

8-STEP WETLANDS REVIEW

Cypress Family and Senior Housing Project

**1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road,
Paradise, CA**

Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or wetland

The US Department of Housing and Urban Development (HUD) has authorized the Town of Paradise (Town) to use Project Based Vouchers to build affordable housing within the Town. The Town will also receive partial funding from the Community Development Block Grant-Disaster Recovery Program administered by the California Department of Housing and Community Development (HCD). The proposed project would construct 140 affordable housing units in two phases, as well as a community building and several additional features for residents to use within the housing complex. The proposed project would be constructed on a nearly 24-acre site consisting of 7 parcels that were largely cleared after the 2018 Camp Fire at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road, in the Town of Paradise (APNs: 050-140-050, 050-140-151, 050-140-053, 050-140-155, 050-140-160, 050-140-161, and 050-140-162).

Cypress Family Housing (Phase 1) would construct seventy (70) units of family rental housing with a mix of one-, two-, and three-bedroom units. The resident population would be households with incomes and affordable rents from 30% to 60% of the Area Median Income (AMI); twenty-five (25) project-based Section 8 vouchers are assumed to be available to subsidize affordability further. Amenities for Phase 1 would include eighty-six (86) surface parking spaces, a shared 5,730 square foot (sf) community center, two (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). Cypress Road would be widened and improved in Phase 1.

Phase 2, Cypress Senior Housing, would construct seventy (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; twenty-five (25) of the units are assumed to have project-based Section 8 vouchers to further subsidize affordability. Amenities for Phase 2 would include eighty-four (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 Permit (Northstar 2022).

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 area contains 1.18-acres of seasonal wetlands and streams. Three seasonal wetlands and two stream channels are located in the western section of the project area and largely contained within the Phase 2 project area. Two culverts convey stream flow under Cypress Lane. A third stream channel is located in the southeastern corner of the project area. 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 will require installing new culverts and fill within stream channels. The Phase 2 design is still in progress and impacts are not yet known; however, current designs show wetlands being avoided.

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 US Army Corps of Engineers (USACE) Section 404 permit, California Department of Fish and Wildlife (CDFW) Streambed Alteration agreement, and Regional Water Quality Control Board (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. These regulatory permits are designed to fully mitigate impacts on these resources.

Whereas the project proposes construction within a wetland, Executive Order 11990-Wetlands applies. Executive Order 11990 requires Federal activities to avoid impacts to wetlands and to avoid direct and indirect support of wetland development to the extent practicable. This project does not meet the exceptions identified at 24 CFR 55.12 and therefore requires an 8-step analysis of the direct and indirect impacts associated with the construction, occupancy, and modification of the wetland.

Step 2: Early Public Review

A public notice of the proposed activity in a wetland was published in the Paradise Post, a general-circulation newspaper for the Paradise area, on February 17, 2023. The notice targeted residents in the community and a copy of the published notification was kept in the project's environmental review record; the notice is provided as Attachment 1. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location, and description of the activity, the Town contact for information, and the location and hours of the office where a full description of the proposed action could be viewed.

No concerns were expressed by the public concerning this notice.

Step 3: Alternatives Considered

Alternative 1: Preferred Alternative. Development of Community building, two one-story residential buildings, and ten two-story residential buildings

Alternative 1 would construct a community building, two (2) one-story residential buildings, and ten (10) two-story residential buildings that would provide a total of 140 new affordable housing units. The site contains 1.18-acres of seasonal wetlands and streams. The improvement and widening of Cypress Lane to provide access to the project site will require installing new culverts and fill within less than 0.1-acres of stream channels. 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. These regulatory permits are designed to fully mitigate impacts on these resources. The site is zoned appropriately for affordable housing and was previously developed.

Alternative 2: Alternative Site Plans

The original site plans for Phase 2 encroached on the large wetland in the northwest quadrant of the project area, which was identified during the aquatic resources delineation. A plan was developed which moved buildings further south and out of the wetlands. However, that would require improving a gravel private driveway, and the owner would not agree to allow access. The current preferred Phase 2 Alternative removed all improvements from the wetlands except the required culvert modifications for the roadway improvements. None of the alternative site plans could avoid widening of Cypress Lane, which the Town requires to develop the site and provide safe access.

Alternative 3: Review of Alternative Sites

Alternative 2 reviewed other potential sites for affordable housing. However, site identification has proven to be a major obstacle in providing affordable housing units. Sites zoned appropriately and at reasonable cost are extremely limited within the Town of Paradise. No other sites were found in the Town that meet the cost and zoning, as well as feasibility, location, and affordability criteria required to meet the purpose and needs of this project.

Alternative 4: No Action/Other Actions that Serve the Same Purpose.

The No Action Alternative would leave the demolished site vacant and would fail to meet the Town's goals to recover from the Camp Fire and provide needed additional affordable supportive housing units. The site could be developed with market rate housing without HUD funding, which would fail to meet a critical need for affordable housing in this area. The site is zoned C-S, Community Service, which the Town has specifically intended to be used to provide housing affordable to low- and moderate-income households. The project has been designed to set aside much of the site for stream and wetland protection, and the project proponent must fully mitigate impacts to aquatic resources by purchasing mitigation bank credits or providing on-site mitigation/restoration before receiving a regulatory permit to build.

Step 4: Potential Impacts of the Proposed Project

The 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 will require installing new culverts and fill within stream channels. The Phase 2 design is still in progress and impacts are not yet known; however, current designs show wetlands being avoided. If wetlands will be disturbed, additional regulatory permits will be required. Therefore, the project is expected to directly impact less than 0.1-acres of stream channels. Prior to issuing a grading permit, the Town will 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 will be required to 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. These regulatory permits are designed to fully mitigate impacts on these resources.

No special status animal species were observed within the seasonal wetlands. Aquatic habitat found within the project site 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. In order to avoid or reduce potential impacts to these species to a less than significant level, the Town will implement standard United States Fish and Wildlife Service Mitigation and Avoidance Measures before, during, and after construction.

A Special Status Plant Survey Report was performed in 2022. The Report reviewed the special status species databases including the California Natural Diversity Database, United States Fish and Wildlife Service Information for Planning and Conservation Database, and the California Native Plant Society's Inventory of Rare and Endangered Plants of California in order to identify special status species that may occur within the project area. The site was observed to contain weedy vegetation and no federally listed species were observed during the site visit. Therefore, no cumulative loss of wetlands or special status species habitat would occur.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the wetlands and to restore, and preserve the values of the wetlands

The project has been redesigned to avoid impacting wetlands and stream channels based on the aquatic resources delineation. Except at the culvert improvements, wetlands within the project area will be preserved as open space. However, the improvement and widening of Cypress Lane to provide access to the project site will require installing new culverts and fill within stream channels. The Phase 2 design is still being refined and impacts are not yet known; however, current designs show wetlands being avoided. Therefore, the overall project is expected to directly impact less than 0.1-acres of stream channels. Prior to issuing a grading permit, the Town will 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 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. These regulatory permits are designed to fully mitigate impacts on these resources.

The fill of less than 0.1-acres of seasonal streams on the site would not pose any danger to lives or property within the area. Local ordinance requires property stormwater design for new development. In addition to concerns for life and property, the Town considered the natural and beneficial values of the wetlands and streams. The natural resources of the wetland include the potential as habitat for special status species. The habitat within the project area is characterized by stands of fire-damaged native ponderosa pine and incense cedar 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 and arroyo willows. Additionally, patches of native black oak woodland occur throughout the site, as well as open fields dominated by non-native brush and weedy herbaceous species. Based on an assessment of local, state, and national databases, a biologist determined it is unlikely that any special status plant or animal species would occur within or adjacent to the project area. However, the possibility exists that frog or bird species could become established prior to construction of the project. The Town shall implement standard California Department of Fish and Wildlife, and United States Fish and Wildlife Service Mitigation and Avoidance Measures to prevent mortality of individual frogs or birds that may be found in the project area during project activities. These mitigation measures reduce potential adverse effects to frog and bird species to less than significant. Therefore, the project would have less than significant effect on special status plant or animal species.

Step 6: Reevaluation of the Alternatives

The proposed project would fill less than 0.1-acre of seasonal streams on the site and would fully mitigate for any impacts to wetlands and streams. The proposed project would have minimal, if any, impact on endangered species or critical habitat. Because this site is zoned appropriately for affordable, low-density housing and the project has been designed to avoid impacts to existing wetlands, no alternative sites were identified that met the appropriate cost and zoning criteria, and no alternative sites were identified to protect wetlands.

The no action alternative, which means no federal funding, would not satisfy the project's purpose and need. The price of land and cost of development does not allow market rate construction of affordable housing without government assistance. No action would leave a demolished lot vacant, or future development of the site with housing priced out of reach for families making 60 percent or less of the area median income. Additionally, future development of the site may not be designed to avoid impacts to wetlands. Physical impacts to the environment would occur with or without federal funding, yet no benefits to the human environment would occur. The Town has determined the project is consistent with all Town land use plans, policies, and regulations for the project site, and the loss of a small portion of seasonal streambed will be fully mitigated. No federal funding for this site would not meet the Town's goals to rebuild housing lost in the Camp Fire and to bring affordable housing that is needed within the Town of Paradise. There are no benefits to the physical or human environment by taking no federal action for this project.

Step 7: Determination of No Practicable Alternative

It is the Town's determination that there is no practicable alternative to locating the project near and partially in a wetlands because:

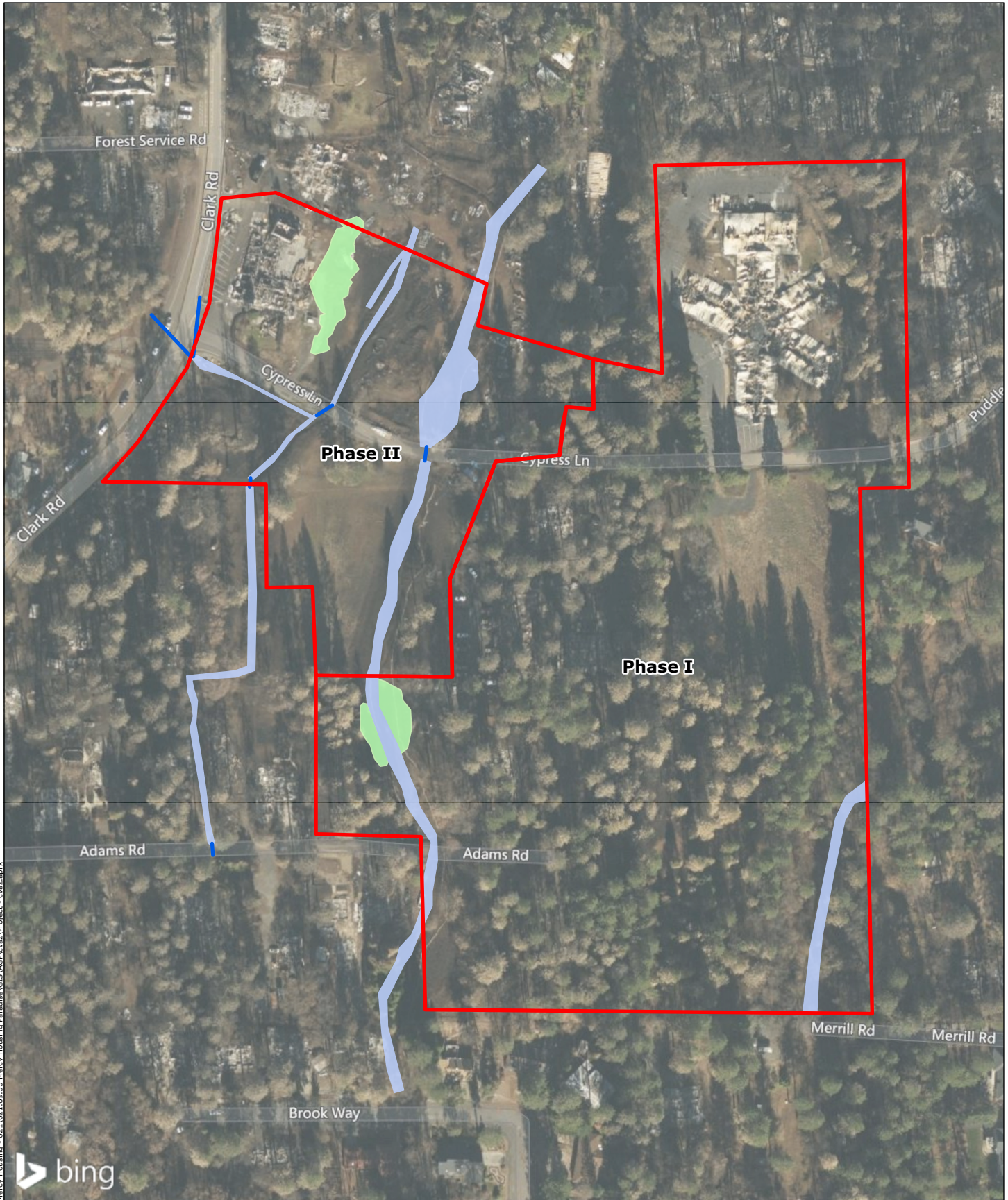
- There is a need for federal funding to support Paradise in providing affordable supportive housing units.
- The proposed project is cost efficient for affordable housing which benefits the human environment.
- The minor loss of less than 0.1-acre of wetlands will be mitigated through a Section 404 Permit with the USACE, a Streambed Alteration agreement with the CDFW, and a Section 401 permit with the RWQCB.
- The proposed improvements would have no adverse effects on human health, public property, and endangered species.

A final notice was published in the Paradise Post consistent with the prior notice. The notice explains the reasons why the project must be located near and partially in the wetlands, offers a list of alternatives considered at Steps 3 and 6, and describes any measures at Step 5 taken to minimize adverse impacts and preserve natural and beneficial wetland values. The notice is attached to this document.





Step 8: Review the Implementation and Post-Implementation Phases of the Proposed Action

Prior to issuing a grading permit, the Town will 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 must 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. These regulatory permits are designed to fully mitigate impacts on these resources. The Town would take an active role in monitoring construction processes to ensure that no unnecessary impacts occur, nor unnecessary risks are taken.



Document Path: P:\Active Projects\Mercy Housing - 621.09.55 Mercy Housing Paradise\GIS\AGP\cvaz\Project - cvaz.aprx

Legend	
	Project Site
	Stream
	Freshwater Emergent Wetland
	Culvert




Cypress Lane Housing Project
Town of Paradise, Butte County
Aquatic Resource Delineation Map


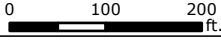

 1 in. = 200 ft.


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APPROVED
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SOURCE Bing Aerial Basemap	JOB NUMBER 621.09.55	DRAWN cvaz	DATE 10/19/2022	REVISED -	APPROVED chute
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Advertising Order Confirmation

<u>Ad Order Number</u> 0006732309	<u>Customer</u> TOWN OF PARADISE - COMMERCIAL DEVELOPMENT	<u>Payor Customer</u> TOWN OF PARADISE - COMMERCIAL DEVELOPMENT	<u>PO Number</u>
<u>Sales Representative</u> House NVER	<u>Customer Account</u> 2123937	<u>Payor Account</u> 2123937	<u>Ordered By</u> Melanie Elvis
<u>Order Taker</u> Zofia Sparlin	<u>Customer Address</u> 5555 SKYWAY PARADISE, CA 95969	<u>Payor Address</u> 5555 SKYWAY PARADISE, CA 95969	<u>Customer Fax</u>
<u>Order Source</u>	<u>Customer Phone</u> 530-872-6291 x 127	<u>Payor Phone</u> 530-872-6291 x 127	<u>Customer Email</u> smiller@townofparadise.com
<u>Current Queue</u> Ready	<u>Invoice Text</u> Early Notice for Cypress Lane project		
<u>Tear Sheets</u> 2	<u>Blind Box</u>	<u>Materials</u>	<u>Special Pricing</u>
	<u>Affidavits</u> 0	<u>Promo Type</u>	

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Ad Attributes

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Production Method

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Production Notes

Advertising Order Confirmation

Town of Paradise Early Notice and Public Review of a Proposed Activity in a Wetland

Date: February 15, 2023

To: All interested Agencies Groups
and Individuals

This is to give notice that the Town of Paradise has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential affect that its activity in the wetland will have on the human environment for the proposed Cypress Family and Senior Housing Project (project). The project would be located at 1620, 1623, and 1633 Cypress Lane, 6900 Clark Road, and 1567 and 1580 Adams Road in Paradise, Butte County, California. Phase 1 will include 70 units of family rental housing with a mix of one-, two-, and three- bedroom units. The resident population will be households with incomes and affordable rents from 30% to 60% of the Area Median Income (AMI). Seventeen project-based Section 8 vouchers are assumed to be available to further subsidize affordability. Phase 2 will 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; 34 of the units are assumed to have project-based Section 8 vouchers to further subsidize affordability.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking

Advertising Order Confirmation

place in wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Town of Paradise **on or before March 17, 2023**, at the following address: Town of Paradise, 6295 Skyway, Community Development Department, Paradise, California 95969, Attention: Susan Hartman, during the office hours of 9:00am to 5:00pm. Comments may also be submitted via email to shartman@townofparadise.com. A full description of the project may also be requested via mail or email at the addresses above.

Product Paradise Post	Requested Placement Legals CLS NC	Requested Position General Legal NC - 1076~	Run Dates 02/15/23	# Inserts 1
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Net Amount	153.60	Tax Amount	0.00	Total Amount	153.60
Payment Amount	0.00	Amount Due	\$153.60		

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