



MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME AND NUMBER: 2240 Nord Apartments
(PDP 23-01)

APPLICANTS NAME: 2240 Nord Partnership
Chris Giampaoli
901 Bruce Road, Suite #100, Chico, CA 95928

PROJECT LOCATION: 2240 Nord Avenue, Chico, Butte County, CA
Southeast corner of Nord Avenue/Highway 32 and West Lindo Avenue

PROJECT DESCRIPTION: The applicant proposes to construct a multi-family apartment complex in conformance with the city's land use and development regulations. The applicant expresses intent to construct 208 apartments, which would result in a residential density of 17.8 units per acre. Access to the site would exclusively be provided from West Lindo Avenue and an emergency vehicle only access from Ruskin Street. Future development will be subject to a public hearing by the Planning Commission.

FINDING: As supported by the attached Initial Study there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for the project:

MITIGATION MEASURE BIO-1 (Biological Resources): The developer shall implement the following measures to minimize potential impacts on biological resources, including special status bird species. If project activities occur during nesting season, then the following shall occur:

1. A qualified biologist shall conduct a pre-construction survey within the Site boundaries and within 250 feet of the Site, where accessible, within seven (7) days prior to the initiation of project activities.
 - a. If no active nests are identified during the survey period or if construction is initiated during the non-breeding season (September – January), grading and construction may proceed.
 - b. If an active [i.e., containing egg(s) or young] nest is observed on-site and/or within 250 feet of the Site where impacts could occur, a species-specific protection buffer shall be determined by a qualified biologist in coordination with CDFW and/or USFWS, based on the species, nest type, and tolerance to disturbance. Project activities shall be prohibited within the buffer zone(s) until the young have fledged or the nest fails, and a qualified biologist has determined the nest to no longer be active. The buffer zone(s) shall also be fenced with temporary orange construction fencing.
2. A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of grading and construction during the nesting season (February - August). The report would either confirm absence of any active nests or confirm

establishment of a designated buffer zone for any active nests. Supplemental reports would be submitted to the City for review and approval where buffer zones have been required to allow construction to proceed within these zones after any young birds have fledged.

MITIGATION MONITORING BIO-1: Prior to issuance of grading permits or improvement plans, City staff shall verify that the above wording is included on construction or grading plans, or the compliance completed prior to City permit issuance. Letter reports shall be maintained, as applicable, by Planning staff throughout construction.

If active nests are encountered, then Planning and Building staff shall ensure construction activities are prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to CDFW and the City of Chico Community Development Department weekly or as necessary.

Implementation of the above measure will avoid substantial adverse effects upon tree-nesting avian species and bats and will reduce potential impacts to these species to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION MEASURE CUL-1. (Cultural Resources):

In the event that grading or other ground disturbance activities uncover any bones, pottery fragments or other potential cultural resources, the developer or their supervising contractor shall cease all work within 100 feet of the area of the find and notify the Community Development Department at 879-6800. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the developer to evaluate the significance of the find. Community Development Department staff shall notify the Mechoopda Indian Tribe of Chico Rancheria (Tribe), if the find is determined to be of pre-historic origin. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.

MITIGATION MONITORING CUL-1: Planning staff will verify that the above wording is included on construction plans. Should prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff and contacting a professional archaeologist in consultation with Planning staff, to evaluate the find.

Implementation of the above measure, in conjunction with Mitigation Measure TRIBE-1, will avoid potential substantial adverse effects upon cultural resources, tribal cultural resources and paleontological resources, should any be unearthed during project development, and will reduce

potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION MEASURE HAZ-1 (Hazards and Hazardous Materials): Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent environmental contamination, including contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:

1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.
2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.

MITIGATION MONITORING HAZ-1: Planning staff will verify that the above wording is included on construction plans and the presence of spill containment kits shall be subject to periodic inspection.

Implementation of the above measure will avoid potential substantial adverse effects associated with accidental spills, should any occur during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION MEASURE NOI-1

To ensure interior noise levels of the proposed residential apartment buildings do not exceed the City of Chico standard of 45 dB DNL, the Applicant shall implement the following, as recommended in the Environmental Noise Assessment, prepared by Bollard Acoustical Consultants, Inc., dated November 17, 2023:

- A. Upgraded windows with STC ratings shall be utilized for windows from which the railroad tracks would be visible, including those that will ultimately be shielded by the proposed sound wall, as follows:
 - a. Buildings 1-5 (along Nord Avenue frontage) – STC 32 (all floors) for windows with view of Nord Avenue
 - b. Building 7 (adjacent to W. Lindo Avenue and south of the UPRR rail line) – STC 32 (first floors) and STC 36 (upper floors) for windows with view of railroad tracks
 - c. Buildings 8-11 (along UPRR railroad frontage) – STC 32 (first floors) and STC 40 (upper floors) for windows with view of railroad tracks
- B. All proposed buildings shall include a suitable form of forced-air mechanical ventilation or air-conditioning so that windows can be kept closed as desired for additional acoustical isolation.
- C. A minimum 10-foot-tall noise barrier should be constructed as shown on Figure 2 of the Environmental Noise Assessment. This includes installation of the sound wall along the Site's northern boundary and partially along the Site's western boundary, along W. Lindo Avenue, from the northern property line to the northern edge of Building 7. The noise barrier height is relative to the building pad elevation.

MITIGATION MONITORING NOI-1: During the design review process and prior to building permit issuance, City Planning and Building staff will review project plans to ensure that Mitigation

Measure NOI-1 is incorporated into the project design, as appropriate.

Implementation of the above measure will minimize potential adverse effects associated with noise disturbance and will reduce potential impacts to a level that is considered **less than significant with mitigation incorporated**.

MITIGATION TRIBE-1. (Tribal Cultural Resources):

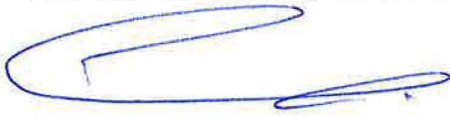
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MITIGATION MONITORING TRIBE-1: Planning staff will verify that the above wording is included on construction plans. Should prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff and contacting a professional archaeologist in consultation with Planning staff, to evaluate the find.

Implementation of the above measure, in conjunction with Mitigation Measure TRIBE-1, will avoid potential substantial adverse effects upon cultural resources, tribal cultural resources and paleontological resources, should any be unearthed during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

PROJECT APPLICANTS' INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for the 2240 Nord Apartments (PDP 23-01), and the mitigation measures identified herein. As Applicant for the foregoing, I hereby modify the project on file with the City of Chico and agree to include and incorporate all mitigation set forth in this document.



Authorized Signature, Project Applicant

Chris Giampaoletti

Printed Name

Prepared by: Madison Driscoll
Madison Driscoll, Associate Planner
Community Development Department

04/02/2024

Date

Adopted via: Resolution No: _____
City of Chico City Council

Date