

Planning Commission Agenda Report

Meeting Date 12/02/21

Files:	ΡM	20-04

DATE:	November 22, 2021
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TO: PLANNING COMMISSION

FROM: Madison Driscoll, Assistant Planner (879-6810, madison.driscoll@chicoca.gov)

RE: Vesting Tentative Parcel Map 20-04 (Deer Creek), APN 018-600-082

### SUMMARY

The applicant proposes to subdivide an existing 11.4 acre site into two sites for residential development. The site is located on the north side of Native Oak Drive, south of Deer Creek Highway (State Route 32) and west of Bruce Road (APN 018-600-082). The site is identified as Medium Density residential on the General Plan Land Use Diagram and is zoned R2-SD2 (Medium Density Residential with Humboldt Road-Foothill Overlay zones). The parcel map would result in two lots, with one lot at 8.66 acres and the other 2.48 acres.

### Recommendation:

Planning staff recommends adoption of Resolution No. 21-08 (**Attachment A**), approving the parcel map, subject to the attached conditions.

### Proposed Motion:

I move that the Planning Commission adopt Resolution No. 21-08 approving the parcel map, subject to the attached conditions.

## BACKGROUND

The project site is located on the north side of Native Oak Drive (see Location Map, **Attachment B**). The proposed project includes a Parcel Map to subdivide a vacant 11.42 acre site into two parcels for residential development. The site is designated Medium Density Residential on the General Plan Land Use Diagram and is zoned R2-SD2 (Medium Density Residential with Humboldt Road-Foothill Overlay). Surrounding land uses include open space to the south, Deer Creek Highway to the north, and vacant land to the east and west.

The project site consists of a vacant parcel that fronts onto Native Oak Drive and is bounded to the north by Deer Creek Highway. The site is approximately 562 feet deep by 877 feet wide and is relatively flat. There are several rock piles along the eastern portion of the site and no existing trees. The proposal would allow for separate financing of each parcel or phase as development of the eastern parcel is expected to be more time-consuming grading process due to the removal of the existing rock piles.

### Previous Approvals

The site is part of the Oak Valley Master Plan that was approved on September 20, 2005. The project was subsequently approved for a more precise Planned Development Permit approval on June 18, 2020 for 204 residential units. The Planned Development Permit (PDP 20-01 Deer Creek Apartments) approved the development of nine three-story apartment buildings, a

community building, residential amenity structure, recreational and leisure facilities, parking lot, and associated site improvements and landscaping. The current subdivision proposal would facilitate the phased development of the project.

## DISCUSSION

## Parcel Map Design

The proposed parcel map would subdivide the property into two parcels, one being 377,229 square feet (8.66 acres) and the other being 108,028 square feet (2.48 acres). As discussed above, the project has been approved for the development of a residential complex with 204 multifamily residential units in nine buildings supported with several residential amenities including a pool and a community building. The residential density for proposed "Parcel 1" would accommodate 156 units resulting in 18 dwelling units per acre (du/ac), while "Parcel 2" would accommodate 48 units resulting in 19.35 du/ac. Both are above the allowable range of 6 to 14 du/ac for the R2 zoning district. However, the total unit count of 204 is consistent with the Oak Valley Master Plan approved by the City Council on September 20, 2005. At that meeting the City Council approved a transfer of density which allows development between 14.01 and 22 du/ac within this project area. Subsequent to the approval of the master plan a more precise Planned Development Permit was approved for the current project by the Planning Commission on June 8, 2020. Public Improvements would include upgrading any deficient public improvements along Native Oak Drive frontage to achieve compliance with City Standards.

## GENERAL PLAN

The General Plan's Medium Density Residential designation is generally characterized by "duplexes, small apartment complexes, single-family attatched homes such as town homes and condominiums, and single-family detached residences on small lots". Allowable densities in the Low Density Residential designation range from 6 to 14 du/ac. At the proposed overall density of 18.31 du/ac, the project is over the proposed density, however the increased density has been previously approved by the City Council for this project with the Oak Valley Master Plan.

The overall vision for Chico in 2030 is a "livable, healthy, and sustainable community that offers high quality of life with a strong sense of community and place" while maintaining its "small-town character". The proposed project is consistent with General Plan goals and policies, specifically those found in the Land Use and Housing Elements, that encourage compatible infill development (CD-5, LU-4 and LU-4.2), and providing new housing opportunities while maintaining neighborhood character (H-1 and H-3).

In addition, the following General Plan principles and policies are applicable to the project:

- CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.
- H-1: Increase equal housing opportunities for all persons and households in Chico.
- H-3: Promote the construction of a range of high-quality housing choices that serve all households, ranging from the workforce to seniors.

### LU-4: Promote compatible infill development.

*LU-4.2:* Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

## FINDINGS

### **Environmental Finding**

The proposal is within the scope of an Environmental Impact Report (SCH# 1998032048) that was certified by the City Council with its approval of the Master Plan on September 5, 2005. No new significant environmental effects or increases to previously identified environmental effects due to the implementation of the Project have been identified, and none of the mitigation measures or project alterations contained within the certified EIR have been found to be infeasible or considerably different due to the implementation of the proposed project. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, no further environmental review is required.

### Subdivision Findings

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, 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 Assistant Planner Madison Driscoll Principle Planner Bruce Ambo Files: PM 21-04

### <u>External</u>

Joshua Gillander, P.E./Malcolm Macdonald, L.S. (email: <u>josh@robertsonerickson.com</u>) Pacific West Communities, Inc (email: <u>dons@tpchousing.com</u>)

## ATTACHMENTS:

A. Planning Commission Resolution No. 21-08

- Exhibit I Conditions of Approval for PM 21-04 Exhibit II Subdivision Report
- B. Location/Notification Map
- C. Vesting Tentative Parcel Map 21-05 (2 sheets)

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## RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION APPROVING DEER CREEK PARCEL MAP PM 21-04 (DEER CREEK)

WHEREAS, an application has been submitted to subdivide a 11.4 acre site into 2 lots on the north side Native Oak Drive, south of Deer Creek Highway (State Route 31) and west of Bruce Road, identified as Accessor's Parcel No. 018-600-082 (the "Project"); and

8 WHEREAS, the Planning Commission considered the Project, staff report, and comments
9 submitted at a noticed public hearing held on December 2, 2021; and

WHEREAS, the Project is within the scope of Environmental Impact Report (SCH#1998032048), certified by the City Council on September 20, 2005. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, no subsequent environmental review is required because no new significant environmental effects or increase to previously identified environmental effects due to the implementation of the Project have been identifies, and none of the mitigation measures or project alternatives contained within the certified EIR have been found to be infeasible or considerably different due to the implementation of the Project;

17 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF18 THE CITY OF CHICO AS FOLLOWS:

19 1. With regard to the vesting tentative parcel map the Planning Commission finds that:

- A. The project is consistent with the Oak Valley Conceptual Master Plan (the "Master Plan") and the resultant parcels of 8.66 acres and 2.48 acres meet all applicable size requirements are is generally consistent with all applicable General Plan Land Use Development Standards, Title 19 Land Use Regulations, and the City Design Guidelines Manual.
- 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 are requested and improvement
   standards are requested as part of the parcel map; and
  - D. The proposed lots conform to minimum lot size for the zoning district (4,000 square foot

1	minimum); and			
2	E. As supported by the subdivision report prepared for the Project, and the agenda report,			
3	the Project and its design conform with both the requirements of Title 18 and 19 of the			
4	Chico Municipal Code and the Chico General Plan.			
5	2. Based on all of the above, the Planning Commission hereby approves the Project, subject to			
6	the conditions set forth in Exhibit I, and the provisions of the Subdivision Report set forth			
7	in Exhibit II, attached here to.			
8	3. The Planning Commission hereby specifies that the materials and documents which constitute			
9	the record of proceedings upon which its decision is based are located at and under the custody			
10	of the City of Chico Community Development Department.			
11	THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning			
12	Commission of the City of Chico held on December 2, 2021, by the following vote:			
13	AYES:			
14	NOES:			
15	ABSENT:			
16	ABSTAIN:			
17	DISQUALIFIED:			
18 19	ATTEST: APPROVED AS TO FORM:			
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21 22				
23 24	BRUCE AMBOVincent C. Ewing, City Attorney*Planning Commission Secretary			
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26 27	*Pursuant to The Charter of the City of Chico, Section 906(E)			
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	Page 2 of 2 Attachment A			

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## EXHIBIT I CONDITIONS OF APPROVAL Parcel Map (PM) 21-04 (Deer Creek)

- The creation and improvement of three lots is authorized, as depicted on the "Vesting Tentative Parcel Map (PM) 21-04" and accompanying project materials date stamped October 7, 2021, 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. 21-08. 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.

## Tentative Map Conditions:

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. 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. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.
- 7. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the applicant or their supervising contractor shall cease all work within the area of the find and notify the Community Development Department. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. Community Development Department staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes 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 Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.



Subdivision Report

File: PM 21-04

DATE: 11/18/2021

TO: PLANNING COMMISSION

FROM: Nathaniel Kratochvil, Assistant Engineer, 879-6937 Public Works Department

## RE: Deer Creek Apartments Tentative Subdivision Map (PM 21-04)

## Exhibit "II"

This office has reviewed the vesting Tentative Map (PM 21-04) 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 no modifications to Titles 18R of the Chico Municipal Code (CMC).

## **B. PUBLIC FACILITY CONSTRUCTION**

## 1. Native Oak Drive

a) The subdivider shall remove, replace, reconstruct, and/or upgrade any deficient public improvements along the Native Oak Drive frontage to achieve compliance with City Standards, current ADA, and Title 24 Accessibility Requirements. The City will determine the limits of replacement and/or reconstruction."

### 2. Storm Drainage

a) 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 filing the final map.

### 3. Sanitary Sewer

a) 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 the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

The Subdivider shall pay the remaining balance owed on any "Assessment In Lieu of Payment of Sewer Connection Fees" prior to filling the Final Map.

### C. PROPERTY CONVEYANCES

#### 1. Dedications

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

a) Dedicate a 10-foot-wide public service easement adjacent to Native Oak Drive.

### D. ADMINISTRATIVE REQUIREMENTS

#### 1. 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 and/or joint use private 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 and/or joint use private improvements exclusive of private utility facilities. A final fee equal to actual City costs.

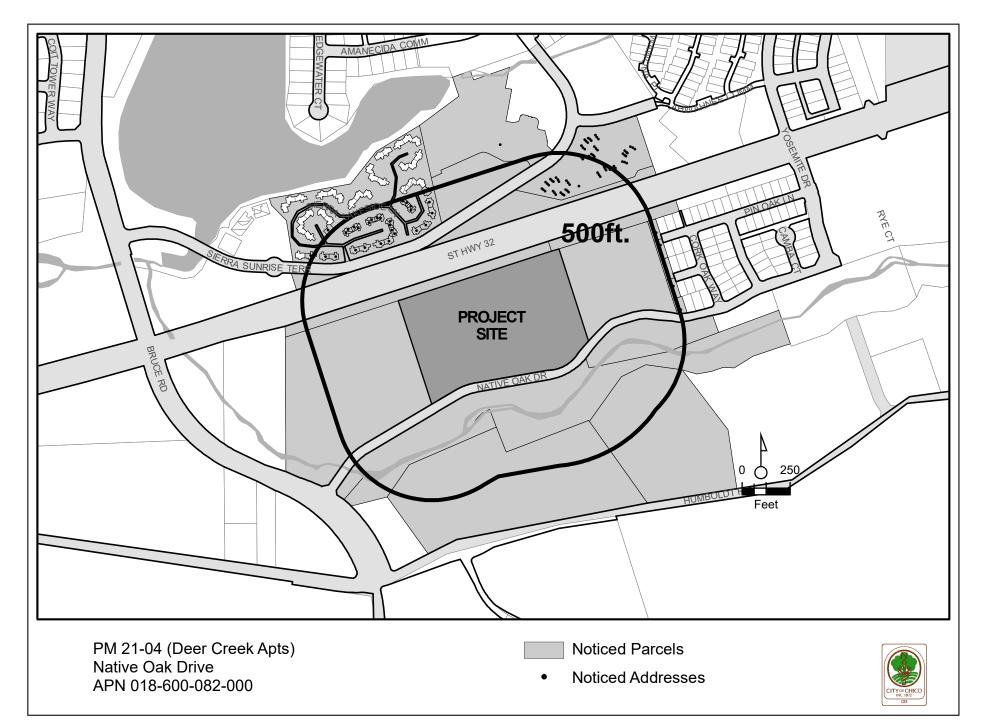
Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Planning Services Department.

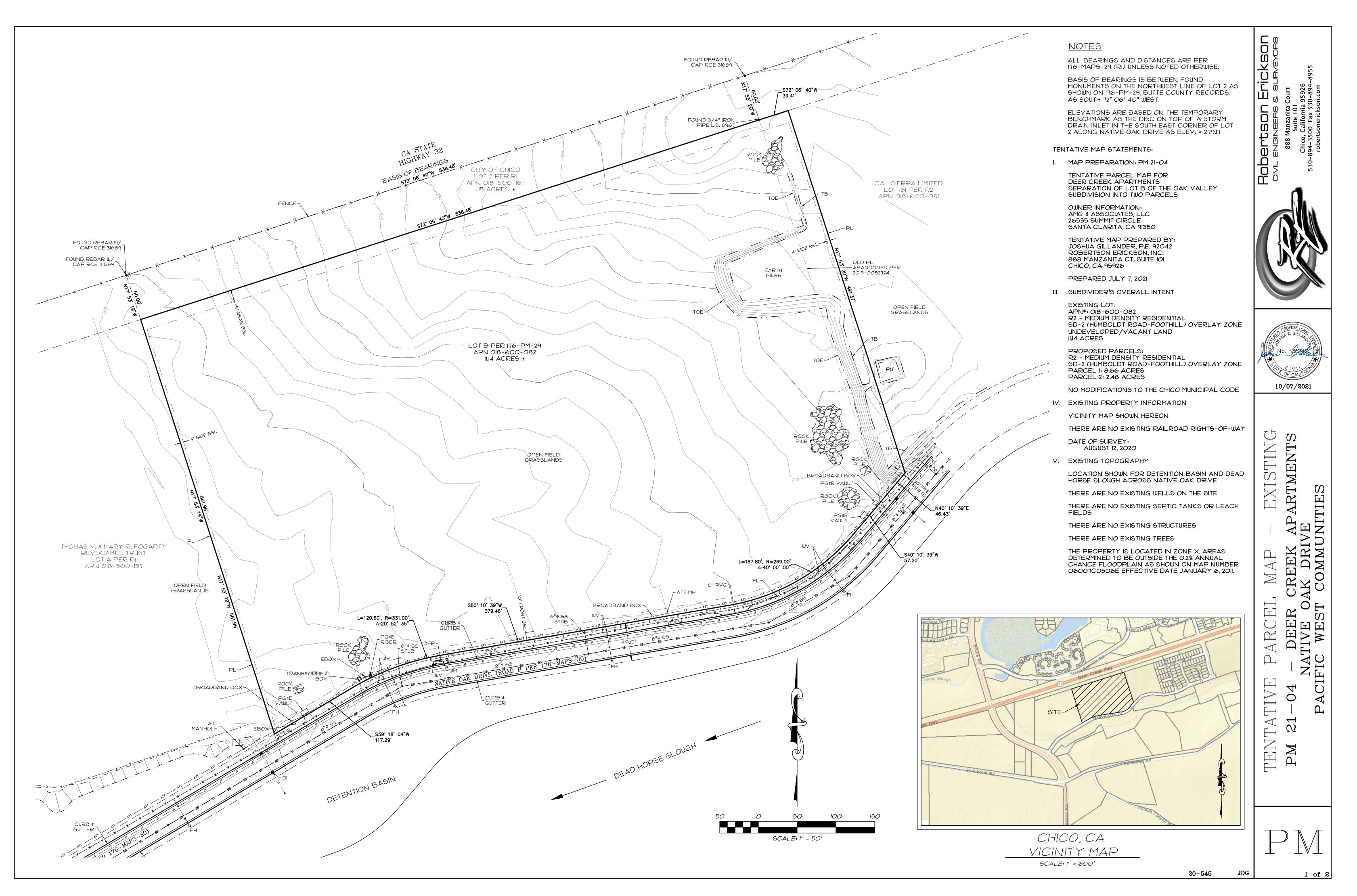
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Nathaniel Kratochvil, Assistant Engineer

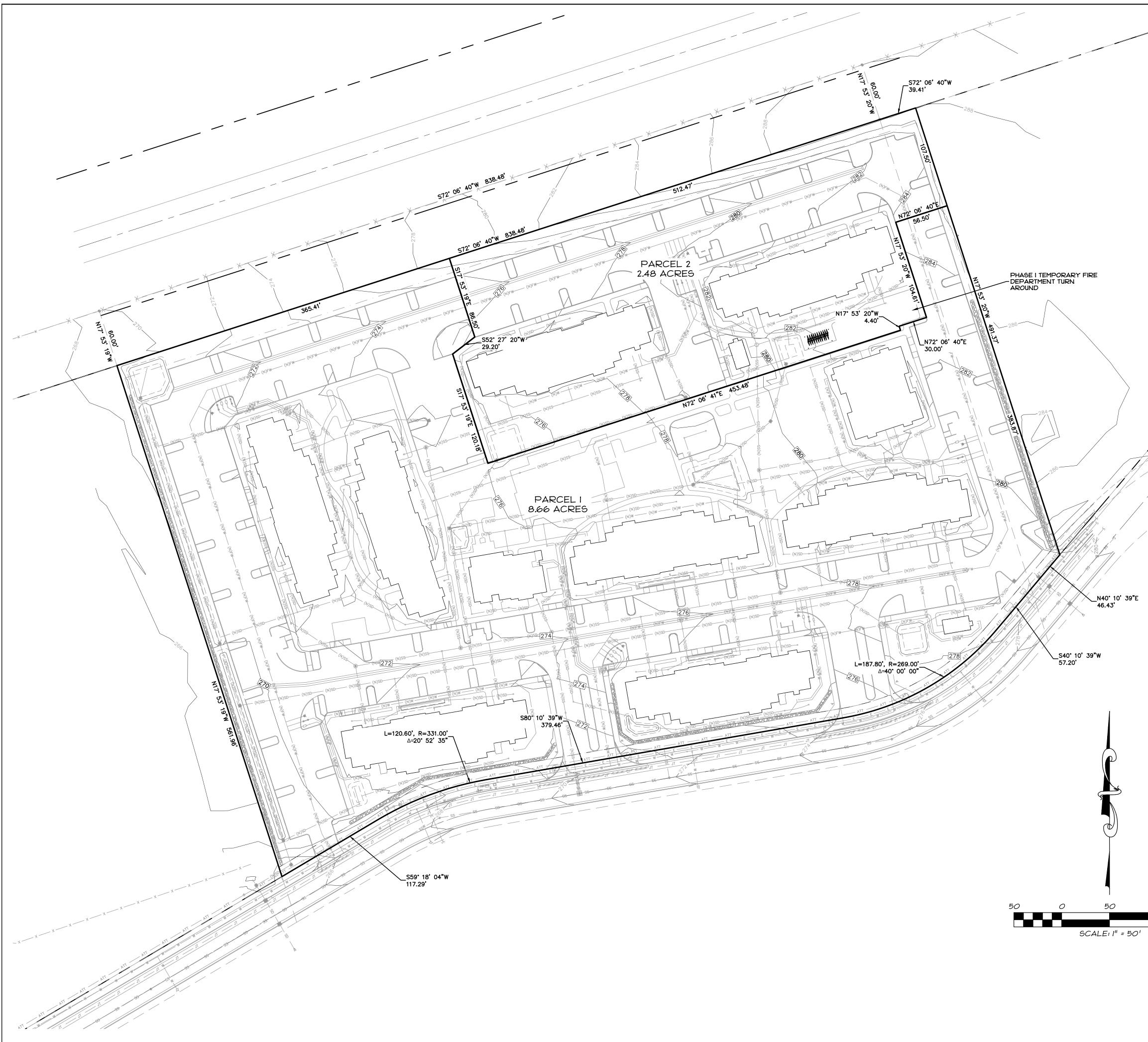
Distribution:

Original – Planning PM 21-04 File Development Engineering Subdivision File

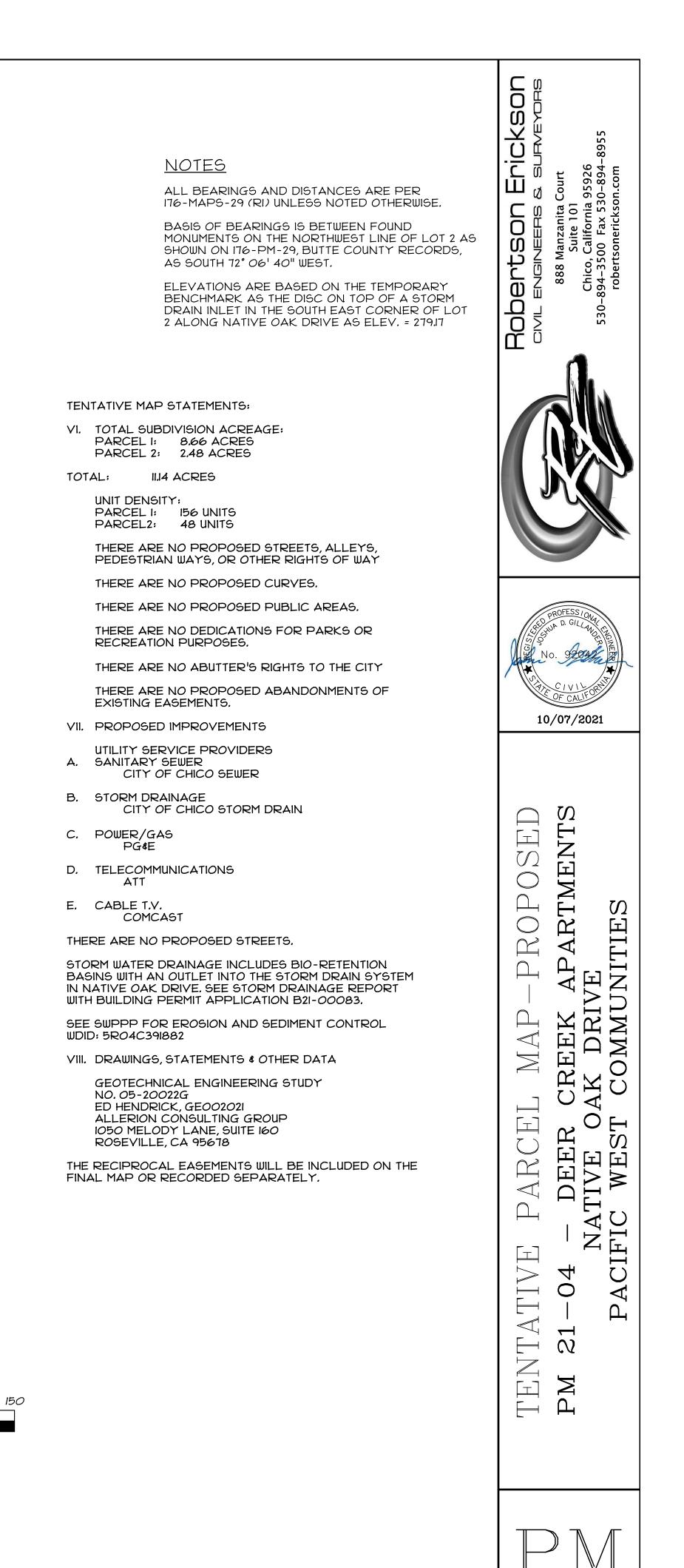




# Attachment C



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# Attachment C

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