

**PLANNING COMMISSION
REGULAR MEETING
JANUARY 6, 2000**

ROLL CALL

The meeting was called to order by Chairperson Jolene Dietle at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, Nancy Wolfe, and Chair Jolene Dietle. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Chair Dietle reviewed that the applicant for Item #5, Pleasant Valley Estates Subdivision, has requested a postponement, and confirmed that no one present wishes to address that item at this time.

Chair Dietle then reviewed the addendum to tonight's agenda, which calls for selection of a new Chairperson and Vice-Chairperson.

SELECTION OF A CHAIRPERSON

Commissioner Bradford nominated Commissioner Wahl to serve as Chairperson. Commissioner Fry nominated Chair Dietle to continue to serve as Chairperson. Chair Dietle declined the nomination. COMMISSIONER WAHL WAS ELECTED UNANIMOUSLY TO SERVE AS CHAIRPERSON.

SELECTION OF A VICE-CHAIRPERSON

Commissioner Dietle nominated Commissioner Wolfe to serve as Vice-Chairperson. COMMISSIONER WOLFE WAS ELECTED UNANIMOUSLY TO SERVE AS VICE-CHAIRPERSON.

The Commission was in recess from 7:34 to 7:35 p.m. to change seats.

Chair Wahl thanked Commissioner Dietle for her service as both Chair and Vice-Chair. Mr. Seidler echoed the sentiment, and extended a welcome to Chair Wahl and Vice-Chair Wolfe.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wolfe reported that she had spoken to a half dozen people who expressed opinions about the Item #3. Commissioner Dietle reported that she had spoken to Paul Leete regarding Item #6. Commissioner Monfort reported that he had spoken to Barbara Vlamis concerning Item #4.

CONSENT AGENDA

1. Minutes of Regular Adjourned Meeting of September 20, 1999

Recommended Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of October 7, 1999

Recommended Action: Approve with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE SEPTEMBER 20, 1999 AND OCTOBER 7, 1999 MINUTES. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

REGULAR AGENDA

- 3. Use Permit No. 99-41 (D&D Property Investments) - E. 20th Street - A request to allow a drive-thru service lane in conjunction with development of a new 2,500 sq. ft. fast food restaurant to be located on a pad site at the Chico Mall, on the north side of E. 20th Street, approximately 300 feet west of Forest Avenue. The site is identified as Assessor's Parcel No. 002-450-012. The property is designated Community Commercial on the City of Chico General Plan Diagram and is located in a CC Community Commercial zoning district. An Initial Study for environmental review has been prepared for the proposed project and is available for review in the Chico Planning Division. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA).**

Mr. Palmeri presented the staff report, reviewing the land use issues involved. Mr. Palmeri indicated that staff's primary concerns are traffic and related impacts, noting that at peak hours on Saturday the intersection at 20th and the mall entrance has Level of Service (LOS) F.

In response to Commissioner Alvistur, Mr. Palmeri indicated that the traffic data is approximately a year old.

In response to Chair Wahl, Mr. Palmeri stated that the City has adopted a mitigation in the General Plan for LOS F, and that a previously adopted statement of overriding consideration would take precedence in this case. There was additional discussion regarding the lane geometry on East 20th Street east of Forest Avenue.

The public hearing was opened at 6:50 p.m.

Wendell Wagstaff, 115 Brookvine Circle, Director of Operations for D & D Food Management, stated that he manages the current Chico location as well as 8 other locations.

He stressed the need for entry level jobs, and stated that the project would be good for Chico.

Mr. Wagstaff noted that the traffic studies were used for fast food restaurants. He stated that the guest check at KFC is generally for family meals, not individuals, and that the drive-through customer count is no more than 150 or 200 per day. He noted that the Mangrove facility averages 180 visits per day. He also stated that peak activity for the mall doesn't coincide with the dinner rush, so traffic impact is minimal. He also emphasized his business as a training ground for developing work habits.

Commissioner Monfort confirmed that the company's customer study indicated that a majority of customers would already be at the mall, and that access to the site shouldn't be a problem.

John De Frenza, 20301 SW Birch Street #101E, Newport Beach, project architect, offered to answer any questions the Commission might have. He stated that he finds the conditions very reasonable and has no problem complying with them, and noted that the traffic problem is largely an existing condition.

Commissioner Monfort confirmed that the project has been to the Architectural Review Board (ARB) and that the ARB has approved the design. Mr. De Frenza noted that the Colonel's face is tile and approximately 5 feet tall, and that there was discussion regarding it at ARB level. Commissioner Monfort confirmed that the copy consists of backlit channel letters. In response to Commissioner Bradford, Mr. De Frenza stated that there will be between 45 and 60 seats on site.

Commissioner Wolfe confirmed that the site design was approved with parking stalls on east side of map, noting that there may be a problem with the two southernmost parking spaces.

There being no further comment, the public hearing was closed at 7:02 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT NO. 99-41, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED DECEMBER 27, 1999. COMMISSIONER FRY SECONDED THE MOTION.

Commissioner Dietle indicated that she would like to discuss some issues before voting on the use permit. She stated that although this project will have a lower impact than other drive-throughs at the mall, the use permit runs with the property and the long-term impacts need to be looked at, particularly from a safety standpoint. Commissioner Fry opined that half the battle was getting a signalized intersection at the mall entrance, and that this project will have a much lower impact due to the amount of parking adjacent to the site and its distance from

the mall. Commissioner Monfort stated that if a traffic situation is perceived as dangerous, it actually turns out to be very safe. He also noted that it is council's policy to disregard the traffic impacts due to the overriding considerations.

Commissioner Dietle voiced additional concerns regarding landscaping on east side of the site, and discussed the need to keep the landscaping sparse on both the east and north sides of the site to maximize traffic and pedestrian visibility.

COMMISSIONER DIETLE OFFERED A FRIENDLY AMENDMENT THAT THE LANDSCAPING ON THE NORTH AND EAST SIDES OF THE SITE BE KEPT SPARSE AND LOW SO AS NOT TO OBSTRUCT VISIBILITY. COMMISSIONER ALVISTUR ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 7-0.

Mr. Seidler confirmed that Commission's intent would be fulfilled by adding Condition 3, stating that landscaping on the north and east sides shall be designed and installed so as to not obstruct traffic visibility.

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

4. **Appeal of Boundary Line Modification No. 99-09 (Bruce Road Associates)** - Appeal of the approval of a boundary line modification to modify the common boundary line between three contiguous parcels located east of Bruce Road, south of Warfield Lane and north of the Skyway. The parcels are identified as Assessors's Parcel Nos. 011-790-001, 003 and 004. The project area is designated Very Low Density Residential and Low Density Residential with a Resource Management Overlay on the Chico General Plan Diagram. All of the parcels are subject to an RM Resource Management overlay district. Zoning for the subject parcels is RS-20/RM Suburban Residential-20,000 square foot minimum lot areas, R1/RM Low Density Residential, R3/RM Medium-High Density Residential and OR/RM Office Residential. The boundary line modification would result in a 99 acre parcel, a 115 acre parcel and a 50 acre parcel. The project was approved by the City of Chico Planning Director on November 16, 1999. This project has been determined to be exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305 (a) Minor Alterations in Land Use Limitations of the California Environmental Quality Act.

Mr. Seidler presented the staff report, reviewing the land use issues involved, the history of the property, and the history of the Boundary Line Modification (BLM) application and appeal. He reviewed the City Attorney's position that a BLM is not considered a development application; therefore, there is no legal basis for requiring the additional information at this time. He clarified that a BLM equals a Lot Line Adjustment (LLA) in regard to state law. Mr. Seidler

reviewed what environmental assessments will take place at other points in the process if the site is to be developed with a high school, and noted that the school district can't purchase the property until it completes required CEQA review. He stated that the review required by the General Plan for -RM zones looks at contiguous areas, and determines whether habitat or resources are limited to the parcel in question.

Commissioner Monfort confirmed that approving the BLM doesn't frustrate the General Plan requirement for extensive environmental review due to the -RM overlay. Mr. Seidler agreed, and stated that environmental review can't be required at this point. Commissioner Monfort confirmed that when someone wants to develop any of these parcels, the applicant will have to contact staff, be apprised of the -RM requirements, and be required to perform environmental studies for the whole area, not just their parcel.

The public hearing was opened at 7:21 p.m.

Patricia La Breacht, 253 Idyllwild Circle, Vice President of Education for the Chico Chamber of Commerce, reviewed the history of the bond passage which allowed the purchase of land and a new high school to be built. She stated the Chamber's interest in avoiding any unnecessary delay, and reviewed a letter written by Jim Goodwin, who was unable to be present at the meeting.

Commissioner Monfort agreed that there shouldn't be any unnecessary delays, but indicated that he is not certain if this delay is unnecessary. Ms. LaBreacht noted that she was on the site selection committee, and reviewed the school district's dealings with the state of California.

Jill Lacefield, 1988 Wild Oak Lane, stated her support for the appeal. She acknowledged that more schools are needed, but emphasized that the community also needs a vision to determine how to preserve what the community already has. She stressed the need for rational debate about environmental issues, and urged the Commission to really look at the appeal and uphold it.

Commissioner Monfort stated that the BLM is not precluding comprehensive review when the development proposal is brought forward. Mr. Seidler confirmed that a detailed environmental review for this site will be needed, and that ideally the review would occur at this point in the process. However, state law prohibits the City from requiring the review at this time.

Barbara Vlamis, 116 W. Second Street #3, Executive Director for Butte Environmental Council (BEC), appellant, stated that the appeal was filed so that General Plan requirements could be illuminated and a public discussion occur, and so that information described in Mr. Seidler's letter to Bruce Road Associates could be gathered and discussed. She stated that due to the City's original letter to the applicant, she assumed that preliminary -RM information would be gathered at this point, which would be critical for making an informed decision. She discussed Title 19, and voiced her concern that the City made a mistake in withdrawing its

request for the additional information. She noted that certain guiding policies of General Plan will be undermined if landowners may proceed with developments of -RM areas in a piecemeal fashion.

She stated that her purpose is not to stop development of a high school, but to stop development without proper environmental review. She also stated that there is a problem ensuring orderly planning when smaller portions of Resource Management Areas (RMAs) are brought forward for approval. She noted that RMAs are only required to analyze areas 500 feet from their boundary, and asked if the developer owner would be examining the original 260 acre site.

Mr. Seidler replied that when there is a development application, regardless of the size of the parcel, the applicant would need to provide information which covers adjoining resource areas so that determinations be made to ensure that the property is developed in a way so as to not affect sensitive resources on both the actual project site and and the larger area contiguous to it.

Due to time constraints, Chair Wahl asked that Ms. Vlamis continue her comments after others have had a chance to speak.

John Gillander, 4328 Kathy Lane, stated that this is the start of the obstruction of the new high school. He voiced concern that it wasn't a valid appeal because it wasn't filed during the allotted time period. He stated that a full EIR will be done before the property is developed, and opined that the purpose of CEQA is not to create paperwork.

Bill Dinsmore, Rolls, Anderson & Rolls, 115 Yellowstone Drive, stated that he prepared the application. He noted that this appeal is much ado about nothing, and stated that the application can't be turned down.

Helen Ost, 1255 East Lindo Avenue, voiced her disappointment that the Habitat Resource Conservation Plan wasn't adopted, noting that the process would have been more comprehensive. She opined that now is the time to look at some of these issues. She voiced concern that whenever there is a school site, the process is hurried.

Walter Cook, 42 Northwood Commons, spoke in support of BEC's position on the appeal. He stressed the need to meet all legal requirements and the General Plan policies. He stated that whatever the result of the appeal will be, there are additional studies which will be required by local, state and federal law and regulations. He stated that placing all blame for delay on BEC is unjustified political rhetoric, and noted that the toxics study has only recently begun.

Julie Nasr, 88 Lazy S Lane, stated that the site selection committee went to a great deal of effort in selecting this site, and that the committee had state representative for a full day. She stated that the school district should enter the process with its eyes open regarding General

Plan requirements. She stated that adding all the additional area to the environmental review will cost additional taxpayer money and cause additional delays.

The Commissioner was in recess from 7:55 to 8:05 p.m.

Bob Linscheid, representing CEPCO, urged the Commission to deny the appeal and approve the BLM. He noted that whether it ends up being a school or not, the process is in place for significant environmental review any project which will be built on the site.

Pat Kelley, 900 E. 19th Street, stated that it seemed that a 50 acre parcel is being created for a school. He cited traffic, environmental, and legal concerns. He suggested that the entire Schmidbauer holdings should be considered when performing any environmental review.

Emily Alma, 2300 Estes Road, voiced concern over the demonization of BEC, stating that it is unjustified, and lauded their raising environmental awareness in the community. She stressed that although the community needs a high school, the community needs to protect the environment at look at the impacts that a high school will produce.

At the request of Commissioner Bradford, Ms. Alma reviewed BEC's suit against the City and the subsequent reduction and removal of City funding for BEC. She stressed that BEC is a concerned environmental advocate.

Mike Weissenborn, Facilities Manager for Chico Unified School District, noted that there will be a lot of discussion over the next year regarding environmental review as well as other issues. He stated that the district is aware of the intent of the RMA, and is prepared to look at issues that span all properties in the area. He stated that while the district is fully prepared to install all required on-site and public improvements, he believes that other private properties' improvements shouldn't have to be installed by CUSD.

Commissioner Monfort confirmed that Mr. Weissenborn was on the General Plan task force.

John Merz, 1331 Broadway, stated that the project should be treated as 50 acres for a school. He asserted that it is a disservice to everyone to bring it to the Commission at this time. He agreed with Mr. Cook, a previous speaker, regarding the legality of the BLM. He stated his belief that this BLM is the first step in a project, and that the application should be turned down on that basis.

At the request of Commissioner Monfort, Ms. Barker reviewed the reasoning which led to staff's conclusion that environmental review cannot be required at this time. She noted several points:

1. This BLM is equivalent to a lot line adjustment (LLA) in regard to state law. Regardless of whether it is a good idea or not, this is only an LLA, not a project.
2. When an LLA comes before the Commission or the Planning Director, state law requires that a local agency shall limit its review and approval to whether the parcels conform to local building and zoning ordinances, and that the local agency shall not impose conditions or exactions except to conform with local building and zoning ordinances. The local agency may require prepayment of taxes, or require easements to facilitate relocation of utilities. In this regard, an LLA is a ministerial decision.
3. The General Plan and Municipal Code were also looked at to determine precisely what triggers the requirements for the studies that are being requested by the appellant. Staff's opinion is that only an application for development can trigger the environmental review. According to all definitions and usage, an LLA is not a project that triggers those environmental review requirements.

Commissioner Monfort confirmed that it is the City Attorney's opinion that environmental review is not triggered by an LLA.

Jon Luvaas, 1980 Wild Oak Lane, stated his support for comprehensive planning, development, and environmental protection on the east side of the City. He lamented the death of the Habitat and Resource Conservation Plan (HRCP), noting that passage of the HRCP would have reduced the delay now being experienced. He noted his concerns as an attorney with the absence of anything in writing to back up the assurances for comprehensive review being spoken tonight. He stressed that he wants to make sure that whoever buys the property will do the required review, and that the review will be expedited by the agencies involved.

Commissioner Fry opined that the required review should be made a contingency of the sale. Commissioner Bradford confirmed that the environmental review required by the RMA must be complete before any grading or building of structures on the property.

Jim Mann, Bruce Road Associates, 70 Declaration Dr. #101, stated for the record that the property is owned by a large partnership, in which George Schmidbauer is one partner. He stated that the property has been under intense environmental scrutiny since 1993, that they are actively working with state and federal agencies, and that Bruce Road Associates has expended \$700,000 to date for environmental reviews. He stressed that the issue before the Commission is an appeal, and asked that the Commission deny the appeal.

There being no further comment, the public hearing was closed at 8:39 p.m.

There was discussion between Commissioner Dietle and staff regarding the legitimacy of the appeal. There was general agreement that it was a legitimate appeal and had been treated

as such.

Commissioner Dietle stated that the Commission is looking at an LLA, not the construction of a high school, and that the application is therefore exempt from environmental review at this point. She opined that the combination of local, state and federal agencies will ensure that the site is reviewed ad nauseam.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION DENY THE APPEAL AND UPHOLD THE PLANNING DIRECTOR'S APPROVAL FOR THE BOUNDARY LINE MODIFICATION.

Commissioner Monfort suggested that the motion be amended to include a reference to the required environmental review. After discussion, it was decided to add an additional finding to read as follows: We believe that the approval of this lot line adjustment does not relieve the current property owner or any future property owner from the environmental review requirements as outlined in the Resource Management overlay.

COMMISSIONER WOLFE SECONDED THE MOTION AS AMENDED, WHICH WAS APPROVED UNANIMOUSLY.

5. **Pleasant Valley Estates Vesting Tentative Subdivision Map No. S 99-2 (Zink/Timmons)** - A request to subdivide a 4.6 acre parcel with 27 single family residential lots on property located on the east side of Marigold Avenue approximately 150 feet north of Arch Way. The site is identified as Assessor's Parcel No. 048-750-042. The property is designated Low Density Residential (2.1 to 6 dwellings per gross acre) on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. The average lot size for the proposed subdivision is 5,745 square feet. An initial study (SCH # 99102004) for 25 single family residential lots was circulated for a 30 day comment period between October 1, 1999 and November 1, 1999. Staff has determined that the initial study for 25 single family units is adequate to address environmental concerns relating to an change in the project description to allow 27 single family units. Staff is recommending denial of the project in that the subdivision does not comply with City standards.

Chair Wahl stated that the applicant wished to continue this item until February 3, and that staff was in agreement with the request.

COMMISSIONER DIETLE MOVED TO CONTINUE THIS ITEM TO THE FEBRUARY 3, 2000 MEETING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 7-0.

6. **Planned Development Use Permit 99-46 (Land Design Properties, Inc.) Whitehall Park Subdivision (continued from 12/16/99)** - A request for Planning Commission comments on a Conceptual Plan Review for a Planned Development of 6.5 ± acre parcel with 16 single family lots. The residential lots proposed in the conceptual plan range in lot area from 13,000 to 19,000 square feet. The property is located at 154 Centennial Avenue and is approximately 225± feet north of the intersection of Centennial Avenue and East 8th Street. A separate request to prezone the property from RS 20 Suburban Residential to RS-PD 15 Suburban Residential - Planned Development, and a vesting tentative map for 16 single family lots will be considered at a subsequent public hearing. The site is identified as Assessor's Parcel No. 011-010-119. The property is designated Low Density Residential (2.1 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is located in a PRS-20 Prezone Suburban Residential zoning district. The site is located in the county and will require annexation to the City of Chico.

Mr. Palmeri presented the staff report, reviewing the land use issues involved, as well as the history of applications for the parcel. He stated that staff is only soliciting comments from the Commission at this time, and asked the Commission to disregard the motion in the staff report.

In response to Commissioner Fry, Mr. Seidler stated that this item is a preliminary review to give the Commission the opportunity to give input to staff, the applicant and the public regarding the design of the project. Mr. Seidler also stated that no entitlements are being approved at this time. Mr. Palmeri added that the project will come back seeking approvals for a Planned Development Use Permit, a Prezone, and a Subdivision approval.

Commissioner Monfort indicated that unless the zoning is changed, the project doesn't have a future. There was additional discussion regarding the history of the project and the proposed density for the subdivision. Mr. Palmeri confirmed that many neighbors are opposed to any zoning more intense than RS-20, although some owners adjacent to the property are in favor of RS-15.

The public hearing remained open from the previous Commission meeting on this item; public testimony began at 9:04 p.m.

Mary Anne Houx, Butte County Supervisor, stated that it is a matter of honor that the City not renege on the assurances which were made to area residents on October 17, 1995. She reviewed the history of the previous subdivision approval, noting that the main issue, drainage, has still not been fixed, and requested that any subdivision reduce the net runoff by 10%. She expressed support for retention of the RS-20 zoning designation and the inclusion of evergreens along the property line as a buffer if any project is approved. She noted that the

area is semi-agricultural, and cited neighborhood incompatibility concerns.

There was general discussion regarding what assurances, if any, were given to the neighbors at the October 17, 1995 City Council meeting. Commissioner Monfort opined that if circumstances change, then the Commission should not be bound by a previous decision based on different circumstances.

There was additional discussion regarding storm drainage, project density, and the proposed RS-15 zoning designation.

Virginia Turner, 62 Centennial Avenue, submitted some pictures of the area to the Commission. She stated that she is opposed to development which is inconsistent with the current neighborhood, agreed with the previous speaker regarding flooding and standing water concerns, and asked who would maintain Bidwell Ditch to ensure adequate drainage.

Commissioner Monfort discussed the Walnut Park storm drainage improvements and their relation to this project. Mr. Varga confirmed that the Walnut Park storm drainage facilities were required to be sized to accommodate all the storm drainage from the basin at full buildout density as indicted in the General Plan, and that the maintenance district which has yet to be formed would deal only with water quality improvements, not quantity. He noted that the lift stations in Walnut Park will be taken out of service with the construction of the Nob Hill subdivision.

The Commission was in recess from 9:35 to 9:46 p.m.

Marilyn Goldsby, 96 Centennial, stressed the unique nature of the Centennial basin and requested that the RS-20 zoning be maintained.

Jon Luvaas, 1980 Wild Oak Lane, stated that while he understands the concerns of the neighbors, he has greater concern for the growth impacts in Chico if infill areas aren't utilized efficiently. He opined that the citizenry can't afford to squander land that is already surrounded like this area is, and has been ever since California Park was constructed. He noted that the General Plan would allow 39 lots on this property, and that approval of the project with 16 lots would still eliminate 23 potential sites in an infill area. He stated that flooding in the area has been reduced due to development, and suggested that design, not density, is the real issue.

Suzanne Gibbs, 602 Sycamore Street, Big Chico Creek Watershed Alliance, stressed the need for more safeguards for water quality as a result of discharge from smaller infill subdivisions. She also noted the project's proximity to the creek and the high water table in the area.

There was general discussion regarding detention mechanisms and the detention value of water quality treatment areas. Mr. Varga noted that by law he cannot require a project to retain and treat water from someone else's property. Ms. Gibbs suggested that the Commission require some sort of water detention, and suggested that the road for the project be narrow to minimize paved area.

Jeff Carter, 600 Parkwood Drive, voiced concern about the approval process, and the fact that environmental review required by CEQA had not yet been performed. He urged the Commission to not come to any conclusion on the proposal until the requisite environmental study is completed. He agreed with Mary Anne Houx regarding the history of events in 1995, noting that he was on the Commission at that time. He stated that Council thought that RS-20 was appropriate at that time.

Commissioner Bradford confirmed that the Commission is just making comments on the concept at this point.

Greg Steel, 603 Parkwood Drive, agreed with the previous speaker that the Commission should take no action that wasn't stated in the public notice, and asserted that the storm water treatment for this subdivision is predicated on the improvements installed in Walnut Park, for which a funding mechanism has not yet been established. He requested that the Commission require that the mitigated negative declaration be re-circulated, that a flap gate be installed between the private and public storm drainage systems to prevent backup into Shirley Park, that the City fund the Walnut Park storm water improvements, and that the Commission take no formal action at this time in order to be consistent with the public notice.

Mr. Seidler clarified that in CEQA terms, tonight is a preliminary hearing to help the applicant and staff finalize the project description, which will come back later with an analysis.

Philip Smith, 884 Husa Lane, stressed the importance of neighborhoods and their relation to the General Plan. He disagreed with Mr. Luvaas regarding density, and stressed the need for neighborhood compatibility.

Wes Gilbert, 70 Declaration Drive #101, representing the applicant, stated that a minimum of 13 units are required to meet the General Plan density requirement. He stated that RS-15 didn't exist in 1995, and opined that it might have been chosen at that time. He asserted that the installation of subdivision improvements would improve the storm water situation, not make it worse.

Commissioner Fry confirmed that the RS-20 zoning would allow 14 lots without a rezone. In response to Commissioner Monfort, Mr. Gilbert stated that the grade on lot 15 won't pose any problem.

There being no further comment, the public hearing was closed at 10:21 p.m.

Commissioner Monfort offered the following comments: he would like a narrower street, a revised entryway, and possible removal of the signage; he'd like the house rotated on lot 1, expressed concerns with the elevation of lot 15, and stated that buffers between the subdivision and surrounding properties are worth looking at.

Commissioner Fry suggested that one lot be turned into a park, and that the park fees be reduced accordingly.

Commissioner Dietle indicated that if the project requires a re-zone, she will apply the same criteria she has to other re-zones. She stated that economic factors aren't sufficient reason, noting that the Commission rejected the re-zone of the East Avenue Marketplace pad partly on those grounds.

Commissioner Fry indicated that the difference between 14 and 16 lots is minor in his mind, and that he would support a rezone. Commissioner Alvistur concurred, noting that he's torn between the need to honor the sensitivities of neighbors vs. the need for infill development and storm water facilities.

Commissioner Wolfe indicated that the drainage issue seems bigger than the density issue, and that she'll be looking to see how it is handled. She agreed that 14 vs. 16 units isn't a problem compared to other issues.

Commissioner Monfort concurred that density isn't as important compared to design, and stressed that design can be discussed within the PD process.

Commissioner Wahl indicated that he could see merit for both RS-15 and RS-20, and stated that he thinks the Commission has given enough comments to the applicant. Mr. Seidler confirmed that the project that comes back to the Commission will have environmental review completed and that it will be a project for approval.

BUSINESS FROM THE FLOOR

Suzanne Gibbs, a previous speaker, requested that the Planning and Park Commissions discuss creekside greenways. Chair Wahl asked Ms. Gibbs to put her precise comments into print and submit them to Planning Division staff. Mr. Seidler stated that the issue could possibly be worked into the Five-Year Review of the General Plan.

PLANNING UPDATE

Mr. Seidler reviewed recent Council actions, including that Council has called up the record relating to the Maderos use permit, and that the emergency cell tower ordinance has been continued for several weeks.

Mr. Palmeri confirmed that the Oak Valley workshop on January 10 has been postponed, and that the first community meeting for the General Plan Five-Year Review will be on January 13.

Commissioner Dietle expressed concern that the conditions of approval weren't being met for the Pet Jungle use permit. There was discussion and general agreement.

COMMISSIONER DIETLE MOVED THAT STAFF INVESTIGATE AND REPORT ON THE PET JUNGLE'S USE PERMIT CONDITION COMPLIANCE. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 7-0.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:06 p.m. to the Adjourned Regular meeting of January 20, 2000, at 6:30 p.m. in the City Council Chambers.

April 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JANUARY 20, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Staff present were Senior Planner Ed Palmeri, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Bradford reported that he had spoken to Mr. Mowry, applicant for the patio expansion.

REGULAR AGENDA

1. **Use Permit No. 99-43 (The Brick Works/Robert Mowry)** - A request to allow the outdoor expansion (an enclosed patio area of 1296 square feet) for two existing bar and grills (Panama's and The Brick Works) located at 177 and 191 E. 2nd Street. The property is identified as Assessors's Parcel No. 004-082-003. The property is designated Downtown on the City of Chico General Plan Diagram and is located in a CD Downtown Commercial zoning district. This project has been determined to be categorically exempt, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the bar ban in downtown Chico, noting that expansions are allowed with a Use Permit. He noted that the proposed conditions of approval include a prohibition on live or amplified music, and staff-level architectural review.

Mr. Palmeri clarified that the project is largely finished, and the architectural review would be solely for materials and layout. Commissioner Wolfe confirmed that no comments had been received from DCBA or any of the adjacent businesses.

Chair Wahl inquired what the capacity of the patio is according to the Fire Marshal. Mr. Palmeri suggested that the applicant should answer the question, as he had consulted recently with the Marshal. Chair Wahl confirmed that smoking would be permitted on the patio.

The public hearing was opened at 6:39 p.m.

Roberty Mowry, 817 Ivy Street, applicant, stated that one of the main reasons for the project is to increase the outdoor seating for Panama's. He noted that the space has been underutilized for the 9 years he has owned the Brick Works.

He requested that the Commission remove condition #3, the ban on amplified or live music, as he feels it is too strict and he would like to allow live music on the patio. He noted that his property is subject to existing noise regulations, and that his business only receives complaints once or twice every six months. He noted that the closest residences are one block away on the other side of the City parking lot.

In response to Chair Wahl, Mr. Mowry stated that he would like to allow 50 people on the patio. He noted that according to fire regulations, a second exit is required if the occupancy is more than 49 people. He stated that they have installed a second exit, and that the fire ratio is 7 square feet per person.

Commissioner Bradford asked if it would be feasible to allow amplified music with a special day/time permit. Mr. Palmeri suggested that a condition could be placed on the use permit to limit the days and times that music is allowed. Commissioner Fry confirmed with Mr. Palmeri that any music would be subject to the existing noise ordinance. Commissioner Dietle compared the situation to LaSalle's which also has a patio with live music. Mr. Mowry stated that his patio is completely enclosed by walls. Commissioner Fry reiterated that he'd like condition 3 removed from the use permit.

Commissioner Monfort noted that removing the prohibition places the onus on the residents to report noise violations. Commissioner Alvistur confirmed with staff that the public notice did not mention allowing outdoor music, and suggested that if music had been mentioned, people might have showed up to protest the permit.

There being no further comment, the public hearing was closed at 6:47 p.m.

Commissioner Bradford stated that due to the patio's location, the noise would mainly be going up. Commissioner Wolfe agreed, but asked if it will make the situation worse if people are already complaining several times per year.

The public hearing was re-opened at 6:48 p.m.

Mr. Mowry, a previous speaker, clarified that his business isn't getting violations all the time, and that he works well with both the neighborhood and Police. He noted that he has had some problems in the past when he rented out the building for someone else's use.

There being no further comment, the public hearing was re-closed at 6:51 p.m.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND THAT THE COMMISSION APPROVE USE PERMIT WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION V OF THE STAFF MEMO, WITH THE EXCEPTION THAT CONDITION OF APPROVAL #3 BE REMOVED. COMMISSIONER WOLFE SECONDED THE MOTION.

There was further discussion regarding the potential for noise violations if outdoor music is allowed. Commissioners Monfort and Dietle expressed support for putting some sort of time/day limitation on the outdoor music, with Commissioner Dietle pointing out that the public notice said nothing about noise or music.

COMMISSIONER DIETLE MOVED TO RE-OPEN THE PUBLIC HEARING. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

The public hearing was re-opened at 6:57 p.m.

Robert Mowry, a previous speaker, stated that he'd appreciate flexibility in scheduling music, noting the administrative burden it would impose if permits would be constantly required. He noted the efficacy of police enforcement and his good relationship with the police. He suggested that if the Commission is concerned that a six month review occur to determine if restrictions need to be placed.

There being no further comment, the public hearing was re-closed at 7:00 p.m.

COMMISSIONER FRY'S MOTION TO APPROVE THE USE PERMIT CARRIED 5-2 (COMMISSIONERS DIETLE AND KIRK OPPOSED).

2. **Rezone No. 99-9 (City of Chico)** - A request to rezone a 1.19 acre parcel located on the north side of Flying "V" Street, approximately 150 feet east of Forest Avenue, from OC Office Commercial to OR Office Residential. The site is identified as Assessor's Parcel No. 002-170-016. The property is designated Offices on the City of Chico General Plan Diagram. A Negative Declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA).

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that this request is essentially a "cleanup" and reviewed the differences between the OR and OC zoning districts.

Commissioner Fry confirmed that both staff and the owner are in support of the rezone.

The public hearing was opened at 7:05 p.m.

Scott Hamm, property co-owner, reviewed the history of the zoning on the property. He noted that the property had been zoned R-P under the old zoning ordinance, and explained that it was accidentally zoned to OC instead of OR. He noted that the former property owners were not aware of the change, and continued to market the property as being zoned R-P. He stated his intention to put single family residences on the easternmost portion of the site, with either offices or an office/apartment mix on the remainder. He closed by noting that the OR zoning will still require a use permit for any residential development.

There being no further comment, the public hearing was closed at 7:10 p.m.

COMMISSIONER MONFORT MOVED THAT BASED ON THE FINDINGS DELINEATED IN THE STAFF REPORT, THE COMMISSION RECOMMEND CITY COUNCIL APPROVAL OF REZONE NO. 99-9 AND ADOPTION OF THE PROPOSED NEGATIVE DECLARATION. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Palmeri reviewed that the Council considered a wireless communications facility ordinance, but that it was not approved. He also reviewed the February meeting schedule, including an Oak Valley workshop on February 7, a joint Commission/Council meeting on February 8 regarding alternate street standards, possibly a General Plan Five-Year Review meeting on February 10, and an Adjourned Regular meeting on February 17. He also noted that there is an upcoming Planners Institute workshop in Monterey and a workshop in Davis on the role of the planning commissioner, and that Commissioners are welcome to attend both.

In response to Commissioner Dietle, Mr. Palmeri stated that a report regarding the Pet Jungle use permit will be before the Commission on February 3.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:16 p.m. to the Regular meeting of February 3, 2000, at 6:30 p.m. in the City Council Chambers.

April 6, 2000
Date Approved

/s/
Ed Palmeri
Senior Planner

**PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 3, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, and Chair Larry Wahl. Commissioner Nancy Wolfe was absent. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, Associate Planner Claudia Sigona, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Bradford and Dietle reported that they had each spoken to Phil Englebert about Pleasant Valley Estates. Commissioner Dietle reported that she had spoken to Jim Stevens about Pleasant Valley Estates. Commissioner Monfort reported that he had spoken to Jim Stevens regarding Pleasant Valley Estates and Shastan at Lindo Channel.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Adjourned Meeting of October 21, 1999**
2. **Minutes of Regular Meeting of November 4, 1999**

COMMISSIONER DIETLE MOVED APPROVAL OF BOTH SETS OF MINUTES. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER WOLFE ABSENT).

REGULAR AGENDA

3. **Boundary Line Modification No. 99-8 (Katz) - 1569 and 1575 Mountain View Avenue (Appeal)** - An appeal of a Planning Director decision to approve a modification to the common boundary line between two contiguous parcels located on the southerly side of Mountain View Avenue approximately 360 feet west of the intersection of Mountain View and Madrone Avenues. The parcels are identified as Assessor's Parcel Nos. 045-322-007 & 008. The project area is designated on the Chico General Plan Diagram as Low Density Residential and is located in an R1 Low Density Residential zoning district.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the Planning Director approval and the appeal, noting that staff is recommending that the Planning Commission uphold the Planning Director's decision.

In response to Commissioner Monfort, Ms. Barker stated that the conditions the Commission can place are very constrained due to the Subdivision Map Act.

The public hearing was opened at 6:40 p.m.

Dan Katz, 1575 Mountain View Avenue, applicant, stated that he has owned his home for 21 years and recently bought the adjacent property for use by his wife's mother. He confirmed that he has no desire to further develop either property, and desires the larger yard for use by the six children he and his wife are raising.

Commissioner Dietle confirmed that Mr. Katz was aware that his property would be re-assessed as a result of the Boundary Line Modification.

There being no further comment, the public hearing was closed at 6:42 p.m.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15305, MINOR ALTERATIONS IN LAND USE LIMITATIONS, AND APPROVE BOUNDARY LINE MODIFICATION 99-8 (KATZ) SUBJECT TO THE FINDINGS AND CONDITIONS SET FORTH IN SECTION V OF THE STAFF MEMO DATED JANUARY 12, 2000. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER WOLFE ABSENT).

4. **Preliminary Review of Planned Development Use Permit No. 99-50 (Prowswood Co.)** - Preliminary review of a 224 unit multiple-family residential development proposed for 15.58 acres located on the north side of State Highway 32, approximately 300 feet west of Bruce Road. The site is identified as a portion of Assessor's Parcel No. 002-160-076. The site is designated Medium-High and High Density Residential with an overlay of Open Space for Environmental Conservation and Safety on the City of Chico General Plan Diagram, and is split-zoned with both R3 Medium-High and R4 High Density Residential zoning districts. Environmental review is currently being conducted for this project and will be finalized and circulated for a 30-day public review period prior to Planning Commission consideration of the final development plan. A subsequent public hearing will be scheduled at that time.

Ms. Sigona presented the staff report, reviewing the land use issues involved. She reviewed the requirements of the Resource Management Overlay district, and that a Planned Development Use Permit is required to develop the property. She discussed the building and site design, noting that staff is pleased with the overall design. She also noted that parking is in excess of City requirements.

Ms. Sigona stated that in addition to performing environmental review, staff is requiring a site traffic analysis, a noise study, a delineation of the top of bank for Dead Horse Slough, a delineation of existing riparian habitat, proposed setback distances, a flood plain delineation,

installation of a bicycle path and sidewalk, and installation of a bus stop shelter and pad. Staff is also recommending a purely voluntary 10% additional detention capacity beyond the no net increase in peak flow standard.

Ms. Sigona reviewed that staff has recently learned that properties within a 2000 foot radius of the burn dump require clearances from both the Department of Toxic Substances Control and the Regional Water Quality Control Board prior to development.

There was discussion regarding the setback from SR 32 and various noise mitigation measures. There was additional discussion regarding the 10% additional storm water detention, with Mr. Seidler confirming that it would be purely voluntary.

The public hearing was opened at 6:56 p.m.

Neil McCabe, 2255 E. 8th Street, reviewed Bob Purvis' letter and cited his own opposition to the project due to flooding concerns, traffic impacts, and neighborhood incompatibility of the proposed project. He voiced support for reducing the amount of parking, eliminating any improvements within the flood plain of Dead Horse Slough, and stated that the 10% additional retention requirement would be binding if the applicant agreed to it being made a condition of the use permit.

Commissioner Alvistur expressed that he would like to receive lengthy letters earlier before the hearing. Commissioner Dietle confirmed that the 10% additional detention would be binding if added as a condition.

Warren Locke, 5 Stoney Point Way, stated his opposition to the project due to road conditions and traffic concerns.

Steve Brown, 4885 South 900 East, Salt Lake City, Utah, representing the applicant, stated that Prowswood is fundamentally in support of the staff recommendations. He noted that there have already been two neighborhood meetings, and that neighborhood input was taken into account when designing the project. He stated that flooding is a significant issue, and that they will seriously consider the additional 10% detention. He explained that Prowswood has simultaneously been meeting with the Army Corps of Engineers to gain required approval due to sensitive habitat onsite.

There was discussion regarding the number of parking spaces and pedestrian connectivity to the north. Mr. Brown indicated that he would reduce the parking by up to 42 spaces and would investigate putting stub-outs for pedestrian paths to the north.

Commissioner Dietle confirmed that the water detention would be accomplished via multiple facilities in different locations onsite. There was additional discussion regarding structure height and open space, and the potential for flooding on the site. Commissioner Bradford confirmed that the lowest point of any building will be at least one foot above the 100-year

flood plain.

Julie Nasr, 88 Lazy S Lane, voiced concern with the project's proximity to the Humboldt Road burn dump. She reviewed that the project falls under DTSC jurisdiction, and opined that DTSC should be consulted before any approvals are given. She asserted that there should be further site characterization to determine the extent of toxics on the site.

There being no further comment, the public hearing was closed at 7:23 p.m.

The Commission discussed the required setback for this project from the top of bank of Dead Horse Slough. Mr. Seidler clarified that a 25-foot setback will definitely be required, and that another 75 feet may be required by Council. He also pointed out that the top of bank has not yet been determined, and that it may be premature to specify a required setback at this time. Ms Sigona pointed out that removing 42 extra parking spaces from the northerly portion of the site would gain another 20 feet in setback.

The Commission discussed what traffic improvements would be required. Commissioner Fry expressed support for a path to facilitate children walking or biking to the new junior high school. Mr. Varga noted that improvements to Humboldt Road and Bruce Road south of SR 32 are a ways off, and that the priority will be determined by Council. Commissioner Monfort expressed support for widening the bridge on Humboldt Road. There was general consensus that a light at El Monte and SR 32 is desired, although not necessarily because of this project.

There was general consensus that the onsite parking should be reduced, and that bike and pedestrian path stubs should be provided on the north side of the property.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE THE PRELIMINARY PLAN FOR PLANNED DEVELOPMENT USE PERMIT NO. 99-50, SUBJECT TO THE APPLICANT PROVIDING ADDITIONAL INFORMATION AND MAKING CHANGES AS DESCRIBED WITHIN THE STAFF MEMORANDUM DATED JANUARY 18, 2000.

Commissioner Dietle confirmed with Commissioner Bradford that his motion included the amended reference to obtaining a DTSC determination prior to project approval, as well as a flood plain delineation.

COMMISSIONER DIETLE OFFERED AN AMENDMENT THAT THE COMMISSION REQUIRE A BICYCLE AND PEDESTRIAN CONNECTION BE STUBBED OUT TO THE NORTH, AND THE EXCESS PARKING BE ELIMINATED. COMMISSIONER MONFORT OFFERED AN AMENDMENT THAT THE TRAFFIC STUDY LOOK AT IMPACTS ON EL MONTE AND HUMBOLDT, PARTICULARLY PEDESTRIAN TRAFFIC. COMMISSIONER BRADFORD ACCEPTED BOTH AMENDMENTS. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER WOLFE ABSENT).

The Commission was in recess from 7:38 to 7:50 p.m.

5. **Conceptual/Final Review of the Pleasant Valley Estates Planned Development and Vesting Tentative Subdivision Map UP 00-4/ S 99-2 (Zink/Timmons)** - Conceptual/ Final Review of a Planned Development and Vesting Tentative Subdivision Map of 4.6 acres to create 27 single family residential lots on property located on the east side of Marigold Avenue north of Arch Way. The site is identified as Assessor's Parcel No. 048-750-042. The property is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The average proposed lot size is 5,745 square feet. An initial study (SCH # 99102004) for 25 lots was circulated for a 30 day comment period between October 1, 1999 and November 1, 1999. Staff has determined that the initial study for 25 lots is consistent with environmental concerns related to 27 lots and is therefore in substantial conformance with the revised project design.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the neighborhood setting, the design of this Planned Development, and the Planned Development process.

Commissioner Alvistur requested clarification on the proposed lot sizes. Mr. Palmeri reviewed the lot sizes, noting that lots with the shared access easements have a usable lot area of 5100 square feet, which is slightly smaller than subdivisions to the north and west.

Commissioner Dietle confirmed that the proposed design calls for reduced setbacks. Mr. Palmeri explained that the PD process allows a large degree of flexibility with setbacks, particularly with the ability to designate the side yards as rear yards for those properties which abut Cardiff Estates. Commissioner Dietle confirmed with Mr. Palmeri that the applicant is proposing to develop this property at maximum density, and that the shared access easements reduce the total amount of paving.

In response to Commissioner Fry, Mr. Palmeri explained that parking would be provided in private garages, in front of the garages, and on street "A".

There was discussion regarding the layout and proposed footprints of the units. Mr. Palmeri noted that the PD designation offers considerable flexibility in site design, and allows those units on the very south of the subdivision which abut Cardiff Estates to have a 22 foot setback between the main structure and the property line.

Commissioner Alvistur confirmed that there would be windows facing the Cardiff Estates

homes. Commissioner Monfort confirmed that an accessory structure, in this case garages, can be placed 5 feet from the property line.

The public hearing was opened at 8:04 p.m.

Jim Stevens, Northstar Engineering, representing the applicant, said that staff did a pretty good job in the report. He noted the difficulty of the site's configuration for the proposed density, and stated that it is an infill project. He stated that the applicant chose to pursue the PD route to enable the yards to be swapped, particularly for the southernmost lots. In response to concerns raised by the Commission, Mr. Stevens stated that there will be no openings on the back of the garages to be located 5 feet from the southerly property line, and that these were detached to allow a larger rear yard for those lots. He also discussed the orientation of these garages. He stated that although they are maximizing the density, the project is generally compatible with the neighborhood. He noted that the subdivision provides recessed garages, and that the site design was chosen to minimize impervious surfaces. Mr. Stevens also requested that staff remove the requirement that he procure a stormwater permit, stated as a mitigation measure on page 3, Exhibit I, Item C., as those can only be obtained for projects five acres or larger.

Commissioner Monfort stated that he liked the variety within the project, and asked why zero lot lines weren't used to create larger usable open spaces. Mr. Stevens concurred that zero lot lines could be a good idea, and would gladly modify the project to incorporate them.

Tom Rosenow, 1458 Arch way, stated his opposition to the project, citing concerns with project density, incompatibility with the surrounding neighborhood, the "alley-like" access easements, emergency vehicle access, and traffic and safety concerns at the Marigold and East Avenue intersection.

Commissioner Monfort discussed the City's policy of not requiring the installation of public improvements until the property is developed. He agreed that the Marigold and East Avenue intersection needs improvement, and voiced concern with Fire Department access and turnarounds to the lots on the access easements.

In response to Commissioner Alvistur, Mr. Varga stated that Marigold and East is signalized with a high level of congestion, and that Marigold will eventually have a median and a left turn pocket at intersection. He also noted that Public Works is going to widen East Avenue all the way to the Elks Lodge, most likely within the next several years.

Mike Nelson, 1464 Arch Way, stated his agreement with the previous speaker. He also noted that Marigold Estates has quarter acre lots, which are significantly larger than those proposed for this project.

Tom Louisell, 2704 Marigold, stated that he owns the parcel north of the project, which will probably end up being developed. He disagreed with staff's findings regarding General Plan

conformance and neighborhood compatibility, and echoed the concerns of the two previous speakers. He noted that he keeps horses on his property. He stated additional concerns with parking due to garages being used as storage space, and emergency vehicle access.

J.D. Zink, 1 Walnut Circle, property owner, wanted to address some of these concerns. He noted that he and his partner have lived in Chico all their lives, and want to develop quality, affordable housing. He cited his good track record with the City on previous projects, and noted his previous success with access easements on Cloud Court. He stated that the recessed garages create a better community atmosphere. He noted that houses on the easements will have fire sprinklers installed. He stated that the project is legal and allowable, and that he has been working with staff for a long time. He stated that just because it isn't a duplicate of other projects in the vicinity doesn't mean that it is bad. He stressed the variety in the project, and warned against giving in to NIMBYism. He also stated that if zero lot lines would help, he'd be happy to do it.

Commissioner Monfort confirmed that Mr. Zink's previous project is Cloud Court, off of Baroni. Commissioner Fry noted that Cloud Court has one easement driveway, whereas this project has three easements serving a total of 18 homes. He cited concerns for loss of play space for children. Mr. Zink replied that the easements worked so well on Cloud court that they wanted to do more, and noted the low traffic on the easements which allows children to play on them if they wish.

In response to Commissioner Dietle, Mr. Zink stated that the houses proposed for this subdivision would be new plans, different from his previous project. He noted that those houses that front on the street and have a rear garage, will have an attractive elevation. Doug Perske, 2732 Silver Oak Drive, encouraged the residents of the Marigold area to stay for the cell tower discussion.

There being no further comment, the public hearing was closed at 8:36 p.m.

Commissioner Monfort noted that the easements seem to work on the previous project, and that he supports them on this project.

Commissioner Fry confirmed with staff that the Commission is actually giving two separate approvals, a conceptual and a final. Mr. Seidler reviewed the history of the project, and noted that if the Commission likes the project they can approve it tonight. If the Commission doesn't like the project concept, then direction should be provided to the applicant as to what changes are required.

Commissioner Dietle stated that the shared driveway sets a particular tone for the subdivision, and stated her belief that it won't mature into something the City can be proud of. She acknowledged that the site is difficult to work with, but only because the applicant is trying to maximize density. She stated that visually, it feels like multifamily on R1 property.

Commissioner Monfort stressed the need for affordable single family homes without gross uniformity. He stated the affordable housing has to be on small lots, and noted that sharing driveways is one way to maximize green areas. Commissioner Dietle replied that most small lots end up with maximum house on the lots, don't end up being very affordable, and have a higher incidence of becoming rentals.

Mr. Seidler indicated that the use of shared driveways on the north side of street "A" served to both minimize the number of curb cuts on the street, as well as line up the curb cuts on the north and south sides of the street as much as possible.

Commissioner Bradford confirmed that this sort of access easement has been done before, and that they do not provide for sidewalks. There was additional discussion regarding the density of this project compared to the density of surrounding projects.

Commissioner Fry stated his agreement with Commissioner Dietle, stating that the project doesn't conform to the existing neighborhood and is too dense. Commissioner Alvistur stated that review of these projects is difficult, as most have neighborhood opposition. He commended Mr. Zink's goal of providing affordable housing, and stated that although he shares many of the same concerns of Commissioner Dietle, he supports the project and its consistency with the General Plan, subject to the inclusion of zero lot lines. Commissioner Fry indicated that he'd like to see elevations of the proposed house designs before approving the project.

Commissioner Monfort suggested giving conceptual approval, then looking at elevations at a future meeting when final approval is discussed. Commissioner Dietle reemphasized that the Commission doesn't have to approve the project at maximum density, and voiced support for requiring elevations as part of any approval.

Mr. Seidler confirmed that elevations can be required, in this case mainly to look at how the designs work together and their orientation on the lots. He further discussed the history of applications for this project, and the discussions which took place between staff and the project applicant regarding various site designs.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY ONLY APPROVE THE PLANNED DEVELOPMENT AND ADOPT THE ATTACHED RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE PLEASANT VALLEY ESTATES VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, WITH ADDED CONDITIONS THAT THE APPLICANT PROVIDE ELEVATIONS AND REDESIGN THE PROJECT TO INCORPORATE ZERO LOT LINES WHERE FEASIBLE PRIOR TO FINAL APPROVAL.

Commissioner Monfort indicated he was particularly interested in zero lot lines on lots 7, 8 and 9, but that they shouldn't be required if their incorporation makes the project design worse instead of better. Mr. Palmeri stated that the resolution adopts the mitigated negative

declaration and grants final approval to the subdivision, so the motion should not include adoption of the resolution at this time.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION CONCEPTUALLY APPROVE THE SUBDIVISION, EXCEPT THAT THE COMMISSION SHOULD LOOK AT THE NEWEST IDEAS RELATIVE TO ZERO LOT LINES, AND THAT THE COMMISSION LOOK AT ELEVATIONS WHEN THE PROJECT IS NEXT REVIEWED. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH FAILED TO PASS ON A 3-3-1 VOTE (COMMISSIONERS DIETLE, FRY, AND BRADFORD AGAINST, COMMISSIONER WOLFE ABSENT).

COMMISSIONER MONFORT MOVED BOTH CONCEPTUAL AND FINAL APPROVAL OF THE PROJECT AS INDICATED IN THE STAFF REPORT. THE MOTION DIED FOR LACK OF A SECOND.

Mr. Seidler suggested that a Commissioner who voted against the motion should offer a substitute motion. Commissioner Bradford indicated that he thinks the lots are too small, and that he would like to withhold conceptual approval pending larger lot sizes. Mr. Seidler suggested that it be turned into a motion.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION DIRECT THE APPLICANT TO RETURN WITH A PLAN SHOWING LARGER LOT SIZES. COMMISSIONER FRY SECONDED THE MOTION.

Commissioner Dietle suggested tabling the motion until there was a full Commission present.

COMMISSIONER MONFORT MOVED TO TABLE THIS ITEM UNTIL THE NEXT PLANNING COMMISSION MEETING. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Wahl pointed out that someone else could be missing from the next meeting, and stated his preference to vote the project either up or down at this time. Commissioner Fry indicated he would like the map redrawn before the next meeting. Commissioner Dietle reemphasized the problem in making a decision when the Commission is down one member. Ms. Barker confirmed that the 3-3-1 vote is no action, and suggested that the motion to table include a date certain.

COMMISSIONER MONFORT MOVED THAT THE PROJECT BE CONTINUED TO THE PLANNING COMMISSION MEETING OF FEBRUARY 17, 2000. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONER FRY AND CHAIR WAHL OPPOSED, COMMISSIONER WOLFE ABSENT).

The Planning Commission was in recess from 9:01 to 9:09 p.m.

6. **Shastan Homes at Lindo Channel Revised Tentative Subdivision No. S 99-05 (Shastan Homes)** - A request to subdivide a 3.8 acre parcel with 11 single family lots, while preserving a 100 foot wide creekside greenway, and providing a common driveway and landscaped area as open space. With a net useable area of 2.6 acres, the proposed project would create a net density of 4.2 units per acre. Average lot sizes are 10,120 square feet. The property is located approximately 500 feet south of East Avenue on the south side of Holly Avenue and adjacent to the north side of Lindo Channel. The site is identified as Assessor's Parcel No. 042-730-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in a R2 Medium Density Residential zoning district. Earlier versions of this project were approved by the Planning Commission at its September 13, 1999 and October 21, 1999 meetings. The same mitigated negative declaration adopted by the Planning Commission at its September 13, 1999 meeting for the initial project design adequately addresses the revised project's environmental issues and is recommended for this project under the California Environmental Quality Act.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the major change in this iteration of the project is the incorporation of the "sliver" parcel on the east side of the project. He reviewed other minor changes to the project, including garbage and fire truck access. He stated that staff has met with a neighbor to the west regarding several issues, notably concern that the 100 foot greenway not be used for construction or staging of equipment.

Chair Wahl confirmed that staff is recommending that only one of the three fire plan options be constructed. Mr. Seidler clarified that condition number 8 in the resolution should make reference to one of the options on page 3 of the staff report.

The public hearing was opened at 9:20 p.m.

Jim Stevens, NorthStar Engineering, 20 Declaration Drive, representing the applicant, discussed a fourth fire access option, which has been approved by Fire Marshal Mort Meyers. The fourth option involves putting a radius return with access to Holly Avenue at both ends of the private drive, with bollards installed to prevent non-fire use. He suggested that the condition simply read that the requirements of the fire department be met.

Mr. Stevens requested some minor changes to certain items in the report and/or resolution. Requested changes include a 5 foot, not 8 foot landscape strip next to the private drive, to

reflect what was previously agreed to; removal of the requirement that the path connect to the private driveway; clarification that the 100 foot greenway is a 25 foot conveyance and a 75 foot acquisition by the City; that no fence be required to be constructed within the creekside greenway on the western edge of the project, and that it be constructed at the same time that all other fences for the project; and that the map be changed to allow the back of lot 9 to be "squared off" to avoid an odd fence line.

There was general agreement that the requested changes seemed reasonable. Bradford asked if staff got all the changes. Kirk wanted to ask about pedestrian path. Jim additional discussion about bike path, to be on southerly half of greenway.

Ron Hall, 2376 Cussick Avenue, requested that the fence be built the full length of the western boundary of the project before the commencement of construction, as stated in mitigation measure I.1 of the subdivision report. He noted the inconsistencies in the report, with some sections stating the fence is to be built prior to construction, another stating prior to permit issuance, and yet another stating prior to Certificates of Occupancy. Commissioner Dietle confirmed that a building permit is required for an 8 foot fence. Mr. Hall also expressed concern over additional curb cuts for fire truck access and "squaring off" the back of lot 9.

There was discussion regarding tree plantings along the western boundary, with Mr. Hall indicating that he would prefer cherries and Carolinas, similar to what is existing, and that he would be happy to provide water to the trees.

Jay Halbert, Shastan Homes, 378 Brookside Drive, applicant, stated that he agreed to build the 8 foot fence prior to construction and would stand by that commitment. He requested clarification from the Commission on whether the fence should go all the way to the top of bank. He stated that he believes it shouldn't go down that far.

There was discussion and general consensus that the Commission did not intend that any fence be required to be constructed in the 100 foot greenway area.

Mr. Palmeri noted that the 8 foot fence is mitigation measure I.1, and that the height of the fence cannot be reduced. Mr. Seidler indicated that the length of the fence could be reduced so as not to extend into the creekside greenway. Commissioner Dietle concurred, stating that 230 feet of fence is enough and that installation of the fence in the greenway is incompatible with the creation of a linear park.

Warren Locke, 5 Stoney Point Way, stated that it seems like Mr. Hall has extracted everything he wants. He urged the Commission to not allow Mr. Hall to do anything with trees on City property, and encouraged the Commission to approve the project.

Ron Hall, a previous speaker, stated that when the survey is done it will show that the property line is in the middle of the tree, or that the tree is fully on his property. He stressed the need

for the 8 foot fence the full length of the project boundary due to light concerns.

Jim Stevens, a previous speaker, asked the Commission for one more minor change to the resolution. He asked that a Regional Water Quality Control Board Permit not be required, as the project is less than five acres and the RWQCB will not grant a permit for a project that small.

There being no further comment, the public hearing was closed at 9:54 p.m.

There was discussion regarding the fence height to the west and how much should be installed. The consensus was that it could be stopped at the edge of the 100 foot creekside greenway, but that the height could not be reduced without recirculating the initial study.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION FIND THE REVISED PROJECT HAS NOT SUBSTANTIALLY CHANGED FROM THE PROJECT DESCRIPTION IN THE INITIAL STUDY OF THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND THAT THE ENVIRONMENTAL DOCUMENT IS APPLICABLE TO THE REVISED PROPOSAL AND APPROVE THE REVISED TENTATIVE SUBDIVISION MAP FOR SHASTAN HOMES AT LINDO CHANNEL, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED IN THE RESOLUTION, INCLUDING ALTERATIONS TO THE SUBDIVISION REPORT ALTERING ITEM F, PAGE 7, TO READ THAT THE APPLICANT SHALL DEDICATE A 25 FOOT CREEKSIDE GREENWAY, AND ALLOW THE CITY TO ACQUIRE AN ADDITIONAL 75 FEET IN FEE SIMPLE, THAT THE APPLICANT REACHES AN AGREEMENT WITH THE FIRE DEPARTMENT AND MEETS THEIR REQUIREMENTS, THAT THE PEDESTRIAN PATH SERPENTINE UP TO THE BRIDGE AT HOLLY AVENUE, THAT THE LENGTH OF THE 8 FOOT FENCE BE REDUCED TO END AT THE 100 FOOT SETBACK LINE, THAT THE LANDSCAPING STRIP BE ONLY 5 FEET IN WIDTH, THAT LOT NINE BE SQUARED OFF, AND THAT A STORMWATER PERMIT NOT BE REQUIRED FROM RWQCB. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER WOLFE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

7. **Discussion of issues related to development of an ordinance regulating wireless communications facilities.** The public will be invited to participate in this discussion.

Mr. Seidler stated that staff is looking for input and direction from the Commission to assist in the preparation of a permanent ordinance for these facilities. He stated that Ms. Sigona would review the report, including topics and ideas that staff has thought of.

Commissioner Dietle asked if a public hearing had to be held at this time. Mr. Seidler replied that it isn't required, but it is helpful at this time. He noted that any proposed ordinance will ultimately require a City Council hearing.

Ms. Sigona presented the staff report. She noted that the primary issues staff is considering are the following: public noticing distance; outright prohibition in certain zoning districts; prohibition within a certain distance of residential districts; requiring annual RF and EMF reports; requiring payment of funds for a third party to prepare the report; and establishing a tier of different levels of permits, depending on height or location.

Commissioner Dietle confirmed that the proposed ordinance would affect both one and two-way transmission, including radio and television broadcasting towers as well as cellular facilities. She expressed reservations regarding some of the requirements in the county's ordinance, stating that they are too onerous for Chico. Chair Wahl agreed, noting that he would not want either of items 5 or 6 on page 5 of the county's ordinance included in the city's ordinance.

Commissioner Dietle expressed reservations with conditions 9 and 10 on page 6, and indicated that she would not want them included in a City ordinance. She discussed condition 16 on page 7 with Ms. Barker. Ms. Barker indicated that the City Attorney's office favored including that condition, that it would be triggered prior to project approval, and that the cost for the consultant would be part of the application fee. Commissioner Dietle expressed additional concern with condition 3 on page 10, noting that someone is going to have to define "best available technology". She expressed additional concern that requiring towers to be of a minimal height might lead to a greater number of towers.

Chair Wahl indicated that conditions 1.a. and 1.b. on page 7 seemed too burdensome. Ms. Barker indicated that the Commission needs to decide whether all applications need to come to the Commission, or if a tiered structure should be put in place. She noted that by adopted a tiered structure, it can encourage applicants to put in less obtrusive installations and reduce the number of applications heard by the Commission.

The public hearing was opened at 10:24 p.m.

Maggie Van Dame, 2695 Silver Oak Drive, encouraged the Commission to follow the county ordinance as much as possible and noted that the process would be followed closely by concerned citizens. She suggested that all new co-locations be reviewed for visual impact.

In response to Commissioner Dietle, Mr. Seidler stated that the Mariposa tower was constructed to support additional co-locations, but that the City should be able to review any additional co-locations.

Ms. Van Dame also indicated that she would like the notification radius to ideally be 1000 feet, but no less than 500 feet.

Marsha Deen, 2725 Mariposa Avenue, stated that she was actively involved with the preparation of the county ordinance. She urged the Commission to use the county ordinance as a baseline to work from, and hoped that there would be regulations to deal with annexation of existing structures as well as provision to bring existing structures in conformance over time. She expressed support for an independent audit of health effects caused by these facilities.

John Whitehead, 118 W. Frances Willard, representing Day Wireless, urged the Commission to make sure that privately owned two-way radios and land-mobile two-way radios be exempted from the ordinance. Commission Dietle confirmed that Mr. Whitehead is in agreement with the county ordinance regarding the exemption. Mr. Seidler clarified that exempted facilities can be no more than 50 feet in height.

Delmar Tompkins, Pacific Bell Wireless, urged the Commission to adopt a tiered approval structure. He also stated that it is important to determine what the community's goals are, and suggested that the City write its own ordinance instead of copying the county's. He encouraged the Commission to consider allowing temporary placements for fairs and other similar events. In response to Commissioner Bradford, Mr. Tompkins stated that most facilities are exempt according to FCC guidelines. He noted that some facilities have regular testing, most often with roof-mounted units due to people working either on the roof one floor directly below.

Linda Langston, Pacific Bell, stated that the Mariposa tower was not intended to look the way it does. She noted that several conditions were placed on the approval, including the striping, the light, and the sizing for future co-locations. She emphasized Pacific Bell's desire to repaint the tower and remove the light at their expense, but that no response has been forthcoming. Chair Wahl asked Ms. Langston to resubmit a copy of the letter requesting permission to alter the tower as specified. Ms. Langston also voiced her concern with the 1000 foot setback from residential areas, noting that it prohibits service in much of Chico.

Commissioner Monfort stated that the setback is irrelevant, because there's a qualification in the ordinance allowing it to be overridden. Ms. Langston replied that the result is that every placement will then come before the Commission for a full hearing, which is time consuming, expensive, and inefficient.

Linnea Hansen, 2837 Mariposa Avenue, urged the Commission to adopt as much of the County ordinance as possible. She expressed support for a 1000 foot noticing radius and stressed the need for a phaseout plan to remove towers over time. In response to Mr. Seidler, Ms. Hansen stated that it was her impression that the County would be reviewing towers during the five-year review of the ordinance.

Doug Perske, 2732 Silver Oak Drive, recommended that the City look at the County's ordinance as a model. He urged the City to specifically address the Mariposa tower in its

ordinance, and expressed support for a five-year review or amortization process to remove towers after a certain period of time.

Harold Carlson, 2837 Mariposa Avenue, expressed support for both the 1000 foot setback and the 1000 foot noticing area. There was additional discussion regarding whether a 1000 foot setback is feasible. Mr. Seidler referenced a diagram on the wall, noting that a restriction of 1000 feet from any residential areas amounts to a prohibition on the facilities. Commissioner Dietle concurred, stating that the Commission should ensure that new facilities are as invisible as possible.

Chris Perske, 2732 Silver Oak Drive, representing Citizens for Community Justice, urged the Commission to look at the comments her organization has submitted. She stated that workshops should be done to help determine the content of the ordinance, that the range of various antennas should be determined and stated, and noted the lack of technical expertise. She suggested that the City hire a consultant to perform a technical evaluation of these facilities, and that the permit fee be high enough to cover the cost of the consultant. She also suggested that some process be considered to allow Pacific Bell to alter the Mariposa tower as Ms. Langston described.

There being no further comment, the public hearing was closed at 11:21 p.m.

Commissioner Dietle opined that workshops would take too long, and favored a number of evening meetings instead. Commissioner Fry stated that Ms. Barker and Mr. Seidler should be able to produce some sort of a draft document for the Commission to work from. Commissioner Alvistur concurred. Mr. Seidler stated that he'd like some direction from the Commission on some of the topics discussed tonight, and that if a workshop is desired after the draft document is produced, it could be arranged at that point.

Mr. Seidler reiterated that staff would like some preliminary direction from the Commission. Commissioner Dietle confirmed that her concerns voiced earlier were written down; that would be her direction.

There was general agreement that the draft ordinance should contain a 500 foot radius noticing requirement, that the setback from residential areas be less than 1000 feet (staff to research and determine distances and standards), that annual monitoring reports be required, that the addition of antennas to existing structures be administrative in nature, that no workshop be scheduled at this time, and that as many of the ideas as possible which were expressed by the public be incorporated.

Ms. Barker stated that the draft ordinance will have a cover memo describing the significant provisions and changes from the County's ordinance.

8. Use Permit 98-16 (Aguilera) - 851 Main Street - The Planning Commission

has requested that staff provide information regarding the status of compliance with conditions of approval for Use Permit 98-16 (Aguilera) to allow a pet store at 851 Main Street. The Commission may determine that the use permit should be placed on a future agenda for a public hearing.

Mr. Palmeri presented the staff report, reviewing the history of the parcel and the property's compliance with conditions of the use permit. Commissioner Alvistur stated that it appears that compliance is faulty.

The public hearing was opened at 11:39 p.m.

Jorge Acosta, P.O. Box 143, manager of the Pet Jungle, stated that matters are still being taken care of, and complained that he is being singled out. He noted that he is a small business on a tight budget.

In response to Commissioner Dietle, Mr. Acosta stated that the sign will be removed in the coming week. He noted financial constraints with complying with some of the fire requirements, such as the installation of a new fire door and the replacement of wiring.

Commissioner Fry stated that the Commission has set some standards, and that they need to be met. Mr. Acosta reiterated that he is the victim of selective enforcement, noting that others in the area have similar signs. Commissioner Dietle reiterated that Mr. Acosta needs to comply with the rules and the conditions set by the Commission. Mr. Acosta stated that the Fire Marshal has been to his store a half-dozen times, while never visiting any neighboring properties.

Chair Wahl pointed out that Mr. Acosta agreed to the conditions on the permit, and asked him if he will comply with the conditions. Mr. Acosta stated that he intended to continue operating the store, with or without the permit, then agreed to remove the signage. Commissioner Dietle stated that if he had washed his windows, he wouldn't be before the Commission. She stated that if washing off the painted signs removes his advertising, then he needs to install a permanent sign.

There being no further comment, the public hearing was closed at 11:51 p.m.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION HEAR THIS ITEM AT A PUBLIC HEARING. COMMISSIONER FRY SECONDED THE MOTION.

Ms. Barker stated that if the Commission wishes to consider revoking the permit, that intent must be in the motion. There was additional discussion regarding the Commission's intent.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION DISCUSS REVOCATION OF THE USE PERMIT AT THE NEXT COMMISSION MEETING AT LEAST

30 DAYS FROM TODAY. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER WOLFE ABSENT).

Mr. Palmeri stated that this item would be before the Commission on March 16, 2000.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed the status of the AT&T Wireless appeal, the Wells Fargo rezone, the Maderos use permit appeal, and the Commission's joint meeting with Council on February 8 regarding traffic calming.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 11:59 p.m. to the joint meeting with City Council on February 8.

April 20, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED MEETING
FEBRUARY 24, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in Conference Room No. 1 of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Staff present were Planning Director Kim Seidler, Senior Planner Tom Hayes, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Five-Year Review of the General Plan** - The City has initiated the Five-Year Review of the General Plan which provides an assessment of the progress toward implementing the many policies contained in the Plan. A Five-Year Review report has been prepared analyzing development trends, suggesting forecasts for the next five-years and raising issues for discussion. A staff report has also been prepared summarizing comments received at two public meetings conducted on January 13 and 25. The Planning Commission will review this information and receive public testimony before forwarding its recommendation to the City Council. **This item is continued from the Planning Commission meeting of February 17, 2000.**

Chair Wahl stated that the Commission had finished reviewing Sections A and B of the staff memo at the previous meeting, and would start on Section C.

C. Resource Management Areas/Viewsheds

Mr. Hayes presented the staff and public comments and recommendations for Section C, reviewing the general plan issues involved. After discussion to clarify various points, there was general agreement that the Commission support the first four bullets of the staff recommendations. Mr. Hayes indicated that the fifth bullet will be discussed under Section D, Creekside Greenways/Trails.

Mr. Hayes reviewed the single public comment and recommendation for Section C, noting that the suggested purpose was to protect the foothill viewshed, primarily through setback and height restrictions along major thoroughfares on the east side of the City. There was discussion regarding the impact of building height restrictions and setbacks on increased density, with the general consensus being that staff should look at the issue, but that it not be a high priority for staff.

The public hearing was opened for this Section at 6:55 p.m.

Don Kidd, P.O. Box 3670, stated that if the Commission is concerned with protecting the viewshed they will have to limit the height of trees allowed in new development.

John Gillander, 4328 Kathy Lane, expressed concern with who would pay for the environmental review and staff time to add the RMA designations. Mr. Hayes replied that the developer would pay for the review, and that there really is no additional information that is being gathered, but that the information which is gathered will be passed on to the City much earlier in the process.

There being no further comment, the public hearing was closed at 7:02 p.m.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION FORWARD ALL OF STAFF'S RECOMMENDATIONS, AS WELL AS THE PUBLIC COMMENT, TO THE COUNCIL, WITH THE UNDERSTANDING THAT THE PUBLIC COMMENT BE A LOW PRIORITY FOR STAFF. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Wahl confirmed that staff recommendation five is not included in the motion. There was additional discussion regarding staff recommendation four, clarifying that the proposed change would include any required buffer area within the Resource Conservation Area.

THE MOTION CARRIED 7-0.

D. Creekside Greenways/Trails

Mr. Hayes noted that bullet five from the previous section, which dealt with OS-I-22, will be treated as staff comment #2 in Section D. He presented the staff and public comments and recommendations for Section D, reviewing the general plan issues involved. He noted that item #1 would increase the number of waterways which would be subject to creekside greenway acquisition, and that item #2 would allow staff to map out how much creekside greenway will be required by the City for all parcels along waterways, whether or not they are currently slated for development, thereby allowing a developer to know at the beginning of the process how much dedication and/or acquisition would be required.

The Commission clarified that the 100 foot greenway would not always be required, and that factors such as public access, habitat value, and recreational opportunity would be considered. Mr. Hayes verified that the resultant map would be brought to both the Commission and Council for approval, and that the policy may have to be amended to allow the proposal.

Mr. Hayes reviewed the three public comments, all of which dealt with trails and/or encroachment on City parkland. Regarding public comment #2, the Annie Bidwell trail, Mr.

Hayes explained that the trail would be constructed with private organizations and grant funds, and that the City would not be involved other than saying that it supports the idea. The public hearing was opened for this Section at 7:28 p.m.

Caryn Jones, 5 Deborah Terrace, indicated that she is only seeking City support for the trail within the park at this point, and that there would be no cost to the City other than that required to perform environmental review for the project. She noted that she is also working to obtain a Chamber of Commerce endorsement for the trail, which will be on the south side of the creek.

Commissioner Dietle expressed concern with ADA compliance, and confirmed with Ms. Jones that volunteers would provide required maintenance. Ms. Jones confirmed that large portions of the trail already exist, and that her intent was to install a pedestrian and/or equestrian trail. Mr. Seidler confirmed that the Bidwell Park and Playground Commission has already looked at the project and had no specific comments or concerns.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION SUPPORT THE IDEA OF VOLUNTEERS CONSTRUCTING AN ANNIE BIDWELL TRAIL. THE MOTION DIED FOR LACK OF A SECOND.

There was agreement that all the items in the section should be addressed in one motion and that the public hearing should be closed first.

There being no further comment, the public hearing was closed at 7:43 p.m.

Mr. Seidler stated that he couldn't estimate how much the environmental review might cost, but that it would be a highly focused EIR.

COMMISSIONER DIETLE MOVED THAT THE PUBLIC HEARING BE RE-OPENED. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 7-0.

The public hearing was reopened at 7:45 p.m.

Don Kidd, a previous speaker, noted that most of the construction will occur above Five Mile, opined that the trail may end up costing more than is thought at this time, and voiced liability concerns associated with installing improvements which would increase accessibility to Bear Hole.

Their being no further comment, the public hearing was re-closed at 7:47 p.m.

Ms. Barker confirmed that installation of the trail wouldn't increase the City's liability.

There was general discussion about sub-points "a", "b", and "c", with the Commission

determining it needed additional information from the author of the comment.

COMMISSIONER MONFORT MOVED THAT THE PUBLIC HEARING BE REOPENED.
COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 7-0.

The public hearing was re-opened at 7:55 p.m.

Caryn Jones, a previous speaker, stated that the suggestions are intended to create implementing policies for some of the guiding policies. She noted that it makes sense to develop uniform policies, whether it is to deal with encroachment on City land or to determine where trails should go.

There was additional discussion concerning what portion of creekside areas are considered parkland.

There was agreement that sub-point A could be deleted in favor of bullet #3, and that sub-point C could be deleted in favor of bullet #2.

There being no further comment, the public hearing was re-closed at 8:02 p.m.

Commissioner Monfort discussed amending policy PP-I-10, and clarified that the proposed change would result in the creation of a network trail plan.

Mr. Seidler indicated that a short break would allow sufficient time for staff to come up with precise wording to reflect the Commission's intent.

The Commission was in recess from 8:06 to 8:15 p.m.

Mr. Seidler proposed the following language for Section D:

Leave the first two bullets intact. Eliminate sub-points A and C. Sub-point B is amended to read: Consider adopting an implementing policy to extend a uniform encroachment policy to all city parklands.

The Annie Bidwell trail language is amended to read: The City shall allow and encourage development of an Annie Bidwell Trail within sight and sound of Big Chico Creek, where practicable, on City lands from Bidwell mansion to 10-mile road. The trail should be constructed or upgraded to a minimum of Bidwell Park Trails Manual Class B standards as soon as possible, but ideally in time for the 100-year anniversary of Annie Bidwell's July 11, 1905 deed of Bidwell Park.

The last bullet is amended to read: Amend policy PP-I-10 to require preparation of a recreational trail network plan extending from the urban area into the foothills, and preserve public access through new and existing development to enable future use of such trails. This plan is intended to be implemented through the development approval process and opportunity purchases.

COMMISSIONER MONFORT MOVED THE WORDING PROPOSED BY MR. SEIDLER. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0.

E. Downtown/Transit corridor.

Mr. Hayes presented the staff report, reviewing the land use issues involved. He noted that the first bullet was handled at the previous meeting. He discussed that the City would ultimately like to move to 15-minute head times for the busses along the ring.

There was discussion as to what sort of parking incentives could be required in the corridor, the need to allow horizontal mixture of uses, and that the corridor is not intended to restrict automobile use in that area.

Commissioner Bradford noted that the corridor is largely developed right now, and inquired as to what incentives could be offered. Mr. Hayes discussed how the vision could be brought about using various incentives, noting that it would take a long time for this to occur, and that he would like to get preliminary standards in place so as not to miss any mixed-use opportunities.

There was additional discussion regarding the history of the proposal, what the corridor might look like in the future, and what uses are most appropriate. The Commission expressed support for the proposal.

Mr. Hayes discussed the single public comment, which asks that the City consider preparation of a Downtown Plan. He noted that there had been discussion with representatives from the DCBA on this topic.

The public hearing for this Section was opened at 8:43 p.m.

Katrina Davis, Director of the Downtown Chico Business Association, stressed her passion for downtown, and emphasized the need for the City to fund or help fund a Downtown Plan so that current and potential merchants know where the downtown is going. She discussed the need to look at the university's impact, parking issues, pedestrian circulation, cleanliness, police enforcement, garbage receptacles, alternative transportation, vacancies, and public improvements.

Don Kidd, a previous speaker, agreed with Ms. Davis. He noted that the DCBA is anxious to pursue grants as well as City funding, and that a Downtown Plan would be a great help. He clarified that the DCBA is asking that the creation of a Plan be authorized, to be worked on jointly by the City and merchants.

Katrina Davis, a previous speaker, stated that she would like general community members on the Plan committee also.

Commissioner Monfort reviewed the history of plans for the downtown area, noting that DCBA has no enforcement mechanism to make sure that members comply with DCBA rules; he cited the examples of employees leaving their vehicles in prime parking spots all day, and how some owners were unwilling to clean up the sidewalk in front of their businesses.

There was additional discussion regarding parking, cleanliness, and bicycle police patrols downtown.

There was discussion regarding the applicability of old plans in the preparation of a new plan. There was general agreement that some new studies were needed, as many of the old studies pre-dated the opening of the Chico Mall.

Mr. Hayes stressed the need for a community-based plan, and noted that the existence of a plan would facilitate the construction of public improvements. Commissioner Dietle stated that a plan doesn't do any good unless the property owners are willing to help implement it, but that she isn't opposed to reminding Council that the City needs to do its part.

Katrina Davis, a previous speaker, discussed the finances of the DCBA, noting that lack of funding precludes effective enforcement or planning without outside assistance.

Commissioner Wolfe confirmed that staff supports this recommendation going to Council for clarification on the policy and the plan. There was agreement that whatever plan exists needs to be updated, or a new one drafted.

Don Kidd, a previous speaker, discussed DCBA finances further at the request of Commissioner Alvistur. He noted that City funding comprises only 17 percent of the organization's revenue, with 60 percent of revenue coming from events.

There was additional discussion on downtown's role as an entertainment and cultural center.

There being no further comment, the public hearing was closed at 9:24 p.m.

Mr. Seidler indicated that if the Commission wishes to send this item to Council, staff would like a chance to look at the various studies first so as to provide Council with a better idea of

what may be involved.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION SUGGEST TO COUNCIL THAT STAFF PRIORITIZE THE INNER RING CORRIDOR CONCEPT, AND THAT CREATION OF A DOWNTOWN PLAN BE CONSIDERED WITHIN THE NEXT FIVE YEARS, WITH STAFF TO LOOK AT PREVIOUS PLANS BEFORE SENDING ANYTHING TO COUNCIL. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

The Commission was in recess from 9:21 to 9:28 p.m.

F. Neighborhood Planning

Mr. Hayes reviewed the single public comment for this section, which requests clarification on the implementation of policy LU-I-17 ("Assist neighborhoods and districts in developing design guidelines"). He noted that the Commission had reviewed neighborhood planning programs earlier and had forwarded a recommendation for Council consideration. Commissioner Dietle had asked for greater fiscal information before forwarding the recommendation to Council, and staff still needed to do the analysis.

There was discussion as to how this recommendation should be approached, with the consensus being that the present policy is adequate, but that Council's prioritization should be sought on implementation.

The public hearing was opened for this Section at 9:34 p.m. Seeing no comment, the public hearing was closed at 9:34 p.m.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION RECOMMEND TO COUNCIL THAT THE CURRENTLY APPROVED NEIGHBORHOOD PLANNING PROGRAM BE PRESENTED TO COUNCIL TO DETERMINE IF COUNCIL WISHES TO PROCEED WITH IT. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

G. Parks and Schools

Mr. Hayes reviewed the three staff recommendations for this Section, noting that they are all "housekeeping" issues. The Commission asked for clarification of various points during the presentation.

There was discussion as to how acquired park sites are actually turned into a park, and CARD's role in the process. Mr. Hayes noted that a certain "critical mass" needs to be achieved surrounding the park, and that a maintenance district has to be formed to fund

ongoing operations and maintenance. Commissioner Fry expressed concern with the slow rate of acquired park sites being turned into parks.

The public hearing was opened for this section at 9:44 p.m. Seeing no comment, the public hearing was closed at 9:44 p.m.

COMMISSIONER WOLFE MOVED THAT A RECOMMENDATION BE FORWARDED THAT THE COMMISSION IS IN FAVOR OF ADOPTION OF ALL THREE BULLET POINTS. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

H. Noise

Mr. Hayes reviewed the two staff recommendations for this section, noting that staff would like to establish better guidelines for development along arterials and look at amending noise standards, particularly for the south campus area.

The public hearing was opened for this section at 9:46 p.m. Seeing no comment, the public hearing was closed at 9:46 p.m.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION FORWARD BOTH STAFF RECOMMENDATIONS TO THE COUNCIL. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Chair Wahl asked if there were any items in the review which were not presented by staff which the Commission should discuss.

Commissioner Monfort indicated he wished to discuss two items. First, he indicated that he'd like to get things moving again on alternative street standards, which could be grouped in under transportation or noise. He emphasized the need to design new public facilities so as to avoid the need to retrofit them at a later date.

The public hearing was opened for this item at 9:49 p.m. Seeing no comment, the public hearing was closed at 9:49 p.m.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION FOR CONSIDERATION OF ALTERNATIVE STREET STANDARDS. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 7-0.
Second, Commissioner Monfort stressed the need for good design in residential development, and proposed that the Council consider requiring architectural review for R1 developments larger than five units. Commissioner Fry stated that he's not thrilled with what's being built, but that it shouldn't be micro-managed.

There was additional discussion regarding architectural review of single family residential development, and the fact that review can be required for a Planned Development subdivision. A parallel development code was also discussed. Mr. Seidler noted the problems with implementing such a program without a city-wide commitment to specific designs. Commissioner Dietle noted that the Community Design Element was removed from the General Plan by Council, and stated her belief that there might be support for review of projects above a certain density, as opposed to a certain number of units. Commissioner Alvistur indicated that he doesn't wish to add this kind of additional bureaucracy. The Commission agreed that architectural review for single-family development is not desired.

Mr. Hayes reviewed the positive aspects of good design, but stated that there isn't support in the community for such a policy at this time. Jolene cited the difficulty of requiring design standards without a design element in the General Plan.

There was agreement that although Traditional Neighborhood Development standards aren't necessarily a part of the Five-Year Review, the idea should be brought forward again at this time.

The public hearing was opened for these items at 10:07 p.m.

Bob Storrey, Building Industry Association, stated that BIA would respond at a later date.

There being no further comment, the public hearing was closed at 10:07 p.m.

Chair Wahl confirmed that Commissioner Monfort's second proposal was not acted upon and that there was no motion for it.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO EVALUATE POSSIBLE AMENDMENT OF THE GENERAL PLAN AS SPECIFIED AND TO REVISE THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AS NEEDED TO REFLECT PROPOSED AMENDMENTS AND THE UPDATE TO THE MASTER ENVIRONMENTAL ASSESSMENT. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed that the City will be holding Principal Planner interviews on Tuesday, February 29, and that this new position would head up the current planning and environmental sections of the planning division.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:09 p.m. to the Regular meeting of March 2, 2000, at 6:30 p.m. in the City Council Chambers.

April 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MARCH 2, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:36 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, and Chair Larry Wahl. Commissioners Glenn Fry and Nancy Wolfe were absent. Staff present were Planning Director Kim Seidler, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, Associate Planner Claudia Sigona, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. Minutes of Regular Adjourned Meeting of December 2, 1999

COMMISSIONER DIETLE MOVED THAT THE COMMISSION APPROVE THE MINUTES. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS FRY AND WOLFE ABSENT).

REGULAR AGENDA

- 2. Use Permit No. 00-1 (Christensen)** - A request to allow a residential project consisting of eight duplexes (16 units) on 1.6 acres located between San Jose Street and Panama Avenue, approximately 250 feet east of the Esplanade. The site is located at 188 Panama Avenue, and is identified as Assessor's Parcel No. 006-054-013. The subject property is designated Offices on the City of Chico General Plan Diagram and is located in an OR Office Residential zoning district. A Mitigated Negative Declaration was previously adopted for Panama Avenue Annexation District No. 2, which included an analysis of multi-family residential development on the subject site. No new impacts have been identified which were not previously addressed. ***Staff recommends approval of the use permit.***

Ms. Sigona presented the staff report, reviewing the land use issues involved. She also reviewed the supplemental memorandum, which changes the CEQA exemption to Section 15332 (In-Fill Development Projects).

The public hearing was opened at 6:42 p.m.

Harley Perez, 2717 San Jose Street, stated his opposition to the project, citing concerns with crime, traffic, neighborhood incompatibility, and the potential for problems associated with any multi-family project in a single-family neighborhood. He specifically stated that this project

would increase traffic on San Jose Street (a road currently in the county) by 62%, and urged the Commission to make sure it wasn't approving a project which would become a slum in ten years.

Dennis Smith, 2713 San Jose Street, voiced agreement with the previous speaker.

There being no further comment, the public hearing was closed at 6:52 p.m.

Commissioner Dietle stated that she can understand the neighbors' concerns, but noted that the project doesn't appear to be a low income project and that the type of tenant can be controlled with the rent level.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15332 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THAT THE COMMISSION APPROVE USE PERMIT NO. 00-1 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN SECTION VI OF THE STAFF MEMO DATED FEBRUARY 17, 2000, AND THE AMENDED LANGUAGE FOR FINDING NO. 5 NOTED IN THE STAFF MEMO DATED MARCH 1, 2000. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioners Alvistur, Bradford and Monfort expressed that the project will likely be an improvement to Panama Avenue, and stressed the importance of infill development where feasible. Commissioner Monfort noted that there will still only be 46 units on a residential street.

THE MOTION CARRIED 5-0-2 (COMMISSIONERS FRY AND WOLFE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

3. **Planned Development Use Permit No. 99-49 and Parcel Map No. 99-3 (Guillon)** - A request to approve a parcel map to allow 1.16 acres located at the northeast corner of Bruce Road and Lakewest Drive to be divided into three parcels to allow for separate ownership of two existing office buildings, and to approve a conceptual and final development plan. The site has is located at 2550 and 2552 Lakewest Drive, and is identified as Assessor's Parcel No. 011-480-001. The site is designated Offices on the City of Chico General Plan Diagram and is located in an OR Office Residential zoning district. The planned development use permit would allow for modifications to setbacks and minimum lot size to facilitate creation of property lines generally contiguous with the building footprints. This project is categorically exempt pursuant to Sections 15315 Minor Land Divisions and 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). ***Staff recommends approval of this use permit and parcel map.***

Commissioner Dietle stated that she would abstain on this item due to a conflict of interest; her employer is providing financing for the project.

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted that the permit won't result in any physical changes to the site, but will allow for separate ownership of each of the two buildings. She stated that parcel 3 would be limited to parking uses only, and would be held jointly by the owners of parcels 1 and 2. She acknowledged that this is an unusual request, but that it is the only way to allow separate building ownership and still comply with Uniform Building Code requirements.

Mr. Varga confirmed that the project is a compromise solution, but that it is the most practical way to achieve the desired end of allowing separate building ownership. He stated that the map won't be recorded until some sort of funding mechanism is in place for landscape maintenance of parcel 3.

The public hearing was opened at 7:10 p.m. Seeing no comment, the public hearing was closed at 7:10 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION APPROVE RESOLUTION NO. 00-3, FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING PARCEL MAP NO. 99-3 AND THE CONCEPTUAL AND FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT USE PERMIT NO. 99-49, SUBJECT TO THE FINDINGS AND CONDITIONS INCLUDED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-0-1-2 (COMMISSIONER DIETLE ABSTAINING, COMMISSIONERS FRY AND WOLFE ABSENT).

4. **Pleasant Valley Estates Vesting Tentative Subdivision Map S 99-2 (Zink/Timmons)** - A request to approve a Vesting Tentative Subdivision Map of 4.6 acres to create 24 single-family residential lots on property located on the east side of Marigold Avenue north of Arch Way. The site is identified as Assessor's Parcel No. 048-750-042. The site is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. The average lot size for the project is 5,850 square feet. An initial study (SCH # 99102004) for 25 lots was circulated for a 30 day comment period between October 1, 1999 and November 1, 1999. Staff has determined that the initial study for 25 lots is consistent with environmental concerns related to 24 lots and is therefore in substantial conformance with the revised project design. ***Staff recommends approval of this subdivision.***

Mr. Seidler presented the staff report, reviewing the land use issues involved. He noted that in contrast to the prior submittal, this is a more conventional subdivision which is more consistent with surrounding neighborhoods.

The public hearing was opened at 7:14 p.m.

Jim Stevens, Northstar Engineering, representing the applicant, wished to make two requests. First, regarding the contribution to a mitigation bank for wetlands, he would like to add the wording "or an approved alternative". He expressed that other agencies, notably the Corps of Engineers, won't accept a payment to a mitigation bank that isn't functional yet. Second, he asked that the Commission remove the requirement for irrigated landscaping in the storm water detention basin, noting that it is fenced off from view. He suggested that natural weed growth on the bottom of the basin due to lawn watering runoff will provide adequate vegetative filtration, or that a perennial groundcover could be planted if needed.

Mr. Varga stated that the City's experience is that the lawn runoff isn't enough to keep much vegetation alive during the summer. He expressed that he is open to demonstrations that an alternative treatment will provide the same net result, and that if demonstrated to be equal, the map advisory committee would approve the change. He noted that grass works the best, and that necessitates an irrigation system.

In response to Commissioner Monfort, Mr. Varga stated that trees and shrubs generally don't do well, due to the wide variation in moisture throughout the year. In response to Commissioner Bradford, Mr. Varga stated that the maintenance would be performed by the City, but funded by the maintenance district for the subdivision.

Mr. Stevens confirmed that the Commission has no problem with adding the "or approved alternative" language for that condition. He also further explained his reasons for the change to the wetland mitigation bank language.

J.D. Zink, 1 Walnut Circle, applicant, stated that he had heard the Commission's comments from the prior meeting, went back to the drawing board, and created a new, more traditional project. He stated that if necessary, he could pay mitigation monies into both banks, but that it is a big deal in principle.

Commissioner Monfort asked if the same houses will be constructed as in the prior proposal. Mr. Zink replied that new houses will be designed. In response to Commissioner Dietle, Mr. Zink stated that he plans to build the subdivision, but that many developers can work with the current configuration.

Mike Nelson, 1464 Arch Way, stated that he is a homeowner within the Marigold Estates subdivision. He expressed concerns with project density. Mr. Seidler indicated that the project had been revised in design, and provided Mr. Nelson with a map. After reviewing the map and confirming that the re-designed project is less dense than Cardiff Estates and very close to Mr. Englebert's subdivision to the north, he withdrew his concerns.

There being no further comment, the public hearing was closed at 7:35 p.m.

Commissioner Dietle stated that although she is not a big proponent of smaller lot subdivisions, this one meets all City criteria.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT PLANNING COMMISSION RESOLUTION NO. 99-21, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE PLEASANT VALLEY ESTATES VESTING TENTATIVE SUBDIVISION MAP (S 99-2), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, WITH CHANGES MADE TO ADD THE LANGUAGE "OR APPROVED ALTERNATIVE" TO THE MITIGATION BANK AND DETENTION LANDSCAPING CONDITIONS AS DISCUSSED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 4-1-2 (COMMISSIONER MONFORT AGAINST, COMMISSIONERS FRY AND WOLFE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler noted that Commissioners Fry and Wolfe and Mr. Palmeri are at the Planner's Institute in Monterey. He reviewed the CSUC Master Plan presentation on March 17; Commissioners Bradford, Dietle, Monfort and Wahl indicated they would attend.

Chair Wahl asked about the status of the two coffee houses on Mangrove, and also the McDonald's reconstruction. Mr. Seidler replied that all are going forward, and that construction should begin within the next few months.

Commissioner Alvistur noted that he drove by the Well Ministry, and that it appeared that the condition to install sight-obscuring fencing on the north side has not been complied with. Mr. Seidler indicated that staff would investigate the situation.

Commissioner Bradford asked that staff investigate the status of the food vendor at the corner of Floral and East Avenues. Mr. Seidler replied that staff would look into that situation also.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m. to the Adjourned Regular meeting of March 16, 2000, at 6:30 p.m. in the City Council Chambers.

May 4, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
MARCH 16, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Commissioners Ross Bradford and Jolene Dietle were absent. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort reported that he had spoken to Jim Stevens regarding Shastan at Idyllwild, and a neighbor of the Reimers property. Nothing of significance transpired.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Adjourned Meeting of December 16, 1999**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION APPROVE THE DECEMBER 16, 1999 MINUTES. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND DIETLE ABSENT).

REGULAR AGENDA

2. **Use Permit 98-16 (Aguilera) - 851 Main Street:** A request that the Planning Commission consider revocation of Use Permit 98-16 allowing a pet store with related retail sales within an existing building located at 851 Main Street. At its meeting of February 3, 2000, the Planning Commission requested that a revocation hearing, pursuant to Chico Municipal Code Chapter 19.14, PERMIT REVOCATION PROCEDURES, be scheduled for Use Permit 98-16. At the revocation hearing the Planning Commission will consider whether grounds exist, pursuant to Chico Municipal Code Section 19.14.030, to revoke the use permit. *Staff recommends revocation of the use permit.*

Mr. Palmeri presented the staff report, reviewing the revocation reasons and procedures. He noted that although no conditions were met at the time the report was written on February 3, a field review performed today revealed that most conditions have been met. He stated that staff is recommending that revocation not proceed at this time, and that additional time be given to the applicant to resolve Fire Department issues.

In response to Commissioner Alvistur, Mr. Palmeri stated that some fire code requirements have not yet been met, but that no code violations have been issued at this time. He elaborated that a new door is needed, but that Fire has not given a specific time frame for

compliance.

Commissioner Fry expressed frustration with the number of times the Commission would have to deal with this particular use permit.

Mr. Seidler stated that future probability of non-compliance is not a reason to revoke a use permit. He stated that Fire Department compliance is an important issue, and that the Commission may want to get a report from Fire after three months or so. He noted that it appears that a substantial effort has been made to comply with the conditions, and staff is therefore reluctant to recommend revocation; however, the use permit has been signed, and all required conditions, including the Fire Department's, are listed on the use permit.

The public hearing was opened at 6:43 p.m.

Jorge Acosta, manager of Pet Jungle, opined that there are other more pressing items that require the City's attention, and that there are other ways that the matter can be resolved. He stated that he'd do business either with or without a permit, but that he would alter his sales so that he doesn't require a use permit if his permit is revoked. Chair Wahl confirmed that Mr. Acosta would not sell live animals without a permit, and that his business would then be limited to pet supplies.

Mr. Acosta stated that he will comply with all conditions, time and finances permitting. He indicated that other agencies, such as fire and animal control, could take care of remaining issues administratively.

There being no further comment, the public hearing was closed at 6:46 p.m.

In response to Commissioner Monfort, Ms. Barker stated that if there is a violation of the fire code, the Fire department can issue a citation, which is an infraction. She added that the Fire department could also send a memo to the Planning Division that there is a violation which hasn't been resolved; an unresolved violation would be a reason to consider revocation.

Commissioner Fry expressed frustration with the whole process, and stated that the regulations need to be followed.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION APPROVE RESOLUTION 00-5, FINDING THAT THE CONDITIONS OF APPROVAL HAVE NOT BEEN COMPLIED WITH, AND REVOKING USE PERMIT 98-16 (AGUILERA) TO ALLOW A PET STORE AT 851 MAIN STREET. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Wolfe stated that she wouldn't support the motion, and opined that the applicant should be given a few more months to fully comply with all conditions.

In response to Chair Wahl, Mr. Seidler indicated that he doesn't know how long it would take to comply, but that three months should be adequate if the Commission chooses to pursue that option. Commissioner Fry stated that the Commission has been fair.

THE MOTION PASSED 4-1-2 (COMMISSIONER WOLFE OPPOSED, COMMISSIONERS BRADFORD AND DIETLE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

3. **Appeal of Boundary Line Modification 99- 13 (Reimers) - 1240 and 1258 Hobart Street:** An appeal of a boundary line modification for two lots located at 1240 and 1258 Hobart Street. The boundary line modification would result in the lot at 1240 Hobart Street being increased in size from 22,050± to 28,350± square feet and the lot at 1258 Hobart Street being decreased in size from 15,750± square feet to 9,450± square feet. The parcels are identified as Assessor's Parcel Nos. 003-052-017 and 003-052-018. The properties are designated Low Density Residential on the Chico General Plan Diagram and are located in an R1 Low Density Residential zoning district. The boundary line modification was approved the City of Chico Planning Director on January 18, 2000. This project has been determined to be categorically exempt, pursuant to the California Environmental Quality act (CEQA), Section 15305 (a), Minor Alterations in Land Use Limitations. ***Staff recommends denial of the appeal.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the history of the project, the Planning Director decision and the subsequent appeal. Commissioner Monfort confirmed that the buyer and seller had agreed that the property being transferred was 54 feet wide.

There was discussion regarding the level of discretion available to the Commission; Mr. Seidler confirmed that it is a ministerial act as long as the lots conform to existing zoning requirements and the number of parcels does not change. There was additional discussion regarding the differences between a boundary line modification and a minor land division.

The public hearing was opened at 7:02 p.m.

T. J. Glenn, 1258 Hobart Street, stated that he purchased his property from Mr. Reimers, and has two major issues. First, the lender and the appraisal both described the parcel as 90 by 175 feet. Second, he is currently paying taxes on the whole parcel.

Commissioner Wolfe asked Mr. Glenn if he thought anything was amiss when he purchased the property; Mr. Glenn replied that he assumed there would be no problems when the seller informed him he was the tax assessor. In response to Commissioner Wolfe, Mr. Glenn stated that he thought he was purchasing only 54 feet of the property, but is concerned with what will

happen if the lender forecloses on the property. Commissioner Fry confirmed that Mr. Glenn had title insurance, and recommended securing the services of an attorney.

Jim Jessee, 1272 Hobart Street, stated that he has lived in the neighborhood for 25 years, and that the current R1 zoning was the result of a neighborhood effort to prevent the development of apartments on the subject site by Mr. Reimers. He expressed concern with the current level of care of Mr. Reimers' remaining property, noting that Mr. Glenn has improved his property substantially. He stated he was encouraged that the Commission has greater discretion with a minor land division, and encouraged the Commission to examine the properties Mr. Reimers has acquired through the years.

Greg Taylor, 1222 Hobart Street, stressed the uniqueness of the neighborhood, and noted that many of the houses are being bought by young couples. He stated that many of the problems in the neighborhood have been due to the tenants at 1240 Hobart.

There being no further comment, the public hearing closed at 7:13 p.m.

Commissioner Fry stated that Mr. Glenn and Mr. Reimers appear to have been in agreement as to what property was being sold, but that there is a problem that Mr. Glenn is now the legal owner of the entire parcel. Ms. Barker indicated that she is unsure who legally owns the parcel. There was general agreement that this item should be continued until the issue of legal ownership has been resolved.

COMMISSIONER FRY MOVED THAT THIS ITEM BE TABLED UNTIL LEGAL OWNERSHIP OF THE PARCEL IS DETERMINED.

Ms. Barker indicated that any motion to table should include a date certain.

COMMISSIONER MONFORT MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND DIETLE ABSENT).

The public hearing was re-opened at 7:16 p.m.

Ken Reimers, 127 West Lindo Avenue, reviewed that he purchased the property in 1998 so that he could increase the size of the lot at 1240 Hobart, and that he sold Mr. Glenn a lot that was only 54 feet wide. He asserted that the problem was due to an error made by Mid Valley Title, and re-stated that Mr. Glenn only purchased a legal lot, and not the entire parcel. He stated that his son now lives on the property, that he has spent money on it, and that it is up to code. He asserted that Mr. Glenn will only be assessed for a parcel that is 54 feet wide. In response to Commissioner Fry, Mr. Reimers stated that a real estate broker was not involved.

Commissioner Alvistur inquired about the normalcy of a BLM occurring after the sale of

property, and opined that the BLM should have occurred before the sale. Mr. Reimers stated that there was no misrepresentation during the sale.

T.J. Glenn, a previous speaker, expressed concern with his lender, liability, and what would happen if there was a foreclosure given the current status of the property.

Mr. Palmeri suggested that a certificate of compliance be prepared which establishes exactly what the current property conditions are, such certificate to be prepared prior to the BLM.

Ken Reimers, a previous speaker, stated that he would be happy to talk to the lender, that the escrow instructions were not followed, and that the appraiser could have made a mistake.

There being no further comment, the public hearing was re-closed at 7:28 p.m.

Chair Wahl confirmed that there is a motion to table, and that a date certain is needed. After discussion, it was agreed that this item would be continued to the meeting of April 20, and that a certificate of compliance should be sought prior to that meeting.

COMMISSIONER MONFORT SECONDED THE MOTION TO TABLE UNTIL APRIL 20. THE MOTION CARRIED 5-0-2 (COMMISSIONERS BRADFORD AND DIETLE ABSENT).

The Commission was in recess from 7:30 to 7:37 p.m.

4. **Shastan Homes at Idyllwild Circle Vesting Tentative Subdivision No. 99-11 (Shastan Homes)** - A request to subdivide a 13.3 acre parcel with 54 single family lots. The site lies adjacent to the north side of a seasonal drainage swale which is tributary to the California Park stepped ponds and Dead Horse Slough. Lots are arranged along three cul-de-sac roads, each accessing Idyllwild Circle, a local residential street. Lot sizes range from 5,600 to 16,000 square feet, with an average size of 8,500 square feet. Gross density for the project is 4.1 units per acre and net density is 5.1 units per acre. The property is located approximately 3 miles east of State Highway 99, and one quarter mile north of State Highway 32, at the southwest corner of Yosemite and Idyllwild Drives, Assessors Parcel No. 011-030-130. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential City zoning district. A mitigated negative declaration has been proposed for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted the surrounding property uses, and that significant fill will need to be brought to the site. He noted

some minor changes in the staff report, including provision for an access driveway for the two flag lots on the west side of the property, various modifications to the improvement standards, including double frontage lots, location of sewer in a public easement, and allowing rear yard drainage; staff is recommending approval of these modifications.

He also reviewed the following changes to the subdivision resolution: the reference to preserving creekside greenway on page 2, item B should be struck, as there is no greenway to preserve; the reference to modification of design standards on page 3 should indicate that the requested modifications are necessary for the subdivision due to the size, location, shape, and topography of the site; and the reference on Exhibit II, page 13 should read Department of Toxic Substances Control.

Mr. Palmeri also reviewed that minor changes needed to be made to the initial study regarding project lighting, upstream development, and the stepped ponds in California Park. Mr. Seidler also made some minor numbering corrections, and noted that vistas into the site are limited to areas to the south. Mr. Palmeri stated that staff is recommending approval with the conditions as modified.

In response to Commissioner Alvistur, Mr. Seidler clarified that staff does recommend that a pedestrian path connecting the bulbs of the cul-de-sacs be installed on the north side of the drainage swale.

The public hearing was opened at 7:54 p.m.

Jim Stevens, NorthStar Engineering, representing the applicant, stated that the pedestrian path was inadvertently omitted from the plan; it will be installed over the sewer easement on the southerly portion of the property, and maintained through a maintenance district.

Mr. Stevens reviewed the site constraints which led to the adoption of the proposed design, noting that there is a 35 foot drop from the northeast corner to the southwest corner of the property. He noted that provision of sewer service was a major factor, which favored the Idyllwild orientation as proposed. He also noted that the ground is lava cap, and that the cul-de-sac design, combined with the rear yard drainage on the westernmost lots, minimizes the amount of fill required for the project. He emphasized that the project was designed with significant input from Public Works staff regarding these issues.

Commissioner Monfort expressed regret that the project isn't being developed with multifamily units, as it would have allowed for more open space. Mr. Stevens replied that lava isn't much of an amenity, and that the proposed design provides for a full, attractive utilization of the site. He also stated that removing lots to create open space would make the project fall below the minimum R2 density of 4.01 units per acre, and that developing with multifamily units would only worsen the traffic situation on Idyllwild.

Mr. Stevens questioned the requirement that this project install a traffic circle at the

intersection of Yosemite and Idyllwild; he noted that the speeding on Yosemite is an existing condition, and that the problem shouldn't be fixed at this project's sole expense. He also asked the Commission for permission to install landscaping other than turf and trees along Yosemite in the ten foot buffer, preferably something which is drought-tolerant. Mr. Seidler confirmed that Mr. Stevens' landscaping request would be fulfilled by adding "or approved alternative" to that section of the subdivision report.

Commissioner Wolfe indicated that letters from neighbors had demonstrated concern over the lack of park space for the project. Mr. Stevens replied that they are paying park fees, and that removing lots to create a park would drop the project below the required R2 density.

Commissioner Alvistur asked about the traffic circle; Commissioner Monfort replied that it was put on the map several years ago, with the understanding that whoever bought this property would have to install the traffic circle. Mr. Stevens clarified that he's asking to share the cost of installation with the City.

There was additional discussion regarding traffic, drainage, and the flag lots at the southwest corner. It was noted that the traffic is solely residential in nature, that the drainage and site design are required due to site topography, and that the flag lots are required due to the unusual property configuration.

Mr. Seidler proposed addition of condition of approval number ten, to read "The final map shall include a City standard pedestrian connection between the cul-de-sacs and Yosemite Drive along the subdivision's southerly side, subject to the approval of the Development Engineering Division.

Richard Lee, 219 Idyllwild Circle, expressed opposition to the project. He cited the lack of parks or other open space, project density, esthetics, project design and traffic concerns.

Gary Salberg, 3 Princess TJ Court, expressed opposition to the project. He cited reasons including traffic, poor site design, and concern about property values. He suggested that a natural rock wall be constructed along the Yosemite and Idyllwild frontages, instead of wood fencing. He confirmed with staff that this project will be a part of the California Park homeowners association, suggested that the pedestrian path be larger, and asked that more green space be provided.

Karen Berryhill, 217 Idyllwild Circle, voiced agreement with the previous speaker. She stated concerns with esthetics, landscaping, road design, and additional traffic.

Commissioner Monfort asked how many cars a normal collector carries per day. Mr. Varga replied that a typical collector carries between 2,000 and 5,000 vehicles per day.

John Merz, 1531 Broadway, stated that the staff report came out late, and that although he

was concerned about minor errors in the report, most of them have now been corrected with the modifications indicated by staff. He stated that he still has concerns with the site being within 2,000 feet of the burn dump, and that staff needs to know what the state guidelines are for property in that situation. He also stated concern with the lack of floodplain delineation for the drainage swale, the absence of a bus stop for this development, and that lots 53 and 54 are being developed instead of becoming the nucleus for a neighborhood park.

Mr. Seidler reviewed the issues which he had previously discussed in a phone call with Mr. Merz. He noted that staff has hired a consultant to help the City with burn dump issues, and that the City is requiring that the applicant obtain necessary state approvals for the project. Commissioner Monfort confirmed that staff believes the report and conditions should not be changed. Mr. Merz expressed additional concern with possible contamination on site from the burn dump.

Mr. Seidler reviewed designated neighborhood park sites in the vicinity, noting that there is no requirement for a park in this area and that park fees are being paid. Commissioner Monfort confirmed that the nearest neighborhood park is in Oak Valley, across SR 32. Mr. Seidler discussed transit in the area, stating that a shelter would make more sense in conjunction with the development of the R3 property to the south.

There was additional discussion about the potential for a park site in the project. Commissioner Alvistur expressed concern with acquiring too much undeveloped parkland; Commissioner Wolfe said she would support a small park, similar to other areas in California Park. Mr. Merz suggested that the drainage swale be turned into a linear park, with pocket parks coming off either side.

Jay Halbert, 378 Brookside, project applicant, stated that he would give up lots 53 and 54 if he received park fee credits. Mr. Seidler indicated that use of park fee credits for greenway acquisition is referred to in the General Plan, but that use of credits to acquire small private parks is not.

In response to Commissioners Monfort and Wolfe, Mr. Halbert stated that this development would be a part of the main California Park homeowners association, but that creation of any additional maintenance district for the park runs into Proposition 218 problems.

There was additional discussion regarding park fee credits, the installation of a small park, and a linear parkway along the swale.

Commissioner Monfort confirmed with Mr. Varga that the dogleg intersection of Banning Park Drive and Road C wouldn't pose a problem and had been approved by Public Works. There being no further comment, the public hearing was closed at 9:04 p.m.

Commissioner Alvistur asked Mr. Varga if drainage is an issue. Mr. Varga replied that the

site is currently lava cap with little or no percolation, and that paving it would make no drainage difference; however, the fill required for the project could actually improve the situation. He stated that the analysis will consist of finding the limits of the water flow and working backward, and noted that historically the water stays inside the 50 foot easement containing the swale. He concluded that minor changes in lots and fill may be required.

Commissioner Monfort expressed support for requiring a bus stop. Chair Wahl stated that a bus stop may be premature; Commissioner Fry agreed.

Commissioner Fry asked why a wall is required on Yosemite; Mr. Palmeri replied that it is required for traffic noise attenuation. Commissioner Fry opined that the developer shouldn't be required to give up two lots to install a park, and stated that there is no problem having only two flag lots in the subdivision.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-4, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE SHASTAN HOMES AT IDYLLWILD CIRCLE VESTING TENTATIVE SUBDIVISION MAP (S-99-11), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, WITH THE ADDITION OF CONDITION TEN FOR A BIKE PATH AS PROPOSED BY MR. SEIDLER, APPROVAL OF ALTERNATE LANDSCAPING ALONG YOSEMITE TO BE DETERMINED BY THE DEVELOPER AND STAFF, AND THE MODIFICATIONS TO THE RESOLUTION AND INITIAL STUDY AS RECOMMENDED BY STAFF. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND DIETLE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

5. **Memorandum from City Clerk** - A request from the City Clerk regarding boards and commissions which wish to meet with Council to discuss budget matters. The Commission shall determine if it wishes to meet with Council on May 23, 2000, and if so, inform staff as to what specific items are to be discussed.

Chair Wahl suggested that this request be agendized as a continuing item, and asked Commissioners to write down any budget-related items and bring them to the next meeting.

BUSINESS FROM THE FLOOR

Tom Tyrene, representing Advanced Solar technologies, suggested that the City look at incorporating solar technologies in new City buildings, and gave information on available solar technologies.

PLANNING UPDATE

Mr. Seidler reviewed the upcoming Board and Commission Appreciation Dinner, a change in the Commission packet distribution schedule, and the meeting regarding the CSUC master plan tomorrow.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:25 p.m. to the special meeting concerning the CSUC Master Plan on March 17, at 11:00 a.m. in Conference Room #1.

July 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
APRIL 6, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:33 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Staff present were Planning Director Kim Seidler, Senior Planner Ed Palmeri, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Bradford, Dietle, Monfort, Wahl, and Wolfe reported that they had each spoken to Greg Webb. In all cases nothing of significance transpired.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Meeting of January 6, 2000**
2. **Minutes of Adjourned Regular Meeting of January 20, 2000**
3. **Minutes of Adjourned Regular Meeting of February 17, 2000**
4. **Minutes of Adjourned Meeting of February 24, 2000**
Staff recommends approval with any corrections/revisions required.

Chair Wahl inquired about a minor typographical error on item 3, page 4, third paragraph. After discussion, it was decided to insert the word "want" between "not" and "the" in the first sentence.

COMMISSIONER DIETLE MOVED APPROVAL AS MODIFIED. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

REGULAR AGENDA

5. **Planned Development Use Permit No. 00-7 (Webb Homes)** - A request to approve the conceptual plan for a 169 unit multiple-family residential planned development proposed for 12 acres located on the north side of Mission Ranch Boulevard immediately east of Holly Avenue. The site is identified as portions of Assessor's Parcel Nos. 006-150-096, 097, and 098. The site is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in a PD/R3 Planned Development/Medium-High Density Residential zoning district. Environmental review is currently being conducted for this project and will be finalized and circulated for a 30-day public review period prior to Planning Commission consideration of the final development plan. A subsequent public hearing will be scheduled at that time. *Staff recommends that the Commission approve the conceptual plan for the project, subject to the changes discussed in the staff report.*

Commissioner Fry recused himself from this item due to a conflict of interest; his employer is involved in the sale of the property for the project.

Mr. Palmeri presented the staff report, reviewing the land use issues involved, the history of the project, the history of the zoning for the area and the reason for the PD overlay, the conditions of Parcel Map 125, and traffic circulation in the area.

In response to several Commissioners, Mr. Seidler reviewed that staff's revised recommendation is to not require 75 foot setback from Mr. Halbert's adjacent lot on Holly, noting that the 75 foot setback condition on parcel map 125 only applies to existing development, not future development. Mr. Palmeri noted that no doors will face the Shastan lot, only windows.

The public hearing was opened at 6:55 p.m.

Greg Webb, 121 Yellowstone Drive, applicant, stated that when Mr. Halbert bought the adjoining property, he knew it was R2 property next to an R3 lot. He noted that the proposed two-story eight-plex will only have one apartment which will have a view into the adjacent backyard, and that view can be mitigated with landscaping. He noted that the size and shape of the parcel constrains the development, and noted that some of the alternate plans prepared by staff didn't meet City requirements for setbacks, turning radii, and other issues. He noted that he plans to make the parking spaces a bit larger than standard, that three story units aren't practical and won't be rented, and asked that the Commission approve the project.

In response to Commissioner Alvistur, Mr. Webb stated that he wishes to have 8.5 foot wide compact spaces and 9 foot wide regular parking spaces.

Jay Halbert, 378 Brookside Drive, Shastan Homes, asked that the Commission enforce the 75 foot setback for his property as well, citing issues of fairness. Commissioner Monfort opined that Mr. Halbert knew the zonings of both properties and what the respective setbacks were. He stated that Pebblewood Pines was built many years ago, with no idea what was going to be built next to them, thus the condition for the 75 foot setback.

Mr. Halbert asked if any of the Commissioners would like to live in that house, and stated that Mr. Webb should be able to alter the plan to accommodate his request.

Commissioner Dietle noted that her residence backs up to an apartment complex with the standard 15 foot setback. There was further discussion regarding setbacks and Mr. Halbert's request. Mr. Halbert indicated that Mr. Webb wasn't aware of the setback requirement when he bought the property.

Kathleen San Galli, 229 Mission Serra Terrace, spoke in opposition to the project. She cited concerns with traffic, speeding on Mission Ranch Blvd., neighborhood incompatibility, impact

on property values, and her desire to continue the existing style of Mission Ranch development on the project site.

Commissioner Dietle expressed concern that if the project was re-designed to include Montecito as a through street, it would further increase traffic levels.

Bill Dudman, 414 Mission Santa Fe Circle, confirmed that the setback from Mission Ranch Blvd. for the project is 20 feet. He stated that while he is not against apartments being built on the site, he voiced concern with the sidewalk maintenance on Mission Ranch Blvd., and urged the Commission to see if Montecito Avenue can be retained.

At the request of Commissioner Wolfe, Mr. Seidler reviewed the process by which Montecito would be abandoned. He noted that Council will make the decision, that a traffic study has shown that there will be no significant impact, and that the traffic impact on Mission Ranch Blvd. would be 4.5 daily trips per unit, with ten percent of those trips falling during peak hours.

Commissioner Monfort confirmed that Mission Ranch Blvd. will still be at levels below designed capacity after the project is built.

John Merz, 1331 Broadway, stated that while he supports the project, he does have some concerns. He urged the Commission to require that 50% of the parking spaces be compact, that some three story buildings be built, that active recreation space be provided, that the recreation center be moved to the center of the project, and that the site design be reconfigured to something similar to Exhibit H in the staff report.

Judi Merlo, 408 Mission Santa Fe Circle, spoke in opposition to the project. She stated that while she is glad that Mr. Webb is the developer, she urges him to reconsider this use of the land.

Shirley Payne, 214 Mission Serra Terrace, spoke in opposition to the project. She stated that people will be able to look into her kitchen, and urged the Commission to turn Montecito into a private street that doesn't connect with Mission Ranch Blvd. She confirmed that no parking is allowed on Mission Ranch Blvd.

Ron Hall, 2376 Cussick Avenue, expressed concerns with the project, including: insufficient parking, non-depiction of bicycle racks on the site plan, the lack of a 75 foot setback for Mr. Halbert's property, and the abandonment of Montecito.

Commissioner Monfort noted due to the sewer line there will be no buildings on the Montecito alignment, facilitating a possible pedestrian connection.

In response to Commissioner Dietle, Mr. Palmeri noted that 351 parking spaces are proposed, while the current code requires 474. He further noted that a PD permit allows a reduction in parking to provide more open space, and stated that public transit, a bicycle

route, and shopping are all nearby, which should decrease the number of vehicular trips. Mr. Seidler elaborated that this project has started a discussion on the new parking standards for large residential projects, as staff feels that too much parking is required under the new code. He stated that staff will bringing the parking standards back to the Commission for consideration at a future meeting.

Commissioner Monfort agreed, noting that there is slightly over two spaces per unit as proposed. Commissioner Alvistur confirmed that the proposed parking half 8.5 foot wide spaces, and half 9 foot wide spaces. Mr. Palmeri added that the lengths for the spaces are 16 and 19 feet, respectively.

Loretta Peden, 5 Pebblewood Pines, expressed concerns with the project, including: traffic, the abandonment of Montecito, and the fence between the project and Pebblewood Pines. Commissioner Dietle stated that the fence would be a seven foot wooden fence with a landscape buffer strip.

Lloyd Piper, 325 Mission Serra Terrace, expressed concerns with the project, including: density, neighborhood incompatibility, traffic, and the lack of a wall along Mission Ranch Blvd.

Frank Siegel, 2411 Holly Avenue, supported the project, but expressed concerns with the traffic created by the project and the traffic impact on Holly Avenue. He urged the Commission to keep Montecito Avenue, and to reduce the speed limit on Mission Ranch Blvd. Commissioner Monfort informed that Mr. Siegel should contact E.C. Ross about his traffic concerns on Holly Avenue.

The Commission was in recess from 7:51 p.m. to 8:02 p.m.

There being no further comment, the public hearing was closed at 8:03 p.m.

Commissioner Wolfe commented that she's happy to see Montecito being abandoned, and ventured that it would increase the use of Mission Ranch as a bypass if built. She expressed approval of the site plan given the density requirements, and stated that she doesn't see the need for three-story units.

Commissioner Monfort stated that the opinion on Montecito seems to be split, but stated that the easement should remain as a bicycle/pedestrian easement. He expressed support for three-story units to get more open space, noting that the Oak Meadow apartment complex has a big open area in the middle.

Commissioner Alvistur stated that he had also gone by Oak Meadow, and was favorably impressed. He stated his support for the project.

Commissioner Dietle recommended that the Commission eliminate condition #4, stating that the manager's unit needs to be near an entrance for easy accessibility, as well as keeping guests out of the central living area. She also noted that Mr. Webb stated his willingness to place a 7 foot fence along the entire western boundary, including Mr. Halbert's lot, and would like it included as a condition. She also stated that a landscape buffer should be required between the fence and the parking stalls.

Commissioner Alvistur stated that he would like parking placed next to Mr. Halbert's lot to help out with the setback, if possible. Commissioner Dietle responded that doing so would eliminate easy guest access to the manager's unit.

Chair Wahl confirmed that the allowed density for this project is between 14.01 and 16 units per acre. Mr. Seidler stated that the density is at the lower end for a multi-family project.

Commissioner Bradford expressed support for the site plan as proposed, with the addition of a the western 7 foot fence, and that he doesn't want to force the developer to build three-story units.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR PLANNED DEVELOPMENT USE PERMIT NO. 00-7 (WEBB HOMES) FOR THE CONSTRUCTION OF A 169 UNIT APARTMENT COMPLEX, WITH THE DELETION OF CONDITIONS 1, 2, 3, 4, AND 6, LEAVING CONDITIONS 5 AND 7 AS-IS, WITH AN ADDITIONAL CONDITION THAT A 7 FOOT FENCE BE REQUIRED ALONG THE WESTERLY BOUNDARY, ALONG WITH A LANDSCAPED BUFFER. COMMISSIONER DIETLE SECONDED THE MOTION.

Commissioner Monfort expressed concern for open space, particularly active open space once all the trees have been planted. Commissioner Wolfe replied that there is plenty of open space near the pool and next to some of the buildings. Commissioner Dietle stated that the applicant isn't willing to build three-story units, which are limited in marketability. Commissioner Bradford noted that the project is low density for apartments, and appreciates the neighbors' concerns about traffic, but that traffic will get worse no matter what is built on the site.

Commissioner Dietle stated that the active open space at Oak Meadow goes unused the vast majority of the time.

In response to Commissioner Monfort, Commissioner Dietle recommended that only a portion of the language for condition #1 be stricken, such that it reads "The setback of apartment buildings along the west property line must comply with the setback requirements of Parcel Map No. 125, and must have a setback of 75 feet for multi-story buildings and 30 feet for single-story buildings." Commissioner Wolfe agreed to the modification.

THE MOTION, AS MODIFIED, PASSED 5-1-1 (COMMISSIONER MONFORT AGAINST, COMMISSIONER FRY ABSTAINING).

Mr. Seidler stated that the Commission's decision cannot be appealed at this time, as it is only a conceptual approval. Mr. Palmeri added that an additional public notice will be mailed when the final plan is ready for consideration. Commissioner Wolfe confirmed that there will be more traffic study data available at that time. Commissioner Monfort expressed his desire for some traffic count data from Public Works. Mr. Seidler offered to provide the Commissioners with the current Traffic Count Map.

6. **Memorandum from City Clerk** - A request from the City Clerk regarding boards and commissions which wish to meet with Council to discuss budget matters. The Commission shall determine if it wishes to meet with Council on May 23, 2000, and if so, inform staff as to what specific items are to be discussed. ***This item is continued from the previous meeting.***

Commissioner Dietle requested that the Commission discuss the Otterson Drive extension with Council. Mr. Seidler noted that the Commission will be discussing the project at the next Commission meeting. Chair Wahl and Commissioner Dietle requested that the Commission be included in any workshop on the EIR.

Commissioner Monfort requested that the Commission discuss funding for an additional code enforcement officer. Mr. Seidler noted that mitigation monitoring will be undertaken as a portion of an existing position.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

7. **Memorandum from Senior Planner Ed Palmeri** - An information update requested by the Commission at its meeting of February 6, 2000 on two items:
 - A. Mitigation measure status for Use Permit 99-31 (Well Ministry), specifically the placement of sight-obscuring slats in the chain link fence.
 - B. Regulatory status of a mobile food vendor operating at the northeast corner of Floral and East Avenues.

Mr. Palmeri reviewed his memorandum. He noted that the lack of slats was a misunderstanding, and staff has approved the use of an alternate "tennis court" material, which should be more effective in screening the facility. In addition, if the recently approved duplex to the east of the facility agrees, staff has approved that a wooden fence can be jointly put up instead. He also noted that the mobile food vendor has applied for a permit, which will be heard shortly by the Zoning Administrator.

Chair Wahl confirmed that the appeal period has ended for the pet store use permit revocation, and that the business can now only sell pet supplies. Mr. Palmeri stated that staff is monitoring the situation.

In response to a request from Commissioner Alvistur, Mr. Seidler reviewed the Draft Airport Comprehensive Land Use Plan proposed by the Butte County Airport Land Use Commission. He reviewed the restrictions in various zones, noting that the City is primarily concerned with the restrictions in zones B1, B2, and C, as the restrictions for these zones may be incompatible with Chico's General Plan.

Commissioner Dietle stated that she would like a copy of the draft, and expressed concern with limitations on number of employees on property parallel to the runways. Mr. Seidler offered to supply the portion that the City is mainly concerned with. He indicated that the City wishes to participate fully in the process of adopting the new CLUP.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:45 p.m. to the Adjourned Regular meeting of April 20, 6:30 p.m. in the Council Chamber, 421 Main Street.

July 20, 2000
Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
APRIL 20, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:35 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Staff present were Planning Director Kim Seidler, Senior Planner Steve Zalusky, Community Development Assistant Clif Sellers, City Attorney Dave Frank, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Dietle reported that she had spoken with Judge Darrel Stevens and Patricia La Brecht regarding the Youth For Change organization, and Mr. Rosene regarding the neighborhood.

Commissioner Bradford reported that he had also spoken to Mr. Rosene, as well as Alice Neath, another neighbor of the proposed YFC project.

Chair Wahl reported that he had also spoken to Mr. Rosene.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Meeting of February 3, 2000**
Staff recommends approval with any corrections/revisions required.

CHAIR WAHL MOVED APPROVAL OF THE MINUTES WITH TWO MINOR CORRECTIONS: THAT PAGE 11, PARAGRAPH 3, LAST SENTENCE BE CHANGED TO READ "THERE WAS ADDITIONAL DISCUSSION CONFIRMING THAT THE BIKE PATH IS TO BE ON THE SOUTHERLY PORTION OF THE GREENWAY"; AND THAT PAGE 13, PARAGRAPH 6, LAST SENTENCE CHANGE THE WORD "ADOPTED" TO "ADOPTING". COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Chair Wahl stated that the applicant for Item 3, Youth For Change, has requested that their hearing be continued to the meeting of May 4, 2000. He noted that the public hearing would be opened for those present who cannot make the next meeting to offer testimony.

COMMISSIONER MONFORT MOVED TO CONTINUE ITEM #3 TO THE MEETING OF MAY 4, AND HEAR PUBLIC TESTIMONY AS SPECIFIED. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED 7-0.

REGULAR AGENDA

2. **Otterson Drive Environmental Impact Report Review and Discussion** -
Community Development Assistant Clif Sellers will review the report. **No Commission action is required.**

Commissioner Dietle recused herself from this item, stating that her employer does business with several of the property owners in the industrial park.

Mr. Sellers presented the staff report, reviewing the land use issues involved. He reviewed the different proposed alignments, including the extension across to Meyers Street, a future link to the Diamond Match property, and the link to Park Avenue. He briefly reviewed the letters received to date, and noted that it will be back before the Commission for final review in approximately 30 days.

In response to Commissioner Monfort, Mr. Sellers confirmed that the City is proposing the amendment to the General Plan, and that the project is identified in both the nexus study and the capital improvement program, as well as the General Plan appendix.

Commissioner Bradford confirmed that there will be no changes to any general plan designations or zoning districts, and that only the circulation element would be amended. In response to Commissioner Monfort, Mr. Sellers stated that only the EIR has been funded to date, and that he's not sure if there is a preferred alternative for the eastern link alignment. He noted that no matter what improvements are put in, there will still be difficult intersections in that area of Chico. He stated that traffic is generally at LOS B currently.

The public hearing was opened at 6:52 p.m.

Steve O'Bryan, 1095 Ray Circle, member of the Bidwell Park and Playground Commission, spoke in opposition to the project. He noted that the railroad right-of-way has been designated as a Class 1 bike facility, not a road. He cited concerns with the eastern link interfering with the creekside greenway along Comanche Creek, and noted that both sides of the creek are designated as areas for stormwater detention basins. He urged the Commission to adopt the no project alternative.

Mike Smith, 1970 Wild Oak Lane, spoke in opposition to the project. He stated that the real motivation behind the project is a handful of landowners who want to increase the value of their property. He cited concerns with project cost, the fact that the community hasn't asked for the project, flooding concerns, and other more pressing projects in the community. He urged the Commission to endorse the no project alternative, and install improvements at the Midway/Hegan intersection.

Bob Linschied, P.O. Box 375, representing the Chico Economic Planning Corporation (CEPCO), spoke in support of the project. He noted that this is the first time an EIR has been done on a creek crossing. He cited significant cleanup costs if the no project alternative is chosen, and the Midway/Hegan improvements installed. He stated that the annexation of this property to the City would allow for greater greenway preservation, and recalled that as early as 3M's decision to locate in the park it was understood that this project would be constructed. He cited the economic benefit to the City if the project is built, and opined that it makes sense from a cost-benefit analysis standpoint.

Jim Goodwin, Chico Chamber of Commerce, spoke in support of the project. He noted that the chamber represents 1000 businesses, and that the chamber has been involved with the conversations surrounding this project. He stated that the chamber supports the project, and urged the Commission to realize that there is a lot of community support for this project.

Emily Alma, 2300 Estes Road, spoke in opposition to the project. She cited concerns that the project will have on downstream residents, nearby residences, the riparian habitat in the area, and the removal of an area currently used by local children for recreation. She urged the Commission to preserve this area of riparian habitat.

Marco Chinchay, 2500 Estes Road, spoke in support of the project. He noted that he walks his dog next to the creek, and has a fun time in the creek with his kids, but stressed the need to have areas to invite companies to move to Chico. He stated that the project makes good financial sense, as it is an investment in both the community's and our children's futures.

Chris Nelson, 2300 B Estes Road, spoke in opposition to the project. She stated that the project is 45 feet from her back door, and noted that she has organic farming on her property. She cited the area's value as prime agricultural land, the potential loss of mature trees if the project is constructed, and urged the Commission to buy the property and preserve the riparian habitat.

Bill Brouhard, 110 Independence Circle, spoke in support of the project. He agreed with Mr. Linscheid, and stated that other than the actual road construction, the impacts can and should be mitigated. He noted that the land is currently in the county with an industrial zoning, and that it could be developed "as is" to county standards. He urged the Commission to approve the creation of a needed transportation link and a nice creekside greenway.

In response to Commissioner Fry, Mr. Brouhard stated that traffic development impact fees have been paid on 600,000 square feet of construction, at the rate of \$2 per square foot of warehouse space, and \$4 per square foot of office space. He noted that it is ironic that bicycle racks and showers are required for new construction in the business park when there is no viable bicycle or pedestrian link to the area.

Patricia Puterbaugh, 1540 Cohasset Road, spoke in opposition to the project. She questioned the necessity of the transportation link, and voiced concerns with degrading a greenway to bring more jobs to Chico when there is full employment right now.

Emily Alma, a previous speaker, stated that years ago, there was a negative declaration on the environmental study for the industrial park. She asserted that if the people who created the industrial park thought it was necessary, it should have been a part of the negative declaration at that time.

There being no further comment, the public hearing was closed at 7:16 p.m.

Commissioner Bradford inquired whether Comanche Creek was constructed as an irrigation channel for M & T Ranch. Mr. Sellers replied that it is a natural seasonal drainage swale, but that the year-round flow is M & T irrigation water. Commissioner Bradford confirmed that there is a dam upstream that controls the year-round flow.

Commissioner Monfort noted that traffic impact fees are not devoted to projects in the immediate area of a construction site. Commissioner Fry expressed interest in finding out how much has actually been paid by developers in the industrial park. Commissioner Alvistur requested that staff have an estimate of fees paid when this item next comes to the Commission. Commissioner Fry stated that Chico needs "ready to go" industrial sites, and that this project is good future planning.

Commissioner Monfort asked what the situation is with the gasoline contamination under the Midway, and how that affects the installation of improvements on the Midway. Mr. Sellers replied that proposed Midway improvements would cost \$1.3 million, plus additional unknown costs to clean up the environmental pollution on site. He stated that the timing and responsibility for cleanup are unclear, but if the City proposed a road project, the City would have to undertake environmental cleanup as part of the project.

3. **Use Permit No. 00-12 (Youth for Change)** - A request to allow a transitional housing facility for young adults at 1628 Neal Dow Avenue. The proposed facility will consist of seven two-bedroom units and one four-bedroom unit. An existing two-bedroom single family residence will be retained as a manager's unit. Units will be rented to young adults ages 17-21 who are participating in a program which assists them in the transition from foster care to independent living. The site is identified as Assessor's Parcel No. 045-142-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). **Staff recommends approval of the use permit.**

Chair Wahl reviewed that there will be no staff presentation, as this item has been continued to the meeting of May 4.

Mr. Seidler added that staff has received a great deal of public comment and many letters, all of which have been passed along to the Commission. He noted that many letters have raised valid points, including the definition for residential care homes as stated in the Chico Municipal Code (CMC), which limits the number of tenants to 12. He noted that staff agrees with this interpretation, and has added a condition that the maximum number of residents be limited to 12. As a result of this new condition, and the substantial neighborhood opposition, the applicant has requested the continuance. He noted that although staff attempted to contact interested parties, a lot of people didn't get the word and are thus here tonight. He suggested that the Commission hold its comments, as the project may be redesigned before

the next meeting.

The public hearing was opened at 7:26 p.m.

Tim O'Laughlin, 1413 Manchester Road, spoke in opposition to the project. He cited concerns with the item being continued before the public hearing being opened, noticing issues, inadequacy of the environmental review, and that the use is more consistent with the R3 zoning district.

Jenn Flory, 1265 Neal Dow Avenue, spoke in opposition to the project. She stated that she has worked as a group home counselor with foster youth, and that this project is not the best solution for foster youth. She cited concerns with who will be the oversight authority for the project, the untested nature of the program, rule enforcement, and neighborhood incompatibility.

Vern Rosene, 3 Pinecrest Circle, stated that the neighborhood is united in opposition to this project. He asked those who are citizens of the neighborhood and are opposed to the project to stand. (Approximately 75 people stood.) He referenced a diagram showing the notification area, and areas which have registered their opposition to the project. He cited concerns with state and federal preemption of local authority, and outlined the problems which could occur with this kind of facility, which is not compatible with the neighborhood. He noted the site's proximity to Neal Dow Elementary School, and voiced concern for children's safety. He urged the Commission to deny the project.

Susan Christiansen, 2237 Danbury Way, spoke against the project. She cited problems with keeping track of visitors to the facility, and its incompatibility with a residential neighborhood and a school. She noted that this sort of facility is becoming a big business in California.

Scott McClean, 38 Dean Way, spoke against the project. He stated that he works with CDF Butte County Fire and Rescue, and noted deficiencies in the site plan with regard to public safety access. He questioned the feasibility of the project.

Bryce Lundberg, 1621 Neal Dow Avenue, spoke in opposition to the project. He cited concerns with neighborhood incompatibility, the safety of children who attend Neal Dow Elementary, and the lack of recreation amenities on the site. He urged the Commission to deny the project.

Ron Caviness, 1612 Plumas Way, agreed with previous speakers opposed to the project. He urged the Commission to give the matter serious consideration before coming to a decision.

Pete Kroner, 1629 Neal Dow Avenue, spoke in opposition to the project. He cited concerns with foot and vehicle traffic, removal of landscaping on the site, and neighborhood incompatibility. Mr. Rosene, a previous speaker, handed some photographs of the site

landscaping to the Commission. Mr. Kroner further cited lack of recreation space on the site, the “group mentality” which can occur when this number of youth are placed together, and the fact that YFC is a commercial enterprise. He urged the Commission to deny the project.

Carol McCowan, 1654 Plumas Way, spoke in opposition to the project. She cited safety concerns for children attending Neal Dow Elementary.

Don Garden, 1646 Plumas Way, spoke in opposition to the project. He cited concerns with negative impact on neighborhood property values, neighborhood incompatibility, the removal of landscaping on the site, potential drug and alcohol problems, and the fact that any resident who doesn't cause problems and gets a good job will “graduate” from the facility, leaving space for someone else who may have problems.

There being no further comment, the public hearing was closed at 7:56 p.m.

The Commission was in recess from 7:58 to 8:09 p.m.

4. **Rolling Hills at Canyon Oaks Subdivision, Phase II (S-99-10) and Planned Development Use Permit No. 99-34 (Remainder LLC)** - A request to approve a conceptual plan for a 13 unit single family planned development. The subject property is located along the south side of Dead Horse Slough, on the east side of the extension of Whispering Winds Lane, approximately 1000 feet west of the 500 kV power lines within the Canyon Oaks Subdivision, Assessor's Parcel No. 011-030-122 (portion). The request is to subdivide the subject 3.46 acres into 13 lots for single family residential development with an average lot size of approximately 8,000 square feet on property zoned RS-20 Suburban Residential. The planned development use permit is being requested to allow for modified street standards and minimum parcel sizes as well as reduced setbacks in some instances. These modifications will facilitate provision of common open space amenities, creekside greenway, and tree preservation. Environmental review is currently being conducted for this project and will be finalized and circulated for a 30-day public review period prior to Planning Commission consideration of the final development plan. A subsequent public hearing will be scheduled at that time. ***Staff recommends approval of the conceptual site development plan for the project, subject to the changes discussed in the staff report.***

Mr. Seidler presented the staff report, reviewing the land use issues involved. He introduced Senior Planner Steve Zalusky, who is present to provide input on environmental issues related to the project. Mr. Seidler reviewed the history of this portion of the Canyon Oaks subdivision and its site constraints, including the slough and riparian corridor. He noted that staff is concerned about the number of trees to be removed, and is recommending removal of lot six

to facilitate tree preservation. He pointed out that environmental review is not yet complete on the site, and that staff is only seeking conceptual approval at this time.

Commissioner Dietle, after confirming the extent of noticing, opined that everyone in the gated community should have been noticed, as those who purchase a lot in Canyon Oaks are buying into a particular design concept, which doesn't include lots this small. She stated that if staff views this as a clustered portion of a larger project, then the Commission should be looking at the entire project.

Commissioners Dietle and Fry discussed the history of Canyon Oaks and the RS-20 zoning for the area. Mr. Seidler offered to provide a larger area map, including all phases of Rolling Hills, when this item is before the Commission for final approval.

There was additional discussion comparing this project to the Fairways project.

The public hearing was opened at 8:24 p.m.

Tim Artl, 3172 Woodcreek Drive, property owner, reviewed the disposition of property in the area. He noted that phase 1 of Rolling Hills consists of 30 lots ranging from .5 to 1 acre in size. He stated that the development of this land is critical because it will fund a bridge to be constructed over the slough, connecting the two sides of the golf course. He noted that his reason for pursuing this project is that smaller lots with more affordable homes (relatively speaking) will sell more quickly, enabling faster construction of the bridge. He noted the benefits which are accruing to the City compared to his original 16 lot plan, including open space, creekside access, and tree preservation. He stated that it doesn't matter to him whether the Commission approves the 13 lots or not, as he can build the previously approved 6 lot project with roughly the same profit margin in order to finance the bridge.

Commissioner Wolfe asked about staff's recommendation to remove lot 6. Mr. Artl replied that it doesn't matter where the 13th lot is located, as long as he has 13 lots. He reiterated that if the Commission doesn't wish to approve 13 lots, he would go back to the original tentative map with six lots. He stated that he agrees with the other three conditions in the staff report.

In response to Commissioner Monfort, Mr. Seidler stated that with the original six-lot approved map, no tree preservation is required. Commissioner Monfort noted that the only way to ensure any tree preservation is to approve the project.

Commissioner Dietle expressed concerns with houses being too large in relation to the lot size with this proposal. Commissioner Alvistur discussed the revised lot design submitted by the applicant in order to relocate the open area to a portion of where lot 6 was proposed. He stated that if the number of trees saved is the same, it doesn't matter to him where they are located.

There was discussion regarding fire safety. Mr. Artl confirmed that he will comply with all

requirements of the fire department.

Wes Gilbert, 70 Declaration Drive #101, project engineer, reviewed the revised configuration, noting that only an additional 12 to 15 trees are saved. Mr. Seidler noted that the Commission should consider what kind of trees should be saved and what kind of habitat they represent.

Commissioner Bradford confirmed with Mr. Artl that these lots will be part of the Canyon Oaks Homeowners Association.

Commissioner Dietle stated that she would like to see the entire Rolling Hills subdivision, as well as a map of all of Canyon Oaks. She added that she would like some historical perspective on why the property was zoned RS-20 in the first place, and that the notice area be expanded to include everyone behind the gates.

Mr. Zalusky stated that if staff and the applicant can resolve the tree and habitat preservation issue, then everyone will be in agreement. He reviewed the reasons for wanting to preserve the full width area of lot 6, including varied habitat types and existing wild animal trails.

Commissioner Wahl expressed skepticism that deer will continue to use the area after construction disruption. Mr. Zalusky provided additional information on the value of the habitat in lot 6. Mr. Seidler confirmed that staff considers lot 6 to be more valuable in terms of habitat than lot C at the end of the project.

Commissioner Monfort suggested approving the revised site plan, as it creates more viable habitat. Commissioners Fry and Dietle both expressed skepticism with the habitat value after houses surround the area.

Wes Gilbert, a previous speaker, reviewed the phases of the Rolling Hills subdivision, explaining the rationale which led both the applicant and staff to view this project as viable and complying with the RS-20 zoning designation. He stated that for the entire subdivision, the RS-20 zoning would allow 73 units, and that with this portion of the project at this density, the final total would be 52 units. He noted that there are 50 acres of permanent open space to the east of this project.

There being no further comment, the public hearing was closed at 9:05 p.m.

Commissioner Dietle reiterated her earlier requests for when this project comes back to the Commission. Mr. Seidler confirmed that this project could be thought of as a clustered portion of the overall Rolling Hills project.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT USE PERMIT NO. 99-34, SUBJECT TO THE APPLICANT MAKING CHANGES 2, 3 AND 4 AS DESCRIBED WITHIN THE STAFF MEMORANDUM DATED APRIL 10, 2000, STAFF NOTIFYING ALL PROPERTY OWNERS

WITHIN THE CANYON OAKS GATES, STAFF PROVIDING DOCUMENTATION AND MAPS FOR THE ENTIRE ROLLING HILLS SUBDIVISION, AND STAFF PROVIDING THE HISTORICAL RECORD ON WHY THE PROPERTY WAS ZONED RS-20. COMMISSIONER MONFORT OFFERED AN AMENDMENT THAT SOME SORT OF HABITAT PRESERVATION AGREEMENT BE WORKED OUT BETWEEN THE APPLICANT AND STAFF. COMMISSIONER FRY REJECTED THE AMENDMENT. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Mr. Seidler confirmed that the Commission is approving the layout as shown on Attachment B, and striking condition #1.

THE MOTION PASSED 6-1 (COMMISSIONER DIETLE AGAINST).

The Commission was in recess from 9:12 to 9:16 p.m.

5. **Rezone No. 00-2 (Action Properties)** - A request to split-zone an 8,700 square foot parcel located at the northwest corner of W. 7th and Cherry Streets by rezoning the westerly half (containing an existing commercial warehouse building) from R3 Medium-High Density Residential to ML Light Manufacturing/Industrial, which is consistent with the site's designation of Manufacturing and Warehousing on the City of Chico General Plan Diagram. The vacant easterly half of the site would retain the existing R3 zoning. The site is identified as Assessor's Parcel No. 004-208-005. An Initial Study for environmental review has been prepared for the proposed project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission forward to Council a recommendation to adopt the mitigated negative declaration and approve the rezone.***

Mr. Seidler presented the staff report, reviewing the land use issues involved. He noted that the proposed split-zoning would allow greater flexibility in the use of the property, and would bring the zoning into compliance with the current land uses.

Commissioner Dietle confirmed that staff is not aware of any imminent plans for the property. Mr. Seidler noted that this is a situation where split-zoning makes sense; he elaborated that the property could develop with residential uses, or with industrial uses after obtaining a use permit.

The public hearing was opened at 9:22 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR REZONE NO. 00-2, MAKING THE REQUIRED FINDINGS AS DELINEATED IN THE STAFF REPORT DATED APRIL 6, 2000. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

CORRESPONDENCE

6. **Letter from The Well Ministry** dated April 3, 2000 providing an informational update on the facility's operation. ***No Commission action is required.***

The letter was received by the Commission.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Chair Wahl stated that he had asked for comments from various agencies on the Pet Jungle. He noted that it continues to look bad, that the DA's office has been notified, and that Animal Control is just as frustrated as the Commission. Commissioner Alvistur agreed that the project is an eyesore with a multitude of problems.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:25 p.m. to the Regular meeting of May 4, 2000 at 6:30 p.m. in the Council Chamber, 421 Main Street.

August 3, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
MAY 4, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Nancy Wolfe, and Chair Larry Wahl. Commissioner Kirk Monfort was absent. Staff present were Planning Director Kim Seidler and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Meeting of March 2, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER DIETLE MOVED APPROVAL OF THE MINUTES. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER MONFORT ABSENT).

REGULAR AGENDA

2. **Use Permit No. 00-12 (Youth for Change)** - A request to allow a transitional housing facility for young adults at 1628 Neal Dow Avenue. The proposed facility will consist of seven two-bedroom units and one four-bedroom unit. An existing two-bedroom single family residence will be retained as a manager's unit. Units will be rented to young adults ages 17-21 who are participating in a program which assists them in the transition from foster care to independent living. The site is identified as Assessor's Parcel No. 045-142-009. The property is designated Medium Density Residential on the City of Chico General Plan Diagram, and is located in an R2 Medium Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (In-fill Development Projects). *Staff recommends approval of the use permit. This item is continued from the April 20 meeting.*

Mr. Seidler stated that staff had received a request from the applicant that this item be continued indefinitely. The Commission concurred.

3. **Whitehall Park Vesting Tentative Subdivision Map S 99-8 and Planned Development Use Permit 99-46 (Land Design Properties, Inc.) Revised** - A request that the Planning Commission approve a vesting tentative subdivision map of a 6.5 ± acre parcel with 14 single family lots and approve

a Conceptual and a Final development plan. The residential lots proposed in the final development plan have an average lot size of 20,287 square feet (gross) and 16,141 square feet (net). The property is located at 40 Centennial Avenue and is 225± feet north of the intersection of Centennial Avenue and East 8th Street. The site is identified as Assessor's Parcel No. 011-010-119. The property is designated Low Density Residential (2.01 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is located in a (P)RS-20 Prezone Suburban Residential zoning district. The site is located in the county and will require annexation to the City of Chico. A determination has been made that the proposed project description has not substantially changed from a previously adopted mitigated negative declaration for the Whitehall Park Subdivision (SCH 9503011), consisting of 19 single family lots, and that the previously adopted environmental document is adequate to address environmental issues for the proposed 14 single family lots.

Mr. Seidler reviewed that the initial study for this project is being revised and recirculated for 30 days, which would tentatively bring it back before the Commission on June 15. He noted that staff is recommending that it not be continued to a date certain, as a new public notice will have to be circulated anyway. The Commission agreed to continue this item.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

None.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:34 p.m. to the Adjourned Regular meeting of May 18, 2000 at 6:30 p.m. in the Council Chamber, 421 Main Street.

August 3, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
MAY 18, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Commissioner Jolene Dietle was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Planner Bob Summerville, Senior Development Engineer Tom Varga, City Attorney Dave Frank, and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Planned Development Use Permit No. 00-7 (Webb Homes) - Northeast Corner of Mission Ranch Boulevard at Holly Avenue** - A request to approve the final development plan of a planned development for a 169 unit multiple-family residential apartment complex proposed for 12 acres located on the north side of Mission Ranch Boulevard immediately east of Holly Avenue. The project is predicated on the abandonment of the extension of Montecito Avenue between Mission Ranch Boulevard and East Avenue and approval of a boundary line modification (BLM 00-2) to shift existing parcels to create a 9.71-acre parcel fronting East Avenue and a 12.01-acre parcel (the multi-residential site) fronting Mission Ranch Boulevard. The site is identified as Assessor's Parcel Nos. 006-150-096, 097, and 098. The multi-residential project portion of the site is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in a PD/R3 Planned Development/Medium-High Density Residential zoning district. The remainder of the site is designated Office and is zoned PD/OR Planned Development/Office Residential. An Initial Study for environmental review has been prepared for the project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the final development plan.***

Commissioner Fry recused himself from this item due to a conflict of interest.

Mr. Summerville presented the staff report, reviewing the land use issues involved, the history of the project property, prerequisite activities in order to make the project feasible, and the concerns raised by neighbors. He reviewed the Commission's prior hearing on April 6 for the project and the conditions imposed at that meeting. He reviewed the conditions imposed by the Architectural Review Board (ARB) at its meeting on April 19. He reviewed new

information concerning environmental review and air quality.

Regarding concerns raised by neighbors, Mr. Summerville noted that they all fall into one of the following themes:

1. Belief that future development of the site would be similar to Mission Ranch;
2. Belief that traffic impacts would be worsened by the project;
3. Concern that the abandonment of Montecito would not allow alternate site access;
4. Concern that the increased traffic would increase noise levels;
5. A desire that Montecito be retained, but not connect to Mission Ranch;
6. A desire that a wall be constructed along the street frontage, similar to the existing wall;
7. A desire that the project density be decreased;
8. Concern that the project will increase crime and loitering in the area;
9. Concern regarding increased air pollution;
10. Concern that the project may reduce property values in the area;
11. Concern that the esthetics are not consistent with Mission Ranch homes; and
12. A desire that the units be owner-occupied.

He concluded that staff is recommending approval of the project.

Commissioner Wolfe asked about the process for abandoning Montecito. Mr. Varga replied that it is a two step process, with a resolution of intent being before the Council on May 23 and a final hearing on June 20. Mr. Summerville noted that if Montecito is not abandoned, the project could not proceed in the current configuration.

Commissioner Wolfe inquired about the neighbors' concerns regarding traffic on Mission Ranch Blvd. Mr. Summerville replied that the original Mission Ranch EIR assumed full buildout at the highest potential densities; however, Mission Ranch has been built out at lower densities, the apartment complex is much less dense than originally proposed at the time of the EIR, and that the zoning districts in the area have changed to reduce the office and commercially zoned areas. The net result is a greatly reduced traffic count in the area.

Commissioner Alvistur asked if there was a quantification of the traffic reduction available. Mr. Varga stated the original traffic estimate for the area was 11,000 average daily trips (ADT), and that the current configuration will be below that figure. He noted that development as envisioned ten years ago would have been for 14,000 ADT, so there has been roughly a 30% reduction in anticipated traffic flows. Ms. Figge added that the trip generation for multifamily housing is 7 trips per unit per day, as opposed to 10 for single family housing.

Commissioner Bradford confirmed that the prezone for this area was approved ten years ago. Commissioner Wolfe confirmed that 14 units per acre is the minimum density for this zoning.

Commissioner Monfort inquired if 11,000 ADT is unusual for a collector. Mr. Varga replied

that the 11,000 figure is for the whole project, including Holly Avenue, Mission Ranch Blvd., East Avenue, and Esplanade. Mr. Varga noted that the count from September of 1999 was 1600 to 1700 cars per day, and that this project would add another 1100 trips per day, resulting in 2700 trips per day, a reasonable amount for a collector. He noted that a collector can carry up to the high thousands, and Mission Ranch Blvd. would thus be operating well below maximum capacity.

The public hearing was opened at 6:54 p.m.

Ron Coleman, P.O. Box 4447, developer of Mission Ranch, voiced some concerns he has with the project. He requested that a masonry wall be required along the Mission Ranch frontage to continue to motif that exists on the south side of the street; that tile roofing be required; that the landscaping be of equal design as Mission Ranch; that the Montecito abandonment be closely examined; and that the existing stop signs at Mission Ranch and Montecito be made permanent.

Greg Webb, 121 Yellowstone Drive, applicant, offered to answer any questions. In response to questions from the Commission, Mr. Webb stated that it is difficult to address landscaping questions without exact criteria, and that many trees are proposed; that he would be happy to make the stop sign permanent; that he is not in favor of a wall along the southerly property line; and that these units will be priced near the top of the market in Chico, therefore transients and loitering shouldn't be a problem.

In response to Commissioner Monfort, Mr. Webb stated that tile roofs weigh 10 pounds per sq. ft., as opposed to 2 pounds per sq. ft. for architectural grade composition shingles, and that switching to tile would require changes in the roof truss design. He also noted that tile is more prone to leak than composition shingles. In response to Commissioner Alvistur, Mr. Webb noted that the two main differences in the buildings between this project and the Oak Meadow complex is that the stucco will be a superior three-coat process, and there will be a small sill below each window. He also noted that because this site does not have mature oaks like the Oak Meadow site, more trees will be planted as part of the project.

Jennifer Andrews, 344 Mission Serra Terrace, spoke in opposition to the project. She cited concerns with traffic and architectural incompatibility, and requested that a stop light be installed. In response to Chair Wahl, Mr. Varga indicated that Chico uses the warrant tests from CalTrans, and that the level of pedestrian traffic, the only possible warrant in this case, is not great enough to require a stop light.

Judi Merlo, 408 Mission Santa Fe Circle, voiced concerns about traffic in the area. She discussed traffic problems related to the Raley's shopping center, and suggested that a traffic study be done. She stated that although apartments are not her first choice, she commends the applicant for the proposed building, especially the wider parking spaces that are proposed.

Lloyd Lee, 409 Mission Santa Fe Circle, voiced concerns about traffic in the area. He also requested that the actual construction period be kept as short as possible, that the connection between Mission Ranch Blvd. and the back of the Raley's parking lot be closed off, voiced traffic concerns, and requested that Montecito, if not abandoned, be made a "right in/right out" street.

Judy Yoakum, 311 Mission Serra Terrace, voiced concerns about pedestrian safety, and requested that an esthetically pleasing wall be constructed around the project.

There being no further comment, the public hearing was closed at 7:16 p.m.

Assistant City Attorney Lori Barker arrived and took the place of City Attorney Dave Frank.

Commissioner Monfort discussed pedestrian safety, and whether it is feasible to use traffic calming methods at this location. Mr. Varga indicated that he would examine traffic calming for the area.

Commissioner Alvistur indicated his general approval of the project, but noted that traffic is a concern.

Commissioner Monfort inquired about the connection from the Raley's parking lot to Mission Ranch Blvd. Mr. Varga replied that the City discouraged Raley's from putting in the connection, but it is private property and private liability for that connection.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT THE ATTACHED MITIGATED NEGATIVE DECLARATION AND APPROVE THE FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT USE PERMIT NO. 00-7 (WEBB HOMES) TO ALLOW A 169 UNIT APARTMENT COMPLEX SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION V OF THE STAFF MEMO DATED MAY 9, 2000. COMMISSIONER BRADFORD SECONDED THE MOTION.

Commissioner Monfort stated that he wanted to make traffic calming a real consideration, but wasn't sure what form it should take. He indicated that he wished to make Mission Ranch Blvd. function as a residential street instead of a collector.

Commissioner Wolfe stated that she isn't comfortable in adding such a large requirement in the last three minutes of discussion, noting that it is in the minutes as a recommendation. Mr. Seidler suggested that separately from this motion, the Commission could direct staff to prepare a request that the Internal Affairs Committee (IAC) look at traffic calming on this road. He noted that IAC has already looked at the stop sign on Mission Ranch Blvd.

Commissioner Wolfe and Chair Wahl still expressed concern with adding this requirement; Commissioner Monfort countered that one of the functions of a public hearing is to add things at the last minute. Chair Wahl confirmed that Commissioner Monfort would be agreeable to a separate recommendation regarding traffic calming. Commissioner Monfort indicated that a separate motion would be preferable to nothing.

Mr. Seidler noted that there is a minor error in the resolution. Under Condition 6, page 4, it states "Based on all the above,...subject to conditions and mitigation measures set forth in Exhibit I." He noted that not all mitigations are listed, so the phrase should be changed to read "...set forth in Exhibit I and the attached initial study, attached as Exhibit II." The Commission agreed to the verbal modification.

THE MOTION PASSED 5-0-1-1 (COMMISSIONER FRY ABSTAINING, COMMISSIONER DIETLE ABSENT).

COMMISSIONER MONFORT MOVED THAT PUBLIC WORKS DO A STUDY OF TRAFFIC CALMING ON THIS SECTION OF ROADWAY AND TAKE THE ISSUE TO THE INTERNAL AFFAIRS COMMITTEE. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER FRY ABSTAINING, COMMISSIONER DIETLE ABSENT).

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed the upcoming appreciation dinner. He also confirmed that a quorum will be present at the budget meeting with City Council on May 23, at which the Commission will be discussing Otterson Drive and code enforcement, and reminded the Commission that there is a special meeting on May 25 concerning the Otterson Drive project. He also noted Mr. Summerville's presence at the meeting, and stated that when possible, project planners will be giving reports at future meetings. He concluded by welcoming Pam Figge to her first meeting as the new Principal Planner.

There was additional discussion regarding the Montecito abandonment. Commissioner Bradford confirmed that Mr. Webb was aware of the issues involved.

In response to Commissioner Alvistur, Mr. Seidler stated that the Reimers boundary line modification on Hobart has been withdrawn.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:39 p.m. to the joint meeting with City Council on May 23, at 7:30 p.m. in the Council Chamber, 421 Main Street.

July 6, 2000
Date Approved

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED MEETING
MAY 25, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Commissioner Vic Alvistur was absent. Staff present were Planning Director Kim Seidler, Community Development Assistant Clif Sellers, Principal Planner Pam Figge, Assistant City Attorney Lori Barker, Administrative Secretary Greg Redeker, and Consultant David Early.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Monfort stated that many people had spoken to him on this issue, with a split opinion.

REGULAR AGENDA

1. **General Plan Circulation Element Amendment - Otterson Drive Extension** - A proposal to amend the City of Chico General Plan Circulation Element to designate roadways in the circulation system for south Chico, consisting of the following components:

Eastern Link - Connecting roadway between Park Avenue/The Midway and the current northerly terminus of Otterson Drive, potentially crossing Comanche Creek;

Northern Link - Connecting roadway and bridge between the intersection of Meyers Street and Ivy Street and the current northerly terminus of Otterson Drive, crossing Comanche Creek; and

Western Link - Roadway between the southeast corner of the Diamond Match site at Estes Road and the current northerly terminus of Otterson Drive, crossing Comanche Creek.

A Draft and Final Environmental Impact Report (EIR) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council certification of the Final Environmental Impact Report for the project. Staff has no recommendation on the amendment of the General Plan Circulation element.***

Commissioner Dietle recused herself from this item due to a conflict of interest involving her employer.

Mr. Sellers presented Mr. David Early, of Design, Community and Environment, from Berkeley, the consultant who prepared the EIR.

Mr. Sellers presented the staff report, reviewing the history of the project and the land use issues involved. He reviewed the three proposed links, including the three alignment options for the eastern link.

Mr. Early reviewed the environmental impacts that would result from project construction. He noted that six of the nine significant impacts identified in the EIR can be mitigated to a level that is less than significant. The remaining three impacts, conversion of open space to roadway, loss of riparian habitat, and reduction of the creekside greenway, will be significant and unavoidable.

Mr. Sellers reviewed staff's recommendation that the EIR be certified, and that staff has no recommendation as to whether the General Plan Circulation Element should be amended.

Commissioner Monfort confirmed that with the no project alternative, the property could be built to county standards, and asked what those standards are for creekside setbacks. Mr. Sellers replied that no greenway would be acquired in the no project alternative, and that the property could be developed in the county with a 25 foot setback from the creek. If a proposed development requires sewer service, the property would have to be annexed, and then City standards, including the 100 foot greenway, would apply. If the property were to be subdivided under County jurisdiction, it would be subject to county zoning and environmental review.

Commissioner Monfort confirmed that if the City pursued the no project alternative, independent action would be required to annex the property and acquire any creekside greenway.

Chair Wahl inquired about the source of the underground fuel contamination. Mr. Sellers replied that it is most likely from the adjacent Shell and/or Texaco bulk plants, although research has not been performed to determine the source.

Commissioner Bradford inquired if the approval of the project includes acquisition of the property. Mr. Sellers replied that, except for the "no project" scenario, the right-of-way would definitely be acquired, and that the remainder of the parcel along the creek would be acquired if all mitigations are performed. Ms. Barker added that the recommendation to certify the EIR is different from project approval, noting that the two items have separate consequences.

Commissioner Bradford confirmed with Mr. Sellers that the Commission could specify a preferred alignment. Commissioner Wolfe confirmed that the Council could still overrule any decision made by the Commission.

Commissioner Monfort discussed the eastern link and the properties it would serve. Mr. Sellers noted that the link would serve all properties south of the creek in that area, and that the business park is between 40 and 60 percent developed. There was additional discussion

regarding additional future development in the area.

Commissioner Wolfe confirmed that there is no updated information regarding the Diamond Match property.

The public hearing was opened at 7:13 p.m.

Walter Cook, 42 Northwood Commons, spoke in opposition to the project. He stated that the project is not needed, citing the EIR which states that the project would not significantly improve traffic flow. He suggested that it is impossible to make findings of overriding consideration on that basis.

Alan Chamberlain, 1264 Howard, spoke in support of the project. He cited the need to attract jobs to the area, and pointed out that jobs created at this location would free up entry level service jobs for youth. He cited the positive benefits that employment causes for youth workers, including decreased crime.

Mike Smith, 1970 Wild Oak Lane, spoke in opposition to the project. He stated that there is no direct link between this particular road and jobs. He stated that Comanche Creek and the abandoned railroad right-of-way were both designated for acquisition as parks by the Finance Committee; that the fuel contamination under the Midway will have to be cleaned up no matter what; that development impact fees are not intended for any particular project; and that a traffic study for the overall area has never been completed.

Helen Ost, 1255 E. Lindo, spoke in opposition to the project. She voiced agreement with Walter Cook, a previous speaker. She recommended certification of the EIR and denial of the project, which is unneeded.

Anne Bykerk-Kauffman, 1994 Wild Oak Lane, spoke in opposition to the project. She stated that the mid-creek alignment for the eastern link is a poor choice, as it crosses a bend in the creek; the bend would want to move over time, creating erosion problems. She opined that a greenway can also be a marketing tool. She encouraged the Commission to certify the EIR and choose the no project option.

Jim Stevens, 20 Declaration Drive, representing the Chico Economic Planning Corporation (CEPCO), spoke in support of the project. He stated that the project is a win/win situation; the industrial park gets better access and the creekside greenway is acquired and protected. He noted that the project would provide a faster response time for emergency vehicles, and result in fewer vehicle emissions due to the shorter trip length. He added that this project would provide a bicycle link to the area, where none currently exists. He asserted that the cleanup obligation for the Midway fuel contamination does not lie with the City. He confirmed that he prefers the mid-creek crossing alignment for the eastern link.

Steven Sayre, 985 Salem Street, spoke in opposition to the project. He urged the

Commission to deny the project and make a motion to acquire the property as a creekside greenway.

Tod Kimmelshue, 9 Via Flora Court, representing the Chico Chamber of Commerce, spoke in support of the project. He noted that the board of directors took formal action to endorse the project, including the eastern link. He read a letter explaining the Chamber's support of the project, and urged the Commission to certify the EIR and approve the project.

Emily Alma, 2300 Estes Road, spoke in opposition to the project. She cited concerns with the loss of riparian habitat in California and quality of life issues. She asserted that the fuel contamination on the Midway would have to be cleaned up no matter what, and urged the Commission to certify the EIR and choose the no project alternative.

The Commission was in recess from 7:39 to 7:44 p.m.

Steven Schuman, 1747 Broadway, spoke in opposition to the project. He cited concerns with traffic impact on the existing neighborhood and bicyclist safety.

Jessica Rios, 316 W. 4th Avenue, spoke in opposition to the project. She opined that the City should be creating jobs in habitat restoration and alternative transportation, and urged the Commission to choose the no project alternative.

Patricia Puterbaugh, 1540 Vilas Road, spoke in opposition to the project. She read a poem outlining her concerns, which included loss of riparian habitat, removal of mature trees, and the cumulative impact of lost habitat on endangered species.

Randy Larsen, 1139 Broadway, spoke in opposition to the project. He questioned how the City could making findings of overriding considerations when the traffic study shows that the project is unnecessary. Mr. Sellers replied that the decision-making body would need to identify those considerations. Mr. Early elaborated that issues regarding job generation, economic development, making the business park more marketable, and air quality are some of the issues that have been raised as possible basis for these considerations.

Karen Laslo, 468 E. Sacramento Avenue, spoke in opposition to the project, and voiced her agreement with the previous speaker. She cited the cost of the project, both monetary and environmental, and urged the Commission to deny the project.

Steve Gonsalves, 434 Broadway, Chair of the Chico Economic Planning Corporation (CEPCO), spoke in support of the project. He noted that much of the industrially zoned land adjacent to Hegan is conditioned upon a second access point to the area. He opined that the beneficiaries from this project include those who have jobs at the park, as well as the entire community. He urged the Commission to certify the EIR and approve the project.

Commissioner Monfort stated that he hasn't seen the argument that links jobs to this project. Mr. Gonsalves replied that Chico is in competition with other areas, and that it is necessary to have "ready to go" industrial property. Mr. Sellers noted that the condition for the property development required either a second access point or modifications to the existing street conditions. Commissioner Wolfe confirmed that 1260 people currently have jobs in the industrial park. Mr. Gonsalves stated that the final buildout would be 3000 jobs, 80% of which would be filled by local residents, and confirmed Mr. Sellers' assessment that the park is 40% built.

Michael Pike, 2300 Estes Road, spoke in opposition to the project. He cited impacts to the environment, and suggested that there are other higher priority projects that the money should be spent on. He stressed the importance of creeks in Chico, and urged the Commission to deny the project.

Bruce Balgooyen, 2314 1/2 Estes Road, spoke in opposition to the project. He cited concerns with lead contamination in organic produce grown near the project, the feasibility of transplanting elderberry bushes, and the cost of the project.

Chris Liberto, PO Box 7606, spoke in opposition to the project. She questioned the wisdom of development in the area, and the connectivity between this area and SR 32. She urged the Commission to consider the value of the existing habitat, and deny the project.

Rolland Berger, 9 Lindo Park Drive, spoke in support of the project. He cited Chico's disadvantage in attracting manufacturing jobs, and stated that the bridge could be built much more economically by limiting the water flow at the diversion structure upstream.

Tim Bousquet, PO Box 4627, confirmed with Mr. Early that the EIR covers the construction of all three links, and that the air quality argument is a minimal improvement at best. He asked whether the Thomasson property is under the Williamson Act. He argued that this isn't the best place for a road. He reviewed the history of industrial property zoning in the General Plan, and questioned the development of this property as opposed to making improvements on Cohasset Road to improve airport access. He urged the Commission to deny the project.

Sheldon Prasier, 2300 Estes Road, spoke in opposition to the project. He stated that the project would only benefit a few people, and that the project is a waste of money. He asked why a letter from CEPCO was the only attachment to the staff report; Mr. Sellers replied that the CEPCO letter was the only letter received at the time the report was copied and distributed, and that all subsequent letters were faxed to the Commission.

Gary Katz, 448 Paseo Companeros, spoke in support of the project. He urged the Commission to approve a project which will result in a safer traffic situation. He suggested that the lights should be synchronized to reduce long lines of vehicles.

Diane Gaumer, 580 Paseo Companeros, stated that the Commission should receive the

recommendations from all earlier traffic studies in the area. Mr. Sellers replied that the earlier study was not completed when it was found that East Park, Skyway, Park, and Midway would not be improvements. Ms. Gaumer stated that the first study was completed, and included recommendations accepted by the City Council. She would like to have the recommendations from the prior traffic study provided in future reports.

Richard Roth, 1318 Bruce Street, spoke in opposition to the project. He cited the value of beautiful creekside property as a community amenity, and the change the habitat can cause in children from troubled homes. He also noted that children who live close to the property use the area as a swimming hole, as there is no community park in south Chico.

Chris Nelson, 2300 B Estes Road, spoke in opposition to the project. She asked those opposed to the project to stand; approximately 2/3 of those present stood (approximately 50 people). She promised greater opposition if the project goes forward. She cited concerns with traffic, City/County cooperation in the area, light pollution, and water quality.

Barbara Vlamis, Butte Environmental Council, spoke in opposition to the project. She noted that regarding the fuel contamination on the Midway, the responsible parties would be responsible for any cleanup. She questioned why the existing Southern Pacific right-of-way isn't being looked at as a connection to SR 99. She encouraged the Commission to take a leadership role in encouraging the City council to follow through with neighborhood planning for the area.

The Commission was in recess from 8:47 to 8:55 p.m.

Mark Williams, 129 W. 16th Street, spoke in opposition to the project. He questioned the cost of the project, especially in light of comments about the development of the airport industrial park.

David Sisk, 5338 Deception River Road, spoke in opposition to the project. He cited the difficulty in visualizing what the finished project would look like, lamented America's love of the automobile, and problems with bicyclist safety in the area.

Bob Linscheid, 426 Broadway, CEPCO, spoke in support of the project. He cited the importance of manufacturing jobs in the local economy, the necessity of infrastructure to support industrial property, and the development impact fees already paid by existing industrial development. He noted that the project was promised to the area tenants several years ago.

Elizabeth Devereaux, 296 Honey Run Road, spoke in opposition to the project. She noted that before it was bulldozed, it was one of the most pristine riparian areas she's seen. She stated that staff should have provided photographs of the project area. She encouraged the

City to expand its imagination regarding transportation. Commissioner Monfort noted that both sides of the creek have been bulldozed.

Robb Cheal, 407 W. 9th Street, handed the Commission some photos of a bridge in Puerto Vallarta. He stressed that the bridge would be less intrusive if it is a better design, incorporating landscaping and character. He stated that the project is needed due to poor traffic circulation in the area, and encouraged the Commission to recommend the mid-creek crossing alignment for the eastern link.

Bill Brouhard, 2897 Pennyroyal Drive, spoke in support of the project, agreeing with the previous speaker. He noted the value of a good entrance when convincing a company to locate in an area. He recommended that the Commission certify the EIR, include all mitigations, construct the bridges in a sensitive manner, and avoid the cottonwood tree.

Nora Burnham, 3385 Clark Road, Butte Valley, spoke in opposition to the project. She asked who promised a second entrance to the property owners.

Paul O'Rourke-Babb, 1666 E. 8th Street, noted concerns regarding the site's proximity to farming land and undisturbed habitat. He stated that the least desirable alignment is the mid-creek alignment, and that the most desirable is Otterson to Meyers. He stated that the long term solution is to run the traffic south.

Emera Bay Laurel, 740 Orient Street, spoke in opposition to the project. She cited California's car fixation, the problems with lost riparian habitat, the need for alternative transportation, and the quality of life in Chico.

Richard Roth, a previous speaker, cited the value of creekside greenways and the need for low income children in south Chico to have a place to swim and play.

Chris Nelson, a previous speaker, cited additional concerns regarding the removal of vegetation from the property, and Dan Hays' use of contaminated soil from the railroad berm in that area. She stated that 2.7 million dollars shouldn't be spent for a few individuals' benefit, and that the land should be bought and protected.

Darlene Thomasson, 5556 Cohasset Road, one of the landowners of the subject property, noted that the property is still private, and that everyone in the audience who has visited the site has trespassed. She submitted pictures of the homeless camps which the Sheriff's office told her to remove, which is why the property was bulldozed and cleaned up. She stated that the land will be developed in the county if no decision is made.

Bill Brouhard, a previous speaker, noted that if there is an obstruction on the Midway, there is currently no way to get emergency vehicles to the industrial park.

Tim Bousquet, a previous speaker, stated that the EIR should address the gap between Ivy

and 22nd Streets. He stated that the preservation of the Barber neighborhood should be on a different plane than economic development. Mr. Early replied that this project only looks at the links between Otterson, Meyers, and Park Avenue. Adding Ivy and 22nd would require additional environmental review. Mr. Bousquet requested to be notified if there is any discussion of extending that roadway.

Mike Smith, a previous speaker, noted that the display map is somewhat misleading, in that the existing Otterson Drive cul-de-sac terminates 200 feet south of the creek, and that only the right-of-way has been acquired all the way to the creek. He noted the absence of any businessmen or employers from the industrial park.

Richard Roth, a previous speaker, voiced concerns with the EIR because no intensive biological survey was done. He recommended that in the future, the site be examined while it still has virgin ground.

There being no further comment, the public hearing was closed at 9:51 p.m.

The Commission was in recess from 9:52 to 9:57 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL FOR CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OTTERSON DRIVE EXTENSION PROJECT. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER DIETLE ABSTAINING, COMMISSIONER ALVISTUR ABSENT).

Commissioner Monfort confirmed with Mr. Sellers that greenway acquisition is a part of the park fees which are paid, but that this property is not a priority for acquisition. He inquired about the possibility of annexing the property without the property owner's consent, but noted that Council would probably not be interested.

Commissioner Monfort asked who would be liable for the Midway fuel contamination cleanup. Mr. Sellers replied that the responsible parties would be required to perform the cleanup. Alternately, the City could do the cleanup and then attempt to recover the costs.

Mr. Early discussed future traffic volumes in the area, noting that the other traffic improvements identified for the area wouldn't necessarily be triggered by this project.

There was additional discussion regarding traffic in the area and its relationship to the Southgate interchange. Mr. Early confirmed that all projections include the completion of the Southgate interchange, as it includes required General Plan improvements.

There was discussion regarding access for the greenway. Mr. Sellers noted that how the

greenways are used is a matter for the Park Commission, and that the most important thing is that they be acquired; improvements can be determined in the future. Commissioner Fry stressed the need for public access, otherwise there is no public benefit. He also noted that it is currently private property, and that the public shouldn't be accessing it.

Commissioner Fry voiced his support for the project, especially the north link. Commissioner Monfort stated that he would support a project that was just the north link, noting the irony that the only way to preserve the greenway is to approve the project. He stated his concern that the property could end up with ministorage 25 feet from the top of the creek bank. He noted that the north link would provide emergency access, and that if the bollards are kept at 22nd and Normal, it would still be permeable to bicycle traffic.

Commissioner Wolfe expressed support for the north link, although the mid-creek alignment has merit also. She cited benefits to the economy and the development of the area if some sort of link is put in, and agreed with a speaker that it would be nice to have pictures and a rendering of what the project might look like.

Commissioner Fry confirmed with Mr. Seidler that the Commission could specify a particular route, although the recommendation would only be advisory in nature. Commissioner Fry asked Commissioner Monfort if he would support the mid-creek alignment as an alternate, although he noted that more open space is developed with that alignment.

Chair Wahl stated that he preferred the mid-creek link, but would support the northern link. He noted that no one will ride a bike down Hegan in its current condition.

Mr. Sellers noted that the links were not intended to be thought of as competing. All three links are intended: eastern, northern, and western. The eastern link has three possible alignments, but the northern link was not considered as an exclusive solution. Mr. Early voiced agreement with Mr. Sellers, but noted that a "north link only" project might present a viable compromise. He stated that it would provide secondary access, emergency vehicle access, and bicycle access, but it would not be meeting all goals of the economic development community. Higher traffic levels on Meyers would be anticipated, and additional traffic study would be necessary.

Commissioner Wolfe confirmed that the Commission could recommend specific conditions or preferences at this time.

Commissioner Monfort asked Mr. Sellers if the Commission could consider just the northern link at this time. Mr. Sellers replied that the Commission can make any recommendation to Council that it wants.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE AMENDMENT OF THE GENERAL PLAN CIRCULATION ELEMENT TO DESIGNATE AN EXPANDED CIRCULATION SYSTEM IN SOUTHWEST CHICO, INCLUDING THE NORTHERN LINK,

SUBJECT TO THE IMPLEMENTATION OF ALL APPLICABLE MITIGATION MEASURES. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER DIETLE ABSTAINING, COMMISSIONER ALVISTUR ABSENT).

Mr. Sellers indicated that staff would prepare a resolution formalizing the Commission's recommendation.

BUSINESS FROM THE FLOOR

Richard Roth, a previous speaker, discussed the changes made in the Finance Committee regarding greenway acquisition funding and ratios.

PLANNING UPDATE

Ms. Figge reviewed Wes Gilbert's letter concerning a field trip to the Rolling Hills subdivision site on May 30th. Commissioner Monfort indicated he would attend. Mr. Seidler reviewed that the Commission would be hearing the Rolling Hills subdivision at its next meeting, as well as the proposed gas station and convenience store at the corner of Mangrove and Vallombrosa.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:37 p.m. to the Regular meeting on June 1, at 6:30 p.m. in the Council Chamber, 421 Main Street.

July 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
JUNE 1, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Senior Development Engineer Fritz McKinley, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Dietle and Fry each reported that they had spoken to Carlton Lowen and Tom DiGiovanni regarding item 2. Commissioners Monfort, Wahl and Wolfe reported that they had also spoken with Mr. DiGiovanni. Nothing of significance was discussed.

REGULAR AGENDA

1. **Rolling Hills at Canyon Oaks Subdivision, Phase II (S-99-10) and Planned Development Permit No. 99-34 (Remainder LLC)** - A request that the Planning Commission approve a vesting tentative subdivision map of a 3.46 acre parcel with 13 lots for single family residential development and approve a Final Development Plan. The subject property is located along the south side of Dead Horse Slough, on the east side of the extension of Whispering Winds Lane, approximately 1000 feet west of the 500 kV power lines within the Canyon Oaks Subdivision, Assessor's Parcel No. 011-030-122 (portion). The 13 lots have an average lot size of approximately 8,000 square feet on property zoned RS-20 Suburban Residential and designated Very Low Density Residential on the City of Chico General Plan Diagram. The planned development permit is being requested to allow for modified street standards and minimum parcel sizes as well as reduced setbacks in some instances. These modifications will facilitate provision of common open space amenities, creekside greenway, and tree preservation. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration, approval of the final development plan, and approval of the subdivision.***

Mr. Seidler presented the staff report, reviewing the history of the project, the property, and the land use issues involved. He noted that lots six and seven will need to be modified slightly as a result of a new tree survey. He also reviewed the expanded notice area for this meeting and discussed phasing and parcel sizes for the subdivision.

In response to Commissioner Bradford, Mr. Seidler reviewed the lot sizes and configurations, stating that staff has made the determination that the lots are consistent with the rest of the subdivision. He noted that although this portion of the subdivision will have a different feel, the

smaller lot sizes will allow for faster sale, and will be more affordable, relatively speaking.

The public hearing was opened at 6:44 p.m.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive, project engineer, reviewed the entire subdivision and the overall concept of Rolling Hills. He noted that the zoning would allow 73 units to be developed, and that 27 units of potential density will still be unused. Regarding Canyon Oaks as a whole, it envisioned 488 units on 510 acres, and is being built at a lesser density. He reviewed Arroyo Greens as an example, which could have had 80 units, and ended up being built with 26.

Mr. Gilbert reviewed that the lot sizes for this phase are 8000 square feet, and that the houses will be 1900 to 2300 square feet. He noted that the houses will be on raised foundations to minimize the amount of cut and fill, and that the lots will end up with 25 to 35% coverage. Commissioner Dietle confirmed that the applicant is requesting reduced setbacks for the rear yard only.

John Merz, 1531 Broadway, spoke in opposition to the project. He cited concerns with tree removal, tree measurement techniques, tree replacement ratios, the lack of monitoring to ensure replacement tree survival, and the number of lots in the subdivision. He requested that lot six be eliminated, and retained as habitat area.

In response to Mr. Merz, Mr. Gilbert confirmed that there is only one homeowners' association for the subdivision.

There being no further comment, the public hearing was closed at 6:58 p.m.

Commissioner Monfort inquired about tree measurement and mitigation practices. Mr. Seidler replied that the six inch diameter at breast height (DBH) comes from the Canyon Oaks EIR, and has been the standard for all development in Canyon Oaks. He noted that the tree replacement would need to be reflected in the monitoring, and that a condition would need to be added. After discussion, Mr. Seidler suggested that a sentence be added on p. 18, IV.G.1. to read "City staff shall verify success of tree replantings within the Canyon Oaks subdivision." He noted it is difficult to enforce any tree monitoring after recordation of the map, but recommended three to five years. The Commission was in general agreement that five years is appropriate.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-8, APPROVING THE MITIGATED NEGATIVE DECLARATION, ROLLING HILLS PHASE II VESTING TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT USE PERMIT NO. 99-34, WITH THE ADDITION OF THE TREE MONITORING CONDITION WITH A FIVE YEAR PERIOD AS DISCUSSED. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Dietle stated that she would vote against the motion, noting that her concerns regarding parcel sizes and neighborhood compatibility remain the same. Commissioner Bradford voiced his agreement with Commissioner Dietle.

There was additional discussion regarding tree monitoring. Mr. Seidler noted that this is a developed area, that many trees have been removed from Canyon Oaks already, that the City has no tree preservation ordinance, and that substantial numbers of trees may be removed for this project no matter what configuration or density is built.

THE MOTION PASSED 4-3 (COMMISSIONERS BRADFORD, DIETLE, AND MONFORT AGAINST).

2. **Use Permit UP 00-14 (Lewis) 392-396 Vallombrosa and 601 Mangrove Avenues** - A request to approve a use permit to allow construction and operation of a 24 hour convenience market with gasoline pumps and a car wash on approximately 0.87 acres located at the northwest corner of Vallombrosa and Mangrove Avenues. The project address is 392-396 Vallombrosa and 601 Mangrove Avenues and is identified as Assessor's Parcel Nos. 003-210-006 and 017. The site is designated on the Chico General Plan Diagram as Community Commercial and is in a CC Community Commercial zoning district. The project site is presently developed with a retail liquor store and a restaurant/bar. Surrounding land uses include Bidwell Park to the south, medical clinic to the west and retail and commercial uses to the north and east. Staff recommends that the Planning Commission deny the use permit request without environmental review pursuant to California Environmental Quality Act Section 15270. ***Staff recommends denial of the use permit.***

Commissioner Wolfe recused herself from this item due to a potential conflict of interest involving her employer.

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He reviewed the surrounding property uses and the conflicts which would be created by this project. He noted the high level of pedestrian and bicycle traffic in the area, and that projected traffic for this project would be from 140 to 170 peak hour trips. He stated that staff is recommending denial due to traffic circulation, traffic generation, the danger to bicyclists and pedestrians, and inconsistency with several General Plan policies.

In response to Commissioners Dietle, Bradford and Fry, Mr. Palmeri stated that the Traffic Flow Map information is from 1998, that no landscape plan has been presented at this time, and that the Architectural Review Board (ARB) has not yet seen the proposal.

The public hearing was opened at 7:26 p.m.

Gary Lewis, 2538 Esplanade, applicant, stated that he understands the importance of the corner, and wanted to clarify that the pictures provided to the Commission are generic in nature. He stressed the importance of good architectural design, noting that he has many options with what he can do architecturally. He reviewed the history of his interaction with City staff on the project, noting that he hired an engineering firm to perform a traffic study for the intersection. He stated reasons for not having the convenience store nearer to the street, including difficulty with onsite circulation for fuel deliveries, reduced sight distance for the intersection, and safety for both employees and customers. He asserted that customers want to be in a well lit area.

He discussed the staff report, noting that he does not plan to install a large pole sign; that he will install bicycle racks; that he is proposing a reduction, not elimination, of the driveway on Mangrove; that his proposed driveway locations should provide better safety and visibility; and that the number of pumps diminishes stacking and the traffic hazards thereby created. He emphasized his history as an award winning operator within his chain. He noted that there is no loitering or litter on his existing site, and that he wants to work with the ARB and staff.

Chair Wahl inquired as to the design of the project, noting that the photos are generic in nature. Mr. Lewis replied that he is mainly concerned with finishes and landscaping, and apologized that his landscape architect couldn't be at the meeting. He indicated that he wanted to make the site as visually pleasing as possible. In response to Chair Wahl, Mr. Lewis indicated that he is not planning to change the site layout, and that he'd be happy to share the traffic report with the Commission.

In response to Commissioner Dietle, Mr. Lewis indicated that the canopy, while not required by law, is required for convenience and shelter from rain. He indicated that he would be willing to do some sort of architectural treatment on the canopy.

Don Ferenza, project architect, indicated that he could do the canopy in brick, creek rock or rock facings, and that a hip roof can be done with slate or tile. He stated that there are many options to make the project a showpiece.

In response to Commissioner Alvistur, Mr. Lewis stated that the design of the appearance of the structure is an ARB issue, and that he is proposing more landscaping than is required, and plans to install larger trees than normal. He stated that money will be no object to landscape it as much as possible.

Commissioner Dietle stated that often a majority of profits for this type of facility are made through the convenience store, and inquired if Mr. Lewis could do with fewer than 16 pumps. Mr. Lewis replied that his profit split is half fuel, half convenience store, and that the number of pumps is required to prevent vehicle stacking both on and off site.

Commissioner Monfort suggested that Mr. Lewis build a project that takes advantage of the park location. Mr. Lewis replied that the site is an expensive corner, and that corners tend to

have restaurants or gas stations. He stated that a convenience store would be an amenity to park patrons. Commissioner Monfort clarified that he has no doubt that Mr. Lewis runs a tight ship, but that the use permit runs with the property, not the owner.

The Commission was in recess from 7:45 to 7:56 p.m.

Jonathan Studebaker, 628 Orange Street, spoke in opposition to the project. He agreed with staff's recommendation to deny, citing the dangers to pedestrians, bicyclists and children.

Diana Davis, 396 Vallombrosa, proprietor of the existing locksmith shop on the project site, spoke in opposition to the project. She cited concerns regarding traffic generation, traffic circulation around the site, the potential for vagrants in the intersection due to alcohol sales, pedestrian and bicyclist safety, and the size of the project being inappropriate for the neighborhood.

Dick Sinatra, 555 Vallombrosa Ave. #20, spoke in support of the project. He stated that he has lived in Chico since 1964, and that there has always been a car wash, a gas station, and a liquor store at that location. He stated that this proposal is the highest and best use for the site, and that it will improve an unsightly situation.

Jackie Burn, 935 Main Street, property owner, spoke in support of the project. She stated that the property was bought by her family in 1938, and has been a gas station since 1938. She reviewed the history of the property, stated that the lighting would be good for the corner, that most of the problems can be resolved, and that the convenience store would also be used by bicyclists and pedestrians.

Tom DiGiovanni, 426 Broadway, spoke in opposition to the project. He stated that this is the first time he has been public in his opposition to a particular project as a planner and developer. He indicated that no amount of landscaping will camouflage this project, and likened it to putting a tutu on an elephant. He opined that a filling station and a sixteen pump station/minimart are two different structures. He shared information about plans for a Carl's Jr. on the opposite corner, and asked if the City wanted to turn this intersection into another East and Esplanade. He suggested that the site would be better served as an office/retail complex, and stated that the City needed to do better for Bidwell Park.

Kimberly King, 136 W. Frances Willard Ave., member of the Bidwell Park and Playground Commission, spoke in opposition to the project. She noted the traffic and safety problems created due to the large number of children and pedestrians in the intersection. She suggested that the Commission should look at a definite design before it approves anything, and requested that this item be agendaized for discussion by the Bidwell Park and Playground Commission.

Kris Zappettini, 1 Canterbury Circle, representing the Esplanade League, spoke in opposition to the project. She cited concerns with esthetics, safety, and neighborhood incompatibility. She stressed the intersection's importance as a gateway, and opined that it deserves special treatment.

Tom Fiscus, 555 Vallombrosa Ave. #45, an officer of the Woodoak Homeowner's Association, spoke in opposition to the project. He noted that although the use may be legal, this particular project is too big, too garish, and will add too much traffic to the intersection. He also cited concerns regarding pedestrian safety and nonconformance with certain General Plan policies. He requested that if the project is approved, that a monitoring program be put in place so that the lights won't be changed.

Carlton Lowen, 1856 Bidwell Avenue, representing the property owner, spoke in support of the project. He noted the high traffic counts being appropriate for a service station, and noted that seven service stations have been eliminated within a half mile of this site within the last 20 years. The closed stations were located at: First and Mangrove, Palmetto and Mangrove, this site, First and Main, First and Broadway, 8th and Pine, and First and Sheridan. He stressed that the General Plan talks about serving neighborhoods, not having cars drive halfway across town, and that this use satisfies the convenience use for this neighborhood. He agreed that Bidwell Park is a jewel, and noted the review requirements of the ARB. He noted that staff has not yet seen the traffic study. He spoke against siting the building forward, as it blocks the view of the park and reduced visibility at the intersection. He noted that the site has been underutilized for some time, and that there has been a 25% vacancy rate in the Safeway center across the street for several years. He encouraged the Commission to talk about uses and design rather than brands. He indicated that the applicant will satisfy all environmental and ARB requirements.

Fred Condo, 310 Olive Street, spoke in opposition to the project. He stated that this is a convenience he doesn't want or need, and that the best safety improvement to the intersection happened when Bar X closed. He urged the Commission to deny the project.

Dave Ferrier, 1296 Howard Drive, spoke in opposition to the project. He cited concerns with traffic, bicyclist and pedestrian safety, and fuel delivery truck circulation.

Amy Zapulac, 1364 Vallombrosa Lane, spoke in opposition to the project. She cited concerns with traffic, design, and pedestrian safety.

Jean Miller, 435 Redwood Way, spoke in opposition to the project. He stated that there are currently no transients in the area, because the liquor store closed. He ventured that if this facility is built, the kids can then pay the transients to buy them alcohol and cigarettes. He also asked what would happen to the restrooms for this facility if transients return to the area.

Diane Bickerton, 570 E. 3rd Street, spoke in opposition to the project. She spoke of the value

of Annie's Glen and the damage done to the area by transients, which have left since the liquor store has been closed.

Tom DiGiovanni, a previous speaker, stated that he had spoken to a half dozen others in the real estate business who are also outraged about this project. He noted that the site would be best used with something similar to the Christian and Johnson complex, and noted that Mr. Lowen has his offices there. Regarding the vacancy in the Safeway center, he stated that it is due to the specialized nature of the buildings, and because there hasn't been any serious investment in the center for decades.

Diana Davis, a previous speaker, noted that the prior service station had two pumps and minimal traffic. She also cited concerns regarding loitering if the project is built.

Gloria Bettencourt, 1366 Vallombrosa Ave., spoke in opposition to the project. She stated that the area residents have worked to designate Vallombrosa as a scenic drive, and that this project is incompatible with that designation.

There being no further comment, the public hearing was closed at 8:45 p.m.

The Commission was in recess from 8:45 to 8:50 p.m.

In response to Commissioners Monfort and Dietle, Mr. Palmeri stated that the applicant is proposing right in/right out on Mangrove Avenue and full circulation on the Vallombrosa entrance, and that delivery truck information has not been provided. Commissioner Dietle confirmed that a new use permit was required because the previous filling station was closed for more than a year.

Commissioner Monfort inquired how esthetics and the "gateway" treatment were discussed in the General Plan. Mr. Palmeri discussed the designation of Vallombrosa as a scenic street, the area's relationship to the park, and the fact that the two main entrances through the park to downtown are at Mangrove and Esplanade.

Ms. Figge noted that gas stations require permits throughout the City, and contrasted this area with Forest and 20th, which has better traffic design and geometrics.

Commissioner Dietle noted that the site has been a gas station with a car wash and a liquor store, that the project would redevelop an existing unsightly corner, and that the light might discourage illegal activity in the area. Going against the project are the high traffic counts, high pedestrian and bicycle counts, clear general plan policies against this type of use, and the size of the project. She stated that she thinks the esthetics could be dealt with, and could possibly support the project on a smaller scale.

Commissioner Fry indicated that most stations in the area that closed were operating on leased property, and closed at the EPA cutoff date because it wasn't viable to retrofit them.

Commissioner Monfort agreed that the project is too large, likening it to an I-5 stop.

Commissioner Dietle noted that problem with getting someone to commit to developing the property if the owner isn't willing to sell. Commissioner Alvistur noted that the neighbors seem to prefer the existing unsightly corner in terms of esthetics. Commissioner Bradford discussed landscaping, and opined that the project should have minimal landscaping to maximize visibility and traffic safety.

In response to a question from Commissioner Bradford, Mr. Seidler reiterated staff's strong opposition to the project, resulting in the recommendation to deny. He stated that you can't have great landscaping to screen the project while simultaneously providing an open canopy to allow views to the park, and that the purpose of a use permit is to look at a particular project on a particular site to see if it works. He noted that although nobody is all that pleased with the current use, this project would define the character of the intersection for many years and preclude any development of the site that might better reflect General Plan guidelines.

Chair Wahl noted that the traffic at First and Mangrove wasn't bad enough to prevent the drive-through coffee shop from going in. He noted that Vallombrosa is half scenic and half commercial, and stated that the design comments are vague, without any clear recommendation on why staff is recommending denial. He indicated that he's not ready to say no to the project at this time. He stated that he would like to see an accident report for the intersection, a landscaping plan, and more complete noticing for the project. He also stated that bringing up Carl's Jr. is a scare tactic, and calling the intersection a gateway is a bad argument. He stressed the need for more information before making a decision.

Mr. Palmeri discussed noticing, and stated that an expanded noticing area was used for this project, including all property owners and as many occupants as possible.

Commissioner Fry noted the difficulties created by the owners being unwilling to sell, and stated that only a large corporation or franchise will be willing to put in substantial improvements on leased property. He stated that he would have difficulty supporting the use.

Commissioner Bradford stated that it seems Mr. Lewis runs a good station, but that this is an inappropriate location, mainly due to traffic concerns.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION, BASED ON THE ANALYSIS CONTAINED IN THE STAFF REPORT, AND FINDING THAT THE PROPOSED USE IS INCONSISTENT WITH THE GENERAL PLAN AND INCOMPATIBLE WITH SURROUNDING LAND USES, DENY THIS USE PERMIT. COMMISSIONER FRY SECONDED THE MOTION.

Commissioner Alvistur noted that staff had done a good job, but that he would like more data before voting on the project. Commissioner Dietle indicated that she could support the project on a smaller scale, and lamented that it had not yet been through the ARB. She stated she would welcome a motion to defer or postpone. Chair Wahl agreed with Commissioner Alvistur that more information is needed, including a traffic report, environmental review, and better graphics showing the proposed installation. He indicated he would vote against the motion. Commissioner Dietle stated that in the absence of alternatives, she would vote to deny. Commissioner Fry opined that a traffic study isn't needed, as any traffic increase would create a bigger problem.

THE MOTION PASSED 4-2-1 (COMMISSIONERS ALVISTUR AND WAHL AGAINST, COMMISSIONER WOLFE ABSTAINING).

Mr. Seidler stated that this matter can be appealed to the City Council within 15 calendar days.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed that the Webb apartment complex use permit has been appealed to Council.

Commissioner Dietle commented on the utility of the traffic count maps, and asked if copies could be distributed to Commissioners. Mr. Seidler replied that they would be distributed with the next meeting's agenda packet.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:23 p.m. to the Adjourned Regular meeting on June 15, at 6:30 p.m. in the Council Chamber, 421 Main Street.

July 6, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JUNE 15, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Dietle, Kirk Monfort, Nancy Wolfe, and Chair Larry Wahl. Commissioners Ross Bradford and Glenn Fry were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **General Plan Amendment No. 00-2 and Prezone No. 00-2 (Grossman/Sierra Nevada Brewery)** A request to amend the General Plan from Medium-High Density Residential to Manufacturing and Warehousing and prezone from CS Service Commercial to ML Light Manufacturing/ Industrial on property located at 2031 Franklin Street and 1075 E. 20th Street. The site is 3.48 acres and is identified as Assessor's Parcel Nos. 005-450-036, 037 and 029. An Initial Study for environmental review has been prepared for the proposed project. Based upon the information within the initial study, the Planning Division is recommending that a negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Planning staff is recommending adoption of the negative declaration, approval of the general plan amendment, and approval of the prezone.***

Ms. Figge presented the staff report, reviewing the land use issues involved, the property's history, and Sierra Nevada's expansion plans. She noted that resolution 00-10 was amended subsequent to packet distribution and was given to the Commission separately.

Commissioner Monfort confirmed that the property was developed in the county. Ms. Figge added that the property is in the process of being annexed, and that the brewery itself is in the City.

The public hearing was opened at 6:39 p.m. There being no comment, the public hearing was closed at 6:39 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTIONS NO. 00-9 AND 00-10 RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT NO. 00-2 AND PREZONE NO. 00-2. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED 5-0-2 (COMMISSIONERS BRADFORD AND FRY ABSENT).

2. **Whitehall Park Vesting Tentative Subdivision Map S 99-8 and Planned Development Permit 99-46 (Land Design Properties, Inc.) Revised** - A request that the Planning Commission approve a vesting tentative subdivision map of a 6.5 ± acre parcel with 14 single family lots, at a density of 2.15 units per acre, and approve a final development plan authorizing a modification to the minimum lot size in association with the planned development permit. The residential lots proposed in the final development plan have an average lot size of 20,287 square feet (gross) and 16,222 square feet (net). The property is located at 40 Centennial Avenue and is 225± feet north of the intersection of Centennial Avenue and East 8th Street. The site is identified as Assessor's Parcel No. 011-010-119. The property is designated Low Density Residential (2.1 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is rezoned RS-20 Suburban Residential (20,000 square foot minimum lot size). The site is located in the county and will require annexation to the City of Chico. An initial study for environmental review has been prepared for the proposed project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Planning staff is recommending adoption of the mitigated negative declaration, approval of the final development plan, and approval of the subdivision.***

Ms. Figge presented the staff report, reviewing the land use issues involved, the history of the project, the actions taken at previous meetings, and the changes from previous proposals. She reviewed some minor changes to the initial study: on page 10, up to three trees may be removed according to the road alignment; on page 15, the stormwater drainage may use infiltration galleries or approved alternative acceptable to Development Engineering. She reviewed a letter from Jeff Carter, noting that staff has determined that this is a new application and can therefore be heard less than a year after denial of a previous project. She reviewed historical flooding of the area, summarizing that improvements to the area under current standards are only going to reduce the level of flooding.

Commissioner Alvistur asked if there was any new information on potential flooding hazards. Mr. Varga replied that the original stormwater drainage design for the Walnut Park outfall was designed to handle the entire basin at full buildout, at a higher density than what is actually allowed.

Chair Wahl confirmed that a new initial study had been completed, and that the project is no longer dependent on the 1995 study.

The public hearing was opened at 6:50 p.m.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive Ste. 101, project engineer, reviewed

the revised configuration, noting that it is now consistent with both the General Plan and the zoning designation. He reviewed that a 56 foot right-of-way is proposed, including sidewalks and parkstrips, and that the outfall will connect to public sewer and the public storm drain installed concurrent with Walnut Park.

Jeff Goolsby, 96 Centennial Avenue, spoke in opposition to the project. He showed some photographs of flooding on the proposed site in February, 2000. He urged the Commission to treat this as a new project, and subject it to a detailed review. He expressed concern with project density.

Commissioner Monfort noted that the proposed 14 lots is both the minimum and maximum allowable in this particular instance due to the zoning and General Plan designation.

Mr. Goolsby cited concerns regarding reduced setbacks, the impact the project will have on Bidwell Park, and the increased traffic from the project. He indicated that he would like less density for the project.

Commissioner Dietle stated that the project can't be any less dense and still comply with the General Plan designation for the area. She also discussed how the lack of a maintenance district for Walnut Park was a unique result of the passage of Proposition 218.

Mr. Goolsby discussed the lack of adequate drainage for the project, stating that the existing facilities are overburdened. He urged a more careful environmental review.

Commissioner Alvistur noted that drainage was addressed at previous hearings for the project. Commissioner Monfort added that Mr. Goolsby's pictures don't tell what the cause of the flooding is or what an adequate remediation would be.

Mr. Goolsby countered that flooding is an issue, and that the area now floods significantly once every 5 to 10 years.

Jeff Carter, 600 Parkwood Drive, spoke in opposition to the project. He reviewed a letter (not the same as the one he previously submitted on May 3) containing one procedural and three substantive points: 1) when an application is denied, it can't be heard again for at least a year; 2) that it's impossible to say whether the drainage improvements will improve or worsen the existing conditions, as the flap gate in the Walnut Park drain system has not been installed and there is no funding mechanism in place to maintain the private storm drainage facilities; 3) that the subdivision should have low height, low intensity lighting similar to Walnut Park, in keeping with the rural nature of surrounding development; and 4) staff needs to jealously monitor any mitigations made a part of the project.

Marilyn Goolsby, 96 Centennial, spoke against the project. She stated that there are

problems with the initial study, as it states that there will be less than significant impacts on adjacent land uses, which she asserted is impossible for a new subdivision going into a rural area surrounded by horses and other animals. She also cited drainage and traffic concerns, and urged the Commission to look at the entire 95 acres of the basin comprehensively.

Virginia Turner, 62 Centennial Avenue, spoke in opposition to the project. She urged the Commission to look at all 95 acres of the Centennial basin, noting that the standard is being set for future development. She cited the problems associated with bringing city and rural people into conflict, such as livestock noise and the use of burn piles. She agreed with previous speakers regarding drainage concerns, noting her skepticism that a 3-foot pipe will adequately carry all drainage, and asked how this development would enhance Bidwell Park. She urged the Commission to approve a project that is less dense and more rural in nature.

Greg Steel, 603 Parkwood Drive, confirmed that staff considers this proposal as a new project because no rezone is required and two lots have been eliminated. He voiced concerns with drainage and the lack of a flap gate between the public and private storm drain systems, stating that the lack of a flap gate could cause water to back up into Shirley Park during severe storms. He expressed additional concern with allowing 5 foot side yard setbacks.

Ms. Figge explained that the 5 foot setbacks will only occur on 3 lots. Commissioner Dietle added that the applicant is trying to maximize the rear yard area, necessitating smaller side yard setbacks on a few lots.

Mr. Steel expressed additional concern regarding the formation of a maintenance district, as Walnut Park was required to form one but did not. He reiterated his desire to have the flap gate installed, noting the problems with building additional projects which will use the storm drain system without the required mitigation measure of the flap gate. He reviewed Mr. Carter's letter stating that if flooding occurs, he will pursue legal action against the City. Robb Brown, 27 Spicebush Court, Principal for Land Design Properties, Inc., spoke in support of the project. He stressed the infill nature of the project, its compliance with general plan and zoning standards, and the improvements to the drainage situation which will occur as a result of the project.

He stated that he is a resident of Walnut Park, and that there is a homeowners association, which might be agreeable to installing a flap gate. He ventured that the biggest obstacle to the project is neighbors who are resistant to change, and opined that it isn't fair if no one else is allowed to come to the area. He stressed the good record of the Hyde Park development, and how it has increased neighboring property values.

There was additional discussion regarding the rear yard setback; Mr. Brown confirmed that they plan to maximize rear yards to minimize conflicts with adjoining livestock.

There being no further comment, the public hearing was closed at 7:50 p.m.

Commissioner Wolfe stated that the Commission is looking at this project, not the entire 95 acres of the basin, that drainage issues have been discussed and resolved, and that she supports the project.

In response to Chair Wahl, Mr. Varga reviewed Development Engineering's position that the installation of a flap gate at the end of the private line in the public manhole would increase the probability of blockage of the 3-foot public line, with consequent flooding. He confirmed that there is a flap gate on the outfall into the creek, which was a required mitigation of the Walnut Park drainage, and that the private drainage system runs through backyards and needs to be privately maintained. He stated that if the Walnut Park homeowners wish to put a flap gate in the private portion of their drainage line, that is their prerogative.

COMMISSIONER MONFORT MOVED THAT THE PUBLIC HEARING BE REOPENED. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Greg Steel, a previous speaker, referenced reports from Northstar and HHME stating that the rear yard drainage pipe should be fitted with a flap gate to prevent backflow, and that maintenance of the infiltration galleries should be performed by the appropriate public agency. He stated that the mitigation is required, and should have been completed prior to occupancy permits being issued. He reiterated his desire for a flap gate to be installed, which only costs \$200, and asserted that it is the City's responsibility to install one.

Commissioner Monfort stated that the Commission has heard testimony to the contrary that if the private flap gate is put in, it could plug up the system. Mr. Steel clarified that the flap gate should be placed in the portion of the line that is private, not in the public manhole junction.

Mr. Varga stated that the engineering report is not the environmental mitigation, and that the environmental mitigation couldn't require the formation of a maintenance district for a private facility, as it is prohibited by the Landscaping and Lighting Act. He reasserted that the flap gate for the private facility is not included in the actual mitigations.

Jeff Carter, a previous speaker, submitted the mitigation measures for Walnut Park to be entered into the record. Mr. Steel read portions of the mitigation measures which he claimed showed support for requiring a flap gate to be installed. There was additional discussion regarding flap gates, with Mr. Steel asserting that the gate is required due to the EIR for Walnut Park, which relates to the entire 95 acres of the drainage basin.

Ms. Figge clarified that each project is evaluated on its own merits, and that the development of the entire 95 acres won't be based on one engineering study. She stated that each project has to prove its feasibility, including storm drainage, to the City.

There being no further comment, the public hearing was re-closed at 7:59 p.m.

The Commission was in recess from 8:00 to 8:07 p.m.

In response to Commissioner Alvistur, Ms. Barker reviewed the section of the code that states that the same application can't be filed within a year of denial, but noted that there are exceptions. She stated that the Planning Director can determine that the project isn't substantially the same, and the Council or Zoning Administrator can grant permission for good cause an approval prior to the expiration of the year. She stated that she believes that the Commission can make the determination here tonight, and that such approval is implicit due to this item's placement on the agenda. She noted that the code section is not entirely clear.

Mr. Seidler stated that he agrees with everything that Ms. Barker said. He explained that he considers it a new project, as the previous project required a rezone, which was denied by the Commission. He confirmed that no separate notice of his determination was distributed, but that the Commission can make the determination. Ms. Barker confirmed that the noticing guidelines for this are vague. Mr. Seidler stated that one could argue that the determination was implicit in the public notice for this project. Chair Wahl agreed that it seems somewhat subjective.

Ms. Figge stated that the Commission can approve alternative street light standards, as allowed by City code. Commissioner Monfort stated that he would like to require a different street light installation.

Commissioner Dietle stated that the project can't get any less dense, and that opposition appears to be a textbook NIMBY.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-06, APPROVING THE MITIGATED NEGATIVE DECLARATION, THE FINAL DEVELOPMENT PLAN/PLANNED DEVELOPMENT PERMIT, AND THE WHITEHALL VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER MONFORT OFFERED A FRIENDLY AMENDMENT TO REQUIRE ALTERNATIVE LIGHT STANDARDS. AFTER DISCUSSION, HE CHANGED HIS AMENDMENT TO REQUIRE ALTERNATIVE STREET LIGHTS, SIMILAR TO THE ONES ON IVY STREET. COMMISSIONER DIETLE ACCEPTED THE AMENDMENT. COMMISSIONER WOLFE SECONDED THE AMENDED MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND FRY ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to Council within 10 calendar days.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed that the Lewis use permit for the gas station at the corner of Mangrove and Vallombrosa has been appealed and will be going to Council. He confirmed that the applicant is proposing some changes, namely fewer pumps, that differentiate it from the project the Commission denied.

Commissioner Dietle asked staff to convey the message that if the Council chooses to send the project back to the Planning Commission, please provide some direction as to what the Council is looking for. Commissioner Monfort added that it is bad precedent for an applicant to be able to change the project during the appeal, and asked that the Commission be notified when it goes to Council. Commissioner Dietle agreed that introducing new material or changing the project undermines the authority of the Commission. Ms. Barker noted that environmental review has not been completed, so it will have to come back to the Commission if the Council wants to approve the project.

Mr. Seidler reviewed that Otterson Drive would be heard by the Commission on July 5, and that the overriding findings for the 1999 CLUP amendments are scheduled to be adopted on June 20. He also reviewed that there is a North Valley planning forum sponsored by the Great Valley Center at the Chico Holiday Inn on June 22, and the Commission is invited. Commissioners Wahl, Dietle, and Monfort indicated they would attend.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:25 p.m. to the Regular meeting on July 6, at 6:30 p.m. in the Council Chamber, 421 Main Street.

August 3, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
JULY 6, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:35 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Jolene Dietle, Glenn Fry, Kirk Monfort, and Chair Larry Wahl. Commissioners Vic Alvistur, Ross Bradford, and Nancy Wolfe were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Senior Planner Tom Hayes, Associate Planner Claudia Sigona, Assistant Planner Jay Hanson, Assistant Planner Bob Summerville, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Dietle, Fry, Monfort and Wahl reported that they had each spoken with Mr. DiGiovanni regarding Carriage Park. Nothing of substance was discussed. Chair Wahl reported that he had also spoken with Jim Goodwin concerning AT&T Wireless.

Chair Wahl directed staff to agendaize a discussion of Section 84308 of the California Government Code, dealing with campaign finance rules for appointed officials. Mr. Seidler indicated that it would be on the next agenda.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of March 16, 2000**
2. **Minutes of Adjourned Regular Meeting of May 18, 2000**
3. **Minutes of Adjourned Meeting of May 25, 2000**
4. **Minutes of Regular Meeting of June 1, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER DIETLE MOVED APPROVAL, NOTING THAT SHE WAS ABSENT AT TWO OF THE MEETINGS. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

CONSENT AGENDA

5. **Otterson Drive Extension Project - Final Environmental Impact Report and General Plan Transportation Element Amendment:** Resolution confirming Planning Commission action of May 25, 2000 recommending City Council certification of the EIR and adoption of the General Plan amendment. Disqualification of Commissioner Dietle (due to potential conflict of interest) and abstention of Commissioner Alvistur (due to absence at the 5/25 meeting) are noted for the record. *Staff recommends adoption of the resolution.*

Mr. Seidler noted that three commissioners are absent, and that Commissioner Dietle will be

recusing herself from this item due to a conflict of interest; therefore, a quorum is not present for this item. He recommended that it be continued to the meeting of July 20. The Commission agreed.

ITEMS REMOVED FROM CONSENT AGENDA

None.

REGULAR AGENDA

6. **Use Permit No. 00-20 (Evangelical Free Church of Chico)** - A request to allow an expansion of an existing church facility on property at 1193 Filbert Avenue. The site is located at the southwest corner of Filbert and Bryant Avenues, and is identified as Assessor's Parcel No. 045-260-016. The property is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district. The specific proposal is to construct a gymnasium no larger than 15,000 square feet in size on the southwesterly portion of the site, to be used by the church for indoor sports activities. An Initial Study for environmental review has been prepared for the proposed project. Based upon the information within the initial study, the Planning Division is recommending that a mitigated negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the use permit.***

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted staff is primarily concerned with neighborhood compatibility, lighting, noise, stormwater runoff, and parking. Staff is recommending approval with conditions to address these issues.

The public hearing was opened at 6:53 p.m.

Steve Rystrom, 5 Pistachio Drive, representing Evangelical Free Church, stated that he would offer some suggestions to change the conditions of approval, then answer any questions. He provided a handout to the Commission describing proposed changes to conditions 6, 9, 10 and 11.

He requested that condition 6 be changed because some neighbors have gardens and do not want a wooden fence blocking sunlight. Regarding condition 7, he noted that several existing programs go until 9:30 p.m., and they would like a half hour to close up. Concerning condition 10, he cited the cost of improving the parking area, as well the neighbors' desire that it remain unpaved. He requested that condition 11 be removed, as the primary goal of the gym is to use basketball as a neighborhood outreach tool, which would bring in youth who are not members of the congregation.

In response to Commissioner Monfort, Mr. Rystrom indicated that he has no problem with

limiting the use to church-related activities, and that there are no plans to rent out the facility.

Kevin Harvey, 5 Nancy Lane, also representing Evangelical Free Church, thanked staff and neighbors for their input. He noted that none of the neighbors want the area to be lit or paved. He stated the church's willingness to plant oak trees, sound-attenuating landscaping on the west side of the gym, and non-intrusive lighting on the gym itself. He reiterated the requested changes to the conditions, and stated that the church wants to be a good neighbor. He reviewed the Upwards Basketball program and the positive effect it has had on youth. He noted that while they do plan to expand the program, only 28 kids will be playing at any one time.

Dave Murray, 6 Vallombrosa Circle, stated that while he is not against the project, he is concerned about storm drainage. He noted that he is against any requirement to pave the parking area. He reviewed other minor concerns, noting that they will be adequately addressed by the proposed conditions.

Don Holm, 651 Bryant Avenue, expressed some concerns with the project. He cited the lack of a master plan for the property, the scale of the property's use, and the lack of lawn areas. He spoke against leaving the gravel area "as is", and expressed support for limiting the use of the facility to church functions. He noted problems with the church's last expansion, which included unsightly roof-mounted equipment, a light which doesn't turn off, and loud air conditioning units.

David Wilson, 648 Bryant Avenue, stated his agreement with the previous speaker. He voiced support for the gravel area being turned into a field, suitable for softball or volleyball.

He presented a letter from the Wrightsons, who couldn't attend the meeting. Mr. Seidler indicated that the Commission already has copies of the letter.

Edgar Knox, 636 Bryant Avenue, spoke in opposition to the project. He cited concerns with the project not being the same scale as surrounding development, the lack of a master plan, traffic impacts, and inadequate noticing. He expressed concern that the church seems to be equipping itself to function as a school.

John Schwarz, 292 Carmack Drive, member of the church, wished to respond to neighbor comments. He noted that landscaping has been added to the existing parking lot, and that there is no problem with putting the light on a timer. He stated that the church doesn't wish to plant grass on the area that is currently gravel, as the church has no plans for softball, and a lot of maintenance would be required. He stated that there are no plans for a school, although there had been a nursery school for several years. He stated the need for the 10 p.m. ending time, and that the gym will be solely a sports facility.

In response to Commissioner Monfort, Mr. Schwarz stated that the church is not requesting a change in hours, and asserted that the church has a right to use its own property. He noted

that all activities are supervised, that many activities do go on during the week, including the hosting of a small Hmong congregation, and that the church has operated since the 1950s with very few complaints.

Rick Martin, 1169 Filbert Avenue, stated that he had no problems with the proposal, but that he did submit a letter to the applicant which was not responded to. He confirmed that most of his concerns had been adequately addressed.

There being no further comment, the public hearing was closed at 7:32 p.m.

Commissioner Dietle opined that she supported the conditions as originally written. Commissioner Monfort pointed out that the modified condition 6 is more respectful of the neighbors wishes; after discussion, Commissioner Dietle stated she would support the modified condition 6.

Commissioner Monfort expressed support for the modified version of condition 9, noting that the church currently has activities that go until 9:30 p.m. Ms. Sigona stated that staff would support a condition stating that things are shut down and the lights off by 10:00 p.m. There was discussion concerning the best treatment for the gravel area. The Commission agreed that to require trees to be planted in the existing gravel area to provide shading, while maintaining the permeability of the area.

Commissioner Monfort stated that he'd like some version of condition 11 included, so that events are limited to church-sponsored activities. Commissioner Dietle agreed that the facility shouldn't be rented out to third parties. Commissioner Monfort suggested that condition 11 read "Use of the gymnasium shall be limited to church-sponsored events. The facility will not be leased or booked for non-church-sponsored events."

There was additional discussion regarding changes to the conditions of approval. Mr. Seidler confirmed that the Commission wished to make the following changes:

6. To assist in reducing light and glare impacts to neighboring residential properties, the permittee shall install six foot high solid wood fencing along the north, west, and south property lines in all locations where solid fencing does not presently exist, *or a suitable alternative as determined by the applicant and the adjoining land owner.*
9. *Hours of use for the gym shall be limited to 7:00 a.m. to 10:00 p.m daily. The closing time listed in this condition shall mean that all users have departed, the lights are extinguished, and the facility is closed for the night.*
10. The gravel area surrounding the proposed gym shall be improved *either* as an approved parking area meeting City standards for all-weather surfacing, landscaping, shading and drainage, or shall be converted to landscaped open space, *including tree plantings, or some combination thereof, subject to approval by the Architectural*

Review Board and Development Engineering.

11. Use of the gymnasium shall be limited to church-sponsored events.

COMMISSIONER FRY MOVED TO RE-OPEN THE PUBLIC HEARING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

Rick Martin, a previous speaker, reviewed the language of the modified conditions. He confirmed that condition 11 is a prohibition on leasing out the facility, and that no official church board action will be required to "sponsor" an activity.

There being no further comment, the public hearing was re-closed at 7:56 p.m.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVE USE PERMIT NO. 00-20, AUTHORIZING EXPANSION OF AN EXISTING CHURCH FACILITY AT 1193 FILBERT AVENUE BY ALLOWING CONSTRUCTION OF A GYMNASIUM UP TO 15,000 SQUARE FEET, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED JUNE 26, 2000, MODIFIED AS DISCUSSED BY THE COMMISSION. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

The Commission was in recess from 7:57 to 8:05 p.m.

7. **Rezone No. 00-3 (Giampaoli/Guillon)** - A request to rezone property located at 901 Bruce Road and 2550/2552 Lakewest Drive from OR Office Residential to OC Office Commercial. The sites are 1.17 and 1.69 acres respectively, and are identified as Assessor's Parcel Nos. 011-480-001 and 002. The property is designated Office on the City of Chico General Plan Diagram. An Initial Study for environmental review has been prepared for the proposed project. Based upon the information within the initial study, the Planning Division is recommending that a negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends the Commission forward a City Council recommendation to adopt the negative declaration and approve the rezone.***

Chair Wahl stated that this item would be continued until the meeting of July 20 due to the lack of a quorum (Commissioners Alvistur, Bradford and Wolfe absent, Commissioner Dietle abstaining).

8. **Modification of Planned Development Permit No. 00-32 (Haile Group/Heritage Partners) - north of East 20th Street and east of Bruce Road** - A request to modify an approved planned development (Carriage Park, Phase 1, Unit 1) with a similar mixed-density residential project. The site is identified as Assessor's Parcel Nos. 011-720-002, 003, and 004 and 011-730-044. The site is designated Medium-High Density Residential on the City of Chico General Plan Diagram, and is located in an R3 Medium-High Density Residential zoning district. The proposed modification continues the concept of creating neighborhood by design but introduces a different variety of housing types and densities. The overall density of the project remains consistent with the original Carriage Park approval. The project will use a previously certified Final Environmental Impact Report - Warfield Lane-Doe Mill Road EIR, pursuant to section 15162 of the California Environmental Quality Act (CEQA). ***Staff recommends approval of the modification to the planned development permit.***

Mr. Hayes presented the staff report, reviewing the land use issues involved. He reviewed the history of the project, noting that no additional environmental review is required. He stated that several different housing types would be offered, and that he will defer the detailed presentation to the applicant, Mr. DiGiovanni.

Commissioner Dietle stated that the proposed project is a dramatic improvement, and that she would like to see it built as presented. She confirmed with Mr. Hayes that the Commission can require elevations of the proposed buildings, which would be binding if the map were sold. Mr. Hayes added that a number of sample elevations are included in the project plan, and that the multi-family structures would also go to the Architectural Review Board (ARB).

The public hearing was opened at 8:17 p.m.

Tom DiGiovanni, Heritage Partners, 426 Broadway Ste. 205, applicant, showed a Powerpoint presentation, discussed the project design, and reviewed the different housing types proposed. He noted the variety in style and price levels. He emphasized the importance of well-designed streets, which will be narrower than standard, but have wider than standard parkway strips and sidewalks, as well as bulbed corners. He explained the usage of rear driveway lanes in the project, which are significantly better than old-style alleys. He stated that motion-sensitive lighting will be required on garages, and that many garages will have second units over them.

He explained the differences in the various housing types, including single-family residences,

large courtyard apartment complexes, smaller four-plex apartments, and bungalow courts.

In response to Commissioner Monfort, Mr. DiGiovanni stated that he intends to make it as easy to add a unit over a garage, and that some models will be built with them. He added that he plans to build between 25 and 50 percent of the single-family houses, in order to set the tone for the neighborhood.

Commissioner Fry expressed his desire to see how houses would be laid out on the lots. He cited concerns that someone else might not build the project as proposed. Mr. DiGiovanni stated that the urban code proposed for this project will require a "build to" line, rear garages, and some articulation, but that specific architecture is not specified.

Commissioner Dietle confirmed that condition 1 includes the building elevations in the booklet. Mr. Hayes elaborated that the elevations are representative of the overall tone of the project, and represent typical construction. Commissioner Dietle expressed concern with dictating required elevations; Commissioner Fry stated that he's more concerned with ugly structures than over-regulation. Mr. Hayes stressed that the limitations in the urban code for the project will dictate the relationship of the house to the street, as well as make certain building types more feasible. He noted that the contract of sale for individual lots will require that one of a certain range of houses is built on the lot. Commissioner Fry agreed with the idea of making the housing style a condition of sale. Mr. DiGiovanni confirmed that he won't sell a large number of lots to an untested builder.

Mr. Hayes reviewed that there is a limitation as to what housing types can go in the project, and that all the garages will be in the rear, which is a major constraint. He stated that Chico's older neighborhoods are interesting because of how they've developed, not because of specific architectural styles. Mr. DiGiovanni agreed that the proposed urban code is more important than architecture in determining the "feel" of the project. Commissioner Monfort confirmed that the code is what is contained in the color packet provided to the Commission. Mr. DiGiovanni pointed out that the streets, blocks, building footprints and garage locations are set, and it is these relationships which make up 80% of what a neighborhood looks and feels like. Commissioner Dietle confirmed that Mr. DiGiovanni will be selling fully improved lots to other builders. Mr. Hayes stated that any significant modifications to the Urban Code would come back to the Commission.

Ms. Figge stated that any substantial change from the proposal would come back before the Commission. Mr. DiGiovanni noted that the book requests some flexibility as to numbers of housing types, and wanted to make sure that the exact ratio of types wasn't held to a strict interpretation. Commissioner Monfort confirmed that Mr. DiGiovanni is referencing the ranges on page three of the booklet.

Commissioner Dietle expressed her support for the urban code with a limited amount of flexibility. Chair Wahl confirmed that the streets will be public, and that the street lights will be of alternative design. Mr. DiGiovanni added that there will be a maintenance district, and

possibly a homeowners association.

Jim Lynch, 153 Remington Drive, spoke in support of the project. He suggested that a minimum porch size be required, and stated that this is the best thing he has seen on paper to come to Chico.

Georgie Bellin, 775 Filbert Avenue, spoke in support of the project. She noted that this project replicates some of the things that make older houses in the Avenues so special, and praised the variety of housing types.

Jon Luvaas, 1980 Wild Oak Lane, spoke in support of the project. He lamented that an applicant has to seek extra approvals to create a project of this high quality, and would like to see this type of development normalized. He suggested that a portion of the northeast corner might provide a third location for the bungalow court concept.

Commissioner Fry opined that the BIA is the major obstacle, not staff. Mr. Luvaas ventured that once they see how well this project sells, other developers might try it.

There being no further comment, the public hearing was closed at 9:29 p.m.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION ADOPT RESOLUTION NO. 00-14, FINDING THAT THE DOE MILL NEIGHBORHOOD PLANNED DEVELOPMENT PERMIT NO. 00-32 IS NOT SUBJECT TO SUBSEQUENT ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING DOE MILL NEIGHBORHOOD PLANNED DEVELOPMENT PERMIT NO. 00-32, SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED THEREIN. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Monfort verified that condition #1 refers to the booklet, which is the final development plan. Commissioner Fry agreed that the wording was somewhat vague. Mr. Hayes stated that the booklet would be labeled "Final Development Plan". Commissioner Dietle confirmed that there is a limited amount of flexibility at the staff level regarding number of building types. Chair Wahl stated that he is looking forward to the project.

THE MOTION PASSED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

The Commission was in recess from 9:23 to 9:33 p.m.

9. **Modification of Use Permit 99-28 (AT&T Wireless) - 215 Orange Street -**
A request to modify Use Permit 99-28, approved by City Council on February 1, 2000, to allow a telecommunications facility at 215 Orange Street. The

request is to eliminate the following conditions of approval:

Condition 5. Limits the power output of the wireless facility.

Condition 6. Requires an annual monitoring report to be submitted to the City.

The property is identified as Assessor's Parcel No. 004-038-003, is designated Manufacturing and Warehousing on the Chico General Plan Diagram and is located in an ML Light Manufacturing/Industrial zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures. ***Staff recommends denial of the modification without prejudice, and that the request be rescheduled for consideration on October 5, 2000.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the history of the project. He noted that staff is recommending that the Commission deny the modification without prejudice, and that it be re-agendized for the October 5, 2000 meeting, by which time the City's cell tower ordinance should be in place.

In response to Commissioner Dietle, Ms. Barker reviewed that the ordinance will not require monitoring for all installations, but that the Commission would be able to impose monitoring under certain conditions. Commissioner Dietle confirmed that the low power output of this facility would exempt it from monitoring under the draft ordinance.

In response to Commissioner Monfort, Mr. Palmeri explained that this modification is before the Commission, instead of the Council, because the use permit process originates with the Commission, and that the Commission has the duty of first review of any modifications. Mr. Seidler added that although staff wished to take this item to the Council, the City Attorney asserted that this item needed to go to the Commission first.

The public hearing was opened at 9:42 p.m.

Kevin R. Iams, 801 K Street, Suite 900, Sacramento, representing AT&T Wireless, reviewed the history of the project, noting that AT&T has been trying to build the facility since last summer. He stated that AT&T was able to show that the maximum power output is less than 1% of what the FCC permits, so there are no public safety concerns with the tower.

In response to Commissioner Monfort, Mr. Iams stated that they're objecting to condition 5 because the FCC has been given the exclusive authority for regulating emissions, due to a 1996 law. Mr. Iams read from the statute to support his position. He also objected to condition 6, requiring annual monitoring to be paid for by AT&T, stating that it is also a violation of the telecommunications act for a City to require monitoring in excess of what the FCC requires. He also stated that AT&T is being given discriminatory treatment, as Nextel was granted approval in February of 1998 for a similar facility with no power restrictions or

monitoring conditions. Mr. Iams indicated that AT&T has no objections to providing the City with copies of all required FCC reports.

Commissioner Monfort noted that the FCC Local Government Official's Guide states that "state and local governments may wish to verify compliance with FCC exposure limits in order to protect their own citizens," as well as "state and local governments have a role to play in ensuring compliance."

Mr. Iams replied that the City can go to the FCC, which will investigate whether a particular facility is in compliance. He stated that the City is trying to take on an administrative role that it doesn't have, and asserted that the federal government has said that the City doesn't have the authority. He opined that any court that would review this case would strike it down.

Mr. Iams stressed the public safety aspect of the tower, noting that there is currently a cellular "gap" in that area of town. He stated that the police department has expressed concerns with the lack of coverage for this part of the City.

Mr. Iams summarized his position, and asked the Commission to disregard staff's recommendation.

Commissioner Monfort asked why AT&T couldn't wait until October. Mr. Iams replied that they've already been trying for twelve months, and want to move the process along. Commissioner Monfort ventured that even if the Commission grants AT&T's request tonight, it still might take until October.

Chair Wahl confirmed that this is the third time the Commission has seen this project.

Marcia Dean, 2725 Mariposa Avenue, stated that the Citizens for Community Justice will definitely appeal any decision to remove the conditions of approval. She urged the Commission to wait until the ordinance is in place, so that all new facilities can be held to the same standard. She indicated she would submit some studies and a video to the Commission at a future date.

Harold Carlson, 2837 Mariposa Avenue, also with the Citizens for Community Justice, asked why this was being heard by the Commission. He confirmed with Mr. Seidler that AT&T holds a use permit, and that they agreed to the terms at the time the permit was granted. He stated that the City shouldn't approve any towers until the ordinance is in effect, and indicated that the City Council had stated that no more towers should be approved until there is an ordinance in place.

Commissioner Dietle confirmed with Ms. Barker that there is no moratorium on cell towers. Mr. Carlson urged the Commission to support the staff recommendation.

Jim Goodwin, 82 Skymountain Circle, CEO of the Chico Chamber of Commerce, urged the

Commission to approve the requested modification. He noted that there is no esthetic issue in this instance, as it is an innocuous facility on an existing water tower. He cited the low emissions of the facility, noting that the City is in a difficult regulatory position. Although an advocate for local control, he stated that the FCC preemption prevents the City from setting conditions, and urged the Commission to approve AT&T's request.

Maggie Van Dame, 2695 Silver Oak Drive, agreed with Mr. Carlson, a previous speaker. She questioned the figure in one of the attachments that stated that the output would be 7,925 watts. She also noted that the engineer's report assumed flat ground and no buildings of similar height in the vicinity, but there is a three story building across the street. She urged the Commission to not approve anything until the ordinance is in place.

Commissioner Fry opined that whatever happens tonight, it will still go to the City Council.

Linnea Hanson, 2837 Mariposa Avenue, agreed with the previous speaker, and urged the Commission to deny the project at this time. She stressed the need for annual monitoring due to the proximity of other structures to the tower. She urged the City to exercise its rights to locate these facilities in appropriate locations.

There being no further comment, the public hearing was closed at 10:04 p.m.

In response to Commissioner Monfort, Mr. Seidler stated that AT&T has been granted a use permit, but that permit has not been signed, and is therefore not yet valid. Commissioner Fry ventured that by the time AT&T's legal counsel got involved, there could have been a substantial delay.

Commissioner Fry expressed support for having the site monitored for one year, then see whether removing the monitoring condition is appropriate. Commissioner Dietle indicated that the City can't discriminate among providers, so the City would have to pay for any monitoring. She confirmed with Ms. Barker that the draft ordinance would require monitoring only if the potential power output is greater than 80% of the FCC limit. Commissioner Fry stated that if it is inexpensive, the City should pay for the monitoring and keep the condition. Commissioner Dietle stated that tonight's decision doesn't matter, as it will ultimately be decided by the Council.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION GRANT THE REQUEST TO MODIFY USE PERMIT 99-28 (AT&T WIRELESS) BY REMOVING CONDITIONS 5 AND 6, FINDING THAT THE CONDITIONS ARE UNNECESSARY FOR THE OPERATION OF THE TELECOMMUNICATIONS FACILITY. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

Commissioner Dietle urged the Commissioners to keep Item 10, the local government guide to RF emissions. Mr. Seidler stated that the Commission's decision can be appealed to

Council within 15 calendar days.

COMMUNICATIONS

10. **Federal Communications Commission Publication** - By memorandum dated June 28, 2000, Senior Planner Palmeri transmits the Federal Communications Commission publication "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance."

Mr. Palmeri recommended that Commissioners keep this item for future reference. There was discussion regarding the guide, the Commission's role in the approval process, and the City's pending ordinance dealing with this issue.

BUSINESS FROM THE FLOOR

None.

PLANNING UPDATE

Mr. Seidler reviewed that the Otterson Drive Extension was approved by Council, with the mid-creek alignment chosen. He reviewed that the Council will also be hearing appeals of the Lewis use permit, the Whitehall subdivision, and the Webb apartment complex; he noted that the Webb appeal has been reduced to one issue, the installation of a wall on the south side of Mission Ranch Boulevard, which is a compromise worked out between the applicant and the appellant. Commissioner Dietle expressed frustration with the number of appeals; Commissioner Fry suggested that the appeal fee be increased.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:20 p.m. to the Adjourned Regular meeting on July 20, at 6:30 p.m. in the Council Chamber, 421 Main Street.

September 7, 2000
Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
JULY 20, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:35 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Glenn Fry, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Commissioner Jolene Dietle was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Planner Jay Hanson, Senior Development Engineer Fritz McKinley, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Fry, Bradford and Wolfe reported that they had each spoken to the Lucenas regarding their concerns with the Parc Place subdivision. Commissioner Wahl reported that he had spoken with Rolland Berger regarding Otterson Drive.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Meeting of April 6, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION APPROVE THE MINUTES FOR THE APRIL 6, 2000 MEETING. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER DIETLE ABSENT).

CONSENT AGENDA

2. **Otterson Drive Extension Project - Final Environmental Impact Report and General Plan Transportation Element Amendment:** Resolution confirming Planning Commission action of May 25, 2000 recommending City Council certification of the EIR and adoption of the General Plan amendment. Disqualification of Commissioner Dietle (due to potential conflict of interest) and abstention of Commissioner Alvistur (due to absence at the 5/25 meeting) are noted for the record. *This item was continued from the July 6 meeting.*
Staff recommends adoption of the resolution.

COMMISSIONER WOLFE MOVED APPROVAL OF THE CONSENT AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 5-0-1-1 (COMMISSIONER ALVISTUR ABSTAINING, COMMISSIONER DIETLE ABSENT).

ITEMS REMOVED FROM CONSENT AGENDA

None.

REGULAR AGENDA

3. **Shastan at Chico Canyon Road Vesting Tentative Subdivision Map S-00-1 (Shastan Homes)** - A proposal to subdivide 13.3 acres into 23 lots for single family residential development, located on the south side of Chico Canyon Road, opposite and east of Via Morrow Lane. The site is identified as a portion of Assessor's Parcel Nos. 011-020-002 and 011-020-016 (westerly two-thirds). The property is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-20 Suburban Residential (20,000 square foot minimum lot size) zoning district. A mitigated negative declaration is recommended to be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that this item be continued to the August 3 meeting.***

COMMISSIONER ALVISTUR MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF AUGUST 3. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER DIETLE ABSENT).

4. **Rezone No. 00-3 (Giampaoli/Guillon)** - A request to rezone property located at 901 Bruce Road and 2550/2552 Lakewest Drive from OR Office Residential to OC Office Commercial. The sites are 1.17 and 1.69 acres respectively, and are identified as Assessor's Parcel Nos. 011-480-001 and 002. The property is designated Office on the City of Chico General Plan Diagram. A mitigated negative declaration is recommended to be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***This item was continued from the July 6 meeting. Staff recommends that the Commission forward a recommendation to the City Council to adopt the negative declaration and approve the rezone.***

Mr. Hanson presented the staff report, reviewing the land use issues involved, surrounding land uses, and the differences between the Office Commercial and Office Residential zoning districts.

Commissioner Monfort confirmed that no drive-through is planned for the site at this time. Mr. Hanson added that any future drive-through would require a use permit.

The public hearing was opened at 6:47 p.m. There being no public comment, the public hearing was closed at 6:48 p.m.

In response to Commissioner Monfort, Mr. McKinley indicated that a traffic signal is planned for the intersection of Lakewest and Bruce, and that there is sufficient right-of-way to allow left-turn pockets.

Commissioner Wolfe confirmed that the residents on Lakewest nearest to the project had received notice, and that the proposed development on the south side of Lakewest is similar

in nature to the project being built on the north side of the intersection.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-15, RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE REZONE NO. 00-3. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER DIETLE ABSENT).

5. **Use Permit 99-20 (Hignell and Hignell) - 1388 Longfellow Avenue, Suite R** - A request to allow the expansion of a pre-existing non-conforming automotive repair business within an existing building on property located at 1388 Longfellow Avenue. The property is identified as Assessor's Parcel Nos. 045-371-024 and 025, and is designated Mixed Use Neighborhood Core on the City of Chico General Plan Diagram. The property is located in a CN Neighborhood Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures.
Staff recommends approval of the use permit.

Mr. Hanson presented the staff report, reviewing the land use issues involved. He reviewed the constraints due to the unique shape of the site, and noted that staff's primary concern is neighborhood compatibility, particularly noise impacts. Accordingly, staff has recommended conditions that all repair work be performed inside the building, and that a sound wall be constructed on the southeasterly property line, adjacent to the houses on Terrace Drive. He confirmed that Saturday operation is not proposed at this time.

Commissioner Monfort questioned the reasoning that allowed this use to go in several decades ago, and opined that a small automobile repair facility should perhaps be allowed in a CN zoning district. Ms. Figge stated that staff would not support such an amendment, and noted that this site isn't really representative of the CN concept.

Commissioner Fry expressed concern with enforcement of hours of operation. Mr. Seidler replied that it is the City's job to enforce those conditions.

Commissioner Alvistur confirmed that all issues dealing with parking encroachment into Lindo Channel lands had been resolved.

There was discussion regarding parking lot drainage into Lindo Channel. Commissioner Fry opined that the Commission should require some sort of first flush treatment. Mr. Hanson stated that there is a small amount of land between the edge of the parking lot and the channel, which could conceivably hold a first flush treatment facility.

The public hearing was opened at 7:11 p.m.

Dan Shedd, 1500 Humboldt Road, representing Hignell and Hignell, offered to answer any questions. In response to Commissioner Monfort, Mr. Shedd stated that the scrap metal yard on the eastern tip of the property would be cleaned up and taken out of use by LifeScapes once they move to their new location. In response to Commissioner Alvistur, Mr. Shedd stated that the only physical change required due to the encroachment issue is the relocation of a fence, which will be completed shortly.

Caryn Jones, 5 Deborah Terrace, expressed concern that a use permit had never been issued for this business. She agreed that an automotive repair use should be allowed in a CN zone with a use permit. She stated that she is in support of the business, but that there should be a first flush mitigation condition imposed.

Helen Ost, 125 E. Lindo Avenue, agreed with the previous speaker. She confirmed that condition #4 refers to a masonry wall, not a wooden fence, and encouraged the Commission to require a first flush treatment.

Mr. Hanson reviewed the history of uses and approvals for the site. Ms. Figge indicated that the only reason the county was involved was due to storm drainage into Lindo Channel. There was general agreement that a first flush mitigation facility should be required.

Mr. Seidler proposed the following language for condition #6 dealing with first flush treatment: "Prior to occupancy of the expansion area, the permittee shall install first flush improvements necessary to ensure that automotive fluids are prevented from entering Lindo Channel from the parking lot, subject to the approval of Development Engineering. Alternatively, the permittee shall demonstrate to the satisfaction of the City that there is no possibility of automotive fluids entering Lindo Channel from the parking area without such improvements."

John Gillander, 4328 Kathy Lane, expressed concern with the Commission adding a reporting requirement for storm drainage which other businesses are not subject to. Commissioner Monfort replied that the Commission isn't proposing a new reporting requirement; Commissioner Fry added that any new business would have to comply with a first flush condition.

Dan Shedd, a previous speaker, stated that the use permit will require all automotive work to take place inside the building, thereby reducing potential pollutants going into Lindo Channel. Commissioner Monfort noted that cars leak fluids, and that a first flush condition would also be required for new multi-family residential development. Mr. Shedd expressed concern that if the first flush mitigation is too expensive, the repair business would choose not to expand.

There was additional discussion regarding storm water treatment and whether other businesses dump untreated storm water into Lindo Channel.

Caryn Jones, a previous speaker, noted that the county was involved years ago because permission was granted for sheetflow drainage off the parking lot into the channel.

There being no further comment, the public hearing was closed at 7:41 p.m.

Commissioners Wolfe and Wahl expressed concern with the cost of requiring the applicant to install a first flush treatment facility, and that if the condition is too burdensome then the business will choose not to expand.

Mr. McKinley discussed various methods of first flush treatment, noting that the most common is a strip of vegetation which the storm water flows through. An area of cobble, similar to a french drain, is also an option. There was additional discussion regarding first flush treatment options.

COMMISSIONER FRY MOVED TO RE-OPEN THE PUBLIC HEARING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER DIETLE ABSENT).

Dan Shedd, a previous speaker, expressed concern that there isn't much room to install such a facility, and that re-configuring the parking lot isn't feasible.

After discussion, it was agreed that a non-vegetative first flush treatment facility consisting of cobble would be installed between the edge of pavement and the fence, subject to the approval of Development Engineering.

There being no further comment, the public hearing was re-closed at 7:58 p.m.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND APPROVE USE PERMIT NO. 99-20, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM DATED JULY 13, 2000, WITH THE ADDITION OF CONDITION #6 CONCERNING FIRST FLUSH TREATMENT AS DISCUSSED. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED 5-1-1 (COMMISSIONER BRADFORD AGAINST, COMMISSIONER DIETLE ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to City Council within 15 calendar days.

Commissioner Monfort opined that a small car repair shop could work in a CN zone. Ms. Figue indicated that the Commission could direct staff to look at that issue.

The Commission was in recess from 8:00 to 8:10 p.m.

6. **Use Permit 99-22 (Hignell and Hignell) - 1388 Longfellow Avenue, Suite M** - A request to allow the expansion of a pre-existing non-conforming landscape installation and maintenance business within an existing building on property located at 1388 Longfellow Avenue. The property is identified as Assessor's Parcel Nos. 045-371-024 and 025, and is designated Mixed Use Neighborhood Core on the City of Chico General Plan Diagram. The property is located in a CN Neighborhood Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures. ***Staff recommends approval of the use permit.***

Mr. Hanson presented the staff report, reviewing the land use issues involved. He noted that staff has received some complaints about noise and the removal of vegetation. He stated that staff is recommending conditions to mitigate these impacts, including a six foot sound wall with landscape buffer, the discontinuation of outdoor storage (including the easterly portion of the site), and hours of operation. He reviewed that staff is also recommending addition of condition #6, stating that "Prior to issuance of the use permit, the permittee shall remove all equipment and material currently stored on the east side of the site."

Commissioner Wolfe confirmed that staff would support adding a new condition, similar to condition #6 in the previous item, dealing with stormwater first flush treatment. The proposed condition #7 would read "Prior to occupancy of the expansion area, the permittee shall install first flush improvements necessary to ensure that automotive fluids are prevented from entering Lindo Channel from the parking lot, subject to the approval of Development Engineering. Alternatively, the permittee shall demonstrate to the satisfaction of the City that there is no possibility of automotive fluids entering Lindo Channel from the parking area without such improvements."

In response to Commissioner Monfort, Mr. Hanson stated that the proposed sound wall would extend from the easterly portion of Suite U to the property line behind Mr. Gookin's store.

The public hearing was opened at 8:14 p.m.

Ken Chase, 1388 Longfellow Avenue, Suite M, representing Lifescapes, asked for clarification on what outdoor storage would be allowed. Commissioners Fry and Wolfe confirmed that he could store equipment in the area which is proposed to be covered, and that materials could be stored on site as long as they were removed from the east area and weren't located adjacent to the residences.

Gudrun Sweatt, 154 Terrace Drive, submitted some pictures of the rear of the project, visible from her property, to the Commission. She stated that she isn't opposed to the permit, but that she did want to make sure that the sound wall was installed, and requests that employees don't congregate behind the business in the morning. Ms. Sweatt confirmed that she has no

objection to a 7:00 a.m. start time.

Ken Chase, a previous speaker, requested that the allowed hours of operation be changed to 7:00 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to noon on Saturday, to more accurately reflect their current work hours. The Commission agreed. In response to Commissioner Bradford, Mr. Chase reviewed that he had removed dead trees and associated ivy along the back property line, but that the buffer is now growing back.

Dan Shedd, a previous speaker, confirmed that he is prepared to build a masonry sound wall. Mr. Chase elaborated that it will be of post and plank construction, similar to the wall behind Movies 10 on Springfield.

Caryn Jones, a previous speaker, voiced concern with the amount of parking available for this use.

Ken Chase, a previous speaker, stated that only two or three people park across the street. He noted that many of his employees don't have driver's licenses, and that there are fifteen bikes stored behind his facility during the day. He opined that most of the people impacted from the closure of the parking lot across the street have been Butte College students and Chico Beauty College students. Commissioner Monfort confirmed that there are bicycle racks on site.

Helen Ost, a previous speaker, confirmed that the shed would be moved, and that the materials on the eastern portion of the site would be moved away from Lindo Channel.

There being no further comment, the public hearing was closed at 8:30 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15303 AND THAT THE COMMISSION APPROVE USE PERMIT 99-22 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM DATED JULY 13, 2000, WITH THE ADDITION OF CONDITIONS 6 AND 7 AS DISCUSSED, AND THE MODIFICATION OF THE HOURS OF OPERATION TO BEGIN AT 7 A.M. WEEKDAYS AND ALLOW SATURDAY OPERATION FROM 8 A.M. TO NOON. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER DIETLE ABSENT).

7. **Parc Place Vesting Tentative Subdivision Map No. S 99-13 (Habib) - 1286 Vallombrosa Avenue** - A request to approve a vesting tentative subdivision map with 10 single family residential lots on 2 parcels of land totaling 4.2± acres. The property is located at approximately 200± feet west of Jardin Way and is identified as Assessor's Parcel Nos. 045-292-009 and 010. The property is designated Low Density Residential (2.1 to 6 dwelling units per gross acre) on the City of Chico General Plan Diagram and is rezoned PR1 Low Density Residential. A mitigated negative declaration is recommended

to be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends approval of the subdivision and adoption of the mitigated negative declaration.***

Ms. Figge presented the staff report, reviewing the land use issues involved. She reviewed the history of the property and the details of the proposed design, including an attractive non-standard cul-de-sac. She reviewed the site's environmental constraints, including the presence of wetlands and elderberry bushes, resulting in a recommendation for a phased project, with lots 4 through 8 comprising the second phase. She reviewed the revised initial study, including the revised lot lines on page 21 of that document. She noted that staff is recommending a deferment of improvements along the Vallombrosa Avenue frontage, as scenic street design guidelines for that roadway are currently being developed. Once adopted, the applicant would install improvements consistent with the design guidelines.

In response to Commissioner Monfort, Ms. Figge stated that the applicant is proposing a private street to allow for larger lots and less paving. Commissioner Fry confirmed that the Fire Dept. had reviewed the cul-de-sac design.

The public hearing was opened at 8:42 p.m.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive #101, project engineer, reviewed the details of the project. He noted that the drainage situation on Bryant Avenue will be improved by the construction of this project.

In response to Commissioner Bradford, Mr. Gilbert reviewed that the landscape buffer between the road and the western property line varies from 6.5 to 20 feet wide; he noted that other successful projects have had a buffer as narrow as 4 feet in similar situations. Mr. Gilbert also stated that the road could be straightened, but that one additional tree would be lost and the average lot size would be decreased.

Commissioner Monfort confirmed that a standard 6 foot fence is proposed along the western property line. Ms. Figge noted that no fence would be constructed for the first 20 feet from Vallombrosa, due to sight distance constraints.

Kristen Lucena, 1272 Vallombrosa Avenue, expressed concerns about the project. She reviewed a letter outlining her concerns, which include increased traffic, light pollution, noise pollution, inadequate parking, small parcel size, tree removal, and loss of privacy. She proposed several new conditions, including that the road be realigned to go straight back, that the project be reduced to 9 lots, that a sound wall be installed along the western property line of the project, that street lighting only be installed on the cul-de-sac area, and that no second-story construction be allowed on lot #4.

There was additional discussion regarding parcel size and parking. Mr. McKinley stated that on-street parking would require installation of a wider street.

Commissioner Fry expressed support for lower street light poles with lower intensity lights. Mr. McKinley noted that a light would be required at the intersection with Vallombrosa Avenue. Ms. Figge stated that any street lights must be shaded and directed downwards, so as to avoid spilling light onto adjacent properties.

Mark Habib, 414 Salem Street, applicant, reviewed the history of design changes to the project. He noted that all along Vallombrosa, there are small cul-de-sacs which curve a little bit; he's trying to capture that rural feel by emulating that design. He stated that any headlights would hit the existing six foot fence, and added that he does not wish to install a wall. He stated his opposition to reducing the number of lots, and added that while he would like the project to remain dark and rural, he would install whatever lighting the City requires. He also expressed opposition to the two-story restriction on lot #4, opining that it is unwarranted.

In response to Commissioner Bradford, Mr. Habib asserted that he has no desire to straighten out the road due to the resulting decreased lot sizes and removal of an additional tree. In response to Commissioner Wolfe, Mr. Habib stated that he would be happy to install a landscape buffer between the road and the western property line.

Ms. Figge reviewed City regulations regarding removal of trees. She cautioned the Commission about restricting two-story construction, which is generally a permitted use. She also urged the Commission to not require any sort of wall between adjacent residential uses.

Wes Gilbert, a previous speaker, explained that a private street is proposed in an attempt to maintain a more rural character, as well as reduce the amount of paving required. He noted that the curvilinear design would slow down traffic. He verified that all lots will have at least four parking spaces on site.

Kristen Lucena, a previous speaker, noted that they had paid all the cost for the existing fence, and would therefore request that the developer bear all cost for constructing a wall. She re-emphasized that she would like a masonry wall and landscaping on the western property line, and a reconfigured road.

There being no further comment, the public hearing was closed at 9:36 p.m.

Commissioner Wolfe stated that while she sympathizes with the Lucenas, she will support the project as is. Commissioner Alvistur stated that he would support a sound wall and a restriction on two-story construction for lot #4. Commissioner Monfort expressed opposition to the two-story restriction, noting that the Lucenas can build a two-story addition. Commissioner Fry expressed support for a masonry wall and the two-story restriction on lot #4. Commissioner Monfort suggested a restriction on second-story windows looking at the Lucena's property. Commissioner Wolfe stated that she opposes a restriction on two-story construction.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT PLANNING COMMISSION RESOLUTION NO. 00-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE PARC PLACE VESTING TENTATIVE SUBDIVISION MAP PHASE I AND PHASE II (S 99-13), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER WOLFE SECONDED THE MOTION. COMMISSIONER ALVISTUR OFFERED AN AMENDMENT TO RESTRICT SECOND-STORY WINDOWS ON LOT #4 AND REQUIRE INSTALLATION OF A SOUND WALL ON THE WESTERN PROPERTY LINE. AFTER DISCUSSION, COMMISSIONER ALVISTUR WITHDREW HIS AMENDMENT. MS. FIGGE SUGGESTED ADDING A CONDITION TO READ "DENSE PLANTING OF EVERGREEN TREES AND PLANTS SHALL BE REQUIRED ALONG THE WESTERN BOUNDARY LINE BETWEEN THE PRIVATE STREET AND THE EXISTING RESIDENCE TO THE WEST." COMMISSIONER MONFORT ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 5-1-1 (COMMISSIONER ALVISTUR AGAINST, COMMISSIONER DIETLE ABSENT).

Mr. Seidler stated that this item can be appealed to the City Council within 10 calendar days.

The Commission was in recess from 9:55 to 10:00 p.m.

8. **Discussion of Section 84308 of the California Government Code** - As requested by Chair Wahl at the meeting of July 6, staff will review California Government Code section 84308 regarding campaign contributions made to or solicited by appointed board and commission members. ***This item is provided for information only.***

Ms. Barker reviewed the regulations contained in this section of government code and how they apply to members of appointed boards and commissions. She noted that the main restriction is a disclosure requirement for anyone contributing \$250 or more to a board or commission member who then seeks an entitlement from that board or commission within the next twelve months. She reviewed other pertinent information contained within a handout provided to the Commission, and encouraged Commissioners to use the FPPC's free advice line if there are any questions.

COMMUNICATIONS

None.

GENERAL BUSINESS

Rolland Berger, 9 Lindo Park Drive, discussed the Otterson Drive Extension project. He presented the Commission with a revised alignment for the project which would more effectively fulfill the goal of better traffic circulation in that area of Chico. He urged the Commission to consider a connection to Valine to serve future development of the Diamond

Match property.

PLANNING UPDATE

Mr. Seidler reviewed the appeal of the Webb apartment complex, stating that Council had approved the installation of a wall in front of the complex. Commissioner Monfort confirmed that it wouldn't come back to the Commission, and that there was never a public hearing regarding the construction of a wall. He opined that the wall is in violation of some general plan policies, and that it will create a speedway.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:26 p.m. to the Regular Meeting on August 3, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

October 5, 2000
Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
AUGUST 3, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Associate Planner Claudia Sigona, Assistant Planner Bob Summerville, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioners Wolfe, Fry, Monfort, Bradford and Wahl each reported that they had been contacted by Jim Stevens concerning the Shastan at Chico Canyon Road subdivision, offering to answer any questions. Commissioner Fry reported that he had also spoken to Jeff Farrar, a homeowner near the project.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of April 20, 2000**
2. **Minutes of Regular Meeting of May 4, 2000**
3. **Minutes of Adjourned Regular Meeting of June 15, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA.
COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0.

REGULAR AGENDA

4. **Use Permit 00-27 (Pac Bell Wireless) 1459 Humboldt Road** - A request to allow the expansion of a non-conforming structure and use to co-locate six 6' x 8" x 3" wireless communication antenna panels on an existing 112 foot high lattice tower, and install two equipment cabinets at the tower's base. The property is located at 1459 Humboldt Road, and is identified as Assessor's Parcel No. 002-110-068. The site is designated Office on the City of Chico General Plan Diagram and is located in an OR Office Residential zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301(b) (Existing Facilities). *Staff recommends that this item be continued to the meeting of August 17, for which it will be re-noticed.*

COMMISSIONER FRY MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF

AUGUST 17. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

5. **Use Permit 00-31 (Calvary Chapel of Chico) 1888 Springfield Drive** - A request to allow conversion and use of an existing theater (Movies 10) as a church. The property is located at 1888 Springfield Drive and is identified as Assessor's Parcel No. 002-140-005. The site is designated Community Commercial on the City of Chico General Plan Diagram and is located in a CC Community Commercial zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Existing Conditions). ***Staff recommends approval of the use permit.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that there is more than enough parking for the proposed use, as well as an existing 8 foot wall to separate the project from residential development to the east. He reviewed a revised condition of approval #4, allowing operations until midnight on both Friday and Saturday nights, to allow for more flexibility in program offerings.

Commissioner Dietle inquired about the minor land division to separate the one acre parcel from the remainder. Mr. Palmeri indicated that the MLD is being processed by Cinemark to facilitate commercial development of the one acre site, and that each site contains sufficient onsite parking for the proposed uses.

The public hearing was opened at 6:38 p.m. There being no comment, the public hearing was closed.

Commissioner Wolfe asked about condition #5. Mr. Palmeri clarified that the applicant will be broadcasting church services by sending a low-power signal via dish or cable to the towers on Bruce Road, where it will then be broadcast. Commissioner Monfort asked about requiring storm drainage detention for the parking area. Mr. Varga replied that the new use will be less intense than the old one, and because no changes are proposed to the existing building or parking lot, the City cannot require improvements.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15301 AND APPROVE USE PERMIT 00-31, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF MEMORANDUM DATED JULY 20, 2000, WITH MODIFIED HOURS ON CONDITION #4 AS DISCUSSED. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

6. **Use Permit No. 00-36 (Lowe's Home Improvement Warehouse) 2350 Forest Avenue** - A request to allow a home improvement and building

materials store, including demolition of the existing 189,000 square foot retail building (formerly Fred Meyer's) and construction of a new 177,000 square foot building, including a partially covered garden center, and reconfigured parking and landscaping. The property is located at 2350 Forest Avenue, and is identified as Assessor's Parcel No. 002-230-028. The site is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15302(b) (Replacement or reconstruction of existing structures). **Staff recommends approval of the use permit.**

Ms. Sigona presented the staff report, reviewing the specifics of the project and the land use issues involved. She noted that the applicant plans to demolish the existing Fred Meyer building, and that 90% of the material will be recycled, with the remaining debris to be diverted away from the Neal Road landfill. She reviewed a new condition #4, dealing with the recycling requirement. She also noted that the applicant will rebuild the parking area, reducing it by 200 spaces and installing new internal landscaping and stormwater detention facilities.

Commissioner Monfort suggested that the recycling condition be routinely used with projects sending material to the landfill. Ms. Sigona noted that the City has no recycling ordinance in place. Ms. Figge added that it is an unusually large building which will be demolished.

The public hearing was opened at 6:52 p.m.

Tom Thompson, 20110 29th Ave. SE, Bothell, Washington, project architect, reviewed the changes made to the project design as requested by the ARB, and asked that the Commission use its ability to act as the ARB and approve the project without further delay. Ms. Figge reviewed when this project is scheduled next for the ARB, and opined that if the architect prepares plans at this time, then the project shouldn't be delayed. Mr. Thompson stated that he won't get the authority to proceed on construction drawings until architectural approval has been obtained. Ms. Figge noted that applicants often apply for building plan check and architectural review concurrently to speed up the process. She recommended that the project go back to the ARB, and not be approved tonight. Chair Wahl agreed, adding that none of this information had been provided to the Commission prior to the meeting.

Commissioner Alvistur asked where the 13,000 tons of recycled material would go. Mr. Thompson replied that landscape materials will be composted, concrete will be used for construction fill, and asphalt will go to Butte County Public works.

There being no further comment, the public hearing was closed at 7:02 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT NO. 00-36, SUBJECT TO THE FINDINGS AND CONDITIONS OF

APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED JULY 24, 2000, WITH MODIFICATION TO CONDITION #4 REGARDING THE DISPOSITION OF RECYCLED MATERIAL. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

7. **Shastan at Chico Canyon Road Vesting Tentative Subdivision Map S-00-1 (Shastan Homes)** - A proposal to subdivide 13.3 acres into 23 lots for single family residential development, located on the south side of Chico Canyon Road, opposite and east of Via Morrow Lane. The site is identified as a portion of Assessor's Parcel Nos. 011-020-002 and 011-020-016 (westerly two-thirds). The property is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-20 Suburban Residential (20,000 square foot minimum lot size) zoning district. A mitigated negative declaration is recommended to be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Mr. Summerville presented the staff report, reviewing the surrounding land uses, the land use issues involved and the concerns raised by neighbors. He noted that the main challenges with this subdivision include retaining the rural character of the area, providing adequate storm water detention, and addressing neighborhood concerns, particularly traffic at the intersection of Chico Canyon Road and Bruce Road.

Commissioner Dietle inquired as to the status of Bidwell Ditch, which receives a portion of the storm water flow from this site. Mr. Varga stated that it is a drainage course that has no legal definition. Mr. Seidler added that not only does the City have no obligation to maintain the ditch, it has no authority or jurisdiction to do so. Ms. Figge noted that the improvements installed with the project will improve the current situation.

Commissioner Dietle confirmed that the Commission has the authority to require both lower street lighting and Planning's alternate street standard for Chico Canyon Road. There was discussion concerning improvements to Chico Canyon Road, and the different street sections proposed.

Commissioner Wolfe asked about the impact of increased traffic on Chico Canyon Road, especially at the intersection with Bruce Road. Mr. Summerville replied that no traffic study is required for this project, as it doesn't meet the threshold criteria of 75 peak hour trips or 125 housing units. He noted that further study may be warranted at the intersection, but that this project isn't responsible for installing improvements. Mr. Varga added that Bruce Road will eventually be widened to include a left hand turn pocket for Chico Canyon Road, but ventured that construction is probably 4 or 5 years away.

There was discussion concerning streetlights, and whether it would be more appropriate to

not require lights at all or to require dimmer lights closer to the ground, in order to maintain some of the rural ambiance of the area. Mr. Seidler suggested that the Commission listen to public testimony before making any decision on lights.

Commissioner Dietle suggested that two-story construction be prohibited adjacent to Chico Canyon Road. Mr. Summerville indicated that staff would support such a restriction. Commissioner Fry offered an alternate solution, with an increased setback from Chico Canyon Road for two-story construction. Mr. Summerville noted that proposed home designs include garages being detached or placed to the rear, which should help maintain the rural character of the neighborhood. Commissioner Monfort stated that in a few years, the street trees for the project will be higher than the houses, making two-story restrictions a moot point.

The Commission was in recess from 7:45 to 7:55 p.m.

The public hearing was opened at 7:55 p.m.

Jim Stevens, NorthStar Engineering, project engineer, urged the Commission to not restrict two-story construction or require additional setbacks from Chico Canyon Road. He noted that there are existing two-story homes in the area, and that the current setback was based on a standard street; if a narrower street design is installed, it will have the effect of increasing the separation between roadway and house. He agreed with Planning staff's proposal for a narrower street that isn't well lit; he pointed out the "friction" created with such a street, resulting in slower vehicle speeds and increased safety. He reviewed the project soil and runoff characteristics, noting that 1/3 of the runoff would go through the Canyon Vista subdivision, and 2/3 would go under Chico Canyon Road into Bidwell Ditch. He indicated his desire to separate the bike path from the roadway so that the path goes up to the top of the bluff. He reviewed that some fill and minimal grading will be required on 4 or 5 lots, and that construction will be conventional foundations tied to lava cap.

Regarding stormwater drainage, he stated that the current maximum flow from the site is 21 or 22 cfs. After installing project improvements, the peak flow will be reduced to 15 or 16 cfs, a reduction of 15%. He noted that due to existing thin or non-existent soil levels, the fill brought in for the project will increase the detention capacity of the project.

He stated that traffic on Manzanita is an existing problem, and stated that this project shouldn't be required to cure an existing situation. He noted that each house will pay traffic impact fees.

Regarding streetlights, he stated that he agrees with staff's recommendation, and would be happy to eliminate them altogether.

In response to Commissioners Monfort and Wahl, Mr. Stevens replied that a monument sign

is not planned at this time, and that the property owner to the east is agreeable to the bike path alignment, which is to be of asphalt construction.

Commissioner Monfort pointed out that with the proposed narrower street section on Chico Canyon Road, the interior streets then become substantially wider in comparison. Mr. Stevens replied that there is no parking on Chico Canyon Road, while the interior streets have on-street parking. He stated that he will gladly reduce the interior street width, as long as parking is still allowed on both sides of the street.

Commissioner Dietle proposed low wattage entrance lights for the two street intersections. Mr. Stevens agreed to the proposal.

The following people also spoke during the public hearing: Geoff Lane, 319 Chico Canyon Road; Al Lenzi, 275 Chico Canyon Road; Joe Hogan, 81 Falcons Pointe Drive; Fran Shelton, 129 Sycamore Valley Road; Jeff Farrar, 45 Falcons Pointe Drive; Martin Sorensen, 10 Via Morro Court; Dennis Schlais, 414 Chico Canyon Road; Myra Lerch, 311 Chico Canyon Road; Doug Benson, 1711 North Cherry Street; Lynn Sorensen, 10 Via Morro Court; Jim Burns, 205 Chico Canyon Road; Valerie Gregory, 110 Falcons Pointe Drive; Leslie Mann Russo, 31 Crow Canyon Court; Mike Barry, 200 Chico Canyon Road; and Joe Russo, 31 Crow Canyon Court.

Issues raised included the following: strong support of streetlight elimination in the entire project; strong support of keeping Chico Canyon Road narrow and rural in nature; concerns with traffic due to this project and future projects to the east, especially traffic at the intersection of Chico Canyon Road and Bruce Road; concern regarding viewshed impact from Upper Park Road; support for a restriction on two-story construction adjacent to Chico Canyon Road; support for no concrete curbs on Chico Canyon Road; a strong desire that lots fronting Chico Canyon Road be at least 1 acre in size, with a 75 foot setback from the road; concern that if a driver loses control on the eastern road when going downhill, the car will go into a house across Chico Canyon Road; concerns regarding drainage from the property, and the ability of Bidwell Ditch to handle any additional water; the fallacy of considering the project a transitional area, when it is rural in nature; support for considering the project a transitional one, and support for the project; concern whether the stormwater detention and mitigation will be sufficient, as the area adjacent to Bidwell Ditch regularly floods; concern with any additional light, as many in the area are avid astronomers; support for installing a left-turn pocket on Bruce Road now, instead of waiting several years; support for requiring the trail to be brought back down the other side of the bluff, so that it isn't a dead end; concern with existing drainage problems; support for a posted speed limit of 25 mph on Chico Canyon Road; concern that the project is too dense; concern that the poor soil won't support substantial vegetation; support for some sort of street connection to California Park, instead of only Chico Canyon Road; concern that the existing flooding situation not get any worse, and a desire that the proposed stormwater reduction be put in writing; and a desire that Chico Canyon Road be officially designated as a scenic street.

There being no further comment, the public hearing was closed at 9:17 p.m.

The Commission was in recess from 9:17 p.m. to 9:27 p.m.

In response to Commissioner Alvistur, Mr. Varga stated that the City can only require that the existing drainage situation not be made any worse, although if there will be a reduction in the drainage rate that notation will be on official documents. He noted that the percolation rate on the project site will be about the same or slightly better after project construction, due to the existing lava cap condition and the importation of fill. In response to Commissioner Fry, Mr. Varga stated that the drainage ratios will be the same once the project is constructed (1/3 going toward Cal Park, 2/3 into Bidwell Ditch), and that only the water going to Bidwell Ditch will be held in a detention basin.

There was additional discussion concerning traffic. It was agreed that this project shouldn't be required to improve the intersection at Chico Canyon Road and Bruce Road, but that the Commission should forward a separate recommendation during General Business for a prioritization of intersection improvements to the Internal Affairs Committee.

Commissioner Bradford confirmed that the proposed curb and gutter will be concrete.

There was general agreement (Commissioners Wolfe and Fry dissenting) to restrict two-story construction on lots 13, 14 and 15 to protect the viewshed.

After discussion, it was decided to construct the bike path as proposed, with a stub going to the top of the bluff. Mr. Seidler suggested that perhaps a sign would be useful so that bicyclists could exit the path at the easterly intersection of Road A and Chico Canyon Road.

There was general agreement to keep Chico Canyon Road narrow, and use Planning's proposed street section. There was also general agreement to eliminate street lighting in the entire project, with the exception of small lights (possibly similar to Malibu lights) at the two intersections with Chico Canyon Road. Commissioner Bradford confirmed that staff would support eliminating street lights in the project, that there are no legal problems with limiting two-story construction on three lots, and that the applicant isn't opposed to the two-story restriction.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-16, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE SHASTAN HOMES AT CHICO CANYON ROAD VESTING TENTATIVE SUBDIVISION MAP SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, WITH THE ADDITIONAL RESTRICTION OF NO TWO-STORY CONSTRUCTION ON LOTS 13, 14 AND 15. COMMISSIONER WOLFE OFFERED AN AMENDMENT TO ELIMINATE ALL LIGHTING IN THE PROJECT, WHICH WAS

ACCEPTED. COMMISSIONER MONFORT SECONDED THE MOTION.

After discussion, the Commission agreed that some sort of lower intensity, landscape-style lighting should be worked out between Planning staff and the developer for installation only at the two intersections.

After discussion, the Commission agreed to delete requirement A.7.a.(2) of the subdivision report, which would have required a landscaped buffer adjacent to Chico Canyon Road.

THE MOTION, AMENDED AS DISCUSSED, PASSED UNANIMOUSLY.

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 10 calendar days.

8. **Tentative Subdivision Map S 00-4 (Engelbert) 2704 Marigold Avenue** - A tentative map to subdivide 1.07 acres on the easterly portion of 2704 Marigold Avenue to create 6 single family residential lots. The property is identified as Assessor's Parcel No. 048-750-011 (portion). The site is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. A mitigated negative declaration is recommended to be adopted for the project pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Ms. Figge presented the staff report, reviewing the land use issues involved. She noted that it is a small infill project, providing a needed link between two other subdivisions.

Commissioner Monfort asked if the map could be modified to make the western lots a little deeper, as there is a size differential between lots on either side of the street. Pam suggested that the applicant address that issue. Commissioner Alvistur requested that information be provided on the density of the surrounding subdivisions.

The public hearing was opened at 10:13 p.m.

Jim Stevens, NorthStar Engineering, project engineer, stated that the western map boundary cannot easily be altered, as the minor land division creating the parcel has already been approved.

Commissioner Bradford confirmed with Mr. Stevens that the applicant has dedicated additional right-of-way to the City along the Marigold frontage.

There being no further comment, the public hearing was closed at 10:15 p.m.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT

PLANNING COMMISSION RESOLUTION 00-17, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE HIDDEN PARK TENTATIVE SUBDIVISION MAP (S 00-4), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

GENERAL BUSINESS

COMMISSIONER DIETLE MOVED THAT THE COMMISSION RECOMMEND THAT THE INTERNAL AFFAIRS COMMITTEE REVIEW AND FUND A LEFT TURN POCKET ON MANZANITA AS IT ENTERS CHICO CANYON ROAD.

Mr. Seidler suggested that up to three Commissioners be delegated to attend the IAC meeting at which the recommendation is discussed. Commissioners Dietle, Monfort and Wolfe volunteered to attend the meeting.

In response to Commissioner Dietle, Mr. Varga ventured that installation would cost five figures. Commissioner Dietle noted that the City intends to install the turn pocket eventually, and that the Commission is just recommending that it be installed a little earlier. COMMISSIONER FRY SECONDED THE MOTION, WHICH PASSED 7-0.

Mr. Seidler indicated that he would send notice of the IAC meeting to all Commissioners.

PLANNING UPDATE

Mr. Seidler stated that Council will hear the AT&T Wireless appeal on November 7. He added that Council did not call up the record on the Lewis appeal, but made it clear that they would accept a new design as if it were a separate application before a year passes. He noted that the record was not called up for the Whitehall appeal.

Mr. Seidler reviewed that Commissioner Alvistur had asked for an update on the new Airport Comprehensive Land Use Plan. He stated that a new CLUP should be received shortly, and that he will present it to the Commission as an informational item during Planning Update.

Commissioner Fry confirmed that the City is in the process of hiring a new code enforcement officer.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:30 p.m. to the Adjourned Regular Meeting on August 17, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

November 9, 2000

Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
AUGUST 17, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Commissioner Glenn Fry was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Claudia Sigona, Assistant Planner Brad Pierce, Senior Development Engineer Fritz McKinley, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wolfe reported that she had spoken to several neighbors of the Rolling Hills subdivision, as well as Councilmember Maureen Kirk. Commissioners Monfort, Bradford and Wahl reported that they had each spoken to Patricia Parker, a neighbor of Rolling Hills. Commissioner Dietle reported that she had spoken to B.J. Parsons, as well as several others who had signed the petition.

REGULAR AGENDA

1. **Prezone No. 00-1 (Horning)** - A request to change the rezoning from RS-1 Suburban Residential (one-acre minimum lot size) to RS-20 (20,000 square foot minimum lot size) for 7.05 acres located on the south side of Chico Canyon Road, approximately 150 feet east of the 230 kV power lines. The site is identified as Assessor's Parcel No. 011-020-095. The property is designated Very Low Density Residential on the City of Chico General Plan diagram. The change is intended to facilitate subdivision of the property into 11 lots for single family residential development at a density of 1.56 units per acre. ***The applicant has requested a withdrawal of this application. Staff concurs with this request.***

This application was withdrawn.

2. **Use Permit 00-27 (Pac Bell Wireless) 1459 Humboldt Road** - A request to approve an additional 12 feet of height that has already been constructed on a 112-foot tower previously approved for a height of 100 feet, and allow the expansion of the non-conforming structure and use to co-locate six 6' x 8" x 3" wireless communication antenna panels on the tower, and install two equipment cabinets at the tower's base. The property is located at 1459 Humboldt Road, and is identified as Assessor's Parcel No. 002-110-068. The site is designated Office on the City of Chico General Plan Diagram and is located in an OR Office Residential zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301(b) (Existing Facilities). ***Staff recommends approval***

of the use permit.

Mr. Seidler introduced Mr. Pierce to the Commission. Mr. Pierce presented the staff report, reviewing the land use issues involved and the details of the applicant's proposal. He noted that the tower has existed for 13 years with no complaints, and that co-location is the preferred method of expanding wireless telecommunications facilities.

Commissioner Monfort confirmed with Mr. Pierce that there is nothing in this permit that would be inconsistent with the pending wireless telecommunications facilities ordinance, particularly any annual reporting requirement.

In response to Commissioner Alvistur, Mr. Pierce indicated that the closest residential property is approximately 500 feet away, on the other side of the freeway. He noted that proposed emission levels are less than 1% of the FCC limit.

The public hearing was opened at 6:45 p.m.

Ronald Mauck, 3851 N. Freeway Blvd., Sacramento, representing Pacific Bell Wireless, stated that he agreed with the staff report and the conditions. He did note that the ground lease area was changed slightly to increase fire access, and confirmed that the changed configuration wouldn't pose a problem.

There being no further comment, the public hearing was closed at 6:47 p.m.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301, EXISTING FACILITIES, AND APPROVE USE PERMIT NO. 00-27 (PAC BELL WIRELESS), SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMO DATED AUGUST 9, 2000. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED 6-0-1 (COMMISSIONER FRY ABSENT).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

3. **Modification of Use Permit No. 00-1 (Christensen) 188 Panama Avenue**
- A request to allow a modification of a previously approved use permit which allowed eight duplexes and a total of 16 units on 1.6 acres at 188 Panama Avenue. The proposed change would allow 17 units and a mix of duplex and triplex buildings. The site is identified as Assessor's Parcel No. 006-054-013. The property is designated Offices on the City of Chico General Plan Diagram and is located in an OR Office Residential zoning district. This project was previously determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA), section 15332 (In-fill Development Projects). ***This item was referred to the Planning Commission by the***

Zoning Administrator at the request of several neighbors. Staff recommends approval of the use permit modification.

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted that the redesign adds one more unit, and was initially caused by the City requiring one extra foot of right-of-way along Panama Avenue. In response to Commissioner Bradford, Ms. Sigona noted that the parcel on the northeast corner of the plot plan is not a part of the project.

The public hearing was opened at 6:53 p.m.

Jay Coughlin, 2640 San Jose Street, expressed concern about increased traffic from the project, and opined that the change from duplexes to triplexes changes the overall feel of the project in a negative way.

Perry Jenkins, 2631 San Jose Street, spoke in opposition to the project. He cited concerns with traffic, neighborhood compatibility, density, and children's safety.

There being no further comment, the public hearing was closed at 7:00 p.m.

Commissioner Monfort asked why the right-of-way dedication on Panama caused a redesign, and why the applicant switched to triplexes.

COMMISSIONER DIETLE MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRY ABSENT).

Eric Christensen, 4475 Nord Hwy., applicant, explained that Public Works required 6 feet of dedication, instead of the 5 feet that was planned upon, thereby decreasing setbacks to less than the minimum distance. He stated that once the triplex had been designed, it was noted that the footprint was nearly identical to the duplex, allowing one additional unit in the project. He noted that the project will still be one-story construction adjacent on the San Jose side of the project.

In response to Commissioner Wolfe, Ms. Sigona stated that up to 33 units could be placed on the site; 17 are proposed in the revised configuration. In response to Commissioner Dietle, Ms. Sigona stated that there is no minimum density for residential development in the OR zoning district.

There being no further comment, the public hearing was re-closed at 7:05 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT, AS MODIFIED, IS CATEGORICALLY EXEMPT, AND APPROVE THE MODIFICATION OF USE PERMIT NO. 00-1, SUBJECT TO THE FINDINGS AND MODIFIED

CONDITIONS OF APPROVAL DELINEATED IN THE STAFF REPORT DATED AUGUST 2, 2000. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRY ABSENT).

4. **Planned Development Permit No. 00-1/The Retreat at Canyon Oaks Subdivision (Canyon Oaks LLC)** - Preliminary/conceptual review of a planned development and subdivision of 8.95 acres on the south side of Shallow Springs Terrace, approximately 400 feet east of Woodstone Lane. The subdivision proposal includes 38 lots for zero-lot line single family residential development and a 5.47 acre parcel to be preserved as open space. The site is identified as Assessor's Parcel No. 011-750-028. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential zoning district. Environmental review for this project is pending, and will be completed prior to the Commission's final action at a noticed public hearing. ***Staff recommends conceptual approval of the proposed subdivision design.***

Ms. Sigona presented the staff report, reviewing the land use issues involved, the history of the property, the specific details of the project, the surrounding land uses, and the concerns raised by neighbors. She noted that the Commission is being asked for only a conceptual review, and that a final approval will be at a subsequent meeting after a 30-day public comment period.

In response to Commissioner Wahl, Ms. Sigona stated that the project engineer will discuss stormwater runoff treatment, that a biological survey was completed in 1998 which showed no species of concern on the site, and that proposed wrought-iron fencing could be enforced either through CC&Rs or as a note on the final map.

In response to Commissioner Wolfe, Ms. Sigona stated that the environmental review is not yet complete, although it would be completed prior to the start of the 30-day comment period.

Commissioner Monfort discussed reducing the project density through use of foothill standards. Ms. Figge stated that the reductions are in maximum density, and that the project density has already been reduced by using the foothill standards. She noted that any further reduction would most likely be due to environmental constraints. Commissioner Monfort expressed concern about the steep slope on some of the lots. Ms. Sigona suggested that the project engineer could address that issue.

Commissioner Bradford confirmed that the fire department had reviewed and approved the proposed configuration.

Commissioner Wolfe expressed reservations with granting a conceptual approval without any environmental review. Mr. Seidler stated that the conceptual review can be looked at as

establishing a firm project description, which can then be analyzed.

Commissioner Monfort asked if the number of units could be reduced through environmental review. Ms. Figge replied that the Commission should alter the number of units tonight if so desired, but noted that the plan presented is of better design and lower density than what was originally proposed by the applicant. She noted that the site has been zoned R2 for many years, and that whatever configuration is approved, it will most likely involve clustering and preservation of open space. Mr. Seidler added that staff has been gratified by the response of the developer, noting that the current plan represents a serious attempt to deal with environmental concerns. Ms. Figge noted that the tree survey conducted by the applicant is the best one the City has ever received.

Commissioner Bradford asked if the density could be reduced by basing it on the developable area. Ms. Figge replied that it is traditionally figured on gross acreage.

Commissioner Dietle asked if the Canyon Oaks Homeowners Association has an Architectural Review Committee which would need to review the project. Ms. Sigona stated that the applicant should address that question.

The Commission was in recess from 7:35 to 7:45 p.m.

The public hearing was opened at 7:46 p.m.

Brian Firth, Land Image Landscape Architects, presented some overhead transparencies showing different aspects of the project, including site topography, the relationship of the proposed houses to the topography, location and type of trees on the site, location and number of trees to be removed, visible animal trails, and location and type of proposed improvements to the site.

In response to Commissioner Monfort, Mr. Firth stated that his goal is to make development better, and strike a compromise between his design wishes and his client's wishes. He noted that his client originally wanted 40 units, two more than what is proposed.

Wes Gilbert, 70 Declaration Drive #101, project engineer, reviewed the details of how the project was laid out to minimize the disruption to existing resources, while still providing for an economical project. He noted that no work will be done within the banks of the channel, that there are no jurisdictional wetlands on the property, and that both the biological and archeological surveys found nothing of significance on the site.

In response to Commissioner Dietle, Mr. Gilbert stated that homes will be offered in two sizes, 1500 and 1800 square feet. In response to Commissioner Wahl, Mr. Gilbert stated that there will be a slight increase in stormwater runoff, but that there won't be any point discharges into

the drainage channel. In response to Commissioner Alvistur, Mr. Gilbert reviewed that there are one acre lots to the west, half acre lots to the east, and smaller lots across the golf course to the north; he noted that this property has been zoned R2 since at least 1987.

Commissioner Wolfe asked if these homes will have to go through the Canyon Oaks Architectural Review Committee, and whether there will be a separate homeowners association for the project. Mr. Gilbert stated that he believed that architectural review would be required, and that this project would be a part of the Canyon Oaks HOA.

Brian Firth, a previous speaker, noted that any foothill species that would be on a site next to a golf course are probably present. He stated that the architecture would have to be reviewed by the Canyon Oaks HOA.

Patricia Parker, 3174 Sandstone Lane, spoke in opposition to the project. She reviewed a letter signed by over 100 people in opposition to the project. She cited concerns with environmental preservation, the effect of development on downstream habitat, the sensitive nature of the site, and the fact that it is in a resource management area. She urged Mike Orr, property owner, to turn the property into a natural preserve.

Commissioner Dietle asked if Ms. Parker knew the property was zoned R2 when she bought her lot. Ms. Parker said that she was not aware the property was zoned R2, but now realizes that she should have found out. Commissioner Dietle asked if the neighbors are willing to buy the property to turn it into a preserve.

Commissioner Monfort opined that fertilizer and chemicals from the golf course affects downstream biological conditions much more than one small development ever would.

B.J. Parsons, 1 Woodstone Lane, spoke in opposition to the project. She expressed concern that some trees counted in the survey are actually in the 100 foot buffer to the west of the project site, that many trees less than six inches in diameter which aren't on the survey will also be removed, that the project may increase flooding potential, that building on slopes will cause significant erosion, that the proposed houses are smaller than the minimum required in Canyon Oaks, that the noticing was inadequate, and that the entire project should be preserved as open space.

In response to Chair Wahl, Ms. Parsons indicated that she did not know the property was zoned R2 when she bought her property.

Martin McHugh, 1017 Colmena Drive, owner of lot #72 (8 Woodstone Lane), spoke in opposition to the project. He stated that he did not know the project site was zoned R2. He stated concerns with traffic created by the project, the lack of infrastructure in the area, that the project is too dense, and that there is significant wildlife on the property.

Commissioner Dietle pointed out that the Commission couldn't deny the project without good

reasons, and that the owner has a right to develop the property. She noted that the environmental review will not be completed until the conceptual approval is granted, and that the environmental review may end up altering or prohibiting the development; however, until the review has been completed, the Commission doesn't have a good reason to deny the project on environmental grounds. She opined that the Commission doesn't have a legal reason to deny the project.

There was discussion regarding how much of the site is buildable. It was agreed that while maximum density based on gross acreage is inappropriate for the site, it would be impossible to delineate a developable area without an environmental review.

Mr. McHugh stated that the Commission needed to look at the impact the project will have on neighbors; Commissioner Monfort stated that neighbors don't have the ability to deny a project due to impacts.

Mike Campos, 774 Hillview Way, expressed concern with any additional waters being discharged into Little Chico Creek. He stated that any increase in flow would make a flood zone around the creek.

Mr. McKinley clarified that Mr. Gilbert was referring to runoff coefficients for the property, and that detention will be required so that there is no net increase to peak flows downstream.

Mr. Seidler clarified that the environmental review to be performed will be an initial study, not an EIR as several people have erroneously referred to it this evening. He stated that staff is anticipating that the initial study will result in a mitigated negative declaration.

Jim Deas, 1924 Potter Road, owner of lot #60 (on Woodstone), voiced concerns about the project. He cited concerns with fire access, tree removal, project density, building height, light pollution, flooding potential, habitat degradation, the size of the units being less than the 2200 square feet required by the Canyon Oaks CC&Rs, and inadequate noticing. He encouraged the Commission to visit the site before approving anything.

The Commission was in recess from 9:07 to 9:19 p.m.

Wes Gilbert, a previous speaker, stated that negotiations with the fire department are underway. He stated that the length of the cul-de-sac isn't the limiting factor, but rather the width of the roadway. He also noted that the project will bring water to an area which currently has none.

In response to Commissioner Bradford, Mr. Gilbert stated that this is the last undeveloped R2 parcel in Canyon Oaks. In response to Commissioner Monfort, Mr. Gilbert stated his belief

that the CC&Rs allowed houses down to 1500 square feet on the R2 zoned properties.

Brian Firth, a previous speaker, stated that he would re-examine the tree survey to make sure that all trees are within the property line of the project. He also stated that the proposed stilt construction would be enclosed within the building, and offered to provide photo simulations at the final approval hearing. He also stressed the environmentally-friendly nature of this development, pointing out that over half the project will be preserved as open space in perpetuity.

Mike Wedow, 3199 Shallow Springs Terrace, stated that he was recently elected to the Canyon Oaks board. He stated that a project can choose to withdraw from the association, and urged that the Commission require City architectural review if this project goes that route. Commissioner Monfort noted that the City is prohibited from reviewing single-family residential architecture.

Jim Deas, a previous speaker, expressed additional concern with traffic safety at the intersection of this project and Shallow Springs Terrace. He noted the steep grade of the road and the blind nature of the intersection, and inquired if any traffic engineers have looked at the project.

Mr. Seidler stated that traffic would be one of the items addressed in the initial study.

There being no further comment, the public hearing was closed at 9:28 p.m.

Commissioner Wolfe stated that the Commission is in a difficult situation; the only way to get adequate environmental information is to have the initial study completed, and that it will only be completed if the project is conceptually approved.

Commissioner Dietle noted that there was no minimum density requirement when the property was zoned R2, and wondered what mechanism could be used to minimize project density. She stated that she would vote for the conceptual approval in order to complete the environmental review. She requested that the gross/net acreage density debate be resolved, and that a more complete, accurate noticing be accomplished for the final review.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT NO. 00-1, SUBJECT TO THE APPLICANT MAKING REQUESTED CHANGES AND PROVIDING ADDITIONAL INFORMATION AS DELINEATED IN THE STAFF REPORT DATED AUGUST 9, 2000, AND THE ADDITIONAL REQUIREMENTS STATED IN THE ADDENDUM HANDED OUT TODAY, INCLUDING SLOPE MAPS AND GRADING PLANS, AND THAT STAFF RETURN THE PROJECT FOR FINAL ACTION UPON COMPLETION OF THE ENVIRONMENTAL ASSESSMENT AND PREPARATION OF THE FINAL DEVELOPMENT PLAN. COMMISSIONER DIETLE SECONDED THE MOTION.

Commissioner Alvistur stated he would vote for the motion, noting that the applicant will provide a great deal of additional information upon which a final determination can be based. Commissioner Bradford agreed, noting that while he wishes the property had been set aside as open space, it is zoned R2 and needs to be treated as such.

Commissioner Wolfe stated that she would vote for the motion, but encouraged the applicant to come up with a design that is more compatible with the neighborhood.

Commissioner Wahl confirmed with staff that a mitigated negative declaration is anticipated for the project.

THE MOTION PASSED 6-0-1 (COMMISSIONER FRY ABSENT).

Ms. Figge stated that this item would be renoticed when it comes back for final approval. Commissioner Alvistur requested that the applicant provide photo simulations for each of the clusters, as opposed to only a view from Shallow Springs Terrace. Ms. Figge indicated that staff cannot protect a private view, only a public view. Commissioner Alvistur opined that only one photo simulation from Shallow Springs Terrace would be inadequate.

5. **Use Permit No. 00-33 (Sign Design, Inc./Tower Energy Group) 2230 The Esplanade** - A request to allow expansion of a non-conforming use (signage), authorizing new business signage to be added to an existing non-conforming 26 foot tall pole sign. The property is located at 2230 The Esplanade and is identified as Assessor's Parcel No. 006-120-095. The site is designated Community Commercial on the City of Chico General Plan Diagram and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Existing Facilities). ***Staff recommends denial of the use permit request.***

Ms. Figge presented the staff report, reviewing the land use issues involved and the history of the property. She noted that staff believes that all required findings cannot be made to grant a use permit, and is therefore recommending denial.

In response to Commissioner Wahl, Ms. Figge stated that staff tries to alter non-conforming uses to bring them into conformance when it is practical to do so. She noted that the applicant had added signage on the entire site, causing staff to look at the site as a whole.

The public hearing was opened at 9:48 p.m.

Sean Campbell, representing Sign Designs, 309 N. Lincoln, Manteca, applicant, apologized for doing work without a permit, and noted that the individual who did the work is no longer with the company. He stated that he has been working with Bob Summerville, and that there has been some confusion. He stated that his company had simply done a reface on an existing

cabinet, and noted that his client would like to keep the sign at least as high as Beacon's sign just down the road, estimated at 20 feet.

In response to Commissioner Wahl, Mr. Campbell stated that there was no square footage change in the pole sign.

Ms. Figge clarified that staff looks at an entire sign package, with an eye for opportunities to make it conform with current regulations. She noted that the total signage square footage did go up due to the additional logo.

In response to Commissioner Alvistur, Ms. Figge stated that the sign that is 26 feet tall is more appropriate for a highway or elevated freeway, noting that the area was originally the main highway route through town.

Commissioner Monfort asked whether the Beacon sign was erected legally. Commissioner Wahl confirmed that the City currently has no full-time code enforcement officer.

Mr. Campbell presented pictures of the sign before and after the work was done. He stated that the only increase in signage was with the plaques over the dispensers, and the addition of the word "Tower" over the logo. He expressed confusion as to whether it was a square footage issue or whether a permit was needed to reface the sign.

There was discussion concerning the City's sign ordinance. Commissioner Dietle stressed that the Commission should be consistent with what has been required of other businesses.

In response to Commissioner Wahl, Mr. Campbell opined that there is now less signage than before, but couldn't offer a square footage figure. He re-emphasized that all he did was reface the existing cans.

Ms. Figge stressed the importance of phasing out non-conforming uses, noting that the City used to have an amortization process to remove non-conforming signs. Commissioner Dietle confirmed that the amortization requirement is no longer in effect.

Mr. Campbell emphasized that he would gladly change the canopy or other signage in order to keep the pole sign, emphasizing the need to compete with the Beacon sign just down the road.

Walt Huth, 1641 Monterey Road, Paradise, representing Tower Energy Group, reviewed the company's other stores in the Chico area. He stated that this site was an eyesore before it was bought by Tower, and noted that the site has been repainted, re-landscaped, and had lawn installed. He stated that his company isn't asking for any additional signage, just the ability to reface the existing sign cans. He stated that there are 15 other businesses in the area with signs that are more than 12 feet tall. He reemphasized that there was no increase in square footage.

Ms. Figge stated that staff doesn't have specific numbers, but that photos indicate that the logos and sign appear to be larger than before, and that the total square footage is more than what is allowed by code.

Sean Campbell, a previous speaker, stated that the resubmitted designs for the canopy and spanners had been approved, and that Mr. Summerville had told him that the remaining issue is the freestanding sign. He noted that the existing cabinet is slightly more than 12 feet tall, and that lowering the sign to less than 15 or 16 feet would require removal of a 9 foot tall tree on the north side of the sign.

There being no further comment, the public hearing was closed at 10:14 p.m.

Ms. Figge stated that the cabinet needs to be lowered, although staff would support it being lowered to a height of 15 or 16 feet in this instance. She noted that staff would not want a tree to be removed in order to lower the sign to 12 feet.

There was discussion regarding grandfathering of signs, the reasonableness of the request, the need for uniform enforcement of sign regulations, and whether the Commission should allow a height less than the existing height but greater than 12 feet.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION DENY USE PERMIT NO. 00-33 (SIGN DESIGNS, INC./TOWER ENERGY GROUP) TO ALLOW THE EXPANSION OF NON-CONFORMING SIGNAGE, FINDING THAT THE PROJECT IS INCONSISTENT WITH GENERAL PLAN POLICIES AND THE PURPOSE SECTIONS OF THE CC COMMUNITY COMMERCIAL ZONING DISTRICT AND CHAPTER 19.08 OF THE CHICO MUNICIPAL CODE GOVERNING NONCONFORMING STRUCTURES, USES, AND PARCELS, AND THAT THE COMMISSION ALLOW THE APPLICANT TO LOWER THE SIGN TO THE EXTENT THAT HE CAN STILL USE THE CURRENT PANELS.

Ms. Barker stated that if the Commission wants to approve a lower height, they should approve the use permit with an different height for the sign. Commissioner Monfort opined that lowering the sign to 14 or 15 feet would be consistent with the spirit of the sign ordinance.

Sean Campbell, a previous speaker, stated that they could lower the sign to 16 or 17 feet and have it still be visible.

Walt Huth, a previous speaker, stated that if the sign is lowered to a height of less than 20 feet, then the tree will have to be removed so as not to obscure the sign.

Commissioner Monfort stated that he wouldn't accept 20 feet, opining that it would not be consistent with the spirit of the sign ordinance.

COMMISSIONER MONFORT REMOVED THE LAST CLAUSE FROM THE MOTION, MAKING IT A MOTION TO DENY THE PROJECT. COMMISSIONER DIETLE SECONDED

THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER WAHL OPPOSED, COMMISSIONER FRY ABSENT).

After further consideration, the Commission agreed that staff should work with the applicant and bring a new proposal back to the Commission.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION RESCIND THE PREVIOUS MOTION. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRY ABSENT).

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE CONTINUED TO THE NEXT MEETING. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRY ABSENT).

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler stated that he had no Planning Update. Commissioner Wahl asked what the status was concerning the Pet Jungle. Mr. Seidler stated that the store is selling supplies, which they are allowed to do, but no pets. He stated that he is not aware of any ongoing violation at this time.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:33 p.m. to the Regular Meeting on September 7, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

November 9, 2000

Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 7, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Glenn Fry, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Assistant Planner Brad Pierce, Assistant Planner Bob Summerville, City Attorney Dave Frank and Administrative Secretary Greg Redeker.

RECOGNITION OF GLENN FRY'S SERVICE ON THE COMMISSION

Chair Wahl thanked Commissioner Fry for his service on the Commission. Mr. Seidler presented Commissioner Fry with a certificate recognizing his service on the Commission, and announced that there would be a reception in Conference Room #2 following tonight's meeting.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of the Regular Meeting of July 6, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

CONSENT AGENDA

2. **Use Permit No. 00-33 (Sign Design, Inc./Tower Energy Group) 2230 The Esplanade** - A request to allow expansion of a non-conforming use (signage), authorizing new business signage to be added to an existing non-conforming 26 foot tall pole sign. The property is located at 2230 The Esplanade and is identified as Assessor's Parcel No. 006-120-095. The site is designated Community Commercial on the City of Chico General Plan Diagram and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Existing Facilities). ***This item was continued from the meeting of August 17, 2000. Staff recommends approval of the use permit, authorizing the continuation of a 26-foot non-conforming pole sign.***

Ms. Figge stated that staff agrees that any lowering of the sign would require removal of the tree next to the sign, which is not desired. She noted that in the future, when the tree is taller, the owner intends to lower the sign.

COMMISSIONER DIETLE MOVED THAT THE COMMISSION APPROVE THE CONSENT AGENDA. COMMISSIONER FRY SECONDED THE MOTION, WHICH CARRIED 6-1 (COMMISSIONER MONFORT AGAINST).

ITEMS REMOVED FROM CONSENT

None.

REGULAR AGENDA

3. **Use Permit 00-40 (Rene de Cotret) 952 Humboldt Avenue** - A request to exceed the 15 foot maximum height requirement for an accessory building by 10 feet. The parcel is addressed 952 Humboldt Avenue and is identified as Assessor's Parcel No. 004-351-012. The site is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303(e), New Construction. ***This item was referred to the Planning Commission by the Zoning Administrator. Staff recommends approval of the use permit.***

Mr. Pierce presented the staff report, reviewing the land use issues involved, the history of the property, the surrounding property uses, and the concerns raised by neighbors. He noted that staff recommends rotating the building and moving it closer to the primary structure, creating an additional 5 feet of setback from Alder Street and decreasing the impact on neighbors.

Commissioner Fry discussed proposed landscaping in the backyard. Mr. Pierce noted that a large limb of the tree to the east of the proposed building acts as a constraint on reorienting the building.

The public hearing was opened at 6:55 p.m.

Melissa Rene De Cotret, 952 Humboldt Avenue, applicant, indicated that she prefers not to shift the building, as doing so would take up a larger portion of their modest yard, and that they wish to keep the full building height as proposed. She reviewed that they originally wanted a garage with a room over it, but that they lacked the required setbacks. She noted that her husband is a contractor with many tools, and that she makes furniture as a hobby. She stated that she's trying to avoid taking out the sixty foot tall cypress tree, but that she would rather have happy neighbors than a tree. She stated that they had contacted Mr. Webb before the process was started, and that he had said that there were no problems. She stated her desire to improve the property, and assured the Commission that she will not operate a business out

of the new structure; she noted that she owns the bakery across the street. She stated that no large windows will be facing the Webbs, in deference to their privacy.

Michel Rene De Cotret, 952 Humboldt Avenue, applicant, stated that the landscaping has already been planned, and asked that the project be approved as proposed. He noted that trees which were recently removed had previously blocked Mr. Webb's view, so that erecting a building wouldn't change anything.

Commissioner Monfort suggested pushing the building five feet to the east. Mr. Rene De Cotret stated doing so would require removal of the tree. Ms. Figge added that if the tree is removed, then the building can be pushed back ten feet, and then a garage can be built.

In response to Commissioner Wahl, Ms. Rene De Cotret stated that she has no desire to move the building to the south, as they would like some amount of usable yard, and that the upstairs room would be used for a computer and hobby room.

Commissioner Monfort asked why the second floor isn't proposed as habitable space. Mr. Pierce replied that habitable space is only allowed on the second floor over a garage in an accessory structure.

Virginia Webb, 1061 Alder Street, stated that she resides on the property immediately adjacent to the proposed structure. She reviewed that she did not know that a 25 foot tall structure was planned, and noted that her home-bound husband would lose significant light and air circulation if this structure is built.

In response to Commissioner Bradford, Ms. Webb stated that they would not be opposed to a 15 foot structure. Commissioner Monfort opined that there is little practical difference between a 15 foot and a 25 foot building. He suggested that the area between the new building and the property line be heavily landscaped as a buffer.

Gene Edwards, address unknown, stated that he is a neighbor of the Webbs. He asserted that a 25 foot structure is not an asset to the neighborhood, that airflow to the Webb's home would be affected, that the project is architecturally incompatible with the neighborhood, and that the Webbs have no desire to look at a wall or bushes. He stated that this accessory structure will be higher than the main building, and suggested that the Rene De Cotrets build out instead of up, while moving the building further south.

Commissioner Monfort pointed out that a fence could be put up right now without any sort of permit, which would also block the Webb's view.

Mr. Edwards asserted that this project is not what was originally intended for this neighborhood, noting that the Webbs have lived in their home for 50 years. He requested that if the project is approved, that the building be reduced in height, that no second floor windows face north, that no habitable space be provided on the second floor, and that "Prior to the

issuance of building permits a covenant shall be recorded, noting use permit 00-40, and specifically the conditions just named, as well as conditions 3 through 5 of the report; said covenant may only be released by the City of Chico, and shall be subject to review and approval by the City Attorney.”

Michel Rene De Cotret, a previous speaker, stated that it sounds like the neighbors wish to look into his backyard, when he plans to install trees and landscaping to shield the view.

There being no further comment, the public hearing was closed at 7:20.

In response to Commissioner Fry, Mr. Seidler stated that the maximum height for a single family residence is 35 feet, and that 25 feet is the maximum for an accessory structure. Commissioner Dietle confirmed that a 20 foot setback is required for a garage. Commissioner Monfort stated that if a 20 foot setback is adopted, it will lessen the view impact to the Webbs.

There was additional discussion regarding the position and orientation of the building. Mr. Pierce ventured that the tree would probably lose a limb with a 5 foot shift to the east, and that any larger shift would likely cause removal of the entire tree.

Commissioner Dietle stated that she would like at least a 10 foot setback from the northern property line. Commissioner Fry agreed, and stated that he'd also like it 20 feet from the Alder Street frontage to allow a garage to be built. Commissioner Wolfe agreed that the increased setbacks are appropriate.

Mr. Seidler confirmed that the Commission is discussing modification to condition #5, and that staff level architectural review is adequate for this project.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15303, NEW CONSTRUCTION, AND APPROVE USE PERMIT NO. 00-40, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION V OF THE STAFF MEMO DATED AUGUST 25, 2000, WITH CONDITION #5 ALTERED SO THAT THERE IS NO BUILDING ROTATION, AND THAT A 10 FOOT REARYARD SETBACK AND A 20 FOOT SIDEYARD SETBACK BE REQUIRED. COMMISSIONER WOLFE SECONDED THE MOTION.

Commissioner Wahl stated that the public hearing should be re-opened to solicit input on this change.

COMMISSIONER BRADFORD MOVED THAT THE PUBLIC HEARING BE RE-OPENED. COMMISSIONER WAHL SECONDED THE MOTION, WHICH FAILED 2-5 (COMMISSIONERS ALVISTUR, DIETLE, FRY, MONFORT AND WOLFE OPPOSED).

Commissioner Alvistur opined that the Commission needs to determine if both the height and the location are appropriate. Commissioner Wahl agreed, stating his belief that the structure

should be limited to 15 feet, and that he will vote against the motion.

THE MOTION TO APPROVE THE PROJECT AS MODIFIED FAILED 3-4 (COMMISSIONERS ALVISTUR, BRADFORD, DIETLE, AND WAHL AGAINST).

Commissioner Fry asked what could be changed to get the project approved. Commissioner Bradford stated that there was no chance for the public to respond to the new setbacks.

Ms. Figge noted that one of the findings the Commission has to make is that the project is compatible with the neighborhood. Mr. Seidler stated that one of the reasons that conditions are placed is to ensure neighborhood compatibility. Commissioner Bradford re-stated that the public hasn't had a chance to comment on the proposed changes.

COMMISSIONER FRY MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH CARRIED 5-2 (COMMISSIONERS DIETLE AND WAHL OPPOSED).

The public hearing was reopened at 7:37 p.m.

Melissa Rene De Cotret, a previous speaker, said that she is agreeable to the setbacks as proposed, as long as the 25 foot height is retained.

Gene Edwards, a previous speaker, opined that due process would be violated if the Commission voted again. He stressed the impact on Mr. Webb, who is home bound.

Melissa Rene De Cotret, a previous speaker, pointed out that the new setback would lessen the visual impact for Mr. Webb, allowing him to see the street. She noted her investment in the property, and stated that she'd like to live there for 50 years too.

Gene Edwards, a previous speaker, stated that he had consulted with Ms. Webb, and that while not happy about the Commission's proposed setbacks, she will go along with the decision.

There being no further comment, the public hearing was re-closed at 7:45 p.m.

Commissioner Wahl stated that he would like the applicants and the neighbors to work out an agreement. Commissioner Fry disagreed, stating that both sides have presented their positions.

COMMISSIONER FRY MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15303, NEW CONSTRUCTION, AND APPROVE USE PERMIT NO. 00-40, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION V OF THE STAFF MEMO DATED

AUGUST 25, 2000, WITH MODIFICATIONS TO CONDITION #5 AS DISCUSSED. COMMISSIONER MONFORT SECONDED THE MOTION.

Commissioner Dietle offered an amendment that the building be required to be rotated 90 degrees. Commissioner Fry rejected the amendment.

THE MOTION PASSED 4-3 (COMMISSIONERS ALVISTUR, DIETLE AND WAHL AGAINST).

Mr. Seidler stated that the Commission's decision can be appealed to the City Council within 15 calendar days.

The Commission was in recess from 7:50 to 8:00 p.m.

4. **General Plan Amendment and Prezone GPA 00-7/PZ 00-3 (Chuck Patterson)** - A request to amend the General Plan from Low Density Residential to Community Commercial and prezone from R1 Low Density Residential to PD/CC Planned Development/Community Commercial on property located at 259 Panama Avenue. The site is identified as Assessor's Parcel No. 006-060-005. A negative declaration is proposed for the project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Planning Commission recommend City Council adoption of the negative declaration and approval of the general plan amendment and prezone.***

Ms. Figge presented the staff report, reviewing the land use issues involved, including surrounding land uses and the applicant's proposed use.

Commissioner Monfort suggested that access from Panama be either limited or eliminated. Commissioner Wolfe confirmed that there was no response from neighbors of the project. The public hearing was opened at 8:04 p.m.

Rick Rodriguez, NorthStar Engineering, 20 Declaration Drive, project engineer, stated that he agreed with both staff's presentation and the analysis on page 3 of the report. He stated that while the main site access will be from East Avenue, his client wishes to keep the Panama access to accommodate growth and provide additional access for employee parking.

There being no further comment, the public hearing was closed at 8:06 p.m.

The Commission discussed impacts from commercial traffic on Panama Avenue, and whether access from Panama should be prohibited. Commissioner Wolfe confirmed with staff that the

PD overlay would require any development proposal to obtain a planned development permit. Ms. Figge noted that it is impractical to place a condition restricting access on a general plan amendment and rezone, adding that it would be prudent to see a site plan before enacting any Panama access restrictions.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-18 RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT NO. 00-7 AND PREZONE NO. 00-3. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED 7-0.

5. **Rezone 00-6 (Hays) 2580 Floral Avenue:** A request to rezone the easterly 0.32 acre portion of 2580 Floral Avenue from R1 Low Density Residential to OR Office Residential. The subject property is located 300 feet north of the intersection of Floral Avenue and East Avenue. The site is identified as Assessor's Parcel No. 048-720-017, and is designated Office on the City of Chico General Plan Diagram. A negative declaration is proposed for the project, pursuant to the California Environmental Quality Act. ***Staff recommends that the Planning Commission recommend City Council adoption of the negative declaration and approval of the rezone.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved, the surrounding land uses, and the applicant's proposal. He noted that a BLM is also being processed, which will result in this site being incorporated into the adjacent office complex currently under development to the south.

Commissioner Bradford confirmed that the parcel to the west, containing a single family residence, is not part of the rezone. Mr. Palmeri added that the remaining lot is a viable single-family lot, and that the owner plans to live there for the foreseeable future.

In response to Commissioner Bradford, Mr. Palmeri indicated that the mobile food vendor would be opening a small restaurant in a suite of the office complex.

The public hearing was opened at 8:10 p.m.

Dan Hays, 1041 Cherry Street #2, applicant, stated that although the mobile food vendor has been moving around a bit on site due to construction, the operator will be establishing a restaurant on site. He noted that plans have already been approved by the ARB.

There being no further comment, the public hearing was closed at 8:15.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-19, RECOMMENDING CITY COUNCIL ADOPTION OF THE NEGATIVE DECLARATION AND APPROVAL OF REZONE NO. 00-6 (HAYS).

COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

6. **General Plan Amendment 00-8 (City of Chico) Amendment of the General Plan Noise Element and Chico Municipal Code Noise Ordinance:** The City of Chico proposes to amend the Noise Element of the General Plan and Title 9, Chapter 9.38 (Noise) of the Chico Municipal Code to incorporate recommended changes identified in the Arterial Noise Study. This study was conducted to assess the existing and future noise impacts along major streets within the Chico Urban Area and to recommend alternative mitigation to the construction of sound walls. Several policies within the Noise Element are proposed to be amended in order to provide a clearer and more consistent application of noise standards for transportation and non-transportation related noise impacts. The City's Noise Ordinance (Chapter 9.38 of the Chico Municipal Code) would also be amended consistent with the Noise Element amendments for non-transportation noise. An Acoustical Design Manual has been prepared to provide alternative measures to mitigate transportation related noise impacts on newly developing adjacent sensitive land uses. These amendments are intended to reduce the public's exposure to excessive noise impacts while balancing aesthetic concerns and avoiding "walled-in" streets. A negative declaration (SCH# 2000072049) is proposed for this project pursuant to the California Environmental Quality Act. ***Staff recommends that the Planning Commission recommend City Council adoption of the negative declaration, approval of the general plan amendment, and amendment of Chapter 9.38 of the Chico Municipal Code.***

Mr. Seidler recommended that this item be continued to the meeting of October 5.

COMMISSIONER DIETLE MOVED THAT THIS ITEM BE CONTINUED TO OCTOBER 5TH. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler reviewed recent Council actions, including approval of the Storm Drain Master Plan, approval of the Giampaoli rezone, the public hearing held on the Otterson Drive Extension.

Ms. Figge reviewed the appeal of the Shastan at Chico Canyon Road subdivision, noting that the Council upheld the Commission on all items except the curb and gutter on Chico Canyon Road, and that a condition was added requiring a third party engineer to review the storm drainage calculations. She noted that the Commission was commended for coming up with scenic standards appropriate for the roadway.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:21 p.m. to the Adjourned Regular Meeting on September 21, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

November 9, 2000

Date Approved

/s/

Kim Seidler

Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
SEPTEMBER 21, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Wolfe reported that she had met with Wes Gilbert and Brian Firth to review proposed changes to The Retreat. Commissioners Dietle, Bradford, Monfort and Wahl reported that they had each met with Mr. Gilbert and Mr. Firth also.

REGULAR AGENDA

1. **Planned Development Permit No. 00-1/The Retreat at Canyon Oaks Subdivision (Canyon Oaks LLC):** Preliminary/conceptual review of a revised planned development and subdivision of 8.95 acres on the south side of Shallow Springs Terrace, approximately 400 feet east of Woodstone Lane. The proposal has been revised from 38 to 22 lots for zero-lot line single family residential development with approximately 6.95± acres to be preserved as common open space. The site is identified as Assessor's Parcel No. 011-750-028. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential zoning district. Environmental review for this project is pending, and will be completed prior to the Commission's final action at a noticed public hearing. ***Staff recommends conceptual approval of the proposed subdivision design.***

Ms. Figge presented the staff report, reviewing the land use issues involved, the changes from the prior proposal, and specific provisions of the Canyon Oaks EIR, including a 10% limitation on tree removal. She stated that the revised plan represents a significant compromise, and that staff recommends conceptual approval. She noted that the project is anticipated to be before the Commission for final approval at the November 2nd meeting.

In response to Commissioner Monfort, Ms. Figge stated that this design complies with the intent of the General Plan for this site, which is to create clustered single family residential. The public hearing was opened at 6:38 p.m.

Brian Firth, 194 E. 6th Street, Land Image Landscape Architects, gave an overview of the changes made to the project, including eliminating 16 units on the south end of the property and modifying the hammerhead turnarounds to save more trees. He reviewed that the revised plan calls for 11% tree removal and 77% open space, and showed a cross section of what the

project will look like. He noted that the tops of roofs in the project will be 52 feet lower than the elevation at the western property line.

Wes Gilbert, 70 Declaration Drive #101, Gilbert Engineering, reviewed engineering changes to the project, including fewer units, the reduction of impervious surfaces, street widths that now meet City standards, and cul-de-sacs that are now less than 500 feet long. He stated that Fire is currently reviewing the design, and that he expects sign-off tomorrow. He also noted that minimum sight distances at the two intersections with Shallow Springs Terrace will be met.

Martin McHugh, 1017 Colmena Drive, stated that the revised project is a step in the right direction, but that traffic and parking are still significant issues for the project.

In response to Commissioner Wahl, Ms. Figge stated that the project is anticipated to create 220 daily trips, 22 of which would occur during the peak hour. She noted that no on-street parking is proposed, and that each house will need to provide four on-site parking spaces. She added that the two narrow streets that the Fire Department was concerned about were the two that were eliminated in the redesign.

B. J. Parsons, 1 Woodstone Lane, expressed concerns with the accuracy of the tree survey, the height of the back of the proposed buildings, whether this project will be subject to the Canyon Oaks CC&Rs, the potential for flooding on the property, and motorist sight distances.

Patricia Parker, 3174 Sandstone Lane, opined that the project is not in conformance with its RMA designation because the western cluster will eliminate 4 animal trails. She confirmed with staff that the public will have 30 days to comment on the environmental review for the project before it comes back to the Commission.

Wes Gilbert, a previous speaker, stated that the area proposed for development is not prone to flooding. He noted that the area is shown on the FEMA FIRM maps as being in Zone X, outside the 500 year floodplain.

In response to Commissioner Wolfe, Ms. Figge stated that the highest the proposed buildings can be is 35 feet.

Mr. Alvistur confirmed with Mr. Gilbert that the rooflines of the proposed structures will be below the canopy of trees. In response to Commissioner Wolfe, Mr. Gilbert stated that the proposed units will be either 1500 or 1800 sq. ft., and that this property was removed from the Canyon Oaks HOA a year ago.

In response to Commissioner Bradford, Mr. Gilbert stated that the project will provide adequate sight distance pursuant to CalTrans design standards. Commissioner Monfort opined that traffic calming could be performed on Shallow Springs Terrace. Mr. Gilbert added that he could also provide signs on Shallow Springs Terrace.

There being no further comment, the public hearing was closed at 7:03 p.m.

In response to Commissioner Wahl, Ms. Figge confirmed that the project is in an RMA and that the tree survey is the most complete one the City has ever had for a project.

There was discussion regarding structure color and materials, building height, and enforcement of tree removal. Ms. Figge stated that a pre-construction meeting will be held on-site with the developer, that structures are limited to 35 feet above grade, and that some sort of earth tones would be required. Mr. Seidler noted that the draft mitigation and monitoring manual had previously been distributed, containing details on enforcement of conditions of approval.

Commissioner Monfort stated that the tree removal situation is greatly improved. Commissioner Bradford stated that he approved of the revised configuration, and suggested that stucco might be the most appropriate finish due to potential fire danger.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE THE REVISED 22-LOT PLAN FOR PLANNED DEVELOPMENT NO. 00-1, SUBJECT TO THE APPLICANT PROVIDING THE ADDITIONAL INFORMATION REQUESTED AT THE AUGUST 17, 2000 PLANNING COMMISSION MEETING. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Wolfe expressed regret that the parcel was zoned R2, but stated that the developer has done a good job at minimizing impacts. Commissioner Monfort added that if this property was zoned R1, there would be no protection for any trees.

THE MOTION CARRIED UNANIMOUSLY.

2. **Text Amendments to Title 19 of the Chico Municipal Code (City of Chico):** A proposal by the City of Chico to amend various sections of Title 19, Land Use and Development Regulations, of the Chico Municipal Code by reducing the number of parking spaces required for multi-residential units, continuing the portable sign regulations, changing language regarding accessory building heights, and making the following amendments to the R1 Low Density Residential zoning district: reducing the minimum width at the front setback line, reducing the minimum front setback required, and requiring a use permit for the keeping of large animals. The amendments also include various errata and other minor corrections. It has been determined that the proposed changes are categorically exempt pursuant to Section 15305, Minor Alterations in Land Use Limitations, of the California Environmental Quality Act (CEQA). ***Staff recommends the Commission forward a recommendation to the City Council for approval of the text amendment.***

Mr. Palmeri presented the staff report, reviewing the changes proposed to the City's land use regulations and the issues involved. He noted that most of the changes deal with errata, but that the following substantial changes are proposed: a reduction in required parking for multi-family projects; a reduction in the front yard setback for single-family residential lots greater than 6000 square feet; a reduction in minimum lot widths to 38 feet for an interior lot and 46 feet for a corner lot; providing an allowance for additional height on accessory structures for reasons other than architectural compatibility; requiring use permits for large animals in R1 zones; and discontinuation of portable signs. He stated that staff recommends adoption of all changes.

Mr. Palmeri added that Council has also directed staff to look at cell tower regulations, that a local real estate office had requested that restaurants up to 2500 square feet be allowed as a right in the OC zoning district, and that a local coffee kiosk owner has asked for changes to the sign regulations, which would allow a signage variance for small buildings. He stated that staff does not recommend that the sign code be changed at this time.

Mr. Palmeri and Ms. Figge discussed the regulations for portable signs. Ms. Figge noted that the suggestion offered by The Group to allow restaurants up to 2500 sq. ft. in the OC zoning district is supported by staff, and would be processed in the next set of amendments.

The Commission discussed animal regulations. Commissioner Wolfe confirmed that an animal permit would initially be heard by the Zoning Administrator. Commissioner Bradford confirmed that existing animals would be grandfathered in under the ordinance. Commissioner Monfort confirmed that pot-bellied pigs would require a use permit.

The public hearing was opened at 7:40 p.m.

Linnea Hanson, 2837 Mariposa Avenue, expressed reservations with allowing large animals, even with a permit, on lots smaller than one acre. She noted that an existing horse on a quarter acre lot is adjacent to her house, and that the horse has caused a health hazard through dust, flies, and smell.

Mr. Seidler reviewed the advantages of having a discretionary process available, and noted that the existing horse will continue to be allowed, subject to the standards already in place. Commissioner Bradford added that with previous animal permits, the Commission depended heavily on the input of affected neighbors.

Gerry Busch, 2855 Mariposa Avenue, agreed with the previous speaker. He noted that the horse has effectively prohibited six families from using their yards.

Harold Carlson, 2837 Mariposa Avenue, agreed with the previous speakers. He explained that a new addition to the horse corral has brought the horse within five feet from his domestic well. He noted that Butte County Environmental Health has indicated that when it rains hard, the well will likely be contaminated. He urged that one acre lots be required for horses.

Michael Watson, 2815 Mariposa Avenue, agreed with previous speakers. He strongly recommended that use permits be required for horses, and opined that the health department should count the new fly population at his house.

There being no further comment, the public hearing was closed at 7:59 p.m.

After discussion, the Commission agreed that portable signs should be allowed to continue, and that the new animal regulations should be adopted as proposed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-21, RECOMMENDING CITY COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 19, LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO), EXCLUDING THE PORTION OF THE RESOLUTION WHICH REPEALS THE PORTABLE SIGN ORDINANCE. COMMISSIONER DIETLE SECONDED THE MOTION. Ms. Barker confirmed with Commissioner Wolfe that the motion included the changes contained in the supplemental memorandums concerning vertical density and adult businesses.

THE MOTION PASSED UNANIMOUSLY.

The Commission was in recess from 8:20 to 8:30 p.m.

3. **Parcel Map 00-4 and Variance 00-3 (Hawley) 1835 Locust Street:** A request to approve a parcel map to create 2 residential lots and a request to approve a variance to allow 2 lots with 44-foot widths, 1 foot less than the required 45-foot lot width. The property is located at 1835 Locust Street, approximately 45 feet north of the intersection of Locust and 19th Streets. The site is identified as Assessor's Parcel Number 005-246-007. The project site is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. A negative declaration is recommended to be adopted for the project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the negative declaration and approval of the parcel map and variance.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that the key issue in this instance is neighborhood compatibility, and that there are a number of 44 foot-wide lots in the neighborhood.

Commissioner Dietle confirmed that no comments had been received by staff. Commissioner Monfort expressed puzzlement that a variance is required, as there's nothing extraordinary

about this property.

The public hearing was opened at 8:35.

Rick Rodriguez, NorthStar Engineering, 20 Declaration Drive, stated that development of the lots will be regulated by R1 standards, and noted that with the exception of lot width, the lots comply with all City regulations.

In response to Commissioner Monfort, Mr. Rodriguez stated that there are no plans to remove the fir tree at this time.

There being no further comment, the public hearing was closed at 8:39 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-20, THEREBY ADOPTING THE NEGATIVE DECLARATION AND APPROVING PARCEL MAP NO. 00-4 AND VARIANCE NO. 00-3 (HAWLEY), SUBJECT TO MAKING THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

4. **Wireless Telecommunications Facilities Ordinance - Text Amendment to Title 19 of the Chico Municipal Code (City of Chico)**: A request by the City of Chico to adopt an ordinance modifying development procedures and standards applicable to the siting and installation of wireless telecommunications facilities consistent with federal regulations by deleting Section 19.76.160 Telecommunications Facilities and adding Chapter 19.78 Wireless Telecommunications Facilities to Title 19 Land Use and Development Regulations of the Chico Municipal Code. A mitigated negative declaration is recommended to be adopted for the project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends the Commission forward a recommendation to the City Council for adoption of the mitigated negative declaration and approval of the ordinance.***

Ms. Barker reviewed the draft Wireless Telecommunications Facilities Ordinance, noting its purpose, its compliance with the Telecommunications Act of 1996, and significant differences from Butte County's recently passed ordinance. She noted that one additional exemption had been added, exempting "receive-only" radio and television antennas, as long as no building permit is required.

Ms. Barker reviewed that comments had been received from ALUC, and that staff is recommending that ALUC's suggestions not be incorporated into the ordinance. Mr. Seidler added that he attended an ALUC meeting the previous day, and that staff recommends waiting until the new CLUP is adopted, which ALUC plans to adopt before the end of the year. Ms. Barker noted that the City has already overridden the current CLUP, and that no additional

override will be necessary due to the adoption of this ordinance.

Commissioner Dietle discussed some provisions of the ordinance, and suggested that the map required under Section 19.78.070.B.5.a be reduced in size to a 10 mile radius, and that Section 19.78.120 be modified so that the date of permit expiration is concurrent with the lease on the property.

In response to Commissioner Alvistur, Mr. Seidler reviewed a letter submitted by AT&T, which made the following requests: that facilities be allowed in CN, CC and CD zones with architectural review; that facilities be allowed in open space districts with approval by the Park Commission; that the exemptions be changed to conform with the limits established by the FCC; that the required map area be reduced to a radius of 5 miles; that power density studies not be required for other companies' facilities; and that there be no automatic permit expiration, but that each permit be reviewed every 10 years.

Commissioner Dietle indicated she would support facilities in an open space district, subject to issuance of a use permit. Commissioner Monfort pointed out the negative effect of industrial clutter in parks. Mr. Seidler pointed out that facilities do need access roads for equipment, but that there may be places zoned for open space where such an installation could work, especially if "stealth" measures are used.

Commissioner Monfort discussed AT&T's objection to the power density study requirement, noting that people are interested in the cumulative impacts. Commissioner Dietle agreed, but noted that there should be a cap on the cost of any such study. Commissioner Bradford confirmed with Ms. Barker that an applicant would be able to repair or upgrade existing facilities under the ordinance, as long as power isn't increased.

The public hearing was opened at 9:18 p.m.

Harold Carlson, 2837 Mariposa Avenue, reviewed a letter listing the Citizens for Community Justice's recommended changes to the ordinance. Their recommended changes include: that all facilities require a use permit; that a 1000 foot noticing radius be required; that a setback of six times the tower height be required; that the City Council be the body to grant any use permit; that aesthetic values should be included in any environmental review; that a new environmental review should be performed for each new facility; that the ordinance should address existing towers placed under questionable circumstances; that all permits expire after 10 years; that co-location be prohibited for existing poles in residential areas; that there be explicit direction that revocation proceedings will occur in the case of intentional misrepresentation or omission; that annual testing be required by a third party; that Section 19.78.150 be removed from the ordinance, as a citizen should be able to appeal any portion of the permit; that no facilities should be allowed in any residential areas, and that if such a placement is deemed necessary, an independent consultant should be retained to verify the claim; that a map of all facilities should be created and kept up to date; that there should be more comprehensive planning of these facilities, including disclosure of providers' plans for

the next 3 to 5 years; and that the ordinance should restrict talking on a cell phone while driving.

Commissioner Dietle discussed the recommendation that all use permits go to the Council, noting that there are no appeals of Council decisions. Mr. Carlson stated that he wished maximum public participation in the hearings for these facilities.

Linnea Hanson, 2837 Mariposa Avenue, voiced agreement with the previous speaker.

Doug Perske, 2732 Silver Oak Drive, also agreed with Mr. Carlson. He expressed opposition to allowing facilities in open space districts, agreed that a 10 mile radius map seems appropriate, and supported requiring a power density study every time another antenna is added to a tower, such study to be paid for by the applicant.

Maggie Van Dame, 2695 Silver Oak Drive, stated her agreement with previous speakers.

Michael Watson, 2815 Mariposa Avenue, stated his agreement with previous speakers.

Janet Leslie, 25 Gideon Lane, stated her agreement with previous speakers. She expressed support for having use permits granted by the Planning Commission, and stressed the importance of an extended notice area.

Linda Langston, 1370 E. Lassen Avenue, representing Pacific Bell, thanked staff for the effort expended on the ordinance, noting that it is fair and workable for both citizens and providers. She did express the following concerns, stating that she would submit them in written form soon after the hearing: that automatic permit expiration is not desired; that a 10 mile radius service map seems reasonable, but that they could certainly provide a map out to 20 miles if required; and that no company should be required to divulge their business plans for the next 3 to 5 years.

There being no further comment, the public hearing was closed at 9:38 p.m.

The Commission agreed that a 10 mile radius map is appropriate. In response to Commissioner Dietle, Ms. Barker explained that monitoring would not be required under the ordinance unless a facility is emitting at least 80% of the FCC standards. Commissioner Dietle suggested that a review every few years might be appropriate, and expressed support for making permit expiration concurrent with lease expiration in the case of a facility on leased land.

The Commission was in agreement that use permits for these facilities should be heard at the Commission level.

Commissioner Dietle expressed support for allowing facilities in open space districts, subject to a use permit; Commissioner Monfort restated his objections to putting commercial

infrastructure in parks and children's play areas.

There was consensus that the Commission would not include the ALUC recommendations at this time, and that a 500 foot noticing radius would be appropriate for both types of permits.

After discussion, it was agreed that applicants shouldn't have to submit power density studies for their competitors' facilities, but that the reporting requirement for other facilities on the same structure should be sufficient.

The Commission agreed that Section 19.78.070.B.5.e, requiring a map of other providers' facilities within 1000 feet, should be removed. It was agreed that staff should provide this information, to the extent that staff has the information available, and that a map should be prepared for reference.

There was discussion regarding Section 19.78.070.C., concerning consultant retention. After discussion, it was agreed that a consultant will be retained at the applicant's expense in the case of placing a facility in a zone where they are not allowed, indicated as "NP" on the matrix. Ms. Barker noted that If we allow facilities in open space zones with a use permit, then the City would be constrained in retaining an independent consultant, as the burden of proof will no longer be on the applicant. After further discussion, it was decided to add an additional sentence to the text of the section, to read "The City will retain an independent consultant, to review either elements of, or the entire application, at the applicant's sole expense, in the case of applications for use permits in zones in which facilities are generally not permitted."

There was additional discussion concerning the specifics of independent consultant retention; staff elaborated that the City already retains independent consultants for a variety of other projects.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-23, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVE MODIFICATIONS TO THE CHICO MUNICIPAL CODE RELATIVE TO PERMITTING PROCEDURES AND DEVELOPMENT STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES, WITH CHANGES AS DISCUSSED, TO INCLUDE: MODIFY SECTION 19.78.070.B.5.a. TO REQUIRE A MAP WITH A 10 MILE RADIUS; MODIFY SECTION 19.78.070.C TO REQUIRE THE RETENTION OF AN INDEPENDENT CONSULTANT WHEN AN APPLICATION IS MADE FOR A USE PERMIT IN A ZONE IN WHICH FACILITIES ARE GENERALLY NOT PERMITTED, SUCH COST TO BE BORNE BY THE APPLICANT; REMOVAL OF THE AUTOMATIC EXPIRATION CLAUSE, BUT REQUIRE REVIEW EVERY 10 YEARS; IN THE CASE OF A FACILITY ON LEASED LAND, REQUIRE AUTOMATIC PERMIT EXPIRATION CONCURRENT WITH THE EXPIRATION OF THE LEASE; REQUIRE A 500 FOOT NOTICING RADIUS FOR BOTH WTF PERMITS AND USE PERMITS; ALLOW PLACEMENT OF FACILITIES IN OPEN SPACE ZONING DISTRICTS, SUBJECT TO THE ISSUANCE OF A USE PERMIT; AND THAT SECTION 19.78.070.B.5.e, REQUIRING A MAP OF ALL

PROVIDERS' FACILITIES WITHIN 1000 FEET, BE REMOVED FROM THE ORDINANCE. COMMISSIONER WOLFE SECONDED THE MOTION. COMMISSIONER MONFORT OFFERED AN AMENDMENT TO RESOLUTION NO. 00-23, SECTION I.A., MODIFIED TO READ "... while protecting the health, safety, and aesthetic enjoyment of City residents to the limit permitted by federal law. The proposed ordinance...". COMMISSIONER DIETLE ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 6-0.

Commissioner Dietle confirmed that this item will be before the Council on October 3rd, and thanked interested parties for their input.

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler reviewed the availability of the draft Capital Improvement Program and the draft Airport Comprehensive Land Use Plan. In response to Commissioner Alvistur, Mr. Seidler stated that he would investigate the status of the lights at the new McDonald's to make sure that they don't pose a hazard to nighttime driving.

Mr. Seidler also reviewed upcoming training opportunities, including workshops to be given on CEQA and the Subdivision Map Act.

Commissioner Monfort confirmed that the change to the OC zoning district as proposed in The Group's letter would be processed with the next round of Title 19 amendments.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:09 p.m. to the Regular Meeting of October 5, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

December 14, 2000

Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
REGULAR MEETING
OCTOBER 5, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Tom Hayes, Associate Planner Claudia Sigona, Assistant Planner Brad Pierce, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of July 20, 2000**
Staff recommends approval with any corrections/revisions required.

Commissioner Dietle stated that she would abstain on this item, as she did not attend the meeting of July 20, 2000.

COMMISSIONER WOLFE MOVED TO APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER DIETLE ABSTAINING).

REGULAR AGENDA

2. **Use Permit 00-44 (UbiquiTel Leasing Co./LLC International, Inc.) SE of Dayton Road in the Union Pacific Railroad Right-of-Way** - A request to allow the expansion of the legal non-conforming use of a telecommunication facility by co-locating six wireless communication antenna panels on an existing 200 foot high tower. The project also includes installing related station equipment at the tower's base. The property is located within the Union Pacific Railroad right-of-way, and is identified as Assessor's Parcel No. 039-400-011. The site is located in an PMU Planned Mixed Use zoning district. The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301(b) (Existing Facilities).
Staff recommends approval of the use permit.

Mr. Pierce presented the staff report, reviewing the history of the property and the existing tower, the surrounding land uses, and the land use issues involved. He noted that City policy encourages co-location, and that the power density study for the project shows that the total radiated power is 0.408% of the allowed federal limit.

Mr. Pierce reviewed a number of corrections to the staff report. He noted that there is a minor correction to condition #6, as the new antennas may project slightly outside of the existing structure envelope. He also noted that there is now a resolution to be adopted, rather than just incorporating conditions of approval from the staff report.

Commissioner Wolfe inquired if this project would be subject to the 500 foot setback in the new ordinance. Ms. Barker replied that the 500 foot setback would apply only to new towers, and pointed out that the new ordinance has not yet been adopted; she noted that this permit is being processed under the existing Title 19 regulations.

There was discussion as to whether anything would be allowed by this permit that wouldn't be allowed under the pending ordinance; Mr. Pierce stated that the only additional item which would have been required would be a photosimulation of the project. Ms. Barker added that this co-location would still require a use permit under the new ordinance.

Commissioner Monfort confirmed with Ms. Barker that the applicant did not have the burden of proof to show that this location was necessary to provide the service. Ms. Barker added that the provision discussed by Commissioner Monfort applies only to the construction of new towers in residential zoning districts.

Commissioner Wolfe confirmed with Mr. Pierce that the existence of the tower wouldn't preclude residential development on the Diamond Match property, and that the entire apartment complex to the north was noticed.

The public hearing was opened at 6:50 p.m.

Steve Ruppenthal, 481 Posada Way, representing Ubiquitel, stated that he was present when the Commission reviewed the new ordinance, and stressed that the 500 foot setback is impractical for co-locations. He stated that his company did not provide photosimulations because they were requested late in the process, and couldn't be made ready in time. Regarding the service map, he noted that it is all computer simulation, as none of the sites currently exist. He further noted that all will be co-locations, that Ubiquitel is a Sprint PCS affiliate, and that they are in the process of creating the network for the Chico area.

There being no further comment, the public hearing was closed at 6:53.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT NO. 00-44, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN SECTION VI OF THE STAFF MEMORANDUM BY ADOPTING THE AMENDED RESOLUTION AS PROVIDED. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- 3. Use Permit No. 00-43 (Grace Community Church) - A proposal to expand**

existing church facilities located on 5.66 acres at 2346 Floral Avenue, identified as Assessor's Parcel No. 048-170-031. The proposal consists of the addition of an 11,900 square foot gymnasium/multi-purpose room, an 18,000 square foot family life center, and associated parking and landscaping improvements. The project is in an R1 Low Density Residential zoning district, and is designated Low Density Residential on the City of Chico General Plan diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends adoption of the mitigated negative declaration and approval of the use permit.**

Commissioner Dietle stated that she would abstain from voting on this item, as Grace Community Church is a client of her employer, Tehama Bank.

Ms. Sigona presented the report, reviewing the land use issues involved, the surrounding land use issues, possible impacts from the expansion, and recommended conditions of approval. She noted that staff is proposing to eliminate 29 parking spaces along the northerly property line to allow a 25 foot setback from the adjacent residential areas, but stated that the applicant is opposed to this change. As a compromise, she suggested that the Commission may wish to consider a 10 foot setback area, densely planted with evergreen landscaping. She also reviewed that staff is recommending that access from Parque Drive be for emergency vehicles only, thereby preventing creation of a traffic shortcut; that the applicant has requested a modification to the proposed hours of operation to allow several "all-night lock-in" events per month, which occur as part of their youth program; and that the applicant would like to use the gym starting at 6 a.m. twice a week for fitness programs and bible study. She noted that staff has revised condition #5 to allow the requested changes to the hours of operation, allowing the closing hour to be waived twice a month, and allow 6 a.m. use twice a week.

In response to Commissioner Alvistur, Ms. Sigona stated that the plat currently depicts a setback of 5 feet from the north property line, and 10 feet from the east property line. She also noted that the detention basin will be relocated from the northeast corner to a to-be-determined location. Mr. Varga added that site engineering details would be worked out during site design review.

Ms. Sigona also stated that some of the fencing around the property is only 5 feet tall and/or dilapidated, and that such fencing would need to be replaced with 6 foot fencing in good repair. In response to Commissioner Wahl, Ms. Sigona stated that a 7 foot fence is feasible, and that fences up to 8 feet tall can be allowed with a use permit.

The public hearing was opened at 7:12 p.m.

Phil Bouker, 8 Jenny Way, discussed some concerns he has with the project. He noted that both his pool and the corner of his house are within 5 or 6 feet of the property line, and that some people already cut through his property. He expressed support for a solid wood fence.

He stressed that the church has been a good neighbor, but that he would like vehicle movement curtailed after 10 p.m. and the volume on the outdoor speakers turned down a little bit. He noted that his main concern is privacy.

Dan Beadle, 43 Burney Drive, representing the applicant, expressed appreciation for the work that staff had done. He stated that this is a growing church in need of expanded facilities, particularly parking. He reviewed that the church's main concerns are: hours of use for the gym, which have been adequately addressed with revised condition #5; removal of any parking spaces, as their proposed parking lot is still 50 spaces fewer than what the church believes is needed; and prohibition of the Parque Drive entrance, where a concrete apron has already been poured, which the church would like to use only on Sunday mornings. He suggested a 10 foot setback with dense landscaping if the Commission desires an increased setback on the northern property line, which would at least allow diagonal parking adjacent to that property line.

In response to Commissioner Alvistur, Mr. Beadle stated that the congregation would be instructed on proper use of the Parque Drive entrance, in addition to providing volunteers to direct traffic. He stated that the church also plans to increase the time between services to half an hour to facilitate vehicle movements, and that a Saturday night service may also be added.

In response to Commissioner Monfort, Mr. Beadle indicated that a substantial number of congregants carpool already, but that there are a number of elderly congregants for whom carpooling isn't practical.

Mr. Varga reviewed staff's reasons for prohibiting use of the Parque Drive entrance, including avoiding the creation of a shortcut, and avoiding the discharge of a large group of people onto a small street. He noted that Floral Avenue is better suited than Parque Drive to handle large traffic volumes. He expressed skepticism for any parking lot control mechanism based on people directing traffic, as opposed to passive physical measures.

In response to Commissioner Monfort, Mr. Varga stated that Parque Drive is 36 feet curb to curb, as opposed to Floral's width of 60 feet curb to curb. He stated that left turns out of the parking lot onto Floral are the most difficult.

Troy LeDonne, 2444 Floral Avenue, discussed the traffic concerns he has with the project. He voiced his support for allowing access from Parque Drive, as the traffic situation on Floral will get worse without it. He stressed the importance of an alternate access for the church, noting that there is already a 25-unit apartment complex at the end of Parque Drive. He also stated his belief that Floral Avenue is only 50 feet curb to curb.

Leo Frericks, 2410 Floral Avenue, spoke in opposition to the project. He cited concerns with traffic on Floral Avenue, the proximity of proposed parking areas to his residence, septic capacity, and noise.

Michael Calbert, 9 Coleman Court, discussed concerns he has with the project, including increased traffic, the need for a 25 foot setback, and drainage problems associated with the poor soil percolation in the area.

Scott Eile, 5 Larkspur Lane, spoke in support of the project. He noted that he attends the church, and stressed the church's willingness to work with the neighbors. He noted that the parking spaces adjacent to residential areas will be the last ones to fill up, and stressed the need for the Parque Drive access point on Sunday mornings.

Phil Bouker, a previous speaker, stated that he would request that not just evergreen trees be planted on the east side of the property. He confirmed with staff that the church would be responsible for the new fencing.

Dan Beadle, a previous speaker, confirmed that the church would install all required fencing and would face the attractive side towards the neighbors. He stated that the church would like the flexibility to discuss landscaping and fencing with each adjacent landowner, as some may not want evergreen plantings that could provide too much shade.

Brenda Nelson, 11 Coleman Court, stated that her major concern with the expansion is noise. She requested that the Commission require a 25 foot densely landscaped setback from the northern property line, and eliminate the 29 parking spaces in that area.

There being no further comment, the public hearing was closed at 7:52 p.m.

In response to Commissioner Alvistur, Ms. Sigona stated that Butte County Environmental Health has already authorized expansion of the on-site septic system to accommodate the proposed expansion, and that the improvements have already been made. She noted that the nearest sewer main is 335 feet south of the property on Floral Avenue.

Commissioner Bradford confirmed that staff's original recommendation was a 25 foot setback with standard landscaping, and asked whether 10 feet with evergreen plantings would be a better choice. Commissioner Wahl pointed out that some neighbors may not want evergreen landscaping.

Commissioner Monfort stated that according to information in the Commission's next item, the 6 foot fence does a much better job of sound mitigation than does the greenery. He suggested that the northern area be modified with a one-way, westbound drive aisle with compact angled parking, which would increase the setback while retaining some parking spaces.

There was additional discussion regarding possible changes to the parking configuration. Mr. Varga confirmed that Commissioner Monfort's proposal could gain an additional 5 to 7 feet of landscaped area adjacent to the northern property line. Ms. Sigona ventured that a one-way drive aisle on the north portion of the parking lot would also allow the creation of a small buffer

north of the learning center, and that an additional tree might be saved.

Commissioner Monfort confirmed that a standard wooden fence is proposed. Commissioner Wolfe confirmed that the existing chain link fence on the southern property line would be planted with an evergreen climbing vine.

Commissioner Alvistur stated that he thinks the 10 foot setback is reasonable, but that he is opposed to using Parque Drive as an access point.

Ms. Sigona suggested that condition #9 be clarified to require six foot solid fencing in all areas where existing fencing is less than 6 feet in height, or where the existing wood fencing is in a dilapidated state. The Commission concurred.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVE USE PERMIT NO. 00-43 AUTHORIZING A TWO-PHASE EXPANSION OF THE EXISTING CHURCH FACILITY LOCATED AT 2346 FLORAL AVENUE, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED SEPTEMBER 26, 2000, AND AS REVISED BY THE SUPPLEMENTAL MEMORANDUM DATED OCTOBER 5, 2000, WITH CONDITION #8 BEING MODIFIED TO REQUIRE A TEN FOOT SETBACK FROM THE NORTH AND EAST PROPERTY LINES, THAT CONDITION #9 REGARDING FENCING BE MODIFIED AS DISCUSSED, THAT THE HOURS OF OPERATION BE MODIFIED AS DISCUSSED, AND THAT THE LANDSCAPING ADJACENT TO RESIDENTIAL AREAS BE JOINTLY DETERMINED BY THE APPLICANT AND THE ADJOINING LANDOWNER.

In response to Commissioner Monfort, Ms. Sigona stated that the 10 foot setback from the north property line implicitly authorizes some sort of altered parking arrangement, which could probably be worked out by staff. Mr. Varga agreed, and confirmed that the motion didn't alter staff's recommendation to prohibit use of Parque Drive access.

COMMISSIONER WOLFE OFFERED AN AMENDMENT CLARIFYING THAT THE 10 FOOT SETBACK IS TO BE A HEAVILY LANDSCAPED BUFFER, AND THAT THE TWO MONTHLY EVENTS WAIVING THE HOURS OF OPERATION NOT BE LIMITED TO FRIDAY AND SATURDAY NIGHTS. COMMISSIONER ALVISTUR ACCEPTED THE AMENDMENT. COMMISSIONER WOLFE SECONDED THE MOTION.

CHAIR WAHL OFFERED AN AMENDMENT THAT A 7 FOOT MASONRY WALL BE REQUIRED NEXT TO THE ADJOINING RESIDENTIAL PROPERTIES. COMMISSIONER ALVISTUR REJECTED THE AMENDMENT.

THE MOTION PASSED 5-0-1 (COMMISSIONER DIETLE ABSTAINING).

The Commission was in recess from 8:14 to 8:25 p.m.

4. **General Plan Amendment 00-8 (City of Chico) Amendment of the General Plan Noise Element and Chico Municipal Code Noise Ordinance:** The City of Chico proposes to amend the Noise Element of the General Plan and Title 9, Chapter 9.38 (Noise) of the Chico Municipal Code to incorporate recommended changes identified in the Arterial Noise Study. This study was conducted to assess the existing and future noise impacts along major streets within the Chico Urban Area and to recommend alternative mitigation to the construction of sound walls. A negative declaration (SCH# 2000072049) is proposed for this project pursuant to the California Environmental Quality Act. ***This item was continued from the meeting of September 7. Staff recommends that the Planning Commission recommend City Council adoption of the negative declaration, approval of the general plan amendment, and amendment of Chapter 9.38 of the Chico Municipal Code.***

Mr. Hayes presented the staff report, reviewing the proposed changes to the General Plan Noise Element. He noted that the main focus is to allow and encourage alternate sound attenuation techniques, and avoid placing sound walls if possible. He noted the change in the definition of usable open space, stating that in some situations the buildings proposed for a project could be a part of the sound attenuation.

Commissioner Monfort noted that the sound level would still have to be lowered to 45 dB inside structures. Mr. Hayes replied that the 45 dB level is nearly always met with standard construction techniques, although some situations may require triple-pane windows or other minor changes. Commissioner Monfort opined that it might help if Public Works increased the rubber content in the asphalt mix for new roads, thereby reducing the noise level at the source.

Commissioner Dietle asked about policy N-I-2 as it relates to new City projects, and whether the cost of noise attenuation has been included in each project's capital budget. Mr. Hayes replied that he's not sure about individual projects, but stated that staff has used the draft policy for several recent projects, including the street reconstruction near Marigold Elementary. Commissioner Dietle inquired whether the proposed noise policy is in conflict with the placement of new stop signs. Mr. Hayes replied that he could investigate that issue, but that any incremental noise increase is small enough to be easily mitigated.

The public hearing was opened at 8:47 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-22 RECOMMENDING CITY COUNCIL ADOPT THE PROPOSED

NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT NO. 00-8. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Commissioner Monfort noted that it was interesting that none of the proposed changes to the noise element deal with the two main noise problems listed on page 9-9, party disturbances and vehicle audio equipment.

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler reviewed recent actions taken by the Council concerning the Wireless Telecommunications Facilities ordinance. He also reviewed that the new code enforcement officer, Scott Armstrong, has been directed to investigate the lights at the new McDonald's.

Mr. Redeker reviewed the Commission's meeting schedule for the remainder of the year.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:54 p.m. to the Adjourned Regular Meeting of November 9, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

December 14, 2000

Date Approved

/s/

Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
NOVEMBER 9, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Staff present were Principal Planner Pam Figge, Senior Planner Ed Palmeri, Associate Planner Claudia Sigona, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of Regular Meeting of August 3, 2000**
2. **Minutes of Adjourned Regular Meeting of August 17, 2000**
3. **Minutes of Regular Meeting of September 7, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

REGULAR AGENDA

4. **Planned Development Permit No. 00-1/Subdivision No. 00-6, The Retreat at Canyon Oaks Subdivision (Canyon Oaks LLC)** - Final approval of a planned development and subdivision of 8.95 acres on the south side of Shallow Springs Terrace, approximately 400 feet east of Woodstone Lane. The subdivision proposal includes 22 lots for zero-lot line single family residential development and a 6.95 acre parcel to be preserved as open space. The site is identified as Assessor's Parcel No. 011-750-028. The property is designated Medium Density Residential on the City of Chico General Plan Diagram and is located in an R2 Medium Density Residential zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends adoption of the mitigated negative declaration, approval of the planned development permit, and approval of the subdivision.*

Ms. Sigona presented the staff report, reviewing the land use issues involved, the results of previous hearings, and the details of the proposal. She noted that a number of area residents have expressed concerns with the project related to environmental factors, traffic, and aesthetics. She stated that the applicant has provided quality designs, including sample color

chips, materials, elevations, and photosimulations. She reviewed that the applicant proposes to install warning signs and a speed bump Shallow Springs Terrace to slow down traffic and mitigate any traffic hazard at the two project intersections. She concluded by stating that staff is recommending one additional condition of approval, #29, which would require staff-level architectural review and approval prior to construction.

The public hearing was opened at 6:40 p.m.

Brian Firth, Land Image Landscape Architects, noted that 78% of the project parcel will be set aside as permanent open space, and that the homes proposed for the remaining 22% are positioned as carefully as possible to minimize impacts on trees. He reviewed the photosimulations, and stated that additional plantings of native shrubs which are not shown will provide additional screening of the homes; he added that they will also re-plant any areas disturbed by grading, in accordance with direction from the Urban Forester.

In response to Commissioner Alvistur, Mr. Firth stated that plenty of trees will be left in the area between the two clusters of units, and that views would be partially obscured by those trees.

Tim Artl, 3172 Woodcreek Drive, responded to Commissioners Alvistur and Monfort, indicating that the access door for the storage area under each house would be moved to the side yard. He elaborated that the height of the crawlspace will vary from lot to lot, but will generally be between 3 and 7 feet.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive #101, project engineer, reviewed storm drainage for the project, noting that all homes will be outside the 500 year floodplain, that runoff will be mitigated so as not to impact peak flow, that stormwater will be subject to water quality measures, and that erosion control will be effected by adoption of a stormwater pollution prevention plan prior to any grading. Regarding traffic, he reviewed that the two intersections with Shallow Springs Terrace both exceed the minimum stopping sight distance for local roads.

In response to Commissioner Monfort, Mr. Varga stated that he foresees no problems with the proposed speed bump on Shallow Springs Terrace, but he wasn't sure if Fire had reviewed the design.

Mr. Gilbert pointed out that there are already two sets of speed bumps on Shallow Springs Terrace, and that their purpose is to slow down vehicles and make drivers aware of upcoming intersections.

Commissioner Monfort suggested that a rumble strip might be more appropriate. Mr. Gilbert stated that he'd be happy to install whatever the Commission desires. Commissioner Wahl suggested that it be conditioned as an "either/or", to be worked out between staff and the engineer.

Commissioner Bradford inquired as to who suggested installing a speed bump. Mr. Gilbert replied that he was trying to be consistent with what already exists on Shallow Springs Terrace to remedy any perceived traffic hazard. Mr. Varga noted that staff did not suggest or recommend anything regarding speed bumps.

Martin McHugh, 1017 Colmena Drive, questioned the method in which density for the site was determined, opined that the storm drainage situation is already bad in the area, stated that the on-site parking assumptions are unrealistic, and asked what architectural controls would be put in place to enforce the earth tones required by staff.

There was discussion concerning the project's participation in the Canyon Oaks Homeowners Association, and whether it would be subject to the CC&R's of the HOA, particularly the 2200 square foot minimum house size.

Tim Artl, a previous speaker, stated that the Canyon Oaks CC&R's were amended in 1997 to allow smaller homes on properties with certain zonings, such as this project and The Fairways. He said that the project will definitely become a part of a homeowners association.

Martin McHugh, a previous speaker, raised additional concerns with the project, including additional traffic on Yosemite Drive, project density, drainage problems in the area, and preserving the quality of life in Chico.

Commissioner Monfort pointed out that nearly all of Mr. McHugh's arguments were also made against the Canyon Oaks development. He pointed out that the property owner has certain development rights, and that the City is trying to preserve as much of the environment as possible. He noted that the developer is not getting carte blanche to build whatever he wants, and that most of the site will remain untouched.

Mr. McHugh stated that the project is compounding existing problems, and suggested that the Commission talk to residents on Yosemite and ask them whether additional traffic will have an insignificant impact.

B. J. Parsons, 1 Woodstone Lane, stated that she is opposed to speed bumps and would ask that they not be installed.

Ms. Parsons stated that she is before the Commission as a representative of the Canyon Oaks Homeowners Association, and would request that the Commission grant a continuance until certain legal matters are resolved concerning the subject property's participation in the HOA.

Commissioner Wolfe inquired what the HOA's objections are, stating that it was her understanding that the project would be joining the HOA. Ms. Parsons replied that she was forwarding the request on behalf of Eric Martin, and pointed out that The Fairways and Arroyo

Greens have always had different guidelines. She added that Arroyo Greens is not part of the HOA.

In response to Commissioner Dietle, Ms. Parsons stated that she isn't sure exactly what the HOA's objections are to the project.

In response to Commissioner Wolfe, Ms. Parsons elaborated on her objections to the speed bump. She stated that they aren't needed, and that the existing security guard would take a motorist to small claims if they were speeding.

Tim Artl, a previous speaker, stated that there is no lawsuit, and that there is no objection to the project. He reviewed that lot 74, the project parcel, was accidentally attached to the HOA due to an administrative error at the title company. He re-stated that the project will have to join the Canyon Oaks HOA, and that the HOA will need to review the proposed home designs. He stated that no formal presentation has yet been made to the HOA, but that he has talked privately to several individuals who haven't expressed any objections to the project. He noted that he doesn't plan to go to the HOA until he has a complete approval from the City.

Patricia Parker, 3174 Sandstone Lane, stated that there seems to be a disparity in terms of the disassociation of this parcel from the HOA. She asked the Commission to grant a continuance.

Ms. Figge asked Ms. Barker to review the City's interest in private CC&R's.

Ms. Barker stated that the City has no obligation to enforce private CC&R's. She elaborated that the City is only concerned about facilities maintained by the HOA that would usually be public, such as roads and sewers. Otherwise, enforcement of the CC&R's is a private matter.

Ms. Parker stated that the Planning Commission is asking for a lawsuit if they approve the project. Commissioner Monfort replied that the City is not bound by the CC&R's. Ms. Figge added that the legal obligation the developer has to the City is through the laws of the state of California, and that this project is consistent with the City's General Plan and zoning requirements. She noted that CC&R's can go far beyond what a City can require. Ms. Parker stated that the Canyon Oaks HOA would take this item further if the Commission approves the project.

There being no further comment, the public hearing was closed at 7:12 p.m.

Commissioner Wolfe stated that it would have been nice to have someone here from the HOA, but enforcement of the CC&Rs doesn't fall under the Commission's purview. She noted that she was still somewhat hesitant making some of the required findings, particularly that the project will be harmonious with the surrounding land uses and that the site is suitable for development.

Commissioner Alvistur recalled that traffic safety had been an issue during the first hearing, and supported some kind of traffic calming measure on Shallow Springs Terrace. Commissioner Monfort agreed.

Commissioner Bradford opined that a lawsuit may happen no matter what the Commission does. He commended staff and the applicant for the unique solution proposed for the parcel, as well as the preservation of most of the trees.

Commissioner Wolfe ventured that if the neighbors no longer want the speed bump, then perhaps it should be removed. Commissioner Dietle agreed, noting that it was proposed in response to neighbors' traffic concerns.

COMMISSIONER DIETLE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-25, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED DEVELOPMENT PERMIT NO. 00-1 AND THE RETREAT AT CANYON OAKS VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL DELINEATED THEREIN, WITH THE ADDITION OF CONDITION #29 AS DISCUSSED BY STAFF.

Ms. Sigona confirmed that provision of a speed bump was not included in the motion.

COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

Ms. Figge stated that the subdivision can be appealed within 10 calendar days.

5. **Text Amendments (00-11) to Title 19 of the Chico Municipal Code (City of Chico)**: This is a second set of proposed amendments to various sections of Title 19, Land Use and Development Regulations, of the Chico Municipal Code by (1) amending certain definitions, (2) adding language for clarification, (3) adding language consistent with state, General Plan, and Chico Municipal Code language, (4) making land use changes to the land use tables consistent with the respective zones, and (5) making various errata and other minor corrections. It has been determined that pursuant to Section 15162 of the California Environmental Quality Act (CEQA) no subsequent environmental review is required. ***Staff recommends approval of the amendments.***

Mr. Palmeri presented the staff report, reviewing the proposed changes to Title 19 and the land use issues involved. He noted that most changes were minor in nature, and are designed to provide enhanced clarity of intent, as well as offer slightly more staff discretion in certain situations.

In response to Commissioner Wahl, Mr. Palmeri stated that "junk" is now defined in the code, and that the amendment dealing with junk will make Title 19 consistent with Title 8 of the

municipal code. Ms. Barker added that the text concerning junk regulation was inadvertently removed when Title 19 was updated in 1999.

The public hearing was opened at 7:37 p.m. There being no comment, the public hearing was closed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-27, RECOMMENDING CITY COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 19, LAND USE AND DEVELOPMENT REGULATIONS. COMMISSIONER DIETLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

GENERAL BUSINESS

None.

PLANNING UPDATE

Ms. Figge reviewed that the City Council adopted the WTF Ordinance, and that the AT&T Wireless use permit was modified by Council. She added that the Grossman and Patterson rezones were approved, and that the Noise Element of the General Plan was amended.

Commissioner Dietle noted that she would be absent from the November 30 meeting.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:40 p.m. to the Adjourned Regular Meeting of November 30, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

December 14, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
NOVEMBER 30, 2000**

ROLL CALL

The meeting was called to order by Chairperson Larry Wahl at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Kirk Monfort, Larry Wahl, and Nancy Wolfe. Commissioner Jolene Dietle was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Ed Palmeri, Associate Planner Claudia Sigona, Assistant Planner Bob Summerville, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

DISCUSSION OF EX PARTE COMMUNICATION

None.

REGULAR AGENDA

1. **Conceptual Approval of Planned Development Permit No. 00-2 (Heritage Partners)** - A request to allow a planned development and parcel map for a small-lot subdivision of a 0.43 acre site into four single family residential lots, each with a second dwelling unit. Final approval would be contingent on the Planning Commission's review and approval of the parcel map application at a subsequent meeting. The property is located at the southeast corner of Linden and E. 9th Streets, and is identified as Assessor's Parcel Nos. 004-332-001 and 002. The property is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). ***Staff recommends conceptual approval of the planned development permit.***

Commissioner Bradford announced he would abstain from this item, as he jointly owns unrelated property with one of the project property owners.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the project. He noted that this Traditional Neighborhood Design project accomplishes a number of General Plan goals, and that staff recommends approval of the project. He added that staff is requesting that the Commission grant architectural review to the project at this time.

The public hearing was opened at 6:43 p.m.

Randall Abbott, 1151 E. 10th Street, noted concerns he has with the project, including project density, affordability of the finished homes, the inclusion of an alleyway, drainage concerns, and the danger to children posed by SR 32. In response to Commissioner Alvistur, Mr. Abbott

clarified that his main concern is the density of the project; he suggested that only three houses be built.

Tom DiGiovanni, Heritage Partners, 426 Broadway, Suite 205, project applicant, stated that density isn't an issue when it is done well. He noted that the property has been vacant for 25 years, and that this project will bring investment to the neighborhood. He clarified that the main houses will be 1500 square feet, with the units over the garages being 450 square feet. He stated that the houses will initially be rentals, but that they should transition to owner/occupants within a few years. He added that there are four property owners for this project, so that four units allows for an easy division of the final development.

In response to Commissioner Monfort, Mr. DiGiovanni stated that appropriate sound mitigation construction techniques would be utilized to reduce noise caused by SR 32.

Georgie Bellin, 775 Filbert Avenue, property co-owner, noted the creative design of the project, adding that the rear parking and raised floor allow for additional privacy and reduced noise impact from SR 32.

Peter Weiglein, 1178 E. 9th Street, stated that he is generally supportive of the project, and likes the architecture, but that he is concerned with the resulting density.

Pat Conroy, 1295 Woodland Avenue, stated that he owns the property two doors to the east. He expressed his support for the project, noting that it will improve the neighborhood and will install needed public improvements where none currently exist.

Ms. Figge discussed density, noting that Planned Developments allow up to 7 units per acre, and that second units don't count in that calculation.

Marne Bass, 952 Linden Street, expressed opposition to the project, citing concerns with density, traffic, drainage, project design, and potential environmental contamination.

There being no further comment, the public hearing was closed at 7:12 p.m.

Commissioner Alvistur declared his support of the project, noting that it should be a great addition to the neighborhood. Commissioner Monfort agreed, adding that this project is an example of good, high density development.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR PLANNED DEVELOPMENT PERMIT NO. 00-2 (HERITAGE PARTNERS) WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AND APPROVAL OF PARCEL MAP NO. 00-7 AT A SUBSEQUENT MEETING.

Commissioner Wolfe confirmed with staff that the Commission is also approving the

architecture. Mr. Summerville indicated that the middle band for each of the color samples provided to the Commission will be the approximate color for each of the houses.

COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 4-0-1-1 (COMMISSIONER BRADFORD ABSTAINING, COMMISSIONER DIETLE ABSENT).

2. **Stonehill Vesting Tentative Subdivision Map No. S 00-5 (Jones)** - A request to approve a vesting tentative subdivision map with 8 single family residential lots on a parcel of land totaling 2.8 ± acres. The project site is located approximately 500 feet west of the intersection of Bruce Road and Lakewest Drive, 1,900 ± feet north of State Highway 32, and is identified as Assessor's Parcel No. 002-160-029. Access to the site will be provided by the extension of Palo Alto Street, a local street from the Nob Hill Subdivision. The property is designated Low Density Residential on the City of Chico General Plan Diagram and rezoned R1 Low Density Residential. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the mitigated negative declaration and approval of the subdivision.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the details of the project. He noted that all access to the project will be through the Nob Hill subdivision, and that all storm runoff from the project will be conveyed to Nob Hill's storm drainage system. He added that there is an access easement over a portion of lot 1, which needs to be maintained until the parcels to the south develop, at which time they will give up their right to access Husa Lane pursuant to a third-party agreement. He concluded by stating that the property will require annexation to the City prior to development.

In response to Commissioner Monfort, Mr. Palmeri indicated that the easement on lot 1 would be put on the deed for that property, and that it will be recorded on the final map for the subdivision.

The public hearing was opened at 7:25 p.m.

Jim Stevens, NorthStar Engineering, 20 Declaration Drive, representing the applicant, agreed with the staff report. He stated that he plans to get the unrecorded third party agreement concerning Husa Lane access recorded tomorrow, so that the subdivision map can then refer to the document of record. He stated that the maintenance district for this project will help pay for the detention pond and Bruce Road improvements installed as part of the Nob Hill subdivision.

Phil Smith, 884 Husa Lane, raised concerns he has with the project, including the unresolved nature of the easement agreement, the lack of mention of the development of the parcel to the south of the project, inadequate noticing, lack of hydrological analysis, and unspecified inaccuracies in the staff report. He requested that the Commission continue this item for two

weeks so that the access easements and other issues can be resolved.

There was discussion concerning the access easement to Husa Lane and the third-party agreement. Mr. Palmeri noted that the developer has no problem relinquishing his right to access Husa, but that access for the properties to the south needs to be maintained. Mr. Seidler stated that although there has been informal discussion, no development application has been received for the parcel to the south. Ms. Barker added that no matter what is put on the subdivision map, the easement will show up on a title report for lot 1, and that the easement agreement is a matter between property owners, not regulated by the City. Dr. Smith ventured that the easement agreement could cause legal troubles in the future if it isn't resolved now.

In response to Commissioner Wolfe, Ms. Figge reviewed that this project was given a 20-day public notice, as no state issues were involved. Mr. Palmeri added that the conditions concerning the easement were the result of an amended title report, which wasn't available until earlier this week.

Carol Switzer, 866 Husa Lane, stated that her public notice was stamped as being mailed on the 17th, after the required 20-day notice deadline.

Dave Jones, 1226 Glenwood Avenue, property owner, stated that the easement situation will be resolved, and that he doesn't wish to delay the project. In response to Commissioner Bradford, he noted that the agreement was made by 14 separate parties, including the former owner of his property, and that he will get the agreement recorded tomorrow. He emphasized that it would be unfair for his project to be held hostage by agreements affecting nearby parcels, which aren't yet slated for development.

Jim Stevens, a previous speaker, stated that there is a small potential that the properties to the south could continue to use Husa Lane for access, but that doing so is not the spirit of the agreement. He opined that any easement and/or access issues can be resolved, and that the project doesn't need to be delayed to do so.

There being no further comment, the public hearing was closed at 7:55 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-29, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE STONEHILL VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL DELINEATED THEREIN, AMENDED TO INCLUDE THE CONDITIONS IN THE STAFF REPORT ADDENDUM. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER DIETLE ABSENT).

The Commission was in recess from 7:55 to 8:10 p.m.

3. **Conceptual Approval of Bidwell Ridge Vesting Tentative Subdivision/Planned Development Permit No. 00-3 (Horning)** - A request to allow a planned development and subdivision of 7.05 acres located on the south side of Chico Canyon Road, approximately 1000 feet west of Centennial Avenue, into seven lots for single family residential development. The site is identified as Assessor's Parcel No. 011-020-095, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is rezoned (P)RS-1 Suburban Residential (one acre minimum). The planned development permit will allow for lot sizes which are slightly below the one acre gross required. Proposed average lot size is 37,374 square feet (.86 acre) (net). A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends conceptual approval of the planned development permit and subdivision.***

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the project is a good transition density compared to surrounding development, and that staff's primary concern is protection of foothill viewsheds. To that end, staff is proposing increased setbacks for lots 2 and 3 and either a one-story limitation or 25 foot structure height restriction for all homes in the project.

In response to Commissioner Alvistur, Ms. Sigona reviewed that development to the south and west consists of primarily half acre lots, while development to the north and east consists of lots larger than one acre. Commissioner Monfort discussed the importance of protecting the viewshed.

In response to Commissioner Alvistur, Mr. Varga stated that a variety of drainage options are available, and that surface detention may not be necessary.

The public hearing was opened at 8:28 p.m.

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive, project engineer, stated that the reason this project is requesting a Planned Development permit is that the City doesn't give any credit for the right-of-way when calculating density. He stressed that the project is 7 lots on 7.05 acres. He stated his desire for some sort of rural street standard within the project, as standard improvements would be out of place and prohibitively expensive. He noted that the project will have no direct access to Chico Canyon Road, with sole access through the recently approved Shastan project to the west. He pointed out that the City would be obligated to undertake eminent domain proceedings to secure an easement across the property to the west to ensure public access to this project in the case that a private agreement for an easement can't be worked out.

In response to Commissioner Wolfe, Mr. Gilbert stated that he is not in favor of a one-story

construction limitation on the whole project, but has no problems with the limitations on lots 2 and 3.

Georgie Bellin, a previous speaker, spoke against a single-story restriction for the entire project, stating that architects should be given some leeway in design.

Dennis Schleiss, 414 Chico Canyon Road, stated that he owns the property to the east of the project. He confirmed that he is supportive of the project and will dedicate the right-of-way to bring the road back down to Chico Canyon Road when his property is subdivided. In response to Commissioner Monfort, Mr. Schleiss stated that there is a small private driveway in the middle of the small orchard that is currently used for his property's access from Chico Canyon Road.

There being no further comment, the public hearing was closed at 8:41 p.m.

There was discussion concerning height restrictions and single-story limitations. Ms. Sigona stated that the primary concern is for lots 2 and 3, but that restrictions for all lots may be prudent. Ms. Figge stated that staff is primarily concerned with protecting public views, such as from the park or from Chico Canyon Road. Commissioner Wolfe stated that she was in favor of limiting height only on lots 2 and 3; Commissioner Alvistur agreed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION CONCEPTUALLY APPROVE PLANNED DEVELOPMENT PERMIT NO. 00-3 AND THE BIDWELL RIDGE SUBDIVISION FOR SEVEN LOTS ON 7.05 ACRES, INCLUDING LOT SIZES BELOW THE ONE ACRE MINIMUM NET SIZE, WITH STRUCTURES ON LOTS 2 AND 3 BEING LIMITED TO 25 FEET, AND WITH SOME SORT OF RURAL STREET STANDARD WITHIN THE SUBDIVISION. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Monfort confirmed with Ms. Figge that the foothill standards allow a 25 foot house, with 35 being allowed for a split-level or other similar architectural design on a grade.

THE MOTION PASSED 5-0-1 (COMMISSIONER DIETLE ABSENT).

4. **Text Amendments to Title 19 of the Chico Municipal Code (City of Chico)**: A proposed amendment to Title 19 of the Chico Municipal Code, Land Use and Development Regulations, which will reinstate the use of portable freestanding signs, subject to certain restrictions, in all commercial and industrial zoning districts except the CD Downtown Commercial zoning district. Staff is recommending that portable signs be allowed for a period of one year. It has been determined that no subsequent environmental review is required for this amendment, pursuant to Section 15162 of the California Environmental Quality Act (CEQA). ***Staff recommends adoption of the amendment.***

Mr. Palmeri presented the staff report, reviewing the land use issues involved. He noted that

the Commission is essentially being asked to reinstate the portable sign ordinance for one year. Mr. Seidler added that staff will be more closely monitoring portable signs over the course of the year to determine the effect of the ordinance. Commissioner Monfort ventured that it would be useful to track how much time and money it takes to enforce the ordinance. There was general agreement.

The public hearing was opened at 9 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 00-30, RECOMMENDING CITY COUNCIL ADOPTION OF AN AMENDMENT TO TITLE 19 LAND USE AND DEVELOPMENT REGULATIONS (CITY OF CHICO). COMMISSIONER MONFORT OFFERED AN AMENDMENT THAT THE CITY BE REQUIRED TO MONITOR THE TIME SPENT BY THE CODE ENFORCEMENT OFFICER ON ENFORCING THE ORDINANCE. COMMISSIONER WOLFE ACCEPTED THE AMENDMENT. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER DIETLE ABSENT).

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler reviewed that the McDonald's lights have been adjusted. He thanked Chair Wahl for his service on the Commission, and wished him success as a Council member.

In response to Commissioner Alvistur, Mr. Seidler reviewed the City's letter to ALUC regarding the new Airport Comprehensive Land Use Plan. He noted that the City and the County seem to be working well together, and that the City hopes to avoid overrides with the new plan. He added, however, that the City does not favor the plan's designation of Bidwell Ranch as B-2, a relatively restrictive designation (one dwelling per five acres), as the final disposition of that property has not yet been determined.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:05 p.m. to the Adjourned Regular Meeting of December 14, 2000, at 6:30 p.m. in the Council Chamber, 421 Main Street.

January 4, 2000
Date Approved

/s/
Kim Seidler
Planning Director

**PLANNING COMMISSION
ADJOURNED REGULAR MEETING
DECEMBER 14, 2000**

ROLL CALL

The meeting was called to order by Planning Director Kim Seidler at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Dietle, and Kirk Monfort. Commissioner Nancy Wolfe was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Claudia Sigona, Senior Development Engineer Tom Varga, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

Mr. Seidler stated that as there was no Chair or Vice-Chair present, the Commission would need to select a Chair Pro Tem.

COMMISSIONER ALVISTUR NOMINATED COMMISSIONER DIETLE TO ACT AS CHAIR PRO TEM. COMMISSIONER BRADFORD SECONDED THE NOMINATION, WHICH CARRIED 4-0-1 (COMMISSIONER WOLFE ABSENT).

DISCUSSION OF EX PARTE COMMUNICATION

None.

ADMINISTRATIVE AGENDA

1. **Minutes of Adjourned Regular Meeting of September 21, 2000**
2. **Minutes of Regular Meeting of October 5, 2000**
3. **Minutes of Adjourned Regular Meeting of November 9, 2000**
Staff recommends approval with any corrections/revisions required.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-0-1 (COMMISSIONER WOLFE ABSENT).

REGULAR AGENDA

4. **Foothill Park Unit 3 Vesting Tentative Subdivision Map No. S 00-8 (Drake)** - A request to approve a vesting tentative subdivision map to subdivide 4.85 acres of land into nineteen residential lots ranging in size from 8,751 to 12,279 square feet. The project site is located northwesterly of the proposed Hudson Avenue and northeast of the proposed Valley Forge Drive and is identified as parcel H of the Foothill Park East Master Subdivision, a 4.85 acre parcel northwest of the proposed neighborhood park. The site is identified as Assessor's Parcel No. 048-020-018. The property is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1

Low Density Residential zoning district. An Addendum to the Foothill Park East Environmental Impact Report, certified June 2, 1997 was prepared for the project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends that this item be continued to the meeting of January 4, 2001.**

This item was continued to the meeting of January 4, 2001.

5. **Rezone No. 00-9 (National Golf)** - A request to rezone 0.29 acres located on the east side of Yosemite Drive, 300 feet south of California Park Drive, from OS-1 Primary Open Space to R1 Low Density Residential. The property is identified as a portion of Assessor's Parcel No. 011-030-133, and is designated Low Density Residential on the City of Chico General Plan Diagram. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends that the Planning Commission recommend City Council adoption of the mitigated negative declaration and approval of the rezone.**

Ms. Sigona presented the staff report, reviewing the land use issues involved and the history of the property. She noted that the property was zoned R1 prior to the 1994 General Plan update, and that the current owner now desires to develop a small number of single family homes on the site. She noted that the proposed rezone would allow for single family development similar to what already exists adjacent to the site.

Ms. Sigona reviewed a letter of opposition to the rezone, noting that many of the writer's concerns are based on an outdated brochure, referencing findings which no longer need to be made.

The public hearing was opened at 6:42 p.m.

Jim Stevens, NorthStar Engineering, 20 Declaration Drive, project engineer, reviewed that the area zoned R1 had previously extended to the power lines, and that the Canyon Oaks driving range was originally put in as a temporary measure. However, the driving range location has worked out well and there are no plans to move it at this time, so this rezone would only apply to the small area to the west.

In response to Commissioner Dietle, Mr. Stevens stated that there are no plans to screen the homes from the driving range.

There being no further comment, the public hearing was closed at 6:47 p.m.

There was general agreement that the proposed rezone is appropriate at this site.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT

RESOLUTION NO. 00-32, FORWARDING A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR REZONE NO. 00-9, MAKING THE REQUIRED FINDINGS AS DELINEATED IN THE STAFF REPORT DATED DECEMBER 4, 2000. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-0-1 (COMMISSIONER WOLFE ABSENT).

6. **Use Permit No. 00-66 (Jesus Provides Our Daily Bread) 1297 Park Avenue** - A request to allow an existing non-profit meal service to provide showers, laundry facilities, clothing distribution, medical, dental and counseling services, an emergency homeless shelter for approximately 45 women and children and assembly and banquet facilities, all within an existing 14,400+ square foot building. The property is located at 1297 Park Avenue and is identified as Assessor's Parcel Nos. 005-136-010 and 013. The property is designated Community Commercial on the City of Chico General Plan Diagram and is located in a CC Community Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Expansion of Existing Facilities) and Section 15332 (In-fill Development Projects). ***Staff recommends approval of the use permit.***

Ms. Figge presented the staff report, reviewing the details of the proposal, the history of the Jesus Center at other locations, and the land use issues involved. She noted that State law requires that communities provide for homeless shelters, and that this site is located on a well-traveled corridor with public transit and other services available. She reviewed several letters raising concerns about the project, including fencing, the status of the neighborhood patrols, the use of on-street parking in front of local residences by Center patrons, concern with the potential for men to sleep in cars near the Center, panhandling by Center patrons, and a request that the gates only be opened a half hour before meal time in the morning. She added that the Chamber of Commerce and Coulter's Transfer and Storage Co. had also submitted letters supporting the proposal.

Commissioner Alvistur confirmed with Ms. Figge that no patrols are required for the existing meal service.

The public hearing was opened at 7:00 p.m.

Katy Thoma, P.O. Box 6786, Director of the Jesus Center, discussed the Center's program, and that their purpose is to fill a currently unmet need of people who are already in the community. She reviewed the Center's operation of a shelter for women and children at Neighborhood Church in 1997, with which there were no problems. She stressed the Center's commitment to the neighborhood and to Park Avenue, and that most people are surprised at what good neighbors they have been in previous locations.

She noted that the Locust Street fence was replaced due to its dilapidated condition, and that

the new chain link fence allows greater staff surveillance of the area. She also stressed the Center's good working relationship with the Police Department, and that they haven't had any problems with men staying outside the previous shelter location.

In response to questions from the Commission, Ms. Thoma stated that the neighborhood patrols only occur during meal times; that all the proposed services will take place within the existing building; that most clients come on foot or bicycle, with some arriving in cars; that the laundry and shower facilities would be open to all; and that they would gladly increase patrols once the shelter is in operation.

The following people spoke in support of the project: Andy Holcombe, 1339 Esplanade, Board member of the Chico Community Shelter Partnership; Dan Russell, 2060 Amanda Way, Business Administrator for Neighborhood Church; Rod Willis, 3092 Boulder Drive; Mary Flynn, 1130 Laburnum, Board member of the Chico Community Shelter Partnership; Gay Rider, 921 Madrone Avenue; John Coulter, 199 E. 13th Street; Laurence Boag, 1533 Mulberry Street; Michael McGinnis, 555 Vallombrosa Avenue; Tracie Hannick, 22 Marydith Lane; Mike Campos, 774 Hillview Way; Nijmah Dahdul, 9222 Lott Road, Durham; Walter Larson, 865 Brandenburg Lane, Board member of the Jesus Center; Pamela Brown, 1785 Estates Way; and James Thompson, no address given.

Supporters noted: that a year-round facility would provide continuity to help lift people out of homelessness; that the Center's previous experience running a shelter at Neighborhood Church was very positive, with no problems; that if the community can tolerate the drunken antics of students, then it should be able to have compassion for the homeless; that the community has a responsibility to reach out to the homeless, and that all vandalism and theft on Park Avenue is not caused by the homeless; that in the Center's previous shelter, staff helped women to find jobs, get their kids into school, and get out of abusive situations; that the Center has improved the neighborhood tremendously, and that there is little to no overlap between Jesus Center clients and drunks in the Park Avenue area, who do cause problems; that the neighborhood adjacent to the Salvation Army facility was improved while the Center was temporarily located there, and that vandalism and such has become more of a problem since they left; that the shelter is needed, and that the Center runs a good program; that the decline of Park Avenue commerce can't be blamed solely on the homeless; that the point of the Center is to get people back on track, thereby decreasing the problems associated with homelessness; that the real trouble-makers are attracted to the area by Duke's Liquor Store, and that there is a mistaken impression about Jesus Center clients; that we need to help women and children first for our society to thrive; that the Center has an excellent track record, and would gladly increase patrols around the Center; that there is no inherent problem with having a shelter near a school; that the Center is offering shelter to women and children because they are more often victimized, not because it is politically easier to gain permission to shelter only them; and that the workers at the Jesus Center are wonderful people dedicated to helping those in need.

The following people spoke in opposition and/or raised concerns about the project: Barbi

Boeger, 1414 Park Avenue; John Mull, 1431 Park Avenue; Dan Keeley, P.O. Box 5022; Kristina Schiarenbach, 133 W. 12th Street; Michael Lash, 2242 Park Avenue; Joe Burnett, 3025 Silverbell Road; and Curt Hays, 195 E. 12th Street.

Those opposed or with concerns noted: that the Center is in very close proximity to a continuing education school, and that the interaction between Center patrons and those attending the school could cause problems; that allowing the shelter on Park Avenue is contrary to the intention of the public improvements which were recently installed; that this proposal excludes the largest portion of the homeless population; that the size and services of this shelter will attract homeless from out of town; that the Center wouldn't give any guarantees as to future operational rules and procedures; that the Center has caused 7 businesses to already close and/or leave Park Avenue, and the Center negatively impacts those which remain; that the Center is a frequent site of police and fire department responses; that if approved, more extensive patrols should be required, especially at night; that the Center had previously assured residents that there were no plans for a homeless shelter; that litter is a problem in the area; that when Ms. Thoma leaves, the problems will return; that the husbands and boyfriends of those in the shelter will stay in the adjacent neighborhood overnight, creating problems; that existing laws regarding loitering should be more strictly enforced; that the Center should re-locate to Meyers Street instead; and that there is a "magnet effect" that draws additional homeless persons to the neighborhood.

During the public testimony, a recess was taken from 7:57 to 8:09 p.m. After the recess, Commissioner Dietle reported ex parte communications with Tim Edwards, who voiced support for the project, and Bibi Atkins, who suggested installing public restrooms on the south end of downtown.

Ms. Figge reviewed information provided by the Good News rescue mission in Redding, which showed that their client base is 80% local, and that it has increased at a rate similar to the population increase of the community. She predicted that results would be similar for Chico, and that the chance of large numbers of homeless relocating to Chico because of the Jesus Center's new facility would be minimal.

There being no further comment, the public hearing was closed at 9:12 p.m.

In response to Commissioner Monfort, Ms. Figge stated that this project is separate from the City's efforts to establish a homeless shelter. She noted that a 1994 study estimated Chico's homeless population as 150 or 200, and that because this proposal would only shelter 45, there would still be a significant unmet need.

Commissioner Alvistur stated that he would like a more measurable criteria on condition #5 of the permit. Mr. Seidler offered the following amended language for condition #5:

The permittee shall provide monitoring and patrolling of the subject site and adjacent neighborhoods sufficient to ensure that loitering, littering, noisemaking and other

unlawful or objectionable activities on the part of clients of this use do not occur. Such monitoring shall encompass an area with a radius extending no less than two blocks from the subject site, and shall be conducted as often as needed to accomplish this purpose during all all hours of the day and night. The site and the adjacent rights-of-way shall be cleared of litter on a daily basis.

Commissioner Dietle expressed concern that the Center would be responsible for every ill in the neighborhood, and noted the difficulty of determining which persons are clients of the center and which aren't.

The public hearing was reopened at 9:18 p.m.

Katy Thoma, a previous speaker, stated that the police department has a list which is updated constantly of those people which are denied services by the Center, and that those people can be easily identified. She also suggested that if the Commission is concerned, that monthly reports be submitted as previously done at other locations. She stated that the patrols could be increased, but that it would be an increased financial burden on the operation of the center.

Commissioner Dietle confirmed that no other business owners have approached the Center about sharing the cost of the patrol, and suggested that perhaps the Center could hire an off-duty police officer, as was done by a downtown restaurant several years ago.

Mike O'Brien, address unknown, stated that he is not here to represent the Police Department, but stated that the private employment of officers downtown hasn't been done for several years.

In response to Commissioner Bradford, Ms. Thoma noted that the patrol walkers have orange vests and cell phones, and would be able to easily check whether a person was on the list or not. She noted that in the 4 years of patrolling, the cell phones have only been used twice: once for reporting a medical emergency, and another time to report an incident of domestic violence.

There being no further comment, the public hearing was reclosed at 9:25 p.m.

Commissioner Dietle expressed support for the amended condition #5, and suggested that a new condition #6 be added to establish a reporting requirement. She suggested that the reporting requirement be monthly for the first six months, then quarterly thereafter. Mr. Seidler proposed the following language for condition #6:

The permittee shall provide reports of monitoring and problems encountered on a monthly basis for the first six months of operation, subject to administrative review at that time, and on a quarterly basis thereafter.

The Commission discussed and agreed that the chain link fence should remain, and that the permit conditions don't need to address staffing levels.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15301 (EXPANSION OF EXISTING FACILITIES) AND 15332 (IN-FILL DEVELOPMENT) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVE USE PERMIT NO. 00-66, AUTHORIZING AN EMERGENCY SHELTER FACILITY AND ASSOCIATED USES LOCATED AT 1297 PARK AVENUE, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED DECEMBER 5, 2000, WITH CONDITION #5 AMENDED AND CONDITION #6 ADDED AS PREVIOUSLY DISCUSSED. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Bradford noted that this is a classic NIMBY, and that there is no perfect place for a facility like this, but that a good thing is being done. Commissioner Alvistur added that this was not a done deal, but that the Commission is trying to find an accommodation for an organization with a good track record. He thanked all those who came to the hearing to offer their input.

THE MOTION PASSED 4-0-1 (COMMISSIONER WOLFE ABSENT).

Commissioner Dietle reviewed that the Commission's decision can be appealed to the City Council within 15 calendar days.

GENERAL BUSINESS

None.

PLANNING UPDATE

Mr. Seidler reviewed the Council's re-appointment of Commissioner Monfort, and the new appointments of Sharon Stone and Craig Sanders to the Commission.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:38 p.m. to the Regular Meeting of January 4, 2001, at 6:30 p.m. in the Council Chamber, 421 Main Street.

April 5, 2001
Date Approved

/s/
Kim Seidler
Planning Director