

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JANUARY 17, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Sharon Stone was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Pat Murphy, Associate Planner Ed Palmeri, Assistant Director of Public Works Fritz McKinley, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe reported that a Realtor at Prudential had expressed her opposition to the Sterling GPA/RZ.

Mr. Seidler stated that Commissioner Stone had contacted him and indicated that she will be arriving late this evening.

**CONSENT AGENDA**

1. **Tentative Parcel Map 01-11 (Land's End Real Estate) 852 Manzanita Court** - A request to subdivide a vacant 1.01 acre parcel to create 3 lots on property located at 852 Manzanita Court. Proposed lot sizes are 0.24 acre, 0.28 acre, and 0.49 acre. The site is identified as Assessor's Parcel No. 006-240-045, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map.*
  
2. **Tentative Parcel Map 01-12 (Kassebaum & Zaat) Springfield Drive** - A request to subdivide a 17.4 acre parcel to create three commercial/retail lots of approximately 5.8 acres each, on property located on the west side of Springfield Drive immediately north of the Chico Mall, and south of Teichert Ponds and the single-family residential lots located on Auburn Oak Way. No development project is associated with the tentative parcel map at this time. The site is identified as Assessor's Parcel No. 002-140-008, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. *Staff recommends adoption of the mitigated negative declaration and approval of the parcel map.*

Mr. Palmeri noted that there is a revised subdivision report, which states that improvements will be

installed at the time of development of the first parcel.

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Commissioner Stone arrived at 6:35 p.m.

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3. **Rezone 01-6 (Epick Inc.) 901 Bruce Road** - A request to rezone approximately 0.25 acres from OS 1 Primary Open Space to OC Office Commercial for property located adjacent to 901 Bruce Road, a portion of the adjacent California Park property. The properties are identified as Assessor's Parcel Nos. 011-480-002 and a portion of 011-480-099. The subject property is designated Office on the City of Chico General Plan Diagram. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for the above project, as it has been determined that it was covered under the previously certified Environmental Impact Report for the 1994 General Plan update. *Staff recommends that the Commission recommend City Council approval of the rezone.*

Chair Wolfe announced that this item is being continued to the meeting of February 7, due to an error in the noticing for the project.

Commissioner Francis stated that she would disqualify herself from items 1 and 2, due to financial relationships between her employer and those involved with each project.

COMMISSIONER ALVISTUR MOVED APPROVAL OF ITEMS 1 AND 2 ON THE CONSENT AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

#### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

#### **REGULAR AGENDA**

4. **Parcel Map 01-9 (Hutchings) 764 and 768 Vallombrosa Avenue** - A request to create two single-family residential lots by subdividing the existing 0.61 acre parcel located at 764 and 768 Vallombrosa Avenue. The lot sizes are 0.41 acres and 0.16 acres. The property is developed with two single-family homes, and no further development is anticipated with this project. The property is identified as Assessor's Parcel No. 003-242-018, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in a 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 (In-fill Development Projects). *Staff recommends approval of the parcel map.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the details of the project. He noted that the parcel map will be subject to the scenic roadway standards currently being developed, and that staff recommends approval.

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

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, voiced his agreement with the staff report and offered to answer any questions.

There was discussion concerning provision of utilities to the project and the new lot configuration; Mr. Byrd stated that utility access is an exiting problem which will be rectified as the project is developed, and Mr. Palmeri noted that the unusual lot configuration is for tree preservation and visual access to an accessory building.

There being no further comment, the public hearing was closed at 6:50 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 01-49, MAKING A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT, AND APPROVING TENTATIVE PARCEL MAP 01-9 (HUTCHINGS), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

5. **General Plan Amendment 01-03/Prezone 01-01 (Sterling University Housing/ City of Chico) Nord Avenue** - A proposed amendment of the City of Chico General Plan land use designation and prezoning for four parcels located within the jurisdiction of Butte County. An application for annexation to the City of Chico is being concurrently processed through the Butte County Local Agency Formation Commission (LAFCo). The subject parcels are located on the east (north) side of State Highway Route 32/Nord Avenue, between W. 8<sup>th</sup> Avenue and Lindo Channel, and are identified as Assessor's Parcel Nos. 042-140-077, 078, 098 & 103. The proposal would change the existing designation of *Manufacturing & Warehousing* on the City of Chico General Plan Diagram to *Medium-High Density Residential* (14.01-22 units/acre), and the existing prezoning designation of *ML Light Manufacturing/Industrial* would be changed to *R3 Medium-High Density Residential*. If approved, each of the four parcels could be developed with multi-family residential uses once they are annexed into the City. A 320-unit apartment complex is currently being proposed for the two southerly parcels (APNs 042-140-098 & 103). No development is currently being proposed for the two northerly parcels. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***This item was previously heard at***

***the meeting of December 20, 2001, at which the public hearing was closed. The Commission is being provided with a new memorandum which discusses issues raised at the last meeting, as well as a copy of the previous meeting's staff report. Staff recommends that the Commission recommend that City Council adopt the mitigated negative declaration, approve the general plan amendment, and approve the prezone.***

Commissioner Sanders announced that he will disqualify himself from this project due to his responsibilities as staff to ALUC, as this project lies within the airport boundaries of the Ranchoero airport.

Mr. Murphy presented the staff report, reviewing information received since the last meeting and comments received at the neighborhood meeting. He noted that there was a problem with notifications for the neighborhood meeting, that comments have been received from Caltrans, and that Public Works will respond to the traffic issues. He stated that staff has reduced the rezone area by removing the two northerly parcels from consideration, as the mitigation measures resulted in an inequitable distribution of burden to the northerly property owner.

In response to Commissioner Bradford, Mr. Murphy stated that any light at Glenwood and SR 32 would be installed jointly by the City and Caltrans, and would not be required due to this project.

In response to Commissioner Monfort, Mr. Murphy indicated that Caltrans would like a center left-turn lane from Glenwood to West Sacramento Avenue, but that such a solution isn't feasible at this time. He added that Sterling will construct such a lane in front of their property where it does not already exist.

Mr. Johnson reviewed the methodology and scope of the traffic study, as well as the mitigation measures recommended. He introduced Steve Weinberger of W-Trans to answer any traffic questions.

Mr. Weinberger explained details of the traffic study and the projected level-of-service (LOS) for various intersections under different scenarios, focusing on alternative four, which is a rezone of only the two southern parcels. He noted that most side streets are currently in the LOS E range, but that the both existing traffic volumes and the future traffic under alternative four don't meet Caltrans warrants for installing traffic signals.

In response to Commissioner Francis, Mr. Weinberger stated that the lack of a signal at SR 32 and Glenwood shouldn't affect the LOS for the southern intersections.

In response to Commissioner Bradford, Mr. Weinberger stated that even if the City wants to install a traffic signal, Caltrans will probably not allow it if the warrants aren't met.

In response to Commissioner Monfort, Mr. Weinberger indicated that a left-turn pocket onto Oak Way is warranted right now, and that a left turn pocket from Oak to 32 will be warranted as volumes increase.

Other intersections and LOS were discussed. Ms. Figge noted that the City strives for LOS C or D, but that LOS E is acceptable in some specific situations. Mr. Weinberger added that LOS generally applies only to signalized intersections; it is quite common for side streets controlled by stop signs to operate at LOS E or F without warranting a traffic signal. Mr. Johnson clarified that the City strives for LOS C and D on arterials, and allows E on transit routes or built-out areas.

The public hearing was opened at 7:25 p.m.

Sean Morgan, 1547 La Linda Lane, spoke in opposition to the project, citing concerns with traffic and reduced property values.

Mr. Seidler read the names of several people who didn't attend the previous meeting, but submitted written comments describing their concerns with the project.

Mary Jo Callahan, 1225 Mary Arthur Court, spoke in opposition to the project, citing concerns with traffic, safety, and the impact on Oak Way Park and Emma Wilson Elementary School.

Ken Anderson, 1315 Glenwood Avenue, presented the Commission with a petition from area residents opposing the project. He spoke in opposition to the project, citing concerns with traffic impacts on surrounding streets, safety, and the accuracy of the traffic study.

Martha Williams, 1006 Adlar Court, spoke in opposition to the project. She stated that she works for the university, and that additional student housing is not needed at this time.

John Merrifield, 120 Menlo Way #41, spoke in opposition to the project, citing concerns with proximity to the railroad tracks, traffic, and inability of existing infrastructure to handle such a development on the west side.

Sharon Wallace, 1258 Glenwood Avenue, spoke in opposition to the project, citing concerns with traffic, and with glass and litter on the bike path to the university.

Bill Jenkins, 1202 Westwind Drive, spoke in opposition to the project, citing concerns with traffic, neighborhood incompatibility, and the need for the project with in light of declining university enrollment.

Bill Graves, 1704 Oak Way, spoke in opposition to the project, citing concerns with traffic and safety. He urged the Commission to keep the property zoned industrial.

Ken Karazinski, 1298 Nord Avenue, spoke in opposition to the project, citing concerns with traffic and

safety. He asked if the traffic studies were conducted when CSUC was in session.

Jack Phillips, 1046 Marchiatti Court, urged the Commission to require an over- or under-crossing for the railroad tracks before approving any large projects on the west side of the train tracks.

Jason York, 2299 Moyer Way, spoke in opposition to the project, citing concerns with property values, privacy, and neighborhood compatibility with the residences across the train tracks.

Virginia Brewster, 13 Arbor Drive, spoke in opposition to the project, citing concerns with unruly student behavior and an out-of-town developer profiting at local residents' expense.

Jose Gonzalez, 2111 Fern Avenue, spoken in opposition to the project, citing concerns with traffic and neighborhood compatibility.

Richard Spellman, 853 St. Amant Drive, spoke in opposition to the project, citing concerns with the accuracy of the traffic study, the "spot zoning" nature of the request, and the lack of details on the proposed bike path.

In response to Commissioner Wolfe, Mr. Murphy explained the details of the bike path mitigation.

Jim Mann, 70 Declaration Drive #101, representing the applicant, noted that many existing traffic problems get cleaned up by development. He reviewed that the ARB had reviewed and approved the design of the project, and stated that this is the kind of project the City should approve if it is serious about infill. He noted the provision of on-site recreational facilities, and that they would gladly agree to a condition regarding the student shuttle, either in conjunction with the university or separately. He stated that they are only one person's vote away from getting approval for the bike path on the west side of the tracks, and that he has met with Chico State President Manuel Esteban regarding the project. He noted that Sterling is a private firm and is not working formally with the University's housing office on the project. He concluded by reviewing a letter from Caltrans stating that they applaud the City's efforts to create more housing within walking distance of the university.

In response to Commissioner Wolfe, Mr. Mann reviewed the onsite security provisions, adding that Sterling has been developing and managing student apartments for forty years.

The Commission began discussing details of the proposal; Mr. Seidler reminded the Commission that the item before them is a general plan amendment and rezone, that no other discretionary approval is required, and that the project has already been to the ARB.

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The Commission was in recess from 8:05 to 8:18 p.m.

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Martha Williams, a previous speaker, clarified that the university won't take a formal position on a private project, but noted that enrollment is going down at the university.

Susie Sanders, 1917 Roseleaf Court, spoke in opposition to the project, citing concerns with traffic, the adequacy of the traffic study, and inadequate noticing.

Mary Brownell, 1942 Roseleaf Court, presented a petition with the signatures of 263 area residents opposed to the project. She spoke in opposition to the project, citing concerns with inaccurate information being given to Caltrans, Caltrans' vision that this portion of SR 32 should eventually become a five-lane roadway, noise issues, and neighborhood compatibility.

Mr. Seidler read the text of the petition aloud.

Richard Chaffee, 1559 La Linda Lane, spoke in opposition to the project, citing concerns with traffic and the dangerous nature of the shared left-turn lane, which currently exists on that portion of roadway.

Ann Wilcox, 1640 Oak Way, spoke in opposition to the project, citing concerns with neighborhood compatibility, increased crime, noise, litter, and the disruption caused by college students.

Debbie Ziemke, 1555 W. 8<sup>th</sup> Avenue, spoke in opposition to the project, citing concerns with lack of community benefit for the project, and the prospect of an out-of-town developer making money in Chico.

Paul El, 1510 La Linda Lane, spoke in opposition to the project, agreeing with previous speakers' concerns about traffic, safety, noise, and aesthetics. He recommended that the Commission deny the project.

Mike Campos, 774 Hillview Way, spoke in opposition to the project, citing concerns with traffic, particularly on surrounding streets such as 8<sup>th</sup> Avenue and Cherry Street, and the availability of parking near the university.

Jan Summerville, Annabrook Court, pointed out that there is only one person present supporting the project; everyone else is opposed to it.

Lance Wright, 716 Hazel Street, spoke in opposition to the project, citing concerns with the feasibility of onsite security, traffic, litter, and neighborhood compatibility.

Mary Chaffee, 1559 La Linda Lane, spoke in opposition to the project, citing concerns with safety, traffic, and neighborhood compatibility.

Terry Dorenzo, 1565 La Linda Lane, spoke in opposition to the project, citing concerns with traffic, emergency vehicle response on that side of the tracks, and neighborhood compatibility.

Bill Bryan, 1008 Lia Way, spoke in opposition to the project, citing loss of property values for those who live nearby. He asked when the Commission ever says no to a project; Commissioner Alvistur replied that the Commission says no a lot.

Cheryl Robson, 1539 La Linda Lane, spoke in opposition to the project, citing concerns with children's safety and the potential for La Linda being used for U-turns.

Jane Dolan, 1051 Adlar Court, spoke in opposition to the project, citing concerns with inadequate noticing, failure to address growth-inducing impacts, the scope and assumptions of the traffic study, the lack of an under- or over-pass to allow emergency vehicle response on this side of the tracks, the fact that the bicycle path installation is against the Police Department's recommendation, and inadequate transit in the area. She urged the Commission to deny the project.

William Sheridan, no address given, spoke in opposition to the project, citing concerns with traffic, safety, and the accuracy and assumptions of the traffic study. He presented pictures of SR 32 taken from his business on Nord Avenue, showing how far traffic is backed up during the afternoon commute.

John Gillander, 4328 Kathy Lane, challenged the Commission to stop talking about increasing density because there's always a high level of opposition. He asked where increased density should go, if not here.

Dana Denney, 17 Arbor Drive, spoken in opposition to the project, citing concerns with traffic, safety, and the lack of adequate pedestrian facilities along SR 32.

Bob Ray, 1405 W. 3<sup>rd</sup> Street, spoke in opposition to the project, citing concerns with traffic and the assumptions of the traffic study. He urged the Commission to not form a negative stereotype of students, and then use that stereotype as a reason to deny the project.

Bill Graves, a previous speaker, spoke in opposition to the project, citing concerns with traffic, safety, stormwater, and overcrowded schools.

Joel Rothfeld, 19 Guynn Bridge Court, spoken in opposition to the project, citing concerns with separating the students from the rest of the university community and the lack of redeeming features of the project.

Richard Elsom, P.O. Box 5624, spoke in opposition to the project, citing concerns with traffic and the lack of transit in the area.

Howard Magee, Fern Avenue, spoke in opposition to the project, citing concerns with neighborhood incompatibility and loss of property values.

Ken Anderson, a previous speaker, spoke in opposition to the project, citing additional concerns with



site security and litter on the bike path.

Terry Dorenzo, a previous speaker, spoke against the project, citing additional concerns with traffic. She displayed a picture showing Nord Avenue on the Labor Day weekend, adding that it took a half-hour to get from Ray's Liquor to her home.

Mike Dunkley, La Linda Lane, spoke in opposition to the project, citing the lack of positive attributes of the development and problems with neighborhood compatibility.

There being no further comment, the public hearing was closed at 9:20 p.m.

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The Commission was in recess from 9:20 to 9:27 p.m.

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In response to Commissioner Monfort, Mr. Weinberger elaborated that the traffic studies were conducted when the university was in session, during the last week of September. He added that left-turn pockets at Nord Avenue and Oak Way will be required.

In response to Commissioner Monfort, Mr. McKinley discussed details about right-of-way width, bike path specifications, site lighting, first flush mitigations, and transit in the area. Mr. Murphy added that the bike path would be a required mitigation under any of the development alternatives.

Commissioner Francis stated that there is a very real need in the community for additional housing, and that she has been a strong advocate for additional growth areas. She went on to state that while this developer undoubtedly builds a fabulous project, it doesn't belong in this location. She noted that this portion of Nord Avenue is going to function at LOS F with or without this development, particularly at the intersection with Glenwood. She lamented that existing housing that was developed under county jurisdiction wasn't approved with any traffic mitigations. She urged the City, the County and Caltrans to work together to improve this road; she concluded that this project doesn't meet any of her own rezoning criteria, such as being undevelopable in its current state and providing a community benefit.

**COMMISSIONER FRANCIS MOVED TO RECOMMEND THAT CITY COUNCIL DENY THE GENERAL PLAN AMENDMENT AND REZONE. COMMISSIONER STONE SECONDED THE MOTION.**

Commissioner Wolfe ruminated on the conflicting issues and community needs affecting this project, noting the Commission's difficulty in striking a balance of density, affordable housing and growth versus neighborhood concerns. She noted that the City needs additional R3 land.

Commissioner Alvistur stated that rezones are some of the most difficult decisions that the Commission makes. He stated that he would support the motion to deny for two reasons – because of the

predisposition of the neighbors and the impact to them, and because he believes that the national standards for apartment traffic generation cited in the project are not truly indicative of the traffic which will be generated by this use.

Commissioner Monfort stated that he would vote against the motion to deny, citing the need for affordable housing, the lack of suitable opportunity sites for rezones of this nature, and the satisfaction of a documented City need for housing. He noted that Chico never frontloads infrastructure, and that most public improvements are installed in conjunction with development. He suggested that the Commission make a recommendation that this road be moved up on the capital improvement plan, and that the City, County and Caltrans conduct negotiations to move improvements forward.

Commissioner Francis countered that the Commission's recommendation was to look at growth areas and determine what is feasible. She stated that there are large R3 properties in the southeast part of town, and that she is not prepared to make this stretch of highway worse.

Commissioner Stone stated that she also supports greater R3 zoning and infill development, but expressed concern that she couldn't make the required findings, even with the proposed mitigation measures.

Commissioner Monfort noted that the traffic study shows the same impact on LOS either with or without the project. Commissioner Francis replied that the study assumes development of the parcels under the current ML rezoning, but that nobody is proposing such development at this time, giving the responsible government agencies some time to correct the situation.

Commissioner Bradford stated that he visited the site several times and observed traffic, and stated that he would support the motion to deny based upon traffic and the fact that it is just for students.

**THE MOTION TO RECOMMEND DENIAL PASSED 4-2-1 (COMMISSIONERS MONFORT AND WOLFE OPPOSED, COMMISSIONER SANDERS DISQUALIFIED).**

Mr. Seidler reviewed that the Commission's action is a recommendation to the City Council. He added that the project is tentatively scheduled for initial consideration on February 5, and that the public hearing would be two weeks after that on the 19<sup>th</sup>. He stated that the City will notify everyone in the notice area, as well as everyone who spoke tonight, signed in at the neighborhood meeting, and/or signed the petition.

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

None.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:00 p.m. to the Regular Meeting of February 7, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

April 18, 2002  
Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 7, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, Sharon Stone, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Bob Summerville, Assistant Director of Public Works Fritz McKinley, Assistant City Attorney Lori Barker and Administrative Secretary Greg Redeker.

**SELECTION OF OFFICERS**

1. **Selection of a Chairperson.** The Commission will elect a chairperson.

The Commission unanimously elected Commissioner Francis to serve as chairperson.

2. **Selection of a Vice-Chairperson.** The Commission will elect a vice-chairperson.

The Commission unanimously elected Commissioner Wolfe to serve as vice-chairperson.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe reported that she had spoken to an area resident concerning item #4, confirming that it is merely a formalization of the Commission's prior action.

**ADMINISTRATIVE AGENDA**

3. **Minutes of Adjourned Regular Meeting of October 18, 2001**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER BRADFORD MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 7-0.

**CONSENT AGENDA**

4. **Amended resolution recommending City Council denial of General Plan Amendment/Rezone 01-03 (Sterling) - East Side of State Highway Route 32, between W. 8<sup>th</sup> Avenue and W. Lindo Avenue** - At its January 17, 2002 meeting, the Planning Commission voted 4-2 to recommend that the City Council deny a request to amend the General Plan designation from *Manufacturing and Warehousing* to *Medium-High Density Residential* and rezone from *ML Light Manufacturing/Industrial* to *R3 Medium-High Density Residential*, for a 20 acre site located on the east side of State Highway Route 32/Nord Avenue, between W. 8<sup>th</sup>

Avenue and W. Lindo Avenue. An amended resolution is provided reflecting the Planning Commission's action. *Staff recommends adoption of the resolution.*

COMMISSIONER MONFORT PULLED ITEM 4 FROM THE CONSENT AGENDA.

5. **Rezone 01-6 (Epick Inc.) 901 Bruce Road** - A request to rezone approximately 0.22 acres from OS-1 Primary Open Space to OC Office Commercial and approximately 0.03 acres from OC Office Commercial to OS-1 Primary Open Space on property located at 901 Bruce Road and a portion of the adjacent California Park property. The properties are identified as Assessor's Parcel Nos. 011-480-002 and a portion of 011-480-099, and are designated Office and Open Space on the City of Chico General Plan Diagram. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), no subsequent environmental review is required for the above project, as it has been determined that it was covered under the previously certified Environmental Impact Report for the 1994 General Plan update. *Staff recommends that the Commission recommend City Council approval of the rezone.*
  
6. **Tentative Parcel Map 01-8 (Spinola) Ivy Street at Commerce Court** - A request to subdivide 2.17 acres to create 2 lots on property located on the west side of Ivy Street at Commerce Court. Proposed Lot 1 is 1.09 acres and contains an existing warehouse; Lot 2 is 1.08 acres and is currently vacant. The site is identified as Assessor's Parcel No. 039-430-048, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light Manufacturing/Industrial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends that the Commission approve the tentative parcel map.*
  
7. **Parcel Map 01-14 (North Valley Parent Education Network) 2070 Talbert Drive** - A request to divide a fully-developed 0.79 acre parcel into two commercial lots resulting in a 0.24 acre lot and a 0.55 acre lot, each with an existing office building. The subject parcel is a portion of an existing, fully developed office complex located at 2070 Talbert Drive. The site is identified as Assessor's Parcel No. 002-170-018, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends that the Commission approve the parcel map.*

Commissioner Francis stated that the Consent Agenda vote should show her disqualified from item 7.

COMMISSIONER ALVISTUR MOVED APPROVAL OF ITEMS 5, 6 AND 7 ON THE CONSENT AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0 (EXCEPT ITEM 7, WHICH PASSED 6-0-1, FRANCIS DISQUALIFIED).

**ITEMS REMOVED FROM CONSENT AGENDA**

4. **Amended resolution recommending City Council denial of General Plan Amendment/Rezone 01-03 (Sterling) - East Side of State Highway Route 32, between W. 8<sup>th</sup> Avenue and W. Lindo Avenue**

Ms. Figge explained that the Commission needs to provide a written recommendation to the City Council.

COMMISSIONER BRADFORD MOVED APPROVAL OF THE RESOLUTION, RECOMMENDING DENIAL OF GPA/RZ 01-03 (STERLING). COMMISSIONER STONE SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONERS MONFORT AND WOLFE OPPOSED, COMMISSIONER SANDERS DISQUALIFIED).

**REGULAR AGENDA**

8. **Vesting Tentative Subdivision Map for The View at Canyon Oaks Subdivision S-00-03 (Remainder LLC)** - A proposal to subdivide a 68.06 acre parcel into 11 parcels, consisting of 7 single-family residential lots with an average lot size of 4.32 acres, a 0.87 acre lot for a private street and public utility easement, a 7.24 acre lot for public utility easement and open space, and two parcels for resource conservation and open space purposes. Including a portion of one of the single-family residential lots (Lot 7), a total of 36.93 acres are proposed to remain undeveloped for permanent open space and/or conservation purposes. An overall project density of 0.22 units per acre is proposed. The property is located immediately southeast of the current, eastern terminus of Shadow Tree Lane within the private subdivision of Canyon Oaks, adjacent to the City of Chico's eastern city limits and sphere-of-influence. The site is identified as Assessor's Parcel No. 011-030-107, is designated Very Low Density Residential and Resource Management Area on the City of Chico General Plan Diagram, and is located in an RS-2 Suburban Residential ( 2 acre minimum parcel size) and OS-1 Primary Open Space zoning districts. Pursuant to the California Environmental Quality Act (CEQA), a mitigated negative declaration is proposed for this project. *Staff recommends adoption of the mitigated negative declaration and approval of the vesting tentative subdivision map.*

Commissioner Bradford announced that he would disqualify himself from hearing this project, as he is buying a house in an adjacent subdivision.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the project. He noted that less than half of the 68-acre site will be developed, and that only seven new homes will be built. He reviewed measures for protection of Butte County Checkerbloom, which are similar to those for the adjacent Rolling Hills Phase III project. He noted that foothill design standards are required for the project, that viewshed issues are minimal, and that the project seems to be well-designed with the road following the natural grade of the land.

In response to Commissioner Monfort, Mr. Summerville stated that the cul-de-sac originally went further, and that the applicant could best address that question. He also reviewed that there are six fire hydrants in the project, located at each pullout.

Ms. Figge added that a management plan would be necessary for lot 7, delineating access rights.

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

Wes Gilbert, 70 Declaration Drive, project engineer, voiced his agreement with the conditions of approval and offered to answer any questions.

Kelly Meagher, 333 Main Street, asked who "Remainder LLC" is; Mr. Summerville replied that the corporation is owned by Tim Artl and Mike Orr.

Mr. Meagher asserted that this project violates a mitigation of the Canyon Oaks EIR, stating that one of the conditions was that no houses are to be visible from the North Rim Trail.

Commissioner Monfort noted that the site is actually two canyons over from the rim, and that none of the proposed homes will be visible from Upper Park.

Mr. Meagher asserted that while they may not be visible from the road near the creek in Upper Park, some are visible from the North Rim Trail.

There being no further comment, the public hearing was closed at 6:56 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 02-02, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (S 00-03), THE VIEW AT CANYON OAKS SUBDIVISION, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER BRADFORD DISQUALIFIED).

Commissioner Alvistur noted that it would be helpful for the Commission to know who owns a particular company from the standpoint of avoiding potential conflicts of interest.

9. **Rezone 01-5 (Cavaness) 2280 Ceanothus Avenue** - A request to rezone a 0.23 acre parcel located at 2380 Ceanothus Avenue, containing an existing single family residence, from R1 Low Density Residential (2.01 to 6 units per acre) to R2 Medium Density Residential (4.01 to 14 units per acre). The site is identified as Assessor's Parcel No. 048-660-002, and is located on the boundary between areas designated as Low and Medium Density Residential by the Chico General Plan Diagram. Development of up to two additional residential units would be possible under the requested R2 zoning, subject to architectural review and approval. This project has been determined to be exempt from environmental review pursuant to section 15061(b)(3) of the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend City Council approval of the rezone.*

Commissioners Sanders disqualified himself from hearing this item, as he prepared the ALUC staff report for the county. Commissioner Alvistur also disqualified himself, due to an unspecified conflict of interest.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the site is an ideal candidate for up-zoning, as it is a large site adjacent to existing multi-family development. She stated that the density range is compatible with the Zone C designation in the ALUC plan, and that staff recommends forwarding an approval to recommend to Council.

In response to Commissioner Wolfe, Ms. Sigona reviewed that one phone call was received from an adjacent resident, who was concerned about privacy issues. She noted that the applicant intends to build single-story structures.

In response to Commissioner Bradford, Ms. Sigona reviewed site access, which is via its own driveway off of Ceanothus Avenue.

The public hearing was opened at 7:03 p.m.

Gerald Cavaness, 4405 Walnut Street, Oakland, applicant, noted that he plans to remove the existing garage, which is quite old, and that he wishes to put a duplex on the property.

In response to Commissioner Wolfe, Mr. Cavaness stated that he doesn't plan to build two-story construction at this time. He stated that he's in the process of finding out exactly what's feasible for the property, then to design within those boundaries.

There being no further comment, the public hearing was closed at 7:05 p.m.

In response to Commissioner Bradford, Ms. Sigona stated that the ARB does look at the compatibility of a new structure with the surrounding area.



COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-03, RECOMMENDING THAT THE CITY COUNCIL MAKE A DETERMINATION THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE REZONE 01-05 (CAVANESS). COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND SANDERS DISQUALIFIED).

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Commissioner Monfort left the meeting at 7:07 p.m.

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10. **Rezone 01-07 (Kilbourne) 2352 and 2380 Alamo Avenue, 30 Dallas Court** - A request to rezone 4.4 acres located at 2352 and 2380 Alamo Avenue, and 30 Dallas Court, from R1 Low Density Residential (2.01 to 6 units per acre; 4,500 square foot minimum lot size) to RS-20 Suburban Residential (0.2 to 2 units per acre; 20,000 square foot minimum lot size). The changes would apply to three existing parcels consisting of one 2-acre parcel and two 1.2 acre parcels. Each of the parcels contains an existing single family residence. The properties are identified as Assessor's Parcel Nos. 042-560-004, 006, and 007, and are designated Low Density Residential on the City of Chico General Plan Diagram. Pursuant to the California Environmental Quality Act (CEQA), a mitigated negative declaration is proposed for this project. *Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration and approval of the rezone.*

Commissioner Stone announced that she will disqualify herself from hearing this item, due to the project's proximity to her home.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the owner wishes to create one additional lot, but that under the current R1 zoning it doesn't meet the minimum density for that zone; staff is therefore recommending approval of the rezone to ensure that one more house can be built which is compatible with the existing development.

Commissioner Sanders inquired if this was the only way to allow another not to be created; Ms. Figge replied that the City doesn't allow exclusion of remainder pieces when determining infill density.

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

David Kilbourne, 2380 Alamo Avenue, applicant, reviewed a one page summary of the project, including letters from the neighbors, who are in support of the project. He noted that one of the main desires for this project is to put a house on a portion of his property which currently is the site of unauthorized parties by kids.

Commissioner Bradford confirmed with Mr. Kilbourne that the new home would face Lindo Channel.

There being no further comment, the public hearing was closed at 7:19 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-04, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE REZONE 01-07 (KILBOURNE).

COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER STONE DISQUALIFIED, COMMISSIONER MONFORT ABSENT).

11. **Ceres Professional Plaza Subdivision S-01-11 (Drake Homes)** - A proposal to subdivide six acres located at the southwest corner of Ceres Avenue and Eaton Road to create four lots for office development. Proposed lot sizes consist of: Lot 1 - 1.20 acres; Lot 2 - 1.04 acres; Lot 3 - 0.91 acre; and Lot 4 - 2.84 acres. The site is identified as Assessor's Parcel No. 048-430-018, is designated Offices on the City of Chico General Plan Diagram, and is located in an OR Office Residential zoning district. Pursuant to the California Environmental Quality Act (CEQA), a mitigated negative declaration is proposed for this project. *Staff recommends adoption of the mitigated negative declaration and approval of the subdivision map.*

Commissioner Sanders announced that he would disqualify himself from this item, as he prepared comments on the project in his County role as ALUC staff. Commissioner Francis announced that she would also be disqualifying herself, due to an unspecified conflict of interest.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the property is in the B1 zone of the ALUC plan, which allows office uses. She added that ALUC had reviewed the project, and found it conditionally consistent with the ALUC plan, and that other conditions regarding airport operation were already satisfied by an existing aviation easement. She stated that buildings will be limited to 35 feet in height, and that staff is recommending approval of the subdivision.

Commissioner Wolfe confirmed that no calls had been received concerning the project.

The public hearing was opened at 7:25 p.m.

Jim Mann, 70 Declaration Drive, Suite 101, representing the applicant, offered to answer any questions.

There being no further comment, the public hearing was closed at 7:26 p.m.

In response to Commissioner Bradford, Ms. Sigona noted that the property between this project and Eaton Road is part of the clear zone for the runway approach.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-06, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE CERES PROFESSIONAL PLAZA VESTING TENTATIVE SUBDIVISION MAP (S 01-11), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-0-2-1 (COMMISSIONERS FRANCIS AND SANDERS DISQUALIFIED, COMMISSIONER MONFORT ABSENT).

### **GENERAL BUSINESS**

Commissioner Stone informed the Commission that she had accepted a position with the County, which requires her to attend some meetings in Sacramento on Thursdays. She stated that she'd like a chance to work out any potential conflict.

Commissioner Francis suggested that the Commission could delay the start time of meetings to 7:00 p.m.

After discussion, it was agreed to put a discussion of changing the meeting time on the next agenda.

### **PLANNING UPDATE**

Mr. Seidler reviewed the upcoming Planners Institute in Monterey, noting that attendees need to be signed up within one week. He also noted that The Esplanade is the topic of one of the chapters in "The Boulevard Book" by Al Jacobs.

Mr. Seidler reviewed a letter from Leann Wylie, daughter of the neighbors of Mr. Rene De Cotret, stating that Mr. Rene De Cotret's project will be back before the Commission in the near future.

Mr. Seidler also summarized recent Council actions concerning the growth study, as well as the future meeting schedule.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:44 p.m. to the Adjourned Regular Meeting of February 21, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
FEBRUARY 21, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Sharon Stone was absent. Staff present were Planning Director Kim Seidler, Senior Planner Claudia Sigona, Senior Development Engineer Tom Alexander, Supervising Building Inspector Mike Williams, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**CONSENT AGENDA**

1. **Parcel Map 01-10 (Bernhardt) 1220 Warner Street** - A request to create two single-family residential lots by subdividing an existing 0.22 acre parcel located at 1220 Warner Street. The proposed lot size for each lot is 0.11 acres (4792 square feet). The property is identified as Assessor's Parcel No. 003-051-019, 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 (In-fill Development Projects). *This project has been withdrawn by the applicant. No Commission action is necessary.*
  
2. **Tentative Parcel Map 01-13 (Forest Avenue Developers) Forest Avenue/Notre Dame Blvd.** - A request to subdivide 1.2 acres to create 4 parcels for commercial development on vacant property located on the north side of Forest Avenue, 150 feet east of Notre Dame Boulevard. The average size of the proposed parcels is 13,068 square feet. The site is identified as Assessor's Parcel No. 002-210-006, is designated Community Commercial on the City of Chico General Plan Diagram, and is located in a CC Community Commercial 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 and approval of the tentative parcel map.*

Ms. Sigona pulled item 2 from the Consent Agenda.

**ITEMS REMOVED FROM CONSENT AGENDA**

2. **Tentative Parcel Map 01-13 (Forest Avenue Developers) Forest Avenue/Notre Dame Blvd.**

Commissioner Francis stated that she would disqualify herself from hearing this item, as her employer has a financial relationship with the applicant.

Ms. Sigona reviewed some changes made in the resolution exhibits, due to the commercial nature of the project. The changes mainly specified that irrigation, landscaping and other improvements would be installed at the time of individual parcel development, rather than concurrent with the subdivision.

COMMISSIONER MONFORT MOVED APPROVAL OF ITEM 2. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONER STONE ABSENT).

### **REGULAR AGENDA**

3. **Parcel Map 02-01 (Drake Homes) Northwest of Esplanade and Eaton Road** - A request to subdivide 82.5 acres to create four parcels, ranging in size from 4.98 acres to 26.45 acres. The site is generally located northwest of the intersection of Esplanade and Eaton Road. The property is identified as Assessor's Parcel No. 006-690-014, and is designated Low Density Residential by the General Plan Diagram; the General Plan also identifies a Mixed-Use Neighborhood Core and a Park site on the subject property. The project area is zoned PMU Planned Mixed Use, which requires a planned development permit and subsequent environmental review prior to development of the site. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map.*

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the project is zoned PMU, and that the parcel map is intended to allow separate ownership of the various phases of the Brentwood subdivision, which will be coming before the Commission at a subsequent hearing. She added that staff has recommended a condition that the entire site be considered in the planned development permit.

In response to Commissioner Wolfe, Ms. Sigona stated that staff had received one phone call from a resident of Bay Avenue, who expressed concern that multi-family residential development would be located across the SUDAD ditch from his property; she noted that the concerns were more appropriate for the future planned development and subdivision.

Commissioner Monfort discussed the Eaton Road extension, and inquired if the design had been fixed. Ms. Sigona noted that the alignment, ROW width, and design had been jointly approved by the City and the County.

Mr. Alexander confirmed that the typical section was included in the alignment study, which was

approved by the City Council and the Board of Supervisors.

Commissioner Monfort expressed concern that the proposed ROW width was insufficient for an Esplanade-style treatment, which he recalled as being a possibility for the urban portion of the Eaton Road extension. Ms. Sigona replied that the Commission will still have the opportunity to request additional right-of-way through the planned development process.

Commissioner Francis stated that she'd like to remove the "typical section" for Eaton Road from this map. There was general agreement.

Commissioner Monfort confirmed with Ms. Sigona that the parcel lines established with the parcel map wouldn't necessarily have to be used to subsequently define zoning districts for the property.

Commissioner Francis confirmed with Ms. Sigona that the whole property would still be subject to the planned development permit, even if individual parcels created with this parcel map are sold.

Commissioner Bradford inquired how much right-of-way is required for an Esplanade-type treatment of Eaton Road; Ms. Sigona replied that 165 feet would be required.

The public hearing was opened at 6:58 p.m.

Jim Mann, 70 Declaration Drive, Suite 101, representing the applicant, stated that the typical section doesn't go on a final recorded map, and pointed out that the City is requiring sound walls along Eaton Road. He noted that Public Works has determined the alignment for Road A, which will serve the Alkop Farm property to the north. He clarified that the parcel map is solely for reasons of financing, and was brought about by Dan Drake's death.

In response to Commissioner Monfort, Mr. Mann stressed his commitment to working with the City on the project, including the Eaton Road right-of-way.

Pete Fregoso, 3291 Esplanade, manager of Butte Rentals, expressed concern with future noise complaints due to operations at her business, and stated that a sound wall may be needed.

Commissioner Francis encouraged Ms. Fregoso to come back when the Brentwood subdivision is heard, which should be sometime in April.

There being no further comment, the public hearing was closed at 7:05 p.m.

The Commission confirmed with staff that this parcel map is only for purposes of financing, and that the Brentwood subdivision will address the entire property.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FIND THE

PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 02-10, APPROVING TENTATIVE PARCEL MAP 02-01, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER MONFORT OPPOSED, COMMISSIONER STONE ABSENT).

Commissioner Alvistur requested that the public works document on the Eaton Road extension be provided when the Brentwood subdivision comes to the Commission.

Mr. Seidler noted that the Commission could request to discuss this with the City Council on an upcoming agenda.

COMMISSIONER MONFORT MOVED THAT THE COMMISSION REQUEST TIME TO DISCUSS THE EATON ROAD EXTENSION WITH COUNCIL. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER STONE ABSENT).

4. **Planned Development Permit 01-05 Phase One (Bellin/Makel) Marauder Street** - A request to approve a final development plan for Phase One of a planned development which proposes construction of a 15,187 square foot building for industrial office/research and development land uses, on a 1.41 acre site located on the west side of Marauder Street at its north terminus. The site is identified as the easterly portion of Assessor's Parcel No. 047-280-094, is designated Manufacturing and Warehousing with an Open Space for Environmental Conservation/Safety overlay by the Chico General Plan Diagram, and is prezoned ML-RM Light Manufacturing/Industrial with a Resource Management zoning overlay. The site is pending annexation to the City of Chico. The Planning Commission conceptually approved the project at its meeting of September 6, 2001. A mitigated negative declaration was previously adopted for this project pursuant to the California Environmental Quality Act (CEQA), and is on file and available for public review in the Planning office. *Staff recommends approval of the planned development permit.*

Commissioner Bradford stated that he would disqualify himself from hearing this item, as he has a business relationship with Ms. Bellin on another project. Commissioner Sanders announced that he would also disqualify himself from this item, due to his being staff for ALUC and having prepared ALUC comments on the project.

Ms. Sigona presented the staff report, reviewing the land use issues involved, details of the project, and previous Commission action on the project. She noted that the Commission is being asked to give final approval for Phase I of the project, as well as conduct architectural review.

The public hearing was opened at 7:17 p.m.



Georgie Bellin, 785 Filbert Avenue, applicant, reviewed the design of the project, including features to fit in with the terrain and preserve the large existing oak tree.

Commissioner Monfort pointed out the absence of any covered bicycle parking; Ms. Bellin replied that they would gladly add covered bicycle parking.

There being no further comment, the public hearing was closed at 7:20 p.m.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-08, APPROVING ARCHITECTURAL REVIEW APPLICATION 02-03, SUBJECT TO STAFF APPROVAL OF SIGNAGE; AND APPROVING THE FINAL DEVELOPMENT PLAN FOR PHASE I OF PLANNED DEVELOPMENT PERMIT 01-05, SUBJECT TO THE FINDINGS AND CONDITIONS LISTED THEREIN. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 4-0-2-1 (COMMISSIONERS BRADFORD AND SANDERS DISQUALIFIED, COMMISSIONER STONE ABSENT).

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Commissioner Wolfe left the meeting at 7:22 p.m.

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5. **Use Permit 01-66 (Rene De Cotret) 952 Humboldt Avenue** - A request to modify an existing use permit to allow a 250 square foot guest house above a garage, and fence heights up to 8 feet in height in the rear and interior side yards, on property located at 952 Humboldt Avenue. The site is identified as Assessor's Parcel No. 004-351-012, 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 was previously determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303(e) New Construction of Small Structures. *Staff recommends approval of request to allow the guest house, but denial of the request for additional fence height.*

Mr. Summerville presented the staff report, reviewed the land use issues involved, details of the project, and the history of previous approvals. He noted that the second story above the garage was authorized as an unconditioned hobby/computer room, and that building permits were issued for the work. However, the project had changed to create conditioned space, including a bedroom and a window facing north, which was not in compliance with the conditions of the use permit. He reviewed that the stop work order also noted excessive fence heights on the property, including chain link fence enclosing a dog run.

Mr. Summerville explained that guest houses are restricted to 250 square feet, require a use permit to be placed over a garage, and shouldn't resemble a permanent residential facility. He stated that staff is recommending that the guest house be allowed, but that it shouldn't be any different than a hobby

room. Staff is also recommending that the increased fence height not be allowed, as the project already appears to be impinging on the neighbor to the north.

Mr. Summerville reviewed the conditions of approval, including provisions to ensure that no kitchen is installed in the new addition, translucent glass or an altered location for the window to ensure greater privacy for the neighbor to the north, and lower the fence to six feet in height. He also reviewed the large amount of correspondence received, nearly all of which is opposed to the project.

Commissioner Bradford confirmed details of the Commission's original approval, including building orientation, height, and the specification that the addition was non-conditioned space.

In response to Commissioner Sanders, Mr. Summerville stated that the guest house portion would be differentiated from the non-conditioned space by a wall, with separate outside entrances for each section. He noted that the reason that some of the space is unconditioned is because of fee differences and the need to construct street improvements with a larger conditioned space.

The public hearing was opened at 7:33 p.m.

Michel and Melissa Rene De Cotret, 952 Humboldt Avenue, applicants, reviewed the letter they submitted to the Commission. They noted the conflicting advice they received from City staff, and that the plans were approved eleven months before they were told that their addition wasn't in conformance with their use permit. Ms. Rene De Cotret noted that they wouldn't have constructed the project if they knew it was going to be so much trouble. She also noted that the fence was erected to be six feet above the grade of the street, which is why a portion of it is on a curb.

Regarding the dog run, Ms. Rene De Cotret stated that they intend to grow vines over the exposed portion of chain link, and that the fence height is needed to prevent their dog from escaping. Mr. Rene De Cotret added that he is working with the Webbs on the dog run, as it is not their intention to make the neighbors unhappy.

Mr. Rene De Cotret explained that the window is similar to other houses in the neighborhood, and that he thought he had jumped through the proper hoops. Ms. Rene De Cotret stated that it was disheartening to receive the stop work order after having completed the majority of the electrical and plumbing work, as well as making a significant investment in the property.

In response to Commissioner Monfort, Mr. Rene De Cotret explained that he took a reading from a laser level on the front of the property, then built the entire fence to that height; he didn't intend to create any problems, although the fence is around six feet nine inches tall on the Webb's side. He noted that the additional height with the chain link fence is necessary to keep their dog from jumping out of the dog run, and stated that they've put a bark collar on the dog to reduce the amount of noise.

In response to Commissioner Alvistur, Mr. Rene De Cotret stated that the window faces the Webb's

roof, and was on the second floorplan approve by the Building Division.

Lee Ann Wylie, 31575 Donald Avenue, Madera, daughter of the Webbs, urged the Commission to require a strict adherence to Use Permit 00-40 as originally approved. She asked when the requests for changes and modifications will stop, asserting that it is a third world environment outside her parents' room.

Richard Harriman, 246 W. Shaw Avenue, Fresno, representing the Webbs, asserted that this project is substantially different from what was authorized in Use Permit 00-40, and urged the Commission to deny the permit. He suggested that the Commission would be unable to make findings two through five, and urged the Commission to deny the request without prejudice; the applicant could then meet with staff and neighbors and attempt to effect a solution.

Chris Mitchell, 895 Humboldt Avenue, spoke in support of the request. He asserted that there is more to the neighborhood than just the Webbs, and emphasized the work that the Rene De Cotrets had put into their property to improve it. He noted that this part of Chico is an eclectic, mixed-use neighborhood, and that he doesn't view the addition of the building as a detraction.

There being no further comment, the public hearing was closed at 7:58 p.m.

In response to Commissioner Francis, Mr. Seidler explained that the building permit was issued in error. Commissioner Monfort pointed out that the applicants may have gotten the idea for habitable living space from the Commission; Mr. Seidler noted that he had prepared a transcript of that portion of the previous meeting, and handed it out to the Commission.

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The Commission was in recess from 8:00 to 8:05 p.m.

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In response to Commissioner Monfort, Mr. Summerville explained that the problem is not so much the use as the site plan. Mr. Seidler added that it may be possible to relocate the dog run and put in some more landscaping.

Commissioner Alvistur indicated that he would prefer for staff to try and work things out with the applicant and the neighbors.

The Commission discussed what could be done with the unit if the use permit modification was not approved. Mr. Summerville confirmed that it could be heated and cooled, but that the limitations would be on the use of the structure, which could not be used for sleeping.

Supervising Building Inspector Mike Williams noted that to be a full living unit, it would need cooking facilities and a bedroom, including a closet. He explained that the building permit was issued in error,

and that the applicant is attempting to legalize and/or correct the mistake.

Mr. Summerville stated that the applicant is under a stop work order currently, and would have to change his plans to limit the conditioned area if the use permit isn't approved. He also pointed out that the fence would need to be reduced to six feet in height on the Alder Street frontage.

Commissioner Bradford stated that he would also support sending this item back to staff to try and work things out with the applicant and the neighbors.

Commissioner Francis stated that she sees the project as an instance of incrementalism, and indicated that she vote against the project.

Commissioner Sanders stated that he is in favor of giving the applicant and the neighbors an additional two weeks to work out the issues.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION CONTINUE THIS ITEM, WITH STAFF TO WORK WITH THE APPLICANT AND THE NEIGHBORS ON THESE ISSUES. COMMISSIONER BRADFORD SECONDED THE MOTION.

The public hearing was re-opened at 8:25 p.m.

Richard Harriman, a previous speaker, stated that the neighbors would be happy to work with staff and the applicant to reach an agreement.

Michel Rene De Cotret, a previous speaker, pointed out that the neighbors had previously indicated that they want the building removed, but would agree to compromise if there isn't any major demolition.

There was general consensus that the Commission wasn't looking for a compromise that involved demolition of the structure, and that if the parties couldn't reach an agreement, the item should be brought back to the Commission.

There being no further comment, the public hearing was re-closed at 8:27 p.m.

COMMISSIONER ALVISTUR AMENDED HIS MOTION TO CONTINUE THIS ITEM TO THE PLANNING COMMISSION MEETING OF MARCH 7, 2002. THE AMENDED MOTION PASSED 5-0-2 (COMMISSIONERS STONE AND WOLFE ABSENT).

### **GENERAL BUSINESS**

None.

### **DISCUSSION OF MEETING TIME**

After discussion, the Commission agreed to postpone making any decision on this item until Commissioner Stone was present.

COMMISSIONER MONFORT MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF MARCH 7, 2002. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS STONE AND WOLFE ABSENT).

**PLANNING UPDATE**

Mr. Seidler reviewed recent events concerning the Sterling housing project, which was originally scheduled for an introductory hearing at City Council, then pulled by the applicant. He noted that the applicant plans to come back with a revised project, R2 zoning request, and a development agreement.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:32 p.m. to the Regular Meeting of March 7, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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June 6, 2002

Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
MARCH 7, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Nancy Wolfe, Kirk Monfort, and Craig Sanders. Commissioner Sharon Stone was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Ed Palmeri, Assistant Director of Public Works Fritz McKinley, Development Engineer Matt Johnson, City Attorney David Frank and Administrative Secretary Janice Heckerson.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Regular Meeting of November 2, 2001**  
*Staff recommends approval with any corrections/revision required.*

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA.  
COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 6-0-1  
(COMMISSIONER STONE ABSENT).

**CONSENT AGENDA**

2. **Parcel Map 02-02 (California Water Service Company) 215 Orange Street** - A request to divide a 1.20 acre parcel that is developed with an office and domestic water supply facilities into two parcels, resulting in a 0.5 acre parcel and a 0.7 acre parcel. The subject parcel is located at 215 Orange Street, is identified as Assessor's Parcel No. 004-038-003, is designated Manufacturing and Warehousing on the City of Chico General Plan Diagram, and is located in an ML Light Manufacturing zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 (Minor Land Divisions). *Staff recommends approval of the tentative parcel map.*

COMMISSIONER WOLFE MOVED APPROVAL OF THE CONSENT AGENDA.  
COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 6-0-1  
(COMMISSIONER STONE ABSENT).

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

3. **Use Permit 01-66 (Rene de Cotret) 952 Humboldt Avenue** - A request to modify an existing use permit to allow a 250 square foot guest house above a garage, and fence heights up to eight feet in height in the rear and interior side yards, on property located at 952 Humboldt Avenue. The site is identified as Assessor's Parcel No. 004-351-012, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential zoning district.

Mr. Seidler reviewed the changes in this item since it was last heard by the Commission, and recounted his meeting with the applicant and neighbors. He asked for a short recess to write up concessions reached beyond the eight recommended conditions of approval listed in the staff memorandum dated February 2, 2002.

The public hearing was opened at 6:47 p.m. Seeing no comment, the public hearing was closed.

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The Commission was in recess from 6:50 to 6:55 p.m.

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Mr. Seidler requested that the Commission allow conditions 1 through 7 to remain, and to add two more conditions:

- 8) The permittee shall remove the wood fence along the north boundary and existing chain link fence be landscaped with vines; and
- 9) The height of the angled chain link fence shall be no higher than the vertical of existing fences.

COMMISSIONER MONFORT MOVED TO APPROVE THE USE PERMIT FOR A GUEST HOUSE ABOVE A GARAGE AND THE HEIGHT OF CHAIN LINK FENCE ALONG THE NORTH SIDE OF PROPERTY AND DENY THE PERMIT FOR FENCING ABOVE SIX FEET HEIGHT ALONG ALDER STREET, SUBJECT TO THE CONDITIONS OUTLINED IN THE STAFF REPORT AND AMENDED AS DISCUSSED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH CARRIED 5-1-1 (COMMISSIONER FRANCIS OPPOSED, COMMISSIONER STONE ABSENT).

4. **Channel Estates Tentative Subdivision Map S 01-13 and Variance 02-01 (Merritt) - 402 West 12<sup>th</sup> Avenue** - A request to subdivide 3.26 acres of land to create 15 single-family lots and one parcel for a storm drain basin, and approve a variance to allow a street side yard to encroach six inches into the required 9-foot setback on proposed Lot 1. The property is located on the North side of West 12<sup>th</sup> Avenue (402 West 12<sup>th</sup> Avenue) at the intersection of Zuni and West 12<sup>th</sup> Avenues. The project density will be 4.6 dwelling units per acre. The property is identified as Assessor's Parcel Nos. 043-620-022 and 043-620-023, is designated Low Density Residential on the City of Chico General Plan

Diagram, and is located in an R1 Low Density Residential rezoning 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 variance, and approval of the tentative subdivision map.***

Commissioner Wolfe disqualified herself from this item due to a family member having a financial interest in the project.

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the details of the project. He noted that the project site is in the process of being annexed to the City. He reviewed that the orchard will be removed, that the variance to allow a six-inch encroachment into the required sideyard setback for lot 1 is necessary to preserve the existing home (due to the configuration of the site), and that all urban services are available to service the project.

Ms. Figge noted that the City standard for public improvements now includes a parkway strip, but that sidewalk along the south side of 12<sup>th</sup> Avenue has adjacent curb and sidewalk; therefore, staff is recommending adjacent curb and gutter to match existing conditions. She added that the drive lanes meet City and Fire Department criteria, and that a fence could be required along the western boundary of Street B if the Commission so desires.

In response to Commissioner Alvistur, Mr. McKinley stated that water does not stay long on the ground in the detention basin, and that mosquitoes shouldn't be a problem.

In response to Commissioner Monfort, Ms. Figge clarified that the variance is only being requested in order to preserve the existing house.

Commissioner Monfort lamented the poor state of the existing roads under county jurisdiction.

The public hearing was opened at 7:10 p.m.

Robert Feeney, 389-C Connors Court, project engineer, stated that the project falls within the general plan guidelines for higher density infill development.

Stan Merritt, 9602 McAnarlin Drive, Durham, applicant, offered to answer any questions. He stressed that his goal is to provide a quality subdivision in a quality neighborhood, noting that the homes will be 1,500 to 1,800 square feet in size. He stated that he prefers to retain existing older homes so as not to change the character of the neighborhood.

Bruce Alpert, River Bend Lane, spoke in opposition to the project, citing concerns with project density, neighborhood compatibility, and the difficulty in constructing a subdivision on this site. He noted that three lots in the new subdivision would abut his rear property line.

Evanne O'Donnell, 2128 Zuni Avenue, spoke in opposition to the project, citing concerns with



project density, neighborhood compatibility, and the potential use of chemicals in the detention basin.

Linda Jones, 2108 Fern Avenue, spoke in opposition to the project, citing concerns with traffic and the poor state of existing roads.

Rosie White, 2123 Zuni Avenue, spoke in opposition to the project, citing traffic concerns. She noted that Zuni Avenue is only 15 feet wide, doesn't meet City standards, isn't being maintained by the County, but will increase in traffic due to this project.

David Wilkinson, 3 Sun Circle Court, stated that he didn't receive a notice, even though he lives in the area. He reviewed a letter he submitted to the Planning Division, citing concerns with mosquitoes, removal of trees, impacts to historical structures, and inadequate storm drainage in the area.

Dianna Wilkinson, 3 Sun Circle Court, stated that she also hadn't been notified. She spoke in opposition to the project, citing concerns with the ability of fire trucks to turn around in the project, the lack of concrete barriers to prevent people from driving into the detention basin, the increased mosquito threat from the basin, the removal of trees, and the accuracy of the traffic generation estimate.

Chair Francis noted the methods used in traffic calculation, adding that this project is expected to add 15 peak hour trips.

Ms. Figge reviewed details of the stormwater detention basin and the extent of the public notice area.

Jose Gonzalez, Fern Avenue, spoke in opposition to the project, citing concerns with neighborhood compatibility, the ability of fire trucks to turn around in the project, and the ability of utilities to serve the subdivision.

Mr. Palmeri noted that utility easements have been revised on the map and are now acceptable to PG&E.

Mrs. John Mumquist, 334 W. 12<sup>th</sup> Avenue, spoke in opposition to the project. She stated that this project will create four lots adjoining her one-acre property, and that she doesn't like it.

Rod Gray, 412 2. 12<sup>th</sup> Avenue, clarified that the trees being removed are English walnut orchard trees, not heritage trees, and that they are in poor condition. He noted that the Urban Forester suggested replanting ginkgo and dogwood trees for decoration, but that he would prefer shade trees. He stated that the design of lots 2 and 3 is inappropriate for a new neighborhood.

Michael Fisher, 418 W. 12<sup>th</sup> Avenue, voiced concern about where sewer would come into the area and the potential for some residents on 12<sup>th</sup> Avenue to lose a portion of their front yards. He requested that the entrance street be widened, and that lots 2 and 3 be removed. He noted that the existing house is in poor repair, and suggested that it might be demolished in the near future.

Katherine Gray, 412 W. 12<sup>th</sup> Avenue, stated that she lives adjacent to the project. She voiced concerns with the removal of shade trees, the condition of the existing house, and the use of pesticides on the detention basin. She stated her support for contiguous curb and sidewalk, and agreed with the previous speaker that the existing house will likely be demolished.

Stacey Jolliffe, 1794 Vallombrosa Avenue, voiced support for sewer being brought down 12<sup>th</sup> Avenue and for contiguous curb and sidewalk. She suggested that fast-growing shade trees be planted in areas where neighbors are affected by the removal of the walnut trees.

Gail Peeters, 2185 Zuni Avenue, spoke in opposition to the project, citing concerns with neighborhood compatibility and inadequate fire protection. She stated her preference for fewer, nicer homes.

Rod Gray, a previous speaker, asserted that the existing house has dry rot and is in terrible shape.

Evanne O'Donnell, a previous speaker, asked additional questions about the acceptability of the PG&E easement. Ms. Figge assured her that the map has been changed, and that PG&E has accepted the revised design.

David Wilkinson, a previous speaker, noted that no one has given unqualified support to the project.

Robert Feeney, a previous speaker, noted that the existing lots are very old and were required to be larger to accommodate septic systems, whereas this project will be on sewer. He added that the design allows for a 46-foot wide home on lots 2 and 3, and that the lots are 25% larger than the allowed minimum lot size.

Stan Merritt, a previous speaker, stated that the 8-lot subdivision was proposed by a different developer. Commissioner Monfort inquired whether side-entry garages and an orientation to the street were considered on lots 2 and 3; Mr. Merritt replied that staff wasn't supportive of such a design.

Dianne Wilkinson, a previous speaker, questioned whether people would respect the "no parking" areas, noting the problems for those with RV's and boats. She asked the developer to redesign the project with only 7 or 8 homes, and that he sign a legal document stating that he wouldn't tear down the existing house on lot 1.

Seeing no further comment, the public hearing was closed at 8:40 p.m.

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The Commission was in recess from 8:40 to 8:50 p.m.

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Commissioner Monfort suggested moving the detention basin to where lots 2 and 3 are planned,

and that street B be widened. Mr. McKinley indicated that such a design could probably be feasible; the Commission was in general agreement that such a change would result in a better project.

Commissioner Monfort also suggested that a street be stubbed out to the east from street B, in anticipation of development adjacent to this project. There was general agreement that a street stub to the east, or at least an easement, be required.

In response to Commissioner Bradford, Ms. Figge stated that an earlier design proposing eight houses for this property came to DRC, but that the project was dropped and staff made no recommendation. Commissioner Sanders added that smaller lots are often required to make a project financially feasible.

Commissioner Alvistur noted that while neighbors usually oppose new development for the same reasons aired tonight, the Commission are advocates for the General Plan and try to meet the intent of the General Plan.

There was general consensus to continue the project to a future meeting, to give staff and the applicant time to work through the reconfigured design.

Chair Francis noted that the detention basin may now be larger and with a more gradual slope, and suggested that it be surrounded with grass and some trees instead of fencing. She also requested that staff talk to the Urban Forester to designate shade trees instead of decorative trees.

Ms. Figge suggested that the Commission continue this item to the April 4 meeting, to give staff time to meet with the applicant and discuss design changes to make the map consistent with the Commission's direction.

The public hearing was re-opened at 9:10 p.m.

Robert Feeney, a previous speaker, stated that they would agree to leave an easement to the east, and would consider placing the detention basin in the area of lots 2 and 3, rather than continuing the project to a future meeting.

Rod Gray, a previous speaker, stated that his fence is half-replaced and will be completely replaced soon. He urged the Commission to make street B full width.

Seeing no further comment, the public hearing was re-closed at 9:15 p.m.

The Commission directed staff to return with a new design, to include the removal of lots 2 and 3 as buildable lots, relocation of the detention basin to that area, expansion of street B to include standard parkway strips on both sides north of the constrained section adjacent to lot 1, possible reduction of lot size to allow the applicant to recoup the loss of lots 2 and 3, elimination of the parkway strip on the north side of 12<sup>th</sup> Avenue, and provision of a street stub or easement to the east for future connectivity.

**COMMISSIONER ALVISTUR MOVED TO CONTINUE THIS PROJECT TO THE COMMISSION'S MEETING OF APRIL 4, WITH CHANGES MADE TO THE MAP AS**

DISCUSSED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER WOLFE DISQUALIFIED, COMMISSIONER STONE ABSENT).

**GENERAL BUSINESS**

None.

**DISCUSSION OF MEETING TIME**

This item was continued to the next meeting, so that Commissioner Stone can be present when it is discussed.

**PLANNING UPDATE**

Planning Director Seidler reviewed recent Council action on the Davis rezone, and noted that future Sterling University Housing applications may go to the Council.

City Attorney Frank reminded Commissioners to be sensitive to meeting with different individuals because of the Brown Act, noting that discussions need to be at a public hearing and put on record.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m. to the Regular Meeting of April 4, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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April 4, 2002  
Date Approved

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Kim Seidler  
Planning Director

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April 4, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
APRIL 4, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, and Craig Sanders, Sharon Stone, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Associate Planner Ed Palmeri, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioners Monfort and Wolfe each reported that they had spoken to Frank Condon regarding the Brentwood Subdivision; Mr. Condon stated his opposition to the project design, particularly the proximity of the multi-family portion to existing large-lot single-family residential. He also reported his attendance at a meeting with the applicant and City staff regarding a boulevard treatment for Eaton Road, but the applicant and his engineer were not receptive to the idea.

Commissioner Stone reported that Jan Condon had called her office, expressing opposition with the current Brentwood proposal.

Commissioner Francis reported that she also attended the meeting with Commissioner Monfort regarding the Eaton Road extension design.

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Assistant City Attorney Lori Barker arrived at 6:35 p.m.

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**ADMINISTRATIVE AGENDA**

- 1. Minutes of Adjourned Regular Meeting of November 15, 2001**
- 2. Minutes of Regular Meeting of December 6, 2001**
- 3. Minutes of Adjourned Regular Meeting of December 20, 2001**
- 4. Minutes of Regular Meeting of March 7, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA.  
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

**CONSENT AGENDA**

- 5. Tentative Condominium Subdivision Map for Lakeside Office Condominiums (S 02-03) Lakeside Village Commons - A request to subdivide a two-story office**

building currently under construction on a 1.05 acre parcel on Lakeside Village Commons into 7 condominium units. The proposed average condominium unit size is 1,359 square feet. The project site is identified as Assessor's Parcel No. 011-160-017, is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial 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 tentative condominium subdivision map.***

Commissioner Francis stated that she would disqualify herself from hearing this item, as the applicant is a client of her employer.

COMMISSIONER MONFORT MOVED APPROVAL OF THE CONSENT AGENDA.  
COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1  
(COMMISSIONER FRANCIS DISQUALIFIED).

#### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

#### **REGULAR AGENDA**

6. **Revised Channel Estates Tentative Subdivision Map S 01-13 (Merritt) - 402 West 12<sup>th</sup> Avenue** - A request to subdivide 3.26 acres of land to create 14 single-family lots and one parcel for a storm drain basin. The property is located on the north side of West 12<sup>th</sup> Avenue (402 West 12<sup>th</sup> Avenue) at the intersection of Zuni and W. 12<sup>th</sup> Avenues. The project density will be 4.29 dwelling units per acre. The property is identified as Assessor's Parcel Nos. 043-620-022 and 043-620-023, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential rezoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***This item was continued from the March 7 meeting to allow staff and the applicant to work on changes requested by the Commission. Staff recommends adoption of the mitigated negative declaration and approval of the revised tentative subdivision map.***

Commissioner Wolfe stated that she would disqualify herself from hearing this item, as a family member is involved in the project.

Mr. Palmeri presented the staff report, discussing the land use issues involved, noting details of the project, and reviewing previous Commission action on the project. He noted that the project has been reduced to 14 lots, the storm drainage basin has been relocated to the east side, the width of Street B has been changed, and contiguous sidewalk has been proposed on the 12<sup>th</sup> Avenue frontage. He noted

that staff is recommending an 8-foot fence on the west side of the project, and that the Urban Forester has revised his street tree designations for the project.

Commissioner Monfort discussed design details with Mr. Alexander, who noted that there is opportunity to meander the sidewalk and save many of the existing trees.

Ms. Figge stated that the resolution as prepared includes approval of contiguous curb and sidewalk, as Planning staff feels that the loss of a parkway strip in this instance causes minimal impact. She also clarified that the 8-foot fence on the western project edge is really a 2-foot retaining wall, topped by a 6-foot fence.

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

Bob Feeney, 1250 East Avenue, project engineer, stated that they have revised project which addresses all the concerns raised at the last meeting. He noted that he prefers 50-foot radii on the road, in order to maximize the usable lot area.

Barbara Thornburgh, 454 W. 12<sup>th</sup> Avenue, inquired where the sewer line would be installed, and the possibility of hooking in to the sewer. She also reiterated her desire that no parkway strip be provided on 12<sup>th</sup> Avenue.

Mr. Alexander stated that sewer will be brought in from the west to serve this project, and that Ms. Thornburgh would be able to hook up to the sewer once the main is installed.

Katherine Gray, 412 W. 12<sup>th</sup> Avenue, suggested narrowing Street B to 20 feet, in order to save the existing walnut tree and have room for a sidewalk. She also reiterated desire for contiguous sidewalk on W. 12<sup>th</sup> Avenue.

The Commission discussed the possibility of narrowing Street B to 20 feet; staff noted that a variance would be required to reduce the sideyard setback for the existing home if the street location was shifted to save the tree, and that required trenching for the road improvements within the tree's dripline generally kills the tree.

Rod Gray, 412 W. 12<sup>th</sup> Avenue, inquired how many more houses could be built to the east of this project due to the stub now being provided.

Commissioner Monfort noted that the street could either loop back to W. 12<sup>th</sup> Avenue, or go through to Lindo Avenue; it appears that six or eight additional lots could be built off of the road extension.

Bob Feeney, a previous speaker, stated that if the street is narrowed, he would like to keep the street centered so it doesn't cause any problem with the PG&E easement.



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

After discussion, it was agreed to keep Street B's width at 24 feet.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-12, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING CHANNEL ESTATES TENTATIVE SUBDIVISION MAP 01-13, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, WITH THE ALTERATION OF CONDITION 7 TO ALLOW AN 8-FOOT TALL FENCE. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER WOLFE DISQUALIFIED).

Commissioner Alvistur commended Commissioner Monfort for his suggested changes to the project.

7. **Brentwood Vesting Tentative Subdivision Map (S 01-08) and Planned Development Permit 01-09 (Drake Homes) northwest of Eaton and Esplanade** -  
A request to create zoning classifications and subdivide 82.5 acres located west of The Esplanade, north of the west terminus of Eaton Road, to create 184 lots on approximately 49.45 acres for single family residential development at a density of 3.7 units per acre; a 1.6 acre neighborhood park site on the west side of The Esplanade, approximately 450 feet north of Eaton Road; a 2.6 acre neighborhood commercial site located on the west side of The Esplanade, approximately 200 feet north of Eaton Road; 16.4 acres for multi-family residential development (14.01 to 22 units per acre density range) located between the Shasta Union Drainage Assessment Ditch (S.U.D.A.D.) and the extension of Eaton Road (northeast of the north terminus of Bay Avenue); and a 1.4 acre site for storm water detention. The subject site is identified as Assessor's Parcel No. 006-690-014, is identified as Low Density Residential with a Mixed-use Neighborhood Core and a Neighborhood Park Site on the General Plan Diagram, and is located in a PMU Planned Mixed Use zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act. *Staff recommends adoption of the mitigated negative declaration, approval of the planned development permit, and approval of the vesting tentative subdivision map.*

Commissioner Stone announced that she would disqualify herself from hearing this item, as her husband has a business relationship with one of the applicants, and that she also has extended family living near the project.

Ms. Sigona presented the staff report, reviewing the land use issues involved. She noted that the applicant is requesting R1, R3, CN and OS-2 designations for the project, and that 230 to 360 multifamily units could be constructed on the R3 portion of the project. She reviewed site access, which will be through an extension of Eaton Road, as well as a continuation of Eaton Village Drive into

the project. She noted that the single family portion will be 3.7 units per acre. She reviewed that the multi-family portion adjacent to existing single-family development will be buffered by the 50-foot SUDAD ditch and a 20-foot landscaped area; the 100-foot wide detention basin will provide additional buffering in some areas.

Ms. Sigona reviewed the neighborhood park and commercial portions of the project, which are feasible, if smaller than what was envisioned by the General Plan. She reviewed the design for the Eaton Road extension, noting that it was designed in accordance with criteria adopted by the City, County, and Caltrans in 1998.

Commissioner Monfort asserted that the SR 32 bypass report is outdated, noting that the report treats all area west of Eaton Village Drive as rural in nature, when in fact it is currently under study as a growth area. He suggested that the urbanized nature of the bypass needs to be extended to the west, hopefully in boulevard form.

Ms. Sigona noted that if the road extension is not designed as an expressway, it may jeopardize the likelihood of Caltrans accepting the road as a state facility.

There was discussion of the ROW width for the SR 32 bypass. Mr. Alexander stated that even the wider 148-foot Caltrans ROW width would be insufficient for a boulevard treatment.

Commissioner Francis expressed concern that allowing too many access points on a road intended to be a high-speed expressway could also jeopardize Caltrans acceptance of the road as the SR 32 bypass.

Mr. Seidler noted the City's obligation to process applications in a timely manner, stating that staff believes its recommendation is consistent with City policy regarding this area at this time.

In response to Commissioner Francis, Ms. Sigona stated that Public Works would prefer intersection bulbing as a traffic calming measure in this project, instead of traffic circles.

Commissioner Monfort expressed reservations about the timing and efficacy of the proposed improvements at Eaton Road and Highway 99.

The public hearing was opened at 7:50 p.m.

Jim Mann, 70 Declaration Drive, Suite 101, representing the applicant, reviewed the phasing plan shown on the map. He noted that all the Public Works documents and communications referred to a ROW width of 120 feet for this portion of the Eaton Road extension.

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, reviewed that the 120-foot ROW width was confirmed in the AutoCAD files used to prepare the Eaton Road extension

report. He asserted that limited access to this portion of the road was anticipated, as this portion is on the urban side of the greenline.

In response to Commissioner Francis, Mr. Byrd indicated that he would prefer to keep the right-in/right-out access points for the multi-family, as long as it is acceptable to Caltrans.

Jim Mann, a previous speaker, added that they would erect some sort of barrier to prevent drivers from making a left turn into the project at those access points.

Mr. Mann reviewed the mixed-use nature of the project, emphasizing the difficulties caused by the Eaton Road extension and the shape of the site. He also stated that they will install trees and watering systems for the landscape buffer as soon as possible.

There was discussion regarding the redundancy of having both a wood fence and the landscaping adjacent to the SUDAD ditch. Mr. Mann indicated that he would rather not do both; Ms. Figge stated that the Commission could possibly allow chain link instead.

In response to Commissioner Francis, Mr. Mann indicated that they are currently working with the City and CARD to develop parcel A, the park site.

There was discussion regarding timing and cost of park installation.

Commissioner Monfort proposed putting the multi-family portion on both sides of the Eaton Road extension, with single-family development behind it, and a boulevard treatment for the Eaton Road extension. Mr. Mann countered that he has been working with Planning and Public Works for two years, and that the Eaton Road extension construction won't be reimbursed by the City.

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The Commission was in recess from 8:15 to 8:27 p.m.

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Ms. Figge noted that regarding fencing, the developer is not required to install new fencing if there is existing adjacent fencing.

Frank Condon, 3652 Bay Avenue, discussed concerns he had with the project, including traffic, incompatibility with existing single-family development, and the proximity of the multi-family portion to existing large-lot single family development. He spoke in support of a wood fence, to prevent headlights from shining into his back yard.

John Merz, 1813 Broadway, spoke in opposition to the project, citing concerns with the lack of a neighborhood feel to the project, increased traffic on area streets, and the size and location of the park site.

Nancy Newton, 418 Royal Glen Lane, expressed support for the vegetation buffer between houses on Royal Glen Lane and the multi-family portion of the project.

Commissioner Monfort confirmed with Ms. Newton that the bicycle/pedestrian access off of Royal Glen Lane is a dead end.

Don Parvex, 435 Royal Glen Lane, discussed concerns he has with the project, including poor bicycle/pedestrian connectivity, compatibility issues between the multi-family portion and existing single-family development, traffic and school impacts, and the location and size of the park site. He asserted that he would consider moving if this project is approved.

Jess Newton, 418 Royal Glen Lane, stated his preference for single-family homes behind his property, and asked that a certain density of trees be required if multi-family is approved. He also requested that any pool for the multi-family portion be located as far from existing homes as possible.

Jan Condon, 3652 Bay Avenue, raised concerns with the project, including the park size and location, the lack of bike paths, and whether neighborhood residents will have any say in how the multi-family portion is designed.

Ms. Figge stated that everyone who spoke tonight could be informed of the ARB meeting when this project comes up for consideration.

Ms. Sigona noted that staff agrees with residents' concerns about the park, as staff would prefer a larger, more centrally located park.

Jim Freick, 411 Royal Glen Lane, agreed with previous speakers who expressed concern about the small size and non-central location of the neighborhood park. He also expressed concern with traffic generated by the project, particularly the intersection of Eaton Road and highway 99.

Commissioner Monfort noted that improvement of the overpass is in the City's Capital Improvement Plan, and is slated for 2006.

John Merz, a previous speaker, urged the Commission to wait so that more input can be received from Caltrans. He expressed concern with the process for determining design of the apartments, impacts to Shasta Elementary, and whether any sewer extension in conjunction with this project is a cumulative impact that needs to be addressed.

Don Parvex, a previous speaker, agreed with Mr. Merz regarding the impacted nature of the Eaton/99 interchange and Shasta Elementary.

Ms. Sigona stated that the Commission could have the apartments come back to the Commission for architectural review, instead of going to the ARB.

Jim Mann, a previous speaker, explained that the Eaton Village bike path hookups are dead ends because the City required them, then the county refused access to the SUDAD ditch. He noted the proximity of De Garmo park, and suggested that the Commission may instead want a linear park adjacent to the Eaton Road extension. He noted that developer fees will go toward improving the 99/Eaton interchange, and that the intersection will be signalized within five years.

In response to Commissioner Bradford, Mr. Mann stated that new homes contribute \$2.14/square foot to the school district for new schools.

In response to Commissioner Monfort, Mr. Mann stated that he prefer to not install a park surrounded by a single-loaded street in the center of the project, as it would greatly increase the price of the homes. He also noted that the owner of the rental yard is greatly concerned with having housing adjacent to his property, and that the Eaton Village subdivision paid park fees toward construction of the neighborhood park in the Peterson subdivision.

There was discussion why the streets on the west end of the project weren't stubbed out for future connectivity; Mr. Mann noted that the greenline, is on the western project boundary, and that PG&E also has significant power lines in that area.

Don Parvex, a previous speaker, noted that the Peterson park is a mile from this project.

John Merz, a previous speaker, urged the Commission to deny the project, citing its lack of creativity and questionable implementation of the General Plan.

Jan Condon, a previous speaker, spoke in support of a centrally located park in the project.

There being no further comment, the public hearing was closed at 9:32 p.m.

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The Commission was in recess from 9:33 to 9:43 p.m.

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COMMISSIONER MONFORT MOVED THAT THE COMMISSION DENY THE MAP, BECAUSE IT IS INCONSISTENT WITH GENERAL PLAN POLICIES CD-G-69, PG-20, AND T-I-39, AND DOESN'T INCORPORATE ELEMENTS OF NEIGHBORHOOD DESIGN AS SET FORTH IN THE GENERAL PLAN DESIGN ELEMENT.

Commissioners Wolfe, Bradford and Sanders disagreed with a flat-out denial of the project, but agreed that certain changes should be made before approving it.

COMMISSIONER MONFORT'S MOTION DIED FOR LACK OF A SECOND.

After discussion, the Commission agreed that the developer should put a small park surrounded by a single-loaded street somewhere near the center of the project, similar to Nob Hill.

Commissioner Sanders expressed concern with the lack of a mixed-use village core in the project, and the potential for over-sized sewer lines being considered a growth-inducing impact according to CEQA.

The public hearing was reopened at 9:58 p.m.

Mike Byrd, a previous speaker, reviewed that it is standard City Public Works policy to keep sewer lines as deep as possible to maximize the potential service area.

Ms. Sigona stated that additional environmental review would be required for any development proposal to the west of this project.

Don Parvex, a previous speaker, stated that the sewer has overflowed onto the street two times in his project, and wondered if adequate sewer capacity is really available in the area.

There being no further comment, the public hearing was reclosed at 10:06 p.m.

Commissioner Sanders requested that staff examine sewer service for this area, and to what extent environmental review was performed for the sewer master plan.

Ms. Figge reviewed the history of the project, noting that conditions have changed somewhat since the PMU zoning designation was placed on the property, particularly concerning the viability of small commercial parcels in proximity to larger, regional commercial areas.

Mr. Seidler stated that staff would be happy to research any needed items for the Commission, and provide additional information at a subsequent meeting.

There was general agreement that some sort of street stub to the west should be required.

Commissioner Francis expressed concern regarding Caltrans input on the project; she wanted to make sure that Caltrans is fully aware of the latest design of the project, and that the specific design, including number and location of signals and access points, won't compromise Caltrans' future acceptance of the Eaton Road extension as the SR 32 bypass.

COMMISSIONER WOLFE MOVED THAT THE COMMISSION CONCEPTUALLY APPROVE THE PROJECT, WITH THE FOLLOWING DIRECTION TO THE APPLICANT: PROVIDE A MORE CENTRALLY LOCATED PARK; PROVIDE A 20-FOOT LANDSCAPING BUFFER ON PARCELS C AND D, ADJACENT TO THE SUDAD DITCH; STAFF IS TO SEEK FURTHER INPUT FROM CALTRANS REGARDING THE EATON ROAD EXTENSION

DESIGN; PROVIDE A STUBOUT OF ROAD M TO THE WEST; STAFF IS TO PROVIDE INFORMATION ON SEWER CAPACITY IN THE AREA; THAT THE MULTI-FAMILY PLANS SHOULD COME BACK TO THE COMMISSION FOR APPROVAL; AND THAT TRAFFIC CALMING BE PROVIDED ON ROAD M AND D, EITHER BY BULBING OR A TRAFFIC CIRCLE. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER MONFORT OPPOSED, COMMISSIONER STONE DISQUALIFIED).

**GENERAL BUSINESS**

Commissioner Monfort suggested that the Commission discuss the design of the Eaton Road extension with Council at its annual meeting with boards and Commissions. Mr. Seidler confirmed that he would put it on the agenda for discussion at the May meeting.

**DISCUSSION OF MEETING TIME**

Commissioner Stone asked that the Commission take no action at this time. She noted that her new position creates many conflicts which she has no way of knowing about, and may preclude her serving on the Commission.

**PLANNING UPDATE**

Mr. Seidler reviewed recent Council action on the Terra Bella subdivision, noting that a supplemental EIR will be required for the project.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 10:30 p.m. to the Adjourned Regular Meeting of April 18, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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June 6, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
APRIL 18, 2002**

**ROLL CALL**

The meeting was called to order by Vice-Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Kirk Monfort, Craig Sanders, Sharon Stone, and Nancy Wolfe. Commissioner Jolene Francis and was absent. Staff present were Principal Planner Pam Figge, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, 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 January 17, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

**CONSENT AGENDA**

2. **Kilbourne Tentative Subdivision Map (S 02-5) 2380 Alamo Avenue** - A request to subdivide two acres of land at 2380 Alamo Avenue to create 2 single-family residential lots. The site is identified as Assessor's Parcel No. 042-560-004, 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 property was approved on April 2, 2002 to be rezoned to RS-20 (Suburban Residential - 20,000 sq. ft. minimum lot size) to facilitate the subdivision. The proposed single-family lots are 0.46 and 1.54 acres. A negative declaration was previously circulated for this project in connection with Rezone 01-07 (Kilbourne). *Staff recommends approval of the tentative subdivision map.*

COMMISSIONER MONFORT MOVED APPROVAL OF THE CONSENT AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

**ITEMS REMOVED FROM CONSENT AGENDA**

None.



## **REGULAR AGENDA**

3. **Use Permit 02-15 (Blue Oak Charter School/Unitarian Fellowship of Chico) 1289 Filbert Avenue** - A request to extend an existing use permit by allowing one additional year (through June 30, 2003) for a charter school's temporary location and to increase the enrollment from 25 to 40 students to allow first grade classes in addition to existing kindergarten classes on property located at 1289 Filbert Avenue. The site is identified as Assessor's Parcel No. 045-292-007, 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 is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15061 (A)(3) (General Rule exemption). *Staff recommends approval of the use permit modification.*

Mr. Summerville presented the staff report, reviewing the history and details of the project. He noted that the request is to allow one additional first-grade classroom in addition to the existing kindergarten classroom. He pointed out that the applicant will not be seeking any additional years of operation for this site, as they are projected to outgrow the capacity of the building by next year; the applicant is currently searching for a new site, and hopes to move into the new facility by the fall of 2004.

Mr. Summerville stated that staff made two visits to the site to review traffic during the drop-off and pick-up times for the school, adding that staff's determination was that the traffic levels were compatible with the neighborhood. He acknowledged that the road base seems to have thinned somewhat, so staff is recommending additional road base for the parking lot and paving for the driveway approach; staff is also recommending some additional fence posts for the fence located on the south side of the property. He noted that staff has received several letters, both in support of and in opposition to the project, and reviewed the conditions of approval listed in the staff report.

In response to Commissioner Wolfe, Ms. Figge stated that the Commission couldn't outright prohibit any future use permits for extension of this use, but that Commissioners could go on record stating their opposition to any extension.

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

Stacey Jolliffe, 1794 Vallombrosa Avenue, member of the Unitarian Church, spoke in support of the project, citing the compatible nature of the use with the neighborhood, the school's efforts to limit impacts, and the limited time period of the use. She noted that a number of parents are present to support the application, and reviewed a petition with 31 signatures in support of the project.

In response to Commissioner Alvistur, Ms. Jolliffe stated that the intent is to move the school into a different facility for the following school year.

Kirk Powell, 1285 Filbert Avenue, discussed concerns he had with the project, including the increased number of students, traffic, inadequate fencing for larger students, and the school's ability to find a new space in time for the following school year.

Mr. Summerville pointed out that the fence is actually on the Powell's property, and that staff recommends that the fence be relocated in conjunction with the use permit. Ms. Figge added that staff disagrees with the assertion that the fence is unsatisfactory, due to the age of the children and the temporary nature of the use.

Helen Spring, 1297 Filbert Avenue, requested that the school not be allowed to request another use permit, and requested that the church pay for half of a seven-foot fence to be constructed on their joint property line.

Mary Wanzer, 35 Gail Court, representing the Blue Oak Charter School, noted that according to a building code analysis, they can only put 40 children in the current facility; the school will therefore definitely be moving for the following school year.

Commissioner Wolfe confirmed with Ms. Wanzer that the two classes will have staggered start times to minimize the traffic impact.

Pat Trimbell, 1658 Albion Court, Chairman of the Unitarian Fellowship, spoke in support of the project, noting its temporary nature and stating that the board would not approve the school's lease of their facility for an additional year.

David Wilson, 648 Bryant Avenue, spoke in support of the project, noting the well-controlled nature of the classes when outside and the integrated curriculum.

Sherry Atkin, 1277 Filbert Avenue, discussed concerns she has with the project, including previous assertions that the school would only be for one year, and the potential for increased noise with an increased number of students.

Kent Sandoe, 416 Lilac Avenue, member of the governing board for Blue Oak Charter School, spoke in support of the project. He noted that the board is looking for a new site at this time, and feels confident that this will be the school's last year at this location.

Commissioner Wolfe indicated that the board had questions for Mr. McNelis from the Butte County Office of Education.

Don McNelis, 9796 McAnarlin Avenue, Durham, in response to Commissioner Monfort, indicated that the BCOE has a limited role in helping to secure sites for charter schools. He expressed optimism that another site could be found, and confirmed that operations at the current

site are not planned after this next school year is completed.

Tom DiGiovanni, 578 Vallombrosa Way, stated that he has been working with the school in finding a location, and that the likelihood of finding a site that is acceptable is very high.

Norman Atkin, 1277 Filbert Avenue, discussed concerns he has with the project, including noise, traffic, and the fact that the facility is now being used every day of the week.

There being no further comment, the public hearing was closed at 7:15 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 02-15 (BLUE OAK CHARTER SCHOOL) TO ALLOW ONE ADDITIONAL YEAR FOR A PRIVATE CHARTER SCHOOL'S OPERATION (THROUGH JUNE 30, 2003) AND TO INCREASE THE ENROLLMENT FROM 25 TO 40 STUDENTS TO ALLOW FIRST GRADE CLASSES IN ADDITION TO THE KINDERGARTEN CLASSES, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF MEMORANDUM DATED APRIL 9, 2002, WITH CONDITION 7 MODIFIED TO REQUIRE THAT THE FENCE ON THE WEST SIDE BE RELOCATED ONTO THE CHURCH PROPERTY. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

There was a general consensus that the Commission wouldn't be inclined to approve any additional use permits for this use on this property.

#### **GENERAL BUSINESS**

Commissioner Monfort inquired about the letter from Mr. Lenzi concerning the Shastan at Chico Canyon Road subdivision. Mr. Alexander and Ms. Figge explained that while the curb was colored on the project to darken it, the sidewalk was not darkened, and that Public Works is attempting to darken the sidewalk after the fact.

#### **PLANNING UPDATE**

Ms. Figge reviewed recent Council action on the Epick rezone, as well as the upcoming joint meeting with the Council and the Commission on May 23.

Ms. Barker added that no attorney will be present at the May 2<sup>nd</sup> meeting, due to a conference.

#### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:22 p.m. to the Regular Meeting of May 2, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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June 20, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
MAY 2, 2002**

**ROLL CALL**

The meeting was called to order by Vice-Chairperson Nancy Wolfe at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Kirk Monfort, Craig Sanders, Sharon Stone, and Nancy Wolfe. Commissioner Jolene Francis and was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe reported that she had spoken with a number of people regarding the Brentwood project, including Jim Mann, Mary Watters, Jim Stevens, and Tom DiGiovanni, and also received four or five phone calls from various people opposed to the project.

Commissioner Monfort reported that he had received many e-mails expressing opposition to Brentwood, and also spoke to an Arbutus resident opposed to the Solomon use permit.

**ADMINISTRATIVE AGENDA**

1. **Minutes of Regular Meeting of February 7, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

**CONSENT AGENDA**

2. **Esplanade Village Vesting Tentative Subdivision Map S-02-02 (Conroy/Marshall) - 2845 Esplanade** - A request to subdivide approximately four acres located at 2845 Esplanade to create one 0.75 acre parcel on Esplanade for future development under OR Office Residential zoning, and 18 lots for single family residential development on 3.24 acres zoned R1 Low Density Residential. The proposal has a density of 5.56 units per acre and an average lot size of 6,485 square feet. The subject property is identified as Assessor's Parcel Nos. 006-350-017 and 019, is designated Offices and Low Density Residential on the City of Chico General Plan Diagram, and is located in OR Office Residential and R1 Low Density Residential zoning districts. 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 vesting tentative subdivision map.*

Commissioner Monfort pulled this item from the consent agenda.

## **ITEMS REMOVED FROM CONSENT AGENDA**

### **2. Esplanade Village Vesting Tentative Subdivision Map S-02-02 (Conroy/Marshall) - 2845 Esplanade**

Commissioner Stone stated that she would disqualify herself from hearing this item due to an unspecified conflict of interest.

Commissioner Monfort asked if it was possible to stub out the street to get an internal loop street when the rear portions of other parcels in the area might develop. He suggested that lot 13 might need to be eliminated for such a street stub.

Ms. Figge replied that there wouldn't be any large circulation benefit for the area by stubbing out the street. Mr. Summerville added that the built-out areas on Lassen are already developed with multi-family residential complexes.

The public hearing was opened at 6:40 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-18, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (S 02-02) FOR ESPLANADE VILLAGE, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

## **REGULAR AGENDA**

- 3. Use Permit 02-17 (Solomon) 738/740 Mangrove Avenue - A request to allow amplified music within 300 feet of a residential district at the Puerto Vallarta Restaurant located at 738/740 Mangrove Avenue, in the Park Plaza Shopping Center. The applicant is requesting that the amplified music be allowed between the hours of 8:00 and 11:00 p.m., Monday through Thursday, and between 9:00 p.m. and 1:30 a.m. on Friday and Saturday. The property is identified as Assessor's Parcel Number 003-280-040, 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 Facilities). *Staff recommends approval of the use permit.***

Ms. Figge presented the staff report, reviewing the details and history of the project. She noted that the current owner purchased the property in December of 2000, and was unaware of the use permit requirement for live or amplified music. Code enforcement cited the owner, forcing the suspension of salsa dances which had been occurring for the previous nine months. She

reviewed that there were 31 complaints called into the police department regarding the site, but none were noise-related and the majority of the calls were initiated by the owner or manager of the restaurant.

Ms. Figge reviewed staff's visit to the site, during which staff confirmed that noise is not an issue for adjacent properties, but staff is recommending limiting the dances to Friday and Saturday nights as a precaution. She also noted that there is a slight change in the conditions, allowing the applicant to use either wristbands or handstamps to control access and help comply with ABC rules.

Commissioner Monfort expressed concern at how the Commission could limit the noise output to the current tolerable level. Ms. Figge stated that the use permit could be revoked if there were noise complaints, and pointed out that the dances were in operation for nine months with no noise complaints.

The public hearing was opened at 6:49 p.m.

Donald Solomon, 738 Mangrove Avenue, applicant, reviewed several letters he submitted to the Commission expressing no concern about noise, including several from the Walker Commons project immediately behind the restaurant. He stated his agreement with the conditions, and noted that he doesn't plan to increase the power of the music system. He added that as soon as he was made aware of the use permit requirement, he discontinued the use.

In response to Commissioner Wolfe, Mr. Solomon explained that he would like to have other, lesser events on weeknights, including a singer/guitarist with a small amplifier. He indicated that Friday would usually be special events, and Saturdays would be the standard dancing night.

Gary Sannar, 580 Vallombrosa Avenue, representing Walker Commons, stated that there are no problems currently, and that if any occur, they should be able to work them out as neighbors.

Edith Fisher, 853 Arbutus Avenue, expressed concerns with potential noise impacts, and suggested that a trial period may be wise.

Donald Solomon, a previous speaker, stated that a trial period isn't necessary, and that if there are problems, then the permit can be revoked.

In response to Commissioner Alvistur, Mr. Solomon stated that he tries to control the parking lot as much as is feasible, asking people to move along and such, but noted that he does not have police authority.

In response to Commissioner Monfort, Mr. Solomon related that the dances, when in operation, would last until 1:30 a.m., and that no noise complaints were ever filed when the dances were occurring.

There being no further comment, the public hearing was closed at 7:01 p.m.

COMMISSIONER SANDERS MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA SECTION 15301 (EXISTING FACILITIES) AND APPROVE USE PERMIT 02-17 (SOLOMON), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT DATED APRIL 25, 2002. COMMISSIONER STONE SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

4. **Use Permit 02-19 (Champion Christian School) 555 Rio Lindo Avenue** - A request to allow a private school for 7th-12th grade students in an existing 19,000 square foot office building with 65 off-street parking spaces located at 555 Rio Lindo Avenue. The applicant requests approval for up to 100 junior high students and 120 senior high students, with 20 employees. Proposed hours of operation are 8:00 a.m. to 4:30 p.m., Monday-Friday. The site is identified as Assessor's Parcel No. 006-260-033, is designated Offices on the City of Chico General Plan Diagram, and is located in an OC Office 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 approval of the use permit.*

Commissioner Stone stated that she would disqualify herself from hearing this item due to the project's proximity to her husband's business.

Ms. Figge presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the main concern seems to be parking, and that Public Works is recommending denial of the project on that basis. She reviewed letters submitted regarding the project, discussing concerns with parking, traffic and noise.

Ms. Figge reviewed how staff came up with the parking requirements for this particular use, noting the difficulty in interpretation due to the presence of both junior and senior high students in the same facility. She noted that staff ended up recommending one space for every four students, and one space for every two employees, in addition to 50 bicycle parking spaces. She added that staff is recommending a one-year limit for the use permit, so that the parking and traffic situation can be reviewed in a year.

In response to Commissioner Alvistur, Ms. Figge stated that a strict interpretation of the code would require 120 parking spaces.

In response to Commissioner Monfort, Ms. Figge stated that there are several areas which could work for both the bike parking and for pickup/dropoff.

Commissioner Monfort inquired if anyone had proposed delaying the school start time by 15 minutes.

The public hearing was opened at 7:09 p.m.

Marsha Hedden, 10 Casa Del Rey Court, Principal of Champion Christian School, noted that they currently have 36 cars in the parking lot on a typical day; that number includes both staff and students. She noted that many students carpool, especially those that come from outlying communities to the school.

Regarding start time, she noted that school currently starts at 8:10, but they'd be happy to delay the start time to 8:15 or 8:20. She noted that there are currently 168 students enrolled, and that while some students will go to local fast food establishments, there is also a snack bar on site and a multi-purpose room that will be configured as a lunch room.

In response to Commissioner Wolfe, Ms. Hedden stated that only 5 students currently ride their bikes. She explained that their student base includes residents of Orland, Oroville, and Paradise; many students will never ride a bike to school.

In response to Commissioner Bradford, Ms. Hedden confirmed that this is intended to be a temporary situation, for the two or three years it would take to find property and construct a permanent facility.

Jim Scarff, 554 Rio Lindo Avenue, Manager of Ray Morgan, spoke in opposition to the project, citing concerns with traffic, inadequate parking, safety, inaccuracy of the site plat, lack of bicycle lanes in the vicinity, the possibility of losing parking spaces to trash enclosures and bicycle parking, the danger of students crossing the street to partake in PE activities, and the speed of existing traffic in the area.

Leslie Thangvall, P.O. Box 305, Richvale, stated that she is a parent of three daughters who attend the school, and that traffic concerns are unfounded. She stated that traffic has never been a problem at the current East Avenue location, which has much more limited parking than this site. She emphasized the level of carpooling at the school, and asked that fewer than 50 bicycle parking spaces be required. She also stressed that these are the kind of kids you would want in your neighborhood, and that concerns regarding excessive noise and litter are unfounded. She noted that the school has been struggling to find a space, and that there are few sites in the Chico area meeting their requirements. She voiced support for a later daily start time.

Lauree Raucher, 7052 Skyway, Paradise, representing the owners of the adjacent apartment complex, expressed concerns with parking, litter and noise. She emphasized the potential for this use to adversely affect the investment value of the apartment complex.

There being no further comment, the public hearing was closed at 7:29 p.m.

Commissioner Alvistur noted that he was originally concerned about parking, but that his concern has been alleviated. He also stated that he was surprised how light the traffic is in that area, and it isn't a concern to him.



Commissioner Bradford asked if the provision of PE activities across the street justifies installation of a crosswalk. Mr. Alexander replied that the City doesn't like to put in mid-block crosswalks, as drivers tend not to observe them. He also noted that Rio Lindo only has heavy traffic during peak times, and that crossing the street at non-peak times should be fairly safe.

After discussion, it was agreed to delay the start time for the school to 8:20 a.m., so as to give priority for on-street parking spaces to those existing businesses opening at 8 a.m. It was also agreed to reduce the number of bicycle parking spaces to 20.

Commissioner Wolfe expressed her support for the project, noting that the one-year nature of the permit affords a mechanism to cease the use if problems are created.

After discussion, it was agreed that any future extension of this use permit would only come to the Commission if complaints are received.

Commissioner Sanders suggested that if a year of use determines that all the parking isn't necessary, that the applicant may want to consider removing some of the parking and replacing it with some landscaped open areas.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 02-19 (CHAMPION CHRISTIAN SCHOOL), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED APRIL 12, 2002, WITH MODIFICATION TO CONDITION #5 TO SPECIFY 20 BIKE RACKS, SPECIFY THAT THE SCHOOL IS TO BEGIN AT 8:20 IN THE MORNING, AND THAT ANY EXTENSION OF THE USE PERMIT IS TO COME BACK TO THE COMMISSION AT STAFF'S DISCRETION. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER STONE DISQUALIFIED, COMMISSIONER FRANCIS ABSENT).

5. **Development Agreement 02-01 (Butte County Housing Authority) 1240 Park Avenue** - Initial consideration of a request to allow a ground-floor residential use in a CC-TC Community Commercial/Transit Corridor zoning district on property located at 1240 Park Avenue. The project consists of a multi-family residential project on a 1.6 acre block bounded by Park Avenue, Oakdale, W. 12<sup>th</sup> and W. 13<sup>th</sup> Streets, comprised of approximately 115-120 units affordable for low and very low income senior citizen households, including a development agreement to provide a density bonus and reduced off-street parking requirements. The site is identified as Assessor's Parcel No. 005-135-005, and is designated Mixed Use (Community Commercial and High Density Residential) on the City of Chico General Plan Diagram. The Planning Commission will act in an advisory capacity for the development agreement and will forward a recommendation to the City Council for final action. Environmental review is pending on the project; an initial study will be finalized and the required public review period will be

conducted prior to final action by the City Council. *Staff recommends that the Commission forward a recommendation of approval to the City Council.*

Ms. Figge presented the staff report, reviewing details of the project, including the development agreement, density bonus, reduced parking, and mechanisms for insuring the affordability of the project. She noted that although the project is 75 units/acre, it will be sensitive to the adjoining properties, including two-story construction and a townhouse appearance on the Oakdale frontage.

In response to Commissioner Monfort, Ms. Figge replied that the parking was calculated at one parking space for every two units.

Commissioner Bradford suggested that bicycle racks should be provided in the project.

The public hearing was opened at 7:46 p.m.

Garry Sannar, 580 Vallombrosa Avenue, representing BCHA, reviewed the need for senior housing in the community, noting that there is already a long waiting list for this project. He asserted that they have a strong application to obtain tax credits to help finance the project; he also described their partnership with AHDC, which has developed many housing projects of this type.

In response to Commissioner Monfort, Mr. Sannar stated that the parking ratio of one space per two units should be more than adequate, as has been demonstrated at prior senior housing projects. He cited Walker Commons, which has 56 units, 30 parking spaces, and only 17 cars in the parking lot, adding that most seniors who live in these projects for a while get rid of their car.

In response to Commissioner Monfort, Mr. Sannar indicated that the regulatory requirement for maintaining the affordable status of the project is 55 years, although BCHA is a non-profit which will maintain the affordable status in perpetuity.

There being no further comment, the public hearing was closed at 7:52 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-19, RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE HOUSING AUTHORITY OF BUTTE COUNTY AND THE CITY OF CHICO, SUBJECT TO THE PROVISIONS OUTLINED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

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The Commission was in recess from 7:52 to 8:02 p.m.

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- 6. Rezone 01-08/Use Permit 01-68 (Enloe Medical Center) 249 W. 6<sup>th</sup> Avenue -**  
A request to rezone an 8,280 square foot parcel located at 249 W. 6<sup>th</sup> Avenue from R1 Low Density Residential to PQ Public/Quasi-Public. The rezone is to facilitate a use permit request to allow conversion of an existing single family residence to a mail room and print shop for Enloe Medical Center, including off-site parking for employees on an existing adjacent parking lot and hours of operation Monday-Friday from 8 a.m. to 5 p.m. The site is identified as Assessor's Parcel No. 003-023-018, and is designated Public Facilities and Services on the City of Chico General Plan Diagram. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission forward a recommendation of approval to the City Council.*

Ms. Figge presented the staff report, reviewing the details of the project and how it fits in to Enloe's expansion plans for the Esplanade facility, noting that Enloe has abandoned plans to build a new hospital on 240 acres it owns in southeast Chico. She stated that Enloe is working on a Master Plan which should be presented to the City later this year, but that this building has been used in this manner for the past two years without a permit with benign impact. Regarding blockage of sidewalks by the delivery truck, she noted that such practice is already illegal and can be ticketed by police.

Commissioner Monfort expressed concern about the delivery truck blocking the sidewalk, and suggested that the driveway either be torn out or bollards installed.

The public hearing was opened at 8:06 p.m.

Dan Neumeister, 2074 Bidwell Avenue, representing Enloe Hospital, apologized for using the facility without the correct zoning. He noted that plans to bring the master site plan to the City have been delayed by labor negotiations and other pressing issues, but that the plan should be submitted to the City by the fall of this year. He emphasized the hospital's commitment to being good neighbors, that future service of the property will be from the road (currently an alley) behind the property, and that they could certainly use a smaller truck for deliveries in the interim.

Kasey Merrill, 1627 Arcadian Avenue, spoke in opposition to the project, citing concerns with traffic, on-street parking, jaywalking, and other impacts from Enloe's expansion into the adjoining residential neighborhood. She presented a petition signed by other neighborhood residents sharing the same views, and urged the Commission to wait until the master plan for the entire Enloe expansion has been presented.

Steve Sanders, 248 W. 7<sup>th</sup> Avenue, voiced agreement with the previous speaker, noting that his primary concern is increased traffic.

Marni Merrill, 1627 Arcadian Avenue, voiced agreement with previous speakers, noting the problems caused by the truck when it unloads. She opined that Enloe needs to expand at another site.

Rachel Schraeder, 1660 Arcadian Avenue, voiced agreement with previous speakers, urging the Commission to not take action until the master plan has been presented.

Marv Davidson, 304 W. 4<sup>th</sup> Avenue, voiced agreement with previous speakers in opposition to the project.

Bryan Childs, 1183 Citrus Avenue, voiced agreement with previous speakers, particularly concerning parking and traffic.

There being no further comment, the public hearing was closed at 8:26 p.m.

Commissioner Monfort lamented the lack of a master plan before the Commission.

The public hearing was reopened at 8:30 p.m.

Commissioner Alvistur inquired what the frequency of truck deliveries is to the project site.

Dan Neumeister, a previous speaker, stated that the main delivery occurs 5 days a week, generally between 3 and 4 p.m.; additional deliveries from the paper supply house occur on an infrequent basis.

Commissioner Wolfe confirmed with Mr. Neumeister that the master plan would be submitted to the City no later than the fall.

There was discussion whether a delivery zone could be placed in front of the site; however, such a solution was not desired by the applicant and would need to be approved by the Internal Affairs Committee.

In response to Commissioner Monfort, Mr. Neumeister indicated that it wouldn't be practical to move the print shop to another site.

In response to Commissioner Stone, Mr. Neumeister stated that his assistant canvassed the adjacent neighborhood, leaving an informational brochure and his business card. He stated that there has been little to no concern or opposition expressed by those neighbors, and that Enloe plans to have a "town hall" meeting once the master plan is finalized.

Sharon Wallace, 1258 Glenwood Avenue, urged the Commission to not take any action until a master plan has been presented to the City.

Commissioner Wolfe pointed out that the Commission is only making a recommendation to the City Council; Commissioner Stone expressed her preference to wait for the master plan before approving any additional entitlements.

There being no further comment, the public hearing was reclosed at 8:46 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-17, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE REZONE 01-08 (ENLOE); AND APPROVE USE PERMIT 01-68, CONTINGENT UPON COUNCIL APPROVAL AND THE EFFECTIVE DATE OF THE REZONE, MODIFIED TO ADD A ONE-YEAR RESTRICTION, SPECIFY THAT THE CURRENT USE IS NOT TO BE EXPANDED, AND AMEND CONDITION 5 TO SAY THAT TRUCK DELIVERIES MUST NOT BLOCK THE SIDEWALK. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 5-1-1 (COMMISSIONER STONE OPPOSED, COMMISSIONER FRANCIS ABSENT).

7. **Brentwood Vesting Tentative Subdivision Map (S 01-08) and Planned Development Permit 01-09 (Drake Homes) northwest of Eaton and Esplanade** - A request to create zoning classifications and subdivide 82.5 acres located west of The Esplanade, north of the west terminus of Eaton Road, to create 186 lots on approximately 49.45 acres for single family residential development at a density of 3.7 units per acre; 4.8 acres for neighborhood commercial uses located on the west side of The Esplanade, approximately 200 feet north of Eaton Road; 16.4 acres for multi-family residential development (14.01 to 22 units per acre density range) located between the Shasta Union Drainage Assessment Ditch (S.U.D.A.D.) and the extension of Eaton Road (northeast of the north terminus of Bay Avenue); and a 1.4 acre site for storm water detention. The subject site is identified as Assessor's Parcel No. 006-690-014, is identified as Low Density Residential with a Mixed-use Neighborhood Core and a Neighborhood Park Site on the General Plan Diagram, and is located in a PMU Planned Mixed Use zoning district. This project was previously heard by the Commission on April 4, 2002, and was continued so that the applicant could incorporate requested changes into the project. 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 vesting tentative subdivision map.*

Commissioner Stone stated that she would disqualify herself from hearing this item due to a family relationship.

Ms. Figge reviewed previous Commission action on the project, and the details of the proposal. She noted Park Director Dennis Beardsley's presence to answer any questions about neighborhood parks, and stated that the General Plan limits the City to requiring .9 acres of neighborhood park per 1000 residents. Due to the size of this project, the City can only require 1.18 acres of neighborhood park; because the City wants neighborhood parks to be 3 to 5 acres in size, the Commission can either let the applicant pay park impact fees or approve a 3 to 5 acre park, contingent upon subsequent City Council approval for use of park fee credits.

She reviewed other project details, including a landscape buffer on parcels C and D contiguous to the adjacent single-family residential properties, specifications regarding the Eaton Road extension, traffic calming measures within the project, removal of the additional street connecting to the Esplanade, future ARB approval of the multi-family portion of the project

(subject to siting and other criteria as determined by the Commission), and staff's recommendation that Road L be extended to adjoining property instead of Road M.

Mr. Alexander asserted that providing sewer service to areas already designated for development isn't a growth-inducing impact; he noted that the General Plan determines project density, and that the presence of sewer won't induce new growth in the area. He also explained that Public Works would prefer bulbing at intersections instead of traffic circles as traffic calming measures, and that elimination of direct access to the Esplanade shouldn't pose any problem, as it wasn't scheduled to be built until development of the commercial portion anyway.

Commissioner Monfort pointed out that the City has no idea what will happen to the west. Mr. Alexander agreed, adding that a comprehensive sewer analysis is required for the potential growth areas to the west of this project.

In response to Commissioner Monfort, Mr. Beardsley stated that the General Plan calls for a neighborhood park site in the area, and that there appear to be other viable sites in the area. He emphasized that if the Commission feels this is the best area for a park, then the City Council needs to get involved in order to pay for additional parkland within this project.

Commissioner Wolfe pointed out that the Commission can't know if this is the best place for a park without knowing the plan for the whole area. Mr. Beardsley agreed that it is a difficult decision to make, although he believes that a better, five-acre site is feasible to the northwest, to be developed some time in the future.

Mr. Seidler agreed that comprehensive planning for the area needs to occur sooner rather than later, noting that Planning currently has direction from Council and will begin work later this month. He explained the process for planning in the area, noting that the General Plan's inclusion of a neighborhood park site in the area didn't anticipate De Garmo park in such close proximity.

The Commission discussed the neighborhood park in between Nob Hill and Husa Ranch, and mulled over putting half a park on the edge of this project, to be expanded with another half by a future project. Ms. Figge noted that it is a taking if the City doesn't compensate the developer for providing more parkland than required in the General Plan.

The public hearing was opened at 9:19 p.m.

Jim Mann, Rural Consulting Associates, 70 Declaration Drive Suite 101, representing Drake Homes, reviewed the conceptual review given by the Commission at the previous meeting. He reviewed that he had originally proposed lots 125 through 128 as a park, but subsequent discussions revealed that the City could only require 1.2 acres, and that the Park Dept. wasn't interested in a park that small. He stated that he has no problem putting in a larger park, but that the decision to acquire the additional property has to be made at the Council level. He noted the problems with placing the park on the edge of the project due to utility lines and other factors.

He urged the Commission to approve the project, forwarding the park issue to Council to determine whether a larger park is desired on this site.

In response to Commissioner Wolfe, Mr. Mann replied that the roads to the Eaton Road extension and Alkop Farm have been set by Public Works. He noted that the project will pay \$725,000 in park fees at buildout, and suggested that if a larger park is desired, the project should be approved with the stipulation that the park issue be discussed by Council. He pointed out that the project will have 6.8 units per acre due to the multi-family component.

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The Commission was in recess from 9:28 to 9:36 p.m.

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Peggy Werlhof, 3691 Bay Avenue, spoke in opposition to the project, citing incompatibilities with urban and country living, particularly the killing of livestock by domestic dogs which escape their yards.

Don Parvex, 435 Royal Glen Lane, spoke in opposition to the project, citing lack of a park in the area.

Kay Rush, 322 Royal Glen Lane, expressed concerns with the project, particularly maintenance of the SUDAD ditch and lighting design for the apartments. Staff asserted that the SUDAD ditch is maintained by the county, and that parking lot lighting for the apartments will be dealt with through the ARB review process.

Greg Tropea, 8 San Ramon Drive, lamented the lack of neighborliness in the project. He stated that a greater diversity and layout should be encouraged.

Frank Condon, 3652 Bay Avenue, spoke in opposition to the project, citing concerns with the lack of buffering between the multi-family portion and existing one-acre lots, the distance from the proposed multi-family portion to existing transit routes, and the potential for poor maintenance reducing the screening value of the landscaping.

Sharon Wallace, 1258 Glenwood Avenue, expressed concerns with the project, including the lack of "neighborhood" features in the project and the accessibility of the commercial area from local residences. She urged the Commission to deny the project.

Elizabeth Devereaux, 296 Honey Run Road, bemoaned the lack of comprehensive planning in the area. She asked why this application was being acted upon.

Mr. Seidler explained the pertinent sections of the Permit Streamlining Act, noting that City staff doesn't have the ability to put aside an application to await a planning effort that hasn't yet commenced. Commissioner Sanders added that action doesn't necessarily mean approval.

Ms. Devereaux urged the Commission to create a specific plan for the whole area, so that the questions like where to put the park can be answered. She asserted that the project should have a neighborhood core with an organic feel.

Jon Luvaas, 1980 Wild Oak Lane, pointed out that the Commission can reject a map that is premature. He noted the legally binding nature of the General Plan, and asserted that this project is not in conformance with that document. He cited problems with the circulation on this property, and the lack of a fine-grained street network. He also noted that the commercial area is far away from the multi-family portion. He urged the Commission to deny the project, and encouraged the Commission to require a charette from the applicants to help determine design.

John Merz, 1813 Broadway, voiced his agreement with the previous speaker. He opined that the presentation concerning sewer in the area was inadequate, and stated that the cumulative impact analysis is deficient in regard to CEQA. He lamented the lack of ways for kids to get to school, and urged the Commission to deny the project.

John Gillander, 4328 Kathy Lane, reiterated that the Eaton Road extension is planned to be a state highway, and that taxpayers don't pay for new parks, which is why there are so many vacant park sites. He asserted that siting a park is a Council decision, and that park funding is currently being discussed at the Finance committee. He noted the existence of the neighborhood park in the Peterson subdivision, which will cost one million dollars to develop, and stated that stopping this project over what might happen is ridiculous.

Mike Byrd, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, noted that sound walls are often required along major arterials. He pointed out the proposed 70 foot buffer area between the proposed multi-family residential area and the existing single-family residences, as well as the pedestrian system that will take kids out to the existing sidewalk on Eaton Road to go to school. He reviewed constraints to placing a park on the edge of the project, including existing high-voltage power lines on the northern and western edges of the property. He also stated that due to existing development to the north of the project, there aren't many opportunities for through roads; therefore, Road J was considered to be the main corridor by both the applicant and Public Works.

Sheila Mackenzie, 428 Royal Glen Lane, voiced her agreement with other speakers who spoke in opposition to the project.

Jim Brobeck, 1605 Manzanita Avenue, spoke in opposition to the project, citing concerns with project design and the lack of bicycle and mass-transit facilities. He urged the Commission to deny the project.

Tom Parvex, a previous speaker, asked what would keep children from playing in the SUDAD ditch. Ms. Figge replied that a fence would be required adjacent to the ditch; the condition would allow chain-link fencing, so as not to obstruct the view of the landscaping.



There being no further comment, the public hearing was closed at 10:24 p.m.

Commissioner Monfort stated that the Commission can't know how this project fits into a larger plan for the area, and stated that it seems premature to him. He noted that the conceptual approval is turning out to be for a concept that can't be realized, and emphasized that planned developments need to be equal or greater quality than standard development. He stated that he can't make findings #2 or #6 to approve the PD permit, and that he would vote to deny the project and recommend that a specific plan be required for the area.

Commissioner Sanders stated that he would prefer no walls up against Eaton Road, and would also prefer greater circulation to the north. Commissioner Wolfe countered that Public Works stated that there isn't any additional way to connect this project to the north due to existing county development.

Commissioner Wolfe voiced her disappointment at the lack of a park in the project, and noted that the Commission's conditional approval was based upon additional requirements which haven't been fulfilled.

Commissioner Monfort opined that the Commission is trying to put a band-aid on a project which was marginal in the first place.

Commissioner Bradford discussed circulation, noting the problems with the Eaton Road extension being designated as a state highway in terms of access and design, given the density constraints of the property.

Commissioner Alvistur stated that it seems like the Commission is revisiting issues, and asserted that what was approved in concept isn't satisfactory tonight, given the unknown nature of this project's interaction with other subdivisions.

**COMMISSIONER MONFORT MOVED THAT THE COMMISSION DENY THE PLANNED DEVELOPMENT PERMIT.**

Ms. Figge noted that both the PD permit and the map need to be denied together, and that specific findings need to be made.

**COMMISSIONER MONFORT AMENDED HIS MOTION TO DENY THE PROJECT, STATING THAT HE COULD NOT MAKE FINDINGS #2 AND #6 ON PAGES 6 AND 7 OF THE STAFF REPORT, AND FURTHER FOUND THAT HE COULD MAKE FINDING "A" ON PAGE 9 OF THE STAFF REPORT, THAT THE PROPOSED MAP IS NOT CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

Commissioner Bradford stated his support for option #2, requiring a park subject to the approval of park fee credits by Council. After further discussion, it was determined that there was little other support for that course of action.

COMMISSIONER MONFORT AGAIN AMENDED HIS MOTION TO ALSO INCLUDE A RECOMMENDATION TO COUNCIL THAT A SPECIFIC OR PRECISE PLAN BE REQUIRED FOR GROWTH AREA 1, LOOKING TO AREAS 2 AND 3. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-1-1-1 (COMMISSIONER BRADFORD OPPOSED, COMMISSIONER STONE DISQUALIFIED, COMMISSIONER FRANCIS ABSENT).

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

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed the upcoming City Council meeting with Boards and Commissions. The Commission confirmed that it wished to discuss a boulevard treatment of Eaton Road and a specific or precise plan for the northwest planning area.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 11:09 p.m. to the Regular Meeting of June 6, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
June 20, 2002  
Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
JUNE 6, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, and Nancy Wolfe. Commissioner Craig Sanders was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Wolfe reported that she had received many phone calls expressing opposition to item #6, and that she had also spoken to Don and Jeanie Chambers, who expressed their opposition to item #5.

Commissioner Alvistur reported that he had also received many phone calls in opposition to item #6.

Commissioner Monfort reported that he met with Linda Rowen (opposed to item #6), Jim Mann and Craig Dickerson (explained the map and rental structure for item #6), and Jim Stevens (answered design questions for item #5).

In response to Commissioner Monfort, Ms. Barker stated that it is necessary to reveal any information learned during ex parte communication that wasn't otherwise communicated to the Commission as a whole; the principle is that the same information needs to be available to all Commissioners and the public. Commissioner Monfort noted that he would then need to make certain corrections to the minutes for the April 4 meeting.

Commissioner Bradford reported that he had spoken to the applicants for item #6.

Commissioner Francis reported that she had met with Jim Stevens regarding item #5, and had also spoken with Linda Rowen, the Sterling applicants and City staff regarding item #6.

**ADMINISTRATIVE AGENDA**

- 1. Minutes of Adjourned Regular Meeting of February 21, 2002**
- 2. Minutes of Regular Meeting of April 4, 2002**  
*Staff recommends approval with any corrections/revisions required.*

Commissioner Monfort stated that the minutes for April 4<sup>th</sup> should reflect that he spoke with City staff, the applicant and engineer for Brentwood, and two Council members concerning a possible boulevard treatment for the Eaton Road extension.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA, AS MODIFIED BY COMMISSIONER MONFORT. COMMISSIONER FRANCIS SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER SANDERS ABSENT).

### **CONSENT AGENDA**

3. **Planned Development Permit 01-01 Modification (Henderson) 306 W. 7<sup>th</sup> Street** - A request to modify an existing planned development permit for a mixed-use development, consisting of a three-story building with office uses on the first and second floors and two residential units on the third floor, on property located at 306 W. 7<sup>th</sup> Street. The permit was required allow reduced setbacks and number of parking spaces. The requested modification is for minor architectural changes and to eliminate one parking space. The site is identified as Assessor's Parcel No. 004-231-006, is designated Downtown on the City of Chico General Plan Diagram, and is located in an RD Downtown Residential (with Landmark Overlay) zoning district. This project was previously determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 Infill Development Projects. *Staff recommends approval of the modification to the planned development permit.*
  
4. **Parcel Map 02-03 (Spring/Lamb and Carlson) 1297 Filbert Avenue** - A request to divide a 0.90 acre parcel located at 1297 Filbert Avenue into four single-family parcels, with an average lot size of 8,276 square feet and a project density of 4.4 dwelling units per acre. The site is currently developed with a single-family residence and second dwelling unit. The property is identified as Assessor's Parcel No. 045-292-008, 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 15315 (Minor Land Divisions). *Staff recommends approval of the parcel map.*

This item was pulled from the consent agenda by Commissioner Wolfe.

COMMISSIONER WOLFE MOVED APPROVAL OF ITEM 3 ON THE CONSENT AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER SANDERS ABSENT).

### **ITEMS REMOVED FROM CONSENT AGENDA**

4. **Parcel Map 02-03 (Spring/Lamb and Carlson) 1297 Filbert Avenue**

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the

project. He noted that the proposed access easement will be only 20 feet wide, that two street trees will need to be installed, a retaining wall with some sort of architectural treatment will be necessary on one corner of the property, a five-foot landscape buffer is being required between this project and the adjacent church property, and that parcel 2 will need to be modified to be at least 6,000 square feet in size.

Commissioner Wolfe inquired whether it would be feasible to either restrict two-story development or require a greater rear-yard setback on lots 3 and 4, as requested by a neighbor.

Ms. Figge replied that staff does not normally support such restrictions in the absence of clear public benefit, as it creates an equity issue.

The public hearing was opened at 6:47 p.m.

Mark Carlson, 568 Paseo Companeros, stated that he plans to do a good infill project. He stated that he has no problem with a 30-foot setback, as long as it doesn't adversely impact the size of the house to be placed on the property.

Patricia Trimbell, 1658 Albion Court, read a letter describing concerns of the adjacent Unitarian Church, including: acknowledgment that the church plans to grow; the fact that the Blue Oak Charter School is using the church facility, and should be expected by new residents of the neighborhood; a request that the fencing be installed early in the development process, and that dust mitigation measures be required; and a request that no construction take place on Sunday mornings.

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

Mr. Summerville reviewed the supplemental memorandum, which states that a minimum of four onsite parking spaces will be required for each of the flag lots.

After discussion, there was agreement to not require any additional setback or height restriction for lots 3 and 4, as the adjacent homeowner is under no such restriction.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 02-20, APPROVING THE TENTATIVE PARCEL MAP 02-03 (SPRING/LAMB AND CARLSON), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, WITH THE INCLUSION OF CONDITION 12 REGARDING PARCEL 2 AND THE ADDITION OF A CONDITION SPECIFYING A 6000 SQUARE FOOT MINIMUM SIZE FOR ALL LOTS. COMMISSIONER ALVISTUR SECONDED, THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER SANDERS ABSENT).

**REGULAR AGENDA**

5. **Conceptual Review of Vesting Tentative Subdivision Map (S 02-06) & Planned Development Permit (PDP 02-02) for the Yosemite Place Subdivision (Land Design Properties) SR 32 and Yosemite Drive** - A request for conceptual approval to divide a 13.3 acre site into four multi-family lots ranging in size from 1.06 acres to 1.27 acres (total area 4.52 acres) and 48 single-family lots ranging in size from 3,000 sq. ft. to 3,431 sq. ft (total area 8.78 acres). A single-family residence would be constructed on each of the 48 individual residential lots as a "common interest subdivision." As part of the Planned Development Permit (PDP), 90 apartment units would be built on the four multi-family parcels. Final approval would be contingent on the Planning Commission's review and approval of the final development plan and vesting tentative subdivision map, and adoption of a proposed Mitigated Negative Declaration at a subsequent Planning Commission meeting (scheduled for June 20, 2002). The site is identified as Assessor's Parcel No. 011-030-141 (portion), and is designated Medium Density Residential and Medium-High Density Residential on the City of Chico General Plan Diagram. The site has a split zoning of R2 Medium Density Residential and R3 Medium-High Density Residential. *Staff recommends that the Commission conceptually review the proposal, and provide any needed direction to staff and the applicant.*

Mr. Murphy presented the staff report, reviewing the land use issues involved and the details of the project. He noted that a minimum of 138 units is required for the property, with the plan calling for multi-family on the southern portion adjacent to SR 32, and the detached single-family portion to the north. He explained that Sierra Ladera Lane is proposed only for emergency access to the project, as it is a private street, and that only one guest parking space per unit would be provided, based upon experience with the Pebblewood Pines complex (which is very similar to this project). He stated that staff is recommending approval of the conceptual plan, with changes to include more east-west pedestrian connectivity, including paths along Sierra Ladera Lane and the drainage channel.

In response to Commissioner Monfort, Mr. Murphy indicated that a left-turn pocket from Yosemite Drive is not a recommendation at this time, although the Commission could certainly ask Traffic Engineering to examine whether one is needed. Mr. Alexander noted that a bus turnout could also be provided on Yosemite Drive adjacent to the project; there was general agreement that a bus stop should be required.

In response to Commissioner Bradford, Mr. Murphy explained the details of the inverted crown street and drainage facilities proposed for the project.

The public hearing was opened at 7:10 p.m.

Jim Stevens, 20 Declaration Drive, representing Land Design Properties, explained the market research which resulted in this project design. He noted that it is essentially a condominium project without a lot

of the legal “baggage”, adding that while the project will definitely appeal to seniors, it is not proposed as a “seniors only” development. He explained that the project will be intensely landscaped, and will have a HOA and a strong set of CC&Rs.

In response to Commissioner Monfort, Mr. Stevens said that they would be happy to widen the main access road to 24 or 26 feet, are already intending to put in a left-turn pocket on Yosemite, and that they could install a bus stop if required, probably south of the access drive. Mr. Stevens also explained how the storm drainage facilities in this project would result in no net increase in peak flow.

Commissioner Francis suggested that the garden wall included in most of the plans be less than six feet tall, possibly around four feet.

Brian Firth, 627 Broadway, landscape architect for the project, reviewed the landscaping details of the project. He noted that the lots were laid out to take advantage of views and utilize the existing site contours, and that 40 percent of the project will be landscaped open space.

In response to Commissioner Monfort, Mr. Firth stated that they could rotate the houses slightly for better solar orientation, if desired.

Pam Giuliano, 8 Shearwater Court, expressed concerns with drainage, privacy, and the extent of the landscaping along the drainage swale. She noted that even though the closest lot is 120 feet away, it will still be a two-story structure looking into her back yard.

B.T. Chapman, 18 Kestrel Court, requested that the developer be fully sensitive to issues of construction runoff and sedimentation in the California Park Lake, and that the landscaping be of a design pleasing to those residents who live at the south end of the Shastan development across the swale.

There being no further comment, the public hearing was closed at 7:31 p.m.

Commissioner Francis requested that the lighting be of a low-level, shielded design, that the landscaping be somewhat intense to provide more screening, and inquired how much the grade will be raised at the downhill end of the project.

The public hearing was reopened at 7:33 p.m.

Jim Stevens, a previous speaker, stated that the grade would be raised 6 or 7 feet at the low end of the project, although it will be 40 or 50 feet back from the top of the existing bank. He explained that there will be a cut into the hill near Yosemite, and that there will be 38 feet of drop from the south to the north end. He confirmed that the landscaping would be much more intense than what exists on the north side of the channel.

There being no further comment, the public hearing was reclosed at 7:36 p.m.

After discussion, there was general agreement to require a bus stop, a left-turn lane, and the widening of Sierra Ladera Lane in the project.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN FOR THE YOSEMITE PLACE VESTING TENTATIVE SUBDIVISION MAP S 02-06 AND PLANNED DEVELOPMENT PERMIT 02-02 (LAND DESIGN PROPERTIES) WITH FINAL APPROVAL CONTINGENT ON THE COMMISSION'S REVIEW AT A SUBSEQUENT MEETING, MODIFIED TO INCLUDE MORE EAST-WEST PEDESTRIAN CIRCULATION, A SHELTERED BUS STOP, A LEFT-HAND TURN LANE INTO THE PROJECT, AND THE WIDENING OF SIERRA LADERA LANE. COMMISSIONER MONFORT SECONDED THE PROJECT. COMMISSIONER WOLFE OFFERED AN AMENDMENT THAT THE FENCES FOR THE PRIVATE AREAS BE APPROXIMATELY FOUR FEET IN HEIGHT; COMMISSIONER ALVISTUR ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, PASSED 5-0-1 (COMMISSIONER SANDERS ABSENT).

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The Commission was in recess from 7:40 to 7:50 p.m.

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6. **General Plan Amendment/Rezone 01-03 & Development Agreement 02-02 (Sterling University Housing)** - This project involves a proposed amendment to the City of Chico General Plan land use designation, a development agreement, and a change in the rezoning for two parcels (APN's 042-140-098 & 103). The parcels are located on the east side of State Highway Route 32/Nord Avenue, between W. 8<sup>th</sup> Avenue and W. Lindo Avenue, and comprise approximately 20 acres. As proposed, the existing *Manufacturing & Warehousing* General Plan designation would be changed to *Medium Density Residential* (4-14 units/acre), and the existing rezoning designation of *ML (Light Manufacturing/Industrial)* would be changed to *R2 (Medium Density Residential)*. ***Staff recommends that the Commission recommend City Council approval of the general plan amendment, development agreement, and rezone.***

Commissioner Wolfe announced that she would disqualify herself from hearing this item, as she has recently purchased property in the area of the project.

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Commissioner Wolfe left the meeting.

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Commissioner Francis reviewed the rules for public hearings, requesting that speakers limit their comments to three minutes unless a particular speaker has prepared comments, in which case five minutes will be allowed.

Mr. Murphy presented the staff report, reviewing the Commission's previous consideration of the project on January 17 and subsequent changes made to the project. He noted that the project has decreased in scope from 320 units to 176 units, and reviewed other details included as part of the proposed development agreement, including: a limit of 648 bedrooms, increased setbacks from adjacent properties and the railroad, provision of a .8 acre onsite park, provision of a bus stop, revised landscaping, revised entry locations, a new traffic study, removal of all onsite orchard trees, provision of a center two-way left turn lane, provision of a left-turn pocket at SR 32 and Oak Way, and provision of a Class 1 bike path to W. 8<sup>th</sup> Avenue.

Mr. Murphy noted that staff has received a great deal of public correspondence opposed to the project, as well as correspondence from the County Agricultural Commissioner's Office, the California Highway Patrol, and Caltrans. He noted the presence of Development Engineer Matt Johnson to answer any questions about the Caltrans letter and the traffic study, and stated that staff is recommending approval, based on the identified need for additional multi-family housing in the City.

At the request of Commissioner Bradford, Mr. Johnson reviewed the letter from Caltrans, noting that most of their concerns can be worked out during the design phase and/or have to do with obtaining an encroachment permit for work within the SR32 ROW. He also noted that Caltrans request for a mid-week traffic study is unjustified, as Friday was chosen because it has the highest background traffic counts, thereby representing a "worst case" scenario. Ms. Figge added that Caltrans is a state agency with different responsibilities and objectives, and is sometimes at odds with the City and its objectives.

In response to Commissioner Monfort, Mr. Murphy reviewed the options the applicant has for a bike path, noting that the most probable outcome is a Class 1 path on the north side of SR 32 down to W. 8<sup>th</sup> Avenue.

Commissioner Francis confirmed with Mr. Johnson that the revised traffic study is based on the best traffic data available, including input regarding class attendance at Chico State, the number of bedrooms per apartment, and traffic counts taken on a Friday, which is the heaviest traffic day of the week.

In response to Commissioner Monfort, Mr. Alexander stated that the Internal Affairs Committee forwarded the matter of stoplights on SR 32 at Glenwood and Oak Way to the Council without any recommendation.

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

Craig Dickerson, representing Sterling Housing, reviewed changes made to the project since the January 17 meeting, including: relocation of buildings 200 feet further away from the railroad ROW,

provision of private bathrooms for every resident, extension of existing shuttle service or provision of a private shuttle to the CSU, Chico campus, provision of enough parking for every resident of the project to have a parking space, provision of a police substation in the project, revising the project downward to only two stories instead of three, and strict controls on the lease agreements, including co-signors being required for college students. He also noted that Sterling will correct an existing traffic deficiency at Oak Way that would otherwise not be corrected.

Commissioner Francis confirmed that the police substation wouldn't be manned, but added that it could create the mental perception that it could be manned at any time. Mr. Dickerson noted that they propose to have onsite security officers living in the project near the entrance, so one of the first things visitors see is the security officer's car.

Commissioner Francis confirmed that the lease agreement will stipulate one person per bedroom and require a parental guarantor for each individual lease.

In response to Commissioner Monfort, Mr. Dickerson reviewed the restrictions of the lease policy, including fees for infractions, criteria for eviction, and the provision of professional on-site management staff.

Commissioner Francis discussed Caltrans warrants, and whether or not signals would be allowed to be installed on SR 32.

Greg Melton, 627 Broadway, landscape architect, reviewed the landscaping elements of the project, noting that the complex has open space far in excess of City requirements.

Wes Gilbert, 70 Declaration Drive #101, project engineer, reviewed storm drainage for the project, noting that the new line will serve a larger tributary area and will correct some existing drainage problems.

Anne Marie Robinson, 2104 Fern Avenue, spoke in opposition to the project, citing concerns with the distance from the project to the university, incompatibility with existing family-centered neighborhoods, increased traffic, and insufficient infrastructure.

Beverly Patrick, 1 Springbrook Court, spoke in opposition to the project, citing concerns with impacts to Emma Wilson Elementary School and Oak Way Park.

Linda Rowen, 1030 Adlar Court, thanked the Commission for changing the date of the hearing. She spoke in opposition to the project, citing concerns with inadequate infrastructure and public services, safety, and the lack of need for the project due to declining university enrollment.

Wayne Horiuchi, 915 L Street, #1180, Sacramento, representing Union Pacific Railroad, discussed concerns Union Pacific has with safety, environmental issues, and potential liability. He asserted that it is bad policy to place student housing adjacent to railroad tracks, noting that the railroad is an attractive nuisance, leading to trespassing, accidents and fatalities. He also related issues with horn noise, explaining that the engineer is required by law to blow the horn at each crossing.

In response to Commissioner Francis, Mr. Horiuchi stated that Union Pacific has always opposed granting easements along rail lines for bicycle or pedestrian paths. He noted that the previously installed bicycle path was authorized by Southern Pacific before the two railroads merged in 1996, and that Southern Pacific had different policies. He pointed out that the easement for the existing bicycle path on the east side of the railroad tracks is the only one in all of California.

Karen Schuller, 1278 Glenhaven Drive, spoke in opposition to the project, citing additional concerns with the interaction of trains and students and noting two deaths which have already occurred this year.

She asserted that this project would be a disaster waiting to happen.

Steve Mickelson, 1595 La Linda Lane, spoke in opposition to the project, citing concerns with traffic and safety. He noted that he had given a copy of the traffic study to professor and engineer Reed Libby at Chico State, and read a letter with Mr. Libby's response.

Mary Brownell, 1942 Roseleaf Court, spoke in opposition to the project. She noted that she is not opposed to the project, just its location. She voiced concerns with safety, neighborhood compatibility, possible errors in the traffic study, and the utilization of any bicycle path.

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The Commission was in recess from 9:28 to 9:38 p.m.

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Sharon Wallace, 1258 Glenwood Avenue, President of the League of Women Voters (but not representing the organization), discussed her concern that the project be required to pay maintenance fees for the Oak Way park. Ms. Figge noted that the maintenance district is administrated by CARD.

Suzanna Mickelson, 1595 La Linda Lane, read the remainder of Mr. Libby's letter.

Jennie DuBose, 2175 Nord Avenue, spoke in opposition to the project, citing concerns with traffic, security, and potential impacts on police services caused by partying students. She reviewed newspaper articles from Lincoln, Nebraska and Iowa City, Iowa describing party problems with other Sterling complexes.

Martha Williams, 1006 Adlar Court, spoke in opposition to the project. She noted that she is the Director of Educational Support Programs for Chico State, but that she is not representing the university. She asserted that the project doesn't meet the designated student housing need, which is for on-campus housing. She asserted that students need to be housed closer to the university, and that a survey established that fewer than six percent of students use a carpool or bus to get to school.

Gitta Brewster, 13 Arbor Drive, spoke in opposition to the project, citing concerns with traffic, neighborhood incompatibility, and inadequate bicycle paths in the area. She opined that some residents would likely move if this project is approved.

Coleen Smith, 2223 Nord Avenue, spoke in opposition to the project, citing concerns with traffic, safety, noise, litter, and whether this project would contribute to maintenance of the Oak Way park.

Mary Hendrick, 1942 Roseleaf Court, spoke in opposition to the project. She read a letter from Sergeant Vickers of the CHP, which expressed concern with traffic and safety.

Jane Dolan, 1051 Adlar Court, requested that the record of the previous meetings be entered into the

record for this hearing. She noted that the property is currently under county jurisdiction, and that the existing zoning recognizes industrial uses in the area. She asserted that this project is spot-zoning and growth-inducing. She cited existing traffic problems and the lack of an under- or over-crossing of the railroad tracks in Chico. She urged the Commission to require that the project be required to contribute to the maintenance of the Oak Way park, and opined that the total impacts of this project can't be adequately mitigated.

Ken Anderson, 1315 Glenwood Avenue, spoke in opposition to the project, citing concerns with traffic, the distance of the project from the university, and neighborhood incompatibility.

Bob Callahan, 1223 Mary Arthur Court, spoke in opposition to the project, citing concerns with traffic, drunk driving, and overly-optimistic assumed utilization of bicycle paths and sidewalks.

Megan Murphy, 1134 Magnolia Avenue, Apt. C, spoke in opposition to the project, citing concerns with emergency response time in the area and the danger of putting so many students in close proximity to the railroad.

Lucy Sperlin, 18 Yale Way, spoke in opposition to the project, citing concerns with traffic and the lack of traffic calming measures on area streets.

Jim Mann, 70 Declaration Drive, #101, project consultant, asserted that this property is part of the landscaping and lighting district for Oak Way park, and would thus pay its share of park maintenance. He asserted that more growth areas are needed in the City, and that the City Council has said that this area should be designated for R3 development. He emphasized the changes Sterling has made to make the project more compatible and with fewer impacts to the neighborhood.

Henry Pratt, 1910 W. Sacramento Avenue, spoke in opposition to the project, citing concerns with neighborhood compatibility.

Philip Chao, 1583 W. 8<sup>th</sup> Avenue, asserted that Chico State students would act like Chico State students, and that this project will likely have impacts on the neighborhood.

Jose Gonzales, 2111 Fern Avenue, spoke in opposition to the project, citing traffic impacts on surrounding streets from those drivers avoiding SR 32.

Bruce Rowen, 1030 Adlar Court, read a letter from Jim Mann to Jeff DuFour dated June 19, 2001, stating Mr. Dauterman's opposition to the multi-family residential units on the subject property. He also read a letter from Planning Director Kim Seidler to Virginia Bettencourt, stating that Mr. Dauterman's property was not to be included in the rezone, and could still be used for light manufacturing.

Jack Dinerstein, President of the Dinerstein Companies, clarified that the letter from Mr. Dauterman represented his position last June, which has since changed. He also stated that the article from the

Lincoln, Nebraska newspaper was a misquote (his complex was confused with another complex) and urged anyone interested to call the Lincoln Police Chief. He noted that he is in negotiations with the City to expand the existing bus service, but they would provide their own bus service if those negotiations fall through. He reviewed other details of the apartments and the lease agreements, including their fine and eviction policies. He stressed the independent nature of the traffic study, as the consultant was selected by the City and the bill sent to him.

In response to Commissioner Monfort, Mr. Dinerstein stated that while the complex is marketed to students, he cannot legally prevent someone who is not a student from renting an apartment.

Paul Person, 1839 Arroyo Way, stated that he is an attorney who also works at Chico State, but is not representing the university. He spoke in opposition to the project, noting that the university will be building more student housing on campus, and asserting that there is enough evidence to require a full EIR for the project.

Tim Ferris, 515 Wall Street, local counsel for Sterling, stressed the binding nature of the proposed development agreement, which will lock the developer into a certain plan for at least 15 years.

Laurene Vrisimo, 2280 Nord Avenue, stated that the two parcels north of this project, which are owned by her mother, will continue with agricultural operations. She urged the Commission to deny the project.

There being no further comment, the public hearing was closed at 10:55 p.m.

Commissioner Alvistur applauded Sterling for the success that they've had in other cities, but stated that the project's impacts on the neighborhood are too great for him to support the project, alluding to the criteria in the Planning Commissioner's Handbook published by the League of California Cities.

Commissioner Monfort noted that this site is one of the first places the Commission looked at when examining growth areas, and that even if this project isn't technically considered "affordable housing" it would increase the pool of available apartments.

Commissioners Francis and Monfort discussed whether to require traffic signals as part of this project. Mr. Alexander interjected that he misspoke earlier, and that the Finance Committee did support the inclusion of signals at Oak Way and Glenwood if this project proceeds to Council and is subsequently approved; however, the signal installation would still be dependent on meeting warrants and securing partial funding from Caltrans.

Commissioner Bradford noted that the traffic issue is a Catch 22, and that the warrants won't be met unless more development is approved and traffic gets worse. He stated his support for the project.

Commissioner Francis stated that while it is a beautiful project, she couldn't begin to support the

project without requiring a light on SR 32 at either Glenwood or Oak Way.

Mr. Johnson stated that neither intersection currently meets the warrants, but added that Oak Way has an existing safety issue and should therefore be chosen if only one signal is installed.

Commissioner Monfort stated his preference for a two-way bike path on the north side of SR 32, separated from the existing roadway. There was additional, inconclusive discussion concerning the best alignment and location for a bike path.

Mr. Seidler reviewed the Commission's options, noting that the Commission is only forwarding a recommendation to the City Council.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-22, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING PROGRAM, AND APPROVE GENERAL PLAN AMENDMENT/REZONE 01-03 AND DEVELOPMENT AGREEMENT 02-02 (STERLING), MODIFIED TO REQUIRE THAT THE BIKE PATH NORTH OF 32 BE EITHER ADJACENT TO THE RAILROAD TRACKS, OR BE A SEPARATED BIKE PATH ON THE NORTH SIDE OF SR 32, WITH SOME SORT OF CONNECTION TO GET BICYCLISTS ALONG W. 8<sup>TH</sup> AVENUE AND THE TRACKS, REQUIRE THAT A TRAFFIC LIGHT OR A FAIR SHARE CONTRIBUTION TO A TRAFFIC LIGHT BE REQUIRED AT OAK WAY AND SR 32, AND REQUIRE EITHER EXTENSION OF CATS SERVICE TO THE PROJECT OR PROVISION OF A PRIVATE SHUTTLE. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH FAILED 2-2-1-1 (COMMISSIONERS ALVISTUR AND FRANCIS OPPOSED, COMMISSIONER WOLFE DISQUALIFIED, COMMISSIONER SANDERS ABSENT).

Commissioner Francis stated that this item would be forwarded to the City Council with no recommendation from the Planning Commission.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

Mr. Seidler reviewed the upcoming appreciation dinner for boards and commissions, and noted that the Council had decided to re-advertise for applicants to fill the vacant Planning Commission seat.

Commissioner Alvistur asked what conditions Council put on the Brentwood subdivision approval; Mr. Seidler indicated he would research the issue and provide the information to all Commissioners.

Commissioners Bradford and Wolfe indicated that they wouldn't be able to attend the June 20 meeting.



**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 11:35 p.m. to the Adjourned Regular Meeting of June 20, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
August 1, 2002  
Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JUNE 20, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, and Craig Sanders. Commissioner Nancy Wolfe was absent. Staff present were Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Commissioner Francis announced that Richmond Park Unit 2 would not be heard this evening, as it was earlier thought that a quorum would not be present; staff therefore informed the applicant and other interested parties that the item would be continued to the Planning Commission meeting of July 18. She stated that the Commission would open the public hearing to receive the testimony of those unable to attend the meeting on the 18th.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that he had spoken to Tony Symmes, Wes Gilbert, and Collene Halldorson regarding the design and storm drainage of Richmond Park 2.

**ADMINISTRATIVE AGENDA**

- 1. Minutes of Adjourned Regular Meeting of April 18, 2002**
- 2. Minutes of Regular Meeting of May 2, 2002**  
*Staff recommends approval with any corrections/revisions required.*

Commissioner Francis noted that she was absent from both meetings, and would therefore abstain from voting.

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-0-1-1 (COMMISSIONER FRANCIS ABSTAINING, COMMISSIONER WOLFE ABSENT).

**CONSENT AGENDA**

- 3. Tentative Parcel Map 01-16 (Alleghany) SR 32 and Yosemite Drive - A request to subdivide a 21.7 acre parcel located on the north side of State Highway Route 32 at Yosemite Drive to create 3 parcels – a 13.3 acre parcel (Parcel 1, split-zoned R2 and R3), a 5.66 acre parcel (Parcel 2, zoned R2), and a 2.48 acre parcel (Parcel 3, zoned R1). The site is identified as Assessor's Parcel No. 011-030-141, is designated Low Density Residential, Medium Density Residential, and Medium-High Density Residential on the City of Chico General Plan Diagram, and is split-zoned R1 Low Density Residential, R2 Medium Density Residential, and R3 Medium-High Density Residential. A mitigated negative**

declaration is proposed for this project, pursuant to the California Environmental Quality Act. *Staff recommends adoption of the mitigated negative declaration and approval of the tentative parcel map.*

Ms. Figge pulled this item from the consent agenda.

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **3. Tentative Parcel Map 01-16 (Alleghany) SR 32 and Yosemite Drive**

Ms. Figge explained there was a change to Exhibit 1, condition #15, and mitigation measure 9B; in both instances, the condition should refer to parcel 3 instead of parcel 2.

In response to Commissioner Monfort, Ms. Figge indicated that Yosemite Place will return at a future meeting for approval. She explained that this parcel map creates the parcel that will be further subdivided to create Yosemite Place.

Commissioner Francis added that if the Commission had found major flaws with the project during the conceptual review, the subdivision and sale might not have occurred.

The public hearing was opened at 6:38 p.m. Seeing no comment, the public hearing was closed.

COMMISSIONER ALVISTUR MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 02-25, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE PARCEL MAP 01-16, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, WITH MODIFICATIONS IN EXHIBIT 1 AS DISCUSSED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER WOLFE ABSENT).

### **REGULAR AGENDA**

- 4. Richmond Park Vesting Tentative Subdivision Map, Unit 2 S-02-07 (Agasy, Inc.) 1117 & 1201 W. 11th Avenue** - A proposed subdivision of 2.63 acres located on the south side of W. 11th Avenue, approximately 200 feet east of Basswood Court, to create 12 new lots (2 currently existing) for single family residential development, ranging in size from 3,689 to 25,008 square feet, with an average lot size of 7,513 square feet and a project density of 5.32 units per acre. The site is identified as Assessor's Parcel Nos. 043-040-021 and 044, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential (2.01 to 6 units per acre) rezoning 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 and approval of the vesting tentative subdivision map.*

Commissioner Francis stated that she would disqualify herself from hearing this item, as the applicant has a business relationship with her employer.

Ms. Figge noted that neighbors and the applicant were called and told that the item wouldn't be heard this evening.

Commissioner Monfort observed that nobody is present to discuss this item.

COMMISSIONER BRADFORD MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF JULY 18. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-0-1-1 (COMMISSIONER FRANCIS DISQUALIFIED, COMMISSIONER WOLFE ABSENT).

5. **Vesting Tentative Subdivision Map (S 01-10) and Planned Development Permit (PDP 01-07) for Raptor Ridge Subdivision (Schlais) 414 Chico Canyon Road** - Conceptual and final review of a request to subdivide an 8.28 acre parcel into 8 single-family residential lots, including the retention of an existing residence, on property located at 414 Chico Canyon Road (south side of the road) approximately one-quarter mile east of Via Morrow Lane. The average lot size is approximately one acre, with a project density of 0.97 units per acre. The property is identified as Assessor's Parcel No. 011-020-096, is designated Very Low Density Residential on the City of Chico General Plan Diagram, and is located in an RS-1 Suburban Residential (one acre minimum lot size) pre-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 and approval of the vesting tentative subdivision map.*

Mr. Summerville presented the staff report, reviewing the land use issues involved and details of the project. He noted that a Planned Development Permit is required because some of the lots are slightly under one acre, although the overall project density is slightly under one unit per acre. He reviewed some photos showing the impact of a 25-foot roofline on foothill viewsheds, explaining that visual impact should be minimal. He discussed the proposed modifications to Chico Canyon Road, noting that they will be consistent with prior approvals in the area; he added that this project will have street trees and a sidewalk, as the portion of Chico Canyon Road is at a lower elevation, so viewshed isn't an issue in that location. He clarified certain issues in the staff report, including: the correct number of oaks onsite (16); the requirement that any removed oak trees be replaced at a one to one ratio; clarification that the building envelope restrictions don't apply for modifications to the existing house on the property; clarification that the access easement will be relocated to the common property line between lots 5 and 6; and that the existing driveway and agreement will remain on lot 4.

In response to Commissioner Monfort, Mr. Summerville explained that the bike path will remain adjacent to the street, and that both the gutter and sidewalk will be darkened with lampblack.

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

Wes Gilbert, 70 Declaration Drive, Suite 101, project engineer, commended Commissioner Monfort for understanding the acronyms on the map. He stated that the relocated access easement on the common property line of lots 5 and 6 would provide better access, and clarified that the project will have a two-foot valley gutter and a five-foot sidewalk adjacent to Chico Canyon Road.

Mr. Gilbert reviewed the storm water drainage and detention plans for the project, and asked for latitude in providing surface or underground detention facilities. After discussion, it was agreed to allow the applicant flexibility, as long as the final result is approved by Public Works.

Mr. Gilbert also requested that references to installing curb adjacent to the subdivision be removed, and that the installation of lights be deferred until the time of building permit issuance. There was general agreement that the request should be granted. Mr. Gilbert also clarified with Mr. Alexander that paragraphs 4, 5 and 6 on page 8 of 9 of the subdivision report wouldn't require any actual changes to the project.

In response to Commissioner Monfort, Mr. Alexander explained that the school district has never before expressed a concern about how children will walk or bike to school, and that he doesn't think it appropriate to require an additional condition. He noted that Manzanita Avenue will have bike lanes throughout the entire corridor when constructed, as well as a bicycle connection between Chico Canyon Road and California Park Drive.

In response to Commissioner Bradford, Mr. Gilbert stated that the storm drainage facilities, whatever form they finally take, would be maintained by a maintenance district.

There being no further comment, the public hearing was closed at 7:07 p.m.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-24, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING VESTING TENTATIVE SUBDIVISION MAP S 01-10 AND PLANNED DEVELOPMENT PERMIT 01-07 FOR RAPTOR RIDGE SUBDIVISION, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO SPECIFY THROUGHOUT THE RESOLUTION: THAT THE SIDEWALK WILL BE FIVE FEET WIDE, CONSTRUCTED OF CONCRETE DARKENED WITH LAMPBLACK; THAT THE GUTTER WILL BE A VALLEY GUTTER 3 TO 4 FEET WIDE, CONSTRUCTED OF CONCRETE DARKENED WITH LAMPBLACK; THAT THE SHOULDER WILL BE TWO FEET OF GRAVEL; THAT STORM DRAINAGE ALTERNATIVES ARE ALLOWED, TO BE WORKED OUT WITH PUBLIC WORKS; AND THAT STREET LIGHTS ARE TO BE

INSTALLED AT THE TIME OF BUILDING PERMIT, SUCH DESIGN TO BE APPROVED BY PLANNING. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER WOLFE ABSENT).

**GENERAL BUSINESS**

The Commission agreed to revise the first sheet of the agenda to specify that the time allowed to speakers is “three minutes or other amount as specified by the Chair”.

**PLANNING UPDATE**

Ms. Figge reviewed that the next meeting will be a workshop on Oak Valley, and that discussion of the Humboldt Road Burn Dump would not be a part of the workshop. She explained that it will be a chance to learn about the project, look at visual simulations and conceptual plans, and ask questions about the design of the project.

Commissioner Monfort noted that the Oak Valley project is contingent on the dump issue being resolved, which is outside of the Planning Commission’s purview.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:14 p.m. to the Oak Valley Workshop of July 11, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
August 1, 2002

Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JULY 11, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:33 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Director of Public Works E.C. Ross, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, City Attorney Dave Frank, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

None.

**ADMINISTRATIVE AGENDA**

No items.

**CONSENT AGENDA**

No items.

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

1. **Workshop for Oak Valley Conceptual Master Plan (Planned Development 02-01) and Vesting Tentative Subdivision Map (S 99-12)** - Preliminary review of a conceptual master plan and subdivision map to create 147 parcels (21 large parcels and 126 smaller parcels referred to as “the 43-acre portion of the subdivision”) on 340 acres located on the south side of State Highway Route 32, east of Bruce Road, north of Humboldt Road and west of the 500 kV transmission lines. Portions of the former City/County Humboldt Road Burn Dump are located in the southwestern portion of the site, contiguous to the remaining portions outside the limits of the project. The property is designated Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium High Density Residential and Community Commercial with an overlay district of Open Space for Environmental Conservation/Safety on the City of Chico General Plan Diagram, and is zoned Very Low Density Residential (RS-20), Low Density Residential (R1), Medium Density Residential (R2), Medium High Density Residential (R3), and Community Commercial (CC) with a Planned Development Overlay zoning district (-PD Foothill). The subject site has been identified as a “Special Development Area” in the Chico General Plan due to sensitive biological habitat and the foothill viewshed. A Planned Development Permit has been required for this project. The -PD process will allow the project developer to cluster housing units and to transfer density to the western portion of the site by reducing parcels sizes, setbacks

or other development standards.

The Conceptual Master Plan includes 230 acres of single and multi-family residential units, 87.5 acres designated as open space for resource protection and passive recreational use, and 10 acres of commercial uses. The Master Plan includes a total of approximately 593 low-density single-family residential homes, 471 medium-density residences, and 260 multi-family residential units. Parcel sizes range in size from 4.34 - 26.52 acres. The 43-acre portion of the project site includes 98 low density residential parcels, 94 medium density residential duplex, and 132 multi-family residential units. Parcel sizes range in size from 4,594 - 8,458 square feet with two parcels for multiple-family residential development on 3.89 acres and 2.76 acres.

The proposed project is being processed with an Environmental Impact Report (EIR). The Programmatic Draft EIR for the Oak Valley Conceptual Master Plan and Project-Specific Draft EIR for the 43-acre Portion of the Subdivision was circulated for a 45-day public review period between the dates of April 18 and June 2, 2000. Since the review period, additional site characterization was conducted for the Humboldt Road Burn Dump and portions of the Oak Valley project site adjacent to the former dump areas. Updated information is being incorporated into the Final EIR.

***The purpose of the workshop is to familiarize the Planning Commission and public with the history, basic components and design concepts of the project. Specific issues pertaining to the EIR will not be included at this time as the Commission will not be considering the environmental document at the workshop. No Commission decision or action is requested at this time.***

Ms. Figge presented the staff report, reviewing the details of the project, the changes to the project design over the years, and the status of the environmental documentation. She noted that a public hearing won't take place until the Final EIR is completed for the project.

In response to Commissioner Monfort, Ms. Figge reviewed that approximately 1300 units are proposed for the entire property, with a density of 3.88 units per acre. She added that the 43-acre portion which is being fully mapped initially will have a density of 7.5 units per acre.

Ms. Figge reviewed plans for Humboldt Road, noting that a Class 1 bike path is proposed, away from the ruts and the rock wall. In response to Commissioner Bradford, Ms. Figge confirmed that the developer will be responsible for developing Humboldt Road adjacent to the property, although it would be subject to scenic roadway construction criteria. She explained that additional information regarding the historic nature of the Humboldt Road is being prepared due to several comments concerning its future improvement.

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The Commission was in recess from 6:56 to 7:01 p.m.



Jim Mann, 70 Declaration Drive, #101, representing the applicant, introduced the various consultants who have been working on the project, including Wes Gilbert, Ken Whitney, Kate Kersh, and Greg Melton. He reviewed that the significant issues for this project include design, grading, parking, drainage, visualization, visual impact, fire access, and geologic hazards.

Wes Gilbert, 9309 Aguas Frias Road, project engineer, reviewed the physical features of the site and their relation to proposed improvements. He noted that new water tanks will be required to serve homes greater than 350 feet in elevation.

In response to Commissioner Monfort, Mr. Gilbert stated that while there will be some development on slopes greater than 15% at the eastern end of the project, the vast majority of the developed area will have less than a 15% slope. He also confirmed that there will be a total of three crossings of Dead Horse Slough.

In response to Commissioners Alvistur and Wolfe, Ms. Figge indicated that the Final EIR might be complete as early as September, with the project possibly being heard by the Commission in September or October.

In response to Commissioner Francis, Mr. Gilbert elaborated that there will be multiple basins for storm water quantity and quality mitigation.

In response to Commissioner Monfort, Ms. Figge pointed out that the Commission will have the opportunity to propose design standards for roads and lighting as part of the PD process.

Ken Whitney, 2150 Professional Drive, Suite 120, Roseville, project biologist, discussed the environmental setting of the project, as well as the differences between Resource Conservation Areas (RCAs) and Resource Management Areas (RMAs). He also discussed the role of a Resource Management, Monitoring and Reporting Information (RMMRI) document in transforming an RMA into developable areas and RCAs. He reviewed special status species and habitats present on the site.

Kate Kersh, 2150 Professional Drive, Suite 120, Roseville, project environmental planner, reviewed various visual simulations of the project, pointing out various features to reduce impact on foothill viewsheds.

Greg Melton, 627 Broadway, project landscape architect, reviewed details about project plantings, sound walls, berms, oak preservation measures, and entry monuments. He elaborated that the dry-stacked rock wall will be placed on a berm, and will act as a sound wall, even though the appearance will be similar to the historic rock walls in the area.

Jim Mann, a previous speaker, emphasized that the Humboldt Road Burn Dump (HRBD) cleanup is a separate project, and that everyone is agreed that it is premature to move any near the HRBD. He

presented a booklet showing various housing types that would likely be constructed in the project.

Tom Fogarty, 500 Lyndsey Lane, Yuba City, applicant, reviewed the history of the project. He noted that large projects tend to be the best planned, as they are under the most scrutiny. He re-emphasized that the HRBD is being cleaned up because the state is mandating that it be cleaned up, and that it is a separate project. He stressed that the 43 acre parcel proposed for initial development was found to be clean of contamination ten years ago, and that there is still a full year of work after approval of the plan before construction can begin. He also noted the “hammer” that the Commission has with the PD overlay, allowing each portion of the project to have unique conditions and/or design as circumstances warrant.

There was discussion concerning the Yosemite/SR 32 intersection. Mr. Ross noted that it is Caltrans which wants the offset intersection, while the City believes it is necessary to have a four-way intersection, which would eventually be signalized.

In response to Commissioner Francis, Mr. Ross stated that Public Works can require a narrower road when the road serves fewer lots. He stated that the Commission can look at alternatives both for roads and for lighting due to the PD overlay.

Commissioner Francis restated that the Final EIR isn't available, and that discussions on environmental issues would be premature.

Francis Farley, 70 Rose Avenue, stated that he is a frequent bicyclist on Humboldt Road, and urged the Commission to close off that portion of Humboldt Road and turn it into a bike path.

Jim Jessee, 1272 Hobart Street, reviewed the history of Humboldt Road. He requested that the road be preserved as-is.

In response to Commissioner Monfort, Mr. Ross stated that the City does maintain the road in a limited manner. He noted that the final disposition of Humboldt Road will depend upon the Final EIR for the project.

Gerda Lydon, 2948 San Verbena Way, urged the Commission to preserve Humboldt Road as-is.

Francis Farley, a previous speaker, presented written comments from Ed McLaughlin, who had to leave the meeting. He noted that closing the road to vehicles will cut down on the number of undesirable activities taking in the area, stating his preference for a smaller collector road on the north side of the project property.

Gerald Rogan, 620 Earl Avenue, inquired what would be done to mitigate increased sound levels on SR 32 and SR 99 as a result of this project. Ms. Figge discussed the inability of the City to regulate noise from State facilities, but stated that the City is working with Caltrans to install sound walls along

portions of SR 99.

Jim Brobeck, 1605 Manzanita Avenue, representing Butte Environmental Council, expressed concern with the cumulative impact of this project on groundwater recharge in Chico. Ms. Figge replied that the General Plan EIR recognized the reduction of groundwater supplies as a cumulative impact, and that the reduction was overridden by the EIR. Mr. Seidler added that any future developments not anticipated by the current General Plan would need to include groundwater issues in their environmental documentation.

Billie Kanter, 614 W. 4<sup>th</sup> Avenue, urged the Commission to close Humboldt Road to vehicles. She noted that it is one of the few places where walkers, joggers and cyclists all go, and also offers a vantage point for determining air quality in the valley.

Ken Whitney, a previous speaker, acknowledged that old oaks can be lost in spite of mitigation measures, but added that newly planted native species tend not to have the same problem. Commissioner Monfort confirmed that Mr. Whitney would work with the landscape architect to minimize the potential for landscaping runoff to affect existing oak trees.

The Commission discussed the project, indicating general agreement with the concept and agreeing with Mr. Fogarty about the power the Commission has with the PD overlay. There was the also general consensus to keep the lighting level low, especially in the upper elevations of the project.

The Commission discussed Humboldt Road, suggesting that a bicycle/pedestrian count may be needed to determine the true use of the road. There was some disagreement whether Humboldt Road should be closed to vehicles entirely, or whether a road and a bike path should be installed in a manner sensitive to the historic nature of the road; however, there was agreement that a standard collector road is not desired. Commissioner Sanders added that he would like to see a view simulation from a vantage point on Humboldt Road.

In response to Commissioner Monfort, Mr. Ross stated that there could be some minor changes in the grade of Humboldt Road when developed.

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

None.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:25 p.m. to the Adjourned Regular Meeting of July 18, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

September 5, 2002  
Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
JULY 18, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Vic Alvistur was absent. Staff present were Principal Planner Pam Figge, Senior Planner Claudia Sigona, Senior Planner Patrick Murphy, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Commissioner Francis announced that the Commission did not have a quorum to hear items 4 (Richmond Park Unit 2) and 7 (Mariposa Vista). She stated that both items would be continued to the meeting of August 1<sup>st</sup>.

Ms. Figge indicated that the Commission should hear public comments on both items, because it is a noticed public hearing.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

All Commissioners except Commissioner Sanders reported that they had spoken to Jim Stevens, who offered to answer any questions about Yosemite Place. In addition, Commissioner Wolfe reported that she had spoken to Nick Andrew regarding the Gencarelli use permit, and Commissioner Monfort reported that he had spoken to a friend of the applicant for the Gencarelli use permit, who had questions about the process.

**ADMINISTRATIVE AGENDA**

No items.

**CONSENT AGENDA**

1. **Foothill Park East Unit 5 Vesting Tentative Subdivision Map S 02-09 (Drake Homes) Ceanothus Avenue and Valley Forge Drive** - A request to approve a vesting tentative subdivision map with 38 single family residential lots on property totaling 10.87 acres. The subject site is located in the northwest portion of the previously approved Foothill Park East residential subdivision at the extension of Valley Forge Drive and its intersection with Ceanothus Avenue. The site is identified as Assessor's Parcel No. 048-020-109, 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 an R1 Low Density Residential zoning district. *Staff recommends that the Commission find that the project is consistent with the scope of the Foothill Park East Environmental Impact Report and Foothill Park East Master Design Manual and approve the vesting tentative subdivision map.*

Commissioner Francis pulled this item from the consent agenda.

### **ITEMS REMOVED FROM CONSENT AGENDA**

**1. Foothill Park East Unit 5 Vesting Tentative Subdivision Map S 02-09 (Drake Homes) Ceanothus Avenue and Valley Forge Drive**

Ms. Figge presented the staff report, reviewing the land use issues involved. She noted that this project is the fifth phase of the Foothill Park East project, and includes a recreational bike path with benches along it.

Commissioner Monfort discussed rear yard fencing for the project, wondering if either a low fence or a chain link fence might be more desirable. Ms. Figge pointed out that there is no requirement that owners fence their backyards at all.

In response to Commissioner Wolfe, Mr. Alexander explained the schedule for roadway projects on both Marigold and East Avenues.

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

Mike Byrd, 115 Yellowstone Drive, project engineer, stated that Drake Homes has no objection to a cyclone fence as an option.

There being no further comment, the public hearing was closed at 6:44 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 02-26, ACCEPTING THE INITIAL STUDY CHECKLIST FINDING THAT THE PROJECT FALLS WITHIN THE SCOPE OF THE FOOTHILL PARK EAST EIR AND APPROVING THE FOOTHILL PARK EAST UNIT 5 VESTING TENTATIVE SUBDIVISION MAP, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 4-0-1-1 (COMMISSIONER SANDERS ABSTAINING, COMMISSIONER ALVISTUR ABSENT).

### **REGULAR AGENDA**

- 2. Use Permit 02-42 (Gencarelli) 648 W. 5<sup>th</sup> Street** - A request to allow the conversion of an existing building at 648 W. 5<sup>th</sup> Street currently operating as a laundromat with 36 machines into a restaurant serving alcoholic beverages with no on-site parking. Because the change in use would result in a greater demand for on-site parking, a use permit is required. The site is identified as Assessor's Parcel No. 004-126-010, is designated Community Commercial on the City of Chico General Plan Diagram, and 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 15302 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Ms. Figge requested that the Commission continue this item until a specific location is determined for the off-site parking the applicant requires; at that time, the project would be re-noticed to include the new information. She noted that the municipal code requires that the off-site parking be adjacent to the subject property.

Commissioner Francis announced that the public hearing would be opened to take the testimony of anyone who can't come back to a future meeting.

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

Celestino Gencarelli, 3177 Sandstone Lane, applicant, stated that he is working to secure some parking at 4<sup>th</sup> and Cherry. He added that his other option is to limit the seating so that no additional parking is required.

Marian Gage, 724 Grand Teton Way, representing Healthy Chico Youth, expressed amazement that staff was recommending approval of the project in light of the alcohol problems in Chico. She urged the Commission to deny the use permit.

Eyvonne Clayton, 1273 Honey Run Road, property owner, noted that business has been poor at the laundromat, and it has in fact been closed since last September. She explained that the property is her only source of income. She stated that the use is primarily intended to be a restaurant, and that she is pleased to be working with Mr. Gencarelli.

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

Commissioner Monfort confirmed with Ms. Figge that the City Council is the body which would determine whether or not a liquor license is granted, and that the Planning Commission is mainly concerned with parking.

COMMISSIONER MONFORT MOVED TO CONTINUE THIS ITEM TO A FUTURE MEETING, TO BE RENOTICED. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

3. **General Plan Amendment/Rezone 02-02 (Sommer) 1293 E. 1<sup>st</sup> Avenue** - A request to amend the land use designation from Mixed Use Neighborhood Core to Community Commercial on the City of Chico General Plan Diagram, and to rezone from CN Neighborhood Commercial to CC Community Commercial for property located at 1293 E. 1<sup>st</sup> Avenue. The site is identified as Assessor's Parcel No. 045-

712-001, and known as Longfellow Village. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the mitigated negative declaration and approval of the general plan amendment/rezone.***

Commissioner Bradford stated that he would disqualify himself from hearing this item, as his business is across the street from the project.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the reasons for the rezone. He noted that the applicant wishes to expand his fitness club, and explained staff's position that a GPA/RZ to Community Commercial would more truly reflect the use and function of the property. He noted that the applicant's first proposed expansion would result in a deficiency of two parking spaces, while the applicant's second proposed expansion would result in a deficiency of forty parking spaces.

Mr. Summerville reviewed the results of the neighborhood meeting held by the applicant, noting that half of the attendees were pleased with the proposed expansion, while half were upset; major issues included traffic, noise, and the potential for other less desirable uses to locate there on the property under CC zoning. He noted that one neighbor has requested a continuance of the project, as she was not able to attend this meeting.

At the request of Commissioner Monfort, Ms. Figge reviewed the history of the site. In response to Commissioner Wolfe, Ms. Figge stated that staff will likely not support any additional use permits for this property under the current NC zoning, as it has changed in character to a CC type of use.

The public hearing was opened at 7:07 p.m.

Tom Hall, 1293 E. 1<sup>st</sup> Avenue, manager of In Motion Fitness, spoke in support of the project. In response to Commissioner Monfort, Mr. Hall explained that they already have a second location, the Body Shop, over on W. 5<sup>th</sup> Street, but that site is not suitable for expansion. Mr. Hall added that the owner, Carleton Sommer, has greatly improved the property and provides a valuable service to the community. He noted that the growth is spurred by scheduling conflicts caused by a lack of space for fitness classes. He elaborated that staff suggested pursuing the rezone, as a use permit would then not be needed for each expansion. He added that the ultimate size of the facility will be limited by the physical site, especially available parking.

Commissioner Monfort noted that this is a classic "neighborhood vs. community" issue.

There being no further comment, the public hearing was closed at 7:15 p.m.



After discussion, there was general agreement that a rezone is not desired on this property, and that the Commission prefers to retain control over future expansions of the property through the use permit process, mainly to ensure neighborhood compatibility and minimize impacts. There was additional agreement that the Commission would likely support the first 8500 square foot expansion, but would be more reserved about approving additional expansions.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF THE GENERAL PLAN AMENDMENT/REZONE REQUEST, FINDING THAT SUCH A REZONE WOULD CREATE INCOMPATIBILITY WITH THE SURROUNDING LAND USES. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 4-0-1-1 (COMMISSIONER BRADFORD DISQUALIFIED, COMMISSIONER ALVISTUR ABSENT).

4. **Richmond Park Vesting Tentative Subdivision Map, Unit 2 S-02-07 (Agasy, Inc.) 1117 & 1201 W. 11th Avenue** - A proposed subdivision of 2.63 acres located on the south side of W. 11th Avenue, approximately 200 feet east of Basswood Court, to create 12 new lots (2 currently existing) for single family residential development. The site is identified as Assessor's Parcel Nos. 043-040-021 and 044, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential (2.01 to 6 units per acre) rezoning 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 and approval of the vesting tentative subdivision map.*

Ms. Barker stated that the Commission can't open a public hearing on this item due to the lack of a quorum.

Ms. Figge stated that items 4 and 7 are continued to the next Planning Commission meeting, on August 1<sup>st</sup>.

5. **Vesting Tentative Subdivision Map (S 02-06) & Planned Development Permit (PDP 02-02) for the Yosemite Place Subdivision (Land Design) SR 32 and Yosemite Drive** - A request to divide a 13.3 acre site into four multi-family lots and 48 single-family lots. A single-family residence would be constructed on each of the 48 individual residential lots as a "common interest subdivision." As part of the Planned Development Permit (PDP), 90 apartment units would be built on the four multi-family parcels. The site is identified as Assessor's Parcel No. 011-030-141 (portion), and is designated Medium Density Residential and Medium-High Density Residential on the City of Chico General Plan Diagram. The site has a split zoning of R2 Medium Density Residential and R3 Medium-High 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,*

***approval of the planned development permit, and approval of the vesting tentative subdivision map.***

Mr. Murphy presented the staff report, reviewing the land use issues involved, changes requested by the Commission at the previous hearing, and the details of the project.

Mr. Alexander noted that a bus stop is not being required at this time, but that there is adequate room to install a sheltered bus stop at a future date.

The public hearing was opened at 7:35 p.m.

Jim Stevens, Northstar Engineering, 20 Declaration Drive, representing the applicant, stated that he would be happy to eliminate two-story homes along the drainage channel. He explained their plans for grading and fill in the project, noting that he'd prefer to place up to 12 feet of fill on the northwest corner of the site so as to reduce the number of retaining walls required in the project.

Mr. Stevens also requested that: the left turn lane on Yosemite actually be a two-way center turn lane, and that it only be required to go as far as the northerly entrance to the project, instead of across the entire project frontage; and that only a preliminary landscape plan be submitted prior to grading, in case a change in the landscape design is needed as a result of the grading process. There was general agreement to grant both requests.

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

The Commission discussed striping along Yosemite Drive, and agreed to require edge striping similar to what exists on Yosemite Drive north of Idyllwild Circle.

Commissioner Bradford expressed concerns relating to the amount and location of guest parking; staff elaborated on the rationale behind the reduced guest parking requirement, noting that similar projects have found this amount of parking to be more than adequate.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-30, ADOPTING A MITIGATED NEGATIVE DECLARATION AND THE ASSOCIATED MITIGATION MONITORING PROGRAM AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (S 02-06) AND PHASE I OF PLANNED DEVELOPMENT PERMIT (PDP 02-02) FOR THE YOSEMITE PLACE DEVELOPMENT, SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, MODIFIED TO INCLUDE REVISED TURN LANE STRIPING AND EDGE STRIPING ALONG YOSEMITE DRIVE, REQUIRE ONLY A PRELIMINARY LANDSCAPE PLAN PRIOR TO GRADING, AND PROHIBIT TWO-STORY CONSTRUCTION ADJACENT TO THE CHANNEL. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

6. **General Plan Amendment No. 02-04 (City of Chico)** - This amendment to the Parks, Public Facilities and Services (P, PF & S) Element of the General Plan includes three revisions that city staff was directed by the City Council and Planning Commission to initiate as a result of the Five-Year Review of the General Plan. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). The three revisions include: the addition of the Annie Bidwell Trail in the Parks and Recreation Open Space section; the addition of De Garmo Park and designation of a future neighborhood park in the vicinity of Eaton Road and Morseman Avenue; and the deletion of one of the two proposed neighborhood park sites shown in the area bounded by Lindo Channel, the Esplanade, the Union Pacific railroad tracks and West 6th Avenue. ***Staff recommends that the Commission recommend Council adoption of the mitigated negative declaration and approval of the general plan amendment.***

Mr. Murphy presented the staff report, reviewing the land use issues involved. He noted that these amendments are a result of the General Plan five-year review. He added that the Annie Bidwell Trail alignment in Upper Park will be examined in greater detail as part of the Upper Park Trails Plan, to be considered by both the Park Commission and City Council.

In response to Commissioner Monfort, Mr. Murphy explained the rationale behind deleting a community park site south of Lindo Channel, adding that there simply isn't sufficient population in that area to support the maintenance of another neighborhood park. He stated that the deletion of the park site shouldn't have any effect on meeting the General Plan goal of .9 acres per thousand residents, and that the other future park site identified in the General Plan for this neighborhood would remain.

There was discussion concerning the origin of the "The City shall allow and encourage" language concerning the Annie Bidwell Trail.

The public hearing was opened at 7:58 p.m.

Michael Jones, 2411 Notre Dame Blvd., principal advocate of the Annie Bidwell Trail, recalled that the "allow and encourage" language was written by Mr. Seidler and Commissioner Monfort as a compromise to not obligate the City to install the improvements. He noted that the trail concept has been heard by the Park Commission, and an EIR is currently being prepared for the project.

In response to Commissioner Monfort, Mr. Jones explained that the Park Commission designated existing paths to be used for the Annie Bidwell Trail in Lower Park, and that he is primarily concerned about the new trail in Upper Park.

In response to Commissioner Monfort, Mr. Beardsley elaborated on the language for the trail and its priority among park projects.

There being no further comment, the public hearing was closed at 8:11 p.m.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-28, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT 02-04. COMMISSIONER WOLFE SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER ALVISTUR ABSENT).

7. **Mariposa Vista Vesting Tentative Subdivision Map S 02-08 (Agasy, Inc.) east side of Mariposa Avenue, north of Ravenshoe Way** - A proposal to subdivide 18.45 acres in two phases for single family residential development to create 88 lots on 14.78 acres in Phase I and 25 lots on 3.67 acres in Phase II. The subject property is located between Mariposa and Ceanothus Avenues, north of Ravenshoe Way, is identified as Assessor's Parcel Numbers 048-061-006, 007, 014, 015, 031, 032, (Phase I) and 044 (Phase II), 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 map is being processed under the City's small-lot subdivision regulations which allow a minimum lot size of 3,500 square feet and up to 7 units per acre. 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 vesting tentative subdivision map.*

This item was continued to the Planning Commission meeting of August 1<sup>st</sup>.

#### **GENERAL BUSINESS**

None.

#### **PLANNING UPDATE**

Ms. Figge stated that two ARB members had resigned, and requested that the Planning Commission would choose a Commissioner to act as a temporary ARB member at the next meeting.

In response to Commissioner Francis, Ms. Barker reviewed that the City Council would be appointing a new Planning Commissioner at its August 6<sup>th</sup> meeting; Ms. Barker also reviewed a memorandum concerning conflicts of interests and campaign contributions.

#### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:15 p.m. to the Regular Meeting of August 1, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 1, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Craig Sanders, and Nancy Wolfe. Commissioner Kirk Monfort was absent. Staff present were Senior Planner Patrick Murphy, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of the Regular Meeting of June 6, 2002**
2. **Minutes of the Adjourned Regular Meeting of June 20, 2002**  
*Staff recommends approval with any corrections/revisions required.*

Commissioner Francis noted the June 6 minutes, under Ex Parte Communication, should reflect that she spoke to Linda Rowen, but did not meet with her. Commissioner Alvistur added that on page 11 of the June 6 minutes, he was referring to the Planning Commissioner's Handbook published by the League of California Cities.

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA, AS AMENDED BY COMMISSIONERS FRANCIS AND ALVISTUR. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1 (COMMISSIONER MONFORT ABSENT).

**CONSENT AGENDA**

*No items.*

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

3. **Richmond Park Vesting Tentative Subdivision Map, Unit 2 S-02-07 (Agasy, Inc.) 1117 & 1201 W. 11th Avenue** - A proposed subdivision of 2.63 acres located on the south side of W. 11th Avenue, approximately 200 feet east of Basswood Court, to create 12 new lots (2 currently existing) for single family residential development. The site is identified as Assessor's Parcel Nos. 043-040-021 and 044, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential (2.01 to 6 units per acre) rezoning 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 and approval of the vesting tentative subdivision map.***

4. **Mariposa Vista Vesting Tentative Subdivision Map S 02-08 (Agasy, Inc.) east side of Mariposa Avenue, north of Ravenshoe Way** - A proposal to subdivide 18.45 acres in two phases for single family residential development to create 88 lots on 14.78 acres in Phase I and 25 lots on 3.67 acres in Phase II. The subject property is located between Mariposa and Ceanothus Avenues, north of Ravenshoe Way, is identified as Assessor's Parcel Numbers 048-061-006, 007, 014, 015, 031, 032, (Phase I) and 044 (Phase II), 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 map is being processed under the City's small-lot subdivision regulations which allow a minimum lot size of 3,500 square feet and up to 7 units per acre. 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 vesting tentative subdivision map.*

Items 3 and 4 were continued to a special adjourned meeting on August 8 due to the lack of a quorum.

5. **Appointment of a Representative to the Architectural Review Board (ARB)** - Pursuant to CMC Sec. 2.56.030, the Planning Commission Chair will appoint a representative to the ARB, to serve as an alternate member with voting privileges when a regular member is absent. Due to the recent resignation of two ARB members, the representative will likely need to attend all ARB meetings until new permanent members are appointed by the City Council.

Chair Francis stated that Commissioner Wolfe would attend the next ARB meeting, but that a more permanent appointment would be made for an alternate member at a future meeting.

#### **GENERAL BUSINESS**

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 Special Meeting of August 8, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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September 5, 2002

Date Approved

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Kim Seidler  
Planning Director



**PLANNING COMMISSION  
ADJOURNED SPECIAL MEETING  
AUGUST 8, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Senior Planner Claudia Sigona, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that he spoke briefly to Tony Symmes when out looking at the Richmond Park 2 site.

**ADMINISTRATIVE AGENDA**

*No items.*

**CONSENT AGENDA**

*No items.*

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

1. **Richmond Park Vesting Tentative Subdivision Map, Unit 2 S-02-07 (Agasy, Inc.) 1117 & 1201 W. 11th Avenue** - A proposed subdivision of 2.63 acres located on the south side of W. 11th Avenue, approximately 200 feet east of Basswood Court, to create 12 new lots (2 currently existing) for single family residential development. The site is identified as Assessor's Parcel Nos. 043-040-021 and 044, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential (2.01 to 6 units per acre) rezoning 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 and approval of the vesting tentative subdivision map.*

Commissioner Francis announced that she is disqualified from hearing both projects on the agenda. Commissioner Wolfe added that she is also disqualified, but only from hearing item 1, the Richmond Park 2 subdivision.

Ms. Sigona presented the staff report, reviewing the land use issues involved and the details of the project. She noted that the project utilizes the City's small lot subdivision standards, and that the

houses on flag lots will have sprinklers installed due to fire department concerns.

In response to Commissioner Monfort, Mr. Alexander stated that the private property to the east of private driveway "B" would not be able to take access from said driveway. Ms. Figge added that the adjacent property isn't part of this application.

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

Tony Symmes, P.O. Box 617, applicant, stated that he has tried to talk to Mr. Laughlin, who owns the property east of driveway "B", but that Mr. Laughlin doesn't wish to develop his property.

There being no further comment, the public hearing was closed at 6:43 p.m.

The Commission discussed the use of hammerheads as opposed to cul-de-sacs, and agreed that there is little concern when the streets are as short as they are in this project.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-23, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING RICHMOND PARK, UNIT 2 VESTING TENTATIVE SUBDIVISION MAP (S 02-07), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-0-2 (COMMISSIONERS FRANCIS AND WOLFE DISQUALIFIED).

2. **Mariposa Vista Vesting Tentative Subdivision Map S 02-08 (Agasy, Inc.) east side of Mariposa Avenue, north of Ravenshoe Way** - A proposal to subdivide 18.45 acres in two phases for single family residential development to create 88 lots on 14.78 acres in Phase I and 25 lots on 3.67 acres in Phase II. The subject property is located between Mariposa and Ceanothus Avenues, north of Ravenshoe Way, is identified as Assessor's Parcel Numbers 048-061-006, 007, 014, 015, 031, 032, (Phase I) and 044 (Phase II), 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 map is being processed under the City's small-lot subdivision regulations which allow a minimum lot size of 3,500 square feet and up to 7 units per acre. 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 vesting tentative subdivision map.*

Commissioner Sanders stated that although he will be part of the quorum for this item, he will be abstaining due to his role as ALUC staff for the county. Commissioner Bradford announced that he would be disqualified from voting on this item, as he jointly owns property in the vicinity of the project.

Ms. Sigona presented the staff report, reviewing the land use issues involved and details of the project.

She reviewed the re-orientation of the house plans on the western hammerheads to face Mariposa Avenue, praising the application for the design change; she also recommended that the applicant be allowed two additional lots on those hammerheads, to be added through the Map Advisory Committee process.

Commissioner Monfort praised the applicant for the improvement on the Mariposa Avenue frontage, but inquired if it might be possible to rotate some lots (possibly 47 and 48) to face lot "D", the detention basin/park.

Mr. Alexander indicated that Public Works does not support the hammerhead on the northern street, mainly due to the length of the street. He explained that fire engines, garbage trucks, and street sweepers all have difficulty turning around on hammerheads.

Commissioner Monfort suggested that a road might be extended from Street "A" to the private access easement to shorten the length of the northern hammerhead. He also suggested that the cul-de-sac at the end of Street "B" might be better as a corner with a stub-out to the north.

The public hearing was opened at 7:03 p.m.

Tony Symmes, a previous speaker, reviewed that he had originally proposed a stub-out from Street "B" as suggested by Commissioner Monfort, but Development Engineering determined that such a stub-out wasn't necessary. He stated that if the Commission wishes to have lots facing the detention pond, he would rather rotate lots 49 and 50.

In response to Ms. Sigona, Mr. Symmes confirmed that the private access easement off of Street "F" could be used as a Fire Department turnaround.

In response to Commissioner Sanders, Mr. Symmes explained the differences in lot width, noting that he has plans ranging from 30 to 60 feet wide, and that in some instances he's trying to avoid existing trees.

Commissioner Monfort and Mr. Symmes discussed the elevations of the new plans fronting Mariposa; Mr. Symmes stated that he'll try to get a step up to the porch of those plans.

There being no further comment, the public hearing was closed at 7:14 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-27, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MARIPOSA VISTA VESTING TENTATIVE SUBDIVISION MAP (PHASES I AND II), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, MODIFIED TO AUTHORIZE TWO ADDITIONAL LOTS THROUGH THE MAP ADVISORY COMMITTEE AS DISCUSSED. THE MOTION PASSED 3-0-1-2

(COMMISSIONER SANDERS ABSTAINING, COMMISSIONERS BRADFORD AND FRANCIS DISQUALIFIED).

**GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed the appointment of Orval Hughes to the Planning Commission, adding that he will be seated at the August 15<sup>th</sup> meeting. He also related his recent trip to Kentucky, noting that side and rear yard fences are very rare in that area.

Commissioner Monfort shared a picture of a cell tower disguised as a pine tree.

In response to Commissioner Alvistur, Mr. Seidler noted that the Sterling project is tentatively scheduled to go back to the City Council on August 20<sup>th</sup>, although there has been some discussion that the applicants may choose not to proceed.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:20 p.m. to the Adjourned Regular Meeting of August 15, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

September 5, 2002

Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
AUGUST 15, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Jolene Francis, Orval Hughes, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioners Vic Alvistur and Ross Bradford were absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Ed Palmeri, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

Chair Francis introduced Commissioner Hughes and welcomed him to the Commission.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Francis reported that she had received a voice mail and a package regarding the Warrens parcel map from Ed Anderson.

**ADMINISTRATIVE AGENDA**

*No items.*

**CONSENT AGENDA**

*No items.*

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

1. **Tentative Parcel Map 01-17 (Warrens) - 2190 North Avenue** - A request to subdivide a 1.21 acre parcel to create four single-family residential lots on property located on the east side of North Avenue, approximately 100 feet south of Pelican Park Drive, at 2190 North Avenue. The proposed lots range in size from 5,550 square feet to 28,780 square feet, with a project density of 3.3 dwelling units per acre. The site is currently developed with a single-family residence. The property is identified as Assessor's Parcel Nos. 048-140-012, is designated Low Density Residential on the City of Chico General Plan Diagram and is located in an R1 Low Density Residential rezoning district. The site is currently in the county; annexation to the City of Chico will be required as part of the development process. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15315 Minor Land Divisions. *Staff recommends that the Commission find that the project is categorically exempt pursuant to CEQA and approve the tentative parcel map.*

Mr. Palmeri presented the staff report, reviewing the land use issues involved and details of the project. He noted that parcel 1 is technically a flag lot, and as such must be increased in size to at least 6000 square feet to meet City regulations. He also reviewed requested modifications to the City's design criteria, including contiguous sidewalk, only a five foot dedication on the east side of North Avenue, continued use of the existing circular driveway, and a 70 foot lot depth for parcels 1 and 2; staff recommends granting only the latter two requests.

In response to Commissioner Francis, Mr. Johnson explained that Development Engineering is requiring a lower wattage street light in conjunction with the project, as the two existing street lights in the area are 250 feet apart; the City standard in this area is to have street lights 200 feet apart.

Commissioner Monfort discussed the dedications for the project, confirming that the applicant is asking for contiguous sidewalk, while staff is recommending detached sidewalk with a parkstrip.

Commissioner Hughes confirmed that the separated sidewalk would meander to rejoin the existing contiguous sidewalk at the northerly edge of the project.

Commissioner Francis confirmed that the existing lots to the north of this project are slightly larger than the proposed lots; Commissioner Hughes confirmed that the proposed houses would be of a size appropriate to the lot size.

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

Marilyn Warrens, 2190 North Avenue, applicant, stated that the intent is to build smaller homes suited for senior citizens, adding that she intends to move into the home on parcel 3 when she can no longer adequately maintain her existing home. She expressed her preference for contiguous sidewalk, requesting that the curb not be moved until the rest of North Avenue is annexed to the City.

Ed Anderson, P.O. Box 839, project engineer, reviewed the history of the project, noting the number of last-minute changes and new requirements.

Ms. Figge noted that there is a large body of state and local law pertaining to projects, adding that everything is not always noticed in the first review of a project. She asserted that the Planning Commission has the authority to determine that parcel 1 is not a flag lot, thereby avoiding any expensive redesign on the part of the applicant.

Mr. Anderson stated his preference to retain the large existing walnut tree, deferring the relocation of the curb to a time either when the tree dies or when the property to the south develops. He also stated that he'd prefer to not install a streetlight, adding that he hasn't had a chance to discuss any of these new requirements with staff.

JoAnn Palmer, 7 Seabird Lane, expressed concern over the small size of the new lots, and the

possibility that two-story houses will be constructed on them.

Marilyn Warrens, a previous speaker, re-stated that the development is intended for retired people who don't want to maintain a large yard. She added that she intends to have a homeowners association to take care of all of the landscaping for the new lots.

There being no further comment, the public hearing was closed at 7:12 p.m.

Ms. Figge noted that the Commission has fairly broad discretion with a project like this to grant or not grant the requested modifications, as long as the required findings can be made.

Commissioner Sanders confirmed with Ms. Figge that the City doesn't defer improvements as a part of project approvals.

The Commission discussed the project design, including the possibility of removing the circular driveway on parcel 4, not relinquishing abutters rights on parcel 1, and/or moving the access easement so that the houses on parcels 1 through 3 would face to the south.

The public hearing was reopened at 7:18 p.m.

Marilyn Warrens, a previous speaker, noted the presence of two trees and other aesthetic factors which favor orienting the houses to the north.

There being no further comment, the public hearing was reclosed at 7:20 p.m.

There was general agreement to change the note on the map to state that the easement is a driveway for parcel 1, and access for parcels 2 and 3; this would allow parcel 1 to not be considered a flag lot.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-31, FINDING THE PROJECT CATEGORICALLY EXEMPT AND APPROVING TENTATIVE PARCEL MAP 01-17 (WARRENS), SUBJECT TO THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AMENDED TO SPECIFY THAT THE EASEMENT IS A DRIVEWAY FOR PARCEL 1, AND ACCESS FOR PARCELS 2 AND 3, AND THAT THE STREET LIGHT BE REPLACED WITH STAFF-APPROVED PRIVATE ENTRY LIGHTING. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS ALVISTUR AND BRADFORD ABSENT).

2. **Rezone 02-03 (Buckman) 2208 Normal Avenue** - A request to change the zoning classification from R1 Low Density Residential to ML Light Manufacturing/Industrial for a 0.43 acre parcel of property located at 2208 Normal Avenue. The site is identified as Assessor's Parcel No. 005-273-002, and is designated Low Density Residential on the City of Chico General Plan Diagram. The purpose of the rezone is to facilitate the

re-development of the vacant lot, which previously contained a single-family residence, to allow the expansion of an existing manufacturing business located on the adjacent property to the south. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission recommend City Council adoption of the negative declaration and approval of the rezone.***

Ms. Figge presented the staff report, reviewing the land use issues involved and details of the project. She noted that the project is unique in being adjacent to three rights-of-way, and stated that the rezone was prompted by a merger between this property and the adjacent property to the south. She reviewed two letters received concerning the project, both in opposition to the rezone. She explained that the Commission doesn't have the ability to restrict access to a right-of-way with a rezone, but noted that the applicant intends to take access to this property from the industrial portion of Ivy Street.

There was discussion concerning what would trigger extension of the road and removal of the barrier on Ivy Street. Mr. Alexander explained that Public Works would hold a neighborhood meeting before making any changes to the barrier, noting that one of the options being discussed is turning 22<sup>nd</sup> Street into a cul-de-sac.

The public hearing was opened at 7:36 p.m.

Don Buckman, 2244 Ivy Street, applicant, stated that his only development plans at the moment are to place a fence around the property. He stated that he plans to park equipment on the property, and that he is opposed to removal of the barrier on Ivy Street.

Debbie Villasenor, 2035 Normal Avenue, spoke in opposition to the project, citing concerns with neighborhood compatibility, traffic, and safety. She opined that the initial study is deficient in its treatment of traffic impacts, and urged the Commission to keep the property zoned R1. She suggested that if the Commission decides to approve the rezone, that it be conditioned on limited operating hours and access only from Ivy Street.

Linda Huffmon, 2025 Normal Avenue, spoke in opposition to the project, citing concerns with neighborhood compatibility, safety, and the defective nature of the intersection next to the property. She also expressed concern about what would happen if Mr. Buckman sells the property. She submitted a letter outlining her concerns to the Commission.

Don Buckman, a previous speaker, stated that he's put in a fence so that traffic won't drive on his property to go around the barrier. He re-stated his intention to use the property as a fenced parking lot for his finished products (farm machinery).

The Commission was in agreement that the property didn't make sense as R1, and confirmed with staff that there aren't any practical alternative zonings which would allow the intended use of a parking lot.



Debbie Villasenor, a previous speaker, stated that she does see traffic coming out of the Ivy Street industrial area and turning onto 22<sup>nd</sup> Street.

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

Commissioner Wolfe expressed her hesitancy at recommending approval for the rezone, particularly in light of the unknown future of the Diamond Match property.

Commissioner Sanders discussed the future alignment for the Ivy Street extension. Mr. Alexander confirmed that it is Public Works' intention to maintain the street closure that currently exists, and added that the required public improvements would need to be installed when the property is developed, regardless of its zoning.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-32, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE PROPOSED NEGATIVE DECLARATION AND APPROVE REZONE 02-03 (BUCKMAN). COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-1-2 (COMMISSIONER WOLFE OPPOSED, COMMISSIONERS ALVISTUR AND BRADFORD ABSENT).

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The Commission was in recess from 8:07 to 8:13 p.m.

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3. **General Plan Amendment/Rezone/Prezone 02-05 (Myers/City of Chico) - Elm Street** - A request to amend the General Plan designation from Low Density Residential (2.01 to 6 units per acre) to Medium Density Residential (4.01 to 14 units per acre) and change the zoning/ rezoning of seven parcels totaling 4.01 acres from R1 Low Density Residential to R2 Medium Density Residential. The subject area is identified as 2131, 2135, 2151, 2155, 2159 and 2205 Elm Street, and includes Assessor's Parcel Nos. 005-467-001, 003, 004, 010 & 012 and 005-490-052 & 053. A negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that the Commission recommend City Council adoption of the negative declaration and approval of the general plan amendment/rezone.*

Ms. Figge presented the staff report, reviewing the land use issues involved, the surrounding property uses, and the difficulty in developing some of the parcels due to their shape. She noted that staff is recommending a SD overlay district to ensure implementation of the Mulberry Plan, and stated that staff is recommending that the Commission make a positive recommendation to City Council.

In response to the Commission, Ms. Figge indicated that there are some cross-access easements on

some of the properties, that it may have been designated as medium-density residential in the old general plan, and that no opposition has been received by staff.

The public hearing was opened at 7:24 p.m.

Linda Myers, 169 Cohasset Road, Suite 3, applicant, asserted that her property (2159 Elm Street) was zoned R2 previously, and reviewed the history of her development proposal. She noted that she plans to put the same style of apartments on this site as were recently placed on her site adjacent to the railroad tracks.

In response to the Commission, Ms. Figge confirmed that there are five property owners involved in the rezone, and that any apartments built would have the same height limitation (35 feet) as single family development.

There being no further comment, the public hearing was closed at 8:31 p.m.

COMMISSIONER FRANCIS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-33, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND APPROVE GENERAL PLAN AMENDMENT/ REZONE/PREZONE 02-05, SUBJECT TO THE FINDINGS CONTAINED THEREIN. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 4-0-3 (COMMISSIONERS ALVISTUR, BRADFORD AND WOLFE ABSENT).

### **GENERAL BUSINESS**

Chair Francis designated Commissioner Monfort as the Planning Commission representative to the Architectural Review Board.

### **PLANNING UPDATE**

Mr. Seidler reviewed the status of the Sterling housing project, and welcomed Commissioner Hughes.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:34 p.m. to the Regular Meeting of September 5<sup>th</sup>, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

October 3, 2002  
Date Approved

Kim Seidler  
Planning Director



**PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 5, 2002**

**ROLL CALL**

The meeting was called to order by Vice-Chairperson Nancy Wolfe at 6:32 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Orval Hughes, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Jolene Francis was absent. Staff present were Planning Director Kim Seidler, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

None.

**ADMINISTRATIVE AGENDA**

1. **Minutes of the Adjourned Regular Meeting of July 11, 2002**
2. **Minutes of the Adjourned Regular Meeting of July 18, 2002**
3. **Minutes of the Regular Meeting of August 1, 2002**
4. **Minutes of the Adjourned Special Meeting of August 8, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA, NOTING THAT HE WOULD ABSTAIN FROM ITEM 2. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-1-1 (COMMISSIONER HUGHES ABSTAINING, COMMISSIONER FRANCIS ABSENT) FOR ITEMS 1, 3 & 4, AND PASSED 4-0-2-1 (COMMISSIONERS ALVISTUR AND HUGHES ABSTAINING, COMMISSIONER FRANCIS ABSENT) FOR ITEM 2.

**CONSENT AGENDA**

*No items.*

**ITEMS REMOVED FROM CONSENT AGENDA**

*No items.*

**REGULAR AGENDA**

5. **Parcel Map 02-04 (Starr) 1155 E. 8<sup>th</sup> Street** - A request to divide a 0.66 acre parcel located at 1155 E. 8<sup>th</sup> Street with an existing single-family residence into four single-family residential lots, with an average lot size of 7,200 square feet and a gross density of 4.13 dwelling units per acre. The site is identified as Assessor's Parcel No. 004-331-021, 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), Sections 15315 (Minor Land Divisions) and 15332 (Infill Development Projects). ***Staff recommends that the Commission approve the tentative parcel map.***

Mr. Summerville presented the staff report, reviewing the land use issues involved. He noted that the applicant has also submitted a use permit for second dwellings on lots 1 and 4, and that a comprehensive site plan has been provided to show driveway placement and building footprints. He explained that some of the existing oaks will be retained in the parkway strips, and explained that staff is recommending that the fencing adjacent to the rear yard of lot 3 and the side yard of lot 4 be limited to three feet in height for the southwestern-most fifteen feet, to prevent a sight distance problem for cars backing out of lot 4's driveway.

In response to Commissioner Monfort, Mr. Summerville explained that second units have to be separated from the main dwelling by at least 10 feet, adding that the distance can be reduced through a use permit.

In response to Commissioner Hughes, Mr. Summerville elaborated on the parking arrangements, adding that a home with a second unit is only required to have three parking spaces on-site.

In response to Commissioner Wolfe, Mr. Summerville stated that State law prohibits consideration of second units when calculating density. Mr. Seidler elaborated that the law is part of the statewide mandate to provide more affordable housing.

The public hearing was opened at 6:45 p.m.

Wes Gilbert, 70 Declaration Drive, Suite 101, project engineer, offered to answer any questions. In response to Commissioner Monfort, Mr. Gilbert stated that the cost of the infrastructure was planned for in this project, and that the project will definitely get built.

The Commission discussed storm drainage for the project with Mr. Alexander. Mr. Gilbert pointed out that Caltrans doesn't want any improvements installed along the 8<sup>th</sup> Street frontage, so storm drainage for this project will utilize the existing ditch.

In response to Commissioner Monfort, Mr. Gilbert indicated that it may be possible to move the detached garage on parcel 4 a few feet further away from the second unit.

There being no further comment, the public hearing was closed at 6:50 p.m.

Commissioner Alvistur observed that the proposal is dense, but will enhance the neighborhood.

COMMISSIONER BRADFORD MOVED THAT THE PLANNING COMMISSION FIND THE PROJECT CATEGORICALLY EXEMPT AND ADOPT RESOLUTION NO. 02-34, APPROVING TENTATIVE PARCEL MAP 02-04 (STARR), SUBJECT TO THE FINDINGS

AND CONDITIONS CONTAINED THEREIN. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER FRANCIS ABSENT).

**GENERAL BUSINESS**

Commissioner Monfort reported that someone had built a fence adjacent to E. 8<sup>th</sup> Street in the vicinity of the Nob Hill project; he explained that the fence looked odd, as it abuts someone's front yard and may create a sight distance problem. Mr. Seidler stated that he would investigate the fence.

**PLANNING UPDATE**

Mr. Seidler reviewed recent Council actions and the status of the Sterling and Stonecreek projects. He added that the Commission will discuss whether to recommend that kennels be allowed in the AC district, as well as the procedure for placing items on the Commission's agenda.

In response to Commissioner Alvistur, Mr. Seidler reviewed the status of the Northwest Chico Development Area and City Council's direction on that matter.

In response to Commissioner Monfort, Mr. Seidler agreed that a result of the EIR for the Northwest Chico Development Area could be a reasonable street plan, due to the need to address cumulative traffic impacts.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:07 p.m. to the Regular Meeting of October 3<sup>rd</sup>, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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October 3, 2002  
Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 3, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Orval Hughes, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Assistant Director of Public Works Fritz McKinley, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, Airport Manager Bob Grierson, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Francis reported that she spoke to an employee of In-Motion Fitness, as well as Carl Sommer. Commissioners Wolfe and Alvistur reported that they had each spoken to Bob Linscheid concerning In-Motion Fitness. Commissioner Monfort reported that he had spoken to Hollis Elliot concerning item 7.

**ADMINISTRATIVE AGENDA**

- 1. Minutes of the Adjourned Regular Meeting of August 15, 2002**
- 2. Minutes of the Regular Meeting of September 5, 2002**  
*Staff recommends approval with any corrections/revisions required.*

Commissioner Francis indicated that she would abstain from voting on item 2, as she was absent from the September 5<sup>th</sup> meeting.

COMMISSIONER WOLFE MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 7-0 (6-0-1 FOR ITEM 2, COMMISSIONER FRANCIS ABSTAINING).

**CONSENT AGENDA**

- 3. Use Permit 02-36 (Abouzeid) 902-1000 Main Street and 948 Broadway - A request to allow automobile sales and service in a C-1 Restricted Commercial zoning district and to allow outside storage (as a primary use) in a CC Community Commercial zoning district. The proposed automobile sales involve the expansion of an existing Volkswagen dealership and service business (Chico Volkswagen) on five contiguous parcels on Main Street (902, 920, 928, and 1000 Main Street) and one non-contiguous parcel to the south on Broadway (948 Broadway). The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, and 005-094-004. The properties located on Main Street are designated Downtown on the City of Chico General Plan Diagram and located in a C-1 Restricted Commercial zoning district. The property on Broadway is designated Community Commercial on the City of Chico General Plan Diagram and located in a CC Community Commercial zoning district. A mitigated**

negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends that this item be continued and renoticed for a future meeting.*

4. **Modification of Bidwell Ridge Subdivision/Planned Development Permit No. 00-3 (Horning)** - A request to modify the conditions of approval for a previously approved planned development and subdivision of 7.05 acres located on the south side of Chico Canyon Road, approximately 1000 feet west of Centennial Avenue, which created 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 located in an RS-1 Suburban Residential (one acre minimum) zoning district. The modification would remove a 25-foot height restriction (currently applied to all lots within the project) from Lot 1 only, allowing for construction up to 35 feet in height on that lot as allowed by the RS-1 district. The change is not expected to result in any visual impacts since Lot 1 is located at a significantly lower elevation than the remainder of the subdivision, and is the only lot served by Chico Canyon Road. The project remains consistent with the mitigated negative declaration adopted for the Bidwell Ridge Vesting Tentative Subdivision Map and Planned Development Permit 00-3 on January 4, 2001, and no new impacts are created by the modification; therefore, no supplemental environmental review is required. *Staff recommends approval of the requested modification.*

COMMISSIONER MONFORT MOVED THAT THE COMMISSION CONTINUE ITEM 3, AND APPROVE ITEM 4. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 7-0.

#### **ITEMS REMOVED FROM CONSENT AGENDA**

None.

#### **REGULAR AGENDA**

5. **Use Permit 02-60 (Sommer/In Motion Fitness) 1293 E. 1<sup>st</sup> Avenue** - A request to expand an existing health club facility located at 1293 E. 1<sup>st</sup> Avenue. The proposal is to infill approximately 8,500 square feet of existing vacant building space formerly occupied by the Holiday Market and to construct approximately 8,451 square feet of new building space. The proposal may include authorization of off-site parking at 1031 Village Lane, Assessor's Parcel No. 045-711-004 to satisfy a portion of the required parking for the expansion. The property is identified as Assessor's Parcel No. 045-712-001, is designated Mixed Use Neighborhood Core on the City of Chico General Plan Diagram, and is located in a CN Neighborhood Commercial 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 and approval of the use permit.*



Commissioner Bradford stated that he would be disqualified from hearing this item, as his business is located within 500 feet of the project. Commissioner Wolfe stated that she would also disqualify herself from hearing this item to avoid any appearance of impropriety.

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Commissioner Bradford left the meeting.

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Mr. Summerville presented the staff report, reviewing the history of the site, conditions of previous use permits, plans for the current expansion, and conditions of approval for this use permit. He noted that the expansion is proposed in two phases; the first phase would consist of infill of the existing unused portion of the building, and would require no additional parking. The second phase involves new construction, and would require 27 additional offsite parking spaces. Mr. Summerville reviewed the results of a parking survey, noting that during the club's peak business hours there were never fewer than 60 vacant parking spaces, and sometimes as many as 150 vacant spaces.

Mr. Summerville reviewed the proposed rezone for this property that the Commission heard previously, recalling the Commission's desire to control any future expansion through the use permit process. He also reviewed two letters in opposition to the project, which cited concerns with noise, traffic, and neighborhood incompatibility.

Mr. Summerville explained that the proposed conditions of approval (Attachment I) are a comprehensive reorganization of all existing permit conditions, in addition to the new conditions proposed with this expansion, which would allow this use permit to completely supersede all previous use permits for the site. He reviewed minor changes in the conditions, including: modification of condition 3 to make the off-site parking hours from 5 to 9 p.m., the same times as the parking agreement; deletion of the second sentence from condition 8, as it is redundant; clarification that condition 10 applies only to the child-care portion of the facility; and modification of condition 9 to read "Any outdoor activity area for the child-care facility shall meet all State requirements."

In response to Commissioner Monfort, Mr. Summerville and Ms. Figge clarified that since the parking agreement is only for ten years, the applicant would need to enter into a new parking agreement in ten years to continue operating the facility.

In response to Commissioner Alvistur, Mr. McKinley explained that re-striping the parking lot to make greater use of compact spaces could result in a net gain of 5 or 10 parking spaces, noting that the existing planters and mature trees limit re-striping potential.

Commissioner Monfort confirmed with Mr. Summerville that additional bicycle parking may be necessary due to the expansion.

Commissioner Francis opined that condition 9 should be amended to state that the child-care facility will meet all State requirements for a day care operation, or remove the condition entirely.

The public hearing was opened at 6:49 p.m.

Carleton Sommer, 357 West Lindo Avenue, applicant, stated that he's transformed a depressed shopping center into a Golden Rose (architecture award) winning facility. He stated that the club positively impacts the health and lifestyle of thousands of Chico residents, and that they would like to expand to better serve their clientele.

In response to Commissioner Sanders, Mr. Sommer reviewed that the club currently has 4,200 members, and that the infill would be to provide more exercise rooms, a dedicated yoga room, and expanded child care facilities. He gave an example of their current scheduling problems, noting that the yoga class prefers a room at 85 degrees, but the kickboxing class which uses the same room wants it as cold as possible.

In response to Commissioner Alvistur, Mr. Sommer stated that a large growth in membership isn't anticipated, as the expansion is mainly to better serve the existing clientele. He also stated that the off-site parking location and hours would be communicated through signs and the club's newsletter, although operationally it would primarily be staff using that parking area.

In response to Commissioner Francis, Mr. Sommer stated that 20% of his club's memberships are family memberships, and that their business strategy is to cater more toward families and professionals, not students.

Commissioner Monfort stated that he might be in favor of a cap on the club's membership. After discussion, it was agreed not to impose a cap, as the size of the facility and the amount of available parking would effectively limit the club membership.

In response to Commissioner Hughes, Mr. Sommer stated that 1200 people is the most that have ever visited the club over any given 24-hour period.

Commissioner Monfort discussed the outdoor sound system, and what conditions could be imposed to limit noise problems for adjoining neighbors.

In response to Commissioner Francis, Mr. Sommer stated that he contacted the City Attorney's office concerning Commissioner Wolfe's potential conflict of interest due to her being an agent for another club owner, in addition to radio testimonials done on behalf of the other club.

Commissioner Hughes confirmed with Mr. Summerville that the one noise complaint in the file was made during the membership appreciation party back in 1999.

Darryl Kaiser, 1259 E. 1st Avenue, spoke in opposition to the project, citing concerns with parking, increased membership at the club, jaywalking across Village Lane due to the off-site parking, increased traffic on E. 1<sup>st</sup> Avenue, and a decrease in property values for houses on E. 1<sup>st</sup> Avenue.

Nikki Ahrens, 2275 Mulberry Street, stated that she works in the child care facility at In-Motion Fitness. She spoke in support of the project, citing the club's positive effect on the health of families and children. She also stated that she wouldn't let her son jaywalk across Village Lane.

Marie Phillips, 252 E. 5th Avenue, stated that she is an employee of the club. She spoke in support of the project, stating that the intention is to have separate rooms for existing activities, not a huge growth in club membership.

Judy Berteil, 737 Cessna Avenue, stated that she is an employee of the club. She spoke in support of the project, explaining that she teaches a 6 a.m. water fitness class, which is mostly senior citizens.

Susanne McMorro, 946 Karen Drive, spoke in opposition to the project, citing concerns with noise from generators, construction, and people using the club.

Steve Troester, 1161 Palmetto Avenue, stated that he valued the presence of a pharmacy and the mixed-use nature of the center. He inquired how the Commission would ensure that the center retains a mix of uses.

Commissioner Monfort replied that the Commission can't guarantee the economic viability of any business enterprise.

Fred Brooks, 2223 Ceres Avenue, spoke in support of the project. He stated that noise really isn't a large concern, that the relocated child care facility would allow more convenient drop-off and pick-up for children, and that the traffic situation on E. 1<sup>st</sup> Avenue is really just a numbers game.

Bob Linscheid, 426 Broadway, spoke in support of the project. He stated that he has been working with In-Motion Fitness on their business strategy, which is to provide greater service to the existing client base. He also explained that the current influx of new clients is mainly families and seniors. He applauded Mr. Sommer for re-using a facility which otherwise could have stood vacant.

Victoria Simone-Letcher, 6 Luckie Way, spoke in support of the project. She stated that she is a member of the club, and has watched staff try to cope with an influx of children in the last six months; she opined that they really need more room for the child care portion of the facility.

There being no further comment, the public hearing was closed at 7:25 p.m.

Commissioner Sanders stated his belief that the club is trying to provide a better level of service, and that a 40% expansion in space is not going to result in a 40% increase in membership. He asked Ms. Figge to explain how parking works in this sort of situation.

Ms. Figge explained that a land use entitlement supersedes the number of parking spaces as specified in the code, but the parking provided needs to be reasonable and related to the land use. Commissioner Monfort agreed, noting that the Commission typically allows these sort of parking agreements in impacted traffic zones, as opposed to requiring more asphalt.

Commissioner Alvistur expressed his belief that the parking situation will result in self-regulation of the size of the facility. He inquired if anything could be done to limit noise levels to reduce the impact on the neighbors.

Ms. Figge answered that the noise limit is 60 db for outside noise, but that it's difficult to monitor and enforce. She suggested that the Commission could certainly limit the use of amplification equipment.

Commissioner Monfort pointed out that condition 17 already specifies no speakers in the area of the leisure and lap pool.

The Commission discussed the location and installation of the AC units, backup generators, co-generator, and pool equipment.

COMMISSIONER MONFORT MOVED TO RE-OPEN THE PUBLIC HEARING.  
COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0  
(COMMISSIONERS BRADFORD AND WOLFE DISQUALIFIED).

The public hearing was re-opened at 7:37 p.m.

Tom Hall, 3015 Monticello Lane, explained that the co-generator is an energy saving system, used to heat water. He clarified that while it does run 24 hours a day and creates 70 db of noise in the open, the current installation in an equipment building probably results in 40 db or less outside. He added that the pool filters and pumps are also in an enclosed room.

Commissioner Hughes asked Ms. McMorrow if she lived behind the block wall.

Susanne McMorrow, a previous speaker, replied that her residence is the first house past the sound wall. She also expressed concerns with odors when a piece of equipment broke, and with noise from construction activities.

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

After discussion, it was agreed that extending the sound wall is not necessary at this time. The Commission also agreed that any outdoor amplification equipment near the lap or recreational

pools would need to be removed, in keeping with condition 17.

COMMISSIONER MONFORT MOVED THAT THE PLANNING COMMISSION ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 02-60 (SOMMER/IN-MOTION FITNESS), SUBJECT TO MAKING THE REQUIRED FINDINGS AND WITH THE CONDITIONS LISTED IN ATTACHMENT "I", AMENDED AS DISCUSSED BY MR. SUMMERVILLE. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS BRADFORD AND WOLFE DISQUALIFIED).

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The Commission was in recess from 7:49 to 7:56 p.m.

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**6. Discussion of Procedure for Placing Items on the Planning Commission**

**Agenda** - At the request of Council, the Commission will discuss and clarify its procedure for placing items on the agenda when requested by a single member of the Commission.

Mr. Seidler explained that this item grew out of a discussion regarding the placement of agenda items at the Park Commission, and that the Council has requested clarification from each board and commission regarding their procedures for placing items on their agendas. He noted that the Planning Commission deals mostly with applications for entitlements.

Commissioners Monfort and Francis discussed the Commission's procedures, noting that apart from applications, there is generally a consensus about whether to discuss an item at a future meeting.

Commissioner Francis stated that if the Council needs a specific procedure in writing, then it should be a majority vote of whether to hear a particular item. She opined that individual Commissioners shouldn't be contacting staff to have items put on the agenda.

After discussion, it was agreed that the Commission generally reaches consensus on whether or not to hear an item at a future meeting during the "General Business" portion of the agenda, and that a strict and formal procedure was not desired, as it hasn't been a problem in the past.

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

Michael Jones, 2411 Notre Dame Blvd., stated that he raised this issue in the Park Commission, noting that he has heard problems about staff dominating the agenda. He voiced approval for the Commission's consideration of items during "General Business", but urged the Commission to not be solely reactive.

There being no further comment, the public hearing was closed at 8:06 p.m.

After discussion, it was agreed that a specific motion or procedure was unnecessary. There was agreement that the current method of handling discussion items during General Business and then scheduling them for a future meeting was adequate.

Mr. Seidler indicated that he would summarize the Commission's position on this issue in a memorandum to the City Council.

7. **Discussion of Whether to Allow Kennels in Airport Zoning Districts** - As requested by Commissioner Monfort, the Commission will discuss whether it will recommend an amendment to the Land Use and Development Regulations (Title 19) allowing kennels in airport zoning districts.

Mr. Seidler reviewed a letter from Mr. Elliott of the Chico Hospital for Cats, which explained his desire to open a dog kennel at the airport. He reviewed the pertinent section of Title 19, noting that a code amendment will likely be required to allow the use.

In response to Commissioner Wolfe, Mr. Seidler explained the differences between commercial kennels and animal keeping as defined in Title 19.

Bob Grierson, Airport Manager, reviewed the results of a previous Airport Commission meeting on this topic, stating that the sentiment was to wait for Mr. Elliott to submit an application, then vote on it after the proposal was specific.

Commissioner Wolfe confirmed that the Airport Commission would be the body to hear and approve any use permit for this use and/or recommend a change in Title 19 to the City Council.

The public hearing was opened at 8:14 p.m.

Hollis Elliott, 548 W. East Avenue, reviewed that the property he's considering is zoned AM, and that Mr. Grierson stated that his use would be allowed with a use permit. He expressed confusion over talk from Planning that an amendment to Title 19 may be required.

Mr. Seidler noted that there appears to have been a miscommunication, and that the use would be allowed in the AM zone subject to the issuance of a use permit.

Commissioner Francis asserted that no action is required from the Commission at this time, as this use would fall under Section 19.48.050.

There being no further comment, the public hearing was closed at 8:16 p.m.

### **GENERAL BUSINESS**

None.

**PLANNING UPDATE**

Mr. Seidler reviewed recent Council action on the Buckman rezone, adding that an additional condition to abandon abutters rights on the residential frontage was added. He also reviewed Council discussion of the Myers rezone, which was ultimately tabled; he added that the applicant was given the option of going to ARB with a buffered parking design, which would subsequently go back to Council for final approval.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:21 p.m. to the Adjourned Regular Meeting of October 17<sup>th</sup>, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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November 21, 2002

Date Approved

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Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
OCTOBER 17, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Jolene Francis, Orval Hughes, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Ross Bradford was absent. Staff present were Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Ed Palmeri, Assistant Director of Public Works Fritz McKinley, Senior Development Engineer Tom Alexander, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioner Monfort reported that while he had no ex parte communication, he will be disqualifying himself from hearing items 5 and 6, as he has a financial interest in a house at 1465 Hobart Street.

**ADMINISTRATIVE AGENDA**

*No items.*

**CONSENT AGENDA**

1. **Use Permit 02-36 (Abouzeid) 902-1000 Main Street and 948 Broadway** - A request to allow automobile sales and service in a C-1 Restricted Commercial zoning district and to allow outside storage (as a primary use) in a CC Community Commercial zoning district. The proposed automobile sales involve the expansion of an existing Volkswagen dealership and service business (Chico Volkswagen) on five contiguous parcels on Main Street (902, 920, 928, and 1000 Main Street) and one non-contiguous parcel to the south on Broadway (948 Broadway). The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, and 005-094-004. The properties located on Main Street are designated Downtown and the property on Broadway is designated Community Commercial 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 this item be continued and renoticed for a future meeting.*
  
2. **General Plan Amendment No. 02-04 (City of Chico)** - This amendment to the Park, Public Facilities and Services (P, PF and S) Element of the General Plan includes several changes to that portion of the P, PF and S element relating to parks. These revisions are follow-up to the Five-Year Review of the General Plan and subsequent City Council action modifying park standards. *Staff recommends that this item be continued and renoticed for a future meeting.*



3. **Tentative Subdivision Map (S 02-15) for Doe Mill Bungalow Court Subdivision (Doe Mill, LLC) E. 20<sup>th</sup> Street and England** - A proposed subdivision of Lot 3 of Doe Mill Neighborhood Phase I to create 10 single family residential parcels and a common area parcel, consistent with the “bungalow court” concept included as part of the approved Doe Mill Neighborhood Planned Development. The property is designated Medium-High Density Residential with a planned development overlay. The project is covered under 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 tentative subdivision map.*
  
  4. **Rezone 02-02 (Marshall & Conroy) 2837 Esplanade** - A request to change the zoning designation for a .24 acre parcel located at 2837 Esplanade from CC Community Commercial to OR Office Residential. The site is identified as Assessor’s Parcel Number 006-350-020 and is designated Office on the City of Chico General Plan. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, as it has been determined to be covered under the previously certified General Plan EIR. *Staff recommends that the Planning Commission recommend City Council approval of the rezone.*
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Commissioner Bradford arrived at 6:35 p.m.

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Commissioner Francis stated that she will disqualify herself from voting on item 4, as her employer has a financial relationship with one of the applicants.

COMMISSIONER WOLFE MOVED THAT THE COMMISSION CONTINUE ITEMS 1 AND 2, APPROVE ITEM 3 AND RECOMMEND COUNCIL APPROVAL OF ITEM 4.  
COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0 (6-0-1, FRANCIS DISQUALIFIED FOR ITEM 4).

Commissioner Bradford apologized for being late, and reported that he spoke to Mr. Wade about item 5, his proposed second unit.

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**REGULAR AGENDA**

5. **Use Permit 02-52 (Wade) 1547 Hobart Avenue** - A request to allow an 850 square foot detached second dwelling unit on a 0.20 acre single-family lot located at 1547 Hobart Avenue. The site is identified as Assessor’s Parcel No. 003-011-035, is designated Low Density Residential on the City of Chico General Plan,

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, Section 15303 (New Construction or Conversion of Small Structures). ***This project was previously considered by the Zoning Administrator on September 16, 2002, and was forwarded to the Planning Commission without recommendation. Staff recommends approval of the use permit.***

Commissioner Monfort disqualified himself from hearing this item.

Mr. Palmeri presented the staff report, reviewing the land use issues involved and the details of the project. He reviewed applicable City and State policies concerning second units, noting that they are encouraged as an efficient use of infrastructure, a way to encourage higher urban densities, and a means of providing more affordable housing. He reviewed the City's standards regarding second units, noting that they must be 850 square feet or smaller, no more than two bedrooms, and provide additional parking.

Mr. Palmeri reviewed that the surrounding neighborhood is zoned single-family residential, and already contains 21 lots with second units. He noted that of the 18 applications for second units which the City has processed or is currently processing under the new Title 19, five applications are in this vicinity. He discussed concerns raised by neighbors, including noise, inadequate parking, dust in the alley, safety for children in the neighborhood, and an over-concentration of second units in the neighborhood. He explained staff's position that these lots are ideal for second units due to their great depth and alley access, and stated that staff is recommending approval. He noted that one more condition had been added, #8, requiring replacement and/or repair of dilapidated fencing on the site.

Commissioner Alvistur observed that any second unit would likely be occupied by at least two people, and inquired if adequate parking would be available. Mr. Palmeri replied that the site has two parking spaces at the front of the lot, as well as an alley pullout which will have room for two additional cars.

In response to Commissioner Francis, Ms. Figge reviewed existing parking standards, noting that the Commission has the ability to require more parking for a particular discretionary project.

Commissioner Francis expressed concern that the front driveway wasn't wide enough for two vehicles; Mr. Palmeri related that two vehicles were parked in the driveway when he visited the site.

In response to Commissioner Hughes, Mr. Alexander explained the City's maintenance policies for alleys. He noted that there is no schedule of routine maintenance, and that they are likely maintained on the basis of citizen complaints. He added that some alleys are paved, while others are not; often the paved portions were required as part of a previous development.

Commissioner Francis confirmed with Ms. Barker that parking on lawns is prohibited.

The public hearing was opened at 6:49 p.m.

Stuart Wade, 2725 Grape Way, applicant, offered to answer any questions.

Arthur Stoschke, 3 Christopher Alan Lane, expressed concerns with the cleanup of the Humboldt Road Burn Dump.

Commissioner Francis explained that the Humboldt Road Burn Dump was not on the agenda, but that Mr. Stoschke could certainly address the Commission during General Business and discuss any concerns he has.

Janet Allenspach, 1465 ½ Hobart Street, expressed concern about the congestion of the area, opining that two to four people will likely live in the unit. She noted that each student resident of the neighborhood has a separate vehicle, and lamented the lack of adequate storm drainage on the street itself. She listed other concerns, including noise, an increasing crime rate, the lack of adequate sidewalks, problems with hit-and-runs, and college student parties. She urged the Commission to deny the permit. She noted that a repaving of the alley should be required if the permit is approved.

In response to Commissioner Hughes, Ms. Allenspach stated that she has two homes on her property, 850 square feet and 400 square feet, and that she has adequate parking on her site.

Angela Frazier, owner of property at 1165 Hobart Street, echoed previous concerns with lack of parking in the neighborhood, speeding in the alleys, and poor drainage. She noted that out-of-town property owners with student renters tend to create more problems than owner-occupied units or those owned by someone locally.

Kirk Monfort, 614 W. 4th Avenue, stated that he is carrying mortgage paper for the property at 1465 Hobart Street. He noted that although he is in favor of second dwelling units, it needs to be predicated on adequate city infrastructure, which is lacking in this area. He noted that neither the street nor the alley are graded or paved properly, and that pedestrians have no choice during rainy weather except to walk down the middle of the street.

Commissioner Bradford asked how Mr. Monfort, as a Commissioner, would propose to solve the problem; Ms. Barker interrupted, noting that Mr. Monfort should only speak as a private citizen, and not offer advice as to how the Commission should act.

In response to Commissioner Wolfe, Mr. Monfort acknowledged that the existing flooding and grading problems wouldn't be exacerbated by one or two additional units, although the parking situation would be impacted.

Robert Dilts, 1535 Hobart Street, stated that if he were on the Commission he might say no to this project; he offered that the furthest he would go would be to allow a one-bedroom unit. He expressed additional concerns about density, traffic, and speeding in the neighborhood, noting

that his two granddaughters are learning to ride bikes in the street. He also noted the negative impact that a second unit would have on the 97-year-old resident who lives across the alley.

Alan Judge, 1526 Hobart Street, stated his agreement with previous speakers concerning traffic hazards, poor drainage, inadequate parking, and the problems associated with out-of-town property owners.

Harold Frazier, owner of 1165 Hobart Street, asked about regulations concerning the size of second units.

Ms. Figge reviewed that state law originally allowed 640 square foot second units, but that increased in the mid-90's to 1200 square feet. She added that the City has a size restriction of 850 square feet, and no more than two bedrooms for second units; however, the Commission has the authority to limit the size of a particular second unit through the use permit process.

Mr. Frazier noted that public improvements would be installed in the neighborhood in conjunction with the project, which could help improve the neighborhood in the long term.

Doug Wylie, no address given, stated that his partner lives in a house off the alley abutting this property. He opined that the length of the alley is a major problem, and that speed bumps or some other traffic calming measure in the alley would help keep down dust and reduce traffic concerns.

Joe Wolner, 1532 Hobart Street, asked how existing problems would be addressed. He voiced agreement with previous speakers, and suggested that the City comprehensively look at installing public improvements in the area.

Jim Haver, 2472 England Street, discussed a variety of philosophical issues.

Stuart Wade, a previous speaker, noted that Ms. Allenspach's property has two units, and pointed out that he merely wishes to develop his property in the same manner. He noted the presence of sidewalk in front of his property, and that he will also install curbs and gutter as part of his project.

Janet Allenspach, a previous speaker, stated that curbs and gutters aren't the answer. She urged the Commission to consider the danger from increased traffic to existing residents.

David Nopel, 517 W. 1<sup>st</sup> Avenue, expressed concern with the cumulative change to the neighborhood as second units are approved, and urged the Commission to not pack any more people into the neighborhood.

Doug Wylie, a previous speaker, expressed support for some sort of legal accountability for absentee landlords who don't maintain their property.

There being no further comment, the public hearing was closed at 7:36 p.m.

In response to Commissioner Sanders, Ms. Figge pointed out that second units are still discretionary, and that the Commission has to make the required findings; she added that the Commission has the option to limit unit sizes, require more parking, or take other criteria into account.

In response to Commissioners Hughes and Wolfe, Mr. Alexander reviewed what public improvements are required for second units. He noted that while no program currently exists to improve alleys, the City Council has expressed an interest in defining areas where alleys need work so that an improvement plan can begin. He suggested that the best thing a particular neighborhood can do is organize, then approach the City about the need for public improvements in their area.

Commissioner Francis reiterated that these projects are still discretionary, and suggested that this neighborhood has existing issues that won't be helped by adding more density. She stated that she can't make finding #2, and that finding #3 is a stretch.

COMMISSIONER FRANCIS MOVED TO DENY USE PERMIT 02-52, DUE TO AN INABILITY TO MAKE ALL REQUIRED FINDINGS. COMMISSIONER ALVISTUR SECONDED THE MOTION.

The Commission discussed the appropriateness of a second unit in this instance, acknowledging that public improvements in the area are deficient, but that these type of deep lots are ideal for second units, which are encouraged in the General Plan. There was limited support for approving a 640 square foot second unit, but it was acknowledged that the Commission could not require this applicant to repave the entire alley, and that the Commission doesn't control the capital improvement budget.

THE MOTION FAILED 3-3-1 (COMMISSIONERS BRADFORD, SANDERS AND WOLFE OPPOSED, COMMISSIONER MONFORT DISQUALIFIED).

Ms. Barker clarified that if no motion to approve the project passes, it is a de facto denial.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION FIND THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 02-52 (WADE), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM DATED OCTOBER 8, 2002, WITH THE INCLUSION OF CONDITION 8 AS PROPOSED BY STAFF, AND SPECIFYING THAT THE SECOND UNIT BE NO LARGER THAN 640 SQUARE FEET, ONE BEDROOM, AND THAT TWO ADDITIONAL PARKING SPACES BE REQUIRED; SHE ALSO ADDED A RECOMMENDATION TO CITY COUNCIL THAT IMPROVEMENTS TO THIS NEIGHBORHOOD GET FAST-TRACKED FOR APPROVAL AND INSTALLATION. COMMISSIONER SANDERS SECONDED THE MOTION.

There was additional discussion regarding the modified proposal. While admitting that the project is better with the modifications, some Commissioners felt that it would still have a negative impact on the neighborhood.

THE MOTION FAILED 3-3-1 (COMMISSIONERS ALVISTUR, FRANCIS AND HUGHES OPPOSED, COMMISSIONER MONFORT DISQUALIFIED).

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The Commission was in recess from 8:00 to 8:11 p.m.

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6. **Use Permit 02-65 (Winters) 1453 Hobart Avenue** - A request to allow an 850 square foot detached second dwelling unit on a 0.20 acre single-family lot located at 1453 Hobart Avenue. The site is identified as Assessor's Parcel No. 003-011-042, is designated Low Density Residential on the City of Chico General Plan, 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, Section 15303 (New Construction or Conversion of Small Structures). *Staff recommends approval of the use permit.*

Mr. Palmeri presented the staff report, reviewing the land use issues and details of the project. He noted that this project is substantially similar to the Wade project, being located four lots to the south on the same street. He noted that the major change is that there is a two car garage for the existing home, and that two additional spaces are proposed in conjunction with the second unit.

The public hearing was opened at 8:13 p.m.

Henry Winters, 3628 Dutch Hollow Way, Modesto, applicant, commented that limiting a second unit to 640 square feet and one bedroom makes it so that it doesn't pencil out, i.e. infeasible to build. He reiterated his willingness to install his share of required improvements, and opined that the flooding problems on this street are less than what he's used to in Modesto. He suggested that speed bumps could help in the alley, and that the daycare in the neighborhood is adding to the traffic congestion.

Janet Allenspach, a previous speaker, stated that the garage on the existing house has been turned into a rec room.

The Commission discussed how many parking spaces could be required; Ms. Figge noted that the Commission can recommend changes to City regulations.

Ms. Allenspach asserted that the property has been a constant source of irritation, and that the infrastructure issues need to be addressed first.

Alan Judge, a previous speaker, suggested that the owner come view the property in December, when puddles force kids to walk down the middle of the street to get to Citrus Elementary School.

Joe Wolner, a previous speaker, stated that all his concerns with the previous project also apply to this project.

Robert Dilts, a previous speaker, also stated that his previous comments are applicable to this project as well. He reviewed that the neighborhood changed the zoning of this area in 1988, stressing the history of concerned residents and homeowners.

Kirk Monfort, a previous speaker, stated that his comments on this previous project also applied to this one.

There being no further comment, the public hearing was closed at 8:23 p.m.

Commissioner Francis stated that the Commission can't make economics the basis of its decisions; she reiterated that she can't make all the required findings.

COMMISSIONER FRANCIS MOVED THAT THE COMMISSION DENY USE PERMIT 02-65 (WINTERS). COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 4-2-1 (COMMISSIONERS SANDERS AND WOLFE OPPOSED, COMMISSIONER MONFORT DISQUALIFIED).

7. **Appeal of Use Permit 02-61 (Trover) 524 W. 1<sup>st</sup> Avenue** - A request to allow a second dwelling unit not to exceed 850 square feet in size on property located at 524 W. 1<sup>st</sup> Avenue. The site is identified as Assessor's Parcel No. 003-081-006, 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 15303 (New Construction of Small Structures). *This project was previously heard and approved by the Zoning Administrator on September 23, 2002; a nearby property owner subsequently appealed the matter to the Planning Commission. Staff recommends approval of the use permit, thereby denying the appeal.*

Ms. Figge presented the staff report, reviewing the land use issues involved and details of the project. She noted that this project differs from the previous two in having an adjacent fifteen-foot concrete alley, and in having a smaller lot; the project just barely meets the City's requirements for lot coverage. She explained that the existing primary structure is somewhat dilapidated, and would need to be improved as a part of this project. She also confirmed that the shed behind the existing structure would be removed.

In response to Commissioner Hughes, Mr. McKinley explained that one of the primary reasons for an alley is for trash pickup; however, he's not sure whether garbage trucks traverse this particular alley.

The Commission confirmed with staff that both the existing structure and the new structure would have a stucco exterior, and that the existing structure would be brought up to code.

The public hearing was opened at 8:29 p.m.

David Nopel, 517 W. 1st Avenue, spoke in opposition to the project. He cited concerns with traffic, the gradual negative changes in the neighborhood, parking in the area due to Chico High and Chico State, and pedestrian safety. He suggested that the primary structure should be torn down if a new structure is erected, and lamented the lack of mechanisms to enforce better behavior on the part of tenants and better management on the part of owners.

Nick Trover, 524 W. 1<sup>st</sup> Avenue, applicant, stated that he lives on the property and goes to Chico State. He noted that the existing structure has had the interior remodeled, and that the exterior will be improved as a part of this project. He explained that the project will have four parking spaces (one per bedroom) and that traffic is mainly a problem because of those who don't live in the area, but park in the neighborhood. He noted the presence of a paved alley, sidewalks, curb and gutters, in contrast to the previous projects.

Commissioner Monfort discussed the condition of the existing structure with Mr. Trover, who agreed to bring the existing structure up to code as a part of this project.

After discussion, it was agreed that there is no significant sight distance problem.

The Commission discussed parking for the project, agreeing that the spaces off the alley would need to be reconfigured due to the one-way nature of the alley.

Ms. Figge added a recommendation that the perimeter fencing be repaired or replaced where it's dilapidated.

There being no further comment, the public hearing was closed at 8:50 p.m.

Commissioner Monfort stated that he would support the project, since the owner is willing to bring the existing home up to code. There was general agreement that this project is significantly different from the two previous projects, largely because of the existing public improvements.

COMMISSIONER WOLFE MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 02-61 (TROVER), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM, WITH THE ADDITION OF CONDITION #8, REQUIRING THAT THE EXISTING HOME BE BROUGHT UP TO CODE,



AND THAT THE PERIMETER FENCING BE REPAIRED OR REPLACED WHERE NEEDED. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 7-0.

**GENERAL BUSINESS**

Commissioner Monfort noted that a number of speakers had brought up the impact of Enloe on this neighborhood. He suggested that the EIR for the hospital expansion will need to look at traffic in this area of the Avenues, and that the City may at some point need to do something to keep the neighborhood from deteriorating.

Commissioner Francis indicated that she'd like one or more workshops to come up with second unit standards prior to next July, when state regulations will allow second units by right. There was general agreement that such a workshop(s) could be on a regular Planning Commission meeting night, as long as the agenda was light.

**PLANNING UPDATE**

Ms. Figge reviewed that there will be another Enloe workshop on October 29<sup>th</sup>. In response to Commissioner Alvistur, Ms. Figge noted that any amendment of the Parks, Public Facilities and Services element of the General Plan is currently on hold.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:01 p.m. to the Adjourned Regular Meeting of November 21, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

December 19, 2002

Date Approved

Kim Seidler  
Planning Director

**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
NOVEMBER 21, 2002**

**ROLL CALL**

The meeting was called to order by Acting Chairperson Kirk Monfort at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Orval Hughes, Kirk Monfort, and Craig Sanders. Commissioners Jolene Francis and Nancy Wolfe were absent. Staff present were Principal Planner Pam Figge, Senior Planner Patrick Murphy, Associate Planner Jay Hanson, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION**

Commissioners Bradford, Monfort and Sanders each reported that they had spoken to Jim Stevens, who explained details of item #2. Commissioner Monfort also reported that he had spoken to Commissioner Wolfe earlier; she had also spoken to Jim Stevens concerning item #2, as well as BJ Parsons concerning item #4 and some neighbors of item #3.

Ms. Figge clarified that the purpose of reporting ex parte communication is to share information not available to the rest of the Commission that would affect a Commissioner's decision. She stated that it is not necessary to disclose everything, unless it is new information not available to the rest of the Commission.

**ADMINISTRATIVE AGENDA**

1. **Minutes of the Regular Meeting of October 3, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER ALVISTUR MOVED APPROVAL OF THE ADMINISTRATIVE AGENDA. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS FRANCIS AND WOLFE ABSENT).

**CONSENT AGENDA**

2. **Phase II of Planned Development Permit (PDP 02-02) for the Yosemite Place Development (Land Design Properties) - SR 32 and Yosemite Drive** - Phase II of a Planned Development Permit (PDP) to allow the development of 90 apartment units on approximately 4.52 acres of a 13.3 acre site. Phase I of the PDP was approved by the Planning Commission on July 18, 2002 and consisted of 48 single-family residences on 8.78 acres. The apartment units in Phase II would be located within 11 separate two-story buildings. The Planning Commission is being asked to approve the site plan, building elevations, and preliminary landscape plans for the apartment units. The site is identified as Assessor's Parcel No. 011-030-141 (portion), is designated Medium Density Residential and Medium-High Density Residential on the City of Chico General Plan Diagram, and is split-zoned R2 Medium Density Residential and R3

Medium-High Density Residential. A mitigated negative declaration was previously adopted by the Planning Commission for both phases of the Yosemite Place project; therefore, no further environmental review is required for the project. *Staff recommends approval of the planned development permit.*

COMMISSIONER BRADFORD MOVED APPROVAL OF THE CONSENT AGENDA.  
COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2  
(COMMISSIONER FRANCIS AND WOLFE ABSENT).

### **ITEMS REMOVED FROM CONSENT AGENDA**

*None.*

### **REGULAR AGENDA**

3. **Use Permit 02-72 (Land's End Real Estate) Yellowstone Drive at The Esplanade** - A request to allow the construction and operation of a day care center for a maximum of 80 children on property located at the northwest corner of Yellowstone Drive and the Esplanade. The site is identified as Assessor's Parcel No. 006-500-011 (portion), is designated Office on the City of Chico General Plan Diagram, and is located in an OC Office Commercial 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). *This project was referred by the Zoning Administrator to the Planning Commission without a recommendation. Staff recommends approval of the use permit.*

Mr. Hanson presented the staff report, reviewing the land use issues involved and details of the project. He reviewed that the major controversy with this project was with the particular location of the day care center, as it was proposed to be immediately adjacent to existing residences. He noted that the applicant has subsequently submitted a revised site plan which moves the day care further away from the residences, which should be agreeable to all parties. He noted that the site also contains five other buildings, which offered the applicant some flexibility in relocating the center. He stated that because of the revised site plan, staff is recommending that condition #1 be dropped.

Commissioner Hughes confirmed with Mr. Hanson that the property to the north of this project is zoned Office Commercial.

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

Mary Schrieber, 3291 Carlsbad Court, thanked Ms. Jacobson and Mr. Coletti for relocating the day care center, and stated that she has no objection to the revised plan. She stated that she would like to confirm the hours of operation for the center, as she would prefer the center to not operate on the weekend. She also requested that the Planning office should send out a plot plan with public notices, so as to better inform the public about the details of a project.

Rick Coletti, 2571 California Park Drive, Suite 200, applicant, offered to answer any questions.

In response to Commissioner Monfort, Mr. Coletti explained the parking and drop-off configuration, noting that the parking places immediately in front of the building will be “temporary parking” for use in drop-off and pick-up; staff working at the center would park in more remote areas of the parking lot. He also noted that some kids are transported via a van that picks them up at school.

In response to Commissioner Hughes, Mr. Coletti stated that nine employees will work at the center, and further elaborated that staff would probably park in the compact spaces away from the front of the building.

Commissioner Alvistur confirmed that the buildings will be similar to the projects across the street on Yellowstone Drive. Mr. Coletti explained the differences in design, including tile rooves, a lower roof pitch, larger overhangs, and some stone. He noted that he is currently addressing ARB concerns.

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

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW AND APPROVE USE PERMIT 02-72, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL CONTAINED WITHIN THE STAFF MEMORANDUM, MODIFIED TO INCORPORATE THE REVISED SITE PLAN AND DROP CONDITION #1.

COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 5-0-2 (COMMISSIONERS FRANCIS AND WOLFE ABSENT).

4. **General Plan Amendment 02-01/Rezone 02-01/Vesting Tentative Subdivision Map 02-04/ & Planned Development Permit 02-03 (LVV Enterprises) - Shallow Springs Terrace** - A request for a General Plan amendment, rezone, subdivision and planned development permit involving a 5.37 acre property located just inside the gate of the Canyon Oaks subdivision at the west end of Shallow Springs Terrace (Assessor’s Parcel No. 011-030-143). The General Plan Amendment would change the existing land use designation for the site from *Parks* to *Very Low Density Residential* (0.2 to 2 units per gross acre), while the rezone would change the corresponding zoning designation from *OS-1 Primary Open Space* to *RS-20 Suburban Residential- 20,000 sq. ft. minimum lot size*. As part of the Vesting Tentative Subdivision Map, the site would be divided into six residential lots ranging in size from .48 acres (20,909 sq. ft.) to 1.07 acres (46,609 sq. ft.). The Planned Development Permit (PDP) would allow residential density to be transferred from to the project site from another location within the Canyon Oaks development and identify specific building envelopes for each of the six residential lots, including the establishment of a conservation easement across a portion of Lots 1-4 to ensure permanent protection of the oak woodlands. A

mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***Staff recommends that the Commission conceptually review the planned development permit and subdivision, and recommend City Council adoption of the mitigated negative declaration and approval of general plan amendment and rezone.***

Ms. Figge clarified that the Commission can look at the planned development permit and subdivision on a conceptual basis and provide feedback to the applicant, but that the main action the Commission needs to take is a recommendation to Council on the general plan amendment and rezone. She noted that feedback would be especially helpful in this instance, as staff is requesting that the applicant modify the map.

Mr. Murphy presented the staff report, reviewing the land use issues involved, details of the proposal, and staff's recommended changes, including reducing the number of lots from six to a maximum of four. He explained that only if the general plan amendment and rezone are approved by Council would the pending subdivision and planned development applications come back to the Commission for final approval.

Mr. Murphy reviewed the original Canyon Oaks development approved in 1986, pointing out that the project site was intended as the future location of the driving range and club house; however, because the property was never developed for its original purpose, the larger policy question is whether it should be developed, and if so, how. He explained that staff doesn't feel that this project would set a precedent due to the unique circumstances involving the property, and is therefore recommending RS-1 zoning, the same as the adjacent developed properties, as well as the inclusion of a -PD Planned Development overlay district to ensure permanent protection of the oak woodlands on the site. He noted that although 456 units were originally approved for all of Canyon Oaks, only 378 lots (including this project) have recorded or are otherwise in process.

He indicated that if the Commission feels the site is suitable for residential development, then the Commission should recommend Council approval of the general plan amendment and rezone; the Commission may also wish to adopt a separate motion of conceptual approval for the planned development permit, giving any needed direction to the applicant. He noted that staff has already recommended that the project be reduced from six lots to a maximum of four lots.

In response to Commissioner Alvistur, Mr. Murphy indicated that the open space wouldn't be "replaced" in any fashion, as it was intended for private recreation, not resource management or viewshed protection.

In response to Commissioner Sanders, Mr. Murphy explained the history of the zoning on the property; he noted that the entire golf course (including this property) was mistakenly zoned OS-1, and that when the golf course was rezoned correctly to OS-2, this property was inadvertently omitted from that rezoning.

Commissioner Bradford expressed concern about the size of lots on the south side; Mr. Murphy elaborated that the planned development process would allow a reduction in lot sizes, and that doing so in this case would minimize impact to trees and views on the north side.

Commissioner Hughes confirmed with Mr. Murphy that the lots to the south of this property in the Lake Vista subdivision are substantially smaller, being around a half-acre each.

Ms. Figge clarified that staff is recommending that only a portion of the site be rezoned to RS-1-PD; staff is recommending that the OS-1 designation be kept on that portion of the site containing the oak woodland.

Commissioner Bradford discussed constraints on the site, including trees and topography.

Commissioner Monfort asked why the Commission is looking at this. Mr. Murphy replied the Commission is being asked to forward a recommendation to the City Council on the proposed General Plan amendment and rezone and that the question the Commission needs to answer is "Is this suitable for residential use?", noting that it would provide additional housing in the urban area.

Commissioner Hughes confirmed with Mr. Murphy that if the Council decides to approve the rezone, the Commission could still determine if the lot split is three on the north side and one on the south side of the road, or two on each side.

Commissioner Alvistur discussed the zoning on the site; Mr. Murphy re-emphasized that the current OS-1 zoning on the property was an oversight.

The public hearing was opened at 7:09 p.m.

Jim Stevens, 20 Declaration Drive, representing the applicant, commended staff's description of the issues. He reviewed various aspects of the project, including: the unique nature of this open space parcel; the mixup that resulted in the OS-1 zoning, as the parcel was never intended to be a resource area or parkland; and a speculation that if the golf course had envisioned where the clubhouse and driving range would end up, that this parcel would have been an extension of the one-acre parcels to the east. He stated his client's acceptance of an RS-1 designation, emphasized the protection that would be gained for the oak woodlands, and characterized the site as an infill project. He asserted that this project would not be precedent-setting, as there are adequate provisions in the General Plan for open space protection; in fact, there is a precedent for this sort of development, as the golf course previously created lots for residential development at the corner of Yosemite and California Park Drives. Regarding the PD, he is requesting five lots instead of staff's recommendation of four, noting that the lots will be approximately the same width as parcels further to the east.

In response to Commissioner Alvistur, Mr. Stevens indicated that a map hasn't yet been prepared showing four or five lots, but that any reduction would include the merger of the two lots south of Shallow Springs Terrace and the preservation of the OS-1 zoning for the woodlands on the

northern portion of the site. He also noted that it was a different client who originally split this site off from the larger golf course parcel.

In response to Commissioner Monfort, Mr. Stevens clarified that the frontages of the lots on the north side of the road are proposed to be 140 to 150 feet, with only one lot being 110 feet.

Ernie Matlock, 3173 Wood Creek Drive, representing the Canyon Oaks Board of Directors, stated that if the land is rezoned, it should be for one acre lot sizes. He urged the Commission to require wider lot frontages of 190 to 250 feet, in keeping with the existing lots in the area; he noted that wider frontages would probably limit the site to four lots.

In response to Commissioner Hughes, Mr. Matlock clarified that the homeowners association hasn't taken a position for or against the project. He explained that the association does wish that any new lots be added to the homeowners association, so that they are subject to the same requirements for setbacks, house size and such.

Jim Higgins, 3151 Shallow Springs Terrace, spoke in opposition to the project. He stated that he paid more for his lot in part because the adjacent property was zoned OS-1; he also noted that the project parcel was split from the golf course parcel with the understanding that it wouldn't be developed. He opined that the real subdividable land amount is three or four acres, noting that the shallow lot depths will result in homes different from the existing adjacent residences.

In response to Commissioner Bradford, Mr. Higgins stated that he would prefer open space for the property, unless the developer compensates him for his loss in property value.

Michael Jones, 2411 Notre Dame Blvd., noted the problems with the City developing at densities lower than those envisioned in the General Plan. He pointed out that this is an infill project, and urged the Commission to approve the highest density the applicant is interested in building.

Nancy Dooly, 3170 Wood Creek Drive, spoke in opposition to the project. She stated that Canyon Oaks is not the place for higher residential density, and opined that the applicant has been dishonest. She recommended that if the project is approved, it should be limited three lots, two on the north side of the road and one on the south side.

In response to Commissioner Hughes, Ms. Dooly stated that a small number of large lots would be consistent with what is already there, if the site is developed. She opined that the houses should be set back some distance from the gate.

Jim Bohannon, 3186 Wood Creek Drive, suggested that it may be necessary to reduce the project to three lots in order to maintain the setbacks and feel of the adjacent subdivision.

Erica Higgins, 3151 Shallow Springs Terrace, stated that she bought her property knowing that this site was zoned for open space. She asserted that she wouldn't have bought the lot if the driving range was built on this site.

Harvey Heiler, 3150 Shallow Springs Terrace, stated that he also bought his lot in part due to the open space designation on this property. He characterized the plan for six homes as “insane”.

B. J. Parsons, 1 Woodstone Lane, spoke in opposition to the project. She urged the Commission to protect the viewshed and leave the project as open space.

Dick Coyle, 3163 Canyon Oaks Terrace, expressed that his biggest concern is a moral and ethical issue, due to previous assertions that the site wouldn't be developed. He stated that if the site is developed, it should be with no more than three lots.

There being no further comment, the public hearing was closed at 7:45 p.m.

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The Commission was in recess from 7:45 to 7:55 p.m.

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The Commission discussed the project, noting General Plan policies concerning infill development, the suitability of the site for development, and concerns of the neighbors.

Commissioners Bradford and Alvistur expressed significant concern over the actions of the applicant, who represented that this parcel would not be developed when it was split off from the larger golf course parcel.

Commissioner Sanders characterized the site as a remainder parcel, stating that he could support one or two lots.

Commissioner Monfort expressed concern over what was represented to whom, but opined that the parcel is suitable for development, possibly up to four lots.

**COMMISSIONER BRADFORD MOVED THAT THE COMMISSION RECOMMEND DENIAL OF THE GENERAL PLAN AMENDMENT/REZONE. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH FAILED 2-3-2 (COMMISSIONERS HUGHES, MONFORT AND SANDERS OPPOSED, COMMISSIONERS FRANCIS AND WOLFE ABSENT).**

**COMMISSIONER SANDERS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 02-40, RECOMMEND THAT THE CITY COUNCIL: (1) ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE GENERAL PLAN AMENDMENT AND REZONE; (2) APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THAT PORTION OF THE SITE OUTSIDE OF THE OAK WOODLANDS TO VERY LOW DENSITY RESIDENTIAL; AND (3) APPROVE A REZONE TO CHANGE THAT PORTION OF THE SITE OUTSIDE OF THE OAK WOODLANDS FROM OS-1 PRIMARY OPEN SPACE TO RS-1-PD SUBURBAN RESIDENTIAL ONE-ACRE MINIMUM WITH A PLANNED DEVELOPMENT OVERLAY,**



AND RECOMMENDING THAT THE NUMBER OF LOTS BE LIMITED TO TWO, ONE ON EACH SIDE OF SHALLOW SPRINGS TERRACE. COMMISSIONER HUGHES SECONDED THE MOTION.

Ms. Barker clarified that usually a density restriction isn't put on a general plan amendment/rezone; however, the Commission could certainly tell the applicant what number of lots it is inclined to approve, and that information could also be made available to the City Council.

Commissioner Monfort suggested that up to four lots could work, if properly designed.

COMMISSIONER SANDERS RETRACTED HIS PREVIOUS MOTION.

COMMISSIONER SANDERS MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION 02-40, RECOMMEND THAT THE CITY COUNCIL: (1) ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE GENERAL PLAN AMENDMENT AND REZONE; (2) APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THAT PORTION OF THE SITE OUTSIDE OF THE OAK WOODLANDS TO VERY LOW DENSITY RESIDENTIAL; AND (3) APPROVE A REZONE TO CHANGE THAT PORTION OF THE SITE OUTSIDE OF THE OAK WOODLANDS FROM OS-1 PRIMARY OPEN SPACE TO RS-1-PD SUBURBAN RESIDENTIAL ONE-ACRE MINIMUM WITH A PLANNED DEVELOPMENT OVERLAY. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 3-2-2 (COMMISSIONERS ALVISTUR AND HUGHES OPPOSED, COMMISSIONERS FRANCIS AND WOLFE ABSENT).

The Commission discussed what suggestions it could provide to the applicant and Council. It was agreed that viewsheds should be protected, and that a 50-foot buffer be provided between any homes at the gates.

COMMISSIONER HUGHES MOVED THAT THE COMMISSION RECOMMEND THAT NO MORE THAN TWO LOTS BE CREATED, ONE ON EACH SIDE OF THE ROAD, THAT ANY BUILDINGS BE AT LEAST 50 FEET AWAY FROM THE GATE, AND THAT EXISTING VIEWSHEDS BE PROTECTED.

Commissioner Monfort suggested that the applicant be allowed up to four lots, with no more than one south of the road, provided that they preserve standard Canyon Oaks setbacks of 35 feet from the road and 15 feet from side property lines, and protect existing viewsheds, particularly from lots 47 and 48.

COMMISSIONER HUGHES AMENDED HIS MOTION TO INCLUDE THE CRITERIA SUGGESTED BY COMMISSIONER MONFORT. COMMISSIONER SANDERS SECONDED THE MOTION, WHICH PASSED 4-1-2 (COMMISSIONER ALVISTUR OPPOSED, COMMISSIONERS FRANCIS AND WOLFE ABSENT).

**GENERAL BUSINESS**

Commissioner Alvistur asked when the Volkswagen dealership use permit would be coming back to the Commission; Ms. Figge replied that it would on the meeting of December 5<sup>th</sup>.

**PLANNING UPDATE**

Ms. Figge reviewed the upcoming Planning Commission meeting schedule.

**ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m. to the Regular Meeting of December 5, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

\_\_\_\_\_  
January 16, 2002

Date Approved

\_\_\_\_\_  
Kim Seidler  
Planning Director

**PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 5, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Orval Hughes, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

None.

**ADMINISTRATIVE AGENDA**

No items.

**CONSENT AGENDA**

1. **Tentative Parcel Map 02-5 and Use Permit 02-63 (Joyner) - 1279 East Eighth Street** - A request to subdivide a 0.87 acre parcel to create four single-family residential lots and approve a use permit to allow two second dwelling units not to exceed 850 square feet on proposed Lots 1 and 2 on property located on the south side of East Eighth Street, approximately 180 feet west of Bartlett Street. The parcel fronts both East Eighth and East Ninth Streets and is developed with one single-family residence located at 1279 East Eighth Street. The property is identified as Assessor's Parcel No. 004-331-008, 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 proposed for this project, pursuant to the California Environmental Quality Act (CEQA). *Staff recommends approval of the tentative parcel map and use permit.*

COMMISSIONER WOLFE MOVED APPROVAL OF THE CONSENT AGENDA.

COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 7-0.

**ITEMS REMOVED FROM CONSENT AGENDA**

**REGULAR AGENDA**

2. **Use Permit 02-36 (Abouzeid) 902-928 Main Street and 948 Broadway** - A request to allow automobile sales and service in a C-1 Restricted Commercial zoning district, outside storage (as a primary use) in a CC Community Commercial zoning

district, and off-site parking on a separate parcel. The proposed automobile sales involve the expansion of an existing Volkswagen dealership and service business (Chico Volkswagen) on five contiguous parcels on Main Street (902, 920, and 928 Main Street) and one non-contiguous parcel to the south on Broadway (948 Broadway). The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, and 005-094-004. The properties located on Main Street are designated Downtown on the City of Chico General Plan Diagram and located in a C-1 Restricted Commercial zoning district. The property on Broadway is designated Community Commercial on the City of Chico General Plan Diagram and located in a CC Community Commercial 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 and approval of the use permit.***

Mr. Summerville presented the staff report, reviewing the land use issues involved, details of the project, and recommended conditions of approval. He noted that the use permit is required for three reasons: to expand the intensity of the automobile dealership; allow outside storage as a primary use; and allow offsite parking. He reviewed the history of approvals for Mr. Abouzeid's use of the site, beginning with a use permit in June of 2000 to allow temporary operations at the site. He noted that the use permit will allow storage of vehicles on a gravel lot (the 948 Broadway site), as well as allow (but not require) off-site parking in that same lot for the properties on Main Street. He added that a use permit is not required for the use of the site as a car dealership, as Mr. Abouzeid began operations less than a year after the Volpato dealership moved out of the building.

Mr. Summerville reviewed the parking adjacent to the top of bank of Little Chico Creek, stating that it is an existing legal non-conforming use, and that it will be re-paved as part of the project. He noted that the Broadway site will be paved, and that a 25-foot setback from the top of bank will be required for that site. He explained that although there is an Elderberry shrub present in the creek bank, staff expects no impact as long as no new outfall is constructed and the bank remains undisturbed.

In response to Commissioner Alvistur, Mr. Summerville explained that final architectural approval is requested at this meeting. Commissioner Alvistur expressed concern at the lack of a landscape plan to review; Mr. Summerville stated that staff review is recommended for the final lighting and landscaping plan, subject to the parameters established by the Commission. .

In response to Commissioner Monfort, Mr. Summerville discussed street trees for the site, noting that the Urban Forester has recommended that the planter strip on E. 9<sup>th</sup> Street be extended as close to the corner as is feasible. He noted that trees may also be required along the Main Street frontage.

In response to Commissioner Monfort, Mr. Summerville clarified that work within the 25 foot setback on the Main Street site consists of re-paving the area, as well as replacement and/or extension of the existing underground culvert; if digging is required, it would be done by hand, so as not to disturb the

creek bank. He noted that storm water facilities are allowed to cross the 25-foot setback.

Commissioner Monfort expressed concern about compatibility as required by finding D; he also raised questions about historic preservation issues. Ms. Figge replied that the C-1 zoning was maintained due to the desires of Downtown South property owners; therefore it is the zoning, not the dealership use, which is not fully compatible with the General Plan designation for the site. She also noted that historic preservation is a matter of degrees, and that the building which was demolished was not on the historic resources inventory and went through the appropriate process, including the issuance of a certificate of appropriateness (required when demolishing or renovating buildings in the landmark overlay district). Mr. Summerville added that masonry was not considered by the applicant, and that the existing building was considered a hazard; he noted that the Chico Heritage Association did not comment on the demolition of the old building.

The public hearing was opened at 7:00 p.m.

Larry Coffman, 234 A W. 3<sup>rd</sup> Street, project architect, reviewed the history of the property, as well as the site plan. He noted that the landscaping on the Broadway site should grow quickly, so it won't be very visible. He raised a concern about security, stating that he would like to get an appropriate amount of lighting and some security cameras for the Broadway site. He reviewed his numerous meetings with staff concerning the creek and the Elderberry bush, noting his client's desire to keep everything the same so as to not affect the creek bank. He suggested that the new first-flush mitigation measures for storm water prior to reaching the outfall should result in an improvement of storm water quality.

Mr. Coffman noted that the service building is actually 5800 square feet, and apologized for not completing the landscaping plan; he noted that he has been ill. He noted that the final plan will include shading of customer parking of at least 50%. He stated that he has no objection to 12 foot light standards, although a greater number of standards will be required.

Mark Abouzeid, 1136 Orchard Way, applicant, noted the improvements that have been made to the site in the past few years, and reviewed his plans for the Volkswagen dealership. He noted that the old building truly was a hazard, and fell down when one beam was pulled.

In response to Commissioner Monfort, Mr. Abouzeid stated that he wouldn't object to removal of the razor wire or installation of a taller wrought iron fence; he noted that his main concern is security for his vehicles. He noted that he has had problems with vandalism of new cars.

In response to Commissioner Monfort, Mr. Coffman, explained the architectural design in greater detail, noting the use of a mission style arch to achieve an architectural point in common with existing buildings.

Commissioner Hughes confirmed with Mr. Coffman that nearly all of the back portion of the site drains

into the creek, and that the interceptor will be installed outside of the 25-foot setback.

John Merz, 1813 Broadway, spoke in opposition to the project. He discussed concerns about General Plan consistency, the ability of the Planning Commission to perform architectural review, the role of staff in approving final architectural and landscape plans, the presence of razor wire, potentially insufficient shading for the site, an insufficient creekside setback, potential conflicts of interest for the consultant who inspected the areas for Elderberry bushes, and the lack of a creekside greenway. He suggested that this isn't the best site for an automobile dealership, and suggested that the project be redesigned.

Commissioner Monfort suggested that if street trees were provided on the two other street frontages, the site would be very close to 50% shading; Mr. Merz replied that the Commission shouldn't leave it to staff to approve the final landscaping plan.

Ms. Figge responded to Mr. Merz's concerns, noting that: the inconsistency is between the C-1 zoning and the General Plan, not this use and the General Plan; that there is no landscaping requirement in the Downtown area; and that the Planning Commission is authorized by the Chico Municipal Code to conduct architectural review when a land use entitlement is also required.

Mr. Merz suggested that the Commission shouldn't be in a hurry to approve a deficient proposal.

There being no further comment, the public hearing was closed at 7:36 p.m.

Commissioner Monfort confirmed with a staff that a bike rack will be provided.

Commissioner Monfort asked why the City is not requiring a 25 foot dedication adjacent to the creek, especially in light of the off-site parking at the Broadway site. Mr. Seidler replied that while the code requires a dedication, subsequent discussions with the City Attorney's office concluded that the City cannot legally impose the requirement, and that the code will have to be changed. Ms. Barker elaborated that the City can require a 25 foot setback, but not a dedication, due to the decision in Nolan vs. Tigard. She explained that no new improvements are proposed in the setback area, and used the analogy of a building in the setback area; staff would not require that a building be removed, and is thus not requiring that the parking be removed. She stated that if the parking area is ever removed, it can't be replaced.

Commissioner Alvistur stated his surprise at not seeing a landscape plan, and suggested looking at this project again with a landscape plan present.

After discussion, it was agreed to continue this item so that a landscaping plan could be reviewed and approved by the Commission.

COMMISSIONER SANDERS MOVED THAT THE PLANNING COMMISSION CONTINUE THIS ITEM TO THE DECEMBER 19<sup>TH</sup> MEETING, AND THAT THE APPLICANT PROVIDE A

LANDSCAPING PLAN FOR REVIEW. COMMISSIONER ALVISTUR SECONDED THE MOTION.

Commissioner Francis suggested that the Commission should note any suggested changes to conditions at this time to provide direction to the applicant. After discussion, the Commission was in general agreement that trees should be required in planter strips on the Main Street frontage, that a wrought iron or other decorative fence be required instead of chain link around the Broadway site, and that the razor wire be allowed to remain.

THE MOTION TO CONTINUE THIS ITEM TO THE DECEMBER 19<sup>TH</sup> MEETING, INCLUDING THE CHANGES ABOVE, PASSED 7-0.

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The Commission was in recess from 7:55 to 8:03 p.m.

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3. **Marigold Gardens Subdivision S 02-16 and Variance 02-03 (Merritt) 2704 Marigold Avenue** - A request to subdivide 1.61 acres located at 2704 Marigold Avenue to create nine lots for single family residential development at a density of 5.6 units per acre and an average lot size of 5,985 square feet; and a variance to the 10 foot street side yard setback and 15 foot rear yard setback for the existing home to be located on Lot 1. The site is identified as Assessor's Parcel No. 048-750-043, 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 approval of the subdivision and variance.*

Commissioner Sanders announced that he would abstain from hearing this item, due to his role as ALUC staff.

Mr. Summerville presented the staff report, reviewing the land use issues involved and the details of the project. He discussed requested modifications to the City's design criteria, which staff supports due to the constrained, infill nature of the site; modifications include reduced street width, contiguous sidewalk, and a reduction of lot depths from 80 to 75 feet. He noted that the requested variance is to allow reduced setbacks for the existing home, which will be retained. He added that staff is recommending that trees be planted in the front yard of each lot, to compensate for the lack of parkway strips; staff is also recommended that the street be reconfigured to move the single-sided parking from the north side of the street to the south side, to increase the amount of on-street parking.

The public hearing was opened at 8:12 p.m.

Bob Feeney, 1250 East Avenue, project engineer, and Stan Merritt, 9602 McAnarlin Avenue, Durham, applicant, offered to answer any questions.

Commissioner Francis confirmed that Mr. Feeney and Mr. Merritt understood that staff is not recommending reduced rear yard setbacks for the newly created lots.

There being no further comment, the public hearing was closed at 8:13 p.m.

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-42, FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING VARIANCE 02-03 AND MARIGOLD GARDENS TENTATIVE SUBDIVISION MAP 02-16 (MERRITT) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL. COMMISSIONER HUGHES SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER SANDERS ABSTAINING).

#### **GENERAL BUSINESS**

Commissioner Monfort inquired if staff plans to revisit the Downtown South zoning designation.

Ms. Figge indicated that all the research is still in the file, and that there may be more support now for changing the area's zoning than there was previously.

Commissioner Monfort noted that there may be higher priority items, but that he would like to revisit the zoning of the area.

#### **PLANNING UPDATE**

Mr. Seidler reviewed recent Council actions, including approval of the Meyers rezone, the Marshall/Conroy rezone, and Council direction to staff to introduce an amendment to enact a ten-day appeal period for all entitlements. He also noted that Council will be interviewing board and commission candidates on January 6.

#### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:20 p.m. to the Adjourned Regular Meeting of December 19, 2002, at 6:30 p.m. in the Council Chamber, 421 Main Street.

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February 6, 2003

Date Approved

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Kim Seidler  
Planning Director



**PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
DECEMBER 19, 2002**

**ROLL CALL**

The meeting was called to order by Chairperson Jolene Francis at 6:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Vic Alvistur, Ross Bradford, Jolene Francis, Kirk Monfort, Craig Sanders, and Nancy Wolfe. Commissioner Orval Hughes was absent. Staff present were Planning Director Kim Seidler, Principal Planner Pam Figge, Associate Planner Bob Summerville, Senior Development Engineer Tom Alexander, Development Engineer Matt Johnson, Assistant City Attorney Lori Barker, and Administrative Secretary Greg Redeker.

**DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)**

Commissioners Francis, Bradford and Wolfe reported that they had each spoken to Phil Engelbert concerning the rear-yard fencing for item 7. Commissioner Sanders reported that he had spoken to Mark Abouzeid concerning item 8.

**ADMINISTRATIVE AGENDA**

- 1. Minutes of the Adjourned Regular Meeting of October 17, 2002**  
*Staff recommends approval with any corrections/revisions required.*

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION APPROVE THE ADMINISTRATIVE AGENDA. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER HUGHES ABSENT).

Commissioner Francis announced that the Commission would be taking things slightly out of order, and that the last item, Recognition of Ross Bradford's Service on the Commission, would now take place.

**RECOGNITION OF ROSS BRADFORD'S SERVICE ON THE COMMISSION**

Chair Francis and Mr. Seidler thanked Commissioner Bradford for his service on the Commission. Mr. Seidler presented a certificate, signed by the Mayor, to Commissioner Bradford. Commissioner Bradford thanked his fellow Commissioners for the opportunity to serve on the Commission.

**CONSENT AGENDA**

- 2. Planned Development Permit 01-01 (Henderson) 306 W. 7<sup>th</sup> Street** - A request to modify an existing planned development permit that allowed a mixed-use development, consisting of a three-story building with office uses on the first and second floors and two residential units on the third floor. The requested modification is for minor architectural changes to the project, located at 306 W. 7th Street. The site is identified as Assessor's Parcel No. 004-231-006, is designated Downtown on the City of Chico General Plan Diagram, and is located in a RD Downtown Residential (with Landmark Overlay) zoning district. This project was previously determined to be

categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). *Staff recommends that this item be continued and noticed for a future meeting.*

3. **Parcel Map 02-08 (Silacci) rear of 1140 Palm Avenue** - A request to subdivide a 0.3 acre property to create two parcels, 6,250 square feet and 4,500 square feet, on property located at 1140 Palm Avenue. The larger parcel will be accessed from Palm Avenue, and currently contains a single-family residence; the smaller parcel will be developed with a single-family residence accessed from the rear public alley. The site is identified as Assessor's Parcel No. 003-111-006, 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 15315 (Minor Land Divisions). *Staff recommends that this item be continued and noticed for a future meeting.*
4. **Rezone 02-4 (Karasinski) 1310 West Sacramento Avenue** - A request to rezone approximately 0.98 acres located at 1310 West Sacramento Avenue from R1 Low Density Residential to R3 Medium High Density Residential. The site is identified as Assessor's Parcel No. 043-280-003, and is designated Medium-High Density Residential on the City of Chico General Plan Diagram. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is required for this project, since the proposed zoning is consistent with the underlying General Plan designation. *Staff recommends that the Commission recommend Council approval of the rezone.*
5. **Planned Development Permit 02-6 (Peitz/Depa) 220 and 230 Oak Street** - A request to allow four single-family residences on two adjacent parcels totaling 0.31 acres located at 220 and 230 Oak Street. The project involves merging two adjacent parcels, constructing three new homes, and retaining one existing home. The site is identified as Assessor's Parcel Nos. 004-010-002 and 003, 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. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332 (Infill Development Projects). *Staff recommends approval of the planned development permit.*
6. **Parcel Map 02-06 (Davis) 1290 E. 1<sup>st</sup> Avenue** - A request to divide a 0.77 acre parcel into three smaller parcels. The site, located at 1290 E. 1<sup>st</sup> Avenue, contains an existing duplex and four-plex apartment building; the parcel map would facilitate the future development of two additional four-plex apartment buildings. The property is identified as Assessor's Parcel No. 045-160-055, is designated Mixed Use

Neighborhood Core on the City of Chico General Plan Diagram, and is located in an R3 Medium-High Density Residential zoning district. This project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Sections 15315 (Minor Land Divisions) and 15332 (Infill Development Projects). *Staff recommends approval of the parcel map.*

COMMISSIONER BRADFORD MOVED THAT THE COMMISSION CONTINUE ITEMS 2 AND 3, AND APPROVE ITEMS 4 THROUGH 6. COMMISSIONER MONFORT SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER HUGHES ABSENT).

#### **ITEMS REMOVED FROM CONSENT AGENDA**

**None.**

#### **REGULAR AGENDA**

7. **Park Vista Vesting Tentative Subdivision Map (S 02-13) located between 1683 and 1689 E. 8<sup>th</sup> Street** - A request to subdivide 1.43 acres of land to create eight single-family lots, and one lot for storm water detention. The property is located on the south side of E. 8<sup>th</sup> Street, with access between 1683 and 1689 E. 8<sup>th</sup> Street. The proposed single-family lots vary in size from 4,544 to 6,420 square feet, with an average lot size of 5,095. The project density will be 5.6 dwelling units per acre. The site is identified as Assessor's Parcel No. 002-030-038, is designated Low Density Residential on the City of Chico General Plan Diagram, and is located in an R1 Low Density Residential pre-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 and approval of the vesting tentative subdivision map.*

Ms. Figge presented the staff report, reviewing the land use issues involved, the surrounding land uses, and details of the proposed subdivision. She noted that the site is constrained due to its irregular shape and the "panhandle" access to E. 8<sup>th</sup> Street. She reviewed the applicant's request for six modifications to subdivision improvement criteria, of which staff supports three. She reviewed lot configurations, the lot to be used for stormwater detention, and the presence of a remnant of Dead Horse Slough in the back yards of some of the properties, including some oak trees. She explained that staff is recommending a no development zone from the top of the bank down into the remnant slough, with any back yard fence to be located at the top of bank; the applicant is requesting back yard fences at the toe of the slope, due to concerns about people trespassing on that property in the remnant slough.

Ms. Figge noted that staff does not support the requested reduction in parkway strip, cul-de-sac radius, or one other street reduction, adding that a revised subdivision report has been produced. She also reviewed scenic roadway standards for 8<sup>th</sup> Street, noting that the revised subdivision report asks for an in-lieu payment for 8<sup>th</sup> Street frontage improvements until the City decides exactly what standards it

wishes to use for 8<sup>th</sup> Street.

In response to Commissioner Alvistur, Ms. Figge reviewed the “remnant” status of this portion of Dead Horse Slough, explaining that the slough has been re-directed further upstream to flow into Little Chico Creek.

In response to Commissioner Monfort, Mr. Alexander explained the changes requested as part of modification six to the design criteria, stating that the engineer showed 2 12.5 foot drive lanes, while staff modified it to be two standard 10 foot lanes and a planter strip on the westerly side.

In response to Commissioner Francis, Ms. Figge explained that staff doesn't have a strong position concerning the fencing, noting that there are competing concerns about back yard privacy, potential problems with an unfenced area, and the potential for fencing to interfere with the stormwater that does use the remnant slough.

There was additional discussion about back yard fencing, including the potential to construct a fence at the toe of the slope to an 8 foot height. Mr. Alexander pointed out that they would want the applicant to demonstrate that any fence at the toe of slope wouldn't interfere with any water flow in the slough.

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

Wes Gilbert, Gilbert Engineering, 70 Declaration Drive, Suite 101, project engineer, stated that he has no objection to the conditions concerning the entrance off of 8<sup>th</sup> Street. He explained his desire to have the back yard fence at the toe of the slope, noting that the upstream end of this remnant slough doesn't connect to any natural drainage channel, and that the downstream end goes into an underground pipe. He showed a picture of the site to the Commission, adding that there is very little erosion or other indication of significant water flow.

Mr. Gilbert stated his respectful disagreement with Pam, noting that the “riparian area” consists of one tree of significant size. He asked the Commission to delete the condition concerning rear yard fencing on those particular lots.

After discussion, Mr. Gilbert agreed to provide information to Public Works indicating that any fence wouldn't interfere with what little flows exist in the remnant slough.

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

COMMISSIONER WOLFE MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 02-44, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING PARK VISTA VESTING TENTATIVE SUBDIVISION MAP 02-13, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL, MODIFIED SO THAT THE REAR FENCE CAN BE PLACED WHERE THE APPLICANT DESIRES, SO LONG AS

THE APPLICANT PROVES THAT THERE WILL BE NO PROBLEM WITH DRAINAGE IN THE SLOUGH. COMMISSIONER ALVISTUR SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER HUGHES ABSENT).

8. **Use Permit 02-36 (Abouzeid) 902-928 Main Street and 948 Broadway - A** request to allow automobile sales and service in a C-1 Restricted Commercial zoning district, outside storage (as a primary use) in a CC Community Commercial zoning district, and off-site parking on a separate parcel. The proposed automobile sales involve the expansion of an existing Volkswagen dealership and service business (Chico Volkswagen) on five contiguous parcels on Main Street (902, 920, and 928 Main Street) and one non-contiguous parcel to the south on Broadway (948 Broadway). The site is identified as Assessor's Parcel Nos. 004-431-001, 002, 003, 004, and 010, and 005-094-004. The properties located on Main Street are designated Downtown on the City of Chico General Plan Diagram and located in a C-1 Restricted Commercial zoning district. The property on Broadway is designated Community Commercial on the City of Chico General Plan Diagram and located in a CC Community Commercial zoning district. A mitigated negative declaration is proposed for this project, pursuant to the California Environmental Quality Act (CEQA). ***This project was previously heard by the Commission at the December 5 meeting, at which time the Commission directed the applicant to provide additional information and make minor changes to the project. Staff recommends approval of the use permit.***

Mr. Summerville presented the staff report, recapping the previous meeting on this item and direction given by the Commission to the applicant. He reviewed the landscape plans for both sites, the wrought iron fencing design for the Broadway site, and a lighting plan (which includes 12-foot light poles, ground-mounted lights, and lighted three-foot bollards). He also discussed parking and shade calculations, noting that Downtown properties aren't subject to current landscape standards, nor are they required to be retrofitted for landscaping; however, the new trees and landscaping on this property do represent a positive change.

The public hearing was opened at 7:09 p.m.

Larry Coffman, 234A W. 3<sup>rd</sup> Street, project architect, reviewed the lighting plan. He noted that the 12-foot tall light poles will be spaced every 20 to 25 feet, and will be equipped with full cutoff fixtures.

Bruce Whitegiver, 2755 Esplanade, offered to answer questions about the landscape plan.

In response to Commissioner Wolfe, Mr. Whitegiver explained that they used 50% of the shade provided by the street trees for coverage calculations. Ms. Figge added that there is no site shading requirement for Downtown properties, and that this shading is an improvement. She noted that the City doesn't expect existing development to be retrofitted to meet the same 50% parking lot shading

requirement that's required for new construction on vacant sites.

Commissioner Monfort confirmed with Mr. Whitegiver that the trees would have wrought iron racks installed around the trunks. Commissioner Alvistur confirmed with Mr. Whitegiver that the trees would be watered with an automatic irrigation system.

John Merz, 1813 Broadway, spoke in opposition to the project, citing concerns with general plan consistency, the lack of trees on the Broadway site, potentially vague wording of some conditions, the presence of razor wire, insufficient analysis by the biological consultant, and the lack of a 25-foot creekside buffer. He expounded on the importance of removing concrete from creeks and restoring them to living systems with habitat and riparian value, and argued that a review by an independent consultant was necessary.

In response to Commissioner Alvistur, Mr. Merz asserted that an independent review would likely reveal additional elderberry bushes. He stressed that a creekside setback is necessary to help these species recover.

Commissioner Monfort discussed the relative merits of restoring the creekside, but increasing the potential of a bank collapse; Mr. Merz characterized discussion of a bank collapse as speculation, but noted that a 25-foot setback gives room to absorb those kind of events.

Mark Abouzeid, 902 Main Street, applicant, stated that he didn't know about the 25 foot setback when he purchased the property. He asserted that the need for a use permit to allow overflow parking shouldn't have any bearing on his continued use of the existing parking within the 25-foot setback area. He stressed the grandfathered nature of his use, noting that the 20 parking spaces in question have been deemed appropriate and used for the last 80 years, and that his plan won't affect the creek or elderberry bushes at all. He urged the Commission to remember that this project is about replacing a run-down property with a new automobile showroom, and that the old showroom was demolished because it was unable to be repaired.

In response to Commissioner Monfort, Mr. Abouzeid acknowledged that the grape vines have died somewhat off the razor wire. He offered to remove the razor wire if it's a problem.

There being no further comment, the public hearing was closed at 7:32 p.m.

There was general agreement that the razor wire should be removed, as it becomes more visible during the winter months.

Commissioner Sanders suggested that another tree could be placed on the rear portion of the site near the three rows of parking, in a triangular planter; there was general support for such a modification.

Commissioner Wolfe expressed her view that the project is essentially a remodel, and that the existing

parking should remain. Commissioner Alvistur agreed; he also explained that he didn't realize that the leaves would fall off of the grape vines when he previously supported allowing the razor wire to remain.

In response to Commissioner Wolfe, Ms. Figge cautioned against putting a particular percentage figure for site shading in condition 11, noting that there is a landscape plan which the project must be consistent with. She stated that staff will attach the landscape plan to the use permit as an exhibit, so there are no questions in the future.

In response to Commissioner Monfort, Ms. Figge reviewed the City's options regarding enforcement of landscaping requirements. She suggested that the Commission could eliminate condition 11 if the landscape plan is formally made an exhibit to the use permit.

In response to Commissioner Sanders, Ms. Figge explained that once the applicant starts parking cars (other than new cars for sale) on the Broadway site, improvements will be required. Mr. Summerville added that the City could run afoul of CEQA for segmenting the project if the two sites are considered separately.

COMMISSIONER ALVISTUR MOVED THAT THE COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE USE PERMIT 02-36 (ABOUZEID/CHICO VOLKSWAGEN) AND THE SITE DESIGN AND ARCHITECTURAL PLAN, SUBJECT TO MAKING THE REQUIRED FINDINGS AND WITH THE RECOMMENDED CONDITIONS OF APPROVAL, MODIFIED TO REQUIRE REMOVAL OF THE RAZOR WIRE, ADDITION OF A TREE AND TRIANGULAR PLANTER IN THE REAR PARKING AREA AS DISCUSSED, AND ELIMINATION OF CONDITION 11, PROVIDED THAT THE TWO LANDSCAPE PLANS (ATTACHMENTS A AND C) BE ATTACHED AS EXHIBITS TO THE USE PERMIT. COMMISSIONER BRADFORD SECONDED THE MOTION, WHICH PASSED 6-0-1 (COMMISSIONER HUGHES ABSENT).

### **GENERAL BUSINESS**

None.

### **PLANNING UPDATE**

Mr. Seidler noted that the City Council will be interviewing candidates for boards and commissions on January 6<sup>th</sup>.

### **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:48 p.m. to the Adjourned Regular Meeting of January 16, 2003, at 6:30 p.m. in the Council Chamber, 421 Main Street.

March 6, 2003  
Date Approved

Kim Seidler  
Planning Director