

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF**

August 4, 2016

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
 John Howlett, Vice Chair
 Cynthia Arregui
 Dale Bennett
 Bob Evans
 Ken Rensink
 Margaret Worley

Commissioners Absent: None

Staff Members Present: Mark Wolfe, Community Development Director
 Brendan Vieg, Principal Planner
 Mike Sawley, AICP, Associate Planner
 Matt Johnson, Senior Development Engineer
 Rick Doane, Fire Marshal
 Noel Tapia, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

Chair Scott called the meeting to order at 6:30 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

All Commissioners stated they had driven by the site. Commissioner Bennett stated he had a conversation regarding the project with Tom Lando.

3. CONSENT AGENDA

3.1 Approval of Minutes

July 21, 2016 Minutes

Commissioner Rensink moved to approve the minutes, Commissioner Evans seconded the motion, which passed (7-0).

4. PUBLIC HEARING ITEMS

- 4.1 Use Permit 15-21 (Wildflower Open Classroom School) – 2414 Cohasset Road, APN 015-320-088** – A request to modify Use Permit 96-14 that previously authorized a K-8 charter school with up to 350 students with a condition requiring secondary access to the north across the Fairview Shopping Center. The modification request is to remove the condition requiring access to the north and authorize up to 220 students with one existing access to Cohasset Road. The site is designated Community Commercial on the General Plan diagram and in the CR-AOD (Regional Commercial-Aircraft Operations-D) overlay zoning district. This project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15321 (Enforcement Actions by Regulatory Agencies) of the California Environmental Quality Act (CEQA).

Senior Planner Bob Summerville presented a project overview and staff recommendation.

Commissioners requested clarification regarding access to the site, current number of students enrolled, and traffic flow.

City of Chico Fire Marshal Rick Doane addressed the Commission and expressed his concerns as a Public Safety Officer. He stated he is concerned with the ingress and egress of traffic during an emergency with the limited access a single driveway entry offers. Fire Marshal Doane stated that these concerns are amplified due to two high risk uses on adjacent properties with the potential for a large scale catastrophic event (gas station and paint store). He stated that the property currently has permission for emergency access from the Fairview shopping center that provides a secondary access point, but that access has evolved over the years from full time complete access to a locked gate with limited emergency access. Furthermore, the second access point is on private property and there is currently no deeded access. He pointed out that the Fairview property owners are not required to provide that emergency access and could withdraw their permission at any time; taking it from limited access to no access.

Fire Marshal Doane recommended the Wildflower Open Classroom enrollment be limited to the current enrollment numbers. He also recommends that alternative full time access points be secured permanently.

Chair Scott opened the public hearing at 6:55 PM.

Tom Lando, Board Member, for Wildflower Open Classroom, addressed the Commission on behalf of the applicant. Mr. Lando stated that the school does not agree with the conditions recommended in the staff report, specifically the limitation the number of students, and a staggered drop off and pick up schedule. He provided an explanation of their concerns regarding the limitations set forth by the staff report recommendations. Mr. Lando then answered questions from the Commission regarding the possibility of a shuttle bus, staggered start times, school growth and the traffic flow plan. Commissioners also asked how many students use alternative methods to get to school, such as walking, biking, or riding public transportation.

Other members of the public that addressed the Commission were: Jillian Hopewell, Tom Hicks, Kate Hill, Stephen Tchudi, Dan Jenks, Steve Klein, Jesse McKellips, Hillary Roady, Steve Weston, Amanii Luper, Marianne Paiva.

Chair Scott called for a recess at 8:06 PM.

The meeting resumed at 8:18 PM with Chair Scott continuing the public hearing.

Additional members of the public addressed the Commission were: Kamie Loeser, Sierra Grossman, Carlita Foss, Georgia Simmons, Paul Martin, Aubrey Ertle, Ali Weston, Jonas Herzog, Sherri Marten, Stephen Ertce, and Jeff Carter.

Chair Scott closed the public hearing at 9:14 PM.

Discussion continued with the Commission. Commissioners discussed possible solutions to the traffic flow problems and options to approve the use permit to allow the school to increase enrollment while simultaneously addressing the safety concerns with conditions in the use permit.

Chair Scott pointed out that it was noteworthy that the Fire Marshal felt strongly enough to address the Commission with his safety concerns and recommendations.

Chair Scott called for a motion.

Discussion continued with the Commission.

Commissioner Rensink moved that the Planning Commission adopt Resolution 16-09, approving Use Permit 15-21 (Wildflower Open Classroom), based on the required findings and subject to the conditions contained therein with the following modifications (changes shown bolded, underlined, & italicized):

- Condition #1-Use Permit 15-21 (Wildflower Open Classroom) authorizes a K-8 public charter school with **a maximum of 180 students**, in substantial accordance with the "Plat to Accompany Use Permit 15-21 (Wildflower Open Classroom)" (date stamped May 27, 2016), except as modified by any other condition of approval.
- **Condition #4 will be deleted.**
- **Condition #7 – Add a right turn only traffic direction for exiting the driveway.**

Commissioner Worley seconded the motion. Discussion continued.

Commission requested clarification from Staff regarding the ability to require a right turn only exit. It was determined that the school is only a tenant and not authorized to make such a change.

Commissioner Rensink and Commissioner Worley accepted friendly amendments to the motion so that the conditions would be amended as follows (changes are bolded, underlined, and italicized):

- Condition #1- Use Permit 15-21 (Wildflower Open Classroom) authorizes a K-8 public charter school with a *maximum of 180 students*, in substantial accordance with the "Plat to Accompany Use Permit 15-21 (Wildflower Open Classroom)" (date stamped May 27, 2016), except as modified by any other condition of approval.
- *Condition #4- to be deleted.*
- Condition #5- Prior to commencement of the 2016 fall semester, the permittee shall submit to the City Fire Chief for review and approval a written agreement to maintain Emergency Vehicle Access (EVA) through the gate to the Fairview Shopping Center, *for the duration of the use permit.* The agreement shall stipulate how the lock may be accessed, including as an option a "Knox Box".
- Condition #6- Prior to commencement of the 2016 fall semester, the permittee shall submit a traffic monitoring program for approval by the Community Development Director. Implementation of the traffic monitoring program and the recommendations of the traffic consultant, including all site improvements, shall begin at the commencement of the fall 2016 semester, with completion of the site improvements by the end of the mid-term of the fall semester (October 26, 2016). The traffic monitoring program shall include, but not be limited to the following:
 - *Two adult* traffic officers stationed in the parking arrival and dismissal areas to direct and ensure school community members park only in designated WOC parking areas. The traffic monitoru will be on duty for morning student arrival from 8:00 a.m. to 9:00 a.m., and for afternoon student departure from 2:15 p.m. to 3:15 p.m.
 - The traffic officersu shall regularly wear identifiable clothing and utilize a traffic flag as necessary. A stop sign shall be installed (or erected on a temporary basis during arrival and departure times) where the traffic officersu *are* stationed. The traffic officersu shall hold traffic back and release as necessary to regulate a safe flow of vehicles towards the Cohasset Road driveway and to avoid conflicts with the parking lot entrances to Cathy's Sew & Vac, and to Sherwin-Williams paint store.
 - Flyers, bi-weekly newsletters, emails, and the WOC Community Handbook shall be regularly provided to WOC community members (including parents and students) on an updated basis that communicate proper parking, arrival, and dismissal procedures.

- All flyers, bi-weekly newsletters, emails, and the WOC Community Handbook shall strongly encourage parents to only turn right (northbound) onto Cohasset Road when leaving WOC.
 - Appropriate “No Parking” signs shall be placed in areas not designated for WOC parking by a WOC employee each morning and removed each evening.
 - A traffic monitoring site plan shall be submitted to the Community Development Director and the City Fire Chief for approval that illustrates the design and location of a traffic circle and striping for a “Clear Zone” at the parking lot entrances to Cathy’s Sew & Vac and Sherwin-Williams paint store.
 - A traffic circle shall be installed in the back (east-end) of the access driveway. Prior to installation of the traffic circle, the design shall be reviewed and approved by the City Fire Chief and Director of Public Works.
- **Condition #7-Prior to commencement of the 2016 fall semester, the permittee shall submit to the City Fire Chief a copy of the Emergency Response Plan required by the Chico Unified School District.**

Chair Scott encouraged the students present to take ownership and be proactive in finding solutions to the traffic issues.

Chair Scott called for a vote on the motion which passed (7-0).

5. REGULAR AGENDA

None

6. BUSINESS FROM THE FLOOR

None

7. REPORTS & COMMUNICATIONS

7.1 Planning Update

Community Development Director Wolfe stated that the Chico Scrap Metal project will be coming before the Planning Commission again due to a clerical error. The Planning Commission will be asked to send a resolution to the City Council with their recommendation on the project.

Commissioner Arregui stated that she believes the Commission should include the pledge of allegiance as part of its meetings.

Commissioner Arregui moved that the pledge of allegiance be included as part of the Planning Commission meetings. Commissioner Rensink seconded the motion, which passed (7-0).

8. ADJOURNMENT

There being no further business from the Commission, the meeting adjourned at 10:03 PM to the **Adjourned Regular Meeting of Thursday, August 18, 2016.**

Date Approved

Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF**

September 1, 2016

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
 John Howlett, Vice Chair
 Dale Bennett
 Bob Evans
 Ken Rensink
 Margaret Worley

Commissioners Absent: Cynthia Arregui

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Matt Johnson, Senior Development Engineer
 Noel Tapia, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

Chair Scott called the meeting to order at 6:30 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Commissioner Howlett stated he had driven by the site for agenda item 4.1. Commissioners Worley, Evans and Rensink stated they had driven by the site and had conversations with community members and staff regarding item 4.1.

3. CONSENT AGENDA

None.

4. PUBLIC HEARING ITEMS

4.1 Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06 and Architectural Review 15-17 (Chico Scrap Metal) APN 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017-

A proposed rezone (Municipal Code text amendment), architectural review, and development agreement for a 2.02 developed site containing Chico Scrap Metal. The proposal includes: 1) Text amendments to Title 19 of the Chico Municipal Code and the Chapman/Mulberry Neighborhood plan removing the amortization language, 2) On-site improvements, including, but not limited to, fence along E. 20th and E.16th Street, customer and employee parking lots, landscaping, façade remodel to existing structures and lighting, 3) Development agreement which would govern operational standards at Chico Scrap Metal and includes timing mechanism for

completion of proposed improvements. Parcels 005-422-009, 005-422-013, 005-422-017 and 005-450-030 are designated Neighborhood Commercial on the General Plan diagram and are located in the CN-PD-SD6 Neighborhood Commercial-Planned Development-Special Design Considerations 6 Overlay zoning district. Parcel 005-450-014 is designated Low Density Residential on the General Plan diagram and is located in the R1-SD6 Low Density Residential-Special Design Considerations 6 Overlay zoning district. For questions regarding this project, please contact Community Development Director Mark Wolfe, AICP, at (530) 879-6801.

Community Development Director Mark Wolfe provided the staff report.

Commissioners asked for clarification regarding what specific information was inaccurate in the original report that required the item to be reheard by the Commission.

Commissioner Evans shared information he had found during his research regarding any possible contamination found on the site. Commissioner Evans stated that there were many Federal, State, and local agencies that monitor Chico Scrap Metal for possible toxins produced by their operation. All of these agencies have reported that there are no significant pollutants found in the air, water, or soil.

Additional clarification was sought regarding the purchase of the original site and whether it was taken by eminent domain. Clarification was also provided regarding the Development Agreement and the possible termination of the agreement once it is signed.

Chair Scott opened the public hearing at 6:55 PM

Kim Scott, the applicant, addressed the Commission. Other members of the public addressing the Commission were: Ronald Angle, Karl Ory, Natalie Carter, Julian Zener, Grace Marvin, Loretta Torres, Sean Cooney, Mark Stemen, Danielle Mootz, Chris Nelson, Dan Everhart, Bill Story, Richard Harriman, Woody Elliot, and Emmily Alma. Public comments received were both in favor and against the resolution before the Commission. The last person to provide public comment was Therese Cannata, attorney for the applicant.

The Commission requested clarification from Ms. Cannata regarding the pollution testing protocol, testing area, time frame, and results.

Noel Tapia, Assistant City Attorney, clarified that the Development Agreement could be terminated in three ways: 1) voluntarily (both parties agree to terminate it); 2) through Municipal Code Chapter 19.14, if it is declared a nuisance; or, 3) if there is a specific violation of any of the conditions in the Development Agreement. Mr. Tapia stated that it could not be terminated simply because the City no longer wanted that land use on the property.

Chair Scott closed the public hearing at 7:51PM and called for a recess.

Chair Scott reconvened the meeting at 8:00 PM

Discussion continued among the Commissioners.

Commissioner Evans moved that the Planning Commission adopt Resolution 16-10, recommending the City Council approve Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06, and Architectural Review 15-17 (Chico Scrap Metal), based on the required findings and subject to the conditions contained therein. Commissioner Bennett seconded the motion, which failed (3-3-1 Howlett, Rensink & Worley opposed; Arregui absent).

Chair Scott voiced her frustration that there was not a full Commission present for the vote.

Commissioner Worley moved that the Planning Commission adopt a resolution recommending the City Council deny Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06, and Architectural Review 15-17 (Chico Scrap Metal), Commissioner Howlett seconded the motion which failed (3-3-1 Bennett, Evans & Scott opposed; Arregui absent).

The Planning Commission expressed their desire for the City Council to incorporate all of the City's development standards and design guidelines (e.g. Masonry walls) into the Development Agreement should it be passed by the City Council.

5. REGULAR AGENDA

None

6. BUSINESS FROM THE FLOOR

Richard Harriman clarified that the proposed recycling education program sponsored by Chico Scrap Metal he referred to in his public comments had been conceived by Kim Scott and it was not his original idea.

Mark Stemen stated "for the record" that Butte Environmental Council has never, nor do they have plans to, sue the City of Chico.

7. REPORTS & COMMUNICATIONS

7.1 Planning Update

Community Development Director Wolfe reported there are no items for September 16, 2016 agenda. He said the Walmart Final EIR is now finishing up and the project will be brought before the Commission on October 6, 2016.

8. ADJOURNMENT

There being no further business from the Commission, the meeting adjourned at 8:43 PM to the **Regular Meeting of Thursday, October 6, 2016.**

Date Approved

Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary