



**DATE:** August 3, 2016  
**TO:** ZONING ADMINISTRATOR  
**FROM:** Mike Sawley, AICP, Associate Planner, 879-6812  
**RE:** Use Permit 15-18 (Humboldt Oaks Apartments)  
2160 Humboldt Avenue – APN 002-050-061

File: UP 15-18

**RECOMMENDATION**

Planning staff recommends that the Zoning Administrator find the project within the scope of the previously adopted Mitigated Negative Declaration and approve Use Permit 15-18 (Humboldt Oaks Apartments), based on the findings and subject to the recommended conditions of approval.

**BACKGROUND**

This is a request to authorize ground-level occupancy for a multi-family residential use on a 2.2-acre site pre-zoned CC (Community Commercial) (See **Attachment A**, Location Map, and **Attachment B**, Plat to Accompany Use Permit 15-18). Under the City’s zoning regulations residential units on the second floor or above are a permitted use in the CC (Community Commercial) zoning district and ground-level residential occupancy requires use permit authorization. The site is pre-designated Commercial Mixed-Use by the City of Chico General Plan. Allowable residential densities within the City’s CC zone and CMU General Plan designation range from 6 to 22 dwelling units/acre.

Currently unincorporated, the site is located in an area for which the Chico City Council has directed staff to initiate annexation proceedings with the Local Agency Formation Commission. Any City approvals for the subject apartments will be contingent upon and not take effect until successful annexation of the site into City jurisdiction has occurred.

The project site consists of a residential parcel that has also served as a contractor’s yard in recent years. Structures on the property include a single-family residence (1,200 sq. ft.), detached office (1,600 sq. ft.) and workshop (3,600 sq. ft.). The site fronts on Humboldt Road and backs up to the State Route 32 (SR 32) right-of-way. The site is approximately 133 feet in width along Humboldt Road, widening to 380 feet along SR 32, and is 385 feet in depth. Surrounding land uses include a residential senior care facility (east), single-family residential (west and north, across SR 32), and community gardens on City-owned property located south of Humboldt Road.

The proposed development includes construction of a 40-unit apartment complex (“Humboldt Oaks Apartments”), resulting in a gross density of 17.4 units per gross acre. The site design calls for four new buildings: two 2-story buildings with eight units each near the Humboldt Road frontage and two 3-story buildings with 12 units each located near the rear of the site adjacent to SR 32. Each floor of each building would have four units. A new entrance drive and pedestrian path would provide exclusive access to the site from Humboldt Road. The project would include an 85-space parking area with landscaping around the buildings and between parking fields.

Detailed site improvements and architecture associated with the apartment project will be reviewed by the Architectural Review and Historic Preservation Board (ARHPB) on 8/17/16.

## DISCUSSION

According to Chico Municipal Code (CMC) section 19.44.020, Table 4-6 (*Allowed Uses and Permit Requirements for Commercial Zoning Districts*), use permit authorization is required to establish ground-level residential occupancy in the CC (Community Commercial) zoning district, residential units on the second floor or above are a permitted use.

This request is to allow 16 ground-level residential units, with an additional 24 residential units allowed by right on the second and third floors. The proposed density is 17.4 units per acre, which is consistent with the allowable density range of 6 to 22 units per acre in the CC (Community Commercial) zoning district.

The proposed site plan illustrates a requisite number of vehicle and bicycle parking spaces (85 and 44, respectively), and meets applicable code requirements for vehicle access and maneuvering. Structural setbacks shown on the plan are consistent with those used for the R3 (Medium-High Density Residential) zoning district, where similar apartment projects are typically located.

The subject site is the largest of five adjoining parcels that are zoned/pre-zoned CC at the eastern end of the block formed by Humboldt Road, El Monte Avenue, SR 32 and Forest Avenue (see **Attachment C**, Zoning Map). Allowing ground-level occupancy at the subject site for an exclusively multi-family residential project would likely foreclose the possibility establishing a commercial node at the eastern end of the subject block. However, approximately 5-acres of mostly-developed commercial land exists approximately 1,000 feet west of the project site on either side of Forest Avenue. This existing commercial area is within walking distance of the project site and provides convenient shopping opportunities for residents in the area. Therefore, approving the subject use permit would not result in an inadequate supply of commercial lands in the project area and would not hinder implementation of General Plan policies that encourage development of neighborhood-serving centers within walking distance of nearby residents (LU-3.1, LU-3.2 and CIRC-4).

The project is consistent with several General Plan goals and policies, including those that encourage compatible infill development (LU-1, LU-4, and CD-5), rehabilitation and revitalization of existing neighborhoods (H.5), and providing adequate supply of rental housing to meet a wide range of renters and future needs throughout the city (H.3, H.3.2, H.3.4).

The CMC 19.18 (Site Design and Architectural Review) requires that, prior to issuance of a building permit, the proposed apartment project receive site design and architectural approval from the Architectural Review and Historic Preservation Board (ARHPB). A condition of approval is recommended that would provide flexibility for the Board to approve modifications to the site plan, as necessary to meet the relevant findings.

## ENVIRONMENTAL REVIEW

The proposed use permit falls within the scope of the Initial Study and Mitigated Negative Declaration (IS/MND) that was adopted by the City Council on 08/02/16 (State Clearinghouse No. 2016062052, see **Attachment D**).

Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is necessary, as there have been no substantial changes to the project which would require revisions of the MND, no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which would require revisions of the MND, and no new information of substantial importance has become available which would require revisions to the adopted MND. All of the mitigation measures identified by the IS/MND apply to the Humboldt Oaks Apartments development and are included under recommended condition of approval #5, below.

## **FINDINGS**

Following a public hearing, the Zoning Administrator may approve a use permit application, with or without conditions, only if all of the following findings can be made:

### Use Permit Findings

- A. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Chico Municipal Code Section 19.44.020, Table 4-6, provides for ground-level residential occupancy in the CC (Community Commercial) zoning district, subject to use permit approval. This use permit has been processed in accordance with the requirements of Chapter 19.24.

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

No impacts to the health, safety, or welfare of neighborhood have been identified as the proposed residential use is compatible with the existing surrounding residential uses. Sufficient off-street vehicle parking is demonstrated on the site plan. The project has been conditioned to require design review by the Architectural Review and Historic Preservation Board to ensure that the final design meets all applicable Design Guidelines. No impacts to the health, safety, or welfare of neighborhood residents have been identified.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The proposed project is within an area that currently contains ground-floor residential uses and structures, improved public streets, bicycle facilities, and access to public transit (B-Line Route #7 stops at Humboldt Road/El Monte Avenue). No impacts to property or improvements have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed project is consistent with several General Plan goals and policies, including those that encourage compatible infill development (LU-1, LU-4, and CD-5),

rehabilitation and revitalization of existing neighborhoods (H.5), and providing adequate supply of rental housing to meet a wide range of renters and future needs throughout the city (H.3, H.3.2, H.3.4).

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

The proposed residential apartment project will be compatible with existing adjacent single-family residential uses and the adjacent residential senior care facility. As conditioned, design details such as window placement on the 2<sup>nd</sup> and 3<sup>rd</sup> floors will be evaluated by the Architectural Review and Historic Preservation Board and conditioned as necessary, which will further ensure project compatibility with existing adjacent uses.

#### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 15-18 authorizes ground-level residential occupancy, in substantial accord with the "Plat to Accompany Use Permit 15-18 (Humboldt Oaks Apartments)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
3. The approval of UP 15-18 (Humboldt Oaks Apartments) shall only become effective upon successful annexation of the subject site (A.P. No. 002-050-061) to the City of Chico.
4. Prior to issuance of building permits, the design of all new structures, site improvements, and landscaping for the project shall be subject to review by the Architectural Review and Historic Preservation Board, in compliance with Chico Municipal Code Section 19.18 (Site Design and Architectural Review). Board approval of the final design may result in modifications to the approved plat.
5. The developer shall comply with the mitigation measures set forth by the adopted Mitigated Negative Declaration and Mitigation Monitoring Program for the "Humboldt Oaks Apartments (ANX 15-05, UP 15-18, AR 15-35)", as follows:
  - a. MITIGATION C.1 (Air Quality): To minimize air quality impacts during the construction phase of the project, specific best practices shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the Butte County Air Quality Management District's CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>. Examples of these types of measures include but

are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer's specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

- b. MITIGATION D.1 (Biological Resources): Vegetation removal or ground disturbance should be conducted between September 1st and February 28th (non-breeding season) to prevent impacts to protected birds that may be utilizing the project area to nest. If vegetation removal or ground disturbance occurs during the breeding season (March 1st-August 31st), then a pre-construction survey should be conducted by a qualified biologist to locate potential nests of protected bird species and establish a no disturbance buffer zone around nests that is sufficient to ensure breeding is not likely to be disrupted or adversely impacted by construction activities. No construction activities will commence within the buffer area until a qualified biologist confirms the nest is no longer active. The survey should be conducted no more than 14 days before the beginning of construction. If no nests are identified, no additional mitigation would be necessary.
- c. MITIGATION E.1. (Cultural Resources): Prior to any ground disturbance the developer shall arrange to have a qualified archaeologist conduct a pedestrian survey within the parcel(s) planned for development/redevelopment in the annexation area, with a tribal monitor from the Mechoopda Tribe present. The survey shall determine the number and placement of shovel test pits to investigate the possibility of subsurface resources. Soil from the test pits shall be screened through standard quarter-inch mesh (hardware cloth). The results of the survey shall be reported to City planning staff by letter from the consulting archaeologist. If no subsurface evidence of prehistoric cultural resources is located, no additional pre-construction mitigation is necessary under this measure. Should any prehistoric cultural resources be located, additional consultation with the Mechoopda Tribe shall occur before any construction-related ground disturbance. If historic resources are discovered, evaluation by a qualified archaeologist will be necessary before any construction related ground disturbance.
- d. MITIGATION E.2. (Cultural Resources): Prior to the start of any construction or ground disturbance, the developer shall arrange for construction crews to be given cultural awareness training by a qualified archaeologist, and shall provide adequate notification to City planning staff regarding the time and location of the training.
- e. MITIGATION E.3. (Cultural Resources): A note shall be placed on all grading and construction plans which informs the construction contractor that if any evidence of prehistoric cultural resources (freshwater shells, beads, bone tool remnants or an

assortment of bones, soil changes including subsurface ash lens or soil darker in color than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources ( foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps, often associated with wells or old privies), the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 879-6800. A qualified archaeologist shall be retained by the developer to evaluate the significance of the find. Further, Planning staff shall notify the Mechoopda Tribe to provide the opportunity to monitor evaluation of the site. 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 Director, 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. If human remains are discovered, all work must immediately cease, and the local coroner must be contacted. Procedures for the discovery of human remains will be followed in accordance with provisions of the State Health and Safety Code, Sections 7052 and 7050.5 and the State Public Resources Code Sections 5097.9 to 5097.99. If the Coroner determines that the remains are those of a Native American, the Coroner shall contact the NAHC and subsequent procedures shall be followed, according to State Public Resources Code Sections 5097.9 to 5097.99, regarding notification of the Native American Most Likely Descendant. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

## **PUBLIC CONTACT**

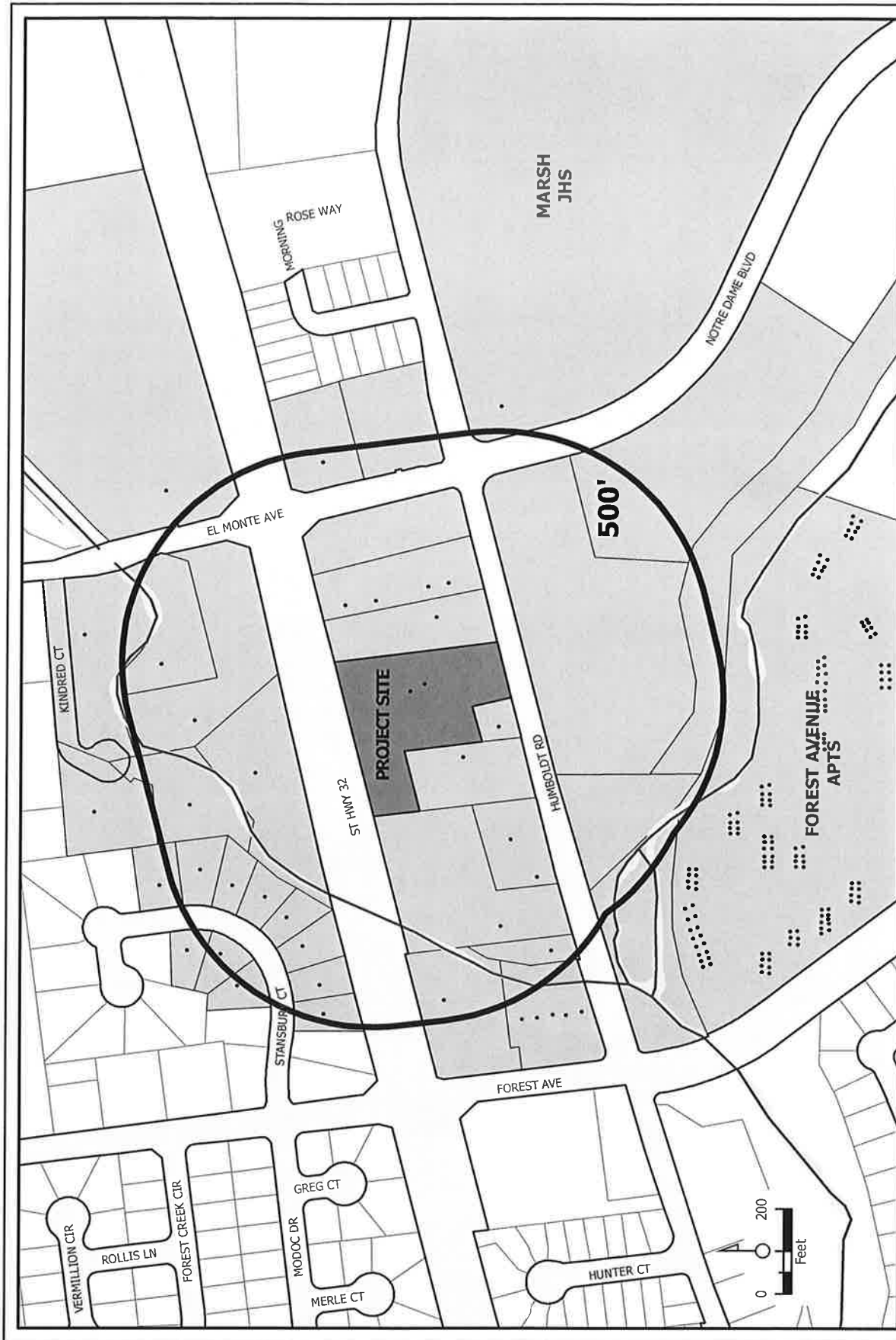
A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed out to all property owners and tenants within 500 feet of the project site.

### **DISTRIBUTION:**

Mark Wolfe, Zoning Administrator  
Mike Sawley, Associate Planner  
Fishcamp, LLC, Attn: Pat Conroy, 1357 East 8th Street, Chico, CA 95928

### **ATTACHMENTS:**

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 15-18 (Humboldt Oaks Apartments)
- C. Vicinity Zoning Map
- D. Mitigated Negative Declaration and Initial Study

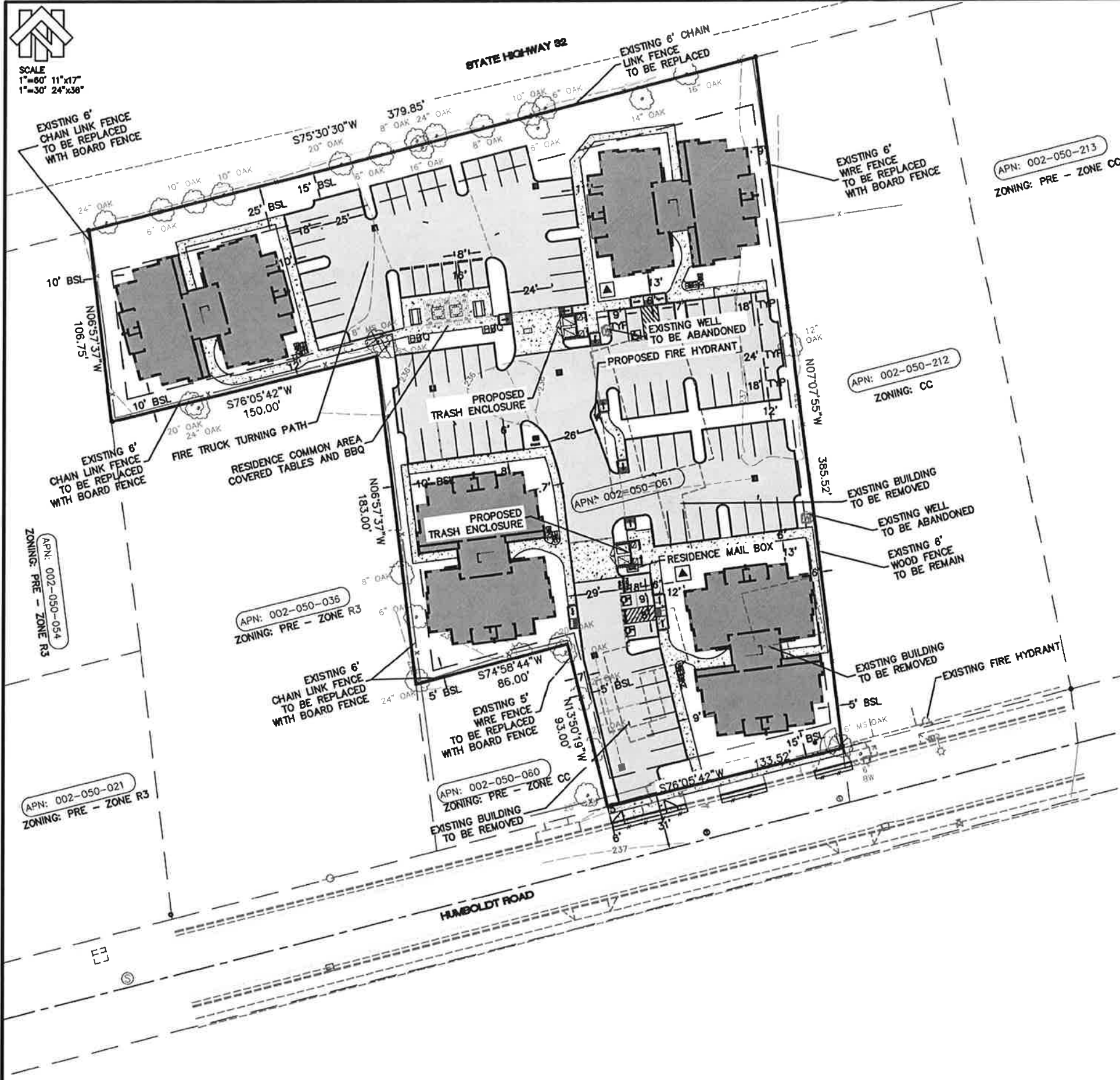


- Notified Addresses
- ◻ Notified Parcels

UP 15-18 (Humboldt Oaks Apts.)  
 2160 Humboldt Road  
 APN 002-050-061-000



SCALE  
1"=80' 11"x17"  
1"=30' 24"x36"



**NOTES**

1. ZONING: CC (PRE-ZONE)
2. GENERAL PLAN: CMU
3. LAND USE: EXISTING - VACANT  
PROPOSED - RESIDENTIAL
4. SEWAGE: CITY OF CHICO
5. STORM DRAINAGE: ON-SITE QUALITY MITIGATION
6. WATER: CALIFORNIA WATER SERVICE
7. POWER: PG&E
8. TELEPHONE: AT&T
9. CABLE TV: COMCAST
10. EXISTING WELLS AND SEPTIC SYSTEMS TO BE ABANDONED  
VIA PERMIT FROM BUTTE COUNTY ENVIRONMENTAL HEALTH
11. STANDARD EROSION CONTROL MEASURES (BMP's) WILL BE USED IN COMPLIANCE WITH THE CITY OF CHICO AND THE WATER QUALITY CONTROL BOARD
13. OWNER: FISHCAMP, LLC.  
1357 EAST 8TH STREET  
CHICO, CA 95973
14. DEVELOPER: FISHCAMP, LLC.  
1357 EAST 8TH STREET  
CHICO, CA 95973
15. PROJECT SURVEYOR: MICHAEL MAYS LS 6967
16. THIS MAP WAS PREPARED UNDER THE DIRECTION OF A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR.

**AREAS**

NET AREA	= 2.2 ACRES
(95,339.7 SF)	
GROSS AREA	= 2.3 ACRES
(99,418.9 SF)	
NUMBER OF PROPOSED UNITS	= 40 RESIDENTIAL
UNITS	
DENSITY	= 17.4
UNITS/GROSS ACRE	
BUILDING COVERAGE	= 20,445.5 SF
HARDSCAPE COVERAGE	= 41,791.1 SF
BUILDING/HARDSCAPE COVERAGE	= 65.3 %

**PARKING**

UNIT COUNT: 20 - 2 BEDROOM, 20 - 3 BEDROOM

REQUIRED VEHICLE PARKING:

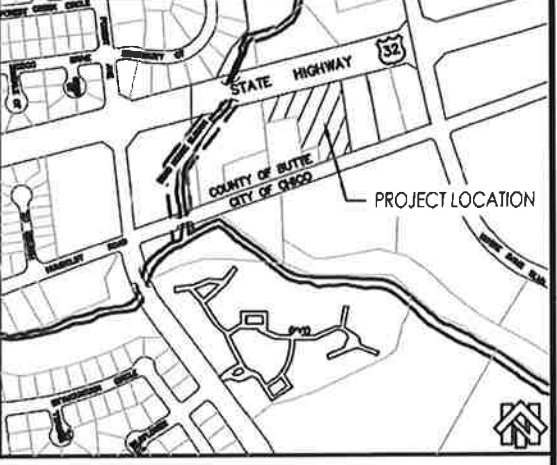
20-2 BEDROOM UNITS X 1.75 SPACES	= 35
20-3 BEDROOM UNITS X 2 SPACES	= 40
GUEST SPACES (1/5 UNITS)	= 8
<b>TOTAL</b>	<b>= 83</b>

REQUIRED BICYCLE PARKING:

40 UNITS X 1 SPACE	= 40
GUEST SPACES (1/10 UNITS)	= 4
<b>TOTAL</b>	<b>= 44</b>

PARKING PROVIDED:

VEHICLE PARKING	TOTAL = 85
BICYCLE PARKING	
1 LOCKER FOR EACH UNIT	= 40
GUEST SPACES OUTDOOR	= 8
<b>TOTAL</b>	<b>= 48</b>



LOCATION MAP

**LEGEND**

- EXISTING STREET LIGHT POWER BOX
- EXISTING POWER POLE WITH ANCHOR
- EXISTING STORM DRAIN INLET
- EXISTING STORM DRAIN MANHOLE
- EXISTING WATER VALVE
- EXISTING SIGN
- EXISTING FIRE HYDRANT
- EXISTING GAS VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING FENCE LINE
- EXISTING FLOW LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING SURROUNDING PARCELS
- EXISTING TREE (xx' IN SIZE)
- EXISTING TREE TO BE REMOVED
- PROPOSED FIRE HYDRANT
- PROPERTY BOUNDARY
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED STORM DRAIN
- PROPOSED BICYCLE PARKING
- PROPOSED TABLE
- PROPOSED SHADE STRUCTURE WITH TABLE

**HUMBOLDT APARTMENTS  
PLAT TO ACCOMPANY  
USE PERMIT 15-18**

FOR  
FISHCAMP, LLC.

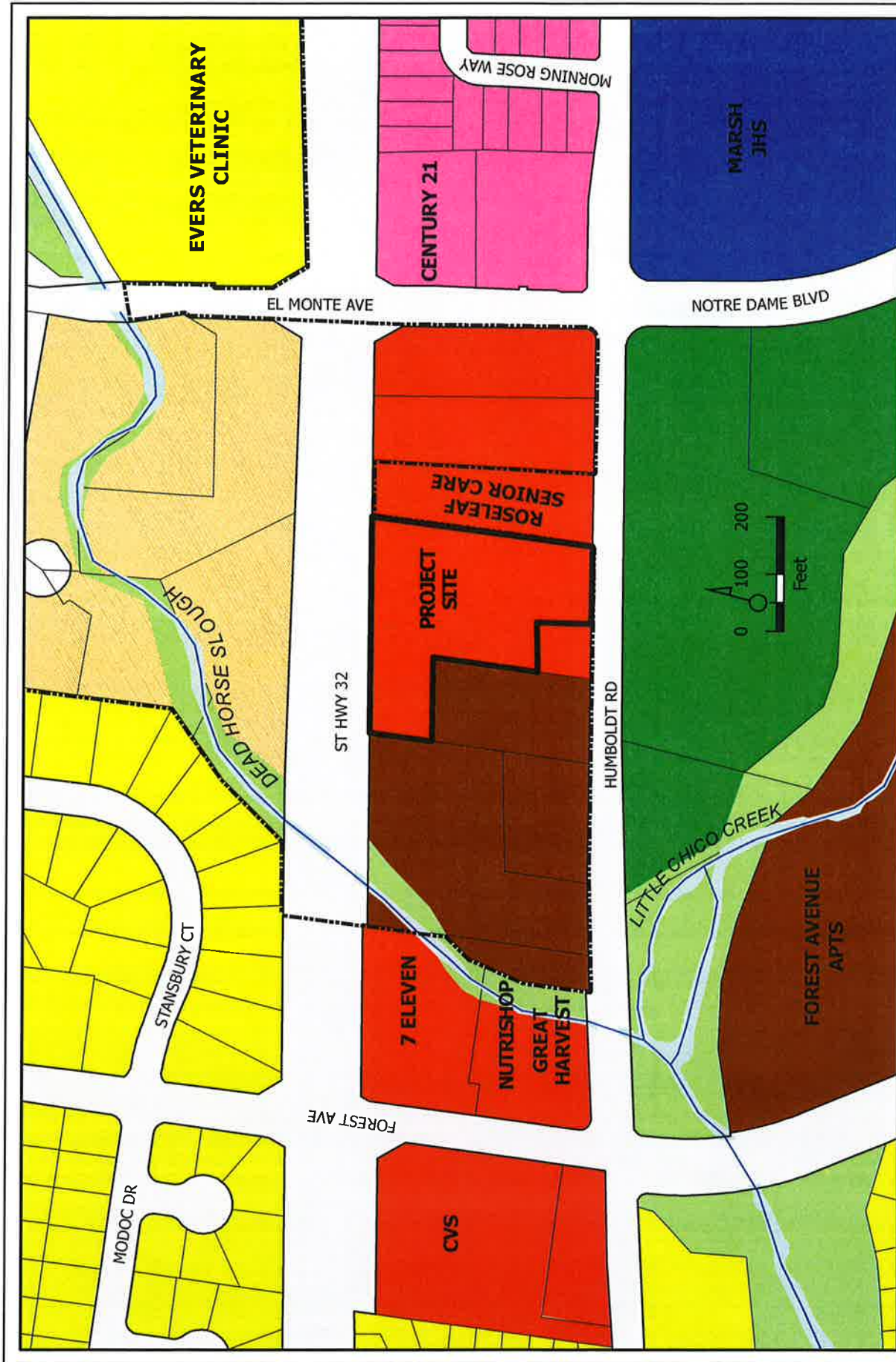
BEING A PORTION OF  
TOWNSHIP 22 NORTH, RANGE 1 EAST  
MOUNT DIABLO MERIDIAN

COUNTY OF BUTTE STATE OF CALIFORNIA

**NorthStar**  
**ENGINEERING**  
Civil • Surveying • Environmental • GIS

111 MISSION RANCH BLVD. SUITE 100  
CHICO, CALIFORNIA 95926  
PHONE: (530) 893-1600 FAX: (530) 893-2113  
www.northstareng.com





- CHICO ZONING DISTRICTS**
- CC Community Commercial
  - PQ Public/Quasi Public Facilities
  - OS2 Secondary Open Space
  - OS1 Primary Open Space
  - RS-20 Suburban Residential 20,000 sq ft min.
  - R1 Low Density Residential
  - R3 Medium-High Density Residential
  - OR Office Residential

UP 15-18 (Humboldt Oaks Apts)  
 2160 Humboldt Road  
 APN 002-050-061-000



## 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:** Humboldt Oaks Apartments (ANX 15-05, UP 15-18, AR 15-35)

**APPLICANT'S NAME:** Pat Conroy, Fishcamp, LLC., 1357 East 8th Street, Chico, CA, 95928

**PROJECT LOCATION:** Development: 2160 Humboldt Rd., Chico, CA. APN: 002-050-061  
Proposed Annexation: 002-050-061, 002-050-060, 002-050-036, 002-050-021, 002-050-054,  
002-050-092, 002-050-213 and 002-050-214

**PROJECT DESCRIPTION:** The applicant proposes to construct a 40-unit apartment complex on a 2.2-acre site, resulting in a gross density of 17.5 units per acre ("Humboldt Oaks Apartments"). Currently located in the unincorporated territory of the County of Butte, the site is designated by the Butte County General Plan and zoned High Density Residential (HDR), which permits 14-20 dwelling du/ac. The site is pre-zoned CC (Community Commercial) and pre-designated Commercial Mixed-Use by the City of Chico, within which ground-floor multi-family residential uses can be authorized with use permit approval. Allowable residential densities within the CC district range from 6 to 22 units per gross acre.

The proposed site design calls for four new buildings: two 2-story buildings with eight units each near the Humboldt Road frontage and two 3-story buildings with 12 units each located near the rear of the site adjacent to State Route 32 (SR 32). A new entrance drive and pedestrian path would provide exclusive access to the site from Humboldt Road. The project would include an 85-space parking area with landscaping around the buildings and between parking fields.

Annexation to the City of Chico: Prior to development, the property would need be annexed to the City of Chico in accordance with Butte Local Agency Formation Commission (LAFCo) policies and requirements. The applicant proposes an annexation boundary that includes all eight unincorporated private properties located south of SR 32 in the project vicinity, as well as a 1,000-foot segment of the SR 32 right-of-way linking between incorporated segments of SR 32. Therefore, this environmental review considers the potential annexation of the development site as well as other nearby properties and areas.

**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 measure is adopted and implemented for the project:

**MITIGATION C.1 (Air Quality):** To minimize air quality impacts during the construction phase of the project, specific best practices shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appenix C of the Butte County Air Quality Management District's CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>. Examples of these types of measures include but are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer's specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

*Mitigation Monitoring C.1:* Prior to approving grading permits or building plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate.

Implementation of the above measure will minimize potential air quality impacts to a level that is considered **less than significant with mitigation incorporated**.

**MITIGATION D.1 (Biological Resources):**

Vegetation removal or ground disturbance should be conducted between September 1<sup>st</sup> and February 28<sup>th</sup> (non-breeding season) to prevent impacts to protected birds that may be utilizing the project area to nest. If vegetation removal or ground disturbance occurs during the breeding season (March 1<sup>st</sup>-August 31<sup>st</sup>), then a pre-construction survey should be conducted by a qualified biologist to locate potential nests of protected bird species and establish a no disturbance buffer zone around nests that is sufficient to ensure breeding is not likely to be disrupted or adversely impacted by construction activities. No construction activities will commence within the buffer area until a qualified biologist confirms the nest is no longer active. The survey should be conducted no more than 14 days before the beginning of construction. If no nests are identified, no additional mitigation would be necessary.

*Mitigation Monitoring D.1:* Planning staff will require submittal of a bird survey prior to issuance of any grading or building permit for the project, unless the work will commence during the non-breeding season.

Implementation of the above measure will avoid potential violations of the Migratory Bird Treaty Act of 1918, as amended, and will reduce potential impacts to migratory birds to a level that is considered **less than significant with mitigation incorporated**.

**MITIGATION E.1. (Cultural Resources):** Prior to any ground disturbance the developer shall arrange to have a qualified archaeologist conduct a pedestrian survey within the parcel(s) planned for development/redevelopment in the annexation area, with a tribal monitor from the Mechoopda Tribe present. The survey shall determine the number and placement of shovel test pits to investigate the possibility of subsurface resources. Soil from the test pits shall be screened through standard quarter-inch mesh (hardware cloth). The results of the survey shall be reported to City planning staff by letter from the consulting archaeologist. If no subsurface evidence of prehistoric cultural resources is located, no additional pre-construction mitigation is necessary under this measure. Should any prehistoric cultural resources be located, additional consultation with the Mechoopda Tribe shall occur before any construction-related ground disturbance. If historic resources are discovered, evaluation by a qualified archaeologist will be necessary before any construction related ground disturbance.

*Mitigation Monitoring E.1:* Planning staff will verify that the pedestrian survey is conducted prior to issuance of any grading or construction permits.

**MITIGATION E.2. (Cultural Resources):** Prior to the start of any construction or ground disturbance, the developer shall arrange for construction crews to be given cultural awareness training by a qualified archaeologist, and shall provide adequate notification to City planning staff regarding the time and location of the training.

*Mitigation Monitoring E.2:* Planning staff will receive notification and confirm that the required training has taken place prior to issuance of any grading or building permits for the project.

**MITIGATION E.3. (Cultural Resources):** A note shall be placed on all grading and construction plans which informs the construction contractor that if any evidence of prehistoric cultural resources (freshwater shells, beads, bone tool remnants or an assortment of bones, soil changes including subsurface ash lens or soil darker in color than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources ( foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps, often associated with wells or old privies), the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 879-6800. A qualified archaeologist shall be retained by the developer to evaluate the significance of the find. Further, Planning staff shall notify the Mechoopda Tribe to provide the opportunity to monitor evaluation of the site. 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 Director, 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. If human remains are discovered, all work must immediately cease, and the local coroner must be contacted. Procedures for the discovery of human remains will be followed in accordance with provisions of the State Health and Safety Code, Sections 7052 and 7050.5 and the State Public Resources Code Sections 5097.9 to 5097.99. If the Coroner determines that the remains are those of a Native American, the Coroner shall contact the NAHC and subsequent procedures shall be followed, according to State Public Resources Code Sections 5097.9 to 5097.99, regarding notification of the Native American Most Likely Descendant. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

*Mitigation Monitoring E.3:* Planning staff will verify that the above wording is included on construction plans. Should 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 will minimize potentially significant impacts to previously unknown cultural resources that could be unearthed during construction activities, and will reduce potential impacts to cultural resources to a level that is considered **less than significant with mitigation incorporated**.

PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for Humboldt Oaks Apartments (ANX 15-05, UP 15-18, AR 15-35), and the mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.



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Pat Conroy, Fishcamp, LLC.  
Project Applicant

MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM  
Humboldt Oaks Apartments (ANX 15-05, UP 15-18, AR 15-35)  
PAGE 4

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Prepared by:  6/17/16  
Mike Sawley, Associate Planner  
Community Development Department Date

Adopted via: Resolution No: \_\_\_\_\_  
City of Chico City Council Date

**Draft Initial Study / Environmental Checklist  
City of Chico  
Environmental Coordination and Review**

**I. PROJECT DESCRIPTION**

- A. Project Title:** Humboldt Oaks Apartments (ANX 15-05, UP 15-18, AR 15-35)
- B. Project Location:** The proposed Humboldt Oaks Apartments (development site), is located at 2162 Humboldt Road, Chico, Butte County, CA, approximately 500 feet west of El Monte Avenue on the north side of Humboldt Road.

The proposed annexation area comprises eight parcels located on the north side of Humboldt Road, between Forest Avenue and El Monte Avenue (APNs 002-050-061, -060, -036, -021, -054, -092, -213 and -214), as well as 1,000 feet of unincorporated State Route 32 (SR 32), linking between other incorporated segments of SR 32. Portions of Humboldt Road and El Monte Avenue adjacent to the annexation area are currently within Chico city limits.

- C. Application(s):** Annexation, Use Permit, Site Design and Architectural Review

- D. Assessor's Parcel Number (APN):**

Humboldt Oaks Apartments: 002-050-061

Proposed Annexation: 002-050-061, -060, -036, -021, -054, -092, -213 and -214

- E. Parcel Size:**

Humboldt Oaks Apartment: 2.2 acres

Proposed Annexation: 12 acres

- F. General Plan Pre-designation (site is currently within County jurisdiction)**

City of Chico: Commercial Mixed Use (APNs: 002-050-061, -060, -213 and -214) and  
Medium-High Density Residential, (APNs 002-050-036, -021, -054, and -092).  
County of Butte: High Density Residential

- G. Zoning/Pre-zoning (site is currently within County jurisdiction)**

City of Chico: CC - Community Commercial (APNs: 002-050-061, -060, -213 and -214) and  
R3 - Medium-High Density Residential (APNs 002-050-036, -021, -054, and -092).  
County of Butte: High Density Residential

The annexation area is located within an unincorporated island surrounded by Chico city limits. The unincorporated island is located within the City of Chico's Sphere of Influence (SOI) and is divided into two distinct areas by SR 32.

- H. Environmental Setting:** The development site consists of a semi-rural residential parcel that also has served as a contractor's yard in recent years. Currently unoccupied, structures on the property include a single-family residence (1,200 sq. ft.), detached office (1,600 sq. ft.) and workshop (3,600 sq. ft.). The site fronts on Humboldt Road and backs up to the SR 32 right-of-way. The site is approximately 133 feet in width along Humboldt Road, widening to 380 feet along SR 32, and is 385 feet in depth. The site is characterized as disturbed annual grasslands with limited residential landscaping near the frontage on Humboldt Road. Weedy vegetation has overgrown much of the site, dominated by milk thistle, wild oat, brome, Himalayan blackberry and purple vetch. Substantial tree removal took place in the summer of 2015. Remaining trees at the site are mostly valley oaks situated around the perimeter, predominantly along the SR 32 side of the site. The topography of the site is relatively flat and there is no evidence of ponding or wetland vegetation.

The larger annexation area includes five, single-family residential parcels west of the development site and two parcels located to the east, on the easterly side of 2180 Humboldt Road (Roseleaf Senior Care, APN 002-050-212) which is within city limits.

Properties generally north of the annexation area along El Monte Avenue are characterized by unincorporated rural residential development. Properties located south of Humboldt Road are owned by the City of Chico and currently support a community garden use. An intermittent waterway (Dead Horse Slough) and commercial uses fronting on Forest Avenue are located west of the annexation area. Office uses and a public school (Marsh Junior High) are located east of the annexation area on Humboldt Road.

**I. Project Description:**

The applicant proposes to construct a 40-unit apartment complex on a 2.2-acre site, resulting in a gross density of 17.5 units per acre ("Humboldt Oaks Apartments" or "development project" hereafter). Currently located in the unincorporated territory of the County of Butte, the site is designated by the Butte County General Plan and zoned High Density Residential (HDR), which permits 14-20 dwelling du/ac. The site is pre-zoned CC (Community Commercial) and pre-designated Commercial Mixed-Use by the City of Chico, within which ground-floor multi-family residential uses can be authorized with use permit approval. Allowable residential densities within the CC district range from 6 to 22 units per gross acre.

The proposed site design calls for four new buildings: two 2-story buildings with eight units each near the Humboldt Road frontage and two 3-story buildings with 12 units each located near the rear of the site adjacent to SR 32. A new entrance drive and pedestrian path would provide exclusive access to the site from Humboldt Road. The project would include an 85-space parking area with landscaping around the buildings and between parking fields.

**Annexation to the City of Chico**

Prior to development, the property would need be annexed to the City of Chico in accordance with Butte Local Agency Formation Commission (LAFCo) policies and requirements. The applicant proposes an annexation boundary that includes all eight unincorporated private properties located south of SR 32 in the project vicinity, as well as a 1,000-foot segment of the SR 32 right-of-way linking between incorporated segments of SR 32. Therefore, this environmental review considers the potential annexation of the development site as well as other nearby properties and areas.

**J. Public Agency Approvals:**

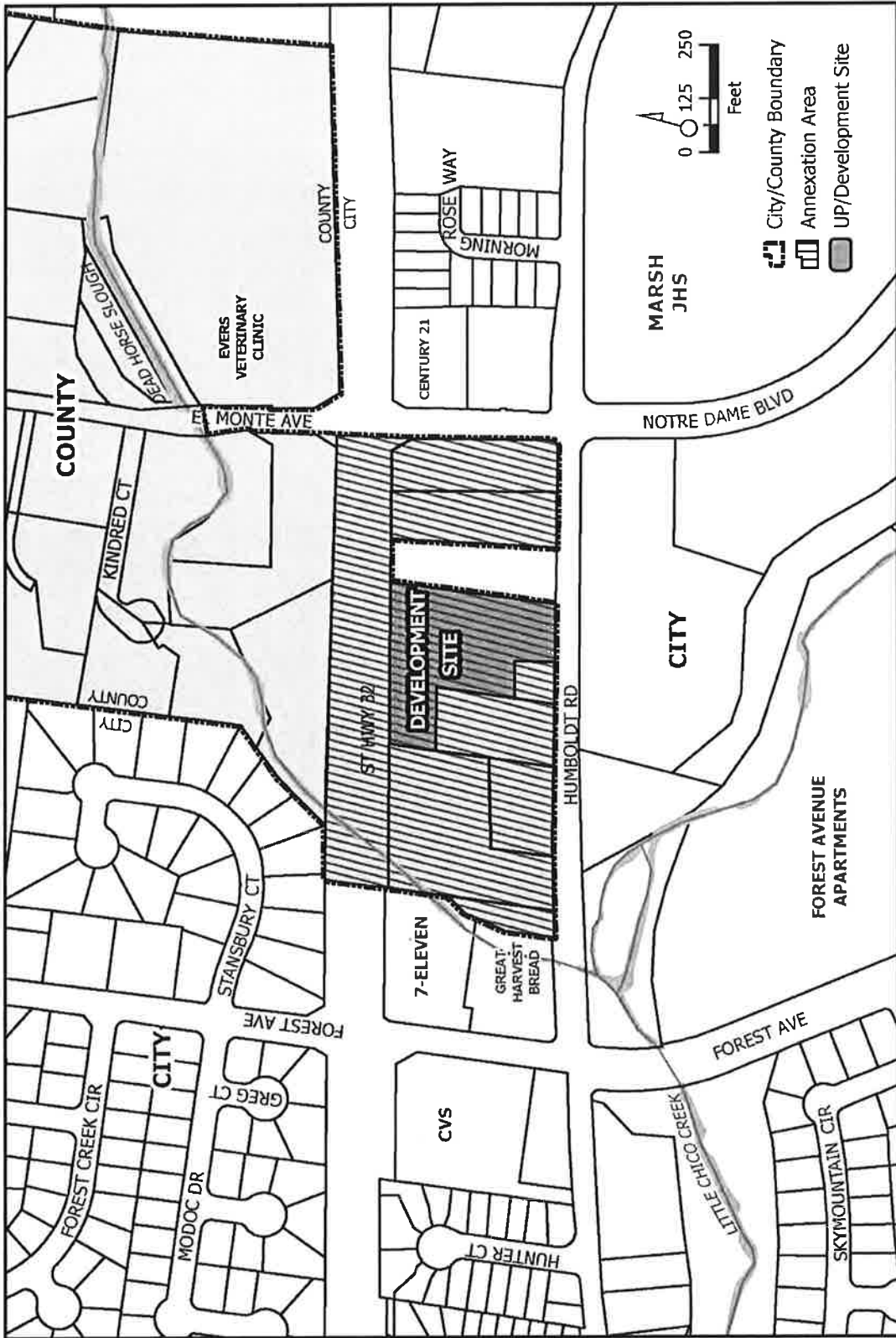
1. Annexation to the City of Chico (Butte Local Agency Formation Commission)
2. Use Permit (City of Chico)
3. Site Design and Architectural Review (City of Chico)

**K. Applicant:** Pat Conroy, Fishcamp, LLC., 1357 East 8<sup>th</sup> Street, Chico, CA, 95928; (530) 891-1204

**L. City Contact:**

Mike Sawley, Associate Planner, City of Chico, 411 Main Street, Chico, CA 95928  
Phone: (530) 879-6812, email: [mike.sawley@chicoca.gov](mailto:mike.sawley@chicoca.gov)

**DEVELOPMENT PROJECT LOCATION AND ANNEXATION AREA**

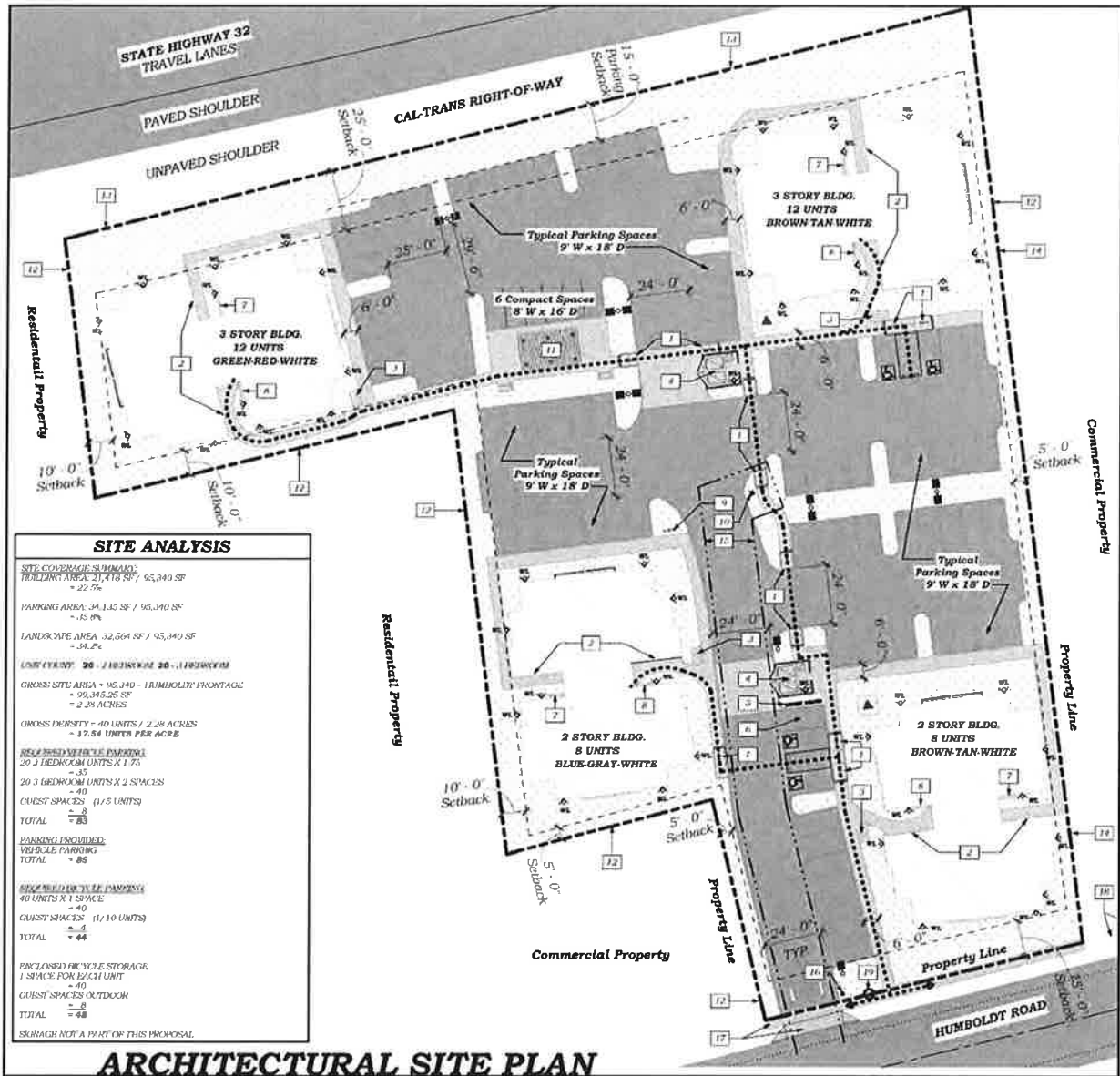


Humboldt: Road Annexation District No 19  
 APNs 002-050-021-000, 002-050-036-000, 002-050-054-000, 002-050-060-000,  
 002-050-061-000, 002-050-092-000, 002-050213-000, 002-050-214-000

UP 15-18, AR 15-35 (Fishcamp, LLC)  
 2160 Humboldt Road  
 APN 002-050-061-000



**PROPOSED DEVELOPMENT SITE PLAN**



**II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Geology/Soils               | <input type="checkbox"/> Noise                      |
| <input type="checkbox"/> Agriculture and Forest          | <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Open Space/Recreation      |
| <input checked="" type="checkbox"/> Air Quality          | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Population/Housing         |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Hydrology/Water Quality     | <input type="checkbox"/> Public Services            |
| <input checked="" type="checkbox"/> Cultural Resources   | <input type="checkbox"/> Land Use and Planning       | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Utilities                       |  |   |

**III. COMMUNITY DEVELOPMENT DIRECTOR DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a potentially significant impact or have a potentially significant impact unless mitigated, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project. No further study is required.



Signature

Mike Sawley, Associate Planner, for

Printed Name (for Mark Wolfe, Community Development Director)

6/17/16

Date

#### **IV. EVALUATION OF ENVIRONMENTAL IMPACTS**

- Responses to the following questions and related discussion indicate if the proposed project will have or potentially have a significant adverse impact on the environment.
- A brief explanation is required for all answers except “No Impact” answers that are adequately supported by referenced information sources. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors or general standards.
- All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- Once it has been determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there is at least one “Potentially Significant Impact” entry when the determination is made an EIR is required.
- Negative Declaration: “Less than Significant with Mitigation Incorporated” applies when the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The initial study will describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 4, “Earlier Analysis,” may be cross-referenced).
- Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)].
- Initial studies may incorporate references to information sources for potential impacts (e.g. the general plan or zoning ordinances, etc.). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list attached, and other sources used or individuals contacted are cited in the discussion.
- The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

<b>A. Aesthetics</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Have a substantial adverse effect on a scenic vista, including scenic roadways as defined in the General Plan, or a Federal Wild and Scenic River?				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
3. Affect lands preserved under a scenic easement or contract?				X
4. Substantially degrade the existing visual character or quality of the site and its surroundings including the scenic quality of the foothills as addressed in the General Plan?			X	
5. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**DISCUSSION:**

**A.1-3.** The project will not have a substantial adverse effect on a scenic vista, including scenic roadways as defined in the General Plan, Federal Wild and Scenic River, historic buildings, or state scenic highway as there are no designated scenic vistas or designated scenic resources associated with or neighboring the project site. The project site is neither located in the vicinity of a designated Wild and Scenic River, nor is it preserved under a scenic easement or contract. The project will have **No Impact** on any scenic vista, roadway, or resource, and **No Impact** on any lands preserved under a scenic easement or contract.

**A.4.** The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project consists of annexing an infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with a multi-family residential use. All future development of multi-family residential projects and commercial projects in the project area will be required to be designed in accordance with the City’s adopted Design Guidelines Manual (December 2009) and obtain approval by the City of Chico Architectural Review and Historic Preservation Board prior to construction. This design review process includes an assessment of detailed project-level design aspects to ensure that potential adverse aesthetic impacts are avoided or minimized. Therefore, with the application of existing permitting processed the project would have **Less Than Significant** impact on the existing visual character or quality of the site and its surroundings.

**A.5.** The development project will introduce lighting for residential structures and associated private improvements on a site where little lighting presently exists. Similar types of residential lighting exists in developed areas surrounding the site. All exterior lighting installed is required to adhere to existing Chico Municipal Code (CMC) standards regarding full-cut off designs and downward orientation to minimize glare. Compliance with all applicable CMC requirements and standards will be verified by City of Chico Planning and Engineering staff. Therefore, the project would have **Less Than Significant** impact on light or glare that could affect day or nighttime views.

**MITIGATION:** None Required.

<b>B. Agriculture and Forest Resources:</b> Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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?				X
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
4. Result in the loss of forest land or conversion of forest land to non-forest use?				X
5. 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?				X

**B.1.–B.5.** The project will not convert Prime or Unique Farmland, or Farmland of Statewide Importance. The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program’s ‘Butte County Important Farmland 2010’ map, the project site is identified as “Urban and Built Up Land” (see <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/but10.pdf>).

The project will not conflict with existing zoning for agricultural use or forest land and is not under a Williamson Act Contract. The project will not result in the loss of forest land, conversion of forest land, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land. The site is located a vacant parcel with no agriculture or timber resources, is surrounded by existing urban development, and is designated for residential development in the Chico 2030 General Plan. The project will result in **No Impact** to Agriculture and Forest Resources.

**MITIGATION:** None required.

<b>C. Air Quality</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plans (e.g., Northern Sacramento Valley Planning Area 2012 Triennial Air Quality Attainment Plan, Chico Urban Area CO Attainment Plan, and Butte County AQMD Indirect Source Review Guidelines)?			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		X		

<b>C. Air Quality</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
3. 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
4. Expose sensitive receptors to substantial pollutant concentrations?			X	
5. Create objectionable odors affecting a substantial number of people?			X	

**DISCUSSION:**

**C.1-3.** The project will neither conflict with nor obstruct implementation of the applicable air quality plan for the Northern Sacramento Valley, nor will the project violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project will not 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.

According to Butte County Air Quality Management District (BCAQMD or Air District) CEQA Air Quality Handbook, October 23, 2014, <http://www.bcaqmd.org/page/files/CEQA-Handbook-Appendices-2014.pdf>, Butte County is designated as a federal and state non-attainment area for ozone and particulate matter.

<b>POLLUTANT</b>	<b>STATE</b>	<b>FEDERAL</b>
1-hour Ozone	Nonattainment	--
8-hour Ozone	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10**	Nonattainment	Attainment
24-Hour PM2.5**	No Standard	Nonattainment
Annual PM10**	Attainment	No Standard
Annual PM2.5**	Nonattainment	Attainment
** PM10: Respirable particulate matter less than 10 microns in size. PM2.5: Fine particulate matter less than 2.5 microns in size.		

The project consists of annexing an infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with a multi-family residential use comprising 40 apartment units. Given the development’s moderate size, the project would not result in a significant increase in air quality impacts over those already identified and analyzed in the 2030 Chico General Plan EIR. The increase represents a small change in air quality emissions resulting from the project, as discussed further below.

Potential air quality impacts related to this residential development are separated into two categories:

- 1) Temporary impacts resulting from construction-related activities (earth moving and heavy-duty vehicle emissions), and

- 2) Long-term indirect source emission impacts related to the build-out of the project, such as a motor vehicle usage, water and space heating, etc.

**Temporary (Construction-related) Impacts**

Construction-related activities such as grading and operation of construction vehicles would create a temporary increase in fugitive dust within the immediate vicinity of the project site and contribute temporarily to slight increases in heavy-duty vehicle emissions (ozone precursor emissions, such as reactive organic gases (ROG) and oxides of nitrogen (NOx), and fine particulate matter).

With regard to fugitive dust, the majority of the particulate generated as a result of grading operations is anticipated to quickly settle. Under the Air District’s Rule 205 (Fugitive Dust Emissions) all development projects are required to minimize fugitive dust emissions by implementing Best Management Practices (BMPs) for dust control. These BMPs include but are not limited to the following:

- Watering de-stabilized surfaces and stock piles to minimize windborne dust.
- Ceasing operations when high winds are present.
- Covering or watering loose material during transport.
- Minimizing the amount of disturbed area during construction.
- Seeding and watering any portions of the site that will remain inactive longer than a period of 3 months or longer.
- Paving, periodically watering, or chemically stabilizing on-site construction roads.
- Minimizing exhaust emissions by maintaining equipment in good repair and tuning engines according to manufacturer specifications.
- Minimizing engine idle time, particularly during smog season (May-October).

Due to the project size and short duration of construction operations, the temporary increase in dust and heavy-duty vehicle emissions does not require enhanced mitigation, however, implementing standard construction BMP’s is still necessary to avoid potentially significant contributions to cumulative air quality impacts in the region. No air quality BMP’s were included as part of the proposed project, therefore Mitigation C.1 is included below to ensure that Air District BMPs are selected and applied to the construction phase of the project. With Mitigation C.1, below, air quality impacts would be **Less Than Significant with Mitigation Incorporated**.

**Long-Term (Indirect Source) Impacts**

The District’s CEQA Air Quality Handbook provides screening criteria for when a quantified air emissions analysis is required to assess and mitigate potential air quality impacts from non-exempt CEQA projects. Projects that fall below screening thresholds need only to implement best practices to ensure that operational air quality impacts remain less than significant. The screening criteria are as follows:

<b><i>LAND USE TYPE</i></b>	<b><i>Model Emissions for Project Greater Than:</i></b>
Single Family Unit Residential	30 units
Multi-Family Residential	75 units
Commercial	15,000 square feet
Retail	11,000 square feet
Industrial	59,000 square feet

The proposed construction of 40 new multi-family residential units at the development site falls below the screening criteria of 75 units for the applicable land use category. As a result, no potentially significant air quality impacts are anticipated as a result of the Humboldt Oaks Apartments project, and no mitigation is necessary to address long-term operations of the development.

**C.4.-5.** Apart from the potential for temporary odors associated with construction activities (e.g., paving operations), the proposed project will neither expose sensitive receptors to substantial pollutant concentrations, nor create significant objectionable odors. These potential impacts are short-term in nature, anticipated in an urban area, and considered **Less Than Significant**.

**MITIGATION:**

**MITIGATION C.1 (Air Quality):** To minimize air quality impacts during the construction phase of the project, specific best practices shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appenix C of the Butte County Air Quality Management District’s CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>. Examples of these types of measures include but are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer’s specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB’s 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

*Mitigation Monitoring C.1:* Prior to approving grading permits or building plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate.

<b>D. Biological Resources</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities result in:				
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
2. 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.			X	
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
4. 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?			X	
5. Result in the fragmentation of an existing wildlife habitat, such as blue oak woodland or riparian, and an increase in the amount of edge with adjacent habitats.				X
6. Conflict with any local policies or ordinances, protecting biological resources?				X

**DISCUSSION:**

**D.1.-4.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. The project is not anticipated to result in a substantial adverse effect, either directly or through habitat modifications, on any special status species, any riparian habitat or other sensitive natural community, or



interfere substantially with the movement of any native resident or migratory fish or wildlife species. The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, as the site contains no wetlands or other Waters of the United States.

Land surrounding the project area is characterized by unincorporated residential development, commercial uses, a public school, and city open space. The development site has served as a contractor's yard in recent years and includes a single-family residence, detached office, and a workshop. The site is depauperate, containing minimal biological resources. Vegetation at the site is dominated by milk thistle (*Silybum marianum*), wild oat (*Avena fatua*), riggut brome (*Bromus diandrus*), Himalayan blackberry (*Rubus armeniacus*) and purple vetch (*Vicia benghalensis*). Substantial tree removal took place in the summer of 2015, shortly after the property last changed ownership. Remaining trees at the site are mostly valley oaks (*Quercus lobata*) situated around the perimeter, predominantly along the SR 32 side of the site. Tree of Heaven (*Ailanthus altissima*) was previously abundant on much of the site and can be found re-sprouting within cleared portions of the site. Future development of the site will be subject to the City's Tree Preservation Regulations (CMC 16.66 and 19.68.060), which provide city discretion over any proposed tree removal and specifies appropriate replacement requirements for any trees that are approved for removal. Under existing City regulations, potential impacts resulting from the loss of existing trees during project activities would be **Less Than Significant**.

All development activities will be conducted in compliance with the Federal Migratory Bird Treaty Act (MBTA) and Fish and Game Code § 3503 and 3503.5. Although the development is not likely to result in impacts to nesting raptors, owls, or migratory birds due to the disturbed nature of the site, there remains a potential for the site to provide suitable habitat for nesting migratory birds and/or raptors. Mitigation D.1 will ensure potential impacts to nesting raptors and migratory birds will be reduced to **Less Than Significant with Mitigation Incorporated**.

**D.5.-6.** The annexation of the eight parcels, including the development site will not result in the fragmentation of an existing wildlife habitat nor conflict with any local policies or ordinances protecting biological resources. The proposed project site is highly disturbed and surrounded by various residential and commercial land uses. The project would have **No Impact** on these resources.

**MITIGATION:**

**MITIGATION D.1 (Biological Resources):**

Vegetation removal or ground disturbance should be conducted between September 1<sup>st</sup> and February 28<sup>th</sup> (non-breeding season) to prevent impacts to protected birds that may be utilizing the project area to nest. If vegetation removal or ground disturbance occurs during the breeding season (March 1<sup>st</sup>-August 31<sup>st</sup>), then a pre-construction survey should be conducted by a qualified biologist to locate potential nests of protected bird species and establish a no disturbance buffer zone around nests that is sufficient to ensure breeding is not likely to be disrupted or adversely impacted by construction activities. No construction activities will commence within the buffer area until a qualified biologist confirms the nest is no longer active. The survey should be conducted no more than 14 days before the beginning of construction. If no nests are identified, no additional mitigation would be necessary.

*Mitigation Monitoring D.1:* Planning staff will require submittal of a bird survey prior to issuance of any grading or building permit for the project, unless the work will commence during the non-breeding season.

<b>E. Cultural Resources</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Cause a substantial adverse change in the significance of an historical resource as defined in PRC Section 15064.5?			X	

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2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC Section 15064.5?	X
3. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	X
4. Disturb any human remains, including those interred outside of formal cemeteries?	X

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**DISCUSSION:**

**E.1. – E.4.** The project site is in an area of high archaeological sensitivity as designated by the Northeast Information Center and the Chico 2030 General Plan. An evaluation of cultural sensitivity and potential for the presence of cultural resources was conducted for the annexation area, which included a detailed records search, was prepared by Golden Hills Consulting (Mary Bailey, 2016). No historical, archaeological, or paleontological resources were identified within the study area.

However, there is a potential that site-disturbing activities could uncover previously unrecorded cultural resources. The study recommends conducting a pedestrian survey, including shovel test pits, prior to any ground disturbance associated with the development project, requiring cultural awareness training for construction crews prior to the start of construction, and halting construction work and arranging for an evaluation of cultural resources if any are found. These recommendations are included as Mitigation Measures.

Mitigation Measures E.1-E.3, would minimize the potential damage to previously unknown cultural resources in the event that such resources are unearthed during construction and would reduce this potential impact to a level that is **Less Than Significant With Mitigation Incorporated**.

**MITIGATION:**

**MITIGATION E.1. (Cultural Resources):** Prior to any ground disturbance the developer shall arrange to have a qualified archaeologist conduct a pedestrian survey within the parcel(s) planned for development/redevelopment in the annexation area, with a tribal monitor from the Mechoopda Tribe present. The survey shall determine the number and placement of shovel test pits to investigate the possibility of subsurface resources. Soil from the test pits shall be screened through standard quarter-inch mesh (hardware cloth). The results of the survey shall be reported to City planning staff by letter from the consulting archaeologist. If no subsurface evidence of prehistoric cultural resources is located, no additional pre-construction mitigation is necessary under this measure. Should any prehistoric cultural resources be located, additional consultation with the Mechoopda Tribe shall occur before any construction-related ground disturbance. If historic resources are discovered, evaluation by a qualified archaeologist will be necessary before any construction related ground disturbance.

*Mitigation Monitoring E.1:* Planning staff will verify that the pedestrian survey is conducted prior to issuance of any grading or construction permits.

**MITIGATION E.2. (Cultural Resources):** Prior to the start of any construction or ground disturbance, the developer shall arrange for construction crews to be given cultural awareness training by a qualified archaeologist, and shall provide adequate notification to City planning staff regarding the time and location of the training.

*Mitigation Monitoring E.2:* Planning staff will receive notification and confirm that the required training has taken place prior to issuance of any grading or building permits for the project.

**MITIGATION E.3. (Cultural Resources):** A note shall be placed on all grading and construction plans which informs the construction contractor that if any evidence of prehistoric cultural resources (freshwater shells, beads, bone tool remnants or an assortment of bones, soil changes including subsurface ash lens or soil darker in color than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources ( foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps,

often associated with wells or old privies), the developer or their supervising contractor shall cease all work within the area of the find and notify Planning staff at 879-6800. A qualified archaeologist shall be retained by the developer to evaluate the significance of the find. Further, Planning staff shall notify the Mechoopda Tribe to provide the opportunity to monitor evaluation of the site. 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 Director, 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. If human remains are discovered, all work must immediately cease, and the local coroner must be contacted. Procedures for the discovery of human remains will be followed in accordance with provisions of the State Health and Safety Code, Sections 7052 and 7050.5 and the State Public Resources Code Sections 5097.9 to 5097.99. If the Coroner determines that the remains are those of a Native American, the Coroner shall contact the NAHC and subsequent procedures shall be followed, according to State Public Resources Code Sections 5097.9 to 5097.99, regarding notification of the Native American Most Likely Descendant. The preceding requirement shall be incorporated into construction contracts and plans to ensure contractor knowledge and responsibility for proper implementation.

*Mitigation Monitoring E.3:* Planning staff will verify that the above wording is included on construction plans. Should 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.

<b>F. Geology/Soils</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Expose people or structure to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. 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? (Div. of Mines & Geology Special Publication 42)?			X	
b. Strong seismic ground shaking?			X	
c. Seismic-related ground failure/liquefaction?				
d. Landslides?			X	
2. Result in substantial soil erosion or the loss of topsoil?			X	
3. 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?			X	
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

<b>F. Geology/Soils</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, or is otherwise not consistent with the Chico Nitrate Action Plan or policies for sewer service control?				X

**DISCUSSION:**

**F.1.** The City of Chico is located in one of the least active seismic regions in California and contains no active faults. Currently, there are no designated Alquist-Priolo Special Studies Zones within the Planning Area, nor are there any known or inferred active faults. Thus, the potential for ground rupture within the Chico area is considered very low. Under existing regulations, all future structures will incorporate California Building Code standards into the design and construction that are designed to minimize potential impacts associated with ground-shaking during an earthquake. The potential for seismically-related ground failure or landslides is considered **Less Than Significant**.

**F.2.-4.** Development of the site will be subject to the City’s grading ordinance, which requires the inclusion of appropriate erosion control and sediment transport best management practices (BMPs) as standard conditions of grading permit issuance. Additionally, under the applicable National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) per §402 of the Clean Water Act, existing state/city storm water regulations require applicants disturbing over one acre to file a Storm Water Pollution Prevention Plan (SWPPP) with the State (which is confirmed by City staff prior to permit issuance) to gain coverage of the activity under the City’s Construction General Permit. The project SWPPP is required to include specific measures to minimize potential erosion.

Further, the City and the Butte County Air Quality Management District require implementation of all applicable fugitive dust control measures, which further reduces the potential for construction-generated erosion. Development of the site will also be required to meet all requirements of the California Building Code which will address potential issues of ground shaking, soil swell/shrink, and the potential for liquefaction. As a result, potential future impacts relating to geology and soils are considered to be **Less Than Significant**.

**F.5.** No septic tanks or alternative waste water disposal systems are proposed for the subject property. All new structures will be connected to the City sewer system, which is located within the public right-of-way of Humboldt Road adjacent to each of the parcels proposed for annexation. Since future development would require connection to the City’s sewer system, the project will result in **No Impact** relative to policies governing sewer service control.

**MITIGATION:** None Required

<b>G. Greenhouse Gas Emissions</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**DISCUSSION:**

**G.1.-2.** In 2012, the Chico City Council adopted a Climate Action Plan (CAP) which sets forth objectives and actions that will be undertaken to meet the City’s GHG emission reduction target of 25 percent below 2005 levels by the year 2020. This target is consistent with the State Global Warming Solutions Act of 2006 (AB 32, Health & Safety Code, Section 38501[a]).

Development and implementation of the CAP are directed by a number of goals, policies and actions in the City’s General Plan (SUS-6, SUS-6.1, SUS-6.2, SUS-6.2.1, SUS-6.2.2, SUS-6.2.3, S-1.2 and OS-4.3). Growth and development assumptions used for the CAP are consistent with the level of development anticipated in the General Plan Environmental Impact Report (EIR). The actions in the CAP, in most cases, mirror adopted General Plan policies calling for energy efficiency, water conservation, waste minimization and diversion, reduction of vehicle miles traveled, and preservation of open space and sensitive habitat.

Chico’s CAP, in conjunction with General Plan policies, meet State criteria for tiering and streamlining the analysis of GHG emissions in subsequent CEQA project evaluation. Therefore, to the extent that a development project is consistent with CAP requirements, potential impacts with regard to GHG emissions for that project are considered to be less than significant.

As part of the City’s land use entitlement and building plan check review processes, development projects in the City are required to include and implement applicable measures identified in the City’s CAP. The GP EIR assumed full build-out of the Land Use Diagram over a 20-year horizon, which included over 8,000 single-family residential units and over 10,000 multi-family residential units. The proposed Humboldt Oaks Apartments project represents approximately 0.4 percent of that anticipated build-out, or 8 percent of the multi-family units projected for a given year. Thus, the proposed changes in land use classifications are considered to be **Less Than Significant**.

**MITIGATION:** None Required.

<b>H. Hazards /Hazardous Materials</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
2. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
5. For a project located within the airport land use plan, would the project result in a safety hazard for people residing or working in the Study Area?				X

<b>H. Hazards /Hazardous Materials</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Study Area?				X
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**DISCUSSION:**

**H.1. – H.8.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. Redeveloping the site consistent with the Community Commercial zoning would not result in the generation or use of a significant amount of hazardous materials. The project area does not contain any hazardous sites according to local, state or federal levels lists for hazardous waste sites pursuant to Governmental Code Section 65962.5.

While the project site is located within approximately one-half mile of an existing school, it will not result in a safety hazard for the school use. Nor will the project interfere with an adopted emergency response plan or emergency evacuation plan. Onsite circulation patterns, designs and improvements will be subject to Fire Marshal approval to ensure adequate access for emergency response situations. The property is not near a wild land fire area. Therefore, the project is considered to have **No Impact** with regard to hazardous materials.

**MITIGATION:** None Required

<b>I. Hydrology/ Water Quality</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements?			X	
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)			X	
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X

<b>I. Hydrology/ Water Quality</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
4. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?				X
5. 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?			X	
6. Otherwise substantially degrade water quality?			X	
7. Place real property within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
10. Inundation by seiche, tsunami, or mudflow?				X

**DISCUSSION:**

**I.1.,3.-6.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units.

Development within the annexation area, including the Humboldt Oaks Apartments, will be required to connect to the City’s storm drain system located in the Humboldt Road right-of-way. Addressing stormwater quality and quantity will be accomplished in accordance with the City’s adopted stormwater post-construction requirements to minimize runoff and apply water quality treatments prior to off-site discharge, with review and approval by the Chico Public Works Department. Connection to the City’s existing storm drain system will be in conformance with City standards.

The project will not result in the violation of any water quality standards or waste discharge requirements, nor will it substantially alter drainage patterns in the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater system.

The project will not otherwise substantially degrade water quality drainage systems or provide substantial additional sources of polluted runoff. Under the existing General Construction Permit requirements of the National Pollutant Discharge Elimination System (NPDES), development of the site will require preparation of a Storm Water Pollution Prevention Plan (SWPPP) that incorporates water quality control Best Management Practices (BMP’s). Implementing existing storm water BMP requirements would minimize the impacts from anticipated future construction to a level that is **Less Than Significant**.

**I.2.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). California Water

Service Company (Cal Water) is the local water provider in the Chico area with the sole source of water for the Chico District, including the project site, is groundwater extracted from sub-basins of the Sacramento Valley Groundwater Basin. The existing properties within the annexation area already have established water service. Therefore, the proposed project is anticipated to result to a level that is **Less Than Significant**.

**1.7.-10.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 06007C0506E, revised January 6, 2011, the annexation area is located in Zone X, which is outside the 500 year flood plain, with the exception of a small corner of APN 002-050-054 located within the mapped 100-year floodplain (approximately 2,500 sq. ft. of the 2.2-acre parcel). Any future development of that parcel will require either avoidance of placing structures in the floodplain area or elevating the structure(s) in compliance with existing building code requirements. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding or related events. The project is not subject to inundation by seiche, tsunami, or mudflow; therefore, the project will result in **No Impact**.

**MITIGATION:** None Required

<b>J. Land Use and Planning</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Result in physically dividing an established community?				X
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the City of Chico General Plan, Title 19 "Land Use and Development Regulations", or any applicable specific plan) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
3. Results in a conflict with any applicable Resource Management or Resource Conservation Plan?				X
4. Result in substantial conflict with the established character, aesthetics or functioning of the surrounding community?			X	
5. Result in a project that is a part of a larger project involving a series of cumulative actions?				X
6. Result in displacement of people or business activity?				X

**DISCUSSION:**

**J.1,3,5-6.** The project will neither physically divide an established community, nor conflict with any applicable resource management or resource conservation plan. The project is not part of a larger project and will not result in displacement of people or business activities. Therefore, the project is anticipated to have **No Impact**.

**J.2.** The project consists of annexing approximately 12 acres of infill area within the City's Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units in compliance with the City's CC (Community Commercial) zoning.

No aspects of the project have been found to be inconsistent with any applicable land use plan, policy, or regulation that was adopted for the purpose of avoiding or mitigating an environmental impact. Adherence with all applicable policies and regulations intended to protect environmental resources will be required either



as conditions of approval for the future development of the site or as a condition of building permit issuance. The modest net increase in the potential number of residential units that could be developed on the property, if the project is approved, would result in a **Less Than Significant** impact with regard to land use policies adopted to avoid or mitigate an environmental effect.

**J.4.** There are a variety of residential uses developed in the immediate area, including single-family residences, a senior care facility and multi-family residential uses. The proposed Humboldt Oaks Apartments is consistent with the following Chico General Plan policies related to infill development, and mixed-use/multi-modal transportation goals:

- **Policy LU-1.3 (Growth Plan)** – Maintain balanced growth by encouraging infill development where City services are in place and allowing expansion into Special Planning Areas.
- **Goal LU-2** - Maintain a land use plan that provides a mix and distribution of uses that meet the identified needs of the community.
- **Policy LU-2.3 (Sustainable Land Use Pattern)** - Ensure sustainable land use patterns in both developed areas of the City and new growth areas.
- **Policy LU-3.1. (Complete Neighborhoods)** – Direct growth into complete neighborhoods with a land use mix and distribution to reduce auto trips and support walking, biking, and transit use.
- **Policy LU-4.2 (Infill Compatibility)** – Support infill development, redevelopment, and rehabilitation projects, which are compatible with surrounding properties and neighborhoods

City boundaries and associated services already extend down Humboldt Road adjacent to each of the proposed annexation parcels, and it is in this regard that City services are considered to be in place relative to the site.

Prior to development, the project site would be annexed to the City of Chico and become subject to City development standards. Development of the site would be subject to Site Design and Architectural Review pursuant to the Chico Municipal Code (CMC) Section 19.18, and have to adhere to the City’s Land Use and Development Regulations (i.e. landscaping, setbacks, parking, lighting, etc.), and require findings that the proposed site design is compatible with the surrounding area and consistent with the City’s Design Guidelines Manual (December 2009). Further, compliance with General Plan policies relating to specific project designs would be required, such as:

- **Policy CD-5.1 (Compatible Infill Development)** – Ensure that new development and redevelopment reinforces the desirable elements of its neighborhood including architectural scale, style, and setback patterns.
- **Policy CD-5.2 (Context Sensitive Transitions)** – Encourage context sensitive transitions in architectural scale and character between new and existing residential development.
- **Policy CD-5.3 (Context Sensitive Design)** – For infill development, incorporate context sensitive design elements that maintain compatibility and raise the quality of the area’s architectural character.

Since implementation of existing Chico General Plan policies will avoid substantial conflicts between foreseeable development of the project site and the surrounding community, no mitigation is necessary and the proposed change in allowable residential density is considered **Less Than Significant**.

**MITIGATION:** None Required.

<b>K. Mineral Resources.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project or its related activities:</b>				
1. 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?				X
2. 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?				X

**DISCUSSION:**

**K.1.-2.** The project would not result in the loss of availability of a known mineral resource or mineral resource recovery site. Mineral resources are not associated with the project or located on the project site.  
**No Impact.**

**MITIGATION:** None Required.

<b>L. Noise</b> Will the project or its related activities result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the Chico 2030 General Plan or noise ordinance.			X	
2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
3. Exposure of sensitive receptors (residential, parks, hospitals, schools) to exterior noise levels (CNEL) of 65 dBA or higher?			X	
4. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
5. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
6. For a project located within the airport land use plan, would the project expose people residing or working in the Study Area to excessive noise levels?			X	
7. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the Study Area to excessive noise levels?			X	

**DISCUSSION:**

**L.1, L.3.** The proposed new apartments would be located adjacent to SR 32), which is a notable transportation noise source in the area. According to the Chico General Plan, Noise Element Policy N-1.1 prohibits development of noise-sensitive land uses that would expose new receptors to transportation noise in excess of 65 dBA Ldn/CNEL in outdoor areas, or 45 dBA Ldn/CNEL for interior residential spaces.

The City has recently completed construction of phase 1 of a widening project on SR 32. A noise study was prepared for the widening project to identify impacts of that project on existing residential uses along the corridor. Although the proposed Humboldt Oaks Apartment project was not included in the study, similarly situated nearby residential uses were included in the analysis.

The noise study explains that, although traffic volumes will increase over the long term, post-project noise levels are anticipated to decrease from pre-project noise levels as a result of re-constructing the highway with open grade asphalt concrete (OGAC) pavement. Initial traffic noise reductions (of 6-7 decibels) from using noise-dampening OGAC pavement are predicted to slowly diminish by 2030 as increased traffic volumes would result in net changes ranging between -2 decibels and +1 decibels.

The noise level near SR 32 at 2190 Humboldt Road (APN 002-050-213) was projected to reach 64 dBA by 2030 without the widening project, and 62 dBA with the widening project constructed with OGAC pavement (which has now occurred). The Humboldt Oaks Apartment site at 2160 Humboldt Road would experience very similar noise levels to those measured and modeled for 2190 Humboldt Road, as they approximately 100 feet apart and both located on the south side of SR 32.

Since outdoor noise levels of 65 dBA or less for residential uses are considered less than significant, noise exposure levels for the Humboldt Oaks Apartments project would be **Less Than Significant**.

**L.2.** There are no sources of excessive groundborne vibration or groundborne noise levels in the project vicinity. Any groundborne vibration due to the construction of the site will be temporary in nature and cease once the project is constructed. Therefore, the impact from groundborne vibration will be **Less Than Significant**.

**L.4.-5.** Although temporary noise events will be generated during the construction phase, these impacts are considered to be less than significant because they are short term, and project contractors will be required to comply with the City’s existing noise regulations which limit the hours of construction and maximum noise levels. Therefore the impact is considered to be **Less Than Significant**.

**L.6.-L.7.** The project site is not located within the vicinity of a public or private airstrip. While aircraft may occasionally be noticed by future residents at the project site, noise exposure levels would remain **Less Than Significant**.

**MITIGATION:** None Required

<b>M. Open Space/ Recreation</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Affect lands preserved under an open space contract or easement?				X
2. Affect an existing or potential community recreation area?			X	
3. 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?			X	
4. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

**DISCUSSION:**

**M.1.-2.** The project site is private property that is not in an open space contract, nor does it contain an open space easement, or affect potential community recreation areas. Therefore, with respect to open space and potential community recreation areas, the proposed project would have **No Impact**.

**M.3.-4.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. This increase in the number of residential units would not result in a significant negative impact to existing parks or open space. Impacts on open space, parks and recreational facilities will be **Less Than Significant**.

**MITIGATION:** None Required.

<b>N. Population/ Housing</b> Will the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Induce substantial 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)?			X	
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

**DISCUSSION:**

**N.1.-N.3.** The project would not induce substantial population growth, nor would it displace people or housing as the Humboldt Oaks Apartment site is not occupied. The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. This modest increase in the number of units is not sufficient to cause a potentially significant increase in population and would not displace housing or people. Project impacts to population/housing are therefore considered to have a **Less Than Significant Impact**.

**MITIGATION:** None Required.

<b>O. Public Services</b> Will the project or its related activities have an effect upon or result in a need for altered governmental services in any of the following areas:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Fire protection?			X	
2. Police protection?			X	
3. Schools?			X	
4. Parks and recreation facilities? (See Section J Open Space/Recreation)			X	
5. Other government services?			X	

**DISCUSSION:**

**O.1.-5.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. This modest increase in development potential would occur along an existing City street (Humboldt Road), and would not overburden fire or police protection services, schools or recreation facilities, or other governmental services.

Development of the site will require payment of development impact fees to offset the cost of new facilities for police, fire, parks, and other public services that were anticipated along with general growth of the City analyzed by the Chico General Plan EIR. Impacts to police, fire, and other public services are considered **Less Than Significant**.

**MITIGATION:** None Required.

<b>M. Transportation/Circulation</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities:				
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
5. Result in inadequate emergency access?			X	
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

**DISCUSSION:**

**P.1.-2.,6.** The proposed project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, nor will it conflict with an applicable congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or safety of such facilities. The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units.

Area roadways have been designed to accommodate the future build-out of the area based on traffic projections from the General Plan land use designations for the area. The 2030 General Plan EIR forecasted future build-out conditions of the entire planning area, including the project area, and did not identify any unacceptable levels of roadway service associated with Humboldt Road. Developing the Humboldt Oaks Apartments site with 40 multi-family residential units would generate less traffic than previously anticipated for the site pursuant to the Commercial Mixed-Use (CMU) designation.

The General Plan assumed an average build-out for underdeveloped CMU sites using a floor-area-ratio of 0.4, which corresponds to a building of approximately 38,333 square feet and a traffic generation of over 1,500 vehicle trips per day (using the General Shopping Center rate #820 from the ITE Trip Generation Manual, 6<sup>th</sup> Ed.).

The proposed project is anticipated to generate approximately 270 vehicle trips per day, (using the Low-rise Apartments rate #220 from the ITE Trip Generation Manual), which is significantly less than the General Plan assumptions for development of the site with commercial uses. Since the proposed project would generate

fewer daily trips than previously forecast to be less than significant for the site, project impacts to the existing road network are considered **Less Than Significant**.

No aspect of the proposed project has been identified to be in conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, nor will the project conflict with an applicable congestion management program or adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or safety of such facilities.

Development of new residences at the site will require payment of street facility impact fees, which constitute the project's fair share contribution toward addressing any cumulative traffic issues that arise as General Plan build-out occurs. Thus, traffic increases associated with project are considered **Less Than Significant**.

**P.3.** The project would not affect air traffic patterns and would therefore have **No Impact**.

**P.4.-5.** The ultimate development of the project site with residential uses will not substantially increase hazards due to a design feature or create incompatible uses. The project will not result in inadequate emergency access. Access to the site will be provided exclusively from Humboldt Road. Proper site design, including the provision for fire apparatus turn around shall be approved by the City of Chico Fire Marshal. Application of existing standards would ensure that the project would not increase traffic hazards. Therefore, this impact is considered to be **Less Than Significant**.

**MITIGATION:** None Required.

<b>N. Utilities</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the project or its related activities have an effect upon or result in a need for new systems or substantial alterations to the following utilities:				
1. Water for domestic use and fire protection?			X	
2. Natural gas, electricity, telephone, or other communications?			X	
3. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
4. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
5. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
6. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
7. 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?			X	
8. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
9. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**DISCUSSION:**

**Q.1.-7.** The project consists of annexing approximately 12 acres of infill area within the City’s Sphere of Influence and re-developing an underdeveloped site with 40 multi-family residential apartment units. All utilities (water, storm drain, sewer, gas, phone or other communications, and electric facilities) are currently located on or adjacent to the site and have available capacity to serve the proposed project.

Water

California Water Service Company (Cal Water) is the local water provider in the Chico area. The sole source of water for the Chico District, including the project site, is groundwater extracted from sub-basins of the Sacramento Valley Groundwater Basin. The properties within the proposed annexation area already have established water service, and upgraded service lines will be required as necessary to accommodate future development projects. With regard to water provision for domestic use and fire protection the impact of the proposed project will be **Less Than Significant**.

Sewer

Development of the Humboldt Oaks Apartments project will require connection to the City’s sanitary sewer system in accordance with City standards. Since future development within the project area will require connection to the City’s sewer system and there is ample capacity to serve such development projects, potential impacts associated with sewer treatment capacity are considered **Less Than Significant**.

**Q.8.-9.** Available capacity exists at the Neal Road landfill to accommodate waste generated by the project. Recycling containers and service will be provided for the project as required by state law. This impact would be **Less Than Significant**.

**MITIGATION:** None Required.

**V. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A. The project has the potential to 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, 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.				X
B. The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current and probable future projects).			X	
C. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.				X

**DISCUSSION:**

**A-C:** The project does not have the potential to 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, 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. Based on the preceding environmental analysis, the application of existing regulations and incorporation of identified mitigation measures will ensure that all potentially significant environmental impacts associated with the project and reasonably foreseeable development, including those related to air quality, biological resources, and cultural resources would be minimized or avoided, and the project will not result in direct or indirect adverse effects on human beings or the environment, nor result in significant cumulative impacts. Therefore, with the incorporation of the identified mitigation measures, the project will result in a **Less Than Significant** impact.



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