



CITY OF CHICO MEMORANDUM

TO: Map Advisory Committee 08/10/2017 DATE: July 14, 2017
FROM: Shannon Costa, Assistant Planner (879-6807) FILE: S/PDP 04-08
SUBJECT: Tuscan Village Tentative Subdivision Map - Extension of Time
South of Eaton Rd, between Moresman and Burnap Avenues 007-190-022

REQUEST

The applicant submitted a timely request on 6/28/17 for an extension of time in which to file final maps for the Tuscan Village Tentative Subdivision Map and Planned Development Permit (S/PDP 04/08). The site is designated Medium Density Residential on the General Plan Land Use Diagram, and located in the R2-AOC (Medium Density Residential with Airport Overflight Compatibility Zone C overlay) zoning district.

BACKGROUND/ANALYSIS

The subject site is located on the south side of Eaton Road, between Morseman Avenue and Burnap Avenue (see Location Map, **Attachment A**). The tentative map was approved by the City Council on July 17, 2008 (see Resolution 08-15, **Attachment B**), resulting in an initial expiration date of 07/17/2011. Three successive State legislative map extensions added a total of six more years to the tentative map life, yielding the current expiration date of 07/17/2017 (SMA 66452.22, 66452.23 and 66452.24).

The applicant has requested a six-year extension of time for the Tuscan Village Subdivision Map. Pursuant to SMA Section 66452.6(e) the 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). Staff supports a three (3) year extension. Since no prior discretionary extensions have been approved for this map, the applicant has the ability to request additional extensions if necessary.

RECOMMENDATION

Staff recommends that the Committee (1) determine that the project was previously analyzed in the Tuscan Village Mitigated Negative Declaration which was adopted by the Planning Commission and that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines; and (2) approve a three year extension of time for the Tuscan Village Tentative Subdivision Map (S/PDP 04-08 pursuant to SMA 66452.6(e), resulting in a new expiration date of 07/17/2020, subject to the following condition:

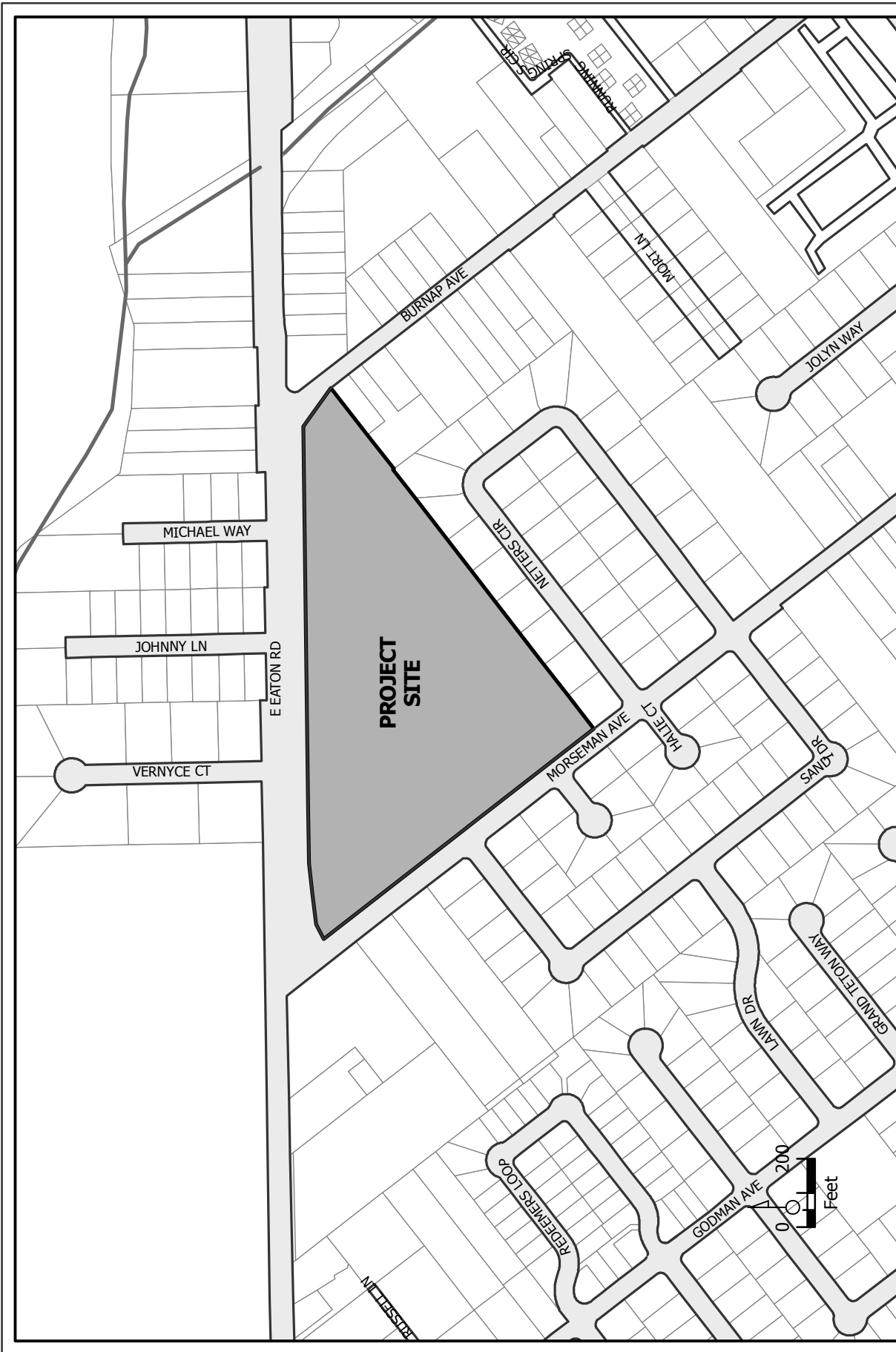
1. All conditions of approval shall apply as set forth in Planning Commission Resolution No. 08-15, adopted on July 7, 2007.

ATTACHMENTS

- A. Location Map
- B. Planning Commission Resolution No. 08-15

DISTRIBUTION

cc: Don Scott, 10642 Chayote Dr, Durham CA, 95938
Brendan Vieg, Principal Planner
Project File S/PDP 04-08



S/PDP 04-08 (Tuscan Village) - Extension of Time
South of Eaton Rd, between Moresman and Burnap Avenues
APN 007-190-022 (portion)

1 RESOLUTION NO. 08-15

2 RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHICO
3 CONDITIONALLY APPROVING THE TUSCAN VILLAGE VESTING TENTATIVE
4 SUBDIVISION MAP AND PLANNED DEVELOPMENT PERMIT S/PDP 08-04
(SCHUSTER & SCOTT)

5 WHEREAS, a tentative subdivision map and planned development permit application to
6 subdivide and develop an 18.3 acre site located on the south side of Eaton Road and between
7 Morseman and Burnap Avenues, identified as Assessor's Parcel No. APN 007-190-022, into 93
8 lots and 2 common area parcels to support a 155 unit residential project consisting of 76 attached
9 single-family residential homes, 79 multifamily units, and associated site improvements at a
10 gross density of 8.4 dwelling units per gross acre ("the Project") have been submitted; and

11 WHEREAS, the Planning Commission considered the tentative subdivision map and
12 final development plan for the planned development permit, staff report, and comments
13 submitted at a noticed public hearing held on July 17, 2008; and

14 WHEREAS, the project is within the scope of the Mitigated Negative Declaration for
15 Tuscan Village adopted by the City Council on August 7, 2007.

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

- 18 1. The Planning Commission finds that the Project density of 8.4 dwelling units per gross
19 acre is consistent with the Chico General Plan Diagram designation of Medium Density
20 Residential, which calls for residential development at a density within the range of 5.5 to
21 14 units per acre.
- 22 2. The Planning Commission further finds as follows:
- 23 A. The proposed development is allowed within the R2-PD (Medium Density
24 Residential-Planned Development) zoning district with a planned development
25 permit. Through the planned development permit, the proposed deviations from
26 minimum lot size, building setback, and lot width requirements otherwise
27 required under the R2 district will support a mix of attached single family and
28 multifamily units in a single development project, resulting in a mix of unit types

1 and sizes as encouraged by the City's General Plan. The proposed development
2 complies with all other applicable provisions of the City of Chico Title 19 Land
3 Use and Development Regulations.

- 4 B. The proposed development will be harmonious and compatible with existing and
5 future developments within the zoning district and general area in that the
6 proposed uses, lot sizes, density, and architectural style of new homes are
7 compatible with single-family residential development in the surrounding
8 neighborhood.
- 9 C. The proposed project is consistent with the General Plan, in that the proposal is
10 consistent with density requirements of the Medium Density Residential General
11 Plan designation, creating gross density of 8.4 units per gross acre.
- 12 D. The site is physically suitable for the type and density and/or intensity of use being
13 proposed in that the project site is level and no physical constraints exist on the
14 site to preclude development of the project.
- 15 E. There are adequate provisions for public and emergency vehicle access, sanitation,
16 water, and public utilities and services to ensure that the proposed development
17 would not be detrimental to public health and safety in that City's sanitary sewer
18 system has adequate capacity to serve the project; domestic water will be provided
19 by California Water Service Company; electric and natural gas service will be
20 provided Pacific, Gas, and Electric Company (PG&E); storm water facilities will
21 be constructed in accordance with adopted City standards and the City's Best
22 Management Practices.
- 23 F. The design, location, size and operating characteristics of the proposed
24 development would not be detrimental to the public interest, health, safety,
25 convenience, or welfare of the City in that the proposed density of 8.4 dwelling
26 units per gross acre is consistent with the General Plan's Medium Density
27 Residential designation (5.5 to 14 units per acre). The project will comply with
28 all City zoning, building, and public improvement standards, and the design of

1 proposed homes will compliment the neighborhood.

2 G. The Planning Commission finds that the following modification to the Design
3 Criteria and Improvement Standards of Title 18R of the Chico Municipal Code is
4 necessary to advance General Plan General Plan policies encouraging a compact
5 urban form. The modification would:

- 6 1. Allow non-standard private street typical cross-sections.
- 7 2. Allow contiguous sidewalks on only one side private streets.

8 3. Based on all of the above, the Planning Commission hereby approves the Tuscan Village
9 Subdivision/Planned Development Permit S/PDP 04-08 (Schuster & Scott), subject to
10 conditions set forth in Exhibit I and Exhibit II, attached hereto.

11 4. The Planning Commission hereby specifies that the materials and documents which
12 constitute the record of proceedings upon which its decision is based are located at and
13 under the custody of the City of Chico Planning Division.

14
15 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning
16 Commission of the City of Chico held on the 17th day of July, 2008, by the following vote:

17 AYES:

18 NOES:

19 ABSENT:

20 ABSTAIN:

21 DISQUALIFIED:

22 ATTEST:

23 APPROVED AS TO FORM:

24
25 _____
26 STEVE PETERSON
27 Planning Commission Secretary

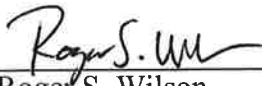
25 
26 _____
27 Roger S. Wilson
28 Assistant City Attorney

EXHIBIT "I"
CONDITIONS OF APPROVAL

Tuscan Village Subdivision/Planned Development Permit S/PDP 04-08 (Schuster-Scott)

Tentative Subdivision Map Conditions

1. The creation of 93 lots and two Common Area Parcels as depicted on the Tuscan Village Vesting Tentative Subdivision Map date stamped February 26, 2008 by the Planning Division is authorized. Should the project developer wish in the future to subdivide approved multifamily structures into condominium units either prior to or subsequent to their construction, such condominium map(s) may be approved by the Map Advisory Committee.
2. The subdivision shall be developed in compliance with all other State and local Code provisions, including those of the Building and Development Services, Capital Projects Services, and the Fire Departments. The applicant is responsible for contacting these offices to verify the need for permits.
3. Prior to recording the final map, any delinquent taxes and/or assessments against the property shall be paid.
4. 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 such 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."

5. The developer shall submit all improvement plans to the Planning Services Department staff for review prior to the issuance of grading permits to ensure compliance with conditions of approval and consistency with the tentative subdivision map. Submitted

Improvement Plans shall depict the location, size, and species of all trees on the site or within areas proposed for dedication as right of way. If the developer is to construct improvements within the proposed Eaton Road right of way, the Improvement Plans shall include a report from a Certified Arborist assessing the feasibility of retaining any existing healthy oak trees, along with any recommendations to ensure their viability. Any recommendations affecting the design of public improvements shall be subject to the approval of the Building and Development Services Director.

6. Low-level street lighting shall be installed to maintain the rural atmosphere of the area as determined appropriate by the Director of Building and Development Services and Planning Department Services staff. Location and design details (including style, manufacturer, lamp type, and wattage) of all street lighting for the project shall be illustrated and described on the project improvement plans and reviewed and approved by Planning Services Department and Development Engineering staff prior to the issuance of grading permits.
7. The final map shall include a note stating that all development of the affected property shall be subject to the conditions of Planned Development Permit S/PDP 04-08 as approved by Planning Commission Resolution No. 08-15.
8. The final map shall include a note stating that all development of the affected property shall be subject to the Mitigation Measures set forth in the Mitigated Negative Declaration adopted by City Council on August 7, 2007 by Resolution No. 106-07 and enumerated as conditions numbered 9 through 17 of Exhibit I to Planning Commission Resolution No. 08-15.
9. All grading operations shall be suspended when winds (as instantaneous gusts) exceed 20 miles per hour as directed by the BCAQMD.
10. The project developer shall provide temporary traffic control during all phases of construction to improve traffic flow (e.g. flag persons) as determined appropriate by the Engineering Division
11. The project developer shall water active construction sites at least twice daily as directed by the Engineering Division. Frequency should be based on the type of operation, soil, and wind exposure.
12. The project developer shall ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or that they maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer in accordance with the requirements of CVC Section 23114.
13. The project developer shall sweep streets at the end of the day if visible soil materials are carried onto adjacent public paved roads.
14. The project developer shall cover inactive storage piles.
15. The project developer shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 & 207 (Nuisance and Fugitive Dust Emissions)
16. Final grading plans and improvement plans shall include a note which states "Should cultural resources be encountered, the supervising contractor shall be responsible for

immediately reporting any such findings to the Planning Division, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the required mitigation measures.” All mitigation measures determined by the Planning Director to be appropriate for this project shall be implemented pursuant to the terms of the archaeologist’s report.

17. 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 City Planning Services 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. City Planning Services 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 City Planning Services Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Planning Services 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.

Planned Development Permit Conditions

18. A 6-foot high sound barrier shall be constructed between garages on the parcels along Eaton Road at a distance of 75 feet from the centerline of the road (at the lot line). No gaps between the wall and the structures shall be allowed. Units in lots along Eaton Road should have the minimum amount of window areas facing Eaton Road allowed by the City. Walls facing the road in these units should have a minimum of R13 wall insulation. All windows in all units facing Eaton Road for lots adjacent to Eaton Road should have a minimum Sound Transmission Control (STC) rating of 23. Building permit applications for affected units shall indicate compliance with these requirements.
19. The Final Development Plan for Tuscan Village Subdivision/Planned Development Permit S/PDP 04-08 consists of the following, except as may be amended by any other conditions of this approval:
 - Tentative Subdivision Map date stamped July 9, 2008
 - Tuscan Village Site Plan date stamped July 9, 2008
 - Exhibit I Conditions of Approval
 - Exhibit II Subdivision Report
 - Attachments 1 through 41 to the July 17, 2008 Planning Commission staff report

All development of the subject site shall be in conformance with the aforementioned documents.

20. The planned development permit authorizes the following modifications to the development standards of the R2 zoning district as enumerated in the July 17, 2008 Planning Commission staff report:
- Reduced Lot Sizes
 - Reduced Lot Widths
 - Reduced Building Setbacks
21. The project developer shall secure staff approval of a Final Landscape and Irrigation Plan prior to issuance of a building permit for this project. The Final Landscape and Irrigation Plan shall be prepared by a licensed Landscape Architect and shall include:
- a. A statement that the plan complies with the requirements and standards of Chico Municipal Code Chapter 19.68, "Landscape Standards".
 - b. A revised planting plan with legend. The revised planting plan shall minimize sod areas (with the exception of passive recreation areas in common open spaces), and shall include the maximum number of larger canopy-type trees as may be recommended by the Landscape Architect to ensure shading of interior streets, parking areas, and active recreation areas. All parking areas shall be meet typical parking lot shading requirements of the city.
 - c. A statement as to soils types and any special planting techniques required
 - d. Fence and wall locations, heights, designs. Details for the wall along Eaton Road shall include varied materials, including cap and trim details. All wood fencing visible from the public right of way or common areas within the project shall feature cap and trim details.
 - e. Hardscape features and materials. Special paving surfaces shall be provided as indicated on the Conceptual Landscape Plan (Attachment 32 to the July 17, 2008 Planning Commission Report), and shall be further provided as accents within the "motorcourt" areas between multifamily buildings. In addition, all driveways and walkways leading to the front of 'duet' units shall feature either texture or color, such as exposed aggregate surfaces, scoring, colored concrete, or a combination thereof.
 - f. Details for all exterior lighting - location, height, design, type of lamp, and intensity.
 - g. Trash/recycling collection areas. Enclosures shall be of a masonry block material either textured or painted, with decorative steel doors. Such enclosures are to be provided for only the multifamily units, and are not necessary for the duet homes.

The Final Landscape and Irrigation plan shall be submitted for review prior to or concurrent with subdivision Improvement Plans.

22. All HVAC units, backflow devices, utility meters, and all other above-ground utility fixtures shall be screened as required under Chico Municipal Code section 19.60.060 (Fencing and screening). Details shall be shown on the required Final Landscape and Irrigation Plan.
23. All wall-mounted utilities and associated equipment shall be painted to match the structure.
24. Mail kiosks shall be located in architecturally compatible structures to provide shelter from the elements, and shall be subject to staff approval.
25. All garages shall features windows and shall be painted to match buildings.
26. Pursuant to Chico Municipal Code Section 19.68.050.E. all landscaping shall be properly maintained. Such maintenance is to include regular watering, pruning, fertilizing, clearing of debris and weeds, removal and replacement of dead plants, and repair and replacement of irrigation systems and integrated architectural features.

27. Landscaping and irrigation attendant to any structure shall be completely installed prior to final building inspections for said structure.
28. Pursuant to Chico Municipal Code Section 19.72.030.E, the project developer shall secure City approval of CC&R's or other form of agreement for maintenance of all common areas.
29. The project developer shall secure staff approval of a project construction phasing plan prior to issuance of a building permit. The phasing plan shall provide for the completion of all private improvements, including common area improvements, prior to or coincident with completion of the residential components of the project. The phasing plan shall be submitted prior to or concurrent with the subdivision improvement plans.
30. The project developer shall hire a qualified biologist or ornithologist to conduct a preconstruction field survey in and adjacent to the project area for nesting raptors prior to the removal of any tree on the site or prior to the issuance of any grading permit on the project site associated with the proposed project. Surveys shall be conducted during the season immediately preceding grading operations when birds are building and defending nests or when young birds are still in nests and dependent on the parents (February-August). If no raptor nests are found during the surveys, grading may proceed. If active nests are found, construction activities within 300 feet shall be postponed until after the breeding season or until clearance is provided from State Fish and Game Department staff. The City may prevent impacts on nesting birds by delaying issuance of a grading permit for an area where nests have been found until the birds have left the nest. The time of the bird's departure must be determined by a qualified biologist.

If tree removal or construction activities occur outside the breeding period (September through January), a nest survey is not necessary.