



DATE: December 21, 2018

Files: S 18-06

TO: Planning Commission

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

RE: Tower Vista Vesting Tentative Subdivision Map (S 18-06)

SUMMARY

The applicant proposes to subdivide an approximately 1.34-acre parcel into nine parcels utilizing the City of Chico's small lot subdivision standards. Eight of the parcels would be created for single-family residential development and one of the parcels would accommodate an existing cell tower. The site is located at 2746 Mariposa Avenue, on the east side of Mariposa Avenue, opposite Glenshire Lane (APN 016-060-062). The site is currently developed with a single-family home and a cell tower. No major issues have been identified.

Recommendation:

Planning staff recommends that the Planning Commission adopt Resolution 19-01 (**Attachment A**) finding that the project is categorically exempt from further environmental review and approving the Tower Vista Vesting Tentative Subdivision Map (S 18-06), based on the required findings and subject to the attached conditions (see **Exhibit I** of Attachment A).

Proposed Motion:

I move that the Planning Commission adopt Resolution 19-01, finding that the project is categorically exempt from further environmental review and approving the proposed Tower Vista Vesting Tentative Subdivision Map (S 18-06), based on the required findings and subject to the conditions contained therein.

BACKGROUND AND SETTING

The site is located at 2746 Mariposa Avenue, on the east side of the street opposite of Glenshire Lane in northeast Chico (Location Map, **Attachment B**). The site is designated Low Density Residential in the General Plan Diagram and zoned R1-AOC (Low Density Residential with an Airport Overflight Zone C overlay).

Site Conditions and Context

The project site is developed with a single-family residence in the middle of the site and a cell phone tower near the northeast corner of the site. The site contains 28 trees of different types predominately located on the west half of the site around the single-family residence (see Vesting Tentative Subdivision Map, **Attachment C**). There is also a row of trees along the north property line, which have been identified as being within the north-adjacent residential property lines. The topography of the site is relatively flat and is highly disturbed in areas due to the existing residential and cell tower uses. The project site is surrounded on all sides by single-family residential development.

The site contains several easements including a 20-foot wide easement along the north property line and connecting to the east-adjacent private street for access to the existing cell tower. This easement is proposed to be abandoned as access to the cell tower will be changed with the proposed subdivision (see further discussion below). A well easement agreement is also located on the east half of the project site. The well is proposed to be capped per Butte County Environmental Health Department standards along with the abandonment of the easement agreement, as no parcel would be using the well. A six-foot wide utility easement exists along the east property line which extends approximately 80-feet west to the cell tower parcel. The utility easement is proposed to remain.

A six-foot wood fence exists along the entire north and south property lines of the project site, separating the parcel from the adjacent residences. The east property line contains a six-foot wood fence with a slated chain-link gate for access to the cell tower from the adjacent private street. A slated chain-link fence exists along the west property line with a gate at the existing driveway of the single-family residence.

The project site is located in Compatibility Zone C of the Butte County Airport Land Use Compatibility Plan (ALUCP) which requires review by the Butte County Airport Land Use Commission (ALUC) prior to any major discretionary land use action. Compatibility Zone C generally allows development at densities over four units per acre, subject to certain height restrictions. On December 17, 2018, the ALUC reviewed the proposed project and found it to be consistent with the ALUCP, subject to conditions requiring recordation of an Avigation Easement and Recorded Overflight Notification, as well as, requiring avigation notification notes to be recorded concurrently with the final map. All conditions listed in the Butte County ALUC Memo, **Attachment D** are incorporated into **Exhibit I** of Attachment A - Resolution No. 19-01.

Neighborhood Meeting

A neighborhood meeting was conducted on October 24, 2018. Approximately 20 neighbors of the project area attended the meeting, including the applicant and planning staff from the City of Chico. An earlier version of the proposed subdivision was presented at the neighborhood meeting, which included a private street ending in a hammerhead preserving an existing access easement with the east-adjacent private street for emergency access. The design of the subdivision was revised to accommodate comments from staff and neighbors, which is now proposed with a public street ending in a cul-de-sac. Questions, comments and issues of concern voiced by the neighbors included:

- Inquiries on the future improvements involving the cell tower including access and screening;
- Whether the trees along the north boundary line are to be removed or retained;
- Future potential for park amenities within the subdivision;
- Duration and hours of construction;
- Proposed height of future residences; and
- Whether a maintenance district would be created for the future street.

The proposed subdivision map, which now includes a public street ending in a cul-de-sac, alleviates the neighbors' concerns regarding screening of and access to the cell tower as it would be located on a flag lot set back from the proposed street and accessed from the

proposed street; instead of through the existing access easement on the adjacent private street. Additionally, with the development of a public street instead of a private street a maintenance district would need to be created. The applicant noted at the meeting that the cell tower is under a 99-year lease and no changes would be made to the tower itself besides access to the tower. The trees along the north property line are located on the north-adjacent properties and are not associated with the project site, the applicant noted that a new fence would not be installed along the north property line and the existing fence and identified trees would remain untouched. The applicant stated that no park amenities are proposed given the size of the site and all construction would be subject to City requirements, which limits construction hours to ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days (CMC Section 9.38.060). Additionally, the applicant stated that the height of the proposed homes would most likely be single-story, but it was made clear single-story or two-story homes are allowed.

PROPOSED SUBDIVISION DESIGN

The tentative map illustrates nine lots arranged around a single cul-de-sac street (see Vesting Tentative Subdivision Map, **Attachment C**). The average lot size would be 4,000 square feet, with varying lot widths no less than 30 feet and lot depths no less than 60 feet. The proposed project density of 5.97 dwelling units per acre (8 lots without including the cell tower lot) or the 6.72 dwelling units per acre (9 lots including the cell tower lot), within the allowable range of 2.1 dwelling units per acre to 7 dwelling units per acre. Access into the project is from Mariposa Avenue via a single street which terminates in a cul-de-sac. As part of the improvements the developer would construct adjacent portions of Mariposa Avenue as well as the internal street and cul-de-sac. All utilities are available nearby to serve the project and the new homes would be connected to Cal Water and City sewer. The project proposes to have an infiltration trench and storm drain system to store and treat post-development storm water flow.

Requests for Modifications of Subdivision Design Criteria and Improvement Standards

Due to the configuration of the existing development, modifications of Title 18R *Subdivision Design Criteria and Improvement Standards* are requested as part of the approval, including:

1. Non-standard corner intersection radii;
2. Residential lot depths less than 80 feet; and
3. Allow non-standard street cross-section.

The design criteria and improvement standards set forth in Chico Municipal Code Title 18R may be modified by the advisory agency incident to approval of a subdivision or any other entitlement or authorization provided for in Chico Municipal Code Title 18 upon making any of the findings provided for in Section 18.44.020 of Title 18 of this code (see below). Staff believes the requested modifications to design criteria are justified due to the parcel width, surrounding development, and street pattern (See Resolution No. 19-01, **Attachment A**, for findings of Modification Requests).

DISCUSSION

The proposed subdivision design provides compatible residential infill development with lot sizes, density, and cul-de-sac design that are consistent with surrounding development. At

6.72 units per acre, the project density is in the higher end of the range for the Low Density Residential designation. Existing subdivisions in the vicinity have been developed with slightly lower density.

The proposed infill residential flag lot (Lot 5) would include the existing cell phone tower and complies with the infill residential flag lot criteria in CMC 19.76.180, provided as **Attachment E**. The lot would be 6,889 square feet (gross) and 6,430 square feet (net). A 15-foot wide private access way is proposed between Lots 4 and 6 to provide access to Lot 5. Approval of the subdivision map will result in one percent of the lots in the immediate neighborhood being flag lots (1 out of 74 lots), which is under the ten percent maximum allowed in the regulations. Consistent with the flag lot regulations, any new residential units and detached accessory structures greater than 120 square feet in size shall be subject to architectural review.

The City's small lot subdivision regulations (CMC 19.76.150) allows for a minimum lot size of 3,500 sq.ft. for interior lots and 4,000 sq.ft. for corner lots and a maximum lot size of 4,499 sq.ft. Lots larger than the maximum square footage may be allowed, however, the total number of lots larger than 4,499 sq.ft. shall not exceed thirty percent of the total number of lots to be created by a small lot subdivision. The map proposes one of the nine lots to exceed the maximum lot size, which constitutes ten percent of the total number of lots meeting the Code's lot size requirements for small lot subdivisions.

The subdivision design does not include a parkway strip between curb and sidewalk on the internal street. Staff has included a condition (Condition No. 8) on **Exhibit I** to include a 10-foot Street Tree Easement at the front of each parcel to accommodate growth of public street trees, which are to be maintained by the City of Chico.

As a result of the site's location within Airport Overflight Zone C for the Chico Municipal Airport, standard conditions (Condition Nos. 9-13) are included on **Exhibit I** of the resolution requiring certain airspace easements and notifications to be recorded on the project parcels.

As discussed, the site contains 28 trees of different types predominately located on the west half of the site around the single-family residence. There is also a row of trees along the north property line, which have been identified as being within the north-adjacent residential property lines. The applicant is proposing to retain nine of the 28 trees on-site, and would be subject to preservation measures to ensure successful retention of on-site and adjacent off-site trees. The trees proposed for removal are qualifying trees pursuant to Chico Municipal Code Section 16.66.050(K) and (L), and are in good condition. It appears the applicant has attempted to retain as many trees as possible, however, most of the trees are located in the center of the site within the proposed street, cul-de-sac and expected driveway locations. The project would be subject to Chico Municipal Code tree removal and preservation standards as well as preconstruction surveys to ensure no nesting raptor or migratory birds are disturbed during nesting season. These standard conditions are included on **Exhibit I** of the resolution.

Staff is in support of the project and believes the requested modifications to the subdivision design criteria are acceptable and reasonable given the infill nature of the parcel.

FINDINGS

General Plan

The General Plan's Low Density Residential designation is characterized by "the traditional single-family neighborhoods with a majority of single-family detached homes and some duplexes." With a residential density of 6.72 units per acre, the project is within the allowable range of 2.1 to 7 units per acre. Furthermore, this allowable base density was included in the 2030 General Plan and its Environmental Impact Report as the intended build-out of the site.

The following General Plan policies are applicable to the project:

- CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.*
- CD-5.1: Ensure that new development and redevelopment reinforces the desirable elements of its neighborhood including architectural scale, style, and setback patterns.*
- H-1: Increase equal housing opportunities for all persons and households in Chico.*
- H-3: Promote the construction of a wide range of housing types.*
- LU-4: Promote compatible infill development.*
- LU-4.2: Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.*
- LU-4.2.3: For projects proposed on or adjacent to residentially zoned property, which require a discretionary approval by the Planning Commission or City Council, require applicants to have a pre-application neighborhood meeting with interested parties in the respective neighborhood to hear issues and consider input.*
- LU-4.3: For residential infill projects outside of Opportunity Sites and Special Planning Areas, maintaining neighborhood character may take precedence over meeting density goals. It may be necessary to limit project density, within the allowable density range, to ensure compatibility.*

The proposal is consistent with General Plan policies that encourage compatible infill development (CD-5, LU-4 and LU-4.2), holding a pre-application neighborhood meeting (LU-4.2.3), and providing a variety of property sizes while maintaining neighborhood character (H-1, H-3, and LU-4.3). In summary, the proposal is consistent with the General Plan in several aspects as noted above.

Environmental Review

This project is categorically exempt from environmental review pursuant to Section 15332 of the California Environmental Quality Act Guidelines (Infill Development Projects). This

exemption applies to infill projects which are consistent with the General Plan and zoning designation; are on sites less than five acres in size within the City limits; substantially surrounded by urban uses; have no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The project meets all these criteria.

Modification to Subdivision Design Criteria Finding

As established in CMC 18.44, a modification to the city's subdivision design criteria or improvement standards may only be approved if one of the six findings listed in that chapter can be made. For this project, the finding in CMC 18.44.020 (E) can be made:

- E. That the subdivision is of such a size or shape, and/or is affected by such topographic or soil conditions that render it impossible, impractical or undesirable, in the particular case, to conform to the design criteria and improvement standards, as set forth in Title 18R of this code, and that modification of such design criteria and improvement standards is necessary by reason of such subdivision characteristics or conditions.*

In the case of the proposed map, allowing non-standard corner intersection radii, residential lot depths less than 80 feet, and non-standard street cross-section would allow for an efficient lot layout and overall subdivision design that fits within the parcel, accommodates existing features and is compatible with Title 18R and 19. The existing lot is a narrow rectangular shape and contains existing features including large trees and cell phone tower that are proposed to be preserved. Allowing a non-standard corner intersection radii would accommodate preservation of the existing 24-inch Valley oak located in the center of the west property line. Therefore, pursuant to Finding E, the parcel shape renders it impractical to have standard subdivision layout and lot sizes. The modifications requested are necessary to meet other standards within Title 18R and 19. The requested modifications are relatively minor in scope and balances neighborhood compatibility with detached single-family residential development and General Plan consistency.

Subdivision Findings (CMC Section 18.18.070.B)

Pursuant to Chico Municipal Code Section 18.18.070, the Planning Commission is to consider the evidence presented in the application materials, staff report, and public hearing, and then 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 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 Resolution No. 19-01, **Attachment A**) and this staff report, the proposed map and its design conform with the applicable 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*.

DISTRIBUTION:

PC Distribution

Kimber Gutierrez, Associate Planner

Files: S 18-06

External

Tim Surminsky, Email: surminskyconst@aol.com

Chris Bucher, Email: bucherc@gmail.com

Lauren J. McSwain, Email: ljmcswain79@yahoo.com

ATTACHMENTS:

- A. Planning Commission Resolution No. 19-01
 - Exhibit I Conditions of Approval
 - Exhibit II Subdivision Report
- B. Location Map
- C. Vesting Tentative Subdivision Map 18-06
- D. Butte County Airport Land Use Commission Memo
- E. Infill Residential Flag Lot Standards

1 the conditions set forth in Exhibit I, and the provisions of the Subdivision Report set forth
2 in Exhibit II, attached hereto.

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

6 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning
7 Commission of the City of Chico held on January 17, 2019, by the following vote:

8 AYES:

9 NOES:

10 ABSENT:

11 ABSTAIN:

12 DISQUALIFIED:

13

14 ATTEST:

APPROVED AS TO FORM AND
CONTENT:

15

16

17 _____
BRUCE AMBO
18 Planning Commission Secretary

19 _____
Vincent C. Ewing, City Attorney*

20

21

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

22

23

EXHIBIT “I”
CONDITIONS OF APPROVAL
Tower Vista Subdivision S 18-06
(Tim Surminsky)

1. The creation and improvement of nine lots is authorized, as depicted on the “Tower Vista (S 18-06) Vesting Tentative Subdivision Map” date stamped December 11, 2018, except as revised by any other condition of approval. The expiration date of this Vesting Tentative Subdivision Map shall be 36 months from the approval date of Resolution No. 19-01. A final map shall be recorded prior to the expiration of the Vesting Tentative Subdivision Map.
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.”

Exhibit “I”

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.
5. 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.
6. As required by Chico Municipal Code (CMC) Chapter 16.66, existing trees removed from the site shall be replaced as follows:
 - a. On-site. For every six inches in DBH removed, a new 15-gallon tree shall be planted on-site. Replacement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
 - b. Off-site. If it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
 - c. Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the CMC.
 - d. All trees not approved for removal shall be preserved on and adjacent to the project site. The trees subject to preservation for the Tower Vista Subdivision shall be any tree located adjacent to the property lines including the row of trees located along the north boundary of the site as well as Trees 1-4, 6, 8, 10, 14 and 21 on-site. A tree preservation plan, including fencing around drip lines and methods for excavation within the drip lines of protected trees to be preserved shall be prepared by the project developer pursuant to CMC 16.66.110 and 19.68.060 for review and approval by planning staff prior to any ground-disturbing activities.

Prior to ground disturbance, provide documentation to staff showing payment of in-lieu fees.

7. If construction is scheduled to occur within the nesting season (February 1 – August 31), the developer shall hire a qualified biologist to conduct a preconstruction survey of the project site to identify any active nests within 250 feet of the project area. The survey will be conducted no more than 7 days before the beginning of initial ground disturbances. If nesting raptors or migratory birds

are found during the survey, impacts will be avoided by establishment of appropriate buffers. No construction activities will commence within the buffer area until a qualified biologist confirms that the nest is no longer active. California Department of Fish and Wildlife guidelines recommend implementation of 500 foot buffers around construction areas, but the size of the buffer may be adjusted if a qualified biologist determines that construction activities would not likely adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest. The migratory bird survey shall be conducted by a qualified, professional biologist.

A bird survey shall be submitted to Planning staff prior to issuance of any grading or building permit for the project, unless the work will commence during the non-breeding season (September 1 – January 31).

8. A 10-foot Street Tree Easement shall be added at the front of each parcel which does not include a separated sidewalk with planter strip.
9. Prior to recordation of the final map, record as a separate instrument an Avigation Easement dedication with Acknowledgment of Airport Proximity.
10. Prior to recordation of the final map, record as a separate instrument a Recorded Overflight Notification.
11. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "An Avigation Easement is recorded above the parcels for the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts."
12. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "The project parcels are in the proximity of the Chico Municipal Airport and are subject to aircraft overflight."
13. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "Airspace review by the Airport Land Use Commission is required for all objects over 100 feet in height above ground level."



Subdivision Report

Meeting Date 1/17/2018

DATE: January 7, 2019

File: S 18-06

TO: PLANNING COMMISSION

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

RE: **Tower Vista Vesting Tentative Subdivision Map (S 18-06)**

Exhibit "II"

This office has reviewed the vesting Tentative Map (S 18-06) 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 requested certain modifications to Titles 18R of the Chico Municipal Code (CMC). These requests have been listed on the Tentative Map application, described by the Subdivider and/or their engineer, or appear on the Tentative Map. The requests and staff recommendations are as follows:

1. **Request:** Non-standard corner intersection radii.

Recommendation: Acceptable.

2. **Request:** Residential lot depths less than 80 feet.

Recommendation: Acceptable.

3. **Request:** Non-standard street cross-section.

Recommendation: Acceptable.

THE CONDITIONS CONTAINED IN THE REMAINDER OF THIS REPORT REFLECT, WHERE APPLICABLE, THE RECOMMENDATIONS ABOVE.

B. PUBLIC FACILITY CONSTRUCTION

1. Streets

- a) 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 Map. Street structural sections to be determined based upon findings from the Soils Report.

- 1) Interior to subdivision - Full urban improvements.
- 2) Adjacent to subdivision - Full urban improvements along Mariposa Avenue

- b) All corner lots shall be subject to intersection sight distance criteria as established by the Public Works Director. Appropriate easements shall be dedicated as needed on the Final Map.
- c) Street name shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Interior to Subdivision - Curb, gutter, and an underground storm drain system with all appurtenances.
- 2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage including connection to existing City storm drain facilities.

Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

b) NPDES Requirements

Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Chico NPDES Requirements.

c) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Public Works Department for review and approval. Said Master Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The Storm Drainage Master Plan shall address the following elements:

1) Storm Water Runoff Management

The runoff management plan shall establish specific measures to accomplish the following:

- No net increase in peak flow.
- Meet the post-construction standards.
- Erosion control.
- Pollutant runoff control, including first flush mitigation, (the first 1/2-inch of runoff shall be intercepted and treated).

- Restricted area protection.
- Reference CASQA BMP Hand Book

The plan shall stipulate the measures to be implemented and the means of implementation by the Subdivider during construction and after construction but prior to lot development.

The plan shall establish any design constraints to be placed upon both public and private facility construction.

2) Storm Drainage Analysis

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

d) Statement of Effective Storm Water Disposal

The storm drainage system for this project shall meet the following standards:

- No net increase in the peak flow.
- Intercept and treat the first flush runoff (defined as the first 1/2-inch of runoff).

These standards are to be met through the preparation and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP) which shall incorporate CASQA BMPs. A review of this project, including the project location, has been made. Based on this review, it has been concluded that the use of one or more such BMPs will provide an adequate mechanism to meet the standards set forth herein and, therefore, provide the required mitigation of storm drainage effects resulting from the project.

- e) 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 of the Final Map.

3. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

- 1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.

- 2) Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.

b) Sanitary Sewer Fees

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.

If applicable, the Subdivider shall pay the remaining balance owed on any "Assessment In Lieu of Payment of Sewer Connection Fees" prior to recordation the Final Map.

4. Well and Septic Abandonment

The Subdivider shall obtain all necessary permits from Butte County Environmental Health Department and abandon all wells and septic systems in accordance with their requirements.

5. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs (High Intensity Prismatic, no less than Grade V), pavement striping and pavement markings on all streets that they are required herein to construct.

6. Street Lights

The Subdivider shall install City standard street lights with shielding on steel poles with concrete bases on all streets that they are required herein to construct.

7. Street Trees

Street trees shall be planted in accordance with City standards and/or as instructed by the Parks Division.

8. Landscaping

The Subdivider shall install landscaping and an irrigation system between the back of curb and sidewalk along the Mariposa Avenue adjacent to Lot 1 and Lot 9.

C. 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. Landscape parkways along Mariposa Avenue.
2. Storm drainage infiltration trench facilities.

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.

D. SUBDIVISION GRADING

1. Soils Report

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

- a) An investigation of the nature, distribution and strength of existing soils.
- b) A description of site geology.
- c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
- d) Verification that the site is suited to proposed BMPs.

2. Grading Standards

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

3. Grading Plan

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

- a) The subdivision limits, contours and details of existing terrain and drainage.
- b) Existing structures or other topographic features that are to remain undisturbed.
- c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
- d) Existing ground elevations at all corners of proposed lots.
- e) Proposed finished lot corner grades and finished pad grades.
- f) Proposed lot grades indicating lot drainage.
- g) Pertinent recommendations from the above required Geological and/or Soils Report.
- h) Pertinent construction details to assure compliance with City of Chico Grading Standards.

4. Final Grading Report

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

- a) That final grading complies with the approved grading plan or any approved revisions.

- b) That the subdivision grading complies with the recommendations included in the Geological and/or Soils Report. Any changes made during grading that affected these recommendations shall be assessed.
- c) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Chico Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the Public Works Director for review and approval prior to the start of any work and shall be considered as part of the construction plans.

E. PROPERTY CONVEYANCES

1. Dedications

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

- a) Dedicate additional public right-of-way along the Mariposa Avenue frontage to achieve a total of 32 feet.
- b) Dedicate public right-of-way for Street "A" as depicted on the Tentative Map.
- c) Convey to the City all abutter's rights of access along the Mariposa Avenue frontage of Lot 1 and Lot9.
- d) Dedicate an Avigation Easement to the City over the existing lots within the subdivision boundary as required by the Public Works Department - Engineering.
- e) Dedicate a 10-foot-wide public service easement adjacent to Street "A" public right-of-way. The 10-foot-wide public service easement should also be designated as a "Street Tree Easement" for the purposes of City maintenance of street trees.
- f) Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.

2. Abandonments

The right-of-way, easement abandonments and well easement abandonments depicted on the Tentative Map are approved. Said abandonments, in accordance with the provisions of the Subdivision Map Act, shall become effective upon Final Map recordation.

Prior to recordation of Final Map provide to the city an amended cell tower lease agreement.

F. OTHER PUBLIC SERVICES

1. Public Utilities

- a) **Underground Requirements**

The Subdivider shall install the following utilities underground:

- 1) All new utilities serving this subdivision.

- 2) All existing utilities in public rights-of-way that are within or adjacent to this subdivision.
- 3) The following existing utilities in easements that are within or adjacent to this subdivision: easement for underground electric lines to the cell tower.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

c) Utility Company Comments

- 1) AT&T, as of the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company, in its letter dated 1/2/19, has made certain comments relative to this subdivision, which is attached hereto as Exhibit A. These comments shall be incorporated into the Final Map and/or improvement plans for this subdivision.
- 3) California Water Service Company, as of the date of this report, did not respond to a request for comments.

2. Fire Protection

The Subdivider shall pay for the installation of fire hydrants within the subdivision in conformance with the recommendations of the Fire Department, City of Chico.

3. United States Postal Service

The Subdivider shall install concrete pads for NDCBU delivery to the lots of this subdivision. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the Community Development Department.

G. CITY OF CHICO TREE PERMIT

The Subdivider shall submit a completed "Application Requesting Permission to Plant, Remove, Alter, or Disturb Public Trees" form to the Public Works Department. The Subdivider shall comply with any and all recommendations/requirements prior to commencing any construction activities on the site.

H. 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.

I. 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 exclusive of private utility facilities (\$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 exclusive of private utility facilities. 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 Community Development Department.



Matt Johnson, Senior Development Engineer

Distribution:

Original - Planning S 18-06 File
Development Engineering Subdivision File

Attachment:

Exhibit A - Pacific Gas and Electric Company

January 2, 2019

Kimber Gutierrez
City of Chico-Planning Department
411 Main St. 2nd Floor
Chico, CA 95927

Re: Tower Vista Subdivision Map (S 18-06)

Dear Ms. Gutierrez:

Thank you for giving us the opportunity to review the subject plans. The proposed Tower Vista Subdivision Map (S 18-06) is within the same vicinity of PG&E's existing facilities that impact this property. PG&E has underground gas and electric facilities that serve the existing structure on the property. There are also underground electric lines that serve the cell tower in Proposed Parcel 5. Please contact Service Planning and Underground Service Alert (USA) prior to the start of the project.

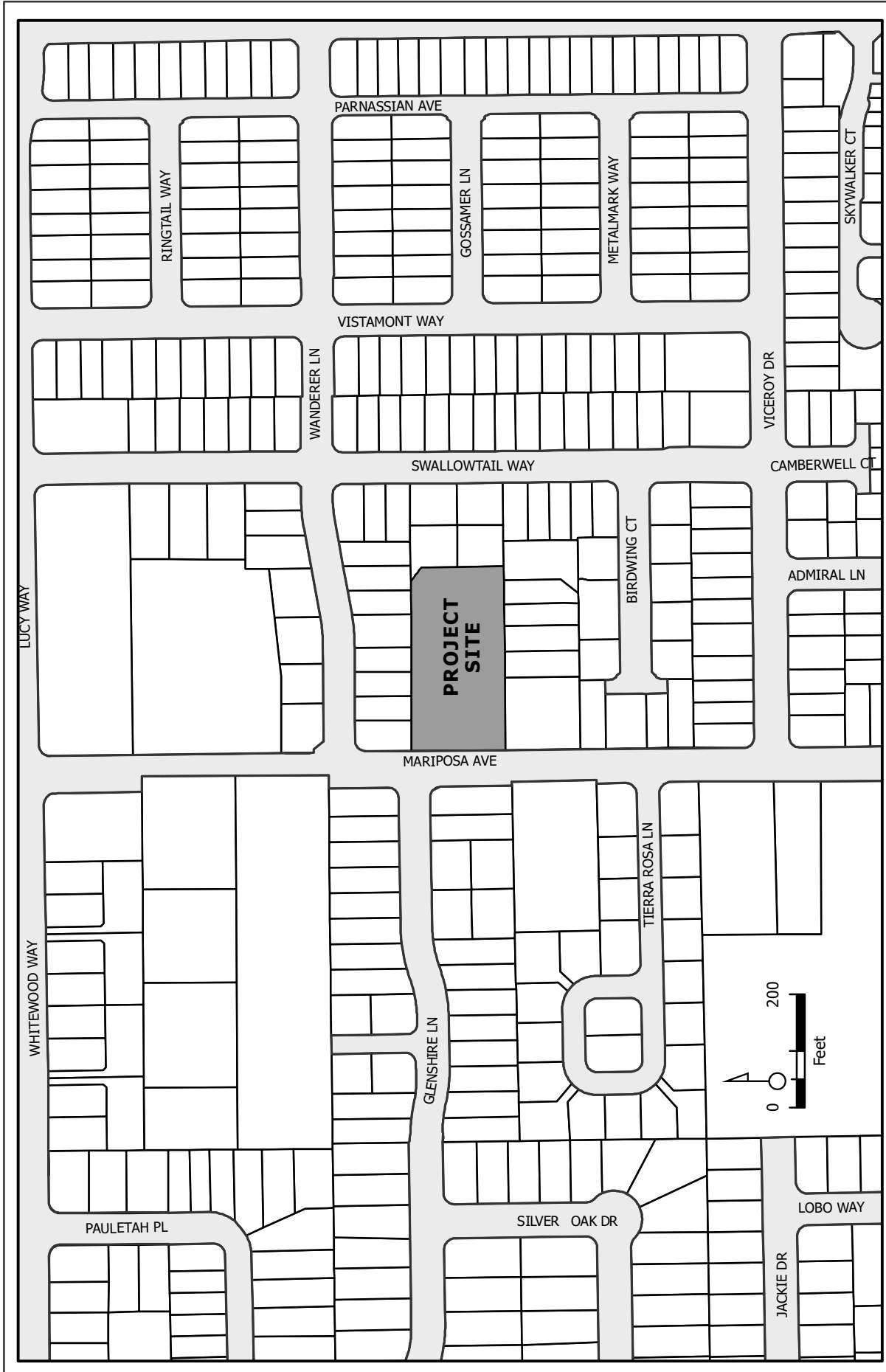
Please contact the Building and Renovation Center (BRSC) for facility map requests at BRSCSSR@pge.com and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

If you have any questions regarding our response, please contact me at Jonathan.Lockhart@pge.com.

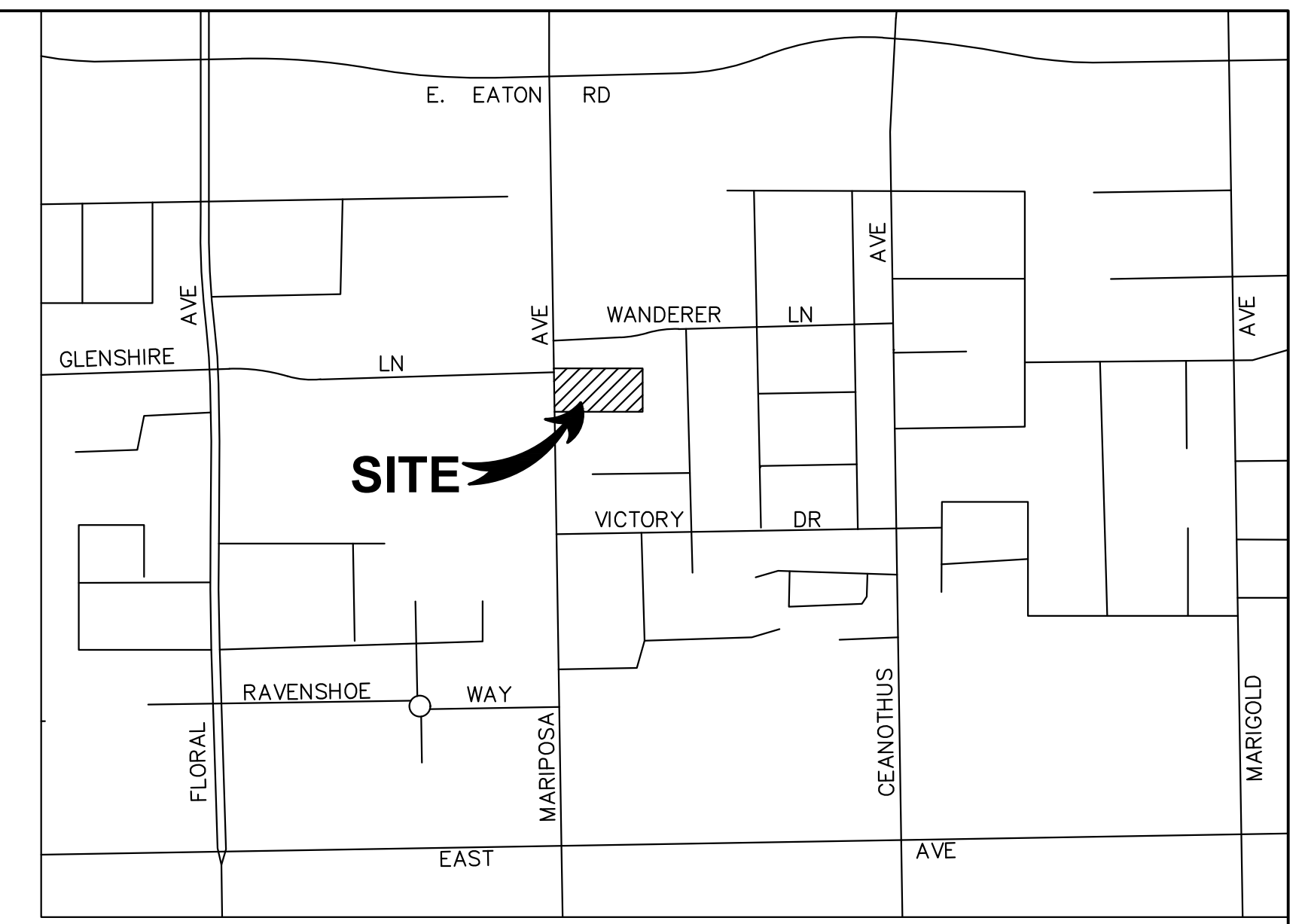
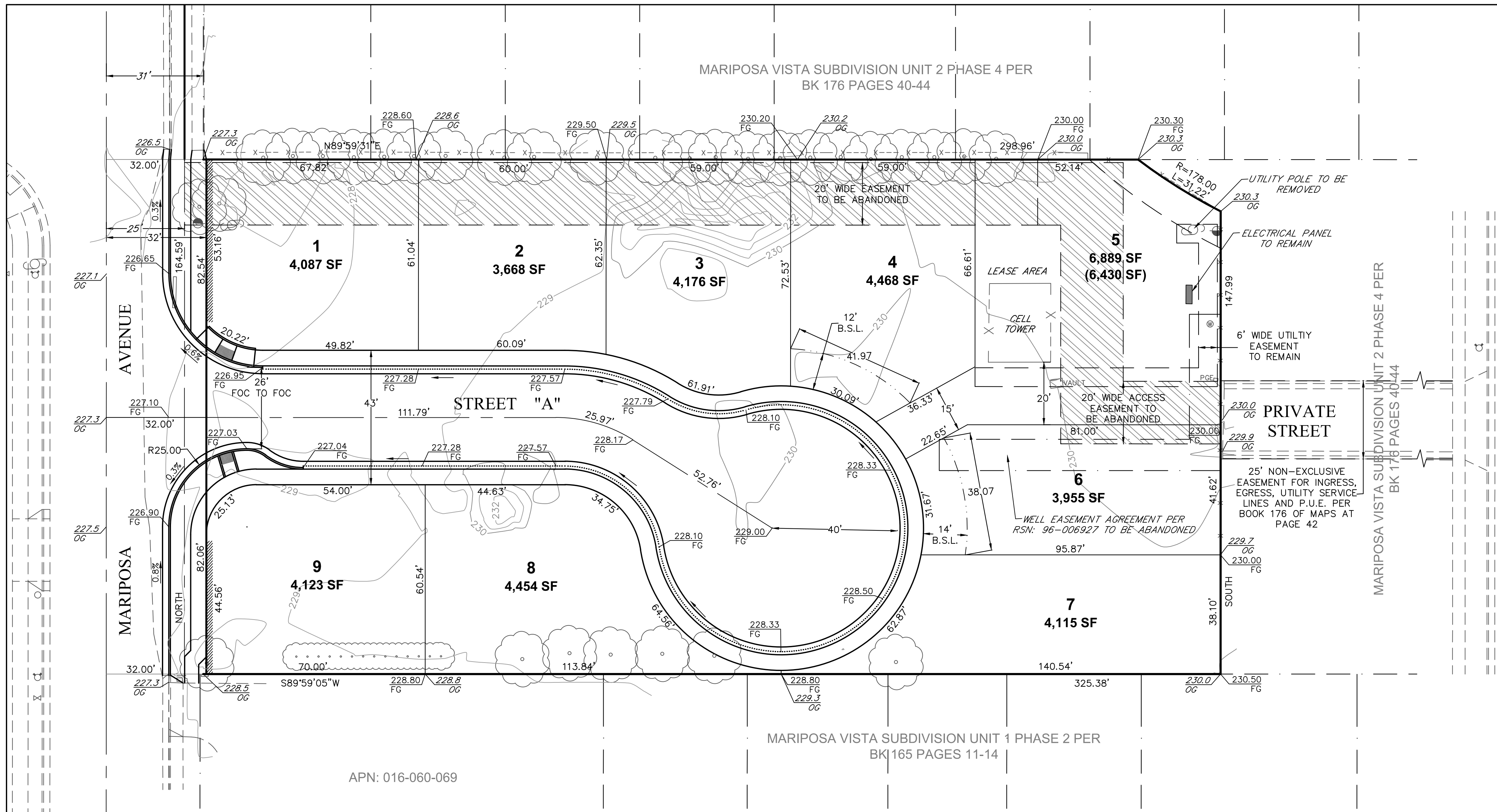
Sincerely,

Jonathan Lockhart
Land Management
925-244-3613

EXHIBIT A
1 OF 1



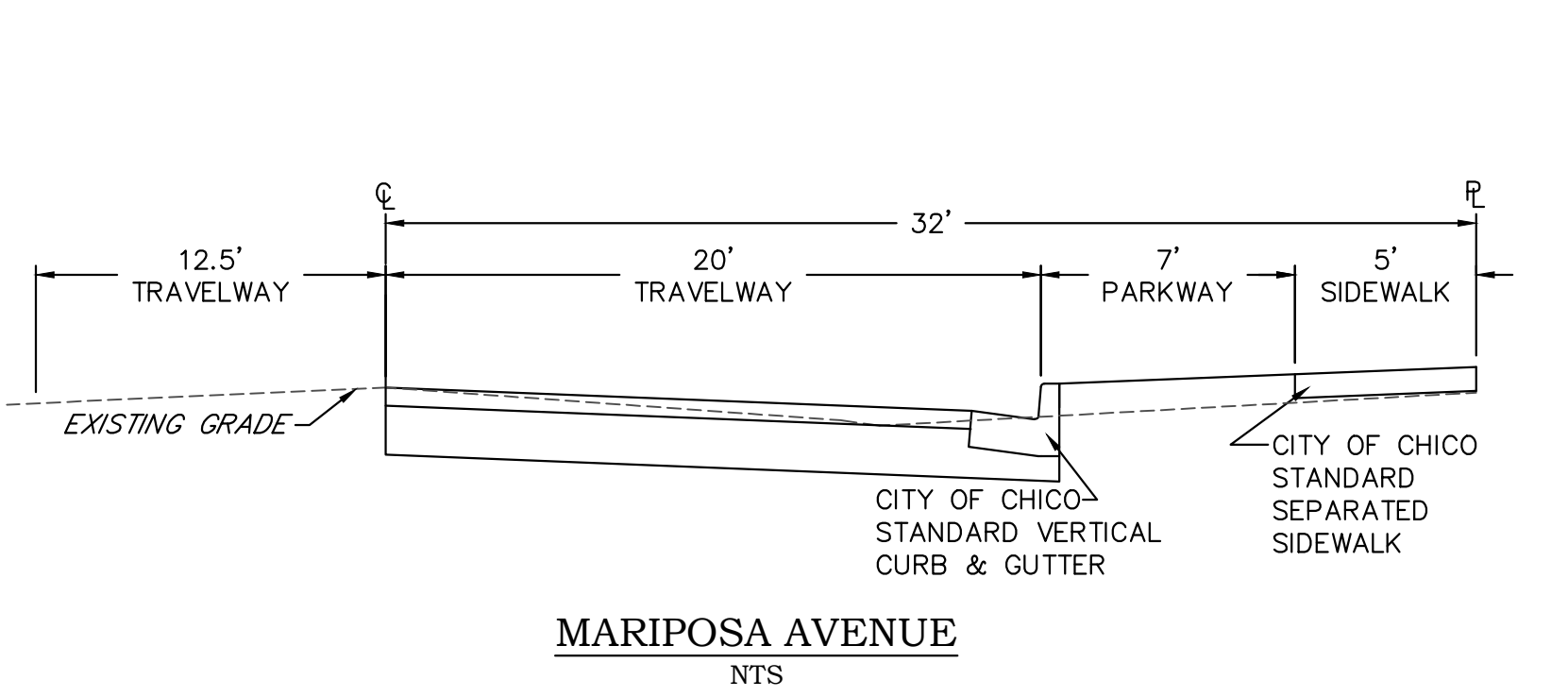
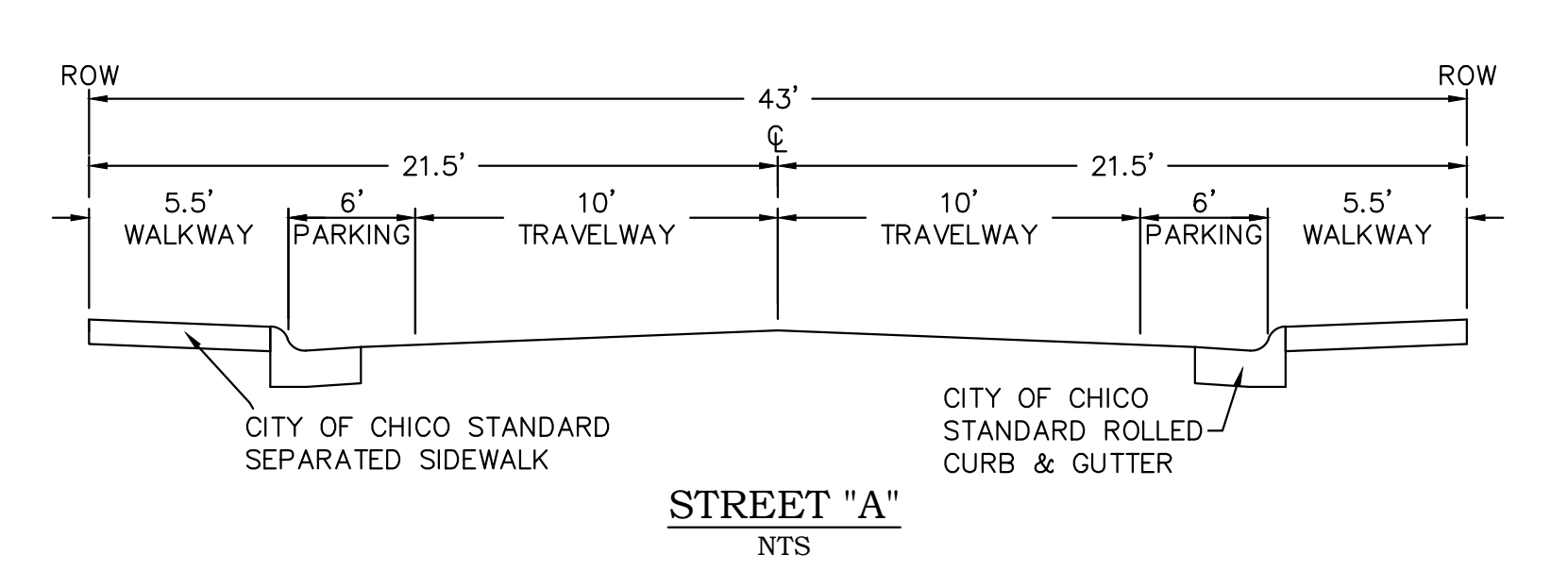
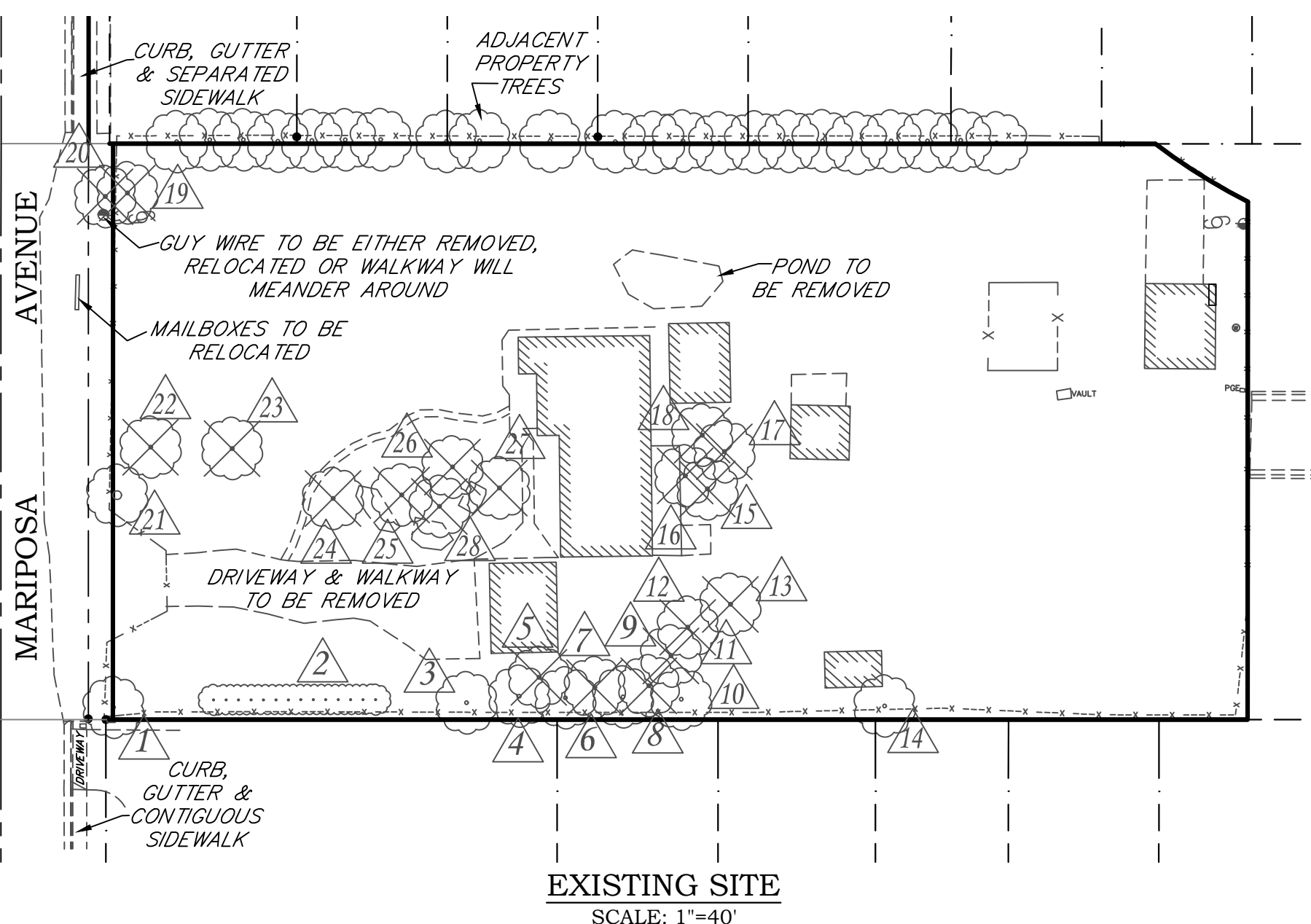
S 18-06 Tower Vista
2746 Mariposa Avenue
APN 016-060-062-000



- NOTES:**
- EXISTING & PROPOSED ZONING: R1 WITH -AOC OVERLAY ZONE
 - EXISTING & PROPOSED USE: RESIDENTIAL
 - SUBDIVISION AREA = 1.34 AC
 - DATE OF SURVEY: APRIL 3, 2018
 - EXISTING WELL TO BE ABANDONED AND DEMOED PER BUTTE COUNTY ENVIRONMENTAL HEALTH ALONG WITH WELL EASEMENT AGREEMENT DUE TO NO OTHER PARCELS USING THE WELL AND THE EXISTING HOUSE TO BE DEMOLISHED.
 - ALL EXISTING BUILDINGS TO BE REMOVED.
 - TOTAL LOTS: 10 (9 RESIDENTIAL LOTS & 1 CELL TOWER LOT)
 - AVERAGE LOT SIZE=4,000 SF, DENSITY=5.97 UNITS/ACRE (WITHOUT CELL TOWER LOT) DENSITY=6.72 UNITS/ACRE (WITH CELL TOWER LOT)
 - ENTITY PROVIDERS:
 - A.) SEWER - CITY OF CHICO
 - B.) UNDERGROUND STORM DRAINAGE - CITY OF CHICO
 - C.) WATER - CALWATER
 - D.) POWER - PG&E
 - E.) TELECOMMUNICATIONS - AT&T
 - F.) CABLE TV - COMCAST
 - THE PROJECT PROPOSES TO HAVE AN INFILTRATION TRENCH AND STORM DRAIN SYSTEM TO STORE AND TREAT POST-DEVELOPMENT STORM WATER FLOW. THE STORM DRAIN SYSTEM WILL BE DESIGNED BASED ON THE POST CONSTRUCTION STANDARD PLANS SITE DESIGN TREATMENT CONTROL MEASURES AND LOW IMPACT DEVELOPMENT STANDARDS.
 - EXISTING UTILITY POLES LOCATED ON THE PROPERTY ARE TO BE REMOVED.
 - EXISTING SEPTIC SYSTEM IS TO BE REMOVED PER BUTTE COUNTY ENVIRONMENTAL HEALTH.
 - EXISTING INTERIOR LOT TREES ARE TO BE REMOVED.
 - PARCEL IS LOCATED IN FLOOD ZONE 'X' SHADED
 - ABANDON EXISTING WELL AGREEMENT. ADJACENT PARCELS NO LONGER USE THE WELL.
 - ABANDON EXISTING 20 FOOT WIDE ACCESS EASEMENT. CELL TOWER LOT WILL BE ACCESSED FROM THE CUL-DE-SAC.



SCALE:
1"=20'



- LEGEND:**
- SUBDIVISION BOUNDARY LINE
 - EXISTING PROPERTY LINE (TOO BE REMOVED)
 - ADJACENT BOUNDARY CENTERLINE
 - EXISTING:
 - BUILDING
 - EASEMENT TO BE ABANDONED
 - EDGE OF PAVEMENT
 - FENCE
 - UTILITY POLE
 - GUY WIRE
 - WATER VALVE
 - FIRE HYDRANT
 - WELL
 - TREE
 - TREE TO BE REMOVED
 - PROPOSED:
 - CONCRETE
 - ABUTTER'S RIGHTS
 - FINISHED GRADE
 - ORIGINAL GRADE

MODIFICATION NOTE:
MODIFICATIONS TO CITY STANDARDS ARE NECESSARY DUE TO THE SHAPE AND SIZE OF THE EXISTING PARCELS:

- NON-STANDARD CORNER INTERSECTION RADIUS
- RESIDENTIAL LOT DEPTHS LESS THAN 80 FEET
- ALLOW NON-STANDARD STREET CROSS-SECTION

TREES:

#	TYPE	DBH
1	VALLEY OAK	12"
2	(14) CHERRY LAUREL	4-8"
3	CAMPBOR	22"
4	REDWOOD	21"
* 5	REDWOOD	22"
6	REDWOOD	24"
* 7	REDWOOD	18"
8	REDWOOD	21"
* 9	REDWOOD	21"
10	REDWOOD	27"
*11	REDWOOD	17"
*12	REDWOOD	22"
*13	REDWOOD	27"
14	PAPER BARK BIRCH	15"
*15	REDWOOD	27"
*16	REDWOOD	18"
*17	REDWOOD	25"
*18	REDWOOD	23"
*19	VALLEY OAK	14"
*20	VALLEY OAK	24"
21	VALLEY OAK	24"
22	DEODAR CEDAR	10"
*23	VALLEY OAK	20"
24	STRAWBERRY TREE	11"
*25	REDWOOD	28"
*26	REDWOOD	25"
*27	REDWOOD	28"
28	WEEPING CEDAR	8"

BOLD TEXT ARE TREES TO REMAIN
* REPRESENTS QUALIFYING TREES FOR TREE REPLACEMENT

S18-06 TOWER VISTA VESTING TENTATIVE SUBDIVISION MAP (A PUBLIC STREET SMALL LOT SUBDIVISION)
A PORTION OF LOT 39 OF THE FIFTEENTH SUBDIVISION OF THE JOHN BIDWELL RANCHO PER BOOK 6 PG 48 SECTION 13, T.22 N., R.1 E., M.D.B.& M. CITY OF CHICO, BUTTE COUNTY, CALIFORNIA

APN: 016-060-062
2746 MARIPOSA AVENUE CHICO, CA 95973
OWNER
PUZZLE PROPERTIES, LLC
CHRIS BUCHER
1477 DREW AVE, SUITE 103 DAVIS, CA 95617
DEVELOPER
SUMINSKY CONSTRUCTION
1185 HILLVIEW WAY CHICO, CA 95926

BY
FEENEY ENGINEERING & SURVEYING, INC.
LAUREN J. MCSWAIN, RCE 72210
PMB 301, 236 W. EAST AVENUE, SUITE A CHICO, CA 95926

Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR

7 County Center Drive
Oroville, CA 95965
(530) 538-7601 Office
(530) 538-7785 Fax
www.buttecounty.net/dds



MEMORANDUM

TO: Kimber Gutierrez, Associate Planner

FROM: Mark Michelena, Senior Planner

DATE: December 17, 2018

SUBJECT: Butte County Airport Land Use Commission staff review determination – Proposed Vesting Tentative Subdivision Map (S 18-06 – Tower Vista) to divide 1.34 acres in to 9 lots. APN 016-060-062

This memorandum is to notify you that the project referenced above is located within the “C” Compatibility Zone of the Chico Municipal Airport. The project, a proposed tentative parcel map dividing a 1.34-acre lot into 8 or 9 lots is considered a Major Land Use Action, Section 1.4.4, by the Butte County Airport Land Use Compatibility Plan (BCALUCP). The “C” Compatibility Zone does regulate density to either four or more dwellings per acre (average lot size of 0.25 acres or smaller) or one dwelling per five acres. The proposed project density of 5.97 dwelling units per acre (8 lots) or the 6.72 dwelling units per acre (9 lots) have no apparent conflicts with the BCALUCP and a consistency determination is not required. If the applicant would like a consistency determination, an official application for consistency is required, which will be presented to the Butte County Airport Land Use Commission. The BCALUCP does include requirements associated with discretionary projects:

1. Prior to recordation of the parcel map, record as a separate instrument an Avigation Easement dedication with Acknowledgment of Airport Proximity.
2. Prior to recordation of the parcel map, record as a separate instrument a Recorded Overflight Notification.
3. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: “An Avigation Easement is recorded above the parcels for the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts.”
4. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: “The project parcels are in the proximity of the Chico Municipal Airport and are subject to aircraft overflight.”
5. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: “Airspace review by the Airport Land Use Commission is required for all objects over 100 feet in height above ground level.”

If you have any questions, please do contact me at 552-3683, or by email at mmichelena@buttecounty.net.

Sincerely,

A handwritten signature in blue ink that reads "Mark Michelena".

Mark Michelena
ALUC Staff

Attachment D

19.76.180 Infill Residential Flag Lots

A. Purpose. The purpose of these regulations is to implement General Plan goals of encouraging infill development, while also preserving the privacy of existing residences and the character of the neighborhoods where such lots are created. It is the intent of these regulations to (1) limit the number of flag lots which can be created where a series of similarly-sized large lots could be subdivided with flag lots, thereby significantly raising the density and changing the character of an existing neighborhood, and (2) provide standards for the development of such lots in addition to those which would otherwise apply. Properties suitable for flag lot subdivisions should be larger than average for the neighborhood, and/or of a unique configuration. Retention of existing older housing stock is strongly encouraged in flag lot subdivisions. These regulations are intended to provide greater certainty for both developers and neighbors, and are intended to supplement, not supersede, the flag lot regulations contained in Title 18R.

B. Applicability. The standards in this section shall only apply to infill residential flag lots. For purposes of this section, infill residential flag lots are defined as flag lots created after the adoption of this section which are located in the RS, R1 or R2 zoning districts and which abut existing single-family development. Existing single-family development is defined as one or more residentially zoned lots already developed with single-family dwellings at the time that the parcel map or tentative subdivision map approving the creation of the flag lot is approved and which are not a part of the subdivision which creates the flag lot.

C. Standards. Infill residential flag lots are allowed in the RS, R1 and R2 zoning districts through a parcel map or tentative subdivision map by the Planning Commission when they comply with the standards in this section, in addition to any other applicable City standards:

1. Limitation on Number of Infill Residential Flag Lots. To avoid an over- concentration of infill residential flag lots in any one neighborhood, infill residential flag lots shall not be allowed where approval of a proposed subdivision would result in flag lots comprising greater than 10 percent of the number of lots in the immediate neighborhood. Lots in the immediate neighborhood shall be defined as all lots which would be created by a proposed subdivision plus all residentially-zoned lots lying wholly or partially within 300 feet of the proposed subdivision.

2. Size of Infill Residential Flag Lots. Infill residential flag lots shall be no smaller than the smallest conforming lot in the same zoning district lying wholly or partially within 300 feet of a proposed subdivision, or the minimum flag lot size as required in Chapter 18R.08, whichever is larger. The accessway serving an infill residential flag lot shall not be included when calculating the required area of that lot.

3. Single Story Limitation. New residential units and accessory structures on an infill residential flag lot shall be limited to a single story, no more than 25 feet in height, unless there is existing two-story construction on one or more residentially-zoned lots adjacent to the infill residential flag lot.

4. Site Design and Architectural Review. Residential units and detached accessory structures greater than 120 square feet in size on infill residential flag lots shall be subject to administrative site design and architectural review (Chapter 19.18). Such review shall take into account all applicable standards and design guidelines.

5. Second Dwelling Units. Second dwelling units shall be prohibited on infill residential flag lots.

6. Orientation. Each residential unit built on an infill residential flag lot shall be oriented toward either the street or the accessway.

7. Setbacks From Neighboring Properties. Where an infill residential flag lot abuts existing single-family development, the building setbacks established below shall supersede the standard setbacks for the R1 and R2 zoning districts. Setbacks in the RS zoning district shall be the greater of the standard RS district setbacks, or the setbacks established in Table 5-14 below:

**TABLE 5-14
MINIMUM STRUCTURE SETBACKS FROM NEIGHBORING PROPERTIES**

Type of Structure	Setback Required
Residential unit, first story	15 feet
Residential unit, second story	20 feet
Detached garage, gazebo, greenhouse, patio cover	10 feet
Other Accessory Structures	See 19.76.020

8. Accessway. A minimum of three feet of landscaping shall be provided between the paved portion of the accessway and any adjacent existing single-family residential development. Drainage from the paved portion of the accessway shall be accommodated onsite. Minimum accessway widths shall be as specified in Title 18R.

D. Planned Development Permit Required if Standards Not Met. The creation and development of infill residential flag lots which do not meet all standards listed above may be allowed with approval of a planned development permit (Chapter 19.28).
(Ord. 2363 §3, Ord. 2494 §57)