Final Initial Study/Mitigated Negative Declaration

SCH# 2022120195

Cypress Family and Senior Housing Project

Paradise, CA

February 2023

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Cypress Family and Senior Housing Project

1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road, Paradise, Butte County, California

Final Initial Study/Mitigated Negative Declaration

SCH# 2022120195

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Town of Paradise

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Technical studies associated with this Initial Study are available for review at:

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Development Services Department
6295 Skyway, Paradise, CA 95969

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Section 1 Introduction

1.1 CEQA PROCESS

Pursuant to Section 15085 of the California Environmental Quality Act (CEQA) Guidelines (Guidelines), the Town of Paradise (Town; the CEQA Lead Agency) submitted a Notice of Completion for the proposed Cypress Family and Senior Housing Project (project), Mitigated Negative Declaration (MND), to the California State Clearinghouse on December 10, 2022. Also, pursuant to Section 15072 of the Guidelines, the Town posted a Notice of Intent to Adopt (NOI) the proposed MND. In accordance with Section 15105(b) of the Guidelines, the public review and comment period began on December 10, 2022, and ended on January 9, 2023. In response to the publication of the Draft Initial Study/MND (IS/MND) for public review, public comments have been received. These comments are discussed in this document and the original letters and emails are available for public review at the Development Services Department in the Building Resiliency Center at 6295 Skyway, Paradise, CA 95969.

1.2 FINAL IS/MND

The Draft IS/MND, Addendum to the Project Description, Response to Comments, and Revised Mitigation Monitoring and Reporting Program (MMRP), comprises the Final IS/MND. The Final IS/MND is intended to inform the decision-makers and the public of environmental effects of the project.

This document incorporates comments from the general public and two agencies - the Department of Toxic Substances Control and California Department of Fish and Wildlife – and contains responses by the Lead Agency to those comments. No new significant environmental impacts were identified, and no new mitigation measures are required for the Draft IS/MND.

The Addendum and Revised MMRP include minor edits to the Draft IS/MND for the project in response to minor changes to the site plan and agency comments. The revisions herein do not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Additionally, information clarified in the Final IS/MND does not result in a mitigation measure considerably different from those previously analyzed in the Public Review Draft IS/MND.

The information included in this Final IS/MND merely clarifies, amplifies, or makes insignificant modifications in the Public Review Draft IS/MND. New information

added to the Final IS/MND is not "significant," and recirculation of the Public Review Draft IS/MND is not required (see Guidelines Section 15073.5).

The Town has reviewed the information in this Final IS/MND and has determined that it does not change any of the findings or conclusions of the Draft IS/MND and does not constitute "significant new information" pursuant to CEQA Guidelines Section 15073.5.

Section 2 Addendum

The Town has prepared this Addendum to update the Draft IS/MND for the project, based on a revised application submitted to the Town on January 19, 2023 and comments received on the Draft IS/MND.

2.1 PROJECT DESCRIPTION

Responding to comments on the initial application package, the applicant submitted a final application package with new site plans, included as **Attachment A**.

The only changes identified were an increase in Phase 1 parking from 86 spaces to 148 spaces, and an increase in Phase 2 parking spaces from 84 to 88 spaces. Total parking spaces for the project increased from 170 to 236 spaces. Per the Town of Paradise Municipal Code Section 17.38.1000[1], apartment buildings are required to have 1.2 spaces for every one bedroom unit and 1.5 spaces for every two and three bedroom units, as well as 1 space per every 400 square feet of community space. This requirement would result in 196 parking spaces for the project. The number of parking spaces provided by the project (236 spaces) exceeds this requirement.

2.2 PUBLIC SERVICES

Several commenters noted that the Town does not currently have an operating hospital as noted on page 86 of the Draft IS/MND. The Adventist Health Feather River Health Center was noted as not being a hospital nor does it have emergency care beyond the urgent care department. The commenters are correct. Before closing for repairs in 2018 due to the Camp Fire, Adventist Health Feather River was home to a 101-bed facility. The hospital is not anticipated to be reopened, although multiple health services including urgent care are provided in the community. Most of the services listed are still being provided, but Adventist no longer provides hospital beds.

No other changes to the project as described in the Draft IS/MND have been proposed.

[1] Town of Paradise Municipal Code Section 17.38.1000 Off-street parking requirements https://library.municode.com/ca/paradise/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.38OREPALORE_17.38.1000OREPARE

Section 3 Comments on the Draft IS/MND and Responses

This section includes transcriptions of the comment emails received during the public review period on the Draft IS/MND and responses to those comments. The comments and responses plus the Public Review Draft IS/MND comprise the Final IS/MND. Complete comment letters and emails can be reviewed in **Attachment B**. Minor revisions to mitigation measures identified in these responses are reflected in the Revised Mitigation Monitoring Plan included herein as **Attachment C**. The Public Review Draft is provided as **Attachment D**.

3.1 PUBLIC COMMENTS ON THE DRAFT IS/MND

As stated in the Guidelines and defined by California case law, when the lead agency prepares a mitigated negative declaration, CEQA review ends. Nonetheless, all comments are herein forwarded to the Paradise Planning Commission and those comments on the environment are specifically addressed below. Comments not related to impacts on the environment are addressed in Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses.

3.2 TOPICAL RESPONSE TO NON-CEQA-RELATED COMMENTS AND RESPONSES

While the commenters' statements and suggestions related to the proposed project are noted, many do not address the analysis or conclusions of the Draft IS/MND in terms of effects on the environment. Many commenters provided comments and opinions on the proposed project, without evidence supporting their concerns regarding the adequacy of the information or analysis in the Draft IS/MND. These comments included a range of statements about neighborhood impacts and socioeconomic impacts on surrounding properties. Per CEQA Guidelines Section 15381, "[a]n economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." Common statements concerned incorrect information on the status of the local hospital, and speculation on crime, vandalism, trespassing, and/or property values. These are not effects on the environment to be addressed in a CEQA document.

Several commenters noted that the Town does not currently have an operating hospital. The Adventist Health Feather River Health Center was noted as not being a hospital nor does it have emergency care beyond the urgent care department. The commenters are correct. Before closing for repairs in 2018 due to the Camp Fire, Adventist Health Feather River was home to a 101-bed facility. The hospital is not anticipated to be reopened, although multiple health services including urgent care are provided in the community.

The closest hospital care is now in Chico, approximately 20 minutes away by car. Whereas it is not unusual for residential areas to be located 20 minutes or more from hospital services, this clarification does not materially alter the analysis presented in the IS/MND. The U.S. Department of Health and Human Services estimates that 90 percent of straight-line patient-hospital travel distances are less than 30 miles[2]. From 2005 to 2015, the number of people who lived more than 60 minutes from any hospital increased by more than 80 percent[3]. Paradise remains well-served by medical facilities in this context.

Additional comments were made regarding concerns that the project may result in vandalism and trespassing and may depreciate surrounding property values. Such concerns are speculative and comprise topics that do not result in an environmental impact under CEQA. Therefore, they are not required to be discussed in the IS/MND.

3.3 PUBLIC COMMENTS AND AGENCY RESPONSES

All comments on the project were submitted via email. Transcribed comments are shown in italics. Full, technical responses to the comments received are provided below. Full copies of the comment letters and emails are included in **Attachment B**. Comments and responses are in order of receipt.

3.3.1 Comment 1: Commenter Patricia Wood Elkerton, received December 20, 2022

Dear Mr. Bateman:

My family moved to Paradise and purchased our home in 2013. Prior to that, my husband spend summers here as a youth since 1962 and I have joined him since 1980. Our plan has always been to retire in Paradise. The 2018 Camp Fire destroyed our home, but we have rebuilt and are determined to remain here and participate in the rebuilding of our town.

I have reviewed the Initial Study/Mitigated Negative Declaration prepared for the Town of Paradise in the above referenced matter. The environmental issues all appear to be in order and I am confident the town will monitor that situation competently. However, Section 4.15 addresses public services as if such services have fully recovered from the fire. Particularly Police and Medical Facilities.

[2] Weiss AJ, Pickens G, Roemer M. Methods for Calculating Patient Travel Distance to Hospital in HCUP Data. 2021. HCUP Methods Series Report # 2021-02. Methods for Calculating Patient Travel Distance to Hospital in HCUP Data (ahrq.gov).
[3] Diaz A., A. Schoenbrunner, and T.M. Pawlik. 2021. "Trends in the geospatial distribution of inpatient adult surgical services across the United States." *Annals of Surgery* 273(1):121–7.

At page 86 the medical facilities are described as "Adventist Health Feather River Health Center" is a hospital..... It is not a hospital nor does it have emergency care beyond the urgent care department. They are not equipped to deal with a significant emergency, which must actually be transported to Enloe in Chico. To make that statement is patently incorrect and somewhat misleading.

As for the Police Department, PPD's assertion that their current model is sufficient for the proposed site is naive. A review of the issues reported by Yuba City alone regarding the same type of facility built by Mercy Construction there indicates that our police department may not have the staffing to cover the activity such a large project will bring into our community. My greatest concern with this entire matter is that this project is going in here because the land is cheap and Mercy is looking for housing for the homeless in other areas. PPD is not ready for that.

If it was all senior housing, I would be completely supportive. But it is not and therefore, I am not.

Sincerely,

PATRICIA WOOD ELKERTON

Response to Comment 1

The commenter expresses concern over the police and fire demands the project may create. Based on the Town of Paradise department responses, the Police and Fire department were given opportunity to comment, and no comments were received indicating there would be difficulty serving the site. The Town Council is responsible for allocating sufficient funding for police and fire services. The project is consistent with zoning and the General Plan, therefore demand from the project is considered consistent with required service levels anticipated in the General Plan, and the project would not trigger the need to construct new facilities.

The commenter notes that there is no hospital present in Paradise. Please see Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses.

3.3.2 Comment 2: Commenter Steve “Woody” Culleton, received December 29, 2022

As a property owner that lives across the street from this proposed project I would like my concerns shared with the planning director, the planning commission and other town decision makers with oversite of the approval process as well as the Town Council.

Comment 2(a)

First I find it disappointing that the towns cover letter in this report finds that an EIR is not needed … Environmental Impact Report is not required pursuant to the

Environmental Quality Act of 1970 (Sections Negative Declaration reflects the Town's independent judgment and analysis as Lead Agency. An identified in the attached Initial Study, will have a significant effect on the environment. This Mitigated it, has determined that there is no substantial evidence that the project, with mitigation measures as Findings: The Town of Paradise has reviewed the project and, on the basis of the whole record before it.

Response to Comment 2(a)

The commenter expresses disappointment; however, no information is provided regarding why the Draft IS/MND analysis causes that disappointment. The comment is noted.

Comment 2(b)

Second … I disagree with this statement regarding both noise, Public services, and utilities and service systems (the current PGE underground plans for the designed supply switch is too small) There are no public services in our area. Pre fire there was a smaller density and noise was buffered by the surrounding landscape that is now gone. Less Than Significant Impact on Aesthetics, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire

Response to Comment 2(b)

The Town has determined that public services are being provided in the community and can be provided to the site. Before the Camp Fire, the project site was surrounded by dense mobile home parks and contained a convalescent hospital; therefore, proposed and anticipated densities on the surrounding single family zoning are anticipated to remain lower than before the fire. While the site may have been visually obscured by trees before the fire, trees provide very little noise attenuation. No evidence was provided that the less than significant determinations are incorrect.

Comment 2(c)

Third … Page 2 The site is bordered by formerly residential and developed areas that were destroyed in the Camp Fire. Many of us have rebuilt in the area so this statement is not true

Response to Comment 2(c)

The statement in the Draft IS/MND remains true because these areas were destroyed even if many have rebuilt. Existing sensitive receptors were identified on page 33 of the IS/MND: "The nearest sensitive receptors for this new housing are

people living in scattered homes near the project site. The Children's Community Charter School is about 1,500 feet east of the project. Other homes may be constructed near the project over the next few years as the community rebuilds." No evidence was provided that the less than significant determinations are incorrect.

Comment 2(d)

Fourth … Page 25&25 this statement is not true as there are more than one houses now and the former users of the project area were completely blocked from their lighting from all the trees that surrounded their buildings that are no longer there. The project would create new security lighting for the residential development. The nearest sensitive receptor is a residential home approximately 200 feet to the west across Clark Road. . However, up until the Camp Fire, this site contained uses and parking lots that provided security lighting, thus this area has historically experienced night lighting. New exterior lighting is further regulated by the Town's Design Standards for Clark Road (Town of Paradise 2022a): "Site lighting shall have a scale, design, and color that best complements the character and design of the adjacent structure. Lighting should be visible from the exterior of a building and the project's boundaries should be limited to that necessary for security, safety, and identification. It should also be screened from adjacent areas and not be directed in an upward manner or beyond the boundaries of the parcel on which the building is located." The project would comply with all Town codes, plans and regulations. Therefore, the project would have a less than significant effect on day and nighttime views in the area. Glare can create hazards to motorists and nuisances for pedestrians and other viewers. The project would construct two-story residential buildings that could increase glare for vehicles and pedestrians on Clark Road.

Response to Comment 2(d)

As noted above, the IS/MND analyzed potential impacts on the residence closest to the project site, which does not assume there is only one residence in the area. The analysis shows distance as it relates to the potential for light and glare to affect neighbors. The Town recognizes the need to protect neighbors from light intrusion and as repeated above in the comment, specifically regulates such light. As determined in the IS/MND, the project would comply with all Town codes, plans, and regulations. Therefore, the project would have a less than significant effect on day and nighttime views and glare in the area. No evidence was provided that the less than significant determinations are incorrect.

Comment 2(e)

Fifth … Page 69 It is of great concern that this project is claiming that the Towns TMP and the widening of Clark would be just fine for an evacuation, during the

Camp fire it took us more than 2 hours to get from our home on Forest Service Rd to Pearson rd and we had many deaths near Edgewood Rd another street with only one way in and out … You are proposing to put 140 units and 350 people in a cul-de-sac with one road in and out dumping onto clark at a curve. And during an emergency like wildfire there is the potential of another 10,000+ people fleeing Magalia using Clark Rd … Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No Impact The Town of Paradise Emergency Operations Plan Emergency Operations Plan addresses the Town's planned response to extraordinary emergency situations. These emergencies include natural disasters, technological incidents, and national security emergencies (Town of Paradise 2011). As shown in Figure 11, the primary evacuation routes in Paradise are along Skyway, Clark Road, and Pentz Road, as confirmed in the 2022 TMP. Each of these roads runs roughly north-south and secondary evacuation routes run east-west to connect residents to these roads. Specific evacuation routes will vary depending on the emergency's location, direction, and rate of spread. The Housing and Safety Element includes policies and programs to improve the Town's infrastructure, such as improvements to emergency evacuation routes and installation of early warning systems (Town of Paradise 2022b). The TMP recommends infrastructure and operations projects that can be implemented proactively to help traffic evacuation during an emergency; this includes the widening of Clark Road next to the project site, as well as the construction of new secondary evacuation routes. The project is required to improve Cypress Lane and its connection to Clark Road. Therefore, the project would not have an impact on the existing adopted emergency response plan or evacuation plan. g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? Less Than Significant Impact

Response to Comment 2(e)

The devastating evacuation challenges during the Camp Fire have been thoroughly evaluated by the Town and Butte County and have been addressed in the 2022 Transportation Management Plan (TMP) with the intent to avoid a repeat of events in 2018. The TMP includes a comprehensive analysis of the Town's transportation daily needs and recommends gap closures to strengthen future traffic evacuation demands. The TMP evaluated the Town's transportation network to serve traffic evacuation needs assuming an "all at once" event similar to the Camp Fire evacuation. The recommendations build upon lessons learned from the Camp Fire and recent evacuations to address pinch points, improve the backbone network, identify new connections, facilitate operations during an evacuation, and coordinate with regional partners and public safety responders. Whereas the proposed project is consistent with zoning, project densities were anticipated in this planning

process, and proposed improvements to Cypress Lane are consistent with the TMP requirements. Correcting deficiencies as the Town recovers is a primary objective and is designed to be completed in tandem with the rebuilding process.

The Town notes that the dangerous curve on Clark Road has been corrected. In addition, access will be provided to the east only during an emergency. No evidence was provided that the less than significant determinations are incorrect.

Comment 2(f)

Sixth … Page 79, this section is also not true or honest, as pre fire this project area was surrounded by trees that protected other homme in the area from noise and light for the pre fire uses, there are no longer any natural protection for the surrounding homes from the noise coming from 350 people in these 140 units Also they claim that there is minimal traffic on Clark Rd, that is simply not true with its use by the Magalia people that use it as well as all the construction traffic that will continue for the next 5-10 years … 4.13 NOISE 4.13.1 Environmental Setting Noise is defined as a sound or series of sounds that are intrusive, objectional, or disruptive to daily life. Noise levels are measured to determine ambientnoise and, if necessary, take action to protect residents from objectionable noise. Since most of the homes and businesses near the project were destroyed in the Camp Fire, the noise environment is mostly dominated by natural sounds such as wind or bird songs. Currently, there is light traffic on Clark Road, and traffic noise is minimal. Traffic volumes, and commensurate sound levels, will increase as homes and businesses are rebuilt near the project.

Ok Nick here are just a few of my concerns to start with, I am also concerned with the number of police calls for service that the management company CHIP has had with the existing Paradise Community Village that they operate in the lower part of town where this size project would be better suited.

Steve "Woody" Culleton 530-521-1984

Response to Comment 2(f)

Please see Response to ***Comment 2(d)***. As traffic increases on Clark Road as the Town rebuilds, traffic noise will increase, and residential noise typical of a residential community will be further obscured. As noted in the IS/MND, "After residents move into the new project housing, noise would be generated by mechanical equipment, such as heating, ventilation, and air conditioning systems. Sounds from outdoor activities by residents, such as conversation, might be perceptible at the property boundary. The closest sensitive receptors to the site include residences across Clark Road to the west and Adams Road to the south. The project could also generate short-term noise from landscaping equipment such as mowers and leaf blowers." As discussed earlier in the IS/MND, single-point source

noise attenuates about 6 dBA with each doubling of distance. Thus, at 200 feet from the project site, noise could temporarily range from 65 dBA to 73 dBA during construction and would continue to diminish with greater distance. Whereas noise from residential activities is much lower than construction equipment, both indoor and outdoor areas at the closest sensitive receptor would meet residential standards. Trees have no measurable impact on noise attenuation. No evidence was provided that the less than significant determinations are incorrect.

3.3.3 Comment 3: California Department of Fish and Wildlife, received January 6, 2023

Mr. Bateman,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Cypress Family and Senior Housing Project, Town of Paradise, CA (Project) 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, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game 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 is charged by law to provide, 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 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 applicant (Mercy Housing California) is seeking to construct 140 affordable family and senior housing units in two phases. Cypress Family Housing (Phase 1) would include 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units, and a 5,730 sq. ft. community center. Phase 2, Cypress Senior Housing, would include 70 one-bedroom units for senior rental.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Town of Paradise (Town) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 3(a)

CDFW recommends language in BIO-1 (Biological Resources) pertaining to foothill yellowlegged frog (FYLF, Rana boylii) is revised to increase the efficacy of the measure.

BIO-1 in the IS/MND states, "If any of these [California red-legged frog (Rana draytonii) and FYLF] species are found in a construction area where fencing was deemed unnecessary, work will cease until the authorized biologist moves the individuals. The authorized biologist in consultation with USFWS and CDFW will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist. […] Any individuals found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities."

Foothill yellow-legged frog is listed as a threated species under CESA and as such it is afforded full protection under the act. It is unlawful to take a State-listed endangered or threatened species (Fish & G. Code §2050 et seq.). Take is defined as "hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill" (Fish & G. Code §86). CDFW recommends the Town remove all language in the IS/MND specific to relocation of FYLF "out of harm's way" to ensure take of the species does not result from the Project. If during Project analysis it is determined that the project may result in take of FYLF, CDFW recommends an ITP be obtained prior to starting construction activities.

Response to Comment 3(a)

CDFW's comment is noted and requests slightly modifying the language in the IS/MND; the proposed changes do not change the determination of significance. BIO-1 has been revised as follows to reflect CDFW's recommendation (changes reflected in **strike-out for language removed** and **underlined for language added**). This change is reflected in the Revised Mitigation Monitoring Plan, included herein as **Attachment C**.

- **Mitigation Measure BIO-1: Protection of California Red-legged and Foothill Yellow-legged Frogs**

  The project proponent shall implement the following standard U.S. Fish and Wildlife Service (USFWS) Mitigation and Avoidance Measures to prevent mortality of individual frogs that may be found breeding, migrating across, or aestivating on the project site during proposed project activities.

  - Preconstruction surveys for California red-legged and foothill yellow-legged frogs shall be completed within 48 hours prior to commencement of any earth-moving activity, construction, or vegetation removal within the project, whichever comes first. The preconstruction survey shall include two nights of nocturnal surveys in areas of suitable habitat.
  - If any California red-legged or foothill yellow-legged frogs are encountered during the surveys, all work in the work area shall be placed on hold while the findings are reported to the CDFW and USFWS and it is determined what, if any, further actions must be followed to prevent possible take of this species.
  - **If foothill yellow-legged frog is identified within the project site during preconstruction surveys, the project proponent shall pause project activities, and obtain an Incidental Take Permit prior to project construction resuming. Any actions taken in regards to this species will follow the measures outlined in the Incidental Take Permit.**
  - Where construction will occur in California red-legged and foothill yellow-legged frog habitat, or where frogs are potentially present, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat areas. A qualified biologist will assist in determining the boundaries of the area to be fenced in consultation with the Town, USFWS, and CDFW. All workers will be advised that equipment and vehicles must remain within the fenced work areas.

- A USFWS-authorized biologist will direct the installation of the fence, ~~and~~ will conduct biological surveys, **and will** ~~to~~ move any individual~~s of these species~~ **California red-legged frog** from within the fenced area to suitable habitat outside of the fence. Exclusion fencing will be at least 24 inches in height. The type of fencing must be approved by the authorized biologist, the USFWS, and CDFW. This fence should be permanent enough to ensure that it remains in good condition throughout the duration of construction on the project site. It should be installed prior to any site grading or other construction-related activities. The fence should remain in place during all site grading or other construction-related activities. The frog exclusion fence could be "silt fence" that is buried along the bottom edge.
- If at any time **California red-legged frog** ~~individuals of these species~~ are found within an area that has been fenced to exclude th~~ese~~is species, activities will cease until the authorized biologist moves the individuals.
- If any **California red-legged frogs** ~~of these species~~ are found in a construction area where fencing was deemed unnecessary, work will cease until the authorized biologist moves the individuals. The authorized biologist in consultation with USFWS and CDFW will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist.
- Any ~~individuals~~ **California red-legged frogs** found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities.
- Clearance surveys shall occur daily in the work area.
- The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed.
- To ensure that diseases are not conveyed between work sites by the authorized biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.
- Project activities shall be limited to daylight hours, except during an emergency, in order to avoid nighttime activities when ~~California red-legged and foothill yellow-legged~~ frog**s** may be present. Because dusk

and dawn are often the times when ~~California red-legged and foothill yellow-legged~~ frog**s** are most actively foraging and dispersing, all construction activities should cease one-half hour before sunset and should not begin prior to one-half hour before sunrise.

- Traffic speed shall be maintained at 10 miles per hour or less in the work area.

In addition to the standard USFWS measures:

- Prepare and present Environmental Awareness Training to all personnel working in the field on the proposed project site. Training shall consist of a brief presentation in which biologists explain endangered species concerns. Training shall include a discussion of special-status plants and sensitive wildlife species. Species biology, habitat needs, regulatory requirements, and measures being incorporated for the protection of these species and their habitats shall also be discussed. Project site boundaries shall be clearly delineated by stakes and/or flagging to minimize inadvertent degradation or loss of adjacent habitat areas during project operations. Staff and/or its contractors shall post signs and/or place fence around the project site to restrict access of vehicles and equipment unrelated to project operations.
- An on-site biological monitor, shall at a minimum, check the ground beneath all equipment and stored materials each morning prior to work activities to prevent take of individuals. All pipes or tubing Four (4) inches or greater shall be sealed by the relevant contractor with tape at both ends to prevent animals from entering the pipes at night. All trenches and other excavations shall be backfilled the same day they are opened or shall have an exit ramp built into the excavation to allow animals to escape.
- Include the following measures in the project SWPPP and/or Spill Prevention Plan:
    - Prevent the potential release of petroleum materials, such as oil and diesel fuel into adjacent habitat areas, including waters of the State and U.S.
    - Locate areas for fuel storage, refueling, and servicing of construction equipment in an upland location outside of sensitive habitat.
    - Establish wash sites in upland locations and ensure wash water does not flow into stream channels or wetlands.

- Ensure that all construction equipment is in good working condition, showing no signs of fuel or oil leaks. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings, and seals shall be replaced. The mechanical equipment shall be inspected on a daily basis to ensure no leaks. All leaks shall be repaired in the equipment staging area or other suitable location prior to resumption of construction activity.
- Place oil-absorbent and spill containment materials on-site when mechanical equipment is in operation within 100 feet of a waterway. If a spill or leak occurs, no additional work shall occur until 1) the leak has been repaired, 2) the spill has been contained, and 3) CDFW and Butte County Fire Department are contacted and have evaluated the impacts of the spill.
- Install silt fence or other sediment-control devices around construction sites near streams and wetlands to contain spoils from excavation activities.

Comment 3(b)

CDFW recommends the following language be revised in BIO-2 to increase the efficacy of the measure.

"If project work must occur during the nesting season (February 1 – September 1), MHC shall utilize a qualified biologist to survey nesting birds within the project area, no more than 14 days prior to the beginning of tree and vegetation removal or ground-disturbing activities."

Response to Comment 3(b)

CDFW's request is noted. This differs from previous CDFW requirements on past projects but is acceptable to the Town. The language in BIO-2 has been revised to below to reflect the request from CDFW. This change is reflected in the Revised Mitigation Monitoring Plan, included herein as **Attachment C**:

- **Mitigation Measure BIO-2**: **Nesting Bird Protection**
  - If project work must occur during the nesting season (February 1 – September 1), MHC shall utilize a qualified biologist to survey nesting birds within the project area, no more than ~~14~~ **3** days prior to the beginning of tree and vegetation removal or ground-disturbing activities. Results of the survey shall be submitted to the Town prior to the start of construction activities.
  - If nesting birds are detected within the project area during the survey, consultation with CDFW and USFWS is recommended to establish

acceptable avoidance or minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could include the establishment of a suitable activity-free buffer around active nests/roosting sites. An avoidance or minimization plan shall be submitted to the Town, CDFW, and USFWS for review and approval prior to the start of construction activities. The avoidance or minimization plan shall be submitted to the project proponent for review and approval prior to the start of construction activities. These measures will ensure that no nesting birds are impacted by construction activities.

Comment 3(c)

CDFW recommends including bird enhancement and mortality reduction strategies in Project design and implementation.

The proposed Project will border natural areas and include elements of riparian habitat. Riparian habitat is suitable for nesting birds. Placement of buildings adjacent to suitable nesting bird habitat may adversely affect bird populations by introducing sources of common bird mortalities such as reflective windows that birds may collide with. Given declines in segments of the overall bird population and ecological benefits of healthy bird activity, CDFW recommends consideration of bird enhancement and mortality reduction strategies in Project design and implementation. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

Collisions with clear and reflective sheet glass and plastic is also a leading cause in human related bird mortalities. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes, so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

CDFW recommends the applicant incorporate bird and wildlife friendly strategies: Install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-andglass.php.

Incorporation of bird and wildlife strategies not only promotes environmental stewardship but also facilitates compliance with State and federal protections aimed at preserving bird populations.

Response to Comment 3(c)

The Town notes that CDFW recommends that the applicant incorporate bird- and wildlife-friendly strategies. While this was not a significant adverse effect that requires mitigation, the Town will adopt a condition of approval directing the applicant to install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel to minimize the potential for bird collisions with buildings and glass.

Comment 3(d)

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 CNDDB. The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

Response to Comment 3(d)

Comment noted. As noted in the IS/MND, no special-status species were identified during the biological surveys. Any special-status species and natural communities detected during preconstruction surveys and/or project construction will be reported to the CNDDB.

Comment 3(e)

FILING FEES

The Project, as proposed, would have an impact on fish and/or 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 § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Please direct written notifications to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the IS/MND to assist in identifying and mitigating project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. If you have any questions regarding these comments, please contact me at (916) 597-6417 or melissa.stanfield@wildlife.ca.gov.
Thank you,
Melissa Stanfield
Senior Environmental Scientist (Specialist)
North Central Region (Region 2)
Phone: 916-597-6417

Response to Comment 3(e)

It is understood that CDFW fees are required to be paid upon filing of the Notice of Determination with the County Clerk Recorder. The Town will provide written notice of the proposed Februay 21, 2023, hearing to CDFW as requested.

3.3.4 Comment 4: Commenter Michael Perry, received January 8, 2023

Dear Mr. Bateman

A neighbor just provided me with a copy of the "Notice of Environmental Document" regarding the "Cypress Family and Senior Housing Project" with a letter to Mr. Jeffrey Riley. With regards to this letter I am a contacting you in reference to the "Emergency Access Evaluation" section on page 4.

I am a survivor of the Camp Fire who's home was destroyed by the fire. Since then I have returned to the property where I have resided for the past 10 years. I moved into the house that was my late mother's residence from its initial construction until her passing in 2010. My brother is the current property owner and I have been his resident Property Manager since I moved here. My brother and I considered the property to be our "family home" since it was our mother's last. I am currently residing on the property pending rebuilding, hopefully beginning sometime this year. The property is located on Paradisewood Drive.

Per the letter to Mr. Riley under the section regarding emergency access, it is suggested that access may be completed by "Removal of the existing gate on Cypress Lane and connection to the public portion of Cypress Lane to the east (to Pentz Road via Paradisewood Drive)".

The Town of Paradise should be aware that this gate is not property of the Town. The original gate was installed as part of the Paradisewood subdivision, built by the Eggers company and was an incentive to purchasers of those homes, as it created a non-traffic neighborhood. That gate was later replaced with the current gate which was purchased, installed and is maintained by the residents of Puddle Duck Ct and

Paradisewood Dr. Note that the letter incorrectly describes Puddle Duck Ct as "the public portion of Cypress Lane". It is not part of Cypress Ln.

Please be aware that the Town of Paradise DOES NOT have authority to open this gate. Only residents of Puddle Duck Ct, Paradisewood Dr, or in case of emergency, the Paradise Fire Department, are authorized to open it. It should be noted that on Nov 8 when the Camp Fire was advancing, it was a resident who opened the gate to allow for evacuation, not the Fire Department. Additionally, it is important to recognize the gate actually exists on the private parcel at 1640 Puddle Duck Court which extends to the middle of the street. It is not on the Cypress Acres property. As you are aware, Cypress Lane is a private road, whereas Puddle Duck Ct is a public street. As stated, it is not the "public portion of Cypress Lane". I am told that in order to receive town/emergency services, eg., Fire Department, it was necessary to convert the section of Cypress Ln to a public street from the west side of the gate extending to Paradisewood Dr, and therefore that street was renamed to what is now Puddle Duck Ct around February 2005. The designation of "court" indicates this is not a through street.

I am informed the street change was paid for by the residents at the time, not by the Town of Paradise, and that the town never took ownership or responsibility for the gate. The Town should have record of all this. Neither the Town of Paradise nor the developers of the Cypress project have any right to remove the gate or to open it at any time.

Prior to the Camp Fire, Paradisewood Dr. was, and currently remains, a quiet neighborhood with no through traffic due to the nature of Puddle Duck being a "dead end" court via the locked security gate. Therefore the proposal to remove the gate will result in excessive traffic by residents of the new housing, and especially by non-residents once it becomes known that Paradisewood Dr via Puddle Duck Ct to Cypress Lane is a "shortcut" between Pentz Rd and Clark Rd. It should also be noted that at the time prior to the Camp Fire during major construction on Clark Rd at the intersection of Clark and Cypress, a request was made to the residents of Puddle Duck Ct and Paradisewood Dr to open the gate during construction in order to avoid disruption to the crew working on Clark Rd. We were told there would likely be only about 20 cars passing through until construction was completed. However, a resident at the time recorded over 140 vehicles on one day alone. This included Cypress Ln residents and traffic to/from the Convalescent facility which was there at the time and subsequently destroyed by the Camp Fire. This is a fair indication of what we can expect if the gate is removed; due to traffic by new residents of Cypress Lane, other traffic cutting through, and certainly by construction vehicles during development.

The letter to Mr. Riley indicates as part of this project Cypress Ln as well as Adams Rd will be improved to provide increased access to the new residences. The letter

also states this project will result in 212 parking spaces, which implies as many vehicles for the residents and their guests. This supports the anticipation of a significant increase in traffic on Puddle Duck Ct and Paradisewood Dr should the gate be removed. Perhaps an alternative suggestion by the Town is that the Cypress project should include additional access streets to Clark Rd if there is concern for their new residents.

The residents of Puddle Duck Ct and Paradisewood Dr request the Town of Paradise reject the proposal to remove the gate, where there is no authority to do so, thus maintaining the sanctity and serenity of the Puddle Duck and Paradisewood neighborhood. The gate has existed for many years since the Paradisewood subdivision was built. With the currently planned improvements to Cypress Lane and Adams Road the new residents will have adequate egress in the event of an emergency. Furthermore, Puddle Duck/Paradisewood residents will open the gate if there is a valid request, or optionally the Paradise Fire Department will be able to open the gate in the event of an emergency.

I encourage the Town to do their due diligence as necessary to research the facts regarding this security gate. If helpful to your staff, I can provide copies of email correspondence and an image of a letter from the Town of Paradise dating back to 2005 and 2009 regarding the gate. These were just forwarded to me by a friend who was a resident at the time. Unfortunately any documentation my mother had was destroyed by the Camp Fire.

Respectfully,

Michael Perry

As well as on behalf of Steven Perry (property owner), and the Residents of Puddle Duck Court and Paradisewood Drive

Response to Comment 4

Although the Headway Transportation Checklist letter noted that one of the options for access could be removal of the gate, there has never been an intention to remove the gate either by the applicant or the Town. The gate is intended for emergency access only and can only be opened by emergency personnel.

3.3.5 Comment 5: Commenter Ken Smith, received January 8, 2023

Town of Paradise

I'm writing in opposition to the proposed Cypress Family and Senior Project. issues I feel will impact me as owner of an adjacent property and the TOP.

Comment 5(a)

1. The proposal states there is a hospital in paradise. This is not true.

Response to Comment 5(a)

The commenter notes that there is no hospital present in Paradise. Please see Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses.

Comment 5(b)

2. I do not believe the environmental impact of this project have been adequately addressed. The property in question is populated by wild turkeys, fox, coyotes, quail, rabbits, deer, bear, hawks and many other animals.

Response to Comment 5(b)

The commenter is concerned that wildlife will be negatively affected by the project. Section 4.3, Biological Resources, of the IS/MND determined that there are no established migratory corridors associated with the project area or vicinity. Construction could temporarily interrupt local movement of native resident or migratory wildlife species through the project site, but there will be sufficient open space remaining after construction for local species identified in the comment. The IS/MND discussed that the project area contains habitat that could support red-legged frog and foothill yellow-legged frog and potential nesting habitat for migratory birds or birds of prey. Mitigation Measure BIO-1 and Mitigation Measure BIO-2 have been adopted to ensure that special-status species migrating to the area and migratory bird species utilizing the project area for nesting would be protected. These measures provide sufficient species protection during construction to mitigate potential adverse effects on resident or migratory species to less than significant. See also ***Response to Comment 3***, Section 3.3.3.

Comment 5(c)

3. The current septic system for the convalescent home (destroyed) was subject to numerous periods of foul smell. And feel is not adequate for the project.

Response to Comment 5(c)

The older septic system will be replaced. Two septic systems would be designed to include secondary wastewater treatment (considered Advanced Treatment in the Paradise Code). Phase 1 and Phase 2 will each have their own septic system. No odors are anticipated to be associated with Advanced Treatment systems.

Comment 5(d)

4. Wastewater drainage if directed toward my property may cause contamination of the seasonal creek that borders our properties.

Response to Comment 5(d)

No wastewater will be allowed to migrate off-site and enter creek systems. As discussed on IS/MND page 8, NorthStar Engineering prepared a preliminary septic analysis and design in coordination with Bob Larson, the Town's Onsite Sanitary Official. In large part, the existing leach lines that served the convalescent hospital were determined to be sufficient to serve the proposed family housing. For the senior housing, a slight increase over the grandfathered California Vocations system would be required (approximately 50 senior units can be supported within the grandfathered capacity, and 20 units will require new capacity). The California Vocations leach lines may or may not be reused.

Page 59 further notes that "Percolation tests confirmed that the soils on the site area are adequate to protect public waters and public health using an onsite wastewater system. Two separate wastewater collection, treatment and disposal systems are proposed with leach fields on two separate properties. Both have the capacity and soil composition to dispose of the wastewater of the proposed housing." Because the project is required to comply with existing regulations and permits, it will have a less than significant impact on water quality standards and waste discharge requirements.

Comment 5(e)

5. There are native american grindstones on the adjacent property. Has the property had an comprehensive survey for native american artifacts?

Response to Comment 5(e)

As discussed on IS/MND page 99, a cultural resources inventory was conducted to locate, describe, and evaluate tribal cultural resources present within the project site. A records search was conducted at the Northeast Information Center for resources within and adjacent to the site, and an intensive pedestrian survey was conducted within the site on September 29, 2022. The objective of the field survey was to locate and describe cultural resources present within and adjacent to the APE. Fieldwork was performed following applicable Federal and State standards. Emphasis was placed on the examination of the undisturbed or relatively undisturbed ground. No Native American grindstones were identified as present on the project site.

Continued comments from Ken Smith, received January 8, 2023

TOP

Continuing from previous email.

Opposition to the Cypress Project.

Comment 5(f)

I have an unprotected border with the Cypress Property and have grave concerns about security form vandalism and trespassing . I see nothing in the plans (fences etc.

I feel this project is too large for the medical, police and fire that paradise currently has.

I believe your proposal states the the Convalescent Home that was on the property employed 500, I find that highly improbable.

This type of project will have a very negative impact on the surrounding property values.

If this project intends to use Paradisewood as a ingress and egress it would lead to traffic and safety issues for that area, It is currently protected by a private gate that the neighborhood erected.

The current owners of the property have historically done a poor job of maintaining the property for fire mitigation, removal of dead trees and trespassers.

This project is too big too soon and not in the best interests of the surrounding properties and the TOP.

Sincerely

Ken Smith
6801 Belleview
1650 Paradisewood
Paradise, ca
530-520-1463
Sent from my iPhone

Response to Comment 5(f)

There are various concerns expressed regarding crime, property values, and the adequacy of current Town services. CEQA does not address socioeconomic issues, as discussed in Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses. No evidence is provided to indicate the analysis regarding public services is inadequate – please see ***Response to Comment 2(b)***, above.

The IS/MND states there were 200 people employed in the past. As discussed on IS/MND page 5, "The site formerly housed the approximately 130 bed Cypress Acres Convalescent Hospital and Nursing Home, and the California Vocations site, which were destroyed in the Camp Fire. The California Vocations site formerly housed the California Vocations offices and accommodation for over 20 of its developmentally disabled clients. These prior uses were quite intensive (California Vocations had over 200 employees). Town officials noted that in prior years there

was significant traffic turning on and off of Cypress Lane." Further discussions with the former site owner confirmed that the Convalescent Hospital was licensed for 136 beds and had 120 employees providing 24-hour care. This was in addition to the California Vocations employees.

As noted in ***Response to Comment 4***, the Town has no intention to open the gate. Past maintenance of the property is not included within the environmental topics under CEQA, and thus is not required to be discussed in the IS/MND. The proposed community will be actively managed by Mercy Housing California and its partners, thus previous site issues are not anticipated for the proposed project.

3.3.6 Comment 6: Commenter Tyler Seger, received January 8, 2023

Background:

I have lived around 500 yards from the original rear cypress facility my entire life. Im a 33 year old Beekeeper. Rebuilt after fire for new and growing family.

Cypress Housing Project Concerns:

Comment 6(a)

1. No hospital in Paradise. The small clinic we do have (Adventist Health) is overcrowded and overworked.

Response to Comment 6(a)

The commenter notes that there is no hospital present in Paradise. Please see Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses.

Comment 6(b)

2. It is a wildlife corridor with vast wildlife as well as Indian grinding stones. Rich with history.

Response to Comment 6(b)

Please see responses to ***Comments 5(b) and 5(e)***, above.

Comment 6(c)

3. The septic system. It has been said the same septic system will be used, which I have seen multiple issues with over the last 20 years.

Response to Comment 6(c)

Please see responses to ***Comments 5(c) and 5(d)***, above.

Comment 6(d)

4. We just rebuilt at the end of Paradise Wood. This will bring unwanted, questionable, and too much traffic through our new home and old neighborhood. This will also lower my property value.

Response to Comment 6(d)

CEQA does not discuss property values as an impact on the environment. As discussed in IS/MND Section 4.17, Transportation, CEQA requires an analysis of the potential for a project to exceed regional screening criteria for vehicle miles traveled. The project will be entirely (100%) certified affordable housing per State of California criteria. The Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018, published by the Governor's Office of Planning and Research (OPR) provides screening thresholds for land use projects, including a "presumption of less than significant impact for affordable residential development." Based on the BCAG established screening criteria for traffic analysis zones and the project's designation as affordable housing, the project is exempt from detailed VMT analysis, and it was determined the project would have a less-than-significant impact on VMT. While the commenter expresses a concern, no evidence has been presented to contradict the IS/MND analysis.

Comment 6(e)

5. The gate being open is a huge concern for my families safety.

Response to Comment 6(e)

The Town has no intention to open the gate. Please see ***Response to Comment 4***.

3.3.7 Comment 7: Commenter Marcia E. Germann, received January 9, 2023

Dear Mr. Bateman and Town of Paradise Planning Commission:

My name is Marci Germann and I am the homeowner at 1640 Puddle Duck Court in Paradise. I recently moved to paradise, purchasing my home in 2022.

Comment 7(a)

One of the most attractive features in deciding to purchase this home at 1640 Puddle Duck COURT, or CUL-DE-SAC, which ultimately meant that there would be no cut-thru traffic passing in front of my home. Your office is aware and familiar of the fact that there is a PRIVATE FIRE/EMERGENCY GATE accessible at the end of Puddle Duck Court which is directly in front of my house. Puddle Duck Court is on my side of the fire-gate and the other side of the fire gate is Cypress Lane. This private locked Fire-Gate provides and allows for Emergency entrance for fire emergency services. This locked gated entrance is and has been serving as a

secondary emergency access route for farthest end of Cypress Lane. The gate is privately owned and has been in place fort 20 years. My property line at 1640 Puddle Cuck Coirt actually, extends into the middle of the road on Puddle Duck Court or at the dead center of the fire gate itself. Paradise Fire Department has their own key to access and gain entrance if and whenever needed. The current arrangement has been in place for many years without incident and appears to have worked well for the former Cypress Lane residents. (Pre-Camp Fire)

On November 17th 2O22 HEADWAY TRANSPORTATION prepared a Transportation Checklist Letter on behalf of Mercy Housing for the Cypress Lane Project. Their report fails to make any mention at all of my address on Puddle Duck Court. Nor that my property line lies in the middle of the road at the fire gate, or that the gate is privately owned. The homeowner's association in my neighborhood funded and paid for the gate independently. The report makes it sound as though the whole street is Cypress Lane all the way through to Paradisewood Drive and it's not. Cypress lane ends at the fire gate and Puddle Duck Court is on the opposite side of the gate. There is no public portion of Cypress Lane to the east of the fire gate going towards Pentz Road. Their report very is misleading in itself.

Granted the project site must have a secondary/emergency access entrance, however the reports ***Emergency Access Evaluation*** *first recommendation is to remove the fire gate. I do not consent to this as a resolution to be considered. Doing so would severely invade my personal privacy and end any further quiet any further quiet enjoyment on my property altogether, if it were no longer a dead-end street. By removing the private fire gate my dead-end court would no longer provide the irreplaceable attributes and reasons for choosing this house. If the street were opened up it would allow both drive-through and cut-thru traffic to pass by my house 24/7. I want to preserve my privacy at all costs. My life would severely and sorely be impeded and affected if this were allowed to happen. My property value would fall, and future resale would not be as desirable if the home were no longer on a court or cul-de-sac setting. Homes located in cul-de-sacs can garner 20% higher-asking prices compared to homes not in cul-de-sacs. Other options need to be explored and opted for by the developer. Other residents from my neighborhood will be writing to the planning commission objecting to removal of the fire gate as well.*

One potential option for the developer to consider and explore could be to replace the fixed fire gate and install a new electronic gate with a keypad entrance that all emergency first responders could enter through, not just fire as it is now but police services to have access through a key pad entrance when needed.. It is my understanding that Clark Road is to be widened in the near future adding more lanes to accommodate planned future growth in the coming years. Doing this will also accommodate egress to and from the Cypress site as well.

Response to Comment 7(a)

The Town has no intention to open the gate. Please see ***Response to Comment 4***.

Comment 7(b)

If nothing changes, and the existing Fire Gate remains in place untouched, new signage may need to be erected and places to prevent people from the Cypress Family site coming over and parking on Puddle Duck Court or Paradisewood Drive if there were no available parking spots open in the complex. My street would be their first easiest, really the only option because no one parks on Clark road. Prior to the fire, when the nursing home was in operation sometimes employees would park on Puddle Duck and walk the short jaunt to the facility. I would not want residents who cannot find a parking spot or their guests who cant get one because they are all full. I already for see parking being very limited and think the number of spaces should be increased it does not seem like there will be enough for Guest Parking. Either way I would not want persons having the ability to park in front of my residence or on my neighborhood streets when they come up short on parking spaces and none are available in their own complex.

Response to Comment 7(b)

CEQA does not address parking per se as an impact on the environment. A court case in 2021, Save Our Access – San Gabriel Mountains vs. Watershed Conservation Authority, confirmed that CEQA generally does not consider the adequacy of a project's parking or its "impacts on parking" unless it will result in significant secondary effects on the physical environment.

That said, the revised project plans indicate that Phase 1 parking has been increased from the previous 86 spaces to 148 spaces. Please see Project Description Addendum, Section 2.1. Total parking spaces for the project increased from 170 to 236 spaces. Per the Town of Paradise Municipal Code Section 17.38.1000[4], apartment buildings are required to have 1.2 spaces for every one bedroom unit and 1.5 spaces for every two and three bedroom, as well as 1 space per every 400 s.f. for community space units. This requirement would result in 196 parking spaces for the project. The number of parking spaces provided by the project (236 spaces) exceeds this requirement; therefore, overflow parking is not anticipated.

[4] Town of Paradise Municipal Code Section 17.38.1000 Off-street parking requirements https://library.municode.com/ca/paradise/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.38OREPALORE_17.38.1000OREPARE

Comment 7(c)

It would be nice if the new project proposal would consider adding to their plans some kind of perimeter boundary or separation by adding a wall, or erecting a fence or planting of trees to to map out where the complex starts and stops .so there is some kind of division between the housing complex and the single family homes located on Puddle Duck Court and Paradisewood Drive. All of these properties, except for mine are part of a home owners association. I don't know how many persons will be allowed to live in a 3 bedroom unit once completed, but I imagine there will be many school age teenager's. I would not like for the meadow next to my residence which is still going to remain a leach field according to their submitted plans, that this open space or meadow could potentially become a hang out for the teenagers from around the complex to become their own private Idaho or personal backfield in the back forty so to speak. A place for them to hang out and party out of sight from all eyes but still onsite .I would hate for this meadow to become loud and trampled over with people just cause they can. Thank you for consideration of my concerns going forward.

Sincerely Yours,

Marci Germann

Response to Comment 7(c)

Comments requesting project features are duly forwarded to the Town decision-makers. Concerns about teen use of open space on the site is purely speculative and a nuisance issue that is not addressed in CEQA.

3.3.8 Comment 8: Department of Toxic Substance Control, received January 9, 2023

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Cypress Family & Senior Housing Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence or former presence of site buildings that may require demolition or modifications, and/or importation of backfill soil. Additionally, this Project is located in the former burn footprint of the 2018 Camp Fire.

The MND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to

hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's EnviroStor data management system. The EnviroStor Map feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

Comment 8(a)

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 the Project site is safe for construction and the proposed use.*

Response to Comment 8(a)

Hazardous materials, impacted near-surface soils, and general debris removal including hazardous trees, was performed between 2019 and 2022 under the direction of CalRecycle and their contractors. The work was conducted following the protocols, procedures, and cleanup objectives set forth in the *Debris Removal Operations Plan for the Camp Fire Debris Removal Incident*, dated January 9, 2019[5]. This document that was prepared to guide the debris removal and cleanup activities is a joint document prepared by and including input from the agencies listed below:

- CalRecycle
- DTSC and the Office of Environmental Health Hazard Assessment (OHHEA)
- Butte County
- Town of Paradise
- Cal Office of Emergency Services (CalOES)
- US Army Corps of Engineers
- Federal Emergency Management Authority (FEMA)

The Debris Removal Operations Plan established clean up goals and objectives for near surface chemicals of concern (COCs) that would meet residential standards.

[5] Thalhamer, Todd. 2019. *Debris Removal Operations Plan for the Camp Fire Debris Removal Incident Butte County, California, Town of Paradise, California*. CalOES/CalRecycle Incident Management Team. January 9. Version 2.0.

Details regarding those COCs, associated cleanup goals, and confirmation sampling rationale were established and detailed in the Debris Removal Operations Plan. Information related to parcel specific actions related to removal of debris and impacted soils can be found at the links below:

eTRAKiT (buttecounty.net)

https://permits.buttecounty.net/eTRAKiT/Search/case.aspx

Comment 8(b)

2. *The MND 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 MND 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.*

Response to Comment 8(b)

In May 2022, Broadbent & Associates, Inc. (Broadbent) conducted an All Appropriate Inquiry Phase I Environmental Site Assessment (ESA)[6] consistent with the ASTM International Standard E1527-13: Standard Practice for Environmental Site Assessments – Phase I Environmental Site Assessment Process, and the United States Environmental Protection Agency (EPA) final rule contained within Code of Federal Regulations (CFR) Volume 40 Part 312 – Standards and Practices for All Appropriate Inquiries (AAI). The purpose of the due diligence investigation was to identify recognized environmental conditions RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), and/or de minimis conditions. The Phase I ESA did not identify any on-site or off-site REC's with the exception of the following:

- A single underground storage tank (UST) is identified in association with 1620 Cypress Lane on the Subject Property in the environmental records search. The 500-gallon UST contained kerosene before being located and removed during Camp Fire debris cleanup efforts. Subsequent soil and groundwater investigation results indicate hydrocarbon impacts in the subsurface. The California State Water Resources Control Board is overseeing

[6] Broadbent & Associates. 2022. *Phase I Environmental Site Assessment, Cypress Family & Senior Apartments, 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road, Paradise, Butte County, California*.

an ongoing investigation to determine the extent of hydrocarbon impacts, which are yet to be determined.

Comment 8(c)

3. *Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the MND.*

Response to Comment 8(c)

See ***Response to Comment 8(a)***, above, related to near-surface soil removal and confirmation sampling performed by CalRecycle and their contractors. Potential ADL impacts to near-surface soils would presumably have been mitigated by the removal actions, resulting in residual levels at 80 milligrams per kilogram (mg/kg) or lower left in place, consistent with the cleanup goals set forth in the Debris Removal Operations Plan.

Comment 8(d)

4. *If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.*

Response to Comment 8(d)

No structures exist, as they were all burned and/or razed as a result of the Camp Fire and subsequent cleanup and debris removal efforts.

Comment 8(e)

5. *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.*

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, 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.

Response to Comment 8(e)

Imported soil will be subjected to the sampling and analysis procedures outlined in the DTSC's 2001 Information Advisory For Clean Imported Fill Materials. **Mitigation Measure HAZ-1: Soil Management Plan** is hereby amended as outlined below. This change is reflected in the Revised Mitigation Monitoring Plan, included herein as **Attachment C**:

A soil management plan (SMP) shall be prepared to protect construction workers and address the disposition of any soils that are encountered that may be contaminated. It shall specify required special handling requirements for soil contaminated by petroleum hydrocarbons**, and that imported soil shall be subjected to the sampling and analysis procedures outlined in the DTSC's 2001 Information Advisory For Clean Imported Fill Materials**. The SMP shall be provided by the contractor, shall be monitored onsite by a qualified person onsite who is trained to identify these situations and direct SMP protocols accordingly, and shall adequately address:

- Worker exposure monitoring and training requirements
- Health and safety
- Soil handling BMPs
- Soil stockpiling, transportation, dewatering, and disposal
- Waste management and disposal

3.3.9 Comment 9: Commenter Lanelle Smith, received January 11, 2023

In response to the newly proposed development on Clark Road known as the Cypress Project. The following points are the concerns I have:

Comment 9(a)

1. ***Wildlife Corridor.*** *This area is a well-known wildlife corridor with both a year long creek and a seasonal creek. It is inhabited by many species of wildlife including deer, coyotes, foxes, raccoons, skunks, rabbits, quail and many species of brush-nesting birds year-round. Due to the creeks it is also frequent host to bear and occasional mountain lion. These are all easily documented. Fish and Wildlife monitored this property relentlessly during logging after the Camp Fire devastation to the point of not allowing dead and dangerous trees to be dropped in the watershed areas. For the developers to state "No Impact" on wildlife is absolutely false.*

Response to Comment 9(a)

Please see response to ***Comment 5(b)*** above.

Comment 9(b)

2. ***Historical Significance.*** *This area was historically part of an area where Native Americans did inhabit seasonally. There are grinding rocks still visible in very close proximity. During the debris clean-up from the fire this area was monitored closely for artifacts and the grinding rocks were documented. Did the nearby tribes really have a chance to respond or was this simply declared "No Impact" by the developers?*

Response to Comment 9(b)

Please see Response to ***Comment 5(e)*** above. Native American correspondence was initiated with a letter and attached maps to the Native American Heritage Commission (NAHC) on August 29, 2022. The letter requested a record search of their Sacred Lands File (SLF) and a contact list for regional tribes that may know of cultural or tribal resources within or immediately adjacent to the APE. Due to the extended processing times of the NAHC, the list of tribes identified by NAHC for the Town's Housing Element environmental review was used. Inquiry letters were mailed to the tribes identified by NAHC on October 7, 2022, on the Town's letterhead. On October 27, 2022, a negative SLF response was received from the NAHC for the project. Two additional tribes were listed by the NAHC that had not previously been sent a letter for the project. These two tribes were sent letters on October 28, 2022, on the Town's letterhead.

Follow-up phone calls were conducted on October 20, 2022. Two tribes, the KonKow Valley Band of Maidu and Mooretown Rancheria of Maidu Indians, responded. The KonKow Valley Band of Maidu indicated the project has not yet been reviewed by their tribe. However, the project will be forwarded to the tribe's cultural resources director for review, and no response has been received to date. The Mooretown Rancheria of Maidu Indians indicated their tribe has no issues with

the project proceeding. The tribe requested inadvertent discovery mitigation be used and that their tribe be notified of any inadvertent discoveries during construction. No other tribes have responded to date.

Comment 9(c)

3. ***Traffic Mitigation.*** *Once again they pronounce "No Impact". Anyone who drives Clark Road can see this is absolutely false. The reality of 140 units at even 1 driver each, entering and exiting from a section of road that historically is known for accidents will definitely have an Impact. Most units will have at least 2 drivers making this potential even more concerning.*

Response to Comment 9(c)

Please see response to ***Comment 6(d)*** above.

Comment 9(d)

4. ***Septic Issues.*** *As one who has lived in close proximity to the original Cypress Acres development since its very beginning I can say with confidence there has always been the appearance of a septic issue. The smell was ever-present and the soppy ground in their leach field was evidence enough. How will a development many times larger affect these leach fields?? And what of all the added water due to run-off from asphalt and roofs after a rain? This will increase the volume of water tremendously. Is this allowed to enter the creeks? How can they claim "No Impact" when the original ground was unable to handle a much smaller convalescent home?*

Response to Comment 9(d)

Please see Responses to ***Comments 5(c) and 5(d)***, above.

Comment 9(e)

5. ***Neighborhood Impact.*** *The area surrounding this development consists of single-family homes. Due to the extremely large density of this proposed facility it is absolutely false that this will have "No Impact" on surrounding properties and the families living nearby. Aside from the dense population the fact that these are multi-unit apartments accompanied by parking facilities and lighting will definitely affect the neighboring properties. The negative affect on property values as well is obvious.*

Response to Comment 9(e)

Please see Response to ***Comments 7(b)*** for parking *and* ***2(d)*** on lighting. CEQA does not discuss property values as an impact on the environment.

Comment 9(f)

6. ***False Statements in their Draft Report.*** *The developers claim we have a hospital here in our town. We all know this is false and not even the potential is there for one in the near future. How many other falsehoods are they spewing to fit their agenda?*

The Town of Paradise has been struggling to "find itself" ever since our devastating loss to the community we all knew so well. Is a project of this magnitude and type in the best interest of our town or does it only serve a few who stand to profit enormously at the expense of those trying to make a life here again? I would like to ask for research to be done as to the actual types of facilities this organization is known for building. They supposedly have them in many areas. What are the living conditions like both within and surrounding their developments? How have the surrounding neighbors fared? What are the crime statistics? Will our police department here be able to deal with the same? Real-time pictures and documentation would be helpful as opposed to the fluff they present through their website.

The Draft presented from the Town of Paradise makes it appear that our leaders have already given this project their blessing. I only hope there is someone willing to research further and present a solution that can keep Paradise a town we can all enjoy living and working in again.

Sincerely, Lanelle Smith

Response to Comment 9(f)

The commenter notes that there is no hospital present in Paradise. Please see Section 3.2, Topical Response to Non-CEQA-Related Comments and Responses.

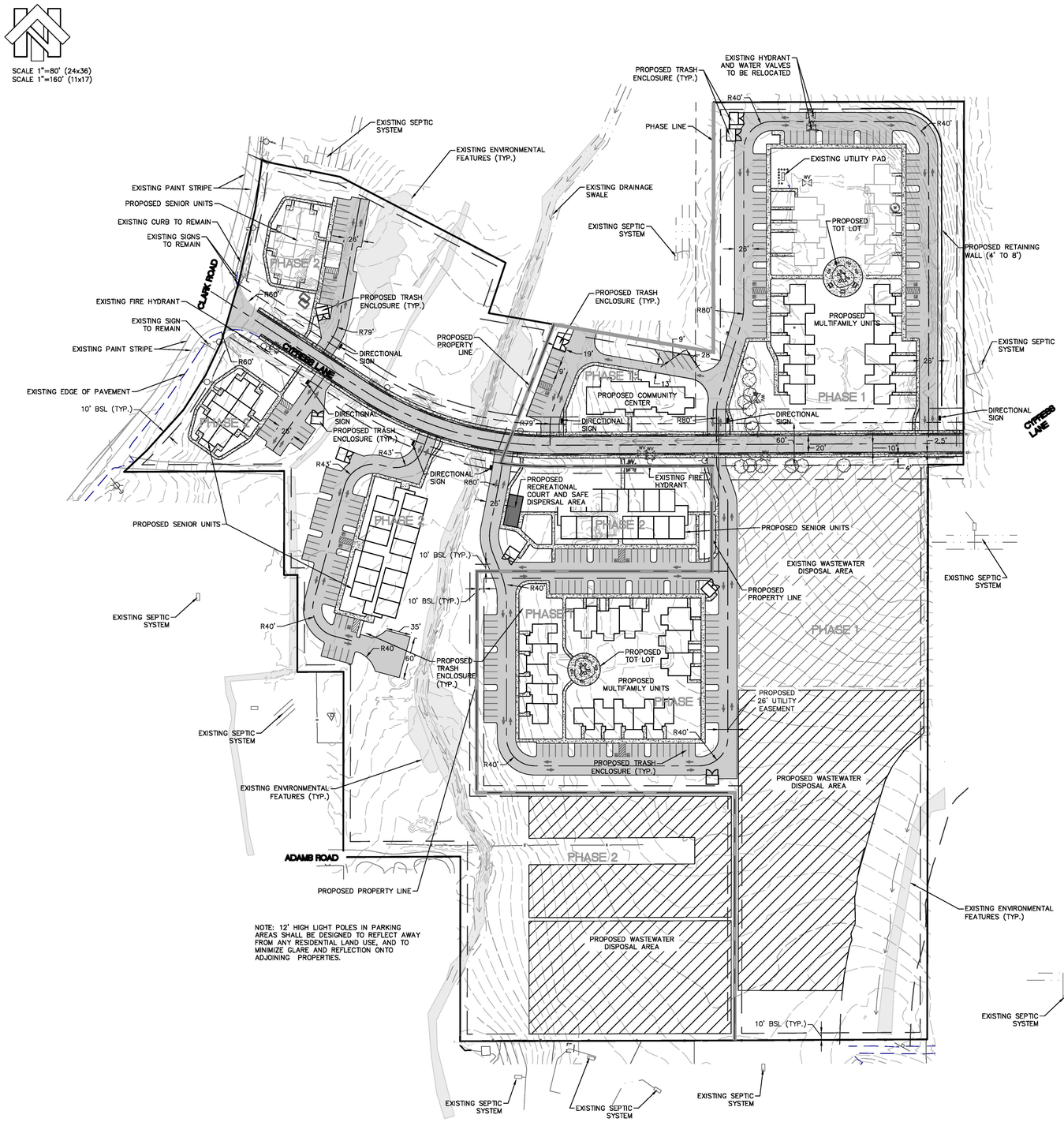
Attachment A

SITE PLAN REVIEW CYPRESS LANE DEVELOPMENT

Site Plan Review
Cypress Family and Senior Housing Project
Paradise, CA

February 2023

SCALE 1"=80' (24x36)
SCALE 1"=160' (11x17)



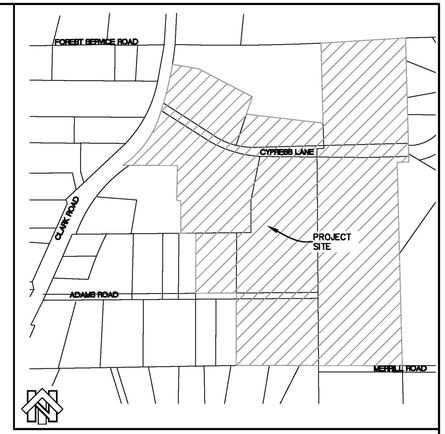
NOTE: 12' HIGH LIGHT POLES IN PARKING AREAS SHALL BE DESIGNED TO REFLECT AWAY FROM ANY RESIDENTIAL LAND USE, AND TO MINIMIZE GLARE AND REFLECTION ONTO ADJOINING PROPERTIES.

NOTES

1. ZONING: CS
2. GENERAL PLAN: CS
3. LAND USE: EXISTING – VACANT
   PROPOSED – RESIDENTIAL
4. SEWAGE: COMMUNITY SEPTIC SYSTEM
5. STORM DRAINAGE: ON-SITE QUALITY MITIGATION
6. WATER: PARADISE IRRIGATION DISTRICT
7. POWER: PG&E
8. TELEPHONE: AT&T
9. CABLE TV: COMCAST
10. STANDARD EROSION CONTROL MEASURES (BMP's) WILL BE USED IN COMPLIANCE WITH THE TOWN OF PARADISE AND THE WATER QUALITY CONTROL BOARD
11. OWNER: CALIFORNIA VOCATIONS INC AND PARADISE INVESTMENT GROUP, LLC
12. DEVELOPER: MERCY HOUSING 2512 RIVER PLAZA DRIVE, SUITE 200 SACRAMENTO, CA 95833
13. PROJECT SURVEYOR: MICHAEL MAYS PLS6967

LEGEND

- FOUND MONUMENT AS DESCRIBED
- WM EXISTING WATER METER
- EXISTING POWER POLE WITH ANCHOR
- WV EXISTING WATER VALVE
- EXISTING SIGN
- EXISTING FIRE HYDRANT
- G EXISTING GAS VALVE
- S EXISTING SANITARY SEWER MANHOLE
- #XX EXISTING TREE (REFER TO TABLE ON SHT 2 FOR SIZE)
- #XX EXISTING TREE TO BE REMOVED
- EXISTING WASTEWATER DISPOSAL
- EXISTING ENVIRONMENTAL FEATURES
- EXISTING CONCRETE
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE
- EXISTING UNDERGROUND STORM DRAIN
- EX-W EXISTING UNDERGROUND WATER LINE
- EX-G EXISTING UNDERGROUND GAS LINE
- EX-T EXISTING UNDERGROUND TELECOMMUNICATION LINE
- EX-E EXISTING UNDERGROUND ELECTRIC LINE
- E-OH EXISTING OVERHEAD UTILITY
- EXISTING TOP OF BANK
- EXISTING TOE OF BANK
- EXISTING GRADE BREAK
- EXISTING FLOWLINE
- EXISTING PAINT STRIPE
- 2100 EXISTING MAJOR CONTOUR AT 5' INTERVALS
- EXISTING MINOR CONTOUR AT 1' INTERVALS
- PROPERTY BOUNDARY
- OUTSIDE PROPERTY LINE
- CENTERLINE OF ROAD WAY
- EXISTING EASEMENT
- 050-140-050 ASSESSORS PARCEL NUMBER
- PROPOSED SIDEWALK
- PROPOSED ASPHALT CONCRETE
- PROPOSED WASTEWATER DISPOSAL
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT
- PROPOSED PHASE LINE



LOCATION MAP NTS

SHEET INDEX

AREAS					
PHASE NUMBER	ROAD (ACRES)	PARKING AND HARDSCAPE (ACRES)	LANDSCAPED (ACRES)	OPEN NATURAL AREA (ACRES)	TOTAL AREA
PHASE 1	0.96	5.31	1.86	5.63	13.16
PHASE2	0.26	1.25	1.67	7.67	10.85

PARKING					
	UNIT TYPE	NUMBER	SPACES	TOTAL NUMBER OF PARKING STALLS	
			PER UNIT	REQUIRED	PROVIDED
SENIOR	1 BEDROOM	70	1.2	84	
				TOTAL SENIOR SPACES = 84	88
MULTIFAMILY	1 BEDROOM	24	1.2	29	
MULTIFAMILY	2 BEDROOM	28	1.5	42	
MULTIFAMILY	3 BEDROOM	18	1.5	27	
				TOTAL MULTIFAMILY SPACES = 98	134
COMMUNITY BUILDING		5,730	1 per 400 sf	14	
COMMUNITY BUILDING				TOTAL COMMUNITY BUILDING SPACES =	14

SITE PLAN REVIEW

CYPRESS LANE DEVELOPMENT

FOR
MERCY HOUSING

BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 22 N RANGE 3 E

TOWN OF PARADISE
COUNTY OF BUTTE STATE OF CALIFORNIA

NORTHSTAR

111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926
PHONE: (530) 893-1600 www.northstareng.com

AP# 050-140-050, -053, -151, -155, -160, -161, AND -162
OCTOBER 2022
JOB #22-020

TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

Telephone: (530) 872-6291
February 9, 2005

Subject: Assignment of Address(es) – 1640 PUDDLE DUCK COURT

Please be advised that pursuant to the adopted town-wide addressing system, the following new parcel(s) have been assigned corresponding address(es):

Assessor's Parcel No.	Address
050-140-168	1640 Puddle Duck Court

If you have any questions, please feel free to contact this office at the above number.

Sincerely,

Kari Eurotas

Kari Eurotas
Permit Processing/Information Technician

CC: Mr. & Mrs. Burgess Thorup, 1640 Cypress Lane, Paradise, CA 95969
U.S. Post Office, 6469 Clark Rd., Paradise, CA 95969
Butte County Assessor's Office
Butte County Clerk's Office – Elections Section
Butte County Development Services – Building Division
Town of Paradise Fire Department
Town of Paradise Police Department
Paradise Irrigation District, P.O. Box 2409, Paradise, CA 95967
Pacific Gas and Electric Co., Land Rights Office, 460 Rio Lindo Ave., Chico, CA 95926
SBC Data Base Center / SLIC, 1452 Edinger Ave Room 1200, Tustin, CA 92780-6246
SBC, Attn: Gail Welch, 518 W. 4th St., 3rd Floor, Chico, CA 95928
Comcast, 427 Eaton Rd., Chico, CA 95973
Butte County 911 Coordinator, C/O Susanne Lightner, #1 County Center Dr., Oroville, CA 95965
Brian Lasagna, Project Manager, CSUC, Chico CA 95929
Butte County Public Works – Land Development Division, 7 County Center Dr, Oroville, CA 95965

N:/cdd/planning/letter/address form

ATTACHMENT A

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 9, 2023

Mr. Nick Bateman
Town of Paradise
6295 Skyway
Paradise, CA 95969
NBateman@townofparadise.com

MITIGATED NEGATIVE DECLARATION FOR CYPRESS FAMILY & SENIOR HOUSING PROJECT – DATED DECEMBER 2022 (STATE CLEARINGHOUSE NUMBER: 2022120195)

Dear Mr. Bateman:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Cypress Family & Senior Housing Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence or former presence of site buildings that may require demolition or modifications, and/or importation of backfill soil. Additionally, this Project is located in the former burn footprint of the 2018 Camp Fire.

The MND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's EnviroStor data management system. The EnviroStor Map feature can be

used to locate hazardous waste facilities and sites for a county, city, or a specific address.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

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 the Project site is safe for construction and the proposed use.

2. The MND 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 MND 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. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the MND.

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*.

5. 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*.

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, 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) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
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

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

January 6, 2023

To: Nick Bateman

Regarding: Cypress Family and Senior Housing Project

In response to the newly proposed development on Clark Road known as the Cypress Project. The following points are the concerns I have:

1. **Wildlife Corridor.** This area is a well-known wildlife corridor with both a year long creek and a seasonal creek. It is inhabited by many species of wildlife including deer, coyotes, foxes, raccoons, skunks, rabbits, quail and many species of brush-nesting birds year-round. Due to the creeks it is also frequent host to bear and occasional mountain lion. These are all easily documented. Fish and Wildlife monitored this property relentlessly during logging after the Camp Fire devastation to the point of not allowing dead and dangerous trees to be dropped in the watershed areas. For the developers to state "No Impact" on wildlife is absolutely false.

2. **Historical Significance.** This area was historically part of an area where Native Americans did inhabit seasonally. There are grinding rocks still visible in very close proximity. During the debris clean-up from the fire this area was monitored closely for artifacts and the grinding rocks were documented. Did the nearby tribes really have a chance to respond or was this simply declared "No Impact" by the developers?

3. **Traffic Mitigation**. Once again they pronounce "No Impact". Anyone who drives Clark Road can see this is absolutely false. The reality of 140 units at even 1 driver each, entering and exiting from a section of road that historically is known for accidents will definitely have an Impact. Most units will have at least 2 drivers making this potential even more concerning.

4. **Septic Issues**. As one who has lived in close proximity to the original Cypress Acres development since its very beginning I can say with confidence there has always been the appearance of a septic issue. The smell was ever-present and the soppy ground in their leach field was evidence enough. How will a development many times larger affect these leach fields?? And what of all the added water due to run-off from asphalt and roofs after a rain? This will increase the volume of water tremendously. Is this allowed to enter the creeks? How can they claim "No Impact" when

the original ground was unable to handle a much smaller convalescent home?

5. **Neighborhood Impact**. The area surrounding this development consists of single-family homes. Due to the extremely large density of this proposed facility it is absolutely false that this will have "No Impact" on surrounding properties and the families living nearby. Aside from the dense population the fact that these are multi-unit apartments accompanied by parking facilities and lighting will definitely affect the neighboring properties. The negative affect on property values as well is obvious.

6. **False Statements in their Draft Report.** The developers claim we have a hospital here in our town. We all know this is false and not even the potential is there for one in the near future. How many other falsehoods are they spewing to fit their agenda?

The Town of Paradise has been struggling to "find itself" ever since our devastating loss to the community we all knew so well. Is a project of this magnitude and type in the best interest of our town or does it only serve a few who stand to profit enormously at the expense of those trying to make a life here again? I would like to ask for research to be done as to the actual types of facilities this organization is known for building. They supposedly have them in many areas. What are the living conditions like both within and surrounding their developments? How have the surrounding neighbors fared? What are the crime statistics? Will our police department here be able to deal with the same? Real-time pictures and documentation would be helpful as opposed to the fluff they present through their website.

The Draft presented from the Town of Paradise makes it appear that our leaders have already given this project their blessing. I only hope there is someone willing to research further and present a solution that can keep Paradise a town we can all enjoy living and working in again.

Sincerely,

Lanelle Smith at wyo10@sbcglobal.net

Attachment C

REVISED MITIGATION AND MONITORING PLAN

Revised Mitigation and Monitoring Plan
Cypress Family and Senior Housing Project
Paradise, CA

February 2023

Table 1. Mitigation and Monitoring Plan

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
BIO-1	The project proponent shall implement the following standard U.S. Fish and Wildlife Service (USFWS) Mitigation and Avoidance Measures to prevent mortality of individual red-legged frog that may be found breeding, migrating across, or aestivating on the proposed project sites during proposed project activities. These measures will also effectively protect foothill yellow-legged frogs from impacts. • Preconstruction surveys for California red-legged and foothill yellow-legged frog shall be completed within 48 hours prior to commencement of any earth-moving activity, construction, or vegetation removal within project sites, whichever comes first. The preconstruction survey shall include two nights of nocturnal surveys in areas of suitable habitat. • If any California red-legged and foothill yellow-legged frog are encountered during the surveys, all work in the work area shall be placed on hold while the findings	MHC; Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	are reported to the CDFW and USFWS and it is determined what, if any, further actions must be followed to prevent possible take of this species. • **<u>If foothill yellow-legged frog is identified within the project site during preconstruction surveys, the project proponent shall pause project activities, and obtain an Incidental Take Permit prior to project construction resuming. Any actions taken in regards to this species will follow the measures outlined in the Incidental Take Permit.</u>** • Where construction will occur in California red-legged and foothill yellow-legged frog habitat where frogs are potentially present, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat areas. A qualified biologist will assist in determining the boundaries of the area to be fenced in consultation with the Town, USFWS, and CDFW. All				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	workers will be advised that equipment and vehicles must remain within the fenced work areas. • An USFWS authorized biologist will direct the installation of the fence, ~~and~~ will conduct biological surveys**, and will** ~~to~~ move any individual~~s of these species~~ **California red-legged frog** from within the fenced area to suitable habitat outside of the fence. Exclusion fencing will be at least 24 inches in height. The type of fencing must be approved by the authorized biologist, the USFWS, and CDFW. This fence should be permanent enough to ensure that it remains in good condition throughout the duration of the construction project on the project site. It should be installed prior to any site grading or other construction-related activities are implemented. The fence should remain in place during all site grading or other construction-related activities. The frog exclusion fence could be “silt				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	fence" that is buried along the bottom edge. • If at any time ~~individuals of these species~~ **California red-legged frogs** are found within an area that has been fenced to exclude th~~ese~~**is** species, activities will cease until the authorized biologist moves the individuals. • If any ~~of these species~~ **California red-legged frogs** are found in a construction area where fencing was deemed unnecessary, work will cease until the authorized biologist moves the individuals. The authorized biologist in consultation with USFWS and CDFW will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist. • Any **California red-legged frogs** ~~individuals~~ found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities. • Clearance surveys shall occur daily in the work area. • The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed. • To ensure that diseases are not conveyed between work sites by the authorized biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. • Project activities shall be limited to daylight hours, except during an emergency, in order to avoid nighttime activities when ~~California red-legged and foothill yellow-legged~~ frog**s** may be present. Because dusk and dawn are often the times when				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	~~California red-legged and foothill yellow-legged~~ frog**s** are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. • Traffic speed should be maintained at 10 miles per hour or less in the work area.				
BIO-2	The project will implement the following measures to protect nesting birds: 1. If any construction activities (e.g., clearing, grubbing, or grading) are scheduled during the bird nesting season (February 1 to September 1), the approved construction contractor shall retain a qualified biologist to conduct a pre-construction survey of the project area, no more than ~~14~~**3** days prior to the beginning of tree and vegetation removal or ground disturbing activities. A copy of the survey shall be submitted to the Town prior to the start of construction activities. 2. If nesting birds are detected within the project area during the survey,	MHC, Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	consultation with CDFW and USFWS is recommended to establish acceptable avoidance or minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could include the establishment of a suitable activity-free buffer around active nests/roosting sites. The size of the buffer, duration of buffer, acceptable activities, and other details will be established through consultation with the CDFW and USFWS. The avoidance or minimization plan shall be submitted to the Town, CDFW, and USFWS for review and approval prior to the start of construction activities.				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
BIO-3	Prior to constructing the project, MHC will determine the exact quantity of aquatic resources to be impacted and will obtain regulatory permits from the USACE (Section 404 permit), CDFW (Streambed Alteration agreement), and RWQCB (Section 401 permit) to comply with federal and state regulations. MHC will purchase mitigation bank credits or provide on-site mitigation/restoration for impacts to aquatic resources at a ratio agreed to between the Town, USACE, RWQCB, and CDFW.	MHC, Contractor	Town of Paradise	Prior to Grading Permit	Verified by: Date:
HAZ-1	A soil management plan (SMP) shall be prepared to protect construction workers and address the disposition of any soils that are encountered that may be contaminated. It shall specify required special handling requirements for soil contaminated by petroleum hydrocarbons**, and that imported soil shall be subjected to the sampling and analysis procedures outlined in the DTSC's 2001 Information**	MHC, Contractor	Town of Paradise	Prior to and during Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	Advisory For Clean Imported Fill Materials. The SMP shall be provided by the contractor, shall be monitored onsite by a qualified person onsite who is trained to identify these situations and direct SMP protocols accordingly, and shall adequately address: • Worker exposure monitoring and training requirements • Health and safety • Soil handling BMPs • Soil stockpiling, transportation, dewatering, and disposal • Waste management and disposal				
HAZ-2	A soil vapor monitoring plan to assess potential soil vapor intrusion is recommended prior to construction. The soil vapor assessment shall adequately address the extent of vapor impacts and degradation of kerosine impacted soil and/or groundwater.	MHC, Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
TCR-1	The following measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities: • If any suspected TCRs, archaeological, or cultural resources are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A qualified professional archaeologist and a Tribal Representative from the Mooretown Rancheria of Maidu Indians shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative or qualified archaeologist will make recommendations for further evaluation and treatment as necessary.	MHC, Contractor	Town of Paradise	During construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	• The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. • Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery have been satisfied.				

Attachment D

PUBLIC REVIEW DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

Final Initial Study/Mitigated Negative Declaration
Cypress Family and Senior Housing Project
Paradise, CA

February 2023

PUBLIC REVIEW DRAFT

Initial Study/Mitigated Negative Declaration

Cypress Family and Senior Housing Project

Town of Paradise

December 2022

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Town of Paradise
Community Development Department
Building Resiliency Center
6295 Skyway
Paradise, CA 95969
(530) 872-6291 x411

TOWN OF PARADISE

Date: December 10, 2022

NOTICE OF ENVIRONMENTAL DOCUMENT AVAILABILITY, INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, AND PUBLIC HEARING - TOWN OF PARADISE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN by the Planning Director that a public hearing will be held on Tuesday, February 21, 2023 at 6:00 p.m. in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following project:

Project title: Cypress Family and Senior Housing Project

Project location: 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in Paradise, Butte County, California; AP Nos. 050-140-050, 050-140-151, 050-140-053, 050-140-155, 050-140-160, 050-140-161, and 050-140-162

Description of project: The project applicant (Mercy Housing California) is seeking to construct 140 affordable family and senior housing units in two phases. The project site is zoned C-S, Community Service.

Address where document may be viewed: Town of Paradise Building Resiliency Center
Development Services Department
6295 Skyway, Paradise, CA 95969
https://www.townofparadise.com/planning/page/environmental-documents

Public review period: ***Begins:*** December 10, 2022
Ends: January 9, 2023

Address where comments may be submitted: Send comments to Nick Bateman at nbateman@townofparadise.com

The environmental document and project file are available for public inspection at the Town of Paradise website and at the Development Services Department in the Building Resiliency Center. Any person wishing to respond to the proposed environmental document may file written responses no later than **Monday, January 9, 2023 at 5:00 p.m.** with the Paradise Development Services Department to the address above.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Town Planning Director prior to the close of public comments. For additional information, please contact the Development Services Department at (530) 872-6291, extension 423.

Susan Hartman
Planning Director

Cypress Family and Senior Housing Project

Town of Paradise

Initial Study/Mitigated Negative Declaration

Prepared for:

Susan Hartman
Community Development Director
Planning & Wastewater
Town of Paradise
(530) 872-6291 x 424

Prepared by:

8795 Folsom Boulevard,
Sacramento, CA 95826

Contact:

Gail Ervin

Consulting Principal
(510) 215-3620
gervin@ncenet.com

Town of Paradise
Community Development Department
Building Resiliency Center
6295 Skyway
Paradise, CA 95969
(530) 872-6291 x411

MITIGATED NEGATIVE DECLARATION

The Town of Paradise, California, a municipal corporation, does hereby prepare, declare, and publish this Mitigated Negative Declaration for the following described project:

Project Name: Cypress Family and Senior Housing Project

Project Location: The project is located at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in Paradise, Butte County, California. The nearly 24-acre site consists of 7 parcels that were largely cleared after the 2018 Camp Fire, although there are materials remaining such as asphalt, septic tanks and leach fields, gazebos, concrete, and driveways.

Project Description: The project applicant (Mercy Housing California) is seeking to construct 140 affordable family and senior housing units in two phases. Cypress Family Housing (Phase 1) would include 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units, and a 5,730 sq.ft. community center. Phase 2, Cypress Senior Housing, would include 70 one-bedroom units for senior rental.

Findings: The Town of Paradise has reviewed the project and, on the basis of the whole record before it, has determined that there is no substantial evidence that the project, with mitigation measures as identified in the attached Initial Study, will have a significant effect on the environment. This Mitigated Negative Declaration reflects the Town's independent judgment and analysis as Lead Agency. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Sections 21000, et seq., Public Resources Code of the State of California).

Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the attached Initial Study, which is hereby incorporated and fully made part of this Mitigated Negative Declaration. Mercy Housing California has hereby agreed to implement each of the identified mitigation measures, which would be adopted as part of the Mitigation Monitoring and Reporting Plan.

This Mitigated Negative Declaration has been prepared pursuant to Title 14, Section 15070 of the California Code of Regulations; the Local Environmental Regulations adopted by the Town of Paradise, and the Town of Paradise Municipal Code.

Copies are also available for review at the Town of Paradise, Development Services Department in the Building Resiliency Center, 6295 Skyway, Paradise, CA 95969.

Susan Hartman
Planning Director

Dated: December 7, 2022

If you need this document presented in an alternative format,

please contact:

Jeffrey Riley
Mercy Housing California

(916) 414-4406

jriley@mercyhousing.org

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Executive Summary

Mercy Housing California (MHC) proposes the Cypress Family and Senior Housing Project to construct 140 affordable housing units in two phases.

PROJECT DESCRIPTION

MHC proposes to construct the Cypress Family & Senior Housing Project, located at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in the Town of Paradise (Town), Butte County, California. The Assessor Parcel numbers are 050-140-050, 050-140-151, 050-140-053, 050-140-155, 050-140-160, 050-140-1161, and 050-140-162. The site has a General Plan and zoning designation of C-S, Community Service. Affordable housing is encouraged in these areas with a site plan review permit by the Town.

The nearly 24-acre site consists of 7 parcels that were largely cleared after the 2018 Camp Fire. There are materials remaining such as asphalt, septic tanks and leach fields, gazebos, concrete, and driveways. Some parts of the proposed site previously contained a vocational rehabilitation facility, and nursing home. The project has no access to sewer and will require septic and leach fields to serve the development. Municipal water is available.

Cypress Family Housing (Phase 1) would include 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units. The resident population would be households with incomes and affordable rents from 30% to 60% of the Area Median Income (AMI); 25 project-based Section 8 vouchers are assumed to be available to further subsidize affordability. Amenities for Phase 1 would include 86 surface parking spaces, a shared 5,730 square foot (sf) community center, 2 playgrounds, and open space, including a central green in the middle of the buildings located on and near the former hospital site.

Phase 2, Cypress Senior Housing, would include 70 one-bedroom units for senior rental. The Phase 2 population will be households with incomes and affordable rents from 30% to 50% of the AMI; 25 of the units are assumed to have project-based Section 8 vouchers to further subsidize affordability. Amenities for Phase 2 would include 84 surface parking spaces, a community garden, and open space.

For each phase of the project, the California Green Buildings Standards Code (CALGreen) would be adopted to promote Green Building Sustainability and Energy Efficiency. Each phase would be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigating the impact of future disasters. The overall project's architectural character would be one- and two-story buildings broken up by walkways and green space.

Each phase would be located on a separate property for ownership and finance purposes. Existing property boundaries would be merged as necessary to accommodate the final project. Reciprocal easements for wastewater systems, access, and utilities would be created as necessary.

A separate wastewater collection, treatment, and disposal system would also be designed, permitted, and constructed for each phase. Typical residential-strength wastewater is expected from each system. Each septic system would be designed to include secondary wastewater treatment (considered Advanced Treatment in the Paradise Code). The secondary wastewater treatment systems would be designed to include a minimum of two days hydraulic retention time septic tank capacity, per Paradise Code.

To support this project and other rebuilding in the area, the Town plans to improve "all at once" evacuation through road widening. Both Clark Road, to the west of the project, and Pentz Road to the east, are planned to have a traffic lane added along with a pedestrian-bike path. If needed, these two roads will provide major evacuation corridors for the project's future residents. The project will be required to widen Cypress Lane from Clark Road to the eastern edge of the Family Housing property to continue this access before constructing Phase 1.

The Town will be the Lead Agency under CEQA, as well as the Responsible Entity (RE) under the National Environmental Policy Act (NEPA). The project will receive partial funding from the Community Development Block Grant-Disaster Recovery Program administered by the Department of Housing and Community Development. NEPA documentation is being prepared under separate cover.

POTENTIAL IMPACTS

Based on the environmental evaluation performed for this Initial Study, the project would have:

- ***No Impact*** on Agriculture and Forestry Resources and Mineral Resources.
- ***Less Than Significant Impact*** on Aesthetics, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.
- ***Less Than Significant Impact with Mitigation Incorporated*** on Biological Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources.

MITIGATION MEASURES

MHC has agreed to implement the following mitigation measures to reduce project impacts to a "Less than Significant" level:

- **Mitigation Measure BIO-1:** Red-Legged Frog Protection
- **Mitigation Measure BIO-2:** Nesting Bird Protection
- **Mitigation Measure BIO-3:** Regulatory Permitting
- **Mitigation Measure HAZ-1:** Soil Management Plan
- **Mitigation Measure HAZ-2:** Soil Vapor Monitoring Plan
- **Mitigation Measure TCR-1:** Unanticipated Discovery

List of Abbreviations

Abbreviation	*Definition*
AB	Assembly Bill
ADI	area of direct impact
ADL	aerially deposited lead
AII	area of indirect impact
AMI	Area Median Income
APE	Area of Potential Effect
APCD	Air Pollution Control District
AQMD	Air Quality Management District
ARB	Air Resources Board
ASR	Archaeological Survey Report
BMP	best management practice
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act

Abbreviation	*Definition*
CFR	Code of Federal Regulations
CMP	Corrugated Metal Pipe
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CRHR	California Register of Historical Resources
CWA	Clean Water Act
dbh	diameter at breast height
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
GHG	greenhouse gas
HDPE	high-density polyethylene
HREC	Historical Recognized Environmental Conditions
HSC	Health and Safety Code
HVAC	heating, ventilation, and air conditioning
IS	Initial Study
lbs	pounds

Abbreviation	*Definition*
MBTA	Migratory Bird Treaty Act
MHC	Mercy Housing California
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Plan
MND	Mitigated Negative Declaration
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NDIR	non-dispersive infrared photometry
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOx	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
NPPA	Native Plant Protection Act
NRRWF	Neal Road Recycling and Waste Facility
NRWS	Northern Recycling & Waste Services
NSVPA	Northern Sacramento Valley Planning Area
OPR	Governor's Office of Planning and Research
PG&E	Pacific Gas & Electric Company

Abbreviation	*Definition*
PID	Paradise Irrigation District
PM	particulate matter
PRC	Public Resource Code
project	Cypress Family and Senior Housing Project
PRPD	Paradise Recreation and Park District
RE	Responsible Entity (under NEPA)
REC	Recognized Environmental Condition
ROG	reactive organic gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SMP	Soil Management Plan
SSA	Sewer Service Area
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TMP	Traffic Management Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank

Abbreviation	*Definition*
VHFHSZ	Very High Fire Hazard Severity Zones
VMT	vehicle miles traveled
$\mu g/m^3$	micrograms per cubic meter

Section 1 Project Information

Type of Information	*Project Details*
1. Project title:	Cypress Family and Senior Housing Project
2. Lead agency name and address:	Susan Hartman Community Development Director Planning & Wastewater Town of Paradise 5555 Skyway, Paradise, CA 95969
3. Contact person and phone number:	Gail Ervin, Principal, NCE (510) 215-3620 gervin@ncenet.com
4. Project location:	1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in Paradise, Butte County, California
5. Project sponsor's name and address:	Mercy Housing California 2512 River Plaza Drive, Suite 200 Sacramento, CA 95833
6. General Plan designations:	Community-Service (C-S)
7. Zoning:	Community-Service (C-S)
8. Description of project:	Phase 1 Cypress Family Housing would include 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units for households with incomes and affordable rents from 30% to 60% of the Area Median Income (AMI). Phase 2 Cypress Senior Housing would include 70 one-bedroom units for senior households with incomes and affordable rents from 30% to 50% of the AMI and a 5,730-square-foot Community Center.
9. Surrounding land uses and setting:	The site is bordered by formerly residential and developed areas that were destroyed in the Camp Fire.
10. Other public agencies whose approval is required:	United States Army Corps of Engineers (USACE)

Type of Information	*Project Details*
	Central Valley Regional Water Quality Control Board (RWQCB) California Department of Fish and Wildlife (CDFW)
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?	Native American correspondence was initiated by NCE with a letter and attached maps to the Native American Heritage Commission (NAHC) on August 29, 2022. The letter requested a record search of their Sacred Lands File and a contact list for regional tribes that may know of cultural or tribal resources within or immediately adjacent to the Area of Potential Effect (APE). Due to the extended processing times of the NAHC, inquiry letters were mailed to the tribes identified by NAHC for the nearby Housing Element project in Paradise, California. Inquiry letters were mailed to the tribes identified by NAHC on October 7, 2022, on Town of Paradise letterhead. Follow-up phone calls were conducted on October 20, 2022. Two tribes, the KonKow Valley Band of Maidu and Mooretown Rancheria of Maidu Indians, responded. The KonKow Valley Band of Maidu indicated the project has not yet been reviewed by their tribe. However, the project will be forwarded to the tribe's cultural resources director for review. The Mooretown Rancheria of Maidu Indians indicated their tribe has no issues with the project proceeding. The tribe requested inadvertent discovery mitigation be incorporated into the project construction documents and that their tribe be notified of any inadvertent discoveries during construction. No other tribes have responded to date.

Section 2 Introduction

2.1 FOCUS OF THE ENVIRONMENTAL REVIEW

2.1.1 California Environmental Quality Act

Mercy Housing California (MHC) has prepared this Draft Initial Study (IS) pursuant to the California Environmental Quality Act (CEQA) for the Cypress Family and Senior Housing Project (project). This IS is an informational document provided to help the public and decision-makers understand the potential effects the project may have on the environment, and how potential adverse effects may be mitigated. Because this document has identified potentially significant impacts that can be reduced to less than significant with the adoption of mitigation measures, a Mitigated Negative Declaration (MND) has been prepared.

The Notice of Intent to Adopt an MND provides notice to interested agencies and the public that it is the Town's intent to adopt an MND. Pending public review, the Town expects to determine from this IS/MND that the project would not have a significant effect on the environment as mitigated. This Public Review Draft IS/MND is subject to modification based on comments received by interested agencies and the public.

2.2 REQUIRED PERMITS AND ADDITIONAL APPROVALS

2.2.1 Permits

The project would obtain or comply with the following permits:

- USACE Nationwide Permit
- CDFW Streambed Alteration Agreement Notification
- RWQCB Water Quality Certification
- Town of Paradise Site Plan Review

2.2.2 Responsible Agencies

- RWQCB

2.2.3 Trustee Agencies

- CDFW

Town of Paradise
Community Development Department
Building Resiliency Center
6295 Skyway
Paradise, CA 95969
(530) 872-6291 x411

MITIGATED NEGATIVE DECLARATION

The Town of Paradise, California, a municipal corporation, does hereby prepare, declare, and publish this Mitigated Negative Declaration for the following described project:

Project Name: Cypress Family and Senior Housing Project

Project Location: The project is located at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in Paradise, Butte County, California. The nearly 24-acre site consists of 7 parcels that were largely cleared after the 2018 Camp Fire, although there are materials remaining such as asphalt, septic tanks and leach fields, gazebos, concrete, and driveways.

Project Description: The project applicant (Mercy Housing California) is seeking to construct 140 affordable family and senior housing units in two phases. Cypress Family Housing (Phase 1) would include 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units, and a 5,730 sq.ft. community center. Phase 2, Cypress Senior Housing, would include 70 one-bedroom units for senior rental.

Findings: The Town of Paradise has reviewed the project and, on the basis of the whole record before it, has determined that there is no substantial evidence that the project, with mitigation measures as identified in the attached Initial Study, will have a significant effect on the environment. This Mitigated Negative Declaration reflects the Town's independent judgment and analysis as Lead Agency. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Sections 21000, et seq., Public Resources Code of the State of California).

Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the attached Initial Study, which is hereby incorporated and fully made part of this Mitigated Negative Declaration. Mercy Housing California has hereby agreed to implement each of the identified mitigation measures, which would be adopted as part of the Mitigation Monitoring and Reporting Plan.

This Mitigated Negative Declaration has been prepared pursuant to Title 14, Section 15070 of the California Code of Regulations; the Local Environmental Regulations adopted by the Town of Paradise, and the Town of Paradise Municipal Code.

Copies are also available for review at the Town of Paradise, Development Services Department in the Building Resiliency Center, 6295 Skyway, Paradise, CA 95969.

Susan Hartman
Planning Director

Dated: December 7, 2022

Section 3 Project Description

MHC proposes the Cypress Family and Senior Housing Project to construct 140 affordable housing units in two phases.

3.1 PROJECT LOCATION

The project site is located in the northern area of the Town of Paradise, Butte County, California. The 24-acre site consists of 7 parcels at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road. The site includes Assessor Parcel numbers 050-140-050, 050-140-151, 050-140-053, 050-140-155, 050-140-160, 050-140-161, and 050-140-162.

The project vicinity is shown in **Figure 1** and the project limits are shown in **Figure 2.**

3.2 BACKGROUND

Paradise lies on a ridge on the western slope of the Sierra Nevada at an elevation of about 1,800 feet. Most structures in this part of Paradise were destroyed in a massive wildfire on November 8, 2018, known as the Camp Fire. The entire community was almost destroyed in the fire, with 86 deaths and more than 13,900 homes burned (St. John, Serna, and Rong-Gong II 2018). The fire was driven by high winds from the east and embers flew far in advance of the flame front, causing the fire to spread at a very rapid rate. High winds through the Jarbo Gap impeded the ability to fight the fire. This project is part of the effort to rebuild the Town. The project also helps meet state requirements for affordable housing in Butte County.

The site formerly housed the approximately 130 bed Cypress Acres Convalescent Hospital and Nursing Home, and the California Vocations site, which were destroyed in the Camp Fire. The California Vocations site formerly housed the California Vocations offices and accommodation for over 20 of its developmentally disabled clients. These prior uses were quite intensive (California Vocations had over 200 employees). Town officials noted that in prior years there was significant traffic turning on and off of Cypress Lane.

The Town will be the Lead Agency under CEQA. In addition, the project will receive partial funding from the Community Development Block Grant-Disaster Recovery Program administered by the Department of Housing and Community Development. National Environmental Policy Act (NEPA) documentation is being prepared under separate cover for that funding, and the Town is the Responsible Entity under NEPA.

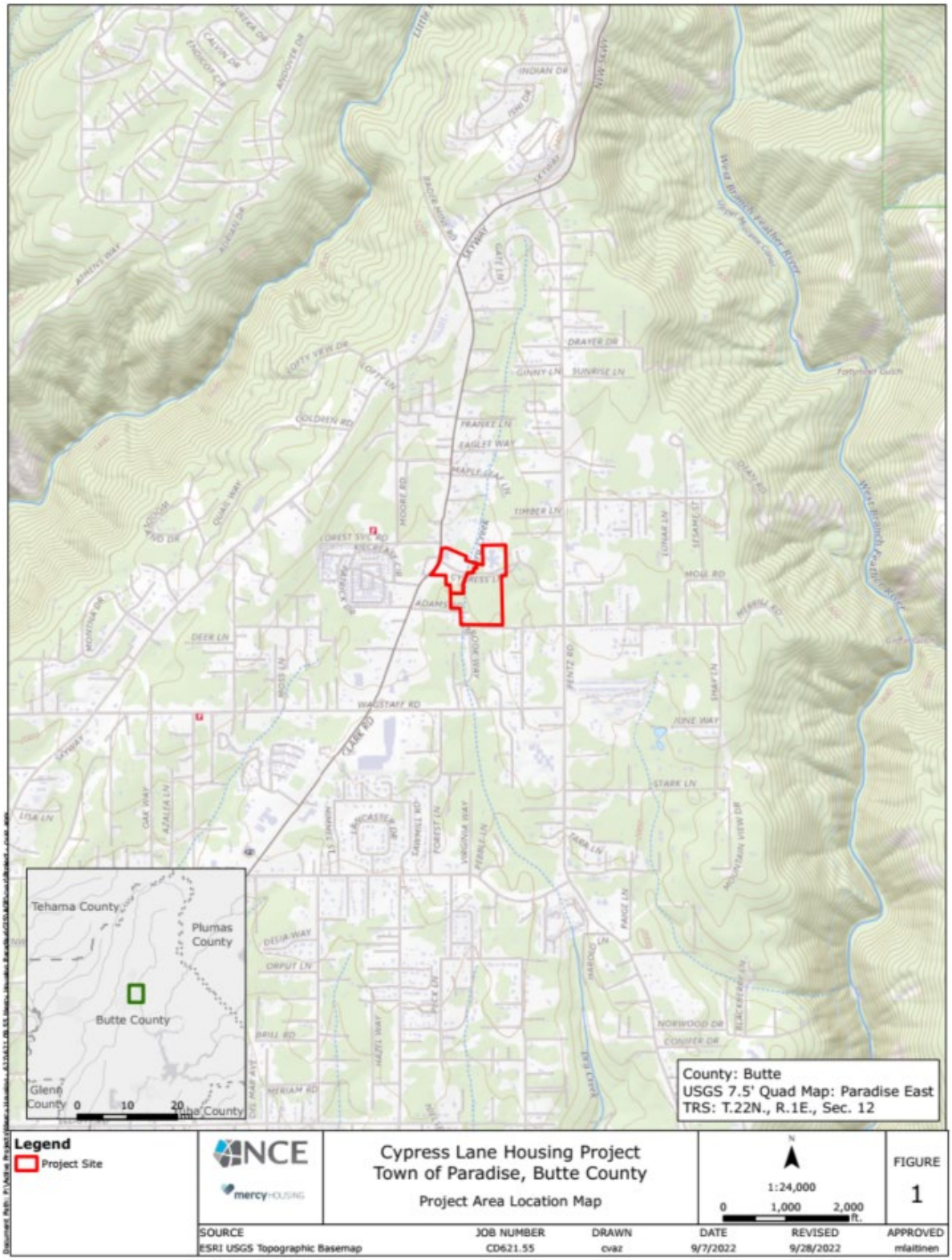

Figure 1. Project Area Location Map

Figure 2. Project Area Detail Map

3.3 PROJECT OBJECTIVES

The project objectives are to:

- Provide multi-family and senior housing affordable for family and senior households with incomes 30-60 percent of the AMI.
- Help meet the Town's General Plan goal to provide affordable housing and different types of housing that encourage a range of residential densities sufficient to meet the needs of residents.

3.4 EXISTING CONDITIONS

The nearly 24-acre site consists of 7 parcels that were largely cleared after the 2018 Camp Fire, although there are materials remaining such as asphalt, septic tanks and leach fields, gazebos, concrete, and driveways. Some parts of the proposed site previously contained a vocational rehabilitation facility, nursing home, and church. The project has no access to sewer and will require septic and leach fields to serve the development. Municipal water is available. A few residences still remain in the vicinity now, with more anticipated as the town rebuilds.

NorthStar Engineering has prepared a preliminary septic analysis and design in coordination with Bob Larson, the Town's Onsite Sanitary Official. In large part, the existing leach lines that served the convalescent hospital were determined to be sufficient to serve the proposed family housing. For the senior housing, a slight increase over the grandfathered California Vocations system would be required (approximately 50 senior units can be supported within the grandfathered capacity, and 20 units will require new capacity). The California Vocations leach lines may or may not be reused.

Roads adjacent to the property are still usable. The Town completed a two-year Transportation Management Plan (TMP) in March 2022 that addresses multiple needs, including daily transportation needs, evacuation plans "all at once," active transportation facilities to support walking and bicycling, and local road safety improvements such as removing evacuation barriers. Several roads are planned to be widened to improve "all at once" evacuation. Both Clark Road, to the west of the Project, and Pentz Road to the east, are identified to have a traffic lane added along with a pedestrian-bike path. According to the TMP, "A major component of Town's long-term recovery is rebuilding its transportation system to improve daily transportation and emergency evacuation, catalyze redevelopment, augment economic development, and improve Town's walkability and bicycle friendliness (Mark Thomas 2022)."

3.5 PROJECT FEATURES

Cypress Family Housing (Phase 1) would construct 70 units of family rental housing with a mix of 1-, 2-, and 3- bedroom units. The resident population would be households with incomes and affordable rents from 30% to 60% of the Area Median Income (AMI); 25 project-based Section 8 vouchers are assumed to be available to subsidize affordability further. Amenities for Phase 1 would include 86 surface parking spaces, a shared 5,730 square foot (sf) community center, 2 playgrounds, and open space, including a central green in the middle of the buildings located on the former hospital site. The Family Housing project will utilize the existing large wastewater disposal field located on APN 050-140-155. This field served the Cypress Acres Convalescent Hospital (CACH) and has a historical capacity of 10,800 gallons per day per Operating Permit (Northstar 2022).

Phase 2, Cypress Senior Housing, would construct 70 one-bedroom units for senior rental. The Phase 2 population would be households with incomes and affordable rents from 30% to 50% of the AMI; 25 of the units are assumed to have project-based Section 8 vouchers to further subsidize affordability. Amenities for Phase 2 would include 84 surface parking spaces, a community garden, and open space. The Senior Housing project would utilize new disposal fields located primarily on APN 050-140-162. It may also utilize existing disposal fields that served California Vocations (CV). The existing fields have a historical capacity of 2,415 gpd per Operating Permits (Northstar 2022).

For each phase of the project, the California Green Buildings Standards Code (CALGreen) would be adopted to promote Green Building Sustainability and Energy Efficiency. Each phase would be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigating the impact of future disasters. The overall project's architectural character would be one- and two-story buildings broken up by walkways and green space.

Each phase would be located on a separate property for ownership and finance purposes. Existing property boundaries would be merged as necessary to accommodate the final project. Reciprocal easements for wastewater systems, access and utilities would be created as necessary.

A separate wastewater collection, treatment, and disposal system would also be designed, permitted, and constructed for each phase. Typical residential-strength wastewater is expected from each system. Each septic system would be designed to include secondary wastewater treatment (considered Advanced Treatment in the Paradise Code). The secondary wastewater treatment systems would be designed to include a minimum of two days hydraulic retention time septic tank capacity, per Paradise Code.

The project would be on property currently designated C-S (Town of Paradise 2008). The Paradise Municipal Code gives the following description of this zoning (Paradise Code of Ordinances 17.26.100):

> "Community-Service (C-S). This designation provides for private uses which serve a community purpose or benefit the community.
>
> This designation is primarily applied to existing or planned uses of this nature throughout the primary study area. Dependent upon the presence and application of constraints, maximum potential residential densities shall not exceed fifteen dwelling units per gross acre if served by an approved clustered wastewater treatment and disposal system."

New low- and moderate-income housing is encouraged in this zone with a site plan review permit by the Town.

The site plan for both phases of the project is shown on Figure 3. Site Plan. Family housing is depicted in yellow, senior housing in purple, and the community center in red.

Proposed building elevations are illustrated on Figure 4 through **Figure 9**.

3.5.1 Construction Schedule

Construction of Phase 1 is scheduled to take approximately 16 months, starting in December 2023, and completing in April 2025. The 70-unit senior housing Phase 2 project anticipated to start in Spring 2024 and complete in late summer 2025. In general terms, construction would involve the following for each phase:

Demolition/Grubbing/Rough Grading

As part of the Camp Fire cleanup, much of the debris was removed from the project area. Remaining hardscape, including asphalt paving and sidewalks, would be removed as part of the project. Overgrown vegetation that would interfere with construction would be removed from the project area. Grading would shape the construction site and small changes in topography. This construction phase is expected to last up to 2 months.

Excavation and Site Work

Following rough grading, additional excavation would bring the project area to final grade and prepare the soil for underground piping and structural slabs. Site work would involve installing underground utility pipes (some pipes may be 6-inch-diameter or larger), manholes, structural foundations, curbs, gutters, and sidewalks. The underground septic systems will undergo extensive upgrades and improvements. Excavation for concrete foundations and underground drainage pipes would be performed with excavators and/or backhoes. This construction phase is expected to last approximately 10-12 weeks.

Figure 3. Site Plan

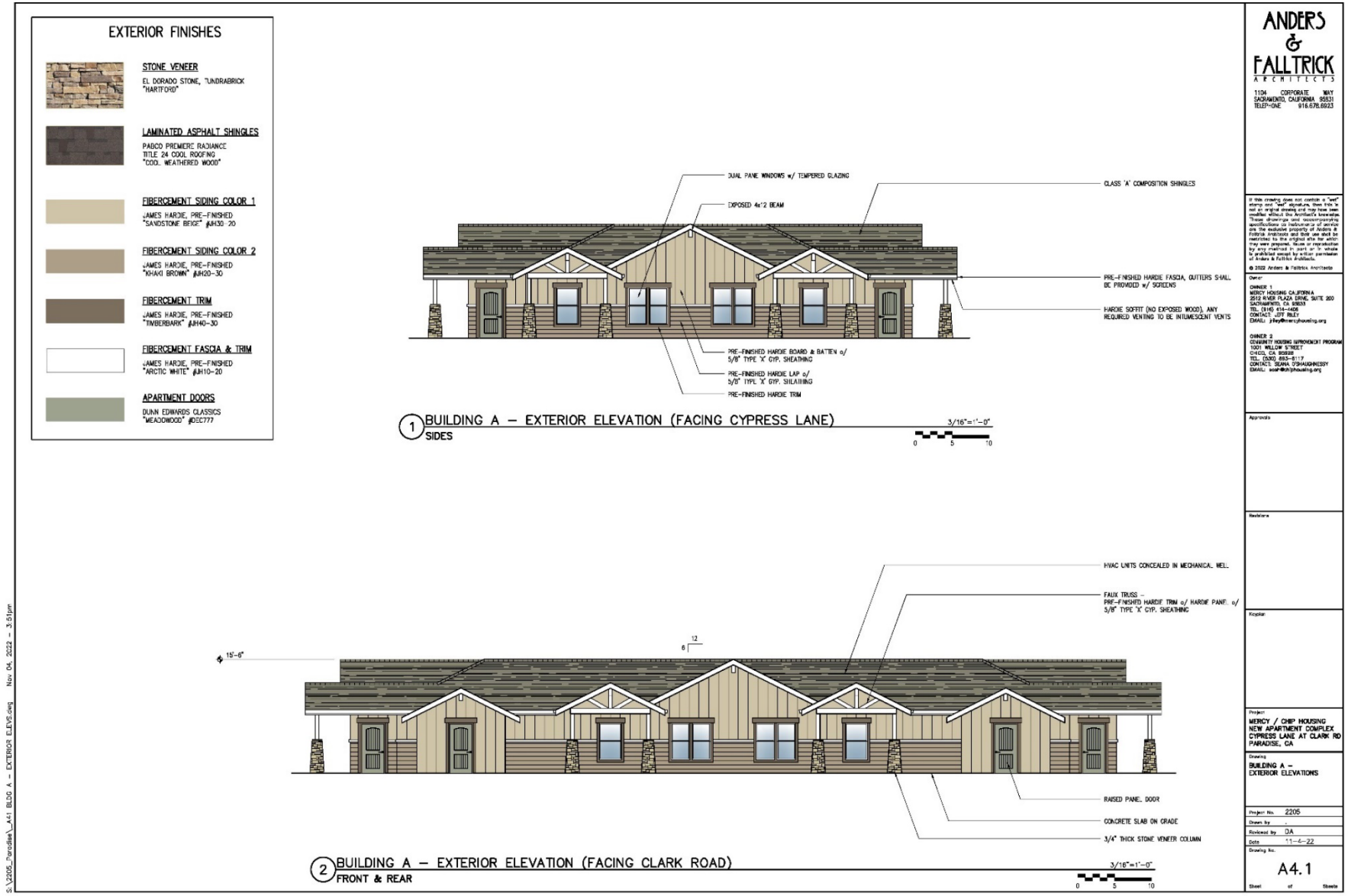

Figure 4. Building A Elevations

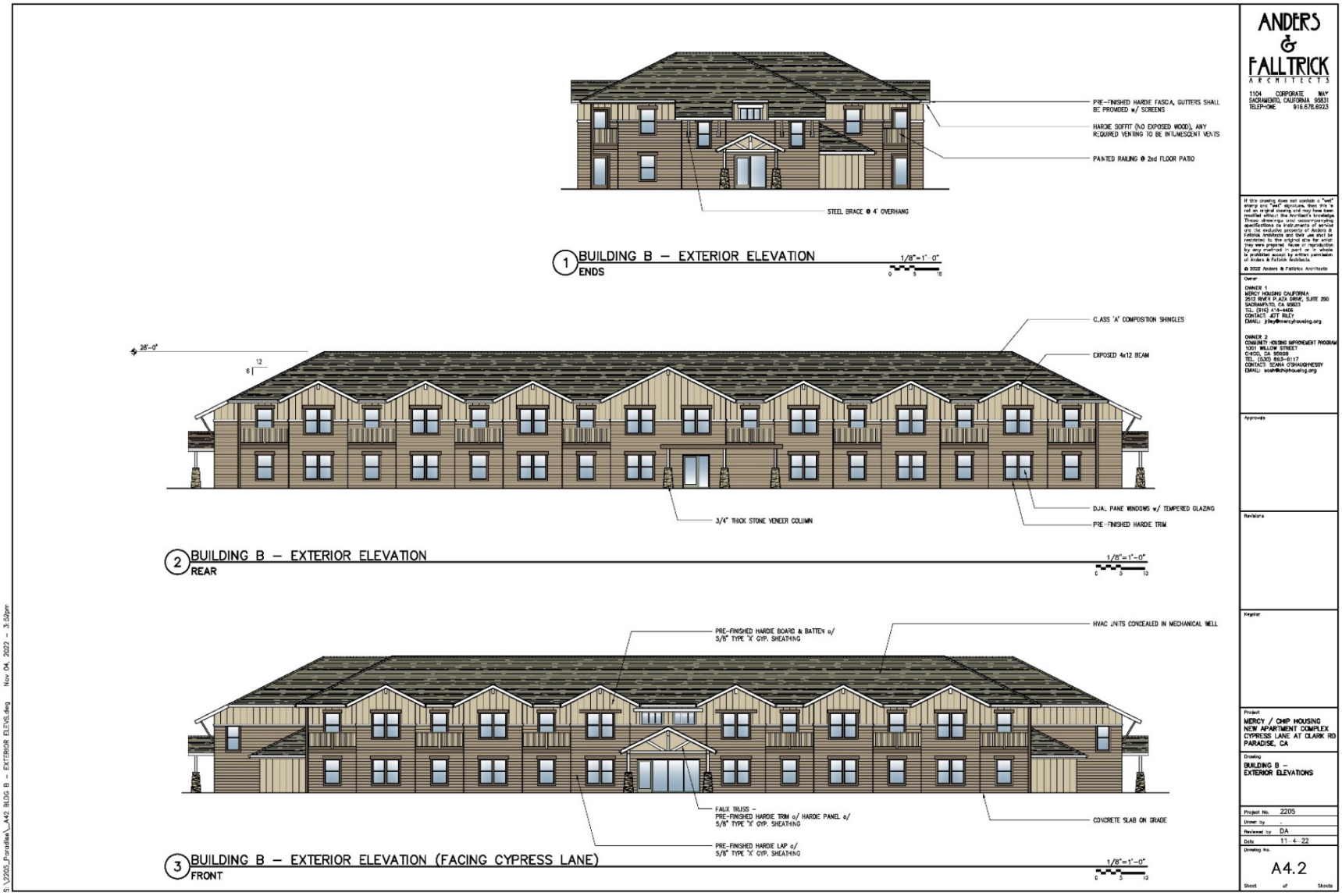

Figure 5. Building B Elevations

Figure 6. Building C Elevations

Figure 7. Building D Elevations

Figure 8. Building E Elevations

Figure 9. Community Building Elevations

Structural Facilities

The soil would be compacted and prepared for all structural facilities and piers for foundation systems. Prior to pouring concrete, structural forms, rebar, and conduits would be installed for each building. After the concrete is poured, it would be finished and cured before the forms are removed. Then building construction could commence. This construction phase is expected to last up to 3 months.

Paving, Striping, Landscaping

Paving would be performed incrementally throughout the site area as large construction and non-rubber tread equipment is removed from the site. All parking areas, roads, and designated locations would be paved and striped. Landscaping may include installation and/or construction of plantings and hardscapes, water features, walls, outdoor lighting, and drainage. This construction phase is expected to last up to 2 months.

3.5.2 Equipment and Labor Force

Various types of heavy equipment would include excavators, backhoes, bulldozers, cement trucks, cranes, graders, and a wheeled roller. Water trucks with a tank size of 2,000 to 4,000 gallons would be used for dust-control during construction.

A skilled labor force would be required to complete this project, including civil/earthwork personal, excavators, masons, painters, plumbers, landscapers, carpenters, cement finishers, operating engineers, electricians, and craftsmen. The number of workers at the site would vary based on the phase and complexity of construction.

Work would generally be completed during daylight hours, typically 8:00 a.m. to 6:00 p.m., or as specified by the Town's Municipal Codes. Construction would generally be performed 5 days per week (weekend work may occur occasionally depending on schedule), year-round, except for standard U.S. holidays. There would be no on-site temporary workforce housing, and parking of employee recreational vehicles or trailers would be prohibited.

3.6 CONSTRUCTION CONTROLS

The project is required to comply with local, state, and federal regulations pertaining to the protection of human health and the environment. The following required construction controls from local, state, and federal agencies are incorporated into the project design and are considered a part of the proposed project.

3.6.1 Air Quality

Air quality in Butte County is managed by the Butte County Air Quality Management District (AQMD). The AQMD's 2014 CEQA Handbook, Appendix C, includes best management practices (BMPs) for construction projects. Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. Proposed projects must incorporate these BMPs into the project description as commitments by the applicant. The following is a list of measures that may be required throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at

the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

- Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and District for any questions or concerns about dust from the project.

All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

3.6.2 Geology and Soils

The project would prepare a Storm Water Pollution Prevention Plan (SWPPP) to protect soil and water resources during construction. The SWPPP would follow the requirements of the Paradise Code of Ordinances Section 8.56.100 and would designate BMPs to minimize impact from erosion and sedimentation. At a minimum, the following geology and soils controls must be implemented:

- Place temporary erosion-control devices downgradient of dirt piles, excavated areas, or stockpiles.
- Place coverings on all dirt piles during non-working hours.
- Install fencing to protect existing vegetation where feasible.
- Revegetate disturbed areas to stabilize soils.
- Stabilize disturbed areas with mulch until vegetation is reestablished.
- Use tracking controls.
- Park only on paved areas.

Note that many of these requirements are also included in the dust-control measures required by AQMD.

3.6.3 Greenhouse Gas Emissions and Green Energy

California regulations limit idling from both on-road and off-road diesel-powered equipment. The AQMD enforces idling limitations and compliance with diesel fleet regulations. The following practices would be incorporated to control exhaust emissions from diesel-powered fleets working at the construction site:

- Minimize idling time either by shutting equipment off when not in use or limit idling to 5 minutes (required by 33 California Code of Regulations [CCR]

2449(d)(3) and 2485). Provide clear signage that posts this requirement for workers at the entrances to the site.

- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Use a California ARB-approved low-carbon fuel for construction equipment. Typically called Renewable Diesel, this fuel can reduce greenhouse gas (GHG) emissions between 30% and 80%, depending on the supplier.

3.6.4 Hydrology and Water Quality

The project's post-construction water quality obligations would be set by jurisdiction, with the Town's municipal separate storm sewer system permit controlling in the Town's right-of-way.

As discussed above, the project shall develop and implement a project specific SWPPP, including a Temporary Best Management Plan, a Spill Contingency Plan, and a Dewatering Plan if relevant.

These plans must outline measures that will protect hydrology and water quality resources, including groundwater, from negative impacts during construction. The SWPPP is subject to RWQCB review and approval and will include construction best management practices (BMPs) meant to reduce or eliminate erosion and runoff from the site. The approved SWPPP is then copied to the Town Engineer per Paradise Municipal Code Section 15.02.140 (last paragraph).

Section 4 Environmental Evaluation

The following sections evaluate the potential adverse impacts of the project in compliance with CEQA. Appendix G of the CEQA Guidelines (California Natural Resources Agency 2019) provides a sample checklist with a series of questions designed to enable the lead agency, the Town of Paradise, to identify project impacts with respect to 20 environmental topics; this IS generally follows this checklist.

Except where a specific threshold has been adopted by a public agency and is specified in the sections below, such as an air quality threshold, Appendix G of the CEQA Guidelines are used as thresholds of significance for the CEQA checklist questions.

Potential environmental impacts are described as follows:

- **Potentially Significant Impact**: An environmental impact that could be significant and for which no feasible mitigation is known. If any potentially significant impacts are identified in this Checklist, an EIR must be prepared.
- **Less than Significant Impact with Mitigation Incorporated**: An environmental impact that requires the implementation of mitigation measures to reduce that impact to a less than significant level.
- **Less than Significant Impact**: An environmental impact may occur; however, the impact would not exceed significance thresholds.
- **No Impact**: No environmental impacts would result from implementation of the project.

4.1 AESTHETICS

4.1.1 Environmental Setting

The project is located at an elevation of about 1,800 feet in the central portion of Butte County in the Sierra Nevada foothills above the northeastern Sacramento Valley. The community was almost completely destroyed in the Camp Fire with 86 deaths and more than 13,900 homes destroyed (St. John, Serna, and Rong-Gong II 2018). Views in the area are dominated by trees, roads, and residential areas.

The project site is situated in formerly residential and commercial areas that were destroyed during the Camp Fire. Roads adjacent to the property are still usable. A few residences exist in the area now, and more are anticipated as the town rebuilds.

4.1.2 CEQA Checklist Summary

Except as provided in Public Resources Code Section 21099, would the project:

CEQA Question	Impact Determination
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway?	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Less Than Significant Impact

4.1.3 Answers to CEQA Checklist Questions

Except as provided in Public Resources Code Section 21099:

a) Would the project have a substantial adverse effect on a scenic vista?

No Impact

The Town's General Plan effort to establish four "gateway areas" to preserve and enhance the unique visual of the town (Town of Paradise 2008) were largely destroyed by the Camp Fire. The fire destroyed all buildings and trees in its path, and the site can still be characterized as a scene of devastation with blackened

trees, foundations, and other debris remaining from post-fire cleanup activities. The site has a low point where drainage flows from surrounding areas and elevations slowly rise on all sides. Current views from the site are obscured by remaining trees and increasing elevations. The proposed two-story buildings would neither obscure scenic vistas nor change views from the site to scenic vistas. The project would have no impact on scenic vistas.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact

The project is not located near a designated State scenic highway according to the California State Scenic Highways list (California Department of Transportation 2022). State Route 70 is the nearest eligible State scenic highway. Distance to Route 70 ranges from approximately 2.5 miles at the southeast edge of town to 6.3 miles at the northeast edge of Paradise. Therefore, the project would have no impact on scenic resources within a state scenic highway.

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No Impact

The project site is in a non-urbanized area. The project would change the visual character from a fire damaged and vacant site to a new development with 20 two-story buildings, 10 one-story buildings, 170 surface parking spaces, a shared 5,730-sf community center, 2 playgrounds, a community garden, and open space. The project's architectural character would consist of 1- and 2-story buildings broken up by walkways and green space.

In addition, the project would implement landscaping to enhance the overall visual character of the site, consistent with the Town's Municipal Code (Paradise Code of Ordinances 15.36, Landscape Materials). The project would install water-efficient and fire-resistant landscaping. Therefore, the project would not degrade the existing visual character or quality of public views of the site and its surroundings.

d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact

The project would create new security lighting for the residential development. The nearest sensitive receptor is a residential home approximately 200 feet to the west

across Clark Road. There are currently no existing residential streetlights in the vicinity; it is unknown whether the planned widening of Clark Road would include streetlights. However, up until the Camp Fire, this site contained uses and parking lots that provided security lighting, thus this area has historically experienced night lighting. New exterior lighting is further regulated by the Town's Design Standards for Clark Road (Town of Paradise 2022a): "Site lighting shall have a scale, design, and color that best complements the character and design of the adjacent structure. Lighting should be visible from the exterior of a building and the project's boundaries should be limited to that necessary for security, safety, and identification. It should also be screened from adjacent areas and not be directed in an upward manner or beyond the boundaries of the parcel on which the building is located." The project would comply with all Town codes, plans and regulations. Therefore, the project would have a less than significant effect on day and nighttime views in the area.

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can create hazards to motorists and nuisances for pedestrians and other viewers. The project would construct two-story residential buildings that could increase glare for vehicles and pedestrians on Clark Road. The project would incorporate measures specified in the Town's Design Standards for Clark Road (Town of Paradise 2022a) prior to the project's approval specifically for windows and glare; therefore, glare produced by the project would have a less than significant impact.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

According to the Town's Municipal Code, the project area is zoned C-S (Paradise Code of Ordinances 17.26.100). This designation provides for private uses which serve a community purpose or benefit the community. There are no agriculture or forestry land uses on or near the project site.

4.2.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) § 12220(g)), timberland (as defined by PRC § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	No Impact

4.2.3 Answers to CEQA Checklist Questions

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact

The project is not located in an area of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared

pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (California Department of Conservation 2016). Additionally, the project does not propose features that would result in a change of land use from agricultural uses; therefore, the project would have no impact on farmland, nor would it convert farmland to non-agricultural use.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

The project is zoned C-S and there is no agricultural zoning or use on the project site or in the vicinity. There are no Williamson Act contracts covering the site or in the vicinity. Because there are no agricultural zoning designations and no Williamson Act contracts associated with the project site, there would be no impact.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) § 12220(g)), timberland (as defined by PRC § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?

No Impact

There are no forestland or timberland land uses or zoning designations in the project vicinity according to the Paradise General Plan Land Use Element, Figures 2-1 and 2-1a (Town of Paradise 2008). Therefore, the project does not have potential to conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact

As noted above, there are no forestland or timberland land uses or zoning designations in the project vicinity. The nature of the project has no impact on land development or conversion of land use from forest land to other uses. Therefore, the project does not have potential to result in the loss of forest land or conversion of forest land to non-forest use.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact

Refer to responses a-d. The site is currently zoned C-S and was previously developed before the Camp Fire destroyed the buildings. There is no potential for this project to result in a conversion of land from farmland or forest land associated

with the project. Therefore, there would be no impact on farmland or agricultural uses.

4.3 AIR QUALITY

4.3.1 Environmental Setting

The topography and weather of a region can substantially impact air flow and resulting pollutant concentrations. Due to the Town's location on the western slope of the Sierra Nevada, air circulation shifts from warm, upslope, westerly breezes during the day, to cool, downslope, easterly breezes at night. Thus, emissions from sources throughout Butte County can travel to other communities.

To better manage air quality programs, California is divided into 15 air basins by topography and meteorology. Each air basin has one or more local air districts, usually at the county level. These districts are responsible for identifying and implementing air quality rules and regulations that minimize pollution, and thus meet ambient air quality standards. Air districts conduct planning efforts that coordinate rules and programs.

The project is located within the Butte County portion of the Northern Sacramento Valley Planning Area (NSVPA). The Butte County Air Quality Management District (AQMD) operates air monitoring stations to continuously measure pollutant levels at several locations. The AQMD also has the primary responsibility to regulate stationery and area emission sources through permitting and inspection programs; the California Air Resources Board has the primary responsibility for controlling emissions from mobile sources. State law recognizes that local land use decisions affect air quality, so air districts participate in planning activities with local governments. While the AQMD does not permit housing per se, the district can advise local governments by commenting on CEQA documents and other plans. The AQMD can also encourage and fund local projects to improve air quality. An example would be AQMD helping fund a ride-sharing program.

According to the AQMD, car and truck exhaust is the primary source of air pollution in the summer. Emissions of reactive organic gas (ROG) and oxides of nitrogen (NOx) react in sunlight to create ozone, a persistent and irritating pollutant. During the winter, residential wood combustion may add substantial emissions of respirable particulates, called $PM_{2.5}$ and PM_{10}. EPA has regulated wood-burning appliances for over 30 years, which has significantly reduced ambient woodsmoke $PM_{2.5}$.

Butte County air meets all federal standards except the 8-hour ozone standard. At the state level, Butte County air is designated non-attainment for 1-hour and 8-hour ozone, 24-hour PM_{10}, and annual $PM_{2.5}$ standards. Butte County meets all other state air quality standards.

According to the 2021 Northern Sacramento Valley Planning Area (NSVPA) Triennial Air Quality Attainment Plan, "The 2018 through 2020 monitoring data shows a slight increase in the number of exceedances of the 1-hour ozone CAAQS [California

Ambient Air Quality Standards; Sacramento Valley Air Quality Engineering and Enforcement Professionals 2021]. However, wildfires continue to be a major contributor to these exceedances and the data continues to show a downward trend in the number of exceedances of 8-hour ozone CAAQS."

4.3.2 Regulatory Setting

Air Quality Standards – State and Federal

Air quality in the region is regulated by several agencies including the U.S. EPA, the California ARB, and the AQMD. These agencies develop rules, regulations, policies, and/or plans to achieve the goals and directives of legislation. The ultimate goal of the air standards is for every American to enjoy clean and healthy air. Each agency has defined enforcement authority and can fine or close polluting operations.

The EPA is responsible for implementing the federal Clean Air Act (1970), including establishing health-based National Ambient Air Quality Standards (NAAQS) for air pollutants. NAAQS established for criteria pollutants under the Clean Air Act are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, PM_{10}, and $PM_{2.5}$, and lead. The standards set for criteria pollutants are periodically reviewed and revised as applicable.

In California, ARB is responsible for implementing the California Clean Air Act (1988) and has established California Ambient Air Quality Standards, which are sometimes more restrictive than the national standards. In general, ARB works with local agencies to develop policies, guidance, and regulations related to State and federal ambient air quality standards; coordinates with local agencies on transportation plans and strategies; and aids local districts and transportation agencies in meeting air quality standards established under both the federal and California clean air acts. Current state and national standards can be viewed at https://ww2.arb.ca.gov/resources/documents/ambient-air-quality-standards-0 (California Air Resources Board 2016).

Air Quality Standards – Local

The AQMD is the primary agency responsible for air quality regulation in the project area. As part of that role, the AQMD prepared the 2014 CEQA Air Quality Handbook (Butte County AQMD 2014). This document facilitates the evaluation and review of air quality impacts for projects in Butte County that are subject to CEQA. The Handbook has established operation thresholds for the priority pollutants shown in **Table 1**, below. The AQMD recommends that larger projects use a model called CalEEMod to estimate future emissions. This modeling has evolved over 3 decades to be reliable and is now also recommended by ARB and EPA.

Table 1. Butte County AQMD Thresholds for Project Operations

Pollutant	Operational Threshold
ROG	25 lbs/day
NOx	25 lbs/day
PM	80 lbs/day

Note: lbs/day = pounds per day, ROG = reactive organic gases, NOx = nitrogen oxides, PM = particulate matter; number refers to size of PM in microns in diameter or smaller
Source: Butte County AQMD 2014

4.3.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less Than Significant Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less Than Significant Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	Less Than Significant Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less Than Significant Impact

4.3.4 Answers to CEQA Checklist Questions

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact

Projects that could generate emissions above the AQMD thresholds or CAAQS would be considered to potentially conflict with or obstruct implementation of the applicable air quality plan.

The project is required to prepare a Fugitive Dust Control Plan. Other control measures for construction and other earth-moving activities must follow recommendations presented in the AQMD 2014 CEQA Handbook, Appendix C, Best Management Practices (see Section 3.6.1). These include, but are not limited to, stabilizing disturbed soil, limiting vehicular traffic, applying water to disturbed soil, limiting size of equipment staging area, and using tarps to cover loose soils. Many of these actions will also be included in the storm water control plan.

Both phases of the project were modeled for operational emissions based on worst case, new development using CalEEMod (version 2022.1, release date April 2022). No subtractions were made for the previous uses.

Table 2 shows expected emissions for 2025 when the new housing is fully occupied. Where no local thresholds are identified, (e.g., GHGs) information from the CalEEMod model is reported here for completeness.

Table 2. Operation Emissions (After 2025 Project Completion)

Pollutant	Pounds/day	Annual Tons	Threshold	Below AQMD Threshold?
ROG	11	1.96	25 lbs/day	Yes
NOx	11	2.09	25 lbs/day	Yes
PM	5	0.93	80 lbs/day	Yes
PM_{10}	5	0.93	N/A	N/A
$PM_{2.5}$	1	0.04	N/A	N/A
CO_2e	16,306	2,700 Metric Tonnes	N/A	N/A

Because the project would generate emissions well below significance thresholds and provide redevelopment of an urban property destroyed by fire, implementation of the project would not conflict with or obstruct implementation of applicable air quality plans.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact

The project is in an area designated as federal non-attainment area for 8-hour ozone (marginal). However, emissions resulting from project construction and operation fall below the AQMD screening levels (see **Table 2**). The AQMD has determined that projects that do not exceed significance thresholds would not generate emissions that are cumulatively considerable.

The Mitigated Negative Declaration for the recently updated Paradise Housing Element examined this matter as well (Town of Paradise 2022b, page 16):

> "The 2018 Air Quality Attainment Plan utilized existing and projected data for population, industry, and vehicle-related emissions growth. The population projections were based on data from the California Department of Finance (DOF) Demographic Research Unit. The Butte County Association of Governments 6th Cycle Regional Housing Needs Plan is likewise based on DOF population projections (in addition to data from the relevant Regional Transportation Plan). Therefore, the housing units the [Housing Element] is planning for are part of the population growth planned for in the 2018 Air Quality Attainment Plan."

Project construction must follow the regulations set forth by the AQMD and the Town. This includes compliance with General Plan policies related to improving air quality (e.g., Policies CP-11, CP-13, CP-15, CP-17, CP-20, CP-21, and CP-23).

The project contributes to the housing units anticipated in local and area plans and emissions from the project are therefore accounted for. The project would not create a cumulatively considerable net increase in ozone precursors.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact

Children, the elderly, asthmatics, and others who are at a heightened risk of negative health outcomes from air pollution are considered sensitive receptors. Locations where sensitive receptors may congregate include hospitals, schools, and daycare centers, and other locations as determined by the AQMD or the California ARB (California Health and Safety Code § 42705.5(a)(5)).

The nearest sensitive receptors for this new housing are people living in scattered homes near the project site. The Children's Community Charter School is about 1,500 feet east of the project. Other homes may be constructed near the project over the next few years as the community rebuilds.

As discussed in 4.3.4(a), the project is well below the size that would generate significant emissions that could lead to violations of air quality standards. The project includes construction dust controls that protect against significant amounts of dust and respirable particulates traveling off-site. Construction activities would be temporary, with grading and foundation excavation completed in a few weeks. Dust management would be implemented and monitored by the Town and/or AQMD. Inspectors would be able to respond to any dust complaints and take effective action, such as suspending grading work during high-wind events. Therefore, the project's effects on sensitive receptors would be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact

Typical municipal odor sources include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, and chemical manufacturing facilities. The project would use several engineered septic systems, and property managers would schedule maintenance as required. Septic systems typically do not create noticeable odors when they are functioning properly. Since the entire Town uses septic systems, Town procedures are in place to handle odor complaints. The project is residential and would not generate other odors of concern. During construction, diesel exhaust odor might be

noticeable near the activity. However, construction-related odors would be temporary and would not persist upon project completion. Therefore, odor impacts from the project would not create a nuisance to neighbors or passersby.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The project area is characterized as highly disturbed suburban land, in large part due to destruction from the Camp Fire and subsequent cleanup activities. While most structural improvements within the project site has been removed since the fire in 2018, the parking lot in the northeast parcel and a smaller parking lot along the northwest edge remain, in addition to limited sections of cement sidewalks and foundations in the central and northeastern parcels.

The vegetation within the project site is characterized by stands of native ponderosa pine (*Pinus ponderosa*) and incense cedar (*Calocedrus decurrens*) in the northeastern and southern portions of the site, with non-native brush dominating the understory. The western portion of the site is characterized by several stream channels with riparian habitat dominated by Himalayan blackberries (*Rubus armeniacus*) and arroyo willows (*Salix lasiolepis*). Additionally, patches of native black oak (*Quercus kelloggii*) woodland occur throughout the site, as well as open fields dominated by non-native brush and weedy herbaceous species.

Reconnaissance-level field surveys of the project area were conducted on September 26, September 29, and October 18-19, 2022. These surveys focused on identifying the presence of special status species or their habitat as well as aquatic resources within the project vicinity. During the September 26, 2022 survey, one white-tailed kite (*Elanus leucurus*) was observed circling and perching on the ponderosa pine trees in the southwest portion of the site. No other special status species were observed within or adjacent to the project area. A tree survey was also conducted on-site; 183 trees were documented with a dbh greater than 4 inches. Many of these are fire damaged and marked for removal by the Town.

NCE delineated several named and unnamed stream channels and three freshwater emergent wetlands, primarily in the western section of the project, mostly contained within the Phase 2 area (**Figure 10**). About 0.46 linear miles of stream channels start north of Cypress Lane and run south to Adams Road. A single stream channel was identified in the southeast corner of the project site that measured 0.09 linear miles in length. The stream channels were bordered by approximately 34,462 square feet, or 0.79 acres, of riparian habitat dominated by Himalayan blackberries and arroyo willows. One of the freshwater emergent wetlands covered approximately 7,293 square feet, or 0.17 acres, on the western side of the stream channels, north of Cypress Lane. The other freshwater wetlands covered approximately 5,142 square feet, or 0.12 acres, and bordered either side of the eastern stream just north of Adams Road.

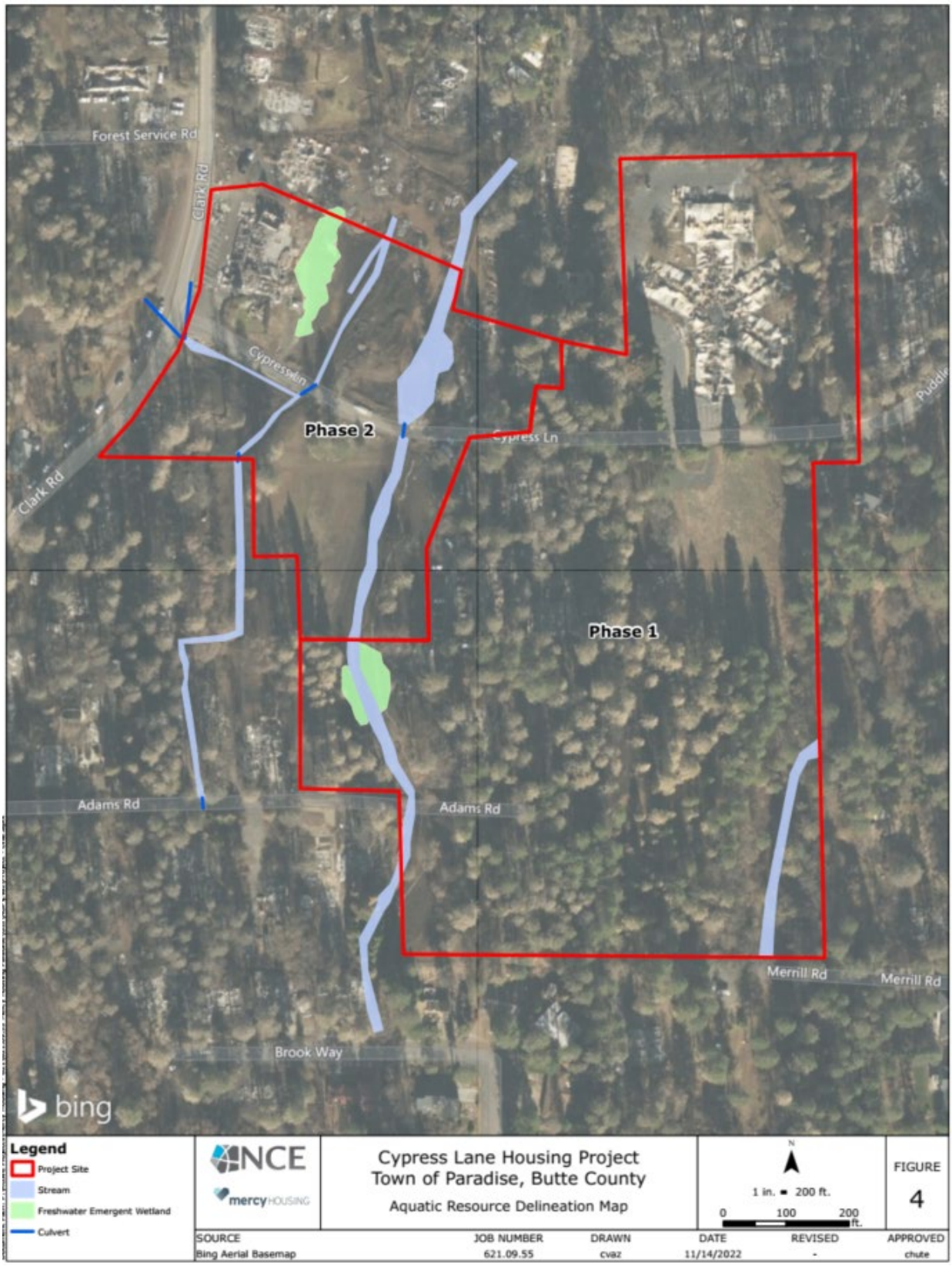

Figure 10. Aquatic Resources

4.4.2 Regulatory Setting

Federal

Endangered Species Act

The federal Endangered Species Act (FESA) protects plants and wildlife that are listed as endangered or threatened by the United States Fish and Wildlife Service (USFWS). Section 9 of FESA prohibits the taking of endangered wildlife, where taking is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations 17.3). Under Section 7 of the FESA, federal agencies are required to consult with the USFWS or National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) as applicable if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Section 10 of FESA provides for issuance of incidental take permits to private parties provided a habitat conservation plan is developed.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law applies to the removal of nests (such as swallow nests on bridges) occupied by migratory birds during the breeding season.

State

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) is required for projects that could result in the "take" of a State-listed threatened or endangered species. Under the CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species proposed for listing (called "candidates" by the state). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. A Section 2081 permit is issued when a project is consistent with an existing Biological Opinion, which is required for a US U.S. Army Corps of Engineers (USACE) Section 404 permit when wetlands are impacted.

Birds of Prey and Nesting Birds

Nesting birds are protected in California under State Fish and Game Code in Section 3503. Section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any

regulation made pursuant thereto." Birds of prey are protected in California under provisions of the State Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order 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 this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

California Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (California Fish and Game Code Sections 1900-1913) was created to "preserve, protect and enhance rare and endangered plants in this State." The NPPA is administered by CDFW. The Fish and Wildlife Commission has the authority to designate native plants as "endangered" or "rare" and to protect endangered and rare plants from take. CESA provided further protection for rare and endangered plant species, but the NPPA remains part of the CDFG Code.

California Fish and Wildlife Lake and Streambed Alteration Agreement

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2008b). Activities that would disturb these drainages are regulated by the CDFW through a Lake and Streambed Alteration Agreement. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the drainage in question.

Wetlands and Other Jurisdictional Waters

The USACE, CDFW, and each Regional Water Quality Control Board have jurisdiction over modifications to stream channels, riverbanks, lakes, and other wetland features. Jurisdiction of the Corps is established through the provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters" of the United States without a permit, including certain wetlands and unvegetated "other waters of the U.S." The Corps also has jurisdiction over navigable waters, including tidally influenced ones below Mean High Water, under Section 10 of the Rivers and Harbors Act.

In addition to being responsible for the maintenance and protection of California's fish and wildlife, the CDFW has authorities under California's Public Resources Code, and the federal Fish and Wildlife Coordination Act to regulate or comment on activities in wetland and riparian areas. The CDFW also assumes primary responsibility for implementation of the California State Endangered Species Act, and the Streambed Alteration Agreement (Fish and Game Code Sections 1601–

1603). Section 1602 of the Fish and Game Code pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. The CDFW also comments directly to the USACE concerning fish and wildlife aspects of Section 10 and Section 404 permits. CDFW's official position regarding the protection of wetlands is that development projects should not result in a net loss of either wetland acreage or wetland habitat value.

The Fish and Game Code states that it is "unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying CDFW, incorporating necessary mitigation, and obtaining a Streambed Alteration agreement. The Wetlands Resources Policy of the CDFW states that the Fish and Game Commission will "strongly discourage development in or conversion of wetlands... unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage."

Jurisdictional authority of the Central Valley RWQCB is established pursuant to Section 401 of the Clean Water Act, which typically requires a water quality certification when an individual or nationwide permit is issued by the USACE. The RWQCB also has jurisdiction over "waters of the State" under the Porter-Cologne Water Quality Control Act. The RWQCB's primary role is to enforce the federal Clean Water Act, and in doing so, assert regulatory authority over development activities affecting the water quality of navigable water and wetlands. Under Section 401(a)(1) of the Clean Water Act:

> "Any applicant for a Federal license or permit to conduct any activity...which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State...that any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of this Act."

In turn, CCR § 3831(k) defines the State certification required under Section 401 as:

> "Water Quality Certification' means a certification that there is a reasonable assurance that an activity which may result in a discharge to navigable waters of the United States will not violate water quality standards, where the activity requires a federal license or permit."

In practice, the regional boards have applied their authority over water quality standards to all waters of the State, including wetlands. Discharge to wetlands and riparian wetlands may violate water quality objectives (e.g., turbidity, temperature, or salinity); impair beneficial uses (e.g., groundwater recharge, recreation, wildlife habitat, fish migration, and shellfish harvesting); and conflict with the anti-degradation policy.

Local – Tree Removal

Town of Paradise Code of Ordinances

Title 8, Chapter 12 of the Town Code of Ordinances requires permits for the removal of trees measuring 10 inches or greater dbh. Additionally, a permit for the removal of 9 or more trees from a single legal parcel will require "a written explanation by a tree expert… that the qualifying tree or trees must be felled based on circumstances for felling and/or removal under Section 8.12.090." In response to the 2018 Camp Fire, the Town has also adopted a Hazard Tree Removal Program outlined in Title 8, Chapter 63, and is in the process of assessing trees for removal in Spring 2023. Trees located within the project site appear to have been assessed for removal, and those to be removed will be approved by the end of the winter months (2022-2023).

Town of Paradise General Plan

The Open Space/Conservation/Energy Element of the General Plan includes the following policies aimed at conserving natural resources (Town of Paradise 2008):

- Policy OCEP-13 – "Existing large trees of historic and/or cultural significance should be protected to the best of the town's ability. Trees so identified should only be removed as a last resort."
- Policy OCEP-15 – "Existing, significantly important natural habitat areas having high value for birds and other wildlife should be preserved for future generations through careful land use planning and public participation."
- Policy OCEP-26 – "Natural riparian vegetation along creeks should be protected."

4.4.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Wildlife (CDFW) or U.S. Fish & Wildlife Service (USFWS)?	Less Than Significant Impact with Mitigation Incorporated
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?	Less Than Significant Impact with Mitigation Incorporated

CEQA Question	Impact Determination
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less Than Significant Impact with Mitigation Incorporated
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less Than Significant Impact with Mitigation Incorporated
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less Than Significant Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

4.4.4 Answers to CEQA Checklist Questions

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Wildlife (CDFW) or U.S. Fish & Wildlife Service (USFWS)?

Less Than Significant Impact with Mitigation Incorporated

A query of federally listed wildlife species for the U.S. Geological Survey 7.5-minute quadrangle encompassing the project area was obtained from the USFWS's Sacramento Endangered Species Office Information Planning and Conservation website. Additional information about the distribution of special status species with the potential to occur within the project area was compiled from the CDFW California Natural Diversity Database for occurrences of special status species within a 1-mile radius of the proposed project alignment as well as from aerial photographs of the project area. Information on the distribution of special status species with potential to occur in the project region also was compiled from published literature. Field surveys were conducted at the site on September 26, September 29, and October 18-19, 2022.

Eight state and federally listed wildlife species were identified with the potential to be within the project area:

- Plants: Butte County fritillary (*Fritillaria eastwoodiae*), Butte County morning-glory (*Calystegia atriplicifolia* ssp. *Buttensis*), Lewis Rose's ragwort (*Packera eurycephala* var. *lewisrosei)*

- Amphibians: Foothill yellow-legged frog (*Rana boylii*) and California red-legged frog (*Rana draytonii*)
- Fish: Delta smelt (*Hypomesus transpacificus*)
- Insects: Monarch butterfly (*Danaus plexippus*) and conservancy fairy shrimp (*Brachinecta conservatio*)

The official lists are provided within the *Biological Resource Technical Memorandum* which is available upon request (NCE 2022a).

No special status plant species protected by the California NPPA have been identified in the project area. Based on the reconnaissance-level survey, background research of occurrence records for special status species, and the lack of suitable habitat present, it is unlikely that special-status plants, Delta smelt, Monarch butterfly, or conservancy fairy shrimp occur within the project area.

California red-legged frog and foothill yellow-legged frog

Aquatic habitat found within the project site (streams and adjacent wetland areas) provides potential breeding habitat for California red-legged and foothill yellow-legged frogs. However, neither frog species was identified during biological surveys at the project site. Foothill yellow-legged frogs have been identified approximately 1,300 feet (0.25 miles) to the northwest of the project site, while California red-legged frogs have not been documented within 1 mile of the project site. Based on the survey findings, these species are not expected to occur. However, the possibility exists that these species could become established prior to construction of the project.

Implementation of the project has the potential to result in direct impacts to California red-legged frog and foothill yellow-legged frog should they be present in the project site during project construction activities. Direct impacts to individuals of these species could result from ground disturbance activities within aquatic habitat and adjacent upland refuge habitat when movement across these areas is occurring. Impacts could also occur in refuge habitat if individuals of this species are aestivating in underground refugia or under debris. These species could be directly impacted by crushing by project equipment or vehicles. These impacts could result in direct mortality of individuals or small populations of these species.

In order to avoid or reduce potential impacts to these species to a less than significant level, the following mitigation measure shall be implemented:

- **Mitigation Measure BIO-1: Protection of California Red-legged and Foothill Yellow-legged Frogs**

  The project proponent shall implement the following standard U.S. Fish and Wildlife Service (USFWS) Mitigation and Avoidance Measures to prevent

mortality of individual frogs that may be found breeding, migrating across, or aestivating on the project site during proposed project activities.

- Preconstruction surveys for California red-legged and foothill yellow-legged frogs shall be completed within 48 hours prior to commencement of any earth-moving activity, construction, or vegetation removal within the project, whichever comes first. The preconstruction survey shall include two nights of nocturnal surveys in areas of suitable habitat.
- If any California red-legged or foothill yellow-legged frogs are encountered during the surveys, all work in the work area shall be placed on hold while the findings are reported to the CDFW and USFWS and it is determined what, if any, further actions must be followed to prevent possible take of this species.
- Where construction will occur in California red-legged and foothill yellow-legged frog habitat, or where frogs are potentially present, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat areas. A qualified biologist will assist in determining the boundaries of the area to be fenced in consultation with the Town, USFWS, and CDFW. All workers will be advised that equipment and vehicles must remain within the fenced work areas.
- A USFWS-authorized biologist will direct the installation of the fence and will conduct biological surveys to move any individuals of these species from within the fenced area to suitable habitat outside of the fence. Exclusion fencing will be at least 24 inches in height. The type of fencing must be approved by the authorized biologist, the USFWS, and CDFW. This fence should be permanent enough to ensure that it remains in good condition throughout the duration of construction on the project site. It should be installed prior to any site grading or other construction-related activities. The fence should remain in place during all site grading or other construction-related activities. The frog exclusion fence could be "silt fence" that is buried along the bottom edge.
- If at any time individuals of these species are found within an area that has been fenced to exclude these species, activities will cease until the authorized biologist moves the individuals.
- If any of these species are found in a construction area where fencing was deemed unnecessary, work will cease until the authorized biologist moves the individuals. The authorized biologist in consultation

with USFWS and CDFW will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist.

- Any individuals found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities.
- Clearance surveys shall occur daily in the work area.
- The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed.
- To ensure that diseases are not conveyed between work sites by the authorized biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.
- Project activities shall be limited to daylight hours, except during an emergency, in order to avoid nighttime activities when California red-legged and foothill yellow-legged frog may be present. Because dusk and dawn are often the times when California red-legged and foothill yellow-legged frog are most actively foraging and dispersing, all construction activities should cease one-half hour before sunset and should not begin prior to one-half hour before sunrise.
- Traffic speed shall be maintained at 10 miles per hour or less in the work area.

In addition to the standard USFWS measures:

- Prepare and present Environmental Awareness Training to all personnel working in the field on the proposed project site. Training shall consist of a brief presentation in which biologists explain endangered species concerns. Training shall include a discussion of special-status plants and sensitive wildlife species. Species biology, habitat needs, regulatory requirements, and measures being incorporated for the protection of these species and their habitats shall also be discussed. Project site boundaries shall be clearly delineated by stakes and/or flagging to minimize inadvertent degradation or loss of adjacent habitat areas during project operations. Staff and/or its contractors shall post signs and/or place fence around the project site to restrict access of vehicles and equipment unrelated to project operations.

- An on-site biological monitor, shall at a minimum, check the ground beneath all equipment and stored materials each morning prior to work activities to prevent take of individuals. All pipes or tubing Four (4) inches or greater shall be sealed by the relevant contractor with tape at both ends to prevent animals from entering the pipes at night. All trenches and other excavations shall be backfilled the same day they are opened or shall have an exit ramp built into the excavation to allow animals to escape.
- Include the following measures in the project SWPPP and/or Spill Prevention Plan:
    - Prevent the potential release of petroleum materials, such as oil and diesel fuel into adjacent habitat areas, including waters of the State and U.S.
    - Locate areas for fuel storage, refueling, and servicing of construction equipment in an upland location outside of sensitive habitat.
    - Establish wash sites in upland locations and ensure wash water does not flow into stream channels or wetlands.
    - Ensure that all construction equipment is in good working condition, showing no signs of fuel or oil leaks. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings, and seals shall be replaced. The mechanical equipment shall be inspected on a daily basis to ensure no leaks. All leaks shall be repaired in the equipment staging area or other suitable location prior to resumption of construction activity.
    - Place oil-absorbent and spill containment materials on-site when mechanical equipment is in operation within 100 feet of a waterway. If a spill or leak occurs, no additional work shall occur until 1) the leak has been repaired, 2) the spill has been contained, and 3) CDFW and Butte County Fire Department are contacted and have evaluated the impacts of the spill.
    - Install silt fence or other sediment-control devices around construction sites near streams and wetlands to contain spoils from excavation activities.

Finding: Implementation of Mitigation Measure BIO-1 reduces potential adverse effects to California Red-legged and Foothill Yellow-legged Frogs to less than significant.

Migratory Birds

Trees and shrubs in the project area may provide suitable nesting habitat for migratory birds including tree-nesting raptors, such as the white-tailed kite observed during the September 26, 2022, survey. White-tailed kite are protected by both the MBTA and as a CDFW "fully protected" species. Although no active nests or nesting bird behavior was observed during the 2022 surveys, this does not preclude birds from establishing active nests between the time of the survey and project construction.

Construction activities that adversely affect the nesting success of special-status or non-special status migratory birds, including tree-nesting raptors, or result in mortality of individual birds constitute a violation of federal law, as discussed previously. Trees within and adjacent to the project site may provide suitable nesting habitat for migratory birds. The best way to avoid disturbing nesting birds is to schedule activities outside the nesting season. Any tree or brush removal required as part of project activities should be completed during months when birds are not actively nesting.

In order to avoid or reduce potential impacts to migratory birds to a less than significant level, the following mitigation measure shall be implemented:

- **Mitigation Measure BIO-2**: **Nesting Bird Protection**
    - If project work must occur during the nesting season (February 1 – September 1), MHC shall utilize a qualified biologist to survey nesting birds within the project area, no more than 14 days prior to the beginning of tree and vegetation removal or ground-disturbing activities. Results of the survey shall be submitted to the Town prior to the start of construction activities.
    - If nesting birds are detected within the project area during the survey, consultation with CDFW and USFWS is recommended to establish acceptable avoidance or minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could include the establishment of a suitable activity-free buffer around active nests/roosting sites. An avoidance or minimization plan shall be submitted to the Town, CDFW, and USFWS for review and approval prior to the start of construction activities. The avoidance or minimization plan shall be submitted to the project proponent for review and approval prior to the start of construction activities. These measures will ensure that no nesting birds are impacted by construction activities.

Finding: Implementation of Mitigation Measure BIO-2 reduces potential adverse effects to migratory birds to less than significant.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

Less Than Significant Impact with Mitigation Incorporated

Sensitive natural communities are those listed in the CDFW's California Natural Diversity Database due to the rarity of the community. NCE delineated several named and unnamed stream channels and three freshwater emergent wetlands, primarily in the western section of the project area and mostly contained within the Phase 2 project area (see **Figure 10**). The stream channels are bordered by riparian habitat dominated by Himalayan blackberries and arroyo willows.

The Phase 1 project has been designed to avoid impacts to wetlands and stream channels. However, the improvement and widening of Cypress Lane to provide access to the project site during Phases 1 and 2 will require installing new culverts and fill within stream channels. The Phase 2 design is still in progress and impacts are not yet known. Any impact to regulated waters and wetlands will require regulatory permitting from the USACE, CDFW and RWQCB prior to the issuance of grading permits. These regulatory permits are designed to fully mitigate impacts on these resources.

- **Mitigation Measure BIO-3: Aquatic Resources**

  Prior to issuing a grading permit, the Town shall require the project proponent to determine the exact quantity of aquatic resources to be impacted and obtain regulatory permits from the USACE (Section 404 permit), CDFW (Streambed Alteration agreement), and RWQCB (Section 401 permit) to comply with federal and state regulations. The project proponent shall purchase mitigation bank credits or provide on-site mitigation/restoration for impacts to aquatic resources at a ratio agreed to between the Town, USACE, RWQCB, and CDFW.

Finding: Implementation of Mitigation Measure BIO-3 reduces potential adverse effects to aquatic species to less than significant.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact with Mitigation Incorporated

See response to 4.4.4(b) above.

Finding: Implementation of Mitigation Measure BIO-3 provides regulatory compliance and protection of wetlands and impacts would be considered less than significant.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact with Mitigation Incorporated

There are no established migratory corridors associated with the project area or vicinity. Construction could temporarily interrupt local movement of native resident or migratory wildlife species through the project site.

As discussed above, the project area contains habitat that could support red-legged frog and foothill yellow-legged frog and potential nesting habitat for migratory birds or birds of prey. **Mitigation Measure BIO-1** and **Mitigation Measure BIO-2** ensure that special status species migrating to the area and migratory bird species utilizing the project area for nesting would be protected.

Finding: Implementation of Mitigation Measure BIO-1 and Mitigation Measure BIO-2 and provide sufficient species protection during construction to mitigate potential adverse effects on resident or migratory species to less than significant.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact

As noted in above, 183 trees were identified on the site with a dbh greater than 4 inches; many of these trees were damaged by the 2018 Camp Fire but continue to grow. Many of these trees may be removed as part of the Town's Hazard Tree Removal Program.

The project design incorporates some of the existing trees into the landscaping plan, but some existing trees and shrubs would be cut, trimmed, or removed. The project would comply with the requirements of Title 8, Chapter 12 of the Town Code of Ordinances and obtain any necessary permits or approvals for any trees that would be cut, trimmed, or removed. Therefore, the project would not significantly conflict with local policies and ordinances protecting biological resources.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact

There are no known Habitat Conservation or Natural Community Conservation plans associated with the project area. No impacts are anticipated, and no mitigation measures are required.

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

The Area of Potential Effect (APE) for cultural resources consists of the nearly 24-acre Area of Direct Impact (ADI) and the Area of Indirect Impact (AII) extending approximately 100 meters outside of the ADI. As noted previously, the ADI was largely cleared after the 2018 Camp Fire, although asphalt, septic tanks and leach fields, gazebos, concrete, and driveways remain. Some parts of the ADI previously contained a vocational rehabilitation facility, nursing home, and church.

4.5.2 Regulatory Setting

Federal

The National Historic Preservation Act (NHPA) defined the role and responsibilities of the federal government in historic preservation and established the National Register of Historic Places. The NHPA directs agencies to identify and manage historic properties under their control. Agencies, such as the Town when acting as Responsible Entity for HUD projects, should advance the Act's provisions and avoid actions contrary to its purposes. Agencies should consult with others while carrying out historic preservation activities and consider the effects of their actions on historic properties.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a useful tool when a government agency undertakes a discretionary action subject to CEQA. The CRHR helps government agencies identify and evaluate California's historical resources and indicates which properties are to be protected, to the extent prudent and feasible, from substantial adverse change (PRC §5024.1(a)). Any resource listed in, or eligible for listing in, the CRHR must be considered during the CEQA process.

Local

Town of Paradise General Plan

The Town's General Plan (Town of Paradise 2008) outlines policies and mitigation measures to assess areas of potential archaeological sensitivity. It specifies that the Town should consult with the Northeast Information Center, survey a project area, and protect cultural resources inadvertently discovered during project construction.

4.5.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines § 15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?	Less Than Significant Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	Less Than Significant Impact

4.5.4 Answers to CEQA Checklist Questions

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines § 15064.5?

No Impact

Archival data overlapping the APE were reviewed and an intensive pedestrian survey was conducted within the APE on September 29, 2022. The objective of the archival review was to determine the location and nature of prehistoric and/or historic resources previously recorded. The objective of the field inventory was to locate and describe cultural resources present within and adjacent to the APE. Complete methods and findings are available upon request (NCE 2022b).

Archaeological inventory and site records maintained by the Northeast Information Center were requested using a 100-meter search buffer around the ADI. The records search disclosed that no cultural resources have been formally recorded in the ADI or within the AII. Historical maps and aerial imagery indicate the eastern portion of the APE was expansive farmland for either orchards or tree nurseries. The western portion was an open field surrounded by farmland. Small houses started being built within the entire APE by 1973. By 1984, the APE was the developed urban landscape known before the 2018 Camp Fire swept through the Town.

As a result of the inventory, no cultural resources have been identified within the APE. Although ground visibility within the APE was clear due to recent bulldozer activity, the fire and subsequent cleanup drastically impacted the soil surface. The APE has been thoroughly disturbed both on the surface and subsurface. Subsurface disturbances from previous urban development include the installation of water lines, sewer lines, electrical lines, and building foundations. Recent surface disturbances include hazmat clearing of structures burned in the 2018 Camp Fire

and removal of the top 3 to 6 inches of soil. The subsurface utilities installed before the 2018 Camp Fire appeared to be intact and one concrete foundation was left within the APE. The remains of all other structures within the APE were removed with a bulldozer. None of the remaining surface structures meet the criteria for listing in the CRHR.

Therefore, the project would have no impact on the significance of a historical resource.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

Less Than Significant Impact

The search results indicated no historic archaeological sites were previously recorded within the AII. The potential to impact prehistoric archaeological sites is addressed in Section 4.18, Tribal Cultural Resources.

The APE is considered to have low historic archaeological sensitivity and low potential to contain preserved subsurface historic sites. Intense farming practices of orchards, later construction of the buildings less than 50 years ago, and removal of hazardous waste after the Camp Fire (e.g., surface soil scraping with heavy machinery and removal of damaged foundations and utilities) would have damaged or destroyed any potentially buried cultural resource material.

No cultural resources were identified within or adjacent to the APE by the archival research and pedestrian survey. Project construction would be limited to previously disturbed areas unlikely to hold archaeological potential for historic resources. Therefore, the project would have a less than significant impact on historic archaeological resources.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact

The discovery of human remains is always a possibility during ground-disturbing activities. If human remains are found, the State of California Health and Safety Code § 7050.5 states that no further disturbance may occur until the county coroner has made a determination of origin and disposition pursuant to PRC § 5097.98. In the event of an unanticipated discovery of human remains, the county coroner must be notified immediately. If the human remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD would complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access. With adherence to existing regulations governing the identification and treatment of human remains if revealed

during construction, the potential for the project to disturb human remains would be less than significant.

4.6 ENERGY

4.6.1 Environmental Setting

The Town's General Plan promotes and encourages local and regional energy conservation. In addition, California's Building Standards Code (24 CCR) includes two parts 1) the Building Energy Efficiency Standards (Energy Code), Part 6 of Title 24, and 2) the California Green Building Standards (CALGreen Code), Part 11 of Title 24. The Energy Code applies to newly constructed buildings, additions, and alterations. The 2022 standards have been adopted and go into effect for projects that apply for building permits starting January 2023. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. The ventilation measures improve indoor air quality, protecting homeowners from air pollution originating from outdoor and indoor sources.

4.6.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less Than Significant Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

4.6.3 Answers to CEQA Checklist Questions

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact

The project would introduce new residential land uses to the site. Both construction and operation of the project would result in energy consumption. Construction-related energy usage would be temporary and have a negligible contribution to the project's overall energy consumption. Construction contractors would have a financial disincentive to waste fuel used by construction equipment (i.e., excess fuel usage reduces profits) and therefore, it is generally assumed fuel would be conserved to the maximum extent feasible. Furthermore, regulations enforced by the AQMD (13 CCR § 2485) limit the idling time of diesel construction equipment to 5 minutes.

As presented in **Section 4.3, Air Quality**, the project would implement BMPs from the AQMD's CEQA Handbook, which includes construction measures to improve fuel efficiency, minimize idling, and limit emissions.

The project would redevelop an area that was destroyed by the Camp Fire. The project's development would be constructed to be generally consistent with the goals and policies related to energy in the Town of Paradise's General Plan, Goal OCEG-10 and OCEG-11. Energy-efficient features would be incorporated into the residential buildings in accordance with Town and State requirements, including water and energy efficiency, resilience, and mitigating the impact of future climate change. While transit service is still limited, bicycle and pedestrian infrastructure is being built throughout the Town.

The project includes measures to limit emissions during construction and includes energy-efficient features. As an infill redevelopment project within the existing urban boundary, the project would not result in the inefficient, wasteful, or unnecessary use of energy.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact

The project would not conflict or obstruct the goals and policies of the Town of Paradise's Energy Conservation section of the Paradise General Plan. Construction pursuant to California's Building Standards Code and implementing BMPs to reduce fossil fuel use by construction vehicles would be consistent with these goals and policies. Because the project is redevelopment of a site within the urban boundary and would conform with the Goals and Policies of Paradise's Energy Conservation section of the General Plan, the project would have no impact on plans for renewable energy or energy efficiency.

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

The project site lies near the western slope of the Sierra Nevada. The project area is relatively flat with a general elevation of approximately 2,092 feet above mean sea level. Topographic contour lines in the vicinity of the project indicate that surface water generally drains towards the southwest.

Regional Geologic Setting

The Town lies on an east-west-tending ridge on the western slope of the Sierra Nevada foothills. The Sierra Nevada, a tilted fault block batholith extending almost 400 miles in length, is comprised primarily of granite. In some areas, remnant Cenozoic volcanic peaks remain from the previous mountain range that the granite uplifted. To the west lies the Sacramento Valley, and beyond that the Coast Ranges. The California Sierra Nevada are part of the American Cordillera, extending from Mexico to Canada along the west coast of North America.

Seismicity and Faulting

Active faults are considered those that have moved during the past 11,000 years and are generally only active faults are considered in evaluating seismic risk for building construction. The only known active fault in Butte County is the Cleveland Hills fault, the site of the August 1975 Oroville earthquake. This earthquake had a Richter magnitude of 5.7. Due to the proximity of the Town to the nearby Cleveland Hills Fault, the Town can occasionally expect low- to medium-intensity ground-shaking (Town of Paradise 2022b).

Liquefaction

Liquefaction can occur when wet or saturated cohesionless soils temporarily lose strength due to the buildup of excess water pressure during events such as earthquakes. Soils most susceptible to liquefaction is loose, clean, saturated, uniformly graded sand. Although the Town is close to the Cleveland Hills fault, the project is considered to be at a low risk of hazards from liquefaction because local soils, for the most part, are not sandy, and the ground will not become saturated.

Groundwater

A review of groundwater monitoring data collected near the project suggests that the local groundwater gradient matches the natural gradient direction, to the southwest. The 2018 Camp Fire destroyed much of the municipal water distribution system. Groundwater is replenished by an average of 60 inches a year of rainfall. Well monitoring data are not available, but groundwater probably moves towards Little Butte Creek (to the north) as this is the nearest live stream (California Department of Water Resources 2020). Limited groundwater data is available for

the Town. Because it is in the foothills instead of the basin/valley area, the wells are in fractured rock, rather than a large aquifer (Autumn Thomas, Butte County Department of Water and Resource Conservation, October 2022).

Soils

Based on the soil survey published by the USDA Natural Resources Conservation Service, the project site encompasses one mapped soil unit: Paradiso loam, 2 to 15 percent slopes (Natural Resources Conservation Service 2022). The Paradiso series consists of very deep, well drained soils that formed in weathered tephra over residuum from volcanic rocks. Paradiso soils are on volcanic ridge tops in the Cascade mountains. This soil is well drained with medium to high runoff.

4.7.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Could the project directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Less Than Significant Impact
ii. Strong seismic ground shaking?	Less Than Significant Impact
iii. Seismic-related ground failure, including liquefaction?	Less Than Significant Impact
iv. Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	Less Than Significant Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less Than Significant Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact

CEQA Question	Impact Determination
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less Than Significant Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

4.7.3 Answers to CEQA Checklist Questions

a) Would the project directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact

The project is not within an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation 2019) that designates a known active fault. An active fault is defined as one that has ruptured or shows evidence of displacement in the Holocene or the last 11,000 years. Therefore, the project area is not susceptible to fault rupture as defined by the California Geologic Survey (formerly the California Division of Mines and Geology), and the potential for fault rupture at the project area is low.

ii. Strong seismic ground shaking?

Less Than Significant Impact

The primary geologic hazard in the project area is the potential for low to medium ground-shaking associated with nearby faults discussed in the prior sections on seismicity and faulting. Factors determining the characteristics of earthquake ground motion at the project area would depend upon the magnitude of the earthquake, distance from the zone of energy release, travel path, topographic effects, subsurface materials, and rupture/source mechanism.

The project has been designed to accommodate anticipated ground motions in accordance with appropriate seismic design criteria. Therefore, potential impacts associated with seismic shaking are considered less than significant.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact

As discussed in the Environmental Setting, based on the subsurface characteristics, the potential for soil liquefaction at the project site is low. All structures would be

designed to withstand strong ground motion and ground failure (that might occur during an earthquake, causing liquefaction. The project would incorporate the recommended project design specifications; therefore, no additional-project specific mitigation measures are proposed and impacts resulting from liquefaction are anticipated to be less than significant.

iv. Landslides?

No Impact

The project site and surrounding area are relatively flat, and seismically related landslides are not likely to occur. Furthermore, the site was previously developed, and the proposed buildings will be constructed on compacted soils. The lack of significant slopes on or near the project site indicates that the hazard from slope instability, including landslides and debris flows, is negligible. Therefore, the project would not subject residents to the risk of landslides.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact

The project would not result in substantial soil erosion or topsoil loss. The project would implement erosion and sediment BMPs as outlined in Section 3.6 that would prevent significant soil loss or erosion during construction, including use of native revegetation to stabilize disturbed areas. Implementation of the project SWPPP would further reduce potential for erosion and topsoil loss during construction.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less Than Significant Impact

Lateral spreading is a type of ground instability that results in ground displacements when liquefaction of a soil layer causes insufficient strength for lateral stability. This phenomenon can occur when either the ground surface or the soil layer subject to liquefaction is sloped or an open slope face or stream channel adjacent to a potentially liquefiable soil layer.

The predominant soil type in the area is known as Paradiso loam, and the potential for ground shaking is low. Based on the topographic nature of the site, the potential for lateral spreading or liquefaction to occur at the site is very low. Therefore, risk of soil failures is less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact

Expansive soils shrink and swell with changes in moisture content as the clay minerals in these soils expand and contract. According to Figure HS-8 in the Butte County General Plan 2030 EIR (Butte County 2019), expansive potential in the project area is low within Paradise. The project area does not contain expansive soils as defined in Table 18-1-B of the Uniform Building Code (1994). The project would comply with federal, State, and local building regulations to ensure the adequate design and construction of building foundations to resist soil movement. The project would not create substantial direct or indirect risks to life or property.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Less Than Significant Impact

Housing constructed as part of the project will be required to comply with the Town's wastewater regulations per the On-site Wastewater Division. Previous structures on this site used septic systems, and parts of these will be reused in this project. The Town requires pre-construction determination of whether a project site's soils can support a septic system. This includes groundwater location and depth determination, proper maintenance of the system post-construction as directed by the Division, and ongoing monitoring of groundwater and surface water impacts of the systems.

The initial testing and design of the wastewater disposal systems for the project are already underway, per the April 8, 2022, Preliminary Wastewater System Design Concept (Northstar 2022). Percolation tests confirmed that the soils on the site area are adequate to protect public waters and public health using an onsite wastewater system. Two separate wastewater collection, treatment and disposal systems are proposed with leach fields on two separate properties. Both have the capacity and soil composition to dispose of the wastewater of the proposed housing. Therefore, site soils are capable of adequately supporting the use of the proposed wastewater systems.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact

The Northeast Information Center records search revealed there are no cultural resources identified within the project area (NCE 2022b). No unique geological resources were identified within the project boundary and no sedimentary fossiliferous geologic structures underly the project site. Therefore, the project would not directly or indirectly destroy any unique paleontological resources or geologic features.

4.8 GREENHOUSE GAS EMISSIONS

The term greenhouse gas (GHG) is used to describe atmospheric gases that absorb solar radiation and subsequently emit radiation in the thermal infrared region of the energy spectrum. GHGs tend to trap heat in the Earth's atmosphere. Water vapor is a primary GHG, and its presence helps to moderate the earth's climate. Because they are increasing rapidly in the atmosphere from human activity, GHGs of concern include carbon dioxide, methane, nitrous oxide, and fluorinated gases. These GHGs have increased dramatically since the start of the industrial revolution, and the increase in the atmosphere's heat-trapping capacity attributable to human activity has risen 43 percent since 1990 (NOAA 2019). This is a result of about a 10-fold increase in world population and extensive use of fossil fuels like oil, coal, and natural gas (methane). Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, atmospheric GHGs have a broader, global impact.

GHGs differ by the amount of heat each trap in the atmosphere, known as global warming potential. Carbon dioxide is the most significant GHG, so the amounts of other gases are expressed relative to carbon dioxide, using a metric called "carbon dioxide equivalent" (CO_2e). The global warming potential of carbon dioxide is assigned a value of 1, and the warming potential of other gases is assessed as multiples of carbon dioxide. Generally, estimates of all GHGs are summed to obtain total emissions for a project over a given period, usually expressed in metric tons or million metric tons CO_2e.

4.8.1 Environmental Setting

The primary source of GHGs within Paradise is fossil fuel consumption from the transportation sector. Other smaller sources are associated with residential, commercial/industrial, waste/landfill, and agriculture. PG&E is the primary electricity provider and, according to their website (https://www.pge.com/), has been making significant progress with renewable generation and lowering the CO_2e per kilowatt of delivered electricity.

4.8.2 Regulatory Setting

Federal

The EPA has no regulations or legislation enacted specifically addressing GHG emissions reductions and climate change at the project level. In addition, the EPA has not issued explicit guidance or methods to conduct project-level GHG analysis.

State

The State of California has taken several legislative steps to reduce increases in GHG emissions. The California ARB is the lead agency in the development of

reduction strategies for GHGs in California (ARB 2021). California's GHG reduction requirements aim to reduce vehicle miles traveled, thereby improving air quality by reducing GHG emissions from automobiles. California is making progress toward the reduction goals and emissions per capita have dropped while economic activity increases (ARB 2021).

The Clean Energy and Pollution Reduction Act (Senate Bill 350) established clean energy, clean air, and GHG reduction goals. This includes reducing GHGs to 40 percent below 1990 levels by 2030 (already achieved in 2022) and to 80 percent below 1990 levels by 2050. Thus, indirect emissions from electricity used by residents is expected to continue to diminish.

Regional

At this time, the AQMD has not adopted quantitative thresholds for GHG emissions impacts. "The District has not determined a threshold of significance for GHGs. In determining the significance of impacts from GHG emissions, the CEQA Guidelines Section 15064.4(a) directs that GHG emissions be either (1) quantified or (2) described using a qualitative analysis or performance-based standards. The GHG emissions of all projects that do not meet the screening criteria provided in Section 6.2 may be quantified using the latest version of CalEEMod." (Butte County AQMD 2014).

4.8.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant Impact

4.8.4 Answers to CEQA Checklist Questions

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact

The project would construct a 140 unit residential development in an area that was developed prior to being destroyed by the Camp Fire. While transit service is still limited, bicycle and pedestrian infrastructure is being built throughout the Town.

As presented in **Section 4.3**, **Air Quality**, the project would implement BMPs from the AQMD CEQA Handbook, Appendix C. This includes construction measures to improve fuel efficiency, minimize idling, and limit emissions.

A CalEEMod modeling run was performed for the project, calculating both construction and operational CO_2e emissions. The results are presented in **Table 3**, below. Operation emissions are estimated for year 2025. The State will continue to shift toward renewable electricity sources in future years. Other GHG reduction programs are also being implemented. Therefore, 2025 GHG operational emissions are probably the maximum amount, and the project's CO_2e emissions would be anticipated to decline over time.

Table 3. Estimated Construction and Operational CO_2e Emissions

Year	Construction Pounds/day	Annual Tonnes	Occupancy Tonnes
2023	556	92.1	N/A
2024	4,582	759	1,334.5
2025	653	108	2,669

Note: Assumes 70 units occupied in 2024 and 140 units occupied in 2025. Tonnes is the international measurement unit for CO_2e reporting and is used by EPA and ARB. It equals 1,000 kilograms or 2,200 lbs.

As noted in the regulatory section, the AQMD has no threshold for GHG emissions. The project includes measures to limit emissions during construction and includes many of the features recommended by the California Air Pollution Control Officers Association such as energy and fuel savings, and water conservation. Before the Camp Fire, the site was developed with California Vocations, which had 200 employees, and the 130 bed Cypress Acres Convalescent Hospital and Nursing Home. The project would therefore result in a less than significant net increase in GHG emissions.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact

The Town's recently adopted Housing Element and supporting documents focus on sustainability and resilience (Town of Paradise 2022c). The proposed project is consistent with this plan and is located in zoning that is designated for affordable housing. Essentially, the new Cypress housing implements part of the Town's new Housing Element, which is a key tool to accomplish rebuilding.

New construction would replace the destroyed structures that were built more than 30 years ago to much lower energy efficiency standards. The proposed development would comply with Title 24 Building Energy Efficiency Standards and Green Building Standards, as discussed in Section 4.6, energy.

For these reasons, the project would have a less than significant contribution to GHG emissions during construction and operation. Given that construction emissions would be short-term, increases in GHG emissions would not be considered significant and would not limit the State's ability to attain the goals identified in AB 32. Once operational, the project would help attain the State's goals defined in AB 32 as an infill, affordable housing project with planned transit access; therefore, the project would be consistent with State and regional goals to reduce GHG emissions.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

Due to significant damage incurred, the Camp Fire led to the demolition and removal of most remnant structures and improvements on the project parcels. In 2022, Broadbent & Associates (Broadbent) conducted a Phase I Environmental Site Assessment (Phase I) of the project area (Broadbent 2022a). The Phase I identified what remains at each of 7 parcels that make up the project area, as follows:

- 050-140-162 – This parcel consists of a damaged/deteriorating asphalt driveway, concrete sidewalk remnants, intact metal railing surrounding a concrete handicapped parking space, and a septic tank (condition unverified).
- 050-140-155 – The portion of the parcel that is north of Cypress Lane consists of a large asphalt driveway and parking lot, an aboveground concrete planter, two (2) metal gazebo structures, a fire hydrant (condition unverified), and what appears to be a multi-tank septic field (condition unverified). The portion of the parcel that is south of Cypress Lane is unimproved. A worn dirt track runs north-south along the mid-to-western boundary of the parcel.
- 050-140-161 - This parcel appears to be a segment of the north-adjacent property and consists only of the partial driveway leading to the north-adjacent property and a septic tank (condition unverified).
- 050-140-160 – A large asphalt parking lot remains intact at the entrance adjacent to Clark Road. A septic tank (condition unverified) is located in the middle of the parcel.
- 050-140-151 – This parcel is undeveloped.
- 050-140-050 – This parcel is undeveloped.
- 050-140-053 – The remnant of a dirt driveway and concrete path leading to the former burn footprint remains in the center of this parcel.

The Phase I identified the potential for Recognized Environmental Conditions (RECs), or Historical Recognized Environmental Conditions (HREC) as noted below. Per the ASTM 15-21 Standard for Phase I Environmental Site Assessments, RECs/HRECs result from past improper use, manufacturing, storage, and/or disposal of hazardous or toxic substances. No residual contamination from the fire was identified or is anticipated on the project area.

The Phase I described that a single, 500-gallon underground storage tank (UST) had been identified at 1620 Cypress Lane (050-140-162) in the environmental records that is considered a REC. This former UST is located within the project area and its assumed location is beneath the parking lot. The UST contained kerosene

before being located and removed during Camp Fire debris cleanup efforts. Records indicate that UST removal actions, conducted by Cal-Recycle contractors, resulted in a release of a portion of the UST contents. Subsequent soil and groundwater investigations conducted by the State identified hydrocarbon impacts to the subsurface; the extent of hydrocarbon impacts were conducted and summarized below. The Phase I is available upon request.

A report titled *Additional Site Assessment & Low-Threat Closure Evaluation* (Broadbent 2022b) was reviewed. This report was prepared in July 2022 to describe subsequent investigations of the hydrocarbon impacts to soil and groundwater caused by the release. Broadbent concluded that the laboratory analytical data indicated that residual impacts to soil and groundwater from the former UST release are limited in extent and do not appear to be a threat to public health or the environment. They further conclude that soil and groundwater impacts appear to be within limitations established by the SWRCB Low-Threat Closure Policy (LTCP), and biodegradation of residual impacts is expected to occur. While no soil vapor evaluations were conducted, Broadbent concluded in their evaluation of the Media Specific Criteria for Petroleum Vapor Intrusion to Indoor Air that "Draft plans for future construction at the Site indicate that the source area will be covered with a paved parking lot… Therefore, the media specific criteria for petroleum vapor intrusion to indoor air is satisfied." Broadbent (2022b) stated that no further action was recommended, and Site closure was requested. The SWRCB concurred in their Notice of Eligibility Letter dated September 21, 2022, and closure is being actively pursued, and public outreach and a closure letter are anticipated.

4.9.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less Than Significant Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less Than Significant Impact with Mitigation Incorporated
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less Than Significant Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5	Less Than Significant Impact

CEQA Question	Impact Determination
and, as a result, would it create a significant hazard to the public or the environment?	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Less Than Significant Impact

4.9.3 Answers to CEQA Checklist Questions

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact

The project involves the construction of multi-family and senior housing and does not involve any routine transport, disposal, or use of hazardous materials beyond those used during construction or normal maintenance.

The project's use of hazardous materials during construction would be limited to fuels and other maintenance-related chemicals to run equipment machinery, and materials would be managed according to the on-site SWPPP. For example, the SWPPP would require that equipment fueling and maintenance, if performed at the job site, must be performed in a designated area utilizing secondary containment with a spill kit nearby. Rinsing of concrete tools and chutes would also be performed according to the SWPPP, including utilizing concrete washouts and/or requiring that wastewater be kept within the concrete truck and hauled off-site for recycling.

The Department of Transportation limits the transportation of hazardous waste that can be transported at one time to 15 gallons (combined total). Therefore, the use of hazardous materials during construction and operation would be limited and would not create a significant hazard to the public or the environment.

Operational hazardous material use by households would consist mainly of cleaning, maintenance, and minor gardening supplies. Professional gardeners for the community landscaping would be responsible for the use and transport of gardening chemicals, which, based on the size of the site and limited landscaping, are anticipated to be minimal. Therefore, the project would not create a significant

hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact with Mitigation Incorporated

Proposed construction will involve ground-disturbing activities including grading and excavation. As noted above, a previous Phase I ESA (Broadbent 2022a) identified a single UST located within the Project Area at 1620 Cypress Lane. This location is south of Cypress Lane, approximately in the location of the proposed parking area between the senior housing and family housing. The UST was removed, along with 20 cubic yards of contaminated soil, in 2020. Subsequent investigations, as noted in a letter from the SWRCB dated September 21, 2022, concluded that the source type and location are known and impacts to soil and groundwater have been delineated. The SWRCB concurred (2022) with Broadbent (2022b) that the Site meets all general criteria and media specific criteria for soil and groundwater. The SWRCB also concurred with Broadbent that the plans for future construction at the Site show the source area will be covered with a paved parking lot, therefore LTCP criteria for petroleum vapor intrusion to indoor air was also satisfied.

Once public outreach is completed, a closure letter is anticipated. However, residual pockets of contaminated soils could potentially exist that could present localized hazards to construction workers. Worker exposure to groundwater is not expected. Therefore, the following mitigation measure is required to protect construction worker safety:

Mitigation Measure HAZ-1: Soil Management Plan

A soil management plan (SMP) shall be prepared to protect construction workers and address the disposition of any soils that are encountered that may be contaminated. It shall specify required special handling requirements for soil contaminated by petroleum hydrocarbons. The SMP shall be provided by the contractor, shall be monitored onsite by a qualified person onsite who is trained to identify these situations and direct SMP protocols accordingly, and shall adequately address:

- Worker exposure monitoring and training requirements
- Health and safety
- Soil handling BMPs
- Soil stockpiling, transportation, dewatering, and disposal
- Waste management and disposal

Finding: Implementing Mitigation Measure HAZ-1 would reduce potentially significant exposure to construction workers to less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact

The nearest school is Children's Community Charter School about 1,500 feet east of the project, just over one-quarter mile. No other schools are known to be proposed in the vicinity. As discussed above, hazardous materials used as part of the project are anticipated to be limited. Construction vehicles would produce routine emissions that would be temporary and less than significant. For a discussion on air quality, see Section 4.3, Air Quality. The review of laboratory analytical data indicated that residual impacts to soil and groundwater from the former UST release are limited in extent and do not appear to be a threat to public health or the environment. Therefore, the project would not have an adverse effect on an existing or proposed school.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact

See discussion 4.9.3(b). Based on information contained within the EDR report in the Phase I, a listing identified as "CA Vocations" located at 1620 Cypress Lane (part of the Subject Property) was identified in the LUST, CERS, and CORTESE databases for an ongoing investigation related to the UST. The SWRCB's GeoTracker site provides full details and documentation for the ongoing investigation, cleanup, and proposed site closure. The review of laboratory analytical data indicated that residual impacts to soil and groundwater from the former UST release are limited in extent and do not appear to be a threat to public health or the environment.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact

The closest airport near the project site is the Paradise Skypark Airport, a privately owned, public-use airport, approximately 4.8 miles south of the project site. As such, the project would not result in a safety hazard or excessive noise for people residing in the project area.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact

The Town of Paradise *Emergency Operations Plan* Emergency Operations Plan addresses the Town's planned response to extraordinary emergency situations. These emergencies include natural disasters, technological incidents, and national security emergencies (Town of Paradise 2011). As shown in **Figure 11**, the primary evacuation routes in Paradise are along Skyway, Clark Road, and Pentz Road, as confirmed in the 2022 TMP. Each of these roads runs roughly north-south and secondary evacuation routes run east-west to connect residents to these roads. Specific evacuation routes will vary depending on the emergency's location, direction, and rate of spread. The Housing and Safety Element includes policies and programs to improve the Town's infrastructure, such as improvements to emergency evacuation routes and installation of early warning systems (Town of Paradise 2022b). The TMP recommends infrastructure and operations projects that can be implemented proactively to help traffic evacuation during an emergency; this includes the widening of Clark Road next to the project site, as well as the construction of new secondary evacuation routes. The project is required to improve Cypress Lane and its connection to Clark Road. Therefore, the project would not have an impact on the existing adopted emergency response plan or evacuation plan.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact

The vast majority of the town is identified by the California Department of Forestry and Fire Protection (CAL FIRE) as a very high fire hazard severity zone (VHFHSZ) (CAL FIRE 2008). The project site is partially developed, and wildlands are nearby; the site is within the "wildland-urban interface." The Town's Housing and Safety Element identifies parcels throughout the town as locations for potential future residential development to accommodate the Town's Regional Housing Needs Allocation (RHNA), including sites that are in the VHFHSZ. The Element includes policies and programs to reduce fire risk, including but not limited to the creation of Wildfire Risk Reduction Buffers, the clustering of development where it is flatter and easier to evacuate, establishment and enforcement of fuels management programs and education, analysis and potential implementation of more stringent fire-resistant building requirements, and implementation of community-wide evacuation drills. Such policies and programs would reduce the risk of loss, injury, or death due to wildfire. The project is being designed to incorporate principles of sustainability, including resilience, and mitigating the impact of future disasters. See Section 4.20, Wildfire, for further discussion of wildfire potential.

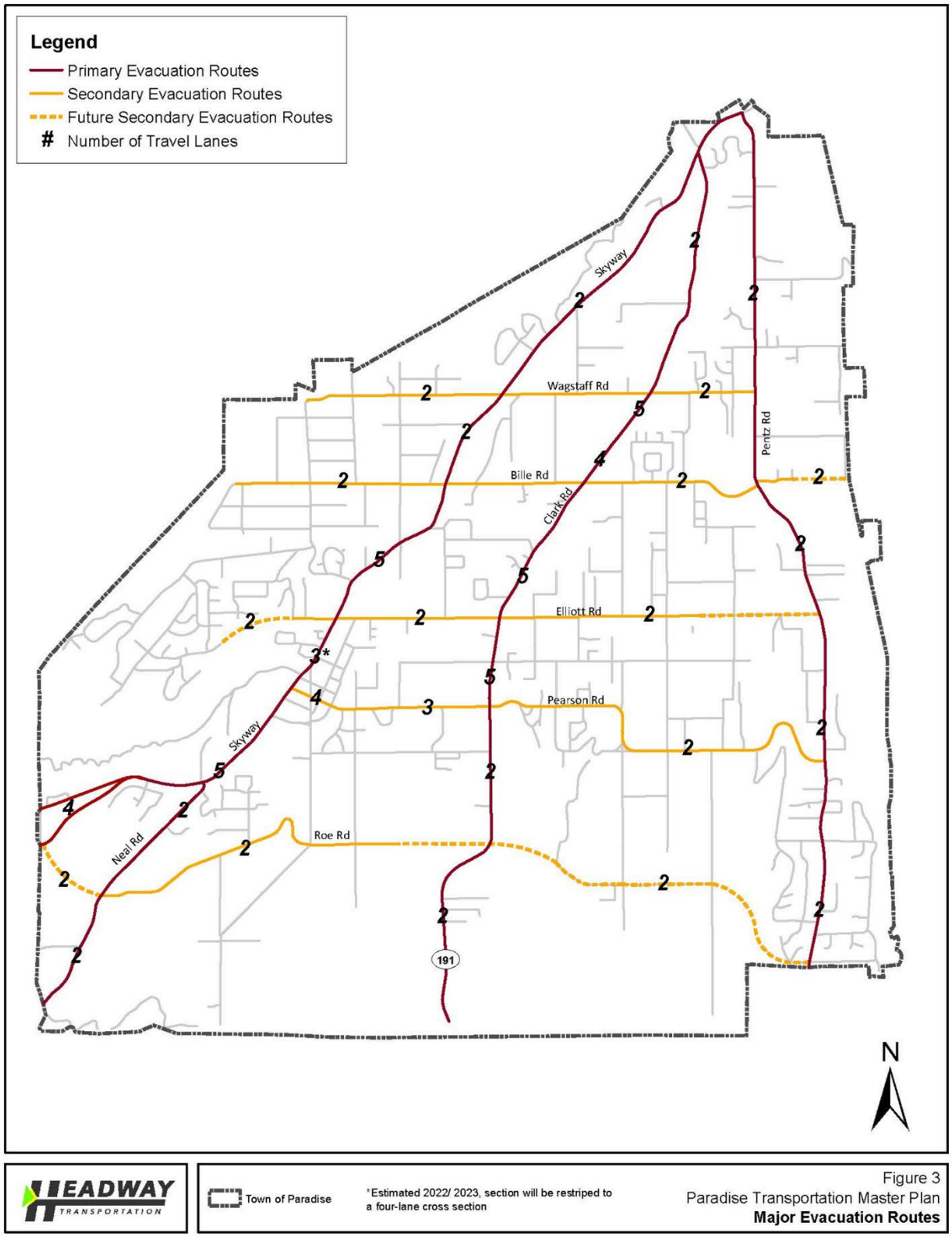

Figure 11 Paradise Evacuation Routes

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

Paradise is within the jurisdictional boundaries of the RWQCB. The nearest listed surface water is a federally recognized wetland stream (Dry Creek) that flows south-southwest through parcels 050-140-161, 050-140-151, 050-140-053, and 050-140-050 (Broadbent 2022a).

As discussed in Section 4.4, Biological Resources, all the hydrologic features on the site are considered waters of the United States and waters of the State of California. Subsequent to the Broadbent report, NCE delineated several named and unnamed stream channels and three freshwater emergent wetlands, primarily in the western section of the project area and mostly contained within the Phase 2 project area (NCE 2022a).

These features include about 0.46 linear miles of stream channels running from Cypress Lane south to Adams Road. A single stream channel was identified in the southeast corner of the project site that measured 0.09 linear miles in length. The stream channels are bordered by riparian habitat dominated by Himalayan blackberries and arroyo willows, which covers approximately 34,462 square feet, or 0.79 acres.

One of the freshwater emergent wetlands covers approximately 7,293 square feet, or 0.17 acres, on the western side of the stream channels, north of Cypress Lane. The other freshwater wetlands cover approximately 5,142 square feet, or 0.12 acres, and border either side of the eastern stream just north of Adams Road.

Groundwater

The project is located within the Sacramento Valley Groundwater Basin in the East Side Basin (Butte County 2019). Groundwater availability in an area depends largely upon the area's geologic, hydrologic, and climatic conditions. Groundwater in the eastern portion of the county, where the Town is located, "is found in more limited amounts within volcanic, metamorphic and granite rock. The major sources of groundwater recharge in Butte County are precipitation, infiltration from streams, subsurface inflow and deep percolation of applied irrigation water in agricultural areas" (Butte County 2019).

Flood, Tsunami and Seiche Hazards

The project area is delineated on Federal Emergency Management Agency (FEMA) map panel 06007C0400E, effective 1/6/2011. The project area is designated as Zone X, an area with minimal flood hazard. The project area is not located in an area near the ocean nor a large body of water that would be affected by a seiche, tsunami, or mudflow.

4.10.2 Regulatory Setting

Federal

Clean Water Act and NPDES Permit

Section 402 of the Clean Water Act requires National Pollutant Elimination System (NPDES) permits for stormwater discharges from municipal storm drain systems. The Water Quality Control Plan for the Central Valley Basin (Basin Plan; Central Valley RWQCB 2019) is the RWQCB 's planning document. All residential development identified within a water quality control or sustainable groundwater management plan area is required to follow it. The RWQCB issues the municipal stormwater NPDES permits to address stormwater impairments and recommend actions. Stormwater discharges into the Town's municipal stormwater drainage system are regulated by the Central Valley RWQCB under the Municipal Regional Stormwater NPDES Permit.

State

Statewide Construction General Permit

Because the project would disturb more than 1 acre, it is subject to the statewide Construction General Permit Order 2009-0009-DWQ, which regulates stormwater leaving construction sites. Under this order, site owners must notify the state and implement a SWPPP prepared by a Qualified SWPPP Developer.

4.10.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. result in substantial erosion or siltation on- or off-site;	Less Than Significant Impact
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Less Than Significant Impact

CEQA Question	Impact Determination
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Less Than Significant Impact
iv. impede or redirect flood flows?	Less Than Significant Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Less Than Significant Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less Than Significant Impact

4.10.4 Answers to CEQA Checklist Questions

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less Than Significant Impact

The project will include construction and operation components that have the potential to cause surface water and groundwater degradation. Sources of pollutants during construction include grading and vegetation removal. Operational sources of water quality degradation include fertilizers, herbicides, and pesticides for lawn maintenance and pollutants associated with motor vehicle operation and maintenance.

To address the potential pollutants, the project will be mandated to comply with all applicable water quality standards, including the Central Valley RWQCB National Pollutant Elimination System (NPDES) Stormwater Permit, and the Town's Post-Construction Standard Plans. The NPDES permits require water quality and watershed protection measures and prohibit discharges that would violate applicable water quality standards or result in conditions that create a nuisance or water quality impairment in receiving waters. Prior to construction, a SWPPP will be prepared according to RWQCB standards. The SWPPP is subject to RWQCB review and approval and will include construction best management practices (BMPs) meant to reduce or eliminate erosion and runoff from the site.

Because all of the Town of Paradise is unsewered, the project will rely on septic tanks and soils absorption disposal systems (leach fields) for wastewater disposal. Housing constructed as part of the project will be required to comply with the Town's wastewater regulations per the On-site Wastewater Division. As discussed in Section 4.7.3(e), initial testing and design of the wastewater disposal systems for

the project are already underway (Northstar 2022). Both proposed septic systems have the capacity and soil composition to dispose of the wastewater of the proposed housing.

Because the project is required to comply with existing regulations and permits, it will have a less than significant impact on water quality standards and waste discharge requirements.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact

The primary source of water in Paradise is treated surface water from Magalia and Paradise Reservoirs. Groundwater supplies make up only a very small portion of the potable water supplies for Paradise and are not expected to be a primary source for the project. Groundwater is therefore not anticipated to be used by the project and impacts would be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on or off-site?

Less Than Significant Impact

The project has the potential to create erosion and siltation on- and off-site during construction. However, this will be controlled by measures in the SWPPP. The construction will be monitored for erosion and siltation, as mandated by the RWQCB. Post-construction, the project will be stabilized per the Town and RWQCB requirements, resulting in a less than significant impact.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact

The project would create impervious surfaces that would increase surface runoff and lower infiltration, although the net increase from previous buildings and parking areas on the site would be minor. To counter this, the project would be required to follow the Town's Post-Construction Standards Plans. These include measures that will promote infiltration and reuse such that post-construction runoff flow rates do not exceed those of the pre-construction conditions, leading to a less than significant impact.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact

There are existing drainage facilities related to Dry Creek and localized runoff that are within and directly downstream of the project. Because the project will be required to comply with NPDES stormwater permit requirements, the California Green Building Code, and Town requirements related to stormwater and drainage, the project would include facilities to control and limit runoff. Therefore, the project would have a less than significant impact.

iv) Impede or redirect flood flows?

Less Than Significant Impact

The channel of Dry Creek goes directly through the project site. Construction of the project will be required to comply with Watercourse Protection (Paradise Code of Ordinance 8.56.130). Compliance with this code mandates that the project must keep the watercourse of the creek free of trash, debris, excessive vegetation, and other obstacles and cannot cause harm to the physical integrity of the watercourse. Compliance with this code will lead to a less than significant impact.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less Than Significant Impact

There are no FEMA flood zones through the project area, but the project site may be impacted by a non-FEMA regulated flood hazards related to Dry Creek. Tsunami or seiche zones do not apply. The project will comply with the NPDES permits and Town ordinances that require that stormwater pollutants be controlled, prevented, and reduced. Additionally, any habitable structures will be outside impacts from floods. Following the Town's design code and stormwater ordinances, any flooding of the site would not release pollutants. Therefore, the project would have a less than significant impact.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact

The project is within the hydrologic area of the Basin Plan, which identifies objectives and implementation measures to protect water quality in the RWQCB's jurisdiction. The project must by law, comply with the requirements of the Town's NPDES permit. Therefore, the project would not conflict with or obstruct implementation of the Basin Plan or sustainable groundwater management plan.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

The project is situated in a mostly residential portion of Paradise (see previous **Figure 2** for Town boundaries). The project is zoned C-S, Community Service - 10 dwelling units per net acre (Town of Paradise 2008). Maximum potential residential densities shall not exceed fifteen dwelling units per gross acre if served by an approved clustered wastewater treatment and disposal system. It is one of the town's primary land use designations used to provide low and moderate income housing opportunities. Such properties are located in areas where residential use is in proximity and the topography is not considered a significant constraint. This zoning is intended for private uses which serve a community purpose or benefit the community. While not specifically stated as an allowed use, new low-income and senior housing can be developed with a site plan review permit by the Town of Paradise. Existing development within and immediately adjacent to the project area include residential, municipal, commercial, and park properties.

4.11.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant Impact

4.11.3 Answers to CEQA Checklist Questions

a) Would the project physically divide an established community?

No Impact

The project would be constructed within the existing parcels and would not extend roadways into surrounding areas. The project would not result in the physical division of any established community or neighborhood, nor would it include changes to the existing circulation network, only improvements to the existing road. Therefore, there would be no impact related to physically dividing an established community.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact

The project is zoned C-S (Town of Paradise 2008). The project would construct 140 multi-family residential units at a density of approximately 6 units per gross acre, far below the residential density maximum of 15 dwellings/gross acre (Paradise Code of Ordinances 17.14.400). A primary reason for this lower density is much of the site is set aside for creek and wetland protection, as well as leach fields. An allowed use with a site plan review permit by the Town, the Town has specifically intended this zone be used to provide housing affordable to low and moderate income households.

The project proponent has confirmed that the project design and landscape plan will be designed to comply with the Town guidelines. The Landscape plan is not yet complete but must comply with relevant Town and Model Water Efficient Landscape Ordinance regulations including those regarding trees. The plan is for one and two-story buildings throughout the entire project site.

The 2022-2030 Housing Element identifies the policies and measures that the Town will implement to ensure that housing in Paradise is affordable, safe, and decent (Town of Paradise 2022c). The Housing Element addresses housing needs by encouraging the provision of an adequate quantity of sites planned for multi-family housing, preserving existing housing, rebuilding housing lost in the 2018 Camp Fire, and increasing the safety and resiliency of housing. The site is located in an area where residential use is in proximity and the topography is not considered a significant constraint. The project will contribute to the Town’s goal of increasing the number of affordable housing units and is consistent with the Housing Element's goals of rebuilding housing lost in the Camp Fire.

The project would comply with the Town’s land use plan, policies, and regulations. No adverse impacts have been identified in the other sections of this initial study which cannot be mitigated, or that are in conflict with adopted plans and polices for the protection of the environment. Because the project would comply with the Town’s land use plan, policies, and regulations, as well as regulations administered by the permitting agencies adopted for the purpose of avoiding or mitigating environmental impacts, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

Minerals are naturally occurring chemical elements or compounds, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, and oil-bearing rock, but excluding geothermal resources, natural gas, and petroleum.

According to the Department of Conservation (California Department of Conservation 2015) there are no state or regional valuable mineral resources within the Town.

4.12.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Impact

4.12.3 Answers to CEQA Checklist Questions

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact

According to the Department of Conservation and the General Plan (Town of Paradise 2008), there are no state or regionally valuable mineral resources within the project boundary. The project would therefore not result in the loss of a known mineral resource.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact

According to the Department of Conservation and the General Plan, there are no resource recovery sites associated with the project; therefore, there would be no impact.

4.13 NOISE

4.13.1 Environmental Setting

Noise is defined as a sound or series of sounds that are intrusive, objectional, or disruptive to daily life. Noise levels are measured to determine ambient noise and, if necessary, take action to protect residents from objectionable noise. Since most of the homes and businesses near the project were destroyed in the Camp Fire, the noise environment is mostly dominated by natural sounds such as wind or bird songs. Currently, there is light traffic on Clark Road, and traffic noise is minimal. Traffic volumes, and commensurate sound levels, will increase as homes and businesses are rebuilt near the project.

4.13.2 Regulatory Setting

Local

The Noise Element for the Town of Paradise has set thresholds to minimize noise impacts on human activity to ensure health and safety within the community (Town of Paradise 2008).

The Town of Paradise Code of Ordinances addresses construction or demolition noise and requires "the operation of any tools equipment used in construction, drilling, repair, alteration, or demolition work" must occur "between the hours seven p.m. and six a.m. on weekdays or at any time on Sundays or holidays" (Paradise Code of Ordinances 9.18.160).

4.13.3 CEQA Checklist Summary

Would the project result in:

CEQA Question	Impact Determination
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

4.13.4 Answers to CEQA Checklist Questions

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact

There are scattered homes within ¼ mile of the project. Most of the existing lots (where homes were destroyed) have not been rebuilt, but there are few homes on Clark Road and Adams Road. Residents of the project will use private vehicles to conduct daily life, and this will add to the existing noise environment. Vehicle trips would be spread over the entire community and day, and the volumes were considered in the Housing Element environmental review. At any given location the noise increase from project-generated traffic would be imperceptible. The project replaces a former congregate care facility and other services with 200 employees (Town of Paradise 2022c), thus the net increase in VMT is expected to be minor. The approval of the Housing Element adopted an MND that included a Noise analysis (Town of Paradise 2022b). The Housing Element anticipates future traffic noise increasing as the Town is rebuilt (Town of Paradise 2022c). This increased traffic noise was not found to be a significant negative impact in the Housing Element MND (Town of Paradise 2022b).

During construction, neighboring homes would be temporarily exposed to construction equipment noise. This noise would come from heavy delivery trucks, graders, excavators, backhoes, and loaders. The noisiest construction activity would probably range from 77 dBA to 85 dBA at 50 feet. Most of the excavation and heavy equipment use will occur well inside of the 24-acre project property. Single-point source noise attenuates about 6 dBA with each doubling of distance. Thus, at 200 feet from the working equipment, noise could range from 65 dBA to 73 dBA, and would continue to diminish with greater distance.

65 to 73 dBA is considered acceptable for short-term intermittent sources in daylight hours. Grading and heavy equipment operation at the project will be short-term, on weekdays, and in daylight hours. Consequently, construction activity for the project would not exceed ambient noise level standards at sensitive receptors such as neighboring homes.

After residents move into the new project housing, noise would be generated by mechanical equipment, such as heating, ventilation, and air conditioning systems. Sounds from outdoor activities by residents, such as conversation, might be perceptible at the property boundary. The closest sensitive receptors to the site include residences across Clark Road to the west and Adams Road to the south. The project could also generate short-term noise from landscaping equipment such as mowers and leaf blowers.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

No Impact

Vibration is described in terms of frequency and amplitude. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, large bulldozers and heavy equipment can cause perceptible vibration levels in close proximity. For safety reasons, only construction workers will be allowed on site when work is occurring, so no residents could be near bulldozers or heavy equipment. No blasting or pile driving is anticipated for this new housing, so there would be no vibration or groundborne noise impacts off the project site.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact

There are no airports near the project area. Paradise Skypark Airport (CA92), a private field, is approximately 4.8 miles south of the project (**Figure 12**). The airport has about 40 flights a day, primarily single-engine general aviation (AirNav 2022).

Airport noise contours were generated for the Butte County General Plan as shown below (**Figure 13**; Butte County 2019).

During emergencies such as wildland fires, air-attack aircraft may use the Skypark field, but this would be an infrequent event, perhaps once every few years. As noted above, the project is about 4.8 miles beyond the area affected by airplanes using the Paradise Skypark. Therefore, there would be no aircraft noise affecting residents or workers in the vicinity of the project.

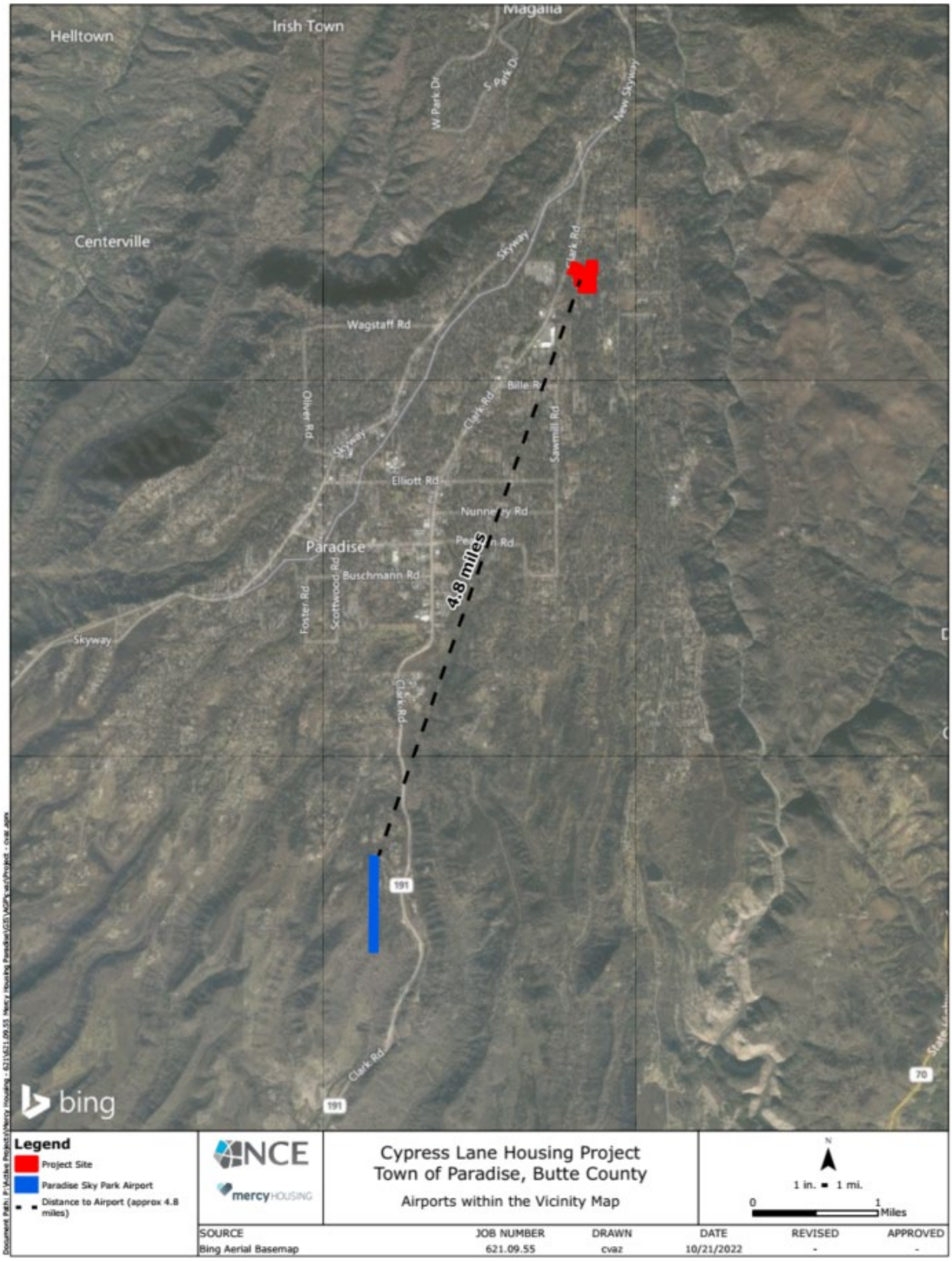

Figure 12. Paradise Skypark Airport

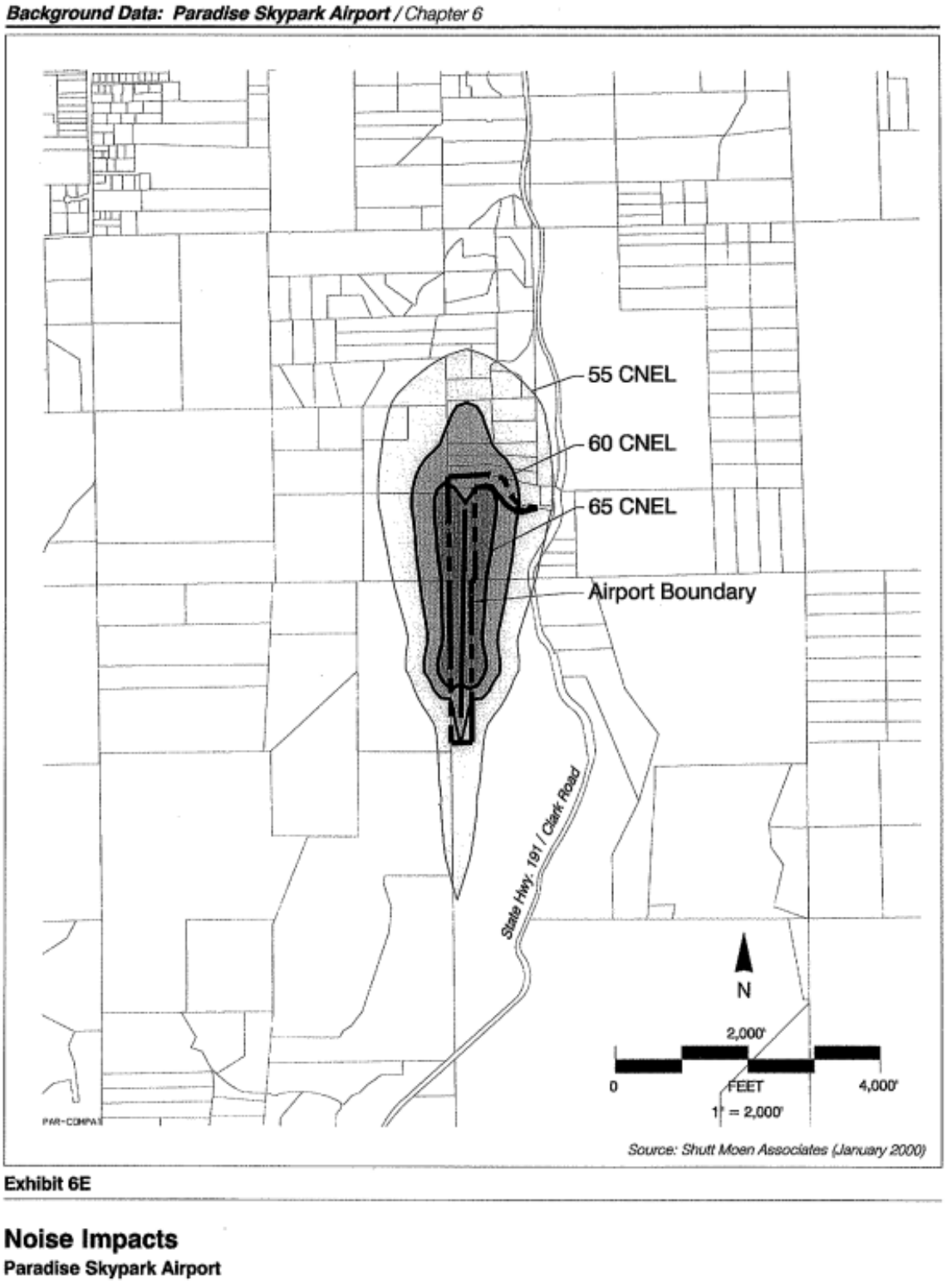

Figure 13. Noise Contour Map

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

The Camp Fire led to a population decrease from 26,581 as of January 1, 2018, to 4,474 as of January 1, 2019 (California Department of Finance 2016-2020). Population has since increased to 6,046 as of January 1, 2021 (Town of Paradise 2022c). Before the Camp Fire, the Town was projected to reach a population of 29,547 by 2030, a growth rate of 0.7 percent per year (Town of Paradise 2022c). Many factors, including economic development, will govern how rapidly Paradise returns to former population numbers.

The Housing Element provides a blueprint to develop up to 7,179 dwelling units (DUs) town wide, with 6,837 of those units being replacement DUs for those lost in the fire, and with an expectation that up to 3,075 DUs would be constructed by 2030.

4.14.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Less Than Significant Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

4.14.3 Answers to CEQA Checklist Questions

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact

The project would directly generate population growth via the development of 140 new affordable housing units. Utilizing data provided by the California Department of Finance (2019), the Town has an average of 2.30 persons per household. When applying the average household size to the project, the project, once constructed, would generate a population of approximately 322 residents. Even if these are all new residents to the Town, the population would remain well below General Plan assumptions. The project would contribute to the goals and policies in the Housing Element (Town of Paradise 2022c) and is consistent with the zoning for the site.

The project would not induce substantial unplanned population growth in the Town, resulting in a less than significant impact.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact

The project site is vacant. The project would provide new housing on the site. It does not propose any removal of existing housing that would result in displacement of persons or housing and would therefore not require construction or replacement of housing elsewhere. Consequently, the project would have no impact on displacement.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

Fire Protection

The Paradise Fire Department and Butte County CalFire serve the project area. The Paradise Fire Department provides 24-hour emergency response for medical emergencies, fire suppression, and disaster response. CAL FIRE also maintains their own stations in Paradise and the neighboring community of Magalia. These resources are available to assist with the Town's fire protection efforts as necessary. Butte County Fire Station 35 is located approximately 0.2 miles west of the site.

Police Protection

The Paradise Police Department (PPD) serves the project area. In case of emergencies and non-emergency calls, the community can reach an on-call first responder. The Patrol Operations unit currently has 15 authorized sworn patrol officers and five sergeants. The police station is located approximately 3.7 miles southwest of the project site.

Medical Facilities

Adventist Health Feather River Health Center is a hospital located off Skyway, 4.6 miles southwest of the project site. Adventist's comprehensive medical services include behavioral health/psychiatry, dental, dermatology, endocrinology, laboratory, medical imaging, orthopedics, pediatrics, podiatry, primary care, and specialty care.

Schools

Paradise Ridge Elementary School (1.5 miles southeast), Paradise Charter Middle School (1.2 miles southwest), and Paradise High School (2.6 miles southwest) in the Paradise Unified School District, would serve the students within the project area. Due to the 2018 Camp Fire, multiple school sites are undergoing improvements, supported by local Measure Y, which will expand and improve the current school infrastructure. The Paradise Unified School District provides bus transportation in the area.

Parks

Prior to the Camp Fire, Paradise Recreation and Park District (PRPD) served over 50,000 individuals in the Town and the nearby foothills. The PRPD maintains 73 acres of developed parkland and another 358 acres of natural open space. Park facilities include swimming pools, fishing pond, play fields, horse arena, archery range, ropes course, walking trails, picnic areas, tennis courts, playgrounds, open-use areas, and a recreation center (PRPD 2022). The closest parks to the project

area include Moore Road Ballpark and Paradise Dog Park, approximately 0.4 miles northwest of the project area.

4.15.2 CEQA Checklist Summary

Would the project result in:

CEQA Question	Impact Determination
a) Would the project result in substantial adverse physical impacts associated with the need and/or provision of new or physically altered governmental services and/or facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services? i) Fire protection? ii) Police protection? iii) Schools? iv) Parks? v) Other public facilities?	Less Than Significant Impact

4.15.3 Answers to CEQA Checklist Questions

a) Would the project result in substantial adverse physical impacts associated with the need and/or provision of new or physically altered governmental services and/or facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services?

i) Fire protection?

ii) Police protection?

iii) Schools?

iv) Parks?

v) Other public facilities?

Less Than Significant Impact

The project would redevelop a vacant site into a multi-family and senior residential complex. The project's estimated 322 new residents would increase demand for public services such as schools, libraries, or parks. During construction and operation, the project would increase demand for police and fire emergency services.

The Paradise General Plan establishes a standard of a five-minute response time for 90 percent of all emergency incidents within Town limits. According to Cal FIRE, this standard is typically met, and the average response time in Paradise is four to six minutes. As required by the California Fire Code, the project would be required to

include site-specific design features that ensure appropriate emergency access. Buildings would also be constructed with approved building materials. Conformance with this code reduces the risks associated with fire hazards. The site plan includes internal roads for complete access to all buildings in case of emergencies. According to CAL FIRE, the current automatic aid agreement is sufficient to handle the Town's planned residential growth and increased population as the Town continues to rebuild, and the existing service delivery model is anticipated to accommodate buildout of the Project over the next eight years.

PPD uses calls for service and crime rates to monitor staffing needs and will be tracking and adapting their operations as the Town's population returns. PPD anticipates that their current model and facilities will carry them into the future and the buildout of the Project would not require new facilities (Town of Paradise 2022c). PPD estimated that current facilities could last up to another 20 years and has actively maintained their equipment to stay up to date on trends and to ensure their employees have the necessary tools to do their jobs.

The Paradise Unified School District has approved a Facilities Master Plan Update, which was revised in 2020 following the Camp Fire. Phase 1 of this plan, which involves renovation of the existing high school and the addition of another high school, is expected to begin in 2023. The growth envisioned in the Master Plan Update is consistent with the Town's current rate of rebuilding and with the buildout anticipated under the Project. PUSD currently has extra capacity and based on the Facilities Master Plan, has the ability to accommodate future population from development associated with the Project.

The new residents would also generate an increased demand on parks, libraries, and other public services. However, the increased residential population that would result from the project would not substantially increase the use of these facilities beyond how they were used prior to the fire, such that new facilities would be needed to maintain service standards, as these facilities are not currently overused. The Paradise Branch of the Butte County Library is currently operating with less staff and fewer hours than pre-fire levels given the decrease in population since the fire. The PRPD is planning for new recreation centers, community parks, trails, and improved access to existing park land, as well as rebuilding of park facilities following the Camp Fire.

The Town has set goals and policies to support all services as the Town rebuilds. The Paradise Unified School District and the PRPD charge an impact fee for building (or rebuilding) any structure that has living space. These funds offset the impact from all persons residing in the community while ensuring public spaces and public schools are available for community use.

The projected population increase resulting from housing production envisioned under the Housing Element would bring the Town back to pre-fire levels that were

historically accommodated by services. Therefore, the project would not require new or physically altered governmental services and/or facilities to maintain acceptable service ratios, response times, or other performance objectives.

4.16 RECREATION

4.16.1 Environmental Setting

Parks and other recreation facilities in Paradise are under the PRPD, which serves the Town and some surrounding areas within Butte County. The PRPD maintains 73 acres of developed park land, including 6 parks, an aquatic park, and a recreation center (Butte County 2019). The nearest public parks are the Moore Road Ball Park and the Lezlie Morrow Memorial Dog Park and Horse Arena. Both are located northwest of the project site. While schools are not direct recreation providers, school facilities are also available for public use.

4.16.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less Than Significant Impact
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less Than Significant Impact

4.16.3 Answers to CEQA Checklist Questions

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact

The project would construct a community center, two playgrounds, a community garden, and open spaces for residents on site. These amenities would reduce the demand on existing public recreational services. Although the increased population at this location would increase demand for recreational services within the Town, with on-site facilities for residents, the net increase in demand on public facilities would be small. Therefore, the project would not result in substantial physical deterioration of existing neighborhood and regional parks and recreational facilities.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact

The project is a residential development that would include community spaces for residents, including a community center, two playgrounds, a community garden, and open spaces for residents. As discussed above, the project would not generate sufficient demand to require the construction or expansion of other recreational facilities. Therefore, construction of the project should have a less than significant effect on the environment and existing recreational facilities.

4.17 TRANSPORTATION

4.17.1 Environmental Setting

The main road to access the project is Clark Road, categorized as an arterial through the Town. It is a two-lane road with Class III bike lanes that travels in a north/south direction along the entire west side of the project. Clark Road begins at California State Route 70 and extends northward to Skyway, approximately 1 mile north of the project site. It is one of three primary evacuation routes in the Town. The Town of Paradise recently improved Clark Road in the vicinity of Cypress Lane through the Highway Safety Improvement Program funded Cypress Curve Realignment Safety Project.

Cypress Lane is a very low traffic volume, one-lane road that travels in an east/west direction along the center of the project site. Cypress Lane begins at Clark Road and continues east for roughly 1,400 feet until Paradisewood Drive. All access to the project site will occur off Cypress Lane. There is no existing development along Cypress Lane as the former residences and improvements were removed following the Camp Fire. Cypress Lane intersects Clark Road with a "tee" intersection. The single-lane approach on Cypress Lane is controlled with a stop sign (minor approach). There is currently a gate across Cypress Lane (at the division of private and public ownership) approximately 300 feet west of Paradisewood Drive. The eastern segment of Cypress Lane extends to Paradisewood Drive and Paradisewood Drive extends further east to Pentz Road both as public roadways.

Headway Transportation conducted a traffic/transportation technical review to identify potential transportation related environmental impacts using the most up-to-date CEQA transportation checklist criteria, including vehicle miles traveled (VMT). As provided in the Transportation Checklist Letter, all potential transportation related environmental impacts would be less-than-significant (Headway Transportation 2022).

Transit Service

Transit service in Paradise is provided by B-Line, which is Butte County's regional public transit system (Butte Regional Transit n.d.). B-Line provides transit to travel locally in Chico, Oroville, Paradise, or to travel between communities throughout Butte County.

There is one bus stop near the project site at Clark Road and Kilcrease Circle. This stop is roughly 300 feet southwest of the project along Clark Road and is served by Transit Route 41.

4.17.2 Regulatory Setting

Local and Regional Transportation

The following local and regional transportation guidance documents apply to the project:

- The Circulation Element of the General Plan complies with the State of California mandate that general plans include a transportation element regulating the location and extent of transportation modes, accessways, and thoroughfares in the Town (California Government Code Section 65302b).
- A *2020 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS) was prepared by the Butte County Association of Governments (BCAG 2020a). It was created to meet the transportation needs of the region through 2040, considering existing and projected future land use patterns, as well as forecasted population and job growth. BCAG also prepared and certified Supplemental Environmental Impact Report (SEIR) and adopted a Statement of Overriding Consideration for significant and unavoidable impacts related to transportation based upon the inability to meet state VMT requirements, largely as a result of the Camp Fire based upon the nature of the VMT calculation (BCAG 2020b). The RTP/SCS SEIR included a two-part mitigation measure (MM) (MM T-1) prescribing local and regional mitigations to reduce vehicle miles traveled (VMT). Implementing agencies shall require implementation of VMT reduction strategies through transportation demand management (TDM) programs, impact fee programs, mitigation banks or exchange programs, in-lieu fee programs, or other land use project conditions that reduce VMT. Programs should be designed to reduce VMT from existing land uses, where feasible, and from new discretionary residential or employment land use projects. The Town of Paradise specifically has adopted MM T-1 of the RTP/SCS SEIR as Town policy. On April 12, 2022 the Town adopted Resolution No. 2022-24, which adopted the VMT policies. The Town has adopted a Statement of Overriding Considerations related to VMT impacts of future growth within the RTP/SCS, which is greater than the buildout anticipated under the Project. Future development in the Town is subject to the Town's VMT policies, including providing pedestrian network improvements, traffic calming measures, and low-stress bicycle network improvements.
- The Town completed a two-year Transportation Management Plan (TMP) in March of 2022 (Mark Thomas 2022). The planning included substantial consultation with community residents and businesses. The plan goes into detail on the following:
    - Daily Transportation Needs

- Evacuation Plans "all at once"
- Active transportation facilities to support walking and bicycling
- Local road safety improvements, such as removing evacuation barriers
- Paving and Recovery Management
- Economic And Redevelopment Recovery

There are a few future projects that once funded and constructed would affect the project. For instance, there are several roads that would be widened to improve "all at once" evacuation. Both Clark Road, to the west of the project, and Pentz Road to the east, plan to have a traffic lane added along with a pedestrian-bike path. In the future (pending funding), these two roads would provide major evacuation corridors for the project's future residents.

4.17.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less Than Significant Impact
b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	Less Than Significant Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less Than Significant Impact
d) Result in inadequate emergency access?	Less Than Significant Impact

4.17.4 Answers to CEQA Checklist Questions

a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant Impact

The Transportation Checklist Letter concluded that the project would not make any changes to the existing public transit system or conflict with any public transit programs or plans. The project would not conflict with any multimodal (bicycle or

pedestrian) transportation programs or plans and will likely enhance the bicycle and pedestrian circulation network with the addition of sidewalks on Cypress Lane.

The project has direct access to Clark Road (an arterial roadway) via Cypress Lane. Cypress Lane has more than adequate capacity to accommodate the project traffic and will be improved by the project. The project would not conflict with any vehicle circulation programs or plans. Intersection and roadway level of service is no longer a measure of environmental impact for CEQA review purposes. However, based on qualitative review, the Clark Road/Cypress Lane intersection is anticipated to operate at reasonable levels, consistent with the Town's General Plan policies, with the addition of the project's traffic.

Therefore, the project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

b) Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Less Than Significant Impact

CEQA Guidelines § 15064.3(b) pertains to the use of VMT to analyze transportation impacts. Per SB 743 criteria, as of July 1, 2020, the CEQA guidelines require the evaluation of VMT as a key criterion to determine potentially significant transportation impacts.

Based on the Butte County Association of Governments (BCAG) SB 743 Implementation Study (June 2021), residential development in Butte County traffic analysis zones that are 15% below the BCAG average for daily home-based VMT per resident, qualify for a SB 743 (VMT) screening exemption. Per Figure 6A of the SB 743 Implementation Study, the project site is located within such a zone.

Additionally, the project will be entirely (100%) certified affordable housing per State of California criteria. The Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018, published by the Governor's Office of Planning and Research (OPR) provides screening thresholds for land use projects, including a "presumption of less than significant impact for affordable residential development" which states:

> "Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Further '...low-wage workers in particular would be more likely to choose a residential location close to their workplace, if one is available (Karner and Benner 2015).”
>
> "Evidence supports a presumption of less than significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations."

The project consists of 100 percent affordable housing units. Based on the OPR guidance above, the project would have a less-than-significant impact on VMT.

Based on the BCAG established screening criteria for traffic analysis zones and the project's designation as affordable housing, the project is exempt from detailed VMT analysis, and it is determined the project would have a less-than-significant impact on VMT. Therefore, the project would not conflict or create inconsistencies with CEQA Guidelines section 15064.3, subdivision (b)(1).

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact

Access to the project site would be provided by Cypress Lane, a low volume street providing access to the site and residential uses to the east. The project is expected to meet all Town roadway design requirements and would not introduce geometric design changes to area roadways or incompatible uses. Through the Transportation Checklist Letter, evaluation of the proposed access routes to the project does not indicate any incompatible uses or significant safety issues. Since the design of the access routes, roadway improvements, and overall project must be in accordance with applicable Town of Paradise and Fire Code standards, the project would not introduce any features significantly affecting safety. Adequate sight lines/sight triangles at intersections are to be provided in the project design per Town standards. Therefore, the project would have a less than-significant impact related to safety and design features within the project vicinity.

d) Would the project result in inadequate emergency access?

Less Than Significant Impact

Based on the Transportation Checklist Letter, the project will include a secondary/emergency access route. This access may be completed by:

- Removal of the existing gate on Cypress Lane and connection to the public portion of Cypress Lane to the east (to Pentz Road via Paradisewood Drive), or
- Construction of a new connection to Adams Road (a private roadway to the south), securing an easement/legal right for use of Adams Road (if not already in place), and improvement of Adams Road to meet at least minimum Fire Code requirements, or
- An alternate connection not yet defined.

Provision of primary and secondary connections would result in adequate emergency access. Furthermore, turning radii within the roads on-site would accommodate maneuverability of large emergency vehicles, including fire trucks

and ambulances. Therefore, the project would have a less than significant impact on emergency access within the project area or vicinity.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

The APE is located within the traditional aboriginal territory of the KonKow or Northwestern Maidu (Kroeber 1925). This tribe occupied areas along the Sacramento River and east of the foothills of the Sierra Nevada near present day Willows, Chico, and Oroville. The KonKow language is part of the Maiduan Language Family of Penutian Stock, and their population was divided into recognized autonomous political units creating distinct village communities. Subsistence practices included fishing, hunting, and collecting different plant resources such as acorns, a staple food source. The KonKow were known to make a variety of wood, stone, and bone tools, and basketry (PMC 2008, 2010).

4.18.2 Regulatory Setting

Native American Consultation

In accordance with Assembly Bill 52, as identified in the PRC Section 21080.3.1(b)(2) of CEQA and Section 106 of the National Historic Preservation Act, Native American tribes (tribes) identified by the NAHC must be invited to consult on projects.

4.18.3 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i. Listed or eligible for listing in CRHR, or in a local register of historical resources as defined in PRC § 5020.1(k), or	Less Than Significant Impact With Mitigation Incorporated
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Less Than Significant Impact With Mitigation Incorporated

4.18.4 Answers to CEQA Checklist Questions

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in CRHR, or in a local register of historical resources as defined in PRC § 5020.1(k)?

Less Than Significant Impact with Mitigation Incorporated

or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact with Mitigation Incorporated

A cultural resources inventory was conducted to locate, describe, and evaluate tribal cultural resources present within the APE. A records search was conducted at the Northeast Information Center for resources within and adjacent to the APE. An intensive pedestrian survey was conducted within the APE on September 29, 2022. Complete methods and findings are available upon request (NCE 2022b).

As a result of the inventory, no cultural resources have been identified within the APE. Although ground visibility within the APE was clear due to recent bulldozer activity, the fire and subsequent cleanup drastically impacted the soil surface. The APE has been thoroughly disturbed both on the surface and subsurface. Subsurface disturbances from previous urban development include the installation of water lines, sewer lines, electrical lines, and building foundations. Recent surface disturbances include hazmat clearing of structures burned in the Camp Fire and removal of the top three to six inches of soil. The subsurface utilities installed before the Camp Fire appear to be intact and one concrete foundation was left within the APE. The remains of all other structures within the APE were removed with a bulldozer.

Native American correspondence was initiated by NCE with a letter and attached maps to the Native American Heritage Commission (NAHC) on August 29, 2022. The letter requested a record search of their Sacred Lands File and a contact list for regional tribes that may know of cultural or tribal resources within or immediately adjacent to the APE. The NAHC request for the project is still being processed. Due to the extended processing times of the NAHC, inquiry letters were mailed to the tribes identified by NAHC for the town-wide Housing Element project in Paradise,

California. The Town mailed inquiry letters to the tribes identified by NAHC on October 7, 2022.

Follow-up phone calls were conducted on October 20, 2022. Two tribes, the KonKow Valley Band of Maidu and Mooretown Rancheria of Maidu Indians, responded. The KonKow Valley Band of Maidu indicated the project has not yet been reviewed by their tribe. However, the project will be forwarded to the tribe's cultural resources director for review. The Mooretown Rancheria of Maidu Indians indicated their tribe has no issues with the project proceeding. The tribe requested inadvertent discovery mitigation be incorporated into the project construction documents and that their tribe be notified of any inadvertent discoveries during construction. No other tribes have responded to date.

The project-related disturbance would be limited to previously disturbed areas. However, it is possible buried tribal cultural resources are located in the area. Implementation of **Mitigation Measure TCR-1** would reduce potentially significant impacts to tribal resources to less than significant.

TCR-1: Inadvertent Discovery

The following measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities:

- If any suspected TCRs, archaeological, or cultural resources are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A qualified professional archaeologist and a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC § 21074). The Tribal Representative or qualified archaeologist will make recommendations for further evaluation and treatment as necessary.
- The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary.
- Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery have been satisfied.

Although tribal cultural resources are not expected to be discovered, as requested by the Tribes, the project proponent has agreed to include these as construction controls for the project.

Finding: Implementing Mitigation Measure TCR-1 would reduce potentially significant impacts to tribal cultural resources to less than significant.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

Water Supply

Paradise Irrigation District (PID) provides water to most areas of the Town of Paradise. The primary source of water supply is surface water from rainfall stored in two reservoirs, Paradise Reservoir and Magalia Reservoir. The upstream reservoir, Paradise Lake, is the main storage facility with a total storage capacity of approximately 11,500 acre-feet. Surface water from Paradise Lake is released into Little Butte Creek and flows to Magalia Reservoir. Magalia Dam is currently restricted to 800 acre-feet of storage. PID's water distribution network sustained substantial damage during Paradise Irrigation District the Camp Fire. According to the 2020 PID Urban Water Management Plan, to date, PID continues to repair or replace main segments that sustained leak damage or have remained off with an outlook of several years before all breaks can be addressed (Water Works Engineers 2021).

Stormwater Drainage

Stormwater runoff flows to the east away from Clark Road (Wood Rodgers 2022). At the intersection of Clark Road and Cypress Lane there are existing dual 14-inch-diameter corrugated metal pipe (CMP) and dual 24-inch high-density polyethylene (HDPE) culverts conveying flow from the west of Clark Road to the ditch at the southeast corner of Clark Road and Cypress Lane. There are two (2) 12-inch-diameter CMP culverts conveying flow under the two (2) private drive aisles. There is an existing 18-inch HDPE culvert conveying flow from the north side of Cypress Lane to the ditch at the southeast corner of Clark Road and Cypress Lane.

Wastewater Infrastructure

The Town is the largest unsewered incorporated community in California (Town of Paradise 2008). Wastewater treatment facilities in Paradise consist of privately owned septic tanks and soil absorption disposal systems known as leach fields. Several engineered subsurface disposal systems serve commercial and institutional facilities (Town of Paradise 2022b). At this time, all new residential development is required to provide its own wastewater treatment facilities in accordance with the Town's wastewater regulations.

Waste Removal

Solid waste is primarily disposed of at the Neal Road Recycling and Waste Facility (NRRWF), which is owned and operated by Butte County. According to Butte County Department of Public Works, the maximum amount accepted daily at the NRRWF is 1,500 tons, although the daily amount rarely exceeds 1,200 tons. However, due to

the Camp Fire, Butte County Public Works submitted an Emergency Waiver of Standards to CalRecycle to increase the maximum tonnage from 1,500 tons per day to 15,000 tons per day. It also increased permitted traffic volume, transfer and processing capacity, and facility operating hours to expedite disposal of fire debris. The NRRWF has a permitted capacity of approximately 25.3 million cubic yards and a remaining capacity of 20.8 million cubic yards. The facility is estimated to operate until 2048, accommodating 2.5 to 3.5 percent annual increases in solid waste due to anticipated growth in the County (Butte County Department of Public Works 2021).

Future development anticipated in the Housing Element would be within this capacity, and within the pre-Camp Fire population. This waste is included in the Franchise Agreement between the Town and Northern Recycling & Waste Services (NRWS) with collection services through April 2027. The Butte County Department of Public Works is developing a Master Plan, and any future facility expansion would be driven by the Master Plan's recommendations (Town of Paradise 2022b).

Electrical Services

PG&E provides energy to Paradise. According to the California Energy Commission, the total electricity usage in PG&E's service area in 2020 was approximately 78,520 million kilowatt-hours (kWH) (California Energy Commission 2016). New housing in Paradise would lead to increased energy consumption from construction and operation of new residential units. The potential increase in electricity consumption over baseline conditions due to operation of residential units would be comparable to the energy usage that was accommodated pre-Camp Fire. It represents a minimal increase in electricity consumption in context of the energy availability and consumption within PG&E's service area (Town of Paradise 2022b).

4.19.2 CEQA Checklist Summary

Would the project:

CEQA Question	Impact Determination
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less Than Significant Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less Than Significant Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate	No Impact

CEQA Question	Impact Determination
capacity to serve the project's projected demand in addition to the provider's existing commitments?	
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less Than Significant Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less Than Significant Impact

4.19.3 Answers to CEQA Checklist Questions

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact

Water

PID currently serves over 3,000 customers and provides water to most areas of Paradise (Water Works Engineers 2021). Water would be provided to the project site via existing connections on-site with lines to provide for irrigation, domestic water use, and emergency fire connection. The project would also extend the emergency water supply system to hydrants located on-site. The PID system was designed to serve municipal uses on this site, thus the net increase in demand is anticipated to be low.

The project would not require the construction or relocation of new water mains, but only connections to the existing main. The 2020 Urban Water Management Plan from the PID concluded that the District's water supply is adequate to meet demand in single dry years through 2045, even with supplies reduced as far down as 29% of normal (Water Works Engineers 2021).

Wastewater

The project would produce an increase in wastewater generation at the project site compared to existing conditions. However, each phase of the project would provide a separate wastewater collection, treatment, and disposal system. These systems will be designed to meet all wastewater needs on site.

Stormwater

As discussed in Section 4.10, the project would only result in minimal affects to the stormwater drainage system. No new construction or relocation would be required.

Electric Power and Telecommunications

Within the Town, electricity is managed by PG&E and there are numerous telecommunication providers. Existing power and telecommunication lines and services are available to serve the site without new construction or relocation.

Conclusion

By adding 140 apartment units the project would result in a minor increase in demand for water as well as changes to stormwater drainage. It would not require or result in the relocation or construction of new or expanded water, electric power, natural gas, or telecommunications facilities. The new on-site wastewater treatment system would not cause significant environmental effects. Therefore, the project would have a less than significant impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact

As discussed above, the Town has sufficient water supplies to meet the needs of the proposed residential development. During dry years, the Town has an expected water supply for 2025 of 6,071 acre-feet with a service demand of 3,957 acre-feet, resulting in an excess capacity of 2,114 acre-feet (Water Works Engineers 2021). The project would comply with the California Green Building Code, including low-flow toilets and other water-efficient fixtures. Overall, the project would achieve a 20-percent reduction in indoor water use compared to business as usual. Therefore, the project would have a less than significant impact on the Town's water supply.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact

As discussed above, there is no wastewater treatment provider in the area. Two septic systems would be designed to include secondary wastewater treatment (considered Advanced Treatment in the Paradise Code). Phase 1 and Phase 2 will each have their own septic system. These systems will be able to accept waste from each other in case of a failure by one of the systems.

d) Would the project generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact

Demolition and construction activities associated with the project would generate solid waste requiring disposal at the County's landfill. Waste generated during project construction would be generally limited to vegetation debris, concrete, and wood. If hazardous materials are encountered during building demolition (see Section 4.9, Hazards and Hazardous Materials), these materials would be sent to the appropriate landfill. Trenching and excavation spoils during construction would be screened and separated for use as backfill materials to the maximum extent possible. Spoils unsuitable for backfill use would be disposed of in the Neal Road Recycling and Waste Facility.

It is anticipated that the project, once constructed, would utilize solid waste collection services currently provided by the County and NRWS and transferred to Neal Road Recycling and Waste Facility. According to Butte County Department of Public Works, the maximum amount accepted daily at the NRRWF is 1,500 tons, although the daily amount rarely exceeds 1,200 tons. The Neal Road Recycling and Waste Facility is expected to be able to serve Paradise until the year 2048.

Current laws and local regulations require recycling to the extent feasible. The project would place recycling stations throughout the site to comply with Town and State goals. The project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact

Waste generation from construction would be temporary, and there is sufficient capacity at Neal Road Recycling and Waste Facility to receive it. Disposal of construction waste would comply with federal, State, and local statutes and regulations related to solid waste. Future waste from residential use would be separated into waste, recyclables, and compost per AB 1826; therefore, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste resulting in a less than significant impact.

4.20 WILDFIRE

4.20.1 Environmental Setting

The California Department of Forestry and Fire Protection (CAL FIRE) designates fire hazard severity zones for areas under State jurisdiction. For areas under local jurisdiction, CAL FIRE identifies areas that they consider to be VHFHSZs; the local jurisdiction must choose whether to adopt the CAL FIRE recommendations. The Town has adopted the recommended local designation of VHFHSZ (Town of Paradise 2008); the vast majority of the town is identified by CAL FIRE as a VHFHSZ (**Figure 14**; CAL FIRE 2008).

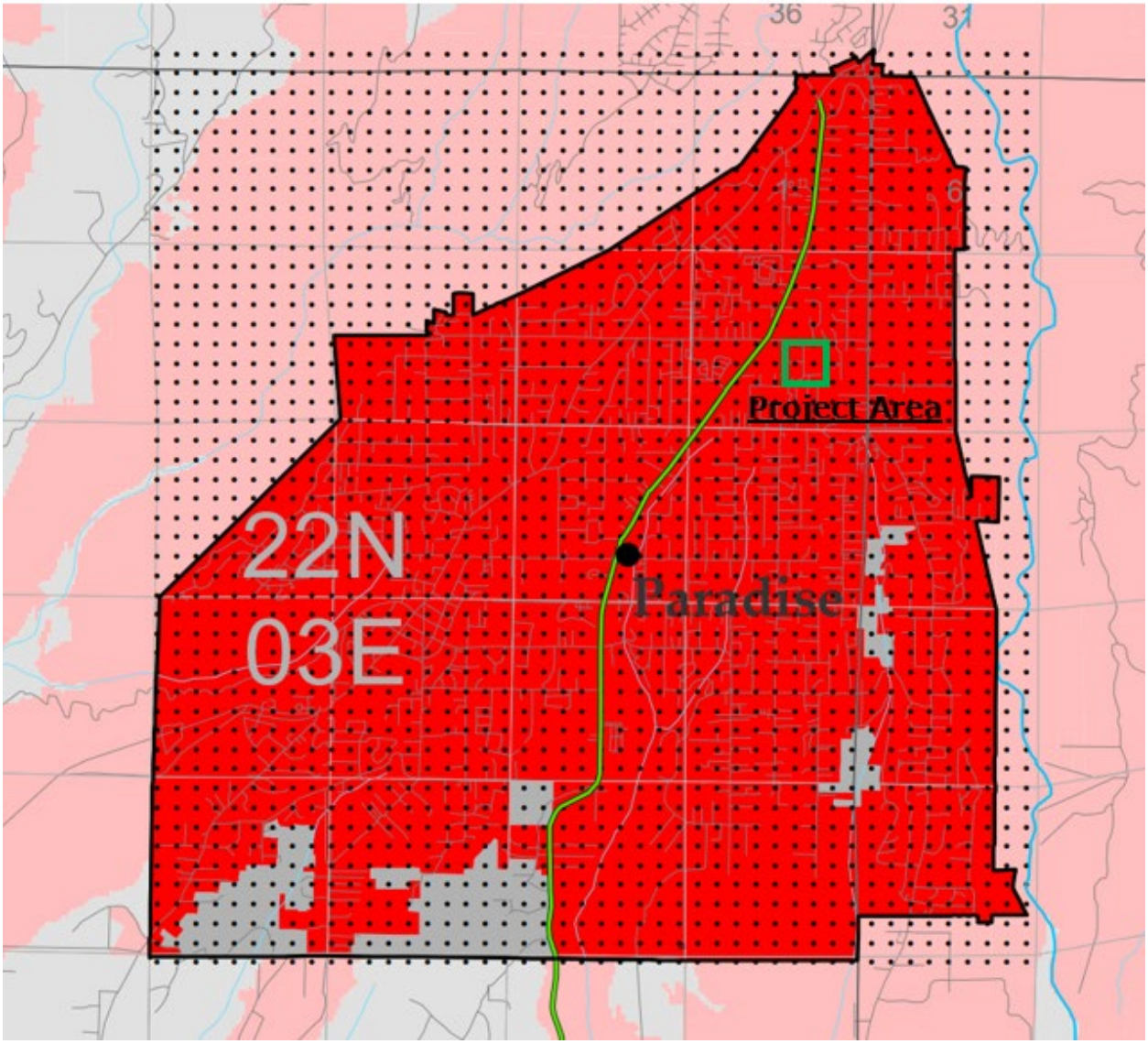

Figure 14. Very High Fire Hazard Severity Zones (VHFHSZs) Butte County

Note: Red designates VHFHSZ and dark grey designates local non-VHFHSZ (CAL FIRE 2008)

4.20.2 CEQA Checklist Summary

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

CEQA Question	Impact Determination
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less Than Significant Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Less Than Significant Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Less Than Significant Impact

4.20.3 Answers to CEQA Checklist Questions

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact

The Town of Paradise Emergency Operations Plan addresses the Town's planned response to extraordinary emergency situations. These emergencies include natural disasters, technological incidents, and national security emergencies (Town of Paradise 2011). The primary evacuation routes in Paradise are along Skyway, Clark Road, and Pentz Road, as confirmed in the 2022 TMP. Each of these roads runs roughly north-south and secondary evacuation routes run east-west to connect residents to these roads. Specific evacuation routes will vary depending on the emergency's location, direction, and rate of spread. The Housing and Safety Element includes policies and programs to improve the Town's infrastructure, such as improvements to emergency evacuation routes and recommends infrastructure and operations projects that can be implemented proactively to help traffic evacuation during an emergency; this includes the widening of Clark Road next to the project site, as well as the construction of new secondary evacuation routes. The project is required to improve Cypress Lane and its connection to Clark Road. Therefore, the project would not impair an adopted emergency response plan or emergency evacuation plan.

b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less Than Significant Impact

The project would construct a residential complex on previously partially developed parcels. The site is within a VHFHSZ, and there are open lands or timber lands within five miles of the site. However, the hazard tree removal program specifies that "any tree that was fire damaged in the Camp Fire and that is in imminent danger of falling onto an eligible road or parcel is a hazardous tree that must be removed to eliminate the imminent threat to the public at large" (Paradise Code of Ordinances 8.63.010). Many of the conifers on the project site have fire damage and are marked with pink paint, suggesting that they have been assessed for removal by the Town's hazardous tree removal program. According to the Town of Paradise website, hazardous trees on private property are being assessed, marked, and barcoded throughout Fall 2022, and property owners will be notified of eligibility for the program during winter, followed by tree removal in Spring 2023 (Town of Paradise n.d.). There are no slopes or other factors at this site that would exacerbate wildfire risks.

Future development, including this project, would expose people or structures to wildland fire risk. However, the Town has policies and programs to reduce fire risk. These include creation of Wildfire Risk Reduction Buffers, clustering of development in the SSA where it is flatter and easier to evacuate, establishment and enforcement of fuels management programs and education, analysis and potential implementation of more stringent fire-resistant building requirements, and implementation of community-wide evacuation drills (Town of Paradise 2022c).

The Town has adopted local amendments to its building code, including requirements for automatic fire sprinkler systems, firesafe roofing outbuildings materials, fire resistant, and non-combustible gutters (Town of Paradise 2022c). These regulations are consistent with State policy and have been found to be "reasonably necessary" to mitigate potentially hazardous conditions related to wildfire spread, fire protection, and the delivery of emergency services. In addition, the Town adopted the Wildfire Prepared Home Program standards as developed by the Insurance Institute for Business & Home Safety.

Such policies and programs would reduce the risk of loss, injury, or death due to wildfire rather than exacerbate the existing wildfire risk. This would support Housing Goal 2 of the 2022-2030 Housing Element to "Improve, Rebuild, And Preserve Safe, Decent Housing and Neighborhoods for All Paradise Residents, Including Preparation for Wildfire Resiliency." (Town of Paradise 2022c). Therefore, the potential for the project to exacerbate wildfire risks and thereby expose project

occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would be less than significant.

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less Than Significant Impact

The project does not require the installation or maintenance of infrastructure that would increase fire risks. The site was previously developed, and roads and utilities are in place. The Housing and Safety Element Initial Study includes policies and programs to improve the Town's infrastructure, such as improvements to emergency evacuation routes and installation of early warning systems (Town of Paradise 2022b). As required by the California Fire Code, the project would be required to include site-specific design features such as ensuring appropriate emergency access and requiring structures to be built with approved building materials. Conformance with this code reduces the risks associated with fire hazards. The site plan includes internal access roads to all buildings in case of emergencies. Therefore, the project would reduce fire risk in the long term, resulting in a less than significant impact.

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact

The project site and surrounding area are relatively flat, and seismically related landslides are not likely to occur. The site was previously developed, and the proposed buildings would be constructed on compacted soils. No changes to onsite drainage is proposed, and existing streams will be maintained. The lack of significant slopes on or near the project site indicates that the hazard from slope instability, including landslides, flooding, and debris flows, is negligible. The project therefore would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, post-fire slope instability, or drainage changes as a result of runoff, post-fire slope instability, or drainage changes.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 CEQA Checklist Summary

CEQA Question	Impact Determination
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Less Than Significant Impact with Mitigation Incorporated
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, or the effects of probable future projects.)	Less Than Significant Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Less Than Significant Impact with Mitigation Incorporated

4.21.2 Answers to CEQA Mandatory Findings of Significance Questions

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation Incorporated

As discussed in **Section 4.4, Biological Resources**, project construction could potentially impact protected red-legged frogs and foothill yellow-legged frogs; however, with implementation of **Mitigation Measure BIO-1**, impacts would be reduced to less than significant levels. Action includes pre-construction surveys of the project area and establishing appropriate fencing around potential red-legged frog and foothill yellow-legged frog habitats. Project construction could potentially impact protected migratory bird species during breeding and nesting season; however, with implementation of **Mitigation Measure BIO-2**, impacts would be reduced to less than significant levels by requiring pre-construction surveys of the

project area and establishing appropriate buffers around nests, should they be encountered.

For culvert work activities that would result in unavoidable impacts to waters, MHC will implement **Mitigation Measure BIO-3.** This measure requires MHC to obtain regulatory permits prior to construction. This mitigation measure would comply with federal and state regulations thereby reducing impacts to less than significant levels.

As discussed in **Section 4.18, Tribal Cultural Resources,** there is a possibility that Native American resources could be found in the project area during construction. Implementation of **Mitigation Measure TCR-1** would reduce potentially significant impacts to tribal resources to less than significant.

No other potentially significant impacts to the environment, unique or rare species, habitats, or resources associated with the major periods of California history or prehistory were identified for the project.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, or the effects of probable future projects.?

Less Than Significant Impact

The project would provide a total of 140 new affordable housing units for multi-family and senior housing on a previously developed site. The project would address the need for affordable housing in Butte County.

The project would not result in an exceedance for any criteria air pollutant for which the region is in non-attainment; therefore, there would be no cumulatively considerable net increase in criteria pollutants or GHGs. The project would not contribute to a cumulative loss of cultural resources or water quality and would have a minor net effect on VMT. The project would be consistent with local, state, and federal regulations pertaining to the protection and mitigation of impacts to sensitive resources. The project would adopt construction controls that avoid adverse impacts and would not result in cumulative impacts. When viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the project would not contribute to cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact with Mitigation Incorporated

As discussed **in 4.9 Hazards and Hazardous Resources**, the project could encounter petroleum hydrocarbon in soils. Implementation of **Mitigation Measure HAZ-1** would reduce potential impacts to less than significant levels. The project could have potential soil vapor intrusion; however, with the implementation of **Mitigation Measure HAZ-2,** impacts would be reduced to less than significant levels by the implementation of a soil vapor monitoring plan to address the extent of vapor impacts and degradation of kerosine impacted soil and/or groundwater. Implementation of best management practices and compliance with State and federal regulations protecting human and environmental health during construction, such as preparation of a SWPPP and Spill Prevention Plan, would be implemented, as well as standard construction controls. Therefore, there would be a less than significant impact to human beings with mitigation incorporated.

Section 5 Mitigation Monitoring and Reporting Plan

CEQA requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to aid MHC in their implementation and monitoring of measures proposed in the IS for the project.

Table 4 provides details of the MMRP. The mitigation measures are taken from the IS and are assigned the same number as in the IS. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

Table 4. Mitigation and Monitoring Plan

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
BIO-1	The project proponent shall implement the following standard U.S. Fish and Wildlife Service (USFWS) Mitigation and Avoidance Measures to prevent mortality of individual red-legged frog that may be found breeding, migrating across, or aestivating on the proposed project sites during proposed project activities. These measures will also effectively protect foothill yellow-legged frogs from impacts. • Preconstruction surveys for California red-legged and foothill yellow-legged frog shall be completed within 48 hours prior to commencement of any earth-moving activity, construction, or vegetation removal within project sites, whichever comes first. The preconstruction survey shall include two nights of nocturnal surveys in areas of suitable habitat. • If any California red-legged and foothill yellow-legged frog are encountered during the surveys,	MHC; Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	all work in the work area shall be placed on hold while the findings are reported to the CDFW and USFWS and it is determined what, if any, further actions must be followed to prevent possible take of this species. • Where construction will occur in California red-legged and foothill yellow-legged frog habitat where frogs are potentially present, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat areas. A qualified biologist will assist in determining the boundaries of the area to be fenced in consultation with the Town, USFWS, and CDFW. All workers will be advised that equipment and vehicles must remain within the fenced work areas. • An USFWS authorized biologist will direct the installation of the fence and will conduct biological surveys to move any individuals of these species from within the				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	fenced area to suitable habitat outside of the fence. Exclusion fencing will be at least 24 inches in height. The type of fencing must be approved by the authorized biologist, the USFWS, and CDFW. This fence should be permanent enough to ensure that it remains in good condition throughout the duration of the construction project on the project site. It should be installed prior to any site grading or other construction-related activities are implemented. The fence should remain in place during all site grading or other construction-related activities. The frog exclusion fence could be "silt fence" that is buried along the bottom edge. • If at any time individuals of these species are found within an area that has been fenced to exclude these species, activities will cease until the authorized biologist moves the individuals. • If any of these species are found in a construction area where				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	fencing was deemed unnecessary, work will cease until the authorized biologist moves the individuals. The authorized biologist in consultation with USFWS and CDFW will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist. • Any individuals found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities. • Clearance surveys shall occur daily in the work area. • The authorized biologist will have the authority to stop all activities				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	until appropriate corrective measures have been completed. • To ensure that diseases are not conveyed between work sites by the authorized biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. • Project activities shall be limited to daylight hours, except during an emergency, in order to avoid nighttime activities when California red-legged and foothill yellow-legged frog may be present. Because dusk and dawn are often the times when California red-legged and foothill yellow-legged frog are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. • Traffic speed should be maintained at 10 miles per hour or less in the work area.				

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
BIO-2	The project will implement the following measures to protect nesting birds: 1. If any construction activities (e.g., clearing, grubbing, or grading) are scheduled during the bird nesting season (February 1 to September 1), the approved construction contractor shall retain a qualified biologist to conduct a pre-construction survey of the project area, no more than 14 days prior to the beginning of tree and vegetation removal or ground disturbing activities. A copy of the survey shall be submitted to the Town prior to the start of construction activities.. 2. If nesting birds are detected within the project area during the survey, consultation with CDFW and USFWS is recommended to establish acceptable avoidance or minimization measures to avoid impacts to migratory birds and raptors. Avoidance measures could include the establishment of a suitable activity-free buffer around active nests/roosting sites. The size of the buffer, duration of buffer, acceptable activities, and	MHC, Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	other details will be established through consultation with the CDFW and USFWS. The avoidance or minimization plan shall be submitted to the Town, CDFW, and USFWS for review and approval prior to the start of construction activities.				
BIO-3	Prior to constructing the project, MHC will determine the exact quantity of aquatic resources to be impacted and will obtain regulatory permits from the USACE (Section 404 permit), CDFW (Streambed Alteration agreement), and RWQCB (Section 401 permit) to comply with federal and state regulations. MHC will purchase mitigation bank credits or provide on-site mitigation/restoration for impacts to aquatic resources at a ratio agreed to between the Town, USACE, RWQCB, and CDFW.	MHC, Contractor	Town of Paradise	Prior to Grading Permit	Verified by: Date:
HAZ-1	A soil management plan (SMP) shall be prepared to protect construction workers and address the disposition of any soils that are encountered that may be	MHC, Contractor	Town of Paradise	Prior to and during Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	contaminated. It shall specify required special handling requirements for soil contaminated by petroleum hydrocarbons. The SMP shall be provided by the contractor, shall be monitored onsite by a qualified person onsite who is trained to identify these situations and direct SMP protocols accordingly, and shall adequately address: • Worker exposure monitoring and training requirements • Health and safety • Soil handling BMPs • Soil stockpiling, transportation, dewatering, and disposal • Waste management and disposal				
HAZ-2	A soil vapor monitoring plan to assess potential soil vapor intrusion is recommended prior to construction. The soil vapor assessment shall adequately address the extent of	MHC, Contractor	Town of Paradise	Prior to Construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	vapor impacts and degradation of kerosine impacted soil and/or groundwater.				
TCR-1	The following measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities: • If any suspected TCRs, archaeological, or cultural resources are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A qualified professional archaeologist and a Tribal Representative from the Mooretown Rancheria of Maidu Indians shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative or qualified archaeologist will make	MHC, Contractor	Town of Paradise	During construction	Verified by: Date:

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	recommendations for further evaluation and treatment as necessary. • The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. • Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery have been satisfied.				

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