TOWN OF PARADISE
5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

P L A N N I N G C O M M I S S I O N
A G E N D A

May 18, 2010
6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL

1. APPROVAL OF MINUTES

a. Regular Meeting of April 20, 2010

2. COMMUNICATION

a. Recent Council Actions
b. Staff Comments

3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

*** * * PUBLIC HEARING PROCEDURE * * * ***

A. Staff comments
B. Open the hearing to the public.
   1. Project applicant
   2. Parties for the project
   3. Parties against the project
   4. Rebuttals
C. Close hearing to the public
D. Commission discussion
E. Motion
F. Vote

NOTE: Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

TOWN OF PARADISE PLANNING COMMISSION
PLANNING STAFF REPORT
MEETING DATE: May 18, 2010

FROM: Craig Baker, Assistant Community Development Director **AGENDA NO. 5 (a)**
SUBJECT: Skyway Land Project Tentative Condominium Subdivision Map (SD-08-2), Administrative Permit (PL09-00191) and Tree Felling Permit (TPC-08-10) Applications
DATE: May 12, 2010 **APNs** 050-011-012, 013, 031

GENERAL INFORMATION:

Applicant:	Skyway Land Project 1041 Dias Drive Chico, CA 95926
Engineer	NorthStar Engineering 111 Mission Ranch Blvd., Ste 100 Chico, CA 95926
Location:	9141 and 9189 Skyway
Requested Actions:	Subdivision map, administrative permit and tree felling permit for a multi-family condominium project proposing 35 dwelling units upon a 3.52 acre land area to be served by an off-site clustered wastewater treatment and disposal system
Purpose:	To establish additional housing opportunities in Paradise.
Project Density:	+/-10 dwelling units per acre
Present Zoning:	Multiple Family Residential (MF); Agricultural Residential-3 acre minimum (AR-3)
General Plan Designation:	Multi-Family Residential (MR); Agricultural Residential (AR)
Existing Land Use:	Vacant
Surrounding Land Use:	North: Vacant/low density residential East: Vacant Commercial/Skyway South: Single-family residential West: Single-family residential
Total Land Area:	±16.9 acres
CEQA Determination:	Mitigated negative declaration
Other:	An appeal of the Planning Commission's decision can be made within ten days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING COMMISSION MAY NOT TAKE ACTION ON THIS APPLICATION

SPECIAL INFORMATION:

The project applicant is requesting tentative subdivision map approval for development of two lots on 16.9 total acres. Lot 1 (APN 050-011-013) would be developed with 35 condominium units. Lot 2 (APN 050-011-012) would be developed with an engineered clustered wastewater treatment and disposal area for the condominium project. No residential units are proposed on Lot 2. Portions of the wastewater disposal fields are proposed to be installed upon Lot 1 along with the condominium units.

The site is located immediately southwest of the intersection of Clark Road and Skyway. APN 050-011-012 currently exists as a "flag-lot", with the 0.31-acre "flag-pole" portion of the lot running adjacent to the northern boundary of APN 050-011-013, allowing access to 050-011-012 from Skyway. The flagpole portion of APN 050-011-012 is proposed to be combined with APN 050-011-013 and eliminated.

The project site is currently vacant. Lot 1 previously contained 6-8 rental units. These units and associated utilities, access driveways, and septic systems have been removed. Lot 2 was commercially logged several years ago and includes an unimproved access road which traverses the site from north to south. The entire site contains limited ground vegetation with a number of pine, oak, and other trees. Surrounding land uses consist of commercial lands to the north and to the east of Skyway, single-family residential to the northwest and south, and vacant unincorporated Butte County lands border to the west descending into Butte Creek Canyon.

The project proposes a total of 35 residential condominium units, which would share a single common area comprised of Lots 1 and 2. Fifteen (15) of the proposed townhouses will be larger units with attached garages, constructed on the westerly side of the site. The other twenty (20) will be smaller units and will have detached carports/garages. Both one- and two-story units have been planned for the site. Because this is a condominium project, the applicant is not proposing to divide any land. Instead, the project would divide the air space of the parcel with the underlying parcel maintaining the current configuration.

While efforts have been made to preserve existing native trees on the site wherever feasible, the proposed subdivision map and site plan review permit applications are accompanied by a tree felling permit application proposing to fell a total of approximately 103 qualifying trees in order to accommodate the project design. Approximately 238 qualifying trees would remain on the +/-16.9 acre project site, meaning that approximately 70% of the qualifying trees will remain on the site. The Skyway Land Project tree felling permit application submitted to the Town was accompanied by a Tree Report and analysis developed by a Registered Professional Forester (Randolph Vasquez; RPF #1884), certifying that all 103 qualifying trees proposed for felling and removal would

otherwise be adversely affected by construction activities associated with the proposed project.

Development of the project site is anticipated to occur within a single phase and will include private roads, storm drainage, and sewer facilities. Primary access to the project site would be taken from Skyway at the existing signalized intersection at Clark Road. The existing intersection of the Skyway and Clark Road is a 'T' intersection with no extension of Clark Road south of or across the Skyway. The project would construct a new public road, which would serve as the fourth "leg" of the intersection. Within 150 lineal feet of its connection to Skyway, the new public street leg would quickly transition to a private road and continue through the proposed multiple family residential area in a looped fashion. A secondary gated fire and emergency access would connect the looped interior private roadway to Skyway at a point near the south end of the Skyway public street frontage of the site.

Other project improvements associated with the proposed subdivision and multiple-family housing elements of the project include but are not limited to: a) the extension and installation of water lines as part of the PID community system domestic water supply, b) the creation of storm drainage facilities, the onsite development of picnic facilities for use by residents and internal walking paths and sidewalks, d) the extension and installation of underground utilities (ex. cable TV, electric, gas, telephone, etc.) and e) decorative, landscaped sound wall segments constructed parallel to Skyway to attenuate traffic noise.

NOTE: *Please refer to the enclosed initial study and proposed mitigated negative declaration prepared by Pacific Municipal Consultants for additional project details and analysis.*

ANALYSIS:

If conditionally approved and mitigated by the Planning Commission as recommended, the proposed project would be consistent with the goals and land use policies of the Paradise General Plan, and should also be compatible with existing zoning as well as surrounding land uses. Town staff recommends project approval, however, a number of specific issues have been identified that need to be addressed with project conditions and mitigation measures identified within the initial study prepared for the project in order to promote orderly and safe development of this area of the Paradise community.

REQUIRED FINDINGS FOR APPROVAL:

a. Find that the project, **as mitigated and conditioned,** will not result in any

significant adverse effects on the environment, and adopt the mitigated negative declaration prepared by Pacific Municipal Consultants for the Skyway Land Condominium Subdivision project.

b. Find that the proposed subdivision, **as mitigated and conditioned,** together with its provisions for its design and proposed improvements, is consistent with the goals and policies of the 1994 Paradise General Plan, the State Subdivision Map Act and the Town's subdivision and zoning ordinances.

c. Find that the project, **as mitigated and conditioned,** is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare because the proposed residential density for the project is lower than that which is potentially permitted in the MF zone (up to 15 units per acre when served by a clustered wastewater treatment and disposal facility), and adequate infrastructure would be in place to serve the proposed condominium subdivision and the proposed multiple-family residential land use.

d. Find that the private and public infrastructure improvements assigned to the proposed project are necessary to promote orderly and safe development of the area; and need to be completed prior to the time of final map recordation.

e. Find that the Skyway Land Project tree felling permit applications meet the criteria for conditional approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the establishment of the project upon land that is planned to accommodate such land use.

f. Find that the proposed tree felling activity, as conditioned, is consistent with applicable town zoning regulations regarding commercial timber harvesting.

RECOMMENDATION:

MOVE TO ADOPT the required findings as provided by staff and approve the proposed **"Skyway Land Project"** tentative condominium subdivision map application (SD-08-2), it's related administrative permit application (PL09-00191) and the related tree felling permit application (TPC-08-10) affecting property identified as Assessor Parcel Nos. 050-011-012, 050-011-013 and 050-011-031, subject to the following conditions and mitigations:

CONDITIONS OF CONDOMINIUM SUBDIVISION MAP APPROVAL

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL CONDOMINIUM SUBDIVISION MAP

ROADS/ACCESS

1. Prepare and submit three copies of a detailed and engineered site development, grading plan and road and drainage improvements plan for the subdivision development to the Public Works Department (engineering division) for review and approval by the Town Engineer and secure the issuance of a town-approved grading permit. Approval of the designed improvements plans by the Town Engineer must be secured PRIOR TO COMMENCEMENT of project improvements construction.

2. Deed +/-40 feet from the centerline of Skyway or offer for dedication to the Town of Paradise. Right-of-way line shall be established a minimum of 2.5 feet behind the back of the sidewalk and shall encompass all public facilities.

3. Deed all necessary right-of-way around the Clark Road/Skyway intersection to the Town of Paradise to allow for future widening and maintenance, as determined by the Town Engineer.

4. Construct all necessary road widening, traffic signal pole relocation, curb and gutter removal/replacement, etc., as necessary to allow for full roadway width through the Clark/Skyway intersection. Perform striping modifications and lengthen the left turn pocket to provide sufficient queuing for the ultimate traffic flows.

5. Establish sixty-foot minimum width public street access right-of-way at the Skyway/Clark Road intersection as proposed; secure a town issued encroachment permit, construct full street section improvements within the public street access instrument and offer for dedication to the Town of Paradise.

6. Construct pedestrian and handicapped ramps at all proposed intersections to the County of Butte Department of Public Works Improvement Standard No. S-5 (Standard P.C.C. ADA-Compliant Pedestrian Ramp Type A) or equivalent as determined by the Town Engineer.

7. The proposed fire and emergency access connecting to the Skyway near the southerly boundary of the project site shall be for fire and emergency vehicle access only and shall be physically restricted to such purposes in a manner deemed satisfactory to the town Fire Marshal and the Town Engineer.

8. All public street and private road improvements shall be designed and constructed in accordance with the requirements of the Town Engineer, outlined in written comments regarding the Skyway Land Project, dated May 7, 2010 and on file with the Town of Paradise.

9. Secure Town of Paradise approval for public street and interior access road names. Place the approved names upon the final map.

10. Street and road name signs shall be provided by the developer at all intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.

11. The project developer shall install appropriate stop signs and other traffic signs and thermoplastic pavement markings as determined by the Town Engineer. Show all required markings upon project improvement plans.

12. Establish twenty-foot radius property line returns or a similar design feature deemed acceptable to the Town Engineer at all proposed street intersections.

13. Submit reproducible "**AS BUILT**" improvement plans for abutting public street improvements and any off-site drainage improvements in accordance with the requirements of the Town Engineer.

DRAINAGE

14. Provide a final design solution for drainage per requirements of the Town Engineer in accordance with INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998. Drainage improvements shall be engineered and constructed in a manner that includes the establishment of all necessary drainage improvements onsite and possibly offsite to adequately accommodate existing and project induced drainage flows without generating any offsite significant adverse environmental effects.

UTILITIES

15. Satisfy all utility company requirements regarding the construction and installation of new utility facilities as well as relocation of existing utility facilities, including establishment and offer of dedication of public utility easements. NOTE: All on-site utilities are required to be placed underground in accordance with PMC Section 16.11.020. **NOTE:** At least two joint utility poles will require relocation within the Skyway right-of-way to accommodate the construction of required public street frontage improvements.

WATER SUPPLY

16. Meet the requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, and fulfillment of other requirements in accordance with written comments received from PID staff on June 24, 2009 for the Skyway Land Project. Submit evidence thereof to the town Public Works Department (engineering division).

FIRE PROTECTION

17. Establish minimum required fire flow via fire hydrant(s) installation, water main installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map and the placement of flammable materials on the site.

18. As determined by the Town Fire Chief, fulfill, establish and maintain all other project-related requirements applicable to required subdivision improvements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated July 22, 2009 for the Skyway Land Project and on file with the Town of Paradise.

SANITATION

19. Satisfy all requirements of the Onsite Sanitation Official and the California Regional Water Quality Control Board regarding the design of the final subdivision

map and compliance with Town of Paradise sewage disposal regulations.

SITE DEVELOPMENT

20. Show a twenty foot building setback line measured from the center of all interior private roads and a fifty foot building setback line measured from the centerlines of Skyway and the proposed public street connecting to the Skyway/Clark Road intersection.

21. All vegetation (i.e., trees, shrubs) that will need to be removed for construction shall be cut down between the months of August 1 and February 15 (outside of the nesting season of migratory bird species) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal should be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between August 1 and February 15, no pre-construction surveys or additional mitigation is required. If vegetation removal cannot be accomplished between August 1 and February 15, prior to commencement of grading and construction activities the project proponent shall retain a qualified biologist to:

    - Conduct a survey for the migratory bird species in all suitable nesting habitats within the project area no more than 30 days prior to any construction activity. Active nests located within 500 feet of construction activities shall be mapped. If nesting migratory birds are not detected, no further mitigation will be necessary.

    - If active nests are located in, or within 500 feet of, construction activities, appropriate no-disturbance buffer zones shall be established. Construction activities shall be prohibited within the buffer zone until the end of the nesting season (late July to early August), or until the young have fledged. The qualified biologist shall monitor the nest to determine when the young have fledged and submit weekly reports throughout the nesting season. Also signs will be placed locating areas to be avoided.

    - If necessary, identified nest trees may only be removed prior to the onset of the nesting season (March) or after the young have fledged (late July to early August). (**Mitigation**)

22. Should the project interfere with Waters of the U.S., prior to grading or construction, the project applicant shall obtain a water quality certification and construction stormwater permit from the Regional Water Quality Control Board (Clean Water Act, Section 401), and Army Corps of Engineers (COE) Nationwide permit (Clean Water Act, Section 404), and final approval by CDFG. (**Mitigation**)

23. Submit a detailed storm water pollution prevention plan (SWPPP) and a Notice of Intent (NOI) to the State Regional Water Quality Control Board for the entire project (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities.

24. Prior to commencement of grading and construction activities for the project, the project applicant shall incorporate as many Standard Mitigation Measures and applicable general air quality strategies as feasible into the project, as recommended by the Butte County Air Quality Management District (BCAQMD) as outlined within the (BCAQMD letter regarding the Skyway Land Project, dated December 1, 2008 and on file with the Town of Paradise. (**Mitigation**)

25. Prior to the start of any site improvements construction and/or earthwork activities on the site, submit and secure Town Engineer approval of an engineered soils erosion, sedimentation prevention and dust emission control plan for the entire project. All activities associated with project development shall be conducted in compliance with all control and prevention measures outlined in the approved plan.

26. Prior to commencement of grading activity for the project, the project developer shall avoid the valley elderberry occurrences on the project site by establishing and maintaining a 100-foot buffer around elderberry plants containing stems measuring one inch or greater in diameter at ground level. The buffer area shall be identified on the final site plan. If encroachment within the 100-foot buffer around the elderberry complex will occur during construction, the developer shall consult with the U.S. Fish and Wildlife Service (USFWS) and implement mitigation measures consistent with the USFWS Conservation Guidelines for Valley Elderberry Longhorn Beetle. If disturbance of the elderberry bushes is anticipated with implementation of the proposed project, the project applicant shall initiate a Section 7 consultation under ESA and adhere to any mitigation measures proposed as a result of the consultation and construction. (**Mitigation**)

27. The project's wastewater treatment system facility site shall be designed and constructed such that the facilities are not visible from nearby public streets and adjacent land uses. It is expected that this action will be accomplished by

utilizing sight obscuring site improvement design features such as low-profile treatment facilities, landscaping etc., or a combination thereof. The proposed design of project improvements shall be included within the project's landscaping plan that shall be reviewed and subject to approval by the Town Planning Director as well as the town's Design Review Board (or equivalent).

28. Access to Lots 1 and 2 for ingress, egress and public utilities shall be reserved and shown on the final map.

29. All easements of record shall be shown on the final subdivision map. Properly abandon any easements that conflict with the project design.

OTHERS

30. Place the following notes on the final map information data sheet:

    a. "At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees."

    b. "No final building inspection or occupancy shall be permitted for any residence within the Skyway Land Project until all proposed landscaping for the individual building site has been installed in accordance with the approved landscape plan for the Skyway Land Project."

    c. "All residential building designs, project sound or retaining walls, permanent project identification signs and the project's required landscape plan shall be compatible with the Town of Paradise Design Standards (or equivalent) and all such designs shall be subject to review and approval by the Town of Paradise."

    d. "All buildings constructed upon lots determined by the Paradise Fire Chief to be subject to the requirements of the Wildland Urban Interface Code shall be built of exterior construction meeting the requirements of the Paradise Fire Department."

31. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.

32. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.

33. Pay appropriate funds to the local recreation district per requirements of the