

# MITIGATION MONITORING AND REPORTING PROGRAM

---

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the implementation of the 2240 Nord Avenue Apartments Project. The City of Chico is the agency responsible for implementation of the mitigation measures identified in the Initial Study.

This MMRP provides the City of Chico with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the project during which the required mitigation measure must be implemented;
- The phase of the project during which the required mitigation measure must be monitored;
- The enforcement agency; and
- The level of significance after mitigation.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor and the date of the monitoring activity.

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance	
					Initial	Date
Biological Resources						
<b>BIO-1:</b> Project activities, including site grubbing, vegetation removal, and all other ground disturbing activities, shall be initiated outside of the bird nesting season (February 1 – August 31). If project activities cannot be initiated outside of the bird 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. o 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. o 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 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.	Project Construction	Project Construction	City of Chico	Less Than Significant		
Cultural Resources						
<b>CUL-1:</b> 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	Project Construction	Project Construction	City of Chico	Less Than Significant		

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance	
					Initial	Date
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.						
<b>Hazards and Hazardous Materials</b>						
<b>HAZ-1:</b> 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: <ol style="list-style-type: none"> <li>1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.</li> <li>2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.</li> </ol>	Project Construction	Project Construction	City of Chico	Less Than Significant		
<b>Noise</b>						
<b>NOI-1:</b> 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 <i>Environmental Noise Assessment</i> , prepared by Bollard Acoustical Consultants, Inc., dated November 17, 2023: <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>Buildings 1-5 (along Nord Avenue frontage) – STC 32 (all floors) for windows with view of Nord Avenue</li> </ul> </li> </ul>	Project Construction	Project Construction	City of Chico	Less Than Significant		

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance	
					Initial	Date
<ul style="list-style-type: none"> <li>○ 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</li> <li>○ Buildings 8-11 (along UPRR railroad frontage) – STC 32 (first floors) and STC 40 (upper floors) for windows with view of railroad tracks</li> <li>• 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.</li> <li>• A minimum 10-foot-tall noise barrier should be constructed as shown on Figure 2 of the <i>Environmental Noise Assessment</i>. 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.</li> </ul>						
<b>Tribal Cultural Resources</b>						
<b>TRIBE-1:</b> Prior to the start of grading operations for the project, the project developer or their representative shall provide reasonable notice and site access to the Mechoopda Indian Tribe of Chico Rancheria (Tribe) for a tribal monitor to be present during ground disturbing activities with the potential to encounter cultural resources of Native American origin or association. If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, in coordination with the tribal monitor if prehistoric in nature, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the nature of the find, the archaeologist and tribal monitor (if a resource is prehistoric in age) may simply record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist determines the discovery to be potentially significant under CEQA or the tribal monitor identifies a potential Tribal Cultural Resource (TCR), additional efforts such as preparation of a treatment plan, testing, and/or data recovery may be warranted prior to allowing construction to proceed in this area. All management strategies recommended by the archaeologist and/or Tribe must be approved by the City of Chico Community Development Director. The developer shall then adhere to the management strategies approved by the City. Ground-disturbing	Project Construction	Project Construction	City of Chico	Less Than Significant		

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance	
					Initial	Date
activities may resume once the management strategies have been implemented to the satisfaction of the City's Community Development Director and the qualified archaeologist.						
Also see Mitigation Measure CUL-1 under Cultural Resources, above.	Project Construction	Project Construction	City of Chico	Less Than Significant		