3954.namprd13.prod.outlook.com

mikesawley@chico.ca.gov

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From: David A Eaton <daeaton@csuchico.edu>

To: "mikesawley@chico.ca.gov" <mikesawley@chico.ca.gov>

CC: David A Eaton <daeaton@csuchico.edu>

Subject: Barber Yard 'scope and content' | comments

Thread-Topic: Barber Yard 'scope and content' | comments

Thread-Index: AdmDBUftaSrTT4wcSfStH0ROn0bT/Q==

Importance: high

X-Priority: 1

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