



# CITY OF CHICO MEMORANDUM

TO: Map Advisory Committee (Mtg. 01/13/2022) DATE: December 22, 2021  
FROM: Kelly Murphy, Planner (879-6535) FILE: EXT 21-05 for S 18-04  
SUBJECT: Magnolia Gardens Subdivision Map - Extension of Time Request; APN: 015-440-048

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## **REQUEST**

The applicant submitted a timely request on 10/28/2021 for an extension of time in which to file final maps for the Magnolia Gardens Subdivision Map (S 18-04). The site is identified as Assessor Parcel Number 015-440-048-000, designated Low Density Residential on the General Plan Land Use Diagram, and zoned as R1-AOC (Low Density Residential with Airport Overflight Compatibility Zone C overlay).

## **BACKGROUND/ANALYSIS**

The subject site is located on the south side of East Avenue, between Mariposa Avenue and Ceanothus Avenue (see Location Map, **Attachment A**). The subdivision map was approved by the Planning Commission on 11/15/2018, resulting in an initial expiration date of 11/15/2021 (see Resolution, **Attachment B**).

Pursuant to SMA Section 66452.6(e) the Map Advisory Committee (MAC) may extend the time for expiration of tentative maps for a period or periods not to exceed a total of seventy-two (72) months (six years). The applicant is requesting a six-year extension of time; staff is recommending a three-year extension, consistent with past practice. As the MAC has not taken any prior action on this map, the applicant may request additional extensions if necessary.

## **RECOMMENDATION**

Staff recommends that the Committee (1) determine that the project was previously found exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines (Infill Development Projects); and (2) approve a three-year extension of time for S 18-04 pursuant to SMA 66452.6(e), resulting in a new expiration date of 11/15/2024, subject to the following condition:

1. All conditions of approval shall apply as set forth in Planning Commission Resolution No. 18-22, adopted on November 15, 2018.

## **ATTACHMENTS**

- A. Location Map
- B. Planning Commission Resolution No. 18-22

## **DISTRIBUTION**

cc: NorthStar, Attn: Nicole Ledford, 111 Mission Ranch Blvd., Suite 110, Chico, CA 95926,  
Email: [nledford@northstareng.com](mailto:nledford@northstareng.com)





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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 November 15, 2018, by the following vote:

AYES: Arim-Law, Arregui, Evans, Howlett, Scott


NOES:

ABSENT: Bennett

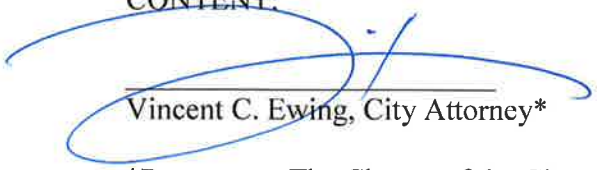
ABSTAIN:

DISQUALIFIED:

ATTEST:

  
\_\_\_\_\_  
BRUCE AMBO  
Planning Commission Secretary

APPROVED AS TO FORM AND  
CONTENT:

  
\_\_\_\_\_  
Vincent C. Ewing, City Attorney\*

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

**EXHIBIT "I"**  
**CONDITIONS OF APPROVAL**  
**Magnolia Gardens Subdivision S 18-04**  
**(Donn Marshall)**

1. The creation and improvement of 13 lots is authorized, as depicted on the "Magnolia Gardens (S 18-04) Vesting Tentative Subdivision Map" date stamped October 1, 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. 18-22. 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."

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.

**Exhibit "I"**

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. Prior to ground disturbance, provide documentation to staff showing compliance with 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. 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.
7. Prior to recordation of the final map, record as a separate instrument an Avigation Easement dedication with Acknowledgment of Airport Proximity.
8. Prior to recordation of the final map, record as a separate instrument a Recorded Overflight Notification.
9. 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."
10. 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.”

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: “Airspace review by the Airport Land Use Commission is required for all objects over 100 feet in height above ground level.”
12. A new six-foot high masonry wall shall be constructed along the common property line of Lot 1 and adjacent retail property. The new wall shall include architectural relief features on both sides and include a continuous masonry cap. Design elevations of the wall shall be illustrated on the subdivision improvement plans and be reviewed and approved by Planning staff prior to the issuance of grading permits.
13. The boundary line modification illustrated on the tentative map along the common property line with the adjacent parcel to the east (APN 015-440-014) shall be recorded prior to recordation of the final map.
14. A new six-foot high decorative fence and masonry wall shall be installed along the common property line with the adjacent parcel to the east (APN 015-440-014) and shall replace the existing chainlink fence in this location. Design elevations and the location of the new fence and wall shall be illustrated on the subdivision improvement plans and shall be reviewed and approved by Planning staff prior to the issuance of grading permits. Landscaping between the new fence and the curb of Street 'A' shall be hearty, low-maintenance ground-cover along the wrought iron fence and shall be hearty, low-maintenance shrubs maintained at a minimum height of four feet along the masonry wall. All landscaping shall be irrigated as described on a complete landscape plan submitted with the subdivision improvement plans. All irrigation shall be installed and landscaping planted prior to the recordation of the final map.



## Subdivision Report

Meeting Date 11/15/2018

DATE: November 7, 2018

File: S 18-04

TO: PLANNING COMMISSION

FROM: Chris Duffey Associate Engineer, 879-6913  
Public Works Department

RE: **Tentative Subdivision Map S 18-04 Magnolia Gardens**

### Exhibit "II"

This office has reviewed the vesting Tentative Map S 18-04 Magnolia Gardens 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:** Allow non-standard street cross sections.

**Recommendation:** Acceptable.

2. **Request:** 3:1 lot width ratio exceeded on Lot 1.

**Recommendation:** Acceptable.

3. **Request:** Allow non-standard horizontal street alignment.

**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 or as determined by the Director of Public Works - Engineering:

- 1) Interior to subdivision - Full urban improvements.
- 2) East Avenue - Half street urban improvements.



- b) 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.

- b) Post Construction Standard Plans

Implement City Post Construction Standard Plans to evapo-transpire, infiltrate, harvest and reuse, or bio treat storm water runoff.

- c) NPDES Requirements

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

- d) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Department of Public Works - Engineering 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 into existing City facilities.
- 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 public 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.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

e) 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 into existing City facilities.
- 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.

- f) 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

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.
- 3) Exterior to Subdivision - An underground sanitary sewer extension, with all appurtenances, connecting to the existing City of Chico sanitary sewer system as required by the Application for Sewer Connection.

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.

**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 and regulatory signs (High Intensity Prismatic, no less than Grade V), pavement striping and pavement markings on all streets, and bicycle facilities 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 the recommendation of the Department of Public Works - Tree Division.

**8. Landscaping**

The Subdivider shall install landscaping and an irrigation system in the parkway along the westerly side of Street "A" between East Avenue and Lot 1 and between the back of curb and property line along the easterly side of Street "A" between East Avenue and Lot 13.

**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. Landscaping and irrigation in the parkway along the westerly side of Street "A" between East Avenue and Lot 1 and between the back of curb and property line along the easterly side of Street "A" between East Avenue and Lot 13.
2. Storm Drain 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 Director of Public Works - Engineering 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 a varying width public right-of-way for Street "A" as depicted on the Tentative Map.
- b) Dedicate an Avigation Easement to the City over the subdivision boundary as required by the Public Works Department.
- c) Dedicate a 10-foot-wide public service easement adjacent to public rights-of-way.
- d) Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.

## **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.

- 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 10/2/18, has made certain comments relative to this subdivision. 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 comply 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.

**4. Butte County Department of Development Services**

The Butte County Department of Development Services, in its letter dated 10/2/18 has made certain comments relative to this subdivision. Said letter is attached hereto as Exhibit A. These comments shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**5. California Regional Water Quality Control Board**

The State of California, Regional Water Quality Control Board, Central Valley Region, in its letter dated 10/12/18 has made certain comments relative to this subdivision. Said letter is attached hereto as Exhibit B. These comments shall be incorporated into the Final Map and/or improvement plans for this subdivision.

**G. 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.

**H. OTHER PERMITS**

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

**I. 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 Department of Public Works - Engineering 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.

**J. 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 Community Development Department.

  
Chris Duffey, Associate Engineer

Distribution:

Original - Community Development Department  
Development Engineering Subdivision File

Attachments

Exhibit A - Butte County Department of Development Services  
Exhibit B - Central Valley Regional Water Quality Control Board Letter

**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](http://www.buttecounty.net/dds)



**MEMORANDUM**

**TO:** Kimber Gutierrez, Associate Planner

**FROM:** Mark Michelena, Senior Planner

**DATE:** October 10, 2018

**SUBJECT:** Butte County Airport Land Use Commission staff review determination – Proposed Tentative Subdivision Map (S 18-04 – Magnolia Garden Subdivision) to divide 3.1 acres in to 13 lots. APN 015-440-015

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 3.1 acre lot into 13 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 4.19 dwelling units per acre has 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](mailto:mmichelena@buttecounty.net).

Sincerely,

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

Mark Michelena  
ALUC Staff

EXHIBIT A

1 of 1



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## Central Valley Regional Water Quality Control Board

12 October 2018

Kimber Gutierrez, Associate Planner  
City of Chico Community Development Department  
P.O. Box 3420  
Chico, CA 95927-3420

### COMMENTS ON THE MAGNOLIA GARDENS SUBDIVISION MAP (S 18-04), EAST AVENUE, APN 015440-015, SUBDIVISION ACCOUNT NO. 863-000/72224, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 10 October 2018, we received your request for comments on the Magnolia Gardens Subdivision Map (S 18-04).

The Project consists of a vesting tentative subdivision map to create 13 single-family residential lots on approximately 3.1 acres. Parcels would range in size from 6,708 square feet to 10,302 square feet and the map would yield a gross density of 4.19 units per acre. The site is located on the south side of East Avenue, approximately 300 feet east of the East Avenue and Mariposa Avenue intersection.

Based on our review of the information submitted for the proposed project, we have the following comments:

#### General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Magnolia Gardens Subdivision (S 18-04) Project must be conditioned to implement storm water pollution controls during construction and postconstruction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

#### Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill

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Magnolia Gardens Subdivision Map (S 18-04)- 2 -  
City of Chico

12 October 2018

material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Non-Jurisdictional General Waste Discharge Requirement (WDR) may be met using the same application form, found at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wq020\\_04-0004.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wq020_04-0004.pdf)

#### Post-Construction Storm Water Requirements

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Chico must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and established maintenance requirements. The proposed project must be conditioned to comply with post-construction standards adopted by the City of Chico in compliance with their Phase II Municipal Storm Water Permit.

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at [Scott.Zaitz@waterboards.ca.gov](mailto:Scott.Zaitz@waterboards.ca.gov).

*Signature*

Scott A. zaitz, R.E.H.S.  
Environmental Scientist  
Storm Water & Water Quality Certification Unit

SAZ: ab

cc w/o enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova

NorthStar Designing Solutions, Chico, CA

EXHIBIT B  
2 of 2