



DATE: September 11, 2018

TO: PLANNING COMMISSION

FROM: Kimber Gutierrez, Associate Planner (879-6810, kimber.gutierrez@chicoca.gov)

RE: Parcel Map 17-03 (Borge)
SE Corner of Highway 32 and Bruce Road; APN 002-180-084

SUMMARY

The applicant proposes to subdivide an undeveloped parcel into two parcels with a remainder portion, located on the south side of the Highway 32 and Bruce Road intersection. No construction is proposed at this time.

Recommendation:

Planning staff recommends adoption of Resolution No. 18-21 (**Attachment A**), approving the parcel map, subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 18-21, approving the parcel map, subject to the attached conditions.

BACKGROUND

The applicant proposes to subdivide a 10.86-acre site into two parcels with a designated remainder portion of land, located on the south side of the Highway 32 and Bruce Road intersection in southeast Chico (see Location Map, **Attachment B**). Bruce Road bisects the site into an eastern section and western section. The eastern section consists of the two proposed parcels while the western section consists of the remainder portion of land. The proposed parcel map will divide the site into separate parcels for financing purposes and to accommodate potential future development (see Parcel Map 17-03, **Attachment C**).

Parcel 1 is proposed to be approximately two acres in size and is bordered by Bruce Road to the west and the channel of Dead Horse Slough to the east. Parcel 1 is designated Commercial Mixed Use by the General Plan Land Use Diagram and is zoned CC (Community Commercial). A separate applicant submitted use permit and architectural review applications for the development of an Arco gas station, AM/PM convenience store and car wash; however, on June 7, 2018 the property owner officially withdrew the applications for the proposed development. At this time no development is proposed for Parcel 1.

Parcel 2 is proposed to be approximately 0.5 acres in size located on the east side of Dead Horse Slough. The proposed parcel is designated Commercial Mixed Use by the General Plan Land Use Diagram and is zoned CC (Community Commercial). No development is proposed at this time. A 30-foot access easement is proposed along the east border of Parcel 1 on the adjacent parcel (APN 002-180-086) to provide for future access to Parcel 2.

The remainder portion is designated Medium High Density Residential and Commercial Mixed

Use with a Resource Constraint Overlay on the General Plan Land Use Diagram and is zoned R3 (Medium High Density Residential) and CC (Community Commercial) with a –RC (Resource Constraint) overlay. No development is proposed for the designated remainder portion as large volumes of Butte County Meadowfoam and wetland habitat have been identified on this portion of the site and restrict future development opportunities.

No modifications of Title 18R *Subdivision Design Criteria and Improvement Standards* are requested as part of the approval.

DISCUSSION

The proposed lot configuration appears to be a suitable way to subdivide the property. The proposed lots would meet all applicable size requirements. With recordation of the proposed access easement on the adjacent property to the east, all necessary easements would be in place for ingress/egress and utilities. No modifications were requested and are not a matter of concern since no further development of the site is proposed.

Per CMC §19.60.030, the PM designates a 25-ft setback from the top of the bank of Dead Horse Slough. No buildings or site improvements will be constructed within this designated setback. The project would incorporate appropriate design standards, bank modifications and vegetation management practices to avoid impacting, or being impacted by, Dead Horse Slough.

As per City policy, the project would connect to the sanitary sewer system. There are no known septic tanks currently on the project site. A curb and gutter catch basin system would be engineered for the collection of storm water runoff. Storm water would subsequently be detained, allowing sediment to settle, or be filtered, prior to discharge into the City's storm water drainage system.

Currently, the California Department of Transportation (Caltrans) and the City's Public Works Department are designing the Bruce Road and SR 32 intersection and have provided the extents of right-of-way that would accommodate the possible intersection designs. The proposed parcel map includes right-of-way dedication for this intersection. The applicant has submitted a comment letter to staff protesting the dedication of right-of-way along the remainder portion on the west side of Bruce Road (see Applicant Comment Letter, **Attachment D**). Pursuant to Section 66424.6 of the Subdivision Map Act, Planning staff has determined that fulfillment of public improvements is necessary due to the City's future plans for Bruce Road.

Any future development projects would be required to comply with Title 19 of the Chico Municipal Code, including but not limited to, use permit and architectural review entitlements.

GENERAL PLAN

Since no development is proposed, the potential variety of uses of the site would not change as a result of the land division. Although no General Plan policies apply directly to this type of proposal, dividing the site as proposed would slightly increase potential ownership opportunities.

FINDINGS

Environmental Findings

This project is categorically exempt from further environmental review pursuant to Section 15315 of the California Environmental Quality Act Guidelines (Minor Land Divisions). This exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Subdivision Findings (CMC Section 18.18.070.B)

Pursuant to Chico Municipal Code Section 18.18.070.B, the Planning Commission shall consider the evidence presented in the application materials, staff report, and public hearing, and shall base its action on the conformity of the subdivision map with the subdivision regulations and on the design of the proposed subdivision. In order to approve a subdivision map, the Planning Commission must find that the subdivision map and its design conform with all applicable requirements of Title 18 and Title 19 of the Chico Municipal Code, and that the subdivision map and its design are consistent with the Chico General Plan.

As supported by the Conditions of Approval and the Subdivision Report (Exhibits I and II to **Attachment A**), and this staff report, the proposed subdivision map and its design conform with the requirements of Title 18 and Title 19 of the Chico Municipal Code, and would be consistent with the Chico General Plan.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the *Chico Enterprise Record*. As of the date of this report no correspondence has been received in response to the public notice.

DISTRIBUTION

PC Distribution
AP Gutierrez
Files: PM 17-03

External

Borge Development, Inc. 975 Fee Drive, Sacramento, CA 95815, Email:

tborge@axioshomes.com

NorthStar, Attn. Jim Stevens, 111 Mission Ranch Blvd., Suite 100, Chico, CA 95926, Email:

jstevens@northstareng.com

BT Chapman, Email: btc05usn@gmail.com

ATTACHMENTS

- A. Planning Commission Resolution No. 18-21
Exhibit I Conditions of Approval for PM 17-03
Exhibit II Subdivision Report
- B. Location Map
- C. Parcel Map 17-03
- D. Applicant Comment Letter

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RESOLUTION NO. 18-21
RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
APPROVING PARCEL MAP PM 17-03
(Borge)

WHEREAS, an application has been submitted to subdivide a 10.75 net acre (10.86 gross acre) site into two lots with a designated remainder portion of land located on the south side of the Highway 32 and Bruce Road intersection, identified as Assessor’s Parcel No. 002-180-084 (the “Project”); and

WHEREAS, the Planning Commission considered the Project, staff report, and comments submitted at a noticed public hearing held on September 20, 2018; and

WHEREAS, the Project has been determined to be categorically exempt pursuant to the Guidelines for the California Environmental Quality Act, 14 CCR Section 15315 (Minor Land Divisions); and

WHEREAS, right-of-way dedication has been offered on both sides of Bruce Road to accommodate the future design of the Bruce Road and Highway 32 intersection. Pursuant to Section 66424.6 of the Subdivision Map Act, it has been determined that the right-of-way dedication is necessary for reasons of public health and safety and a necessary prerequisite to the orderly development of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CHICO AS FOLLOWS:

1. With regard to the tentative parcel map the Planning Commission finds that:
 - A. The resultant parcels of 2.01 acres and 0.48 acres meet all applicable size requirements consistent with the Chico General Plan Diagram designation of Commercial Mixed Use and the requirements of the Community Commercial Zoning District in Title 19 of the Chico Municipal Code;
 - B. No substantial evidence has been presented that would require disapproval of the Project pursuant to Government Code Section 66474;
 - C. No modifications to the City’s subdivision design criteria and improvement standards are

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requested as part of the parcel map; and

D. As supported by the subdivision report prepared for the Project, and the agenda report, the Project and its design conform with both the requirements of Title 18 and 19 of the Chico Municipal Code and the Chico General Plan.

2. Based on all of the above, the Planning Commission hereby approves the Project, subject to the conditions set forth in Exhibit I, and the provisions of the Subdivision Report set forth in Exhibit II, attached hereto.

3. The Planning Commission hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.

THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning Commission of the City of Chico held on September 20, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

BRUCE AMBO
Planning Commission Secretary

Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of the City of
Chico, Section 906(E)

EXHIBIT "I"
CONDITIONS OF APPROVAL
Parcel Map (PM) 17-03
(Borge)

1. The creation and improvement of two lots and a designated remainder portion of land is authorized, as depicted on the "Tentative Parcel Map (PM) 17-03" and accompanying project materials date stamped April 13, 2018, except as revised by any other condition of approval.
2. All development shall comply with all other State and local Code provisions, as well as any applicable requirements of the Fire Department, the Public Works Department, Butte County Environmental Health, and the Community Development Department. The developer is responsible for contacting these offices to verify the need for permits.
3. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

"In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel. Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees."

4. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.
5. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.
6. Prior to recording the final map, the proposed access easement to Parcel 2 located on the adjacent property to the east shall be recorded and confirmed by the City of Chico Planning and Development Engineering Departments.

7. Prior to recording the final map, applicant shall submit an application for sewer connection for land divisions and comply with conditions of sewer connection.
8. Prior to development of Parcel 1 and/or Parcel 2, applicant shall engage the Central Valley Flood Protection Board to ensure the necessary permits are acquired.



Subdivision Report

Meeting Date 09/18/2018

DATE: September 11, 2018

File: PM 17-03

TO: PLANNING COMMISSION

FROM: Matt Johnson Senior Development Engineer, 879-6910
Public Works Department

RE: **Tentative Parcel Map PM 17-03 Borge Development Inc.**

Exhibit "II"

This office has reviewed the Tentative Parcel Map PM 17-03 Borge Development Inc. and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE

The Subdivider has not requested any modifications to Titles 18R of the Chico Municipal Code (CMC).

B. TIMING AND NATURE OF PUBLIC IMPROVEMENTS

The Public Works Director will determine the nature, extent, timing, and limits of required Highway 32 and Bruce Road public improvements to be constructed as part of this land division versus payment of an in-lieu fee as well as reimbursements for construction of future Nexus/CIP facilities.

C. PUBLIC FACILITY CONSTRUCTION

1. Streets

The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the typical sections as depicted on the Tentative Parcel Map:

- a) Highway 32 - Full urban improvements as depicted on the Tentative Map and/or as determined by the Public Works Director.
- b) Bruce Road - Full urban improvements as depicted on the Tentative Map and/or as determined by the Public Works Director.

2. Storm Drainage

The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Chico Municipal Code, prior to recordation the Final Map.

3. Sanitary Sewer

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to recording the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits. All of the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

D. MAINTENANCE

Prior to recordation of the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall be:

1. Landscaping and irrigation in the Bruce Road medians.

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district shall be complete and formed prior to recordation of the Final Map.

E. PROPERTY DEDICATIONS

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

1. Dedicate right-of-way along Bruce road as depicted on the Tentative Map or as required by the Public Works Director.
2. Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.

F. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

G. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public improvements.

All public improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

H. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

If the public improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

2. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

An initial deposit of 1½% of the estimated cost of all public improvements (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public improvements. A final fee equal to actual City costs.

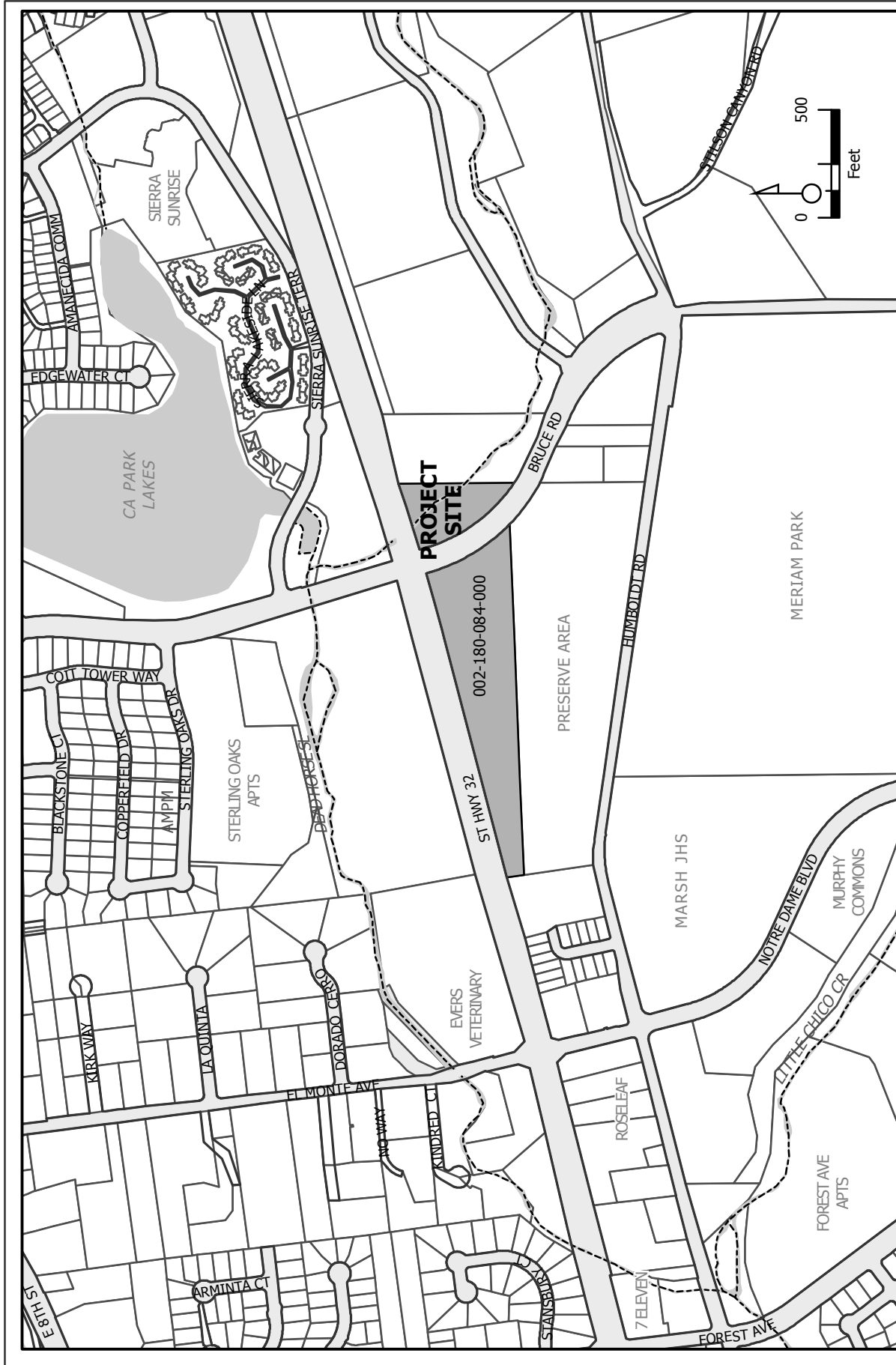
Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Planning Services Department.



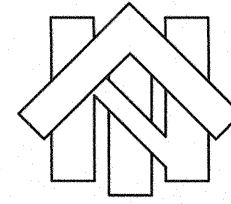
Matt Johnson, Senior Development Engineer

Distribution:

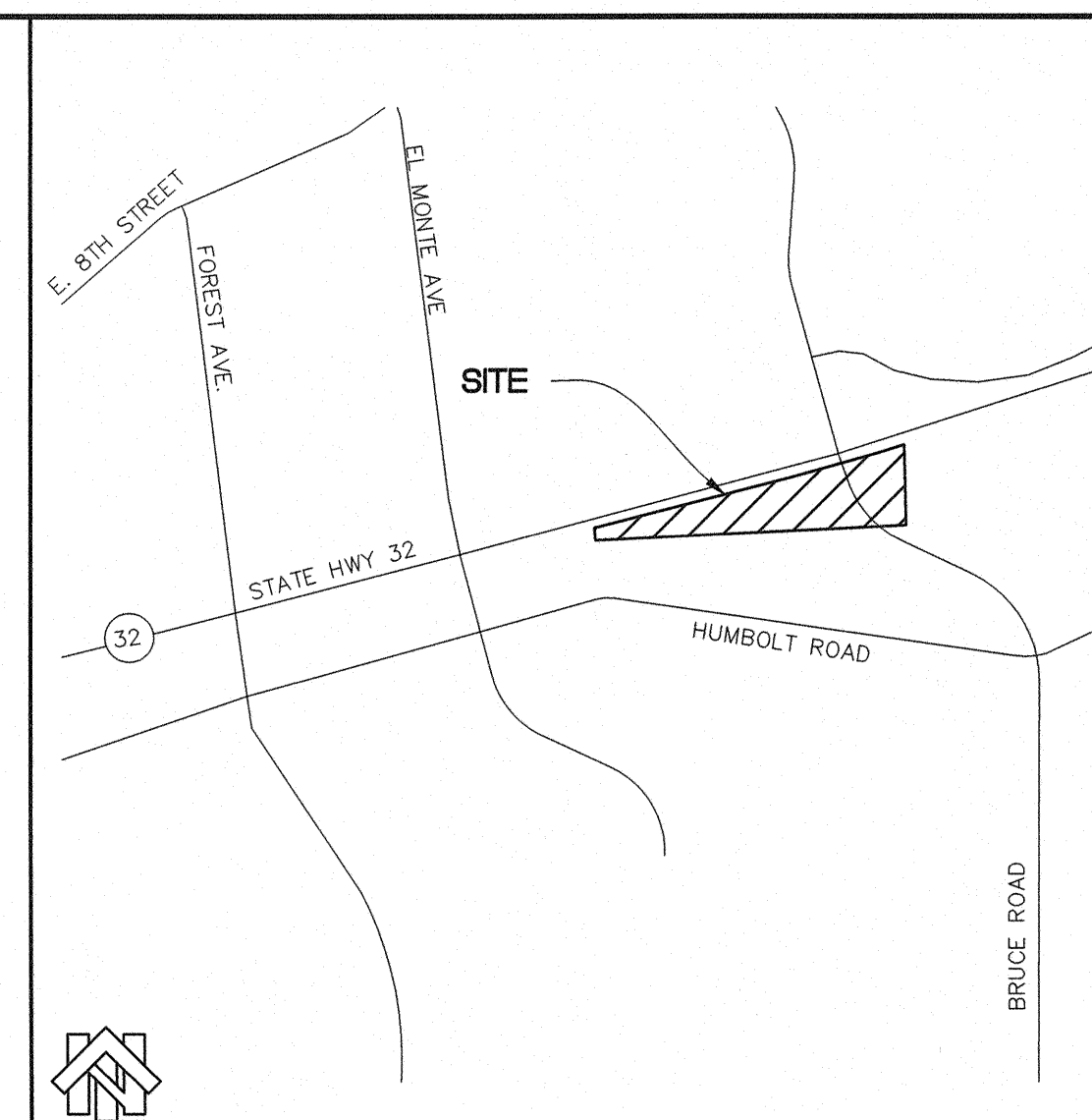
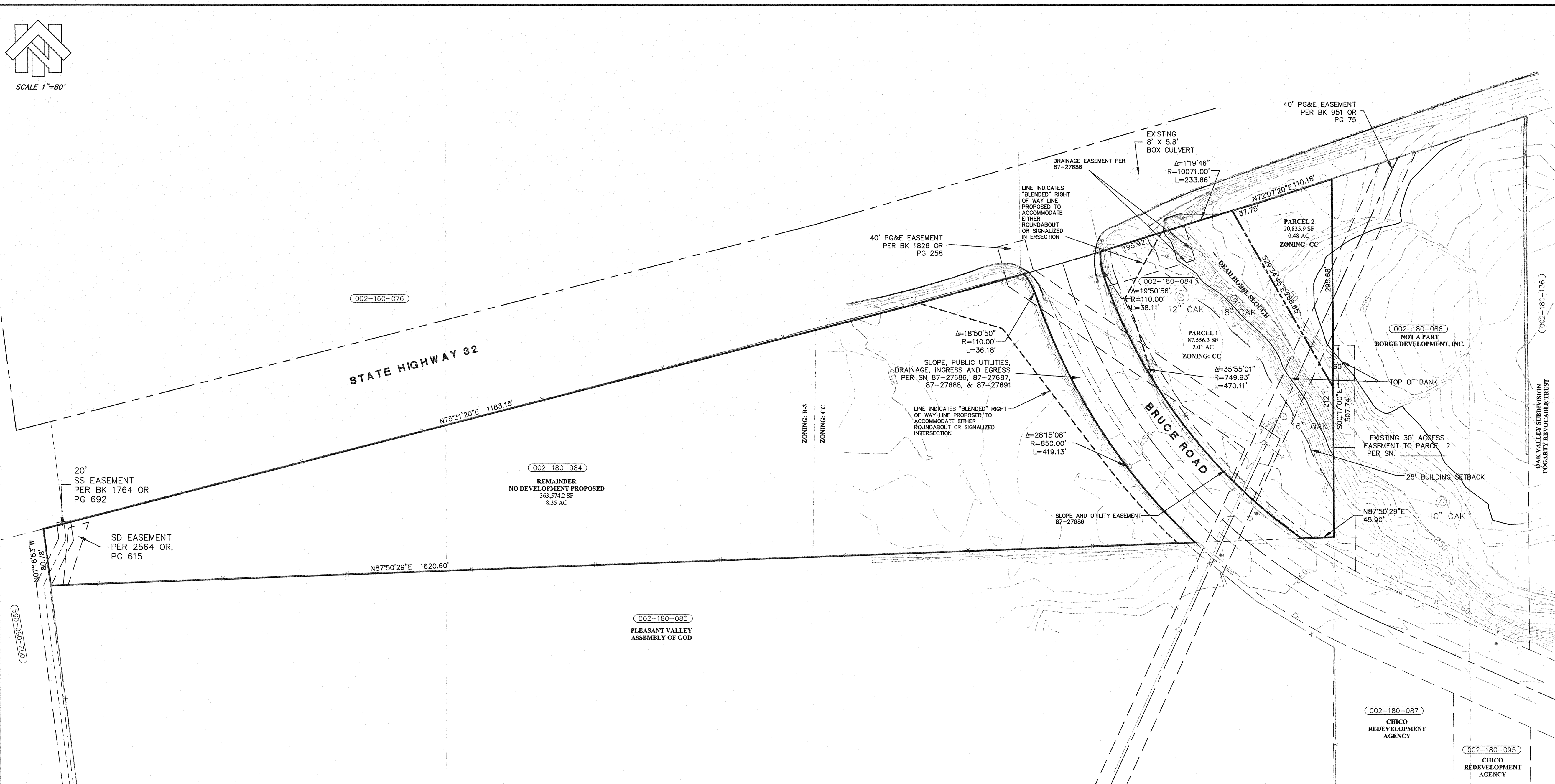
Original - Community Development Department PM 17-03 File
Development Engineering Subdivision File



PM 17-03 (Borge Development, Inc)
SE corner of Bruce Road and St Hwy 32
APN 002-180-084-000



SCALE 1"=80'



LOCATION MAP
NTS

LEGEND

	FOUND MONUMENT AS DESCRIBED
	EXISTING WATER METER
	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 LIGHT STANDARD
	EXISTING FENCE LINE
	EXISTING FLOW LINE
	EXISTING EDGE OF PAVEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
	PROPERTY BOUNDARY
	PROPOSED PROPERTY LINE
	PROPOSED RIGHT OF WAY DEDICATION

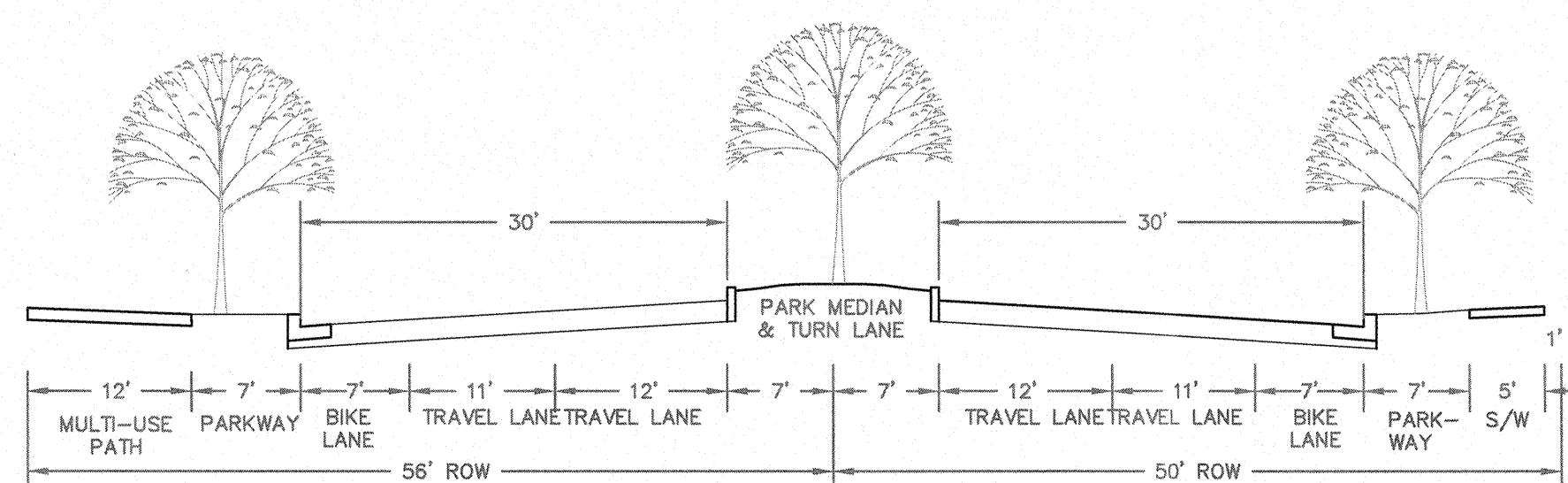
NOTES

- ZONING: PARCEL 1-2: CC (COMMUNITY COMMERCIAL)
REMAINDER: CC (COMMUNITY COMMERCIAL)
R3(-RC) (MEDIUM HIGH DENSITY RESIDENTIAL - RESOURCE CONSTRAINT)
- GENERAL PLAN: PARCEL 1-2: CMU (COMMERCIAL MIXED USE)
REMAINDER: CMU/RCO (COMMERCIAL MIXED USE - RESOURCE CONSTRAINT OVERLAY)
MHDR/RCO (MEDIUM HIGH DENSITY RESIDENTIAL - RESOURCE CONSTRAINT OVERLAY)
- LAND USE: EXISTING - VACANT
PROPOSED - COMMERCIAL
- SEWAGE: CITY OF CHICO
- STORM DRAINAGE: ON-SITE QUALITY MITIGATION
- WATER: CALIFORNIA WATER SERVICE
- POWER: PG&E
- TELEPHONE: AT&T
- CABLE TV: COMCAST
- NO EXISTING WELLS OR SEPTIC SYSTEMS EXIST ON THE PARCEL
- GRADING: ONLY PARCEL 1 IS TO BE GRADED AND WILL GRADE TOWARD INTERIOR DRAINAGE STRUCTURES.
- STANDARD EROSION CONTROL MEASURES (BMP'S) WILL BE USED IN COMPLIANCE WITH THE CITY OF CHICO AND THE WATER QUALITY CONTROL BOARD.
- OWNER: BORGE DEVELOPMENT INC
975 FEE DRIVE
SACRAMENTO, CA 95815
- DEVELOPER: BORGE DEVELOPMENT INC
975 FEE DRIVE
SACRAMENTO, CA 95815
- PROJECT SURVEYOR: JAMES STEVENS PLS6050
- THIS TENTATIVE MAP WAS PREPARED UNDER THE DIRECTION OF A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR.
- NO MODIFICATIONS CMC CHAPTER 18.44 ARE REQUESTED.
- FLOODPLAIN: ZONE X (AREA OF MINIMAL FLOOD HAZARD)

AREAS

TOTAL AREA = 10.86 ACRES
 NUMBER OF PROPOSED PARCELS = 2 COMMERCIAL
 AVERAGE COMMERCIAL PARCEL = 54,196.1 SF
 PROPOSED DENSITY = 0.18 PARCELS/ACRE

BRUCE ROAD (HUMBOLDT TO HWY 32)
NTS



JAMES STEVENS
 NORTHSTAR ENGINEERING,
 JAMES STEVENS
 PLS6050

TENTATIVE PARCEL MAP
TPM 17-03
 A PUBLIC STREET SUBDIVISION
 FOR
 BORGE DEVELOPMENT INC.
 PORTION OF SECTION 19 AND 30,
 TOWNSHIP 22 NORTH,
 RANGE 2 EAST,
 MOUNT DIABLO BASE AND MERIDIAN
 CITY OF CHICO
 COUNTY OF BUTTE STATE OF CALIFORNIA



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

BORGE DEVELOPMENT, INC.

975 Fee Drive ♦ Sacramento, CA 95815 ♦ (916) 363-4123 ♦ Fax (916) 927-4700

August 31, 2018

Leo DePaola, Director
City of Chico Department of Development Services
P.O. Box 3420
Chico, CA 95927

RE: Borge Parcel Map – PM# 17-03

Leo,

As you are aware, we are scheduled for hearing at the Planning Commission at the second meeting in September of this year. I am writing to express my concern over one of the mandated conditions. Our application is proposing to create two parcels on the east side of Bruce Road at its intersection with SHR 32. We have been asked to dedicate right of way on the east side of Bruce, to allow for the ultimate street configuration. We have no problem with this requirement. Our application also asks to make the west side of Bruce Road a "Remainder" pursuant to Government Code 66424.6, (part of The Subdivisions Map Act). As a result, we will not be able to develop this property on the west side of Bruce without further review and analysis. However, we are being asked to dedicate right-of-way on the west side even though, under this section, we are exempted from constructing improvements and cannot develop the property without further analysis and review. In fact, we were told that we would not get designated as a completed application without showing this offer of dedication.

We believe that this request for dedication on the west side of Bruce is inappropriate and are showing it on the map under protest. We intend to make our case at the Planning Commission.

Thank you in advance for your consideration on this matter.

Sincerely,



Thomas Borge
President
Borge Development, Inc.

cc: Kimber Gutierrez
Brendon Ottoboni

Attachment D