

PLANNING COMMISSION
MEETING OF JANUARY 8, 1996
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Senior Planner Tom Hayes, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of December 4, 1995.

Requested Action: Approve with any corrections/revisions required.

Commissioner McAdam pulled this item from the Consent Calendar.

- 2. Parcel Maps Nos. 95-1 and 95-2 (Fogarty/Fogarty Investments)**- A request for approval of two adjacent parcel maps on property described as approximately 325 acres zone R-1 Single Family Residential, R-2 Medium Density Residential, R-3 Medium-High Density Residential, and RS-20 Suburban Residential (20,000 square foot minimum lot size), located east of Bruce Road between State Highway 32 and Humboldt Road, and including a portion of Dead Horse Slough, Assessor's Parcel Nos. 011-030-089, 090 and 112. The subject property is proposed to be divided as follows: 1) on the western portion of the property, one parcel map is proposed to modify the boundaries of two existing parcels and to create a third parcel. The resulting three parcels would be approximately 23.4 40.5 and 42.9 acres in size; and 2) on the eastern portion of the project site, a second parcel map is proposed to divide an existing parcel totalling approximately 218 acres into five parcels (four parcels and a remainder parcel). These parcels would range in size from 20.0 to 81.7 acres. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: Continue this item to the February 5, 1996 meeting.

COMMISSIONER CARTER MOVED APPROVAL OF ITEM NO. 2. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of December 4, 1995.

Commissioner McAdam stated that on Page 5 it states "Commissioner McAdam stated that the Subcommittee..."; as she was not on the Subcommittee as the phrase suggests, she asked that

the phrase be reworded to read, "Commissioner McAdam suggested the Commission agree on the concept before establishing the boundaries."

Chair Monfort stated that on Page 3 the last sentence of the third paragraph, the words "disallow" and "allow" should be switched.

Commissioner Carter stated that on Page 8, Item No. 6, in the paragraph regarding a land use survey update, after "retail space downtown," insert "and elsewhere in the community." He stated that he recalled that the discussion was concerned with retail space community wide.

COMMISSIONER CARTER MOVED APPROVAL OF THE MINUTES FROM DECEMBER 4, 1995.
COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 7-0.

REGULAR AGENDA

3. **Use Permit to Allow a 24 hour Television Broadcast Station and Studio to Operate in an Existing Building. Use Permit No. 95-31 (Sainte Ltd.)** - A request to operate a Television broadcast station and studio on a 24 hour basis within an existing facility on property located at 300 Main Street, Assessor's Parcel No. 004-512-004 and 005 in a C-C Central Commercial zoning district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Quality Act (CEQA). (This item was continued from the December 18, 1995 meeting.)

Sr. Planner Hayes reviewed the results of the December 18th meeting. He stated that the Commission had a discussion and continued the item in order to receive additional necessary information regarding the planned use of the parking lots. The issues for which the Commission had expressed concern included whether the parking areas would be used for storage, any proposed parking lot modifications, and the visibility and aesthetics of the rooftop satellite dishes from other vantage points.

The public hearing was opened at 7:38 P.M.

Chester Smith, 3110 E. Lee, Escalon, the applicant, stated that the lease is expiring where they are currently located, and therefore they have purchased the property in question. He indicated that they are proposing to use the property for a 24 hour per day television station which would employ 24 people during the day and one person at night and would not generate much traffic outside of those employees. He added that they have chained off some of the entrances to parking lots already. He noted that the main, large, satellite dishes are located on a mountain top near the town of Cohasset; thus, they would only need to have small 10 foot dishes at the center of the roof. He additionally commented that they are planning to completely remodel and refurbish the building. He stated that they have directed the manager of the station to have the sidewalks cleaned a couple of times every week.

Commissioner Carter inquired about the parking lots to the south and southwest of the building. Mr. Smith stated that there are currently two parking lots separated by a chain link fence. He indicated that they would have one access point into the parking lot rather than the two separate exits. He added that the lots will provide parking only for employees.

Naomi Smith, 3110 E. Lee, Escalon, stated that the 3rd Street entrance will have a call box and an electric gate. She noted that there will be a semi-permanent gate on the Main Street side which can

be opened for functions and community events in the adjacent park. The 4th Street parking lot will have an entry and an exit which will have gates with a card for the entrance and be automatic for the exit. She indicated that the Sherwood Forest toy store would still have use of the parking lot. She added that the 4th Street parking lot has been a danger with people driving through it to avoid the light at the corner.

Commissioner Carter inquired if the existing access points would allow adequate circulation. Ms. Smith responded that the Fire Department periodically uses the building for practice, and with this in mind they have opened the Main Street entry through the parking lots, which will be connected together.

Commissioner Carter inquired if Ms. Smith had a schematic of the parking lot areas. As she did not, Ms. Smith demonstrated the proposed parking lot modifications using the plat from the staff report to demonstrate the revisions to be made.

Commissioner Carter reviewed the fencing and gated entrances which the applicant has planned.

Commissioner Carter stated that the parking lot to the south of Sherwood Forest is subject to flooding. Ms. Smith responded that the storm drain from the parking lot enters into the City storm drainage system and their engineer stated that the drain needs to be cleaned out before it will be effective. She noted that if cleaning the drain out does not work, they will re-route the storm drainage to another location.

Commissioner Carter inquired what landscaping is planned. Ms. Smith stated that the area will be landscaped, though specific plans have not yet been designed.

Chair Monfort asked if they will be housing large satellite trucks at the location. Ms. Smith stated that they are not planning on having large satellite trucks. She added that they will be providing local news in the future and would have a panel truck. Ms. Smith noted that they do have a large satellite truck but it will be based at another station and will only be used rarely at this station.

Commissioner Carter questioned if they intended to modify the exterior of the building. Ms. Smith stated that they will be adapting the decor in the area to their building and would only be making minor modifications.

Commissioner Carter inquired if the existing chain link fence around the perimeter would remain. Ms. Smith replied that they will be removing some of the chain link fencing and replacing it with wrought iron fencing. She added that portions of the current fence is overgrown with landscaping and would remain.

Commissioner Carter asked if plans were made for the existing guard house.

Alan Thompkins, 6203 W. Wagstaff Road, Paradise, project engineer, responded that they have considered removing the guard house, though they are now considering using it for a landscape tool storage. He added that if the guard house is to be kept, it will be enclosed, repaired and painted.

Commissioner Studebaker inquired why the applicants were not in attendance at the December 18th meeting. Ms. Smith replied that the station manager was present but felt reluctant to speak, as did the chief engineer.

Commissioner Carter confirmed that the applicants do not plan on building a masonry wall to control access. Ms. Smith stated that a masonry wall is planned between their parking lot and that of World Savings on 3rd Street. She clarified that the portion of the fence by World Savings will have a partial wrought iron and masonry wall.

Rick Toffenelli, 16 Dana Point, applauded the system of safe-guarding the aesthetics of downtown. He stated that while it is easy to allow new businesses to move in to the downtown area, the Commission has an opportunity to maintain the character of downtown. He stated that this area is a transition to Plaza Park, and asked the Commission to consider it as such.

The public hearing was closed at 8:00 P.M.

Commissioner McAdam complimented the applicant on the improvements planned for the site. She clarified that the original controversy was surrounding the Downtown Task Force recommendation to look at uses downtown and to preserve the retail nature of downtown. She stated that the Commission will look at each use permit carefully and individually.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 95-31 (SAINTE, LTD.) AS AMENDED BY THE MAP PROVIDED BY THE APPLICANT.

Commissioner Carter reviewed the entrance gating and fence changes planned for the parking lot areas and suggested they be included with the staff recommended conditions of approval of the use permit. He then asked if further changes to the fencing would require further changes to the use permit. Sr. Planner Hayes responded that as long as the fence would not exceed the six foot height limit it would not need to be addressed for further changes to the use permit.

Ms. Smith stated that they will not be replacing any of the fencing with masonry wall other than the one section previously discussed. Commissioner Carter clarified that the use permit goes with the property and not with the applicant and stated that he was addressing his concerns to prevent future modifications.

Commissioner Carter suggested that a condition be placed on the use permit requiring that any other changes on the exterior of the parking area, other than replacement of current fencing with wrought iron, come back to the Commission. Sr. Planner Hayes clarified that any commercial changing of fencing requires architectural review, though it may be done administratively and not through the Architectural Review Board.

Commissioner McAdam stated that there are sufficient safe-guards in place to prevent further development of the masonry fence. Commissioner Carter stated that City Plaza is seen as a focal point of the downtown and it is his hope that the Commission would safe-guard the ambiance of downtown. Commissioner McAdam stated that the Architectural Review Board's purpose is to review architectural changes, including in the downtown area, and the Commission should rely on their judgement.

Commissioner Carter confirmed that any changes to the fencing other than what the Commission has addressed tonight will require architectural review. Sr. Planner Hayes responded that it would require architectural review.

Bob Linscheid, 25 Main Street, stated that he would like to address a concern Commissioner McAdam had at the last meeting on this issue relative to commercial use of the building. He indicated that the building was not previously used for retail use, but rather a bank use. He noted

that one-third of the square footage is underground which does not make it a viable location for retail use. He stated that he had worked with Don Smail, the City's former Economic Development Director, and was not able to find a business to move into that location. He stated that he felt it would be a benefit to the downtown to have the employees working in the building, spending money in the downtown area.

Commissioner Studebaker stated that at the previous Commission meeting on this item, the conversation was not long and the questions the Commission had were ones that dealt with the findings the Commission is required to make dealing with the safety aspects of the building and its use. He stated that the reason the Commission had to continue this item to this meeting was because the applicant was not available to address the issue. The discussion on the proposed use was not extensive, rather it was a need to make the finding regarding the safety of those working and living in the neighborhood.

Commissioner Carter suggested that rather than using the map drawn on by Ms. Smith, the Commission add a condition of approval to those recommended by staff listing the changes to the parking areas. He summarized these changes as follows: a one-way controlled and gated ingress from 3rd Street, two-way gated ingress and egress from Main Street, one-way gated and controlled ingress, marked as an entrance, on the western most access on 4th Street, one-way gated and controlled egress from eastern most access on 4th Street marked as an exit, existing chain link fencing separating main parking areas will be removed and additional landscaping installed, some portions of the perimeter fencing will be removed and replaced with wrought iron fencing, with the exception of one portion of the fence, closest to the World Savings and Loan, which can be replaced with masonry fencing.

THE MOTION MADE BY COMMISSIONER MCADAM AND AMENDED BY COMMISSIONER CARTER TO APPROVE USE PERMIT 95-31 (SAINTE LTD) WITH THE REQUIRED FINDINGS AND RECOMMEND CONDITIONS OF APPROVAL WITH THE ADDED CONDITION THAT ACCESS ONTO AND FROM THE SITE SHALL BE ESTABLISHED AS FOLLOWS: (1) ONE-WAY CONTROLLED AND GATED INGRESS FROM 3RD STREET, (2) TWO-WAY GATED INGRESS AND EGRESS FROM MAIN STREET, (3) ONE-WAY GATED AND CONTROLLED INGRESS, CLEARLY MARKED AS AN ENTRANCE, ON THE WESTERN MOST ACCESS ON 4TH STREET, (4) ONE-WAY GATED AND CONTROLLED EGRESS FROM EASTERN MOST ACCESS ON 4TH STREET CLEARLY MARKED AS AN EXIT, (5) EXISTING CHAIN LINK FENCING SEPARATING MAIN PARKING AREAS WILL BE REMOVED AND ADDITIONAL LANDSCAPING INSTALLED, (6) SOME PORTIONS OF THE PERIMETER FENCING WILL BE REMOVED AND REPLACED WITH WROUGHT IRON FENCING, WITH THE EXCEPTION OF ONE PORTION OF THE FENCE (THAT CLOSEST TO A.P. NO. 004-151-023) WHICH CAN BE REPLACED WITH MASONRY FENCING. THE MOTION WAS SECONDED BY COMMISSIONER CROTTS AND APPROVED 7-0.

4. **General Plan Annual Review** - The Planning Division staff has assembled a draft Annual Review of the General Plan. The City is undertaking the Annual Review of the General Plan in compliance with State Planning Law and local policy. Information presented in the Annual Review is consistent with State Law and includes an analysis of development activity from 1992 to the present, an update of land availability, an assessment of the City's policies relative to housing affordability, an evaluation of Plan implementation to date and a discussion of policy issues raised since adoption of the Plan. The Revised Draft Annual Review includes additional revisions recommended by the Commission at its December 18 public meeting. Among the revisions is an expanded Introduction and Summary section. The Commission should recommend further modifications and/or additions to the Annual

Review information. The joint workshop meeting for the Commission and the Council to discuss this item has been scheduled for February 12 at 7:30 P.M. (This item was continued from the December 4 and December 18, 1995 meetings.)

Chair Monfort stated that at the last meeting the Commission had made recommendations on changes and recommendations for Council. He indicated that the modified pages reflect the changes requested.

Sr. Planner Hayes added that extra copies had been made available for public review.

The public hearing was opened at 8:15 P.M.

Commissioner Studebaker inquired where the sidewalk retrofit program he had requested was located. Sr. Planner Hayes stated that it is listed in the Comment and Response section at the end of Section I. Chair Monfort added that it is the last item on Page 8 of Section I.

Barbara Vlamis, Butte Environmental Council, inquired if maps could be added to show where General Plan Amendments have occurred. Sr. Planner Hayes stated that plats could be included in the final draft.

Ms. Vlamis inquired if a workshop has been scheduled regarding storm water treatment. Sr. Planner Hayes replied that the workshop has been scheduled for February 12 at a joint meeting with Council and Commission to discuss both the storm water ordinance as well as the General Plan annual review.

Ms. Vlamis suggested that on Page 3-50 (OS-I-16) in the Implementation matrix, if it is enacted quickly, there is opportunity to fill the void left by the Clean Water Act as the Army Corps of Engineers allows the filling of wetlands less than an acre in size. She added that the City can locally implement something more quickly by purchasing larger preserves to create a wetlands bank.

Commissioner Carter inquired if Ms. Vlamis felt that, other than the comments just made, the report is satisfactory. Ms. Vlamis stated that the statements regarding the Habitat and Resource Conservation Plan (HRCP) in the Comments and Responses section need clarification.

Sr. Planner Hayes clarified that the HRCP as the City is now pursuing it, was not envisioned at the time the General Plan was adopted. He stated that he will clarify the comments.

Ms. Vlamis stated that she had felt that they had always implied that there could be a comprehensive study of biological resources rather than piecemeal throughout the community, as was the intent of the General Plan. Sr. Planner Hayes responded that as the Master Environmental Assessment (MEA) was broad and staff has been following OS-I-26 on a project by project basis. The OS-I-26 procedure requires that an inventory, ahead of the project design, be submitted including the area within 500 feet of the project site. This information is then used by staff in working with the applicant on project design prior to final preparation of site plans. The recommendation to preserve specific bio-resources over other on-site areas would also consider size and concentration and connectedness to creekside greenway and other nearby open space areas.

Ms. Vlamis stated that she felt that staff was suggesting that each project would continue to be looked at with no continuity to the Park, wetlands or neighboring projects. Sr. Planner Hayes stated that the City is taking a more comprehensive look at resource management areas through programs

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such as the Meadowfoam Management Plan. This results in projects being reviewed for resources on a more comprehensive basis rather than project by project.

Ms. Vlamis verified that the Habitat Management Plan was a to be a comprehensive plan. Sr. Planner Hayes replied that it was intended to be done on a case by case basis.

Chair Monfort stated that the MEA provides a context to think about individual projects, with the idea to keep the bigger picture in mind. Ms. Vlamis stated that by using wetlands as an example, the City can propose its own standards. She added that higher quality areas have been found, and that the City should comprehensively look at wetlands because the surrounding land is crucial to the wetlands existence. She added that she will review the language of the General Plan and her notes on its process in regards to the Habitat Management Plan.

Mark Radabaugh, 90 Mill Street, inquired how this process is drawing in and expanding the MEA. He suggested that the Annual Report address the MEA and any new information which may affect it. Sr. Planner Hayes stated that the General Plan calls for the MEA to be updated on a five year basis.

Mr. Radabaugh suggested staff look at formatting the Report to include changes for the MEA to keep an inventory and tabs on the MEA issues.

Jon Luvaas, 190 E. Sacramento Avenue, stated that the HRCP was tied into the General Plan. He stated that he had understood that it would be in place as an implementing step quickly. He expressed concern that the timeline has been improved to a one year implementing date. He suggested staff and Commission take a close look at each project that comes along in the sensitive areas. He reminded the Commission that the MEA establishes where the sensitive areas are, though it does not get specific by lots. He recommended the Commission have the information on each project and plan on managing those resources.

Chair Monfort stated that the type of planning described by Mr. Luvaas would only work if there was an undivided parcel. Mr. Luvaas stated that once the HRCP is in place, it will effect all the ownerships of the parcels and at that point the City can have interrelated planning within the parcels. He added that he hoped a lot of care was paid in the next year prior to the HRCP being in place.

Mr. Luvaas stated that he was glad to see that Foothill Development Standards are to be a staff priority and inquired if the work would be done by staff. Sr. Planner Hayes replied that the standards will be inserted in the Development Code update which the City has hired a consultant to assist with.

Mr. Luvaas also stated that he was pleased that neighborhood planning has been included. As for the Mixed-Use Core concept, he stated that he was hopeful that the neighborhood planning process would include it. He added that he would like it to be specifically designated in the Report, at least to define the areas and the commitment to ensure that it happens.

Chair Monfort confirmed with Mr. Luvaas that he proposed to define neighborhoods as that which has a Mixed-Use Core.

Mr. Luvaas stated that there is concern about "big box retail." He noted that existing businesses are potentially being driven out of business by the "big box retail" businesses coming to the area. He quoted from a newspaper article which proposes that these types of projects be required to put a performance bond so that it will not create an eyesore when it is abandoned in years to come. He suggested the City develop

a policy establishing conditions for those types of businesses.

Chair Monfort stated that while he likes the performance bond idea, it is an issue which requires further research and discussion before a policy could be developed. Mr. Luvaas suggested such a policy could become part of the General Plan.

The public hearing was closed at 8:40 P.M.

Chair Monfort stated that several people have expressed concerns regarding having big asphalt fields with large empty buildings. He inquired about the Commission's consensus regarding what could be done.

Commissioner Wright stated that no business can guarantee that they will remain in business for an extended period of time. He gave examples of the Tenneco building, as well as Wells Fargo and Fred Meyers. He inquired if it would be defined by the size of the building. Chair Monfort suggested that the definition could possibly be by self-defining as many such businesses do call themselves Big Box Retail. Commissioner Wright stated that vacating a building is just as likely with other special use buildings and smaller businesses.

Commissioner McAdam stated that large buildings, such as Fred Meyers, are not as versatile. Commissioner Wright stated that it can also happen with a manufacturing building. Commissioner McAdam suggested that a performance bond could assist in getting the vacated building owner to search for new tenant.

Chair Monfort suggested that a distinction can be made by what is allowable in what zones. He added that Tenneco is stuck in a small M-1 zone in the middle of a large amount of commercial zoning.

Commissioner McAdam stated that there are problems which would need to be worked out. She added that there is a lot of community concern with retailers coming in with large buildings then later vacating them.

Sr. Planner Hayes stated that there is a need to define the issue and to a large degree the issue is timing, not the type of retail allowed. He added that retail patterns change over time and what is being experienced now is big retailers who can sustain their business against those who may not have the power and size behind the business over a long period of time. He noted that the General Plan says the amount of commercial is to be balanced relative to the community's population and need for services and goods.

Commissioner McAdam stated that, in terms of driving out local retail, larger retailers can come in and outrun other big box types as well as the local retailer. She added that it is harder to get a tenant to replace the big box retailer after it has vacated.

Commissioner Carter stated that based on past Commission discussion there is a need to have an annual inventory of available commercial space, which will allow the Commission, when looking at new applications, to determine that to make the necessary finding that the use would not be a detriment to the community. He said that he would not suggest making a recommendation to Council at this time regarding this inventory, but would suggest that staff consider adding to this Report an inventory of commercial space. Sr. Planner Hayes stated that the basis for adjusting commercial land would be better done at a five year interval as patterns can change. He added that it would be feasible to see some progression on a year-to-year basis.

Commissioner Carter stated that added discussion is necessary to examine the policies to encourage identification and the location of Mixed-Use Neighborhood Cores.

Chair Monfort suggested that the neighborhoods may need to be defined by particular features which may include the mixed-use neighborhood centers.

Commissioner Carter stated that in the Comments and Responses section the response for the HRCP completion schedule needs to have some clarification.

Commissioner Carter indicated that the discussion in Section V regarding drive through facilities should be amended as staff was directed to include zoning and development standards for drive-through facilities. He requested the statement be amended to include that the Commission requested another workshop after the zoning and Development Standards have been established.

Regarding the Section V discussion on Arterial Noise and Residential Development, Commissioner Carter stated that the General Plan encourages high density residential along arterials and that this may need to be reconsidered. Chair Monfort stated that the Commission should consider amending the noise standards to exceed the current limits.

COMMISSIONER CARTER MOVED THAT WITH THOSE CHANGES STAFF IS DIRECTED TO FINALIZED THE REPORT AND FORWARD THE REPORT TO THE COUNCIL IN PREPARATION TO THE JOINT MEETING.

Commissioner Studebaker stated that he would like the request for the sidewalk retrofit program to be a Commission recommendation. Chair Monfort agreed. Sr. Planner Hayes stated that will put it in into the recommendations.

Commissioner Carter requested that a date be placed in the footer of each page.

COMMISSIONER MCADAM SECONDED THE MOTION AS AMENDED. THE MOTION WAS APPROVED 7-0.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 8:55 P.M. to the Regular Meeting of February 5, 1996.

February 5, 1996
Date Approved

Clif Sellers
Planning Director

PLANNING COMMISSION
MEETING OF FEBRUARY 5, 1996
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of December 18, 1995.

Requested Action: Approve with any corrections/revisions required.

Commissioner Studebaker pulled this item from the Consent Calendar.

2. Minutes of Regular Meeting of January 8, 1996.

Requested Action: Approve with any corrections/revisions required.

3. **Parcel Maps Nos. 95-1 and 95-2 (Fogarty/Fogarty Investments)** - A request for approval of two adjacent parcel maps on property described as approximately 325 acres zone R-1 Single Family Residential, R-2 Medium Density Residential, R-3 Medium-High Density Residential, and RS-20 Suburban Residential (20,000 square foot minimum lot size), located east of Bruce Road between State Highway 32 and Humboldt Road, and including a portion of Dead Horse Slough, Assessor's Parcel Nos. 011-030-089, 090 and 112. The subject property is proposed to be divided as follows: 1) on the western portion of the property, one parcel map is proposed to modify the boundaries of two existing parcels and to create a third parcel. The resulting three parcels would be approximately 23.4 40.5 and 42.9 acres in size; and 2) on the eastern portion of the project site, a second parcel map is proposed to divide an existing parcel totaling approximately 218 acres into five parcels (four parcels and a remainder parcel). These parcels would range in size from 20.0 to 81.7 acres.

Requested Action: Table these applications pending completion of an Environmental Impact Report.

4. **Use Permit No. 96-1 (Golden Empire)** - A request to operate a retail cigar store as a continuing non-conforming use with no on-site parking within a portion of an existing facility on property located at 802 West 5th Street, Assessor's Parcel No. 004-117-005 in an M-1 Limited Manufacturing zoning district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Request Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

Commissioner Studebaker pulled this item from the Consent Calendar.

5. **Use Permit No. 95-2 (Simon/Horning)** - A request to allow the modification of a pre-existing non-conforming use (commercial center with no off-street parking) to allow a small cafe on property located at 635 Flume Street, Assessor's Parcel No. 004-382-012. This project has been determined to be exempt from environmental review pursuant to Section 15301 (Existing Facilities) of CEQA.

Request Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

Commissioner Studebaker pulled this item from the Consent Calendar.

6. **Title 19 Land Use Regulation - Sign Standards - Amendment** - A proposal to amend Chapter 19.30 Development Standards - Signs of Title 19 Land Use Regulation to exempt air-filled balloons, with a diameter of less than 12 inches and displaying no commercial message, from the restriction of the sign ordinance when displayed by a balloon retailer. This proposal is categorically exempt from environmental review as a minor alteration in land use regulation (City of Chico).

Requested Action: Recommend City Council approval of the proposed Title 19 Amendment.

COMMISSIONER MCADAM MOVED APPROVAL OF ITEM NOS. 2, 3 AND 6. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

IV. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of December 18, 1995.

Commissioner Studebaker stated that he had removed this item from the Consent Calendar to ask that on Page 3 it be noted that the applicant was not present.

Chair Monfort stated that the statement "Chair Monfort opened the public hearing and asked if there was any one in the audience to address the application at this time. There was not and the hearing was closed" is correct. Planning Director Sellers added that the statement in the draft minutes

specifies that there was not anyone wishing to speak either for or against the subject, and there is not evidence in the record regarding the presence of the applicant.

Commissioner Studebaker indicated that the phrase was acceptable in the draft minutes and withdrew his request.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE MINUTES OF THE ADJOURNED REGULAR MEETING OF DECEMBER 18, 1995. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

4. Use Permit No. 96-1 (Golden Empire)

Commissioner Studebaker stated that he pulled the item to inquire if the Police Department was contacted regarding this permit and how sales to minors would be enforced.

Planning Director Sellers responded that the Police Department was contacted, and did not respond. Regarding the sale of tobacco to minors, it would be enforced similar to other tobacco sales. Planning Director Sellers added that since tobacco sales is the applicants only business at the site, he has a vested interest in enforcing prohibition of sales to minors.

Commissioner Carter stated that for a previous use permit on 5th Street there had been discussion regarding parking requirements, and the Commission had advised that the applicant speak with the Traffic Committee regarding parking restrictions in the area. He inquired if that had been done. Planning Director Sellers stated that the Commission was not able to address on-street parking, and could only recommend the applicant address the concern to the proper City department. In the case mentioned, staff is not aware if the applicant has contacted the City department. He indicated that in front of the subject business, currently there is posted 24 minute parking.

Chair Monfort noted that the staff report states that this is a request to modify a non-conforming use in an M-1 district. He added that the General Plan map does not show the M-1 district, as it is a very small district. He suggested that the Commission consider the corridor from downtown to the depot for a zoning change on a future agenda. Planning Director Sellers stated that staff can take that direction with either a zoning change or a neighborhood plan.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 96-1 (GOLDEN EMPIRE) SUBJECT TO THE FINDINGS AND CONDITIONS AS LISTED IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. Use Permit No. 95-2 (Simon/Horning)

Commissioner Studebaker stated that he had removed this item from the Consent Calendar to comment that the proposed use is consistent with previous Commission discussion regarding the implementation of the General Plan policy for neighborhood cores. He is strongly in favor of this kind of business in the area, as are other businesses and residents in the area.

Planning Director Sellers gave a brief description of the proposed use permit.

Chair Monfort questioned the staff report comment that the former use may have met the parking requirements through the payment of in lieu fees. Planning Director Sellers stated that staff has researched records going back to the 1960's which included an instance where the property owner had acquired the use of the property where Campbell Commons is currently located for parking,

and, at one point, at least part of the in-lieu fees had been paid. Because of lack of clarity as to parking requirements in the past, staff is recommending that the property be treated as non-conforming for parking, rather than attempting to resolve historic requirements.

COMMISSIONER McADAM MOVED FOR APPROVAL OF USE PERMIT NO. 95-2 (SIMON/HORNING) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

V. REGULAR AGENDA

7. **A proposal to amend the City of Chico Land Use Regulations to allow Fraternities, Sororities and similar Residential Social Organizations as permitted uses in specified residential zoning districts.** The area under consideration for authorizing these organizations as permitted uses is generally south of the California State University, campus and bounded by the campus on the north, Salem Street on the east, East 9th Street on the south and the City limits on the west. Currently, these organizations must obtain a Conditional Use Permit from the City of Chico Planning Commission prior to establishment.

Planning Director Sellers reviewed the staff report and noted differences between the subcommittee and staff recommendations. He noted that a significant number of fraternities and sororities were established prior to the requirement for a use permit. Those organizations with use permits have a large variety of requirements. The City Council asked the Planning Commission to review the alternatives for dealing with these uses.

He reviewed the differences between the staff recommendations and the Subcommittee recommendations. The first difference is that the Subcommittee had recommended a neighborhood council be created, while the staff recommendation is to rely on the existing University structure. Regarding fundraising and annual events, the Subcommittee recommended four events be allowed per year, staff recommends two events. The final difference was regarding parking requirements. The Subcommittee had recommended an exemption. Staff does not recommend an exemption, rather the issue should be addressed on a broad basis for residents and businesses in the older neighborhoods where the ambiance of the neighborhood may be adversely impacted when creating additional parking.

Planning Director Sellers stated that the staff recommendation includes a provision that if an organization is placed on probation or excluded from the University system, or violates two City codes, the permit would be revoked. The area being considered for the overlay zone would be generally bounded by the campus on the north, Salem Street on the east, East 9th Street on the south and the City limits on the west. He noted that the map is a tentative drawing with flexibility on the west and south sides.

Planning Director Sellers reviewed the correspondence received by staff, two in support of the recommendations and one expressing concern that the overlay zone did not extend to Cypress Street, excluding an existing residence owned by a fraternity. Staff requests the Commission come to a consensus to submit to the Council. Should the Council concur with the proposal, it will be returned to the Commission with draft regulations.

Chair Monfort inquired if the boundaries were set. Planning Director Sellers responded that the boundaries are flexible, particularly in the west and south areas.

Commissioner Wright asked what type of fund raising events would be allowed. Planning Director Sellers replied that the events would tend to be dancing and live music, not the large parties of the past due to the enforcement of prohibition of sales to minors. Commissioner Wright questioned if these events are being monitored by the City. Planning Director Sellers stated that currently when an event is planned, it is coordinated with the Police Department and contact names and numbers are given in the event there are problems. Commissioner Wright verified that it was a good neighborhood type policy.

Commissioner McAdam reviewed the differences between the Subcommittee and staff recommendations regarding the University affiliation. She asked if the public in the neighborhoods are part of the University process. Planning Director Sellers stated that they were not part of that process.

Commissioner McAdam stated that some sort of neighborhood council was important to allow a forum for the neighbors to address their concerns. Planning Director Sellers stated that the University structure would provide a forum for discussing City codes and requirements, and it meets on a regular basis. The second need for neighborhood meetings was to provide a forum where conflicts could be discussed. If a neighborhood council was required, staff would have to rely on the impetus of the City to keep that council going. He noted that it would be hard to maintain the ongoing activities of a committee, especially with the rotation of students who would be involved in this neighborhood council.

Commissioner Carter inquired how the overlay zone would affect the ability to deal with fraternities and sororities on an individual basis. Planning Director Sellers replied that, as proposed, the opportunity to address individual organizations or locations would not exist unless there were problems with a particular organization.

Commissioner Carter asked if staff had received input from the University regarding the staff report and recommendations. Planning Director Sellers responded that Rick Rees, of the University Student Affairs office, had been attending the Subcommittee meetings, but staff had not heard from him specifically regarding this report.

Commissioner Wright questioned how the overlay zone would impact the existing use permits for social organizations. Planning Director Sellers stated that it would be up to the organization to either continue under the current permit, or surrender the permit and operate under the administrative permit.

Chair Monfort inquired if staff had begun work on the Code amendments to vary the parking requirements. Planning Director Sellers stated that if it is the Commission's desire to send this proposal to Council, and they concur, staff would recommend forwarding revisions for the parking requirements concurrently for the entire area. Currently, all residents in the area can apply for variances which could be approved based on the damage, which would occur with compliance, or by looking for parking on another site.

Chair Monfort inquired if the Commission has required parking for every use in the general area. Planning Director Sellers stated that the Commission has dealt with parking in the area on a case-by-case basis.

Commissioner Studebaker asked clarification from the Chair regarding the neighborhood council. Chair Monfort stated that staff does not want to take the responsibility for maintaining the committee. He inquired if the Police Department Outreach Program would continue to work with the University if a neighborhood committee was established. Planning Director Sellers replied that the Police

Department will probably continue working with the University based on the progress they have achieved. He added that staff is cautious about the long-term effectiveness of the neighborhood councils.

Chair Monfort stated that establishing working neighborhood associations is one of the General Plan goals which was discussed in the recent annual review.

Commissioner Studebaker stated that he would like to hear from the University on this subject.

The public hearing was opened at 8:05 P.M.

Charlie Preusser, 1405 W. 3rd Street, stated that he would like to strongly recommend that the Commission adopt the proposal. He noted that there two points in the staff report which he would like to address. The first point is that the students should not be considered any differently than any other resident, with regard to parking or any other regulation. The second point, he stated that it is his belief that it is important for a college town to provide the zoning in which students would prefer to live their lifestyle. He noted that the proposed area is predominately students with an average age of around 20 years old and as such it would be appropriate to create an area reflecting the lifestyle of citizens that age. He stated that he felt this is a step in the right direction, by not regulating students more than any other resident. In regards to the neighborhood council, Mr. Preusser stated that he felt it would be positive. There may be a large number of the public who would like to be involved, including those who live in the area and those who own property in the area. He added that the original House Advisory Task Force had dealt with this area with CDBG funds. In the original CDBG Federal grant, there were revolving funds for that neighborhood.

Commissioner Carter clarified that students are not being treated differently, rather it is the organizations, and their land use, which are being treated differently. He stated that the General Plan does not recommend student zoning specifically. It encourages neighborhood planning.

Rick Rees, Student Activities Office at California State University, Chico, 1st and Normal Streets, stated that fraternities and sororities are not a growth industry. He noted that the trend across the country is for the number of the organizations to remain about the same. He stated that the system established through the University is working, with the Police and students and the neighbors involved. He stated that he felt it has done an effective job with both the Panhellenic (sororities) and Intra-Fraternity (fraternities) Councils.

Chair Monfort stated that the Subcommittee had reviewed the strong effort by the Police Department to inform the students and organizations of City rules and regulations at the beginning of each semester.

Mr. Rees stated that that Outreach Program with the Police Department has done a good job of reaching the students and dealing with the communication difficulties as there are different groups of people from semester to semester. He added that how the system would work in the neighborhood council setup is unknown.

Chair Monfort inquired who is the lead agency. Mr. Rees stated that it is a cooperative effort between members of the University staff and the Police Department, as well as Code Enforcement Officer Fred Andre, all of whom attend both organizational council meetings. Also, the Police Department and the Code Enforcement Officer often attend individual fraternity and sorority meetings.

Chair Monfort stated that he was hesitant to go to Council with a recommendation stating that the University would take an active role in this matter.

Mr. Rees stated that he could not speak for the University. He added that linking the permits to the University recognition process may not be well liked, but it could be considered.

Commissioner Studebaker stated that he had past discussions with Mr. Rees regarding the influx of people which change every semester. He noted that he would like the result of neighborhood council meetings to create a sense of neighborhood and ownership of the areas, fostering communication. He inquired if the University is doing any of that now. Mr. Rees stated that, as a University, they do try to foster a community sense within all the student body.

Commissioner Carter inquired if the University would support an overlay zone. Mr. Rees repeated that he cannot speak for the University. He noted that his personal opinion was that the proposal is a good idea.

Commissioner Carter inquired if there had been problems with the existing regulations. Mr. Rees stated that there have been special City Council meetings with a fraternity's use permit being the only agenda item. He added that there is a feeling that the existing ordinance does not work because it is cumbersome. This proposal would present a list of restrictions to regulate all organizations rather than individual regulations for each organization.

Commissioner Studebaker inquired on the total number of organizations which would be affected. Mr. Rees replied that there are currently 45 campus organizations, 20 of which offer housing.

There being no further public comment, the public hearing was closed at 8:25 P.M.

Planning Director Sellers clarified that the staff suggestion to use the existing forum established by the University was not intended to circumvent the neighborhood meetings, rather it is an option recognizing that the current University system does work. He added that reliance on University recognition as a basis for the City granting a permit was meant as a means to avoid duplication of effort. He noted that probationary status of an organization at the University is often effected by the organization's legal compliance with state and local regulations.

Commissioner Carter reviewed the composition of the Subcommittee. Planning Director Sellers stated that the Subcommittee was formed by the Commission following the Council directive. He noted that it was attended by several different participants, depending on several other factors. Attendance peaked following use permit hearings for a fraternity. He added that the meetings have been open forums for discussion and participation.

Commissioner Carter inquired if the notice of this hearing was just the published notice. Planning Director Sellers responded that it was mailed to a mailing list of interested parties as well.

Commissioner Wright reviewed the staff recommendation for permit revocation if two City codes were violated. Planning Director Sellers stated that the code provides for the initiation of revocation of a use permit following violation of any City code or State law, though staff usually only will begin revocation when it has been requested, or further problems exist. He added that when citations are given to private people, there is no ramification of multiple violations.

Commissioner Studebaker asked how other Commissioners felt regarding neighborhood councils.

Commissioner Carter stated that the proposal is to allow fraternity and sorority housing as a matter of right a neighborhood. He expressed concern that the property owners in the area may not agree with the proposal. He added that the General Plan states that in such decisions, the decision makers should defer to the neighborhood.

Commissioner McAdam stated that the overlay zone boundaries are not set in stone. She added that this proposal is a beginning. She agreed with staff's concern that the neighborhood council may not be active and eventually cease to meet. She stated that she felt the need for something more active. She added that without Council's support and direction, the neighborhood council would not function.

Commissioner Carter stated that this discussion may produce more interest from the property owners, as the overlay zone boundaries need the input of the property owners.

Commissioner McAdam stated that she understood this proposal contains the concept of an overlay zone rather than a final designation.

Chair Monfort stated that a previous discussion had resulted in two overlay zones being discussed, due to extensive interest from property owners other than those who own fraternity houses.

Commissioner Carter restated that he is uncomfortable with conceptually setting general perimeters of an overlay zone without direct notice to the property owners. Planning Director Sellers explained that while the legal requirements were met by the broad publication notice, the direct notice of the property owners was not done for this meeting as it is still conceptual, not specific.

Commissioner Carter stated that the Commission cannot assume by their nonattendance tonight that the property owners in the area support the proposal for an overlay zone. Planning Director Sellers stated that the intent of this meeting is to address a report to Council to determine their support of the proposal. If Council provides their support for the proposal, the Subcommittee would further set the boundaries which would be discussed at a public hearing noticed to the property owners. He added that the overlay parameters could be developed by those who would be impacted by them. He indicated that the Commission may recommend to Council that direct notice be provided to the property owners and residents.

Commissioner Carter expressed concern that this proposal is dealing with a use rather than the users. He noted that churches in the community are not permitted as a matter of right anywhere without a permit. He indicated that often the nature of the use does require a case-by-case review.

Chair Monfort inquired if Commissioner Carter would agree with the staff recommendations. Commissioner Carter stated that if this overlay system is needed, the most meaningful information may be found in a hearing with the property owners and residents in attendance.

Chair Monfort asked if Commissioner Carter was in favor of forwarding these recommendations to Council. Commissioner Carter stated that he was in favor of forwarding the proposal to the Council and if they are in agreement, refining the overlay elements and the overlay zone prior to a public hearing.

Commissioner McAdam inquired if the overlay elements and zone can be established at the same time. Commissioner Carter replied that the overlay elements and zones cannot be finalized before the Commission has a public hearing on the defined elements and definite zone. He clarified that upon Council approving the concept, the Commission will continue the process with establishing the overlay zone and holding public hearings.

Commissioner Wright agreed with the staff recommendation regarding parking standards. He stated that he was concerned with allowing two fund raising events per year, and suggested that some type of formal notification be required. In regards to the permit being revoked if there have been two codes violated, he noted that it may be unnecessary as there already is a process in place in which anyone in the community can be penalized. He stated that he would be willing to subject the organizations to the same rules as everyone else.

Commissioner McAdam inquired about requiring the University affiliation for maintaining a valid permit. Assistant City Attorney Barker responded that the use permit revocation process would not be available for an administrative permit. She stated that in order to be able to revoke an administrative permit, a process must be established.

Commissioner Wright stated that he would recommend that the revocation process mirror a use permit revocation procedure.

Commissioner Carter asked for clarification of the recommendation regarding identification signage. Planning Director Sellers stated that the proposed permit would give the organization use of the existing code sections authorizing use of signage such as Greek letters and temporary banners promoting events.

COMMISSIONER McADAM MOVED TO CONCEPTUALLY APPROVE THE PROPOSAL AND STAFF RECOMMENDATIONS AS DISCUSSED WITH THE SUGGESTED AMENDMENTS. COMMISSIONER CROTT'S SECONDED THE MOTION.

Commissioner Carter clarified that the motion would be approval of the concept and that the Commission would later hold public hearings following receipt of Council direction. Planning Director Sellers stated that the recommendation would be in the form of a report on the Council's regular agenda asking for direction.

THE MOTION PASSED ON A VOTE OF 7-0.

VI. OTHER BUSINESS

8. Discuss dates for meeting to consider Bidwell Ranch Final EIR, Specific Plan and Tentative Subdivision Map.

Planning Director Sellers stated that the next Regular Meeting of the Commission is scheduled to be on March 4, 1996, with no second meeting in February or March due to holidays, the joint meeting with Council, and other conflicts. For Bidwell Ranch, staff would like to hold a special single item meeting, probably on a Thursday night.

The Commission agreed that a Thursday night special meeting was acceptable.

Planning Director Sellers stated that staff will look at available dates and provide the materials to the Commission prior to that date. He indicated that those materials would include the Specific Plan and the subdivision report, as well as the Final Environmental Impact Report, which includes changes from Draft Environmental Impact Report and responses to the comments. He noted that the EIR has not yet been received, thus the meeting will be scheduled when the materials would be available.

9. Public Scoping Meeting for Diamond Match Specific Plan and Draft EIR is scheduled for February 29, 1996 from 6:00 P.M. to 9:00 P.M. in the City Council Chambers.

Planning Director Sellers stated that an Environmental Impact Report contract is ready, and the applicant has deposited funds for the EIR. He noted that the first meeting has been scheduled for February 29, 1996 to give an overview of the project, the process and to receive neighborhood comments. He stated that staff feels that the applicant has made an effort to maintain the historical buildings and is proceeding with developing a specific plan for redevelopment of the site in a manner consistent with the existing neighborhood.

10. League of California Cities Annual Conference is scheduled for March 21 through 23, 1996 in Long Beach.

Planning Director Sellers asked the Commissioners to contact the Planning Division office if they are interested in attending the conference.

VII. BUSINESS FROM THE FLOOR

Commissioner Carter suggested that, at some future meeting, the Commission agenda a discussion concerning the appeal process, a Commissioner's attendance at the Council meeting regarding the appeal and submitting notice to the Commission concerning the results of that meeting.

Commissioner McAdam concurred and questioned whether the Commission should put forth the Commission's point of view in person to the Council, or to be available to answer questions of the Council. She added that the question of whether both a majority or minority voice should attend the Council meetings should be addressed.

Planning Director Sellers stated that a formal Commission policy could be developed including who would attend Council meetings and how they would address Planning Commission reports before the City Council. He noted that staff should let the Commission know the outcome of the appeal.

Commissioner McAdam stated that it was interesting that with the General Plan Annual Review it showed items which were overturned by Council that she previously was unaware of.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned 9:04 P.M. to the joint meeting with the City Council on February 12, 1996, and the Regular Meeting of March 4, 1996.

March 4, 1996
Date Approved

CLIF SELLERS
Planning Director

ADJOURNED REGULAR COUNCIL MEETING - FEBRUARY 12, 1996

Pursuant to adjournment, the City Council met at 7:30 p.m. on Monday, February 12, 1996, in the Council Chambers of the Chico Municipal Center. Present were Mayor McGinnis and Councilmembers Andrews, Guzzetti, Hubert, Keene, King, and Owens. Planning Commissioners present were Chair Monfort and, Commissioners Belmonte, Carter, Crofts, Studebaker and Wright. Commissioner McAdam was absent. Staff present were City Manager Lando, City Clerk Evans, City Attorney Boehm, Assistant City Attorney Barker, General Services Director Hays, Director of Public Works Ross, Community Development Director Baptiste, Planning Director Sellers, Senior Planner Hayes, Senior Planner Milam and Administrative Secretary Kracht.

GENERAL PLAN ANNUAL REVIEW

Binders containing the Final Draft Annual report of the City General Plan, dated January 1996, were previously provided to members of the City Council and Planning Commission. Attached to the binders were (a) memorandum dated 1/24/96 from Senior Planner Hayes advising that an annual review is required by cities and counties to evaluate the status of their general plans and their progress toward implementation, and (b) memorandum dated 2/1/96 from Planning Director Sellers advising that based on Council discussion at the meeting on the Water Pollution Control Plant project, supplemental materials may be forwarded to Council.

Copies of correspondence are being provided to the Council from (a) the League of Women Voters of Butte County dated 1/23/96 encouraging the Council to approve the Habitat & Resource Conservation Plan, as well as a mitigation policy and a monitoring program, (b) Councilmember Guzzetti dated 1/27/96 submitting excerpts of General Plan meeting minutes, and (c) Richard Harriman dated 1/24/96 requesting a moratorium on projects proposed to be located in resource management areas until the City has completed or adopted various plans, guidelines and other documents.

* Addendum - Letters from Chuck Lundgren and Richard Harriman and a memorandum from CDD.

Planning Director Sellers introduced staff's presentation. He also identified the additional material provided to the Council at the meeting, including an outline of the staff presentation, a memo from City Attorney Boehm responding to Mr. Harriman's letter, and Appendix A, Implementation Schedule Matrix, with shading denoting the year of implementation.

Planning Director Sellers stated that prior to General Plan adoption in November, 1994, there had been broad community participation in the preparation of the Plan. At the time of adoption of the Plan, amendments were made to the zoning ordinance, including requirements for General Plan consistency, new zoning designations, the creation of overlay districts for Resource Management Areas and Mixed Use Transit Corridors, and minimum residential densities. These amendments were considered as interim measures for General Plan implementation and consistency during the comprehensive update of the Subdivision/Development Code. He acknowledged that there is major work ahead to complete the implementation programs. He noted that most housing programs are already in place and other measures have also been implemented, including requiring annexation as a precedent to sewer service.

Planning Director Sellers stated that there are several projects currently underway, reflecting the priorities established by the Council. These projects are development code update, Sphere of Influence update, Storm Water Management Plan, greenbelt feasibility study, preparation of a Habitat and Resource Conservation Plan and development of a geographic information system. He noted that there has been some confusion regarding the General Plan requiring specific development of a Habitat and Resource Conservation Plan. In actuality, the Habitat and Resource Conservation Plan is not a specific requirement, but does address a variety of General Plan goals. The General Plan provided that land use proposals could proceed on a case by case basis, relying on Plan policies for all deliberations of land use issues. He indicated that all land use applications are currently reviewed for General Plan consistency.

Planning Director Sellers stated that while some implementation projects are not moving as quickly as expected, staff is committed to completing these projects as quickly as possible, while ensuring quality work and public participation. He added that public participation, though it lengthens the time to prepare the documents, increases the likelihood of implementation success by establishing community support.

He reminded the Council that this is the first annual report for this General Plan. It is intended to provide status to the Council. The status will assist the Council in establishing priorities of Plan implementation and progress and discussing issues. He added that any comments on the design of the report will help with the preparation of future reports.

Sr. Planner Hayes presented an overview of the purpose and intent of the Annual Report. He stated that by State statute local governments are required to provide the public with the status and progress toward the implementation of their General Plan on an annual basis. It is intended as a tool to help the Council and Commission maintain the document and its programs. In addition, the General Plan specifically provides for an annual report and a five year report, which will be in depth to consider trends and whether policies or new programs need to be adjusted because of those trends.

Sr. Planner Hayes proceeded to review each section of the Annual Report. He noted that 13 General Plan Amendments, affecting 42.2 acres, were completed this year, most of which were property owner initiated. He indicated that a large portion of General Plan acreage was developed lands and only 33 percent of the total acreage remains vacant. The Sphere of Influence was not enlarged with the Plan adoption, reflecting the Plan goals for compact urban growth.

Regarding the Implementation Program, Sr. Planner Hayes noted that the Council was provided a revised matrix at tonight's meeting, which is the same as the one in the packet with the addition of shading to reflect the timing schedule. Of the 389 implementation policies in the Plan, he stated that the implementation for 1994/95 addressed 12 policies, 152 for 1995/96, 42 policies for 1996/97; and 37 policies for implementation beyond 1997 which were not considered priorities. There are 146 policies implemented on an on-going basis and 94 policies relate to the Development Code update. He stated that an errata sheet has been provided to Council listing several policies previously identified as related to the Development Code update, but now determined to have a different mode of implementation. He indicated that most policies are already implemented through the environmental review and development review processes.

Planning Director Sellers reviewed the priority implementation projects that are underway, detailing the funds budgeted, the current status, and the estimated dates for review and completion for each

item. He noted that for some projects the completion dates will be subject to the level of comments from the public, Commission, Council and other regulatory agencies. He indicated that the Sphere of Influence amendment and update are being completed simultaneously with the Master Service Element, which is required by LAFCo.

Regarding the greenbelt feasibility study, Planning Director Sellers stated that the Council had previously provided direction to explore other alternatives for agricultural preservation, beyond the current Right to Farm Ordinance. Staff has reviewed valuation methods, opportunities for acquisition and funding acquisitions through a development fee. He noted that the City Attorney has stated that it will be difficult to establish a nexus supporting development fees.

Planning Director Sellers reviewed the Planning Commission's recommendations for implementation priorities as listed in the Final Draft of the Annual Report. In addition, the Commission had reviewed several Plan policy issues throughout the year and has recommended action for those issues as indicated in the Report. These issues include Drive-Through Facilities, Downtown Offices, Arterial Noise and Residential Development, and Residential Design Standards.

Planning Director Sellers noted that Council had previously requested the estimated cost of the water supply and wastewater service policies (PP-I-26 through PP-I-33) implementation. He indicated that the Council has adopted an ordinance for implementing PP-I-25 (requiring annexation to receive City services), and most of PP-I-26 (exploring ways to use re-claimed water for irrigation) has been completed as part of the Water Pollution Control Plant expansion studies. Regarding Implementation of PP-I-28, there has been an effort by the City and the Council to take an active stance in regional programs to protect groundwater resources. PP-I-29, 30 and 32 tie together regarding water withdrawal and were to be included in the five year review, though staff will move this matter forward upon completion of the basin groundwater model. PP-I-31, promoting water conservation guidelines can be created at a low cost, but implementation costs could be significant. PP-I-33 addresses expanding the Water Pollution Control Plant .

City Manager Lando noted that staff looked at where the City currently stands on implementation measures and assigned completion dates for the remaining work, with conservative time frames set. He also noted that staff is currently working with the community to develop standards for stormwater treatment and runoff. These components may be in place prior to the adoption of the Development Code.

Mayor McGinnis invited the Planning Commission to comment.

Chair Monfort stated that the recommendation list included in the Annual Report did not reflect the Commission's prioritization.

The Council was in recess from 8:20 p.m. - 8:30 p.m.

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

Mary Watters, 432 Lilac Lane, stated that she was a member of the General Plan Task Force. She indicated that the Plan was intended to be resource based. As such, she expressed concerns with development progressing prior to the Habitat and Resource Conservation Plan being implemented.

She encouraged the Council to consider adopting mitigation banking standards as soon as possible.

Vince Phelan, 3010 North Avenue, questioned if the Butte Basin Water Users Association water model was available.

City Manager Lando responded that it is not available for use at this time for specific locations. Mayor McGinnis added that the City is interested in having the modeling completed specifically for Chico. He clarified that the City is an associate member of the Water Users Association.

Richard Redmond, 1740 Citrus Avenue, stated that he felt there are too many low density projects currently proposed when compared to what the General Plan allows for. He verified that only 33 percent of the acreage designated for housing is vacant.

Sr. Planner Hayes responded that the 33 percent figure is accurate, though it is the total designated for the urban area.

Mr. Redmond stated that he agreed with the previous speaker regarding allowing development prior to the Habitat and Resource Conservation Plan being completed. He added that if the City continues taking in more applications, staff will not have the time to be able to get the implementation projects completed. He concluded by stating his feeling that the City is allowing too many small low density projects.

Greg Webb, 379 Connors Court, Suite C., stated that this is the first time he had heard about all the implementation policies and the magnitude of work required to complete the implementation program. He asked the Council to consider the full cost of the implementation program and questioned if staff can get it done in the time frame presented. He noted that the number of 1996 implementation projects may prove to be an impossible task to complete in that time frame. He indicated his desire for the City to allow development to proceed while the implementation documents and programs are being prepared. He added that some policies, such as Transportation Rings, may take care of themselves with proper development. He cautioned the Council not to micro-manage.

Paul McCormick stated that many people seem to not like the General Plan. He added that the General Plan needs to grow with Chico, rather than against it.

Irv Schiffman, Ph.D., 643 Christer, stated that it is true that the General Plan does cover a lot of territory. He noted that the General Plan came about as a series of trade-offs. He indicated that many people are upset with the rate of growth in Chico. He suggested that instead of talking in terms of amount of growth, talk in terms of quality of the growth. He stated that the quality issues would cover design, housing, the idea of neighborhoods rather than subdivisions, and respecting the ecology of the foothills. All the development aspects of the community were considered and covered by the General Plan.

Dr. Schiffman stated that there are a large number of policies included in the General Plan which require a substantial amount of work to implement. In the 15 months since the General Plan was adopted, the public has not been aware of the implementation work which has been going forward. He noted that some developments have been approved which are not in the spirit of the General Plan. He stated that full implementation should proceed so that the City will not be in the position where projects do not meet General Plan standards. He suggested that the Council establish a committee to work with the staff and the Commission on implementation as a means to let the public know that this program is going forward. He added that the Council, Commission and staff should ensure that development proposals are in the spirit of the new General Plan.

Patrick Newman, 1614 Spruce, stated that there was not an elaborate process for development 150 years ago, yet everyone is grateful to have Bidwell Park, which was provided by our founders having the vision to look ahead. This is the Council's opportunity to share that vision. The public would like the letter and spirit of the General Plan observed. He indicated his feeling that the statistics on development are skewed. He added that the General Plan is an outline for a vision of Chico as a sustainable community. He stated that the new Waremart building does not make sense with all the vacant large commercial buildings available. He suggested that large commercial buildings need to be considered as viewshed issues. He stated that the "big box" commercial buildings are resource wasteful. He stated that some people feel that the General Plan is not taken seriously. He stated that the number of development proposals would be reduced if the Plan were enforced.

Jim Mann, 55 Independence Circle, Director of the Building Industry Association, acknowledged that there are people who wish for no growth in Chico. He stated that he felt that no growth was unreasonable, as it stagnates a community and provides for subsidization and a community of elite. There is a need for orderly growth. He added that according to the Government Code, after the governing body adopts the General Plan it is necessary to investigate and make recommendations for implementation of that General Plan. He commended staff on submitting the Report, as many jurisdictions do not.

Mr. Mann indicated that higher densities are hard to achieve with the environmental constraints on development. He agreed that compromises were made with the General Plan, and he could disagree with much of the implementation schedule. He pointed out that the Government Code calls for regional housing needs to be identified and local efforts must be made to remove regulatory constraints for housing. He noted that he had suggested, during the General Plan Task Force discussions, that the City's ability to implement the General Plan may be impossible. He indicated that the cost of implementation has not been established, including the amount of staff time necessary.

Mr. Mann stated that the City should continue to be responsible fiscally. As such, the Council should not commit to unlimited budgets for the implementation, rather they should have an estimated completion date and identify the source of funding, including staff time, for each task. He added that the public should be aware of the amount of time and money that is needed for implementation. He indicated that the process of implementation may take a number of years. Regarding neighborhood plans, Mr. Mann stated that the Eugene, Oregon area has neighborhood plans which they have been trying to carry out for 18 years at a cost of \$250,000.00 per plan. He asked for those in the audience related to the building industry and supporting his comments to stand. Approximately 30 members of the audience stood.

Lisa Blindbury, stated that she is a two year resident of the area. She indicated that she moved with her family to the area because it is a great community. She added that she supported the idea to form a committee to help guide the implementation of the General Plan.

George Dailey, Chico Economic Planning Corporation (CEPCo), stated that there are 230 member businesses of CEPCo, whose efforts focus on the creation of jobs for the local community. He noted that CEPCo is concerned because of the impact General Plan issues may have on jobs. He observed that the expansion of the Water Pollution Control Plant is an important consideration for a company locating to the area and Council should move forward with this project. He stated that he felt it was important to consider economic impacts when making decisions and that the quality of life begins with a good job.

Mary Ann Pella-Donnelly, 727 Wayne Lane, stated that she was also a General Plan Task Force member. She expressed concern that the General Plan was designated as resource based, and identification of those resources has not been completed. She stated that there is an awareness that there are problems with some of the community resources, including schools which are impacted, schools development, and an impacted sewer system. She stated that the Water Pollution Control Plant should be expanded as there are 1,500 homes in the pipeline and 5,000 homes which have been proposed. The General Plan was designed not to create a cap on growth, but rather to allow the community to develop to the extent that resources will allow. The current growth rate will not allow the community to continue to preserve those resources. She stated that concerned citizens have come up with guidelines, called Chico's 20/20 Growth Plan, which can maintain those resources. She asked the Council to consider the proposal. She stated that it is not a cap on growth, rather it is set of guidelines to be added to the General Plan which would tie residential development to community resources. She suggested that this proposal would provide that those coming into the community would not adversely affect the community resources. She stated that the General Plan Task Force was concerned with maintaining a wonderful place to live. She asked that the Council consider adding the Chico 20/20 Growth Plan to the General Plan or use it to help implement the General Plan.

Tim Bousquet, 462 E. 3rd Street, inquired if there was a projection for the General Plan regarding population increase. Sr. Planner Hayes and Councilmember Guzzetti responded that a 60 percent increase, of 45,000 people, was projected over the life of the Plan. Mr. Bousquet observed that with an average housing unit cost of \$130,000, the Plan would accommodate over \$2 billion dollars worth of residential development and he couldn't see what anybody was complaining about.

Jon Luvaas, 190 E. Sacramento Avenue, chair of the General Plan Task Force, stated that he was also on the Task Force for the prior General Plan (1976). He indicated that the content of the current General Plan can be used by the community as a whole, as well as for planners and the Council. The General Plan provides the community with a sense of direction. He stated that while he is pleased with the process of implementation which has been achieved, he is concerned with the amount of work which still needs to be done. He stated that the community can best plan for growth when they work together to get the General Plan's implementation programs accomplished. Mr. Luvaas expressed concerns that project proposals are being made without the Habitat and Resource Conservation Plan being in place.

He summarized the Planning Commission public hearings and reported that the Commission agreed with the need for design of a program for neighborhood planning in the next year. He noted

that the Commission's recommendation was to start designing a program to implement neighborhood planning. He added that the Commission had discussed a recommendation to Council to design the Mixed Use Neighborhood Cores, which was not included in the Report.

Mr. Luvaas stated that the General Plan was meant to be an evolving Plan. He was concerned that there is a public perception that there is too much large construction being done in the area. He noted that there is no City policy to deal with big box retail uses. He encouraged the Council to consider zoning ordinances relative to retail to meet the needs of the community. He indicated that he felt that this would not be micro-management, but rather letting the community know what to expect.

Mr. Luvaas expressed his concern that the Habitat and Resource Conservation Plan is not in effect and there are no interim guidelines. He stated that groundwater recharge areas are the primary source of water for the Butte Basin. He indicated that the City has designated development land in the east side area, while not knowing where the recharge occurs. He suggested that the City would need to know where the recharge occurs prior to allowing considerable development on the land. He stated that the duties of the Habitat and Resource Conservation Plan steering committee and staff should include determining what the impact of development will be on groundwater recharge in those areas. He suggested that a way needs to be found to allow development without impacting groundwater.

Mr. Luvaas urged the Council to stay within the densities in the General Plan. He stated that the City has not been achieving average densities in the past, so it is not a radical goal to have the seven units per acre densities to avoid urban sprawl. He suggested that building more units per acre may increase the likelihood of the developer's profit. He concluded that the City must implement the General Plan in order to maintain the community and to keep from building inefficient public services.

Richard Harriman, 1356 Manzanita Avenue, stated that he was speaking as a resident and representing Golden State Wildlife Federation. He indicated that he is overwhelmed with what staff has left to do to implement the General Plan. He stated that the General Plan was a collaborative effort between the public sector, staff, the development community and the environmental community. He emphasized that this meeting is an opportunity to allow for focus. Mr. Harriman stated that there is a point where the economic curve of development and environmental curve of quality of life cross. He stated that growth should be carefully managed. He summarized that the remaining implementation appears to be a two year program. He proposed that the City link the General Plan implementation with the capital improvement program through the Economic Development Element of the General Plan. He added that the Housing Element should be updated next year as the State requires an update every five years and the Element was last updated in 1992. He additionally proposed that the Council not allow development, entitlements or permits in the Natural Resources Areas for two years or until the Housing Element and Master Environmental Assessment have been updated, and the Habitat and Resource Conservation Plan, Development Code, and Water Pollution Control Plant are completed. He also suggested the Council consider hiring a consultant to convene with all interested groups to discuss the phased housing identified in the Housing Element.

Gloria Bettencourt, 1366 Vallombrosa, suggested that many people are not aware of the General Plan. She reviewed the growth percentage rates, which she felt were too high. She inquired if 2.5 percent was projected for the growth rate.

Sr. Planner Hayes replied that while no growth rate has been set, 2.5 percent was used to project the land use availability, which would meet the community's needs over a 20 year period.

Councilmember Guzzetti noted that a growth rate of 2.5 percent was achieved in 1981, and has not been that low since.

Ms. Bettencourt stated that in the past five years the Chico area has grown at a remarkable rate, far higher than the State, National or County averages. She indicated her belief that the growth rate is still high and the area will suffer the consequences. She added that stagnation would not occur if a growth cap were established.

Councilmember Keene stated that there are a number of population statistics which are deceptive. The percentage figure is a gross figure which includes annexations and birth rates. He suggested that an acceptable growth rate is a debate for the Council. He indicated his belief that the figures do not represent a hyper growth rate.

Ms. Bettencourt stated that the Enterprise Record had published reports of a high growth rate. She noted that locations voted "most livable" keep their growth rates down. She added that she had once inquired what the growth rate would be if no moving or deaths occurred. She stated that she had been told that there would be a 5 percent growth rate based on the birth rate. Ms. Bettencourt suggested that developers concentrate on redevelopment. She indicated that it should not be a debate on spending Redevelopment Agency moneys on sewers or recreation facilities; rather the money should be spent to repair blight and to rebuild neighborhoods. She concluded by suggesting the City's priority should be to make Chico a beautiful place from the inside out, and not to concentrate on economics.

Joy Kimball, 1494 Vallombrosa, restated a previous speaker's comment that quality of life starts with a good job. She expressed concern that since 1977 there have been a large number of base level jobs lost to the area. She listed several companies which have relocated out of the area. She urged the Council to have the vision to provide a climate to allow businesses to come to Chico and create base level jobs. She suggested that these employers would pay for the new parks and recreation areas to ensure the area does enjoy the quality of life, as their employees would also desire that quality of life.

Rick Colletti, 2086 Vallombrosa, stated that he has extensive experience with the General Plan. He indicated that in developing a three acre project, the new General Plan offered new opportunities. He noted that previously a planned development required a homeowners association to achieve the same densities which are currently required by the new General Plan. He asked the Council not to shut off the stream of new projects. He reminded the Council, and the public, not to judge the General Plan on the old projects which were approved prior to the General Plan adoption and now being developed.

Barbara Vlamis, Butte Environmental Council, 116 W. Second Street, No. 5, expressed concern regarding the number of "big box" retail outlets being built in Chico. She stated that the General Plan's Land Use chapter included a figure which indicates the increased workforce to be reached at General Plan build-out.

Sr. Planner Hayes confirmed that the figure was an analysis of jobs and equating it to the number of industrial acres needed.

Ms. Vlamis stated her belief that the figure far exceeds the amount the General Plan anticipates will be needed for commercial growth. She indicated that an excess of commercial can equate to problems.

Ms. Vlamis stated that the General Plan was a compromise which acknowledged there would be growth while completing the environmental studies and establishing standards to protect the community. These studies and standards were to make the General Plan resource based. She noted that the General Plan suggests that there could be approximately 133,000 people in the area at General Plan build-out. She stated that while the Habitat and Resource Conservation Plan is moving forward, the City is attempting to protect the resources on a case-by-case basis. She expressed concern that projects are moving forward without the Habitat and Resource Conservation Plan being in place.

Regarding Resource Management Areas issues, Ms. Vlamis noted that General Plan Policy OS-I-23 and other policies have clear language to protect natural resources. She expressed concern regarding projects being processed while the documents establishing the guidelines for that protection have not been established. These documents are needed for the protection of the resources while allowing development. She suggested the Council initiate the implementation policy to explore funding the purchase of more resource conservation lands. She stated that the Army Corps of Engineers does not require mitigation for losses of less than one acre of wetlands. She suggested that the City can obtain moneys to create wetland reserves when the small wetlands are filled.

Ms. Vlamis concluded that the City's ability to review projects in the Resource Management Areas are restricted without the comprehensive plan for those areas in place.

The Council was in recess from 9:48 p.m. - 10:00 p.m.

John Gillander, 4328 Kathy, questioned if Ms. Vlamis, according to the "Articles of Incorporation for Butte Environmental Council" could be found to be in violation of the Political Reform Act.

Councilmember Guzzetti replied that Ms. Vlamis, speaking as an individual, is not subject to the Act.

Mr. Gillander stated that several laws can be violated by a person saying they are speaking for a non-profit agency.

Bill Brouhard, 2187 Penny Royal Drive, stated that the most fundamental purpose of the General Plan is to provide land-owners the criteria for development and to allow the community review of those proposals. He indicated that the General Plan was not meant to discourage large scale planning. He stated that the General Plan is a comprehensive document and to argue that development should not proceed until it is completely implemented, or to establish a date when it should be implemented will not work and should not be expected in a set time frame. Regarding the concept of moratoriums, he stated that he hoped the Council does not give the idea serious consideration.

Mr. Brouhard stated that the business community supported the idea of Resource Management Areas and preparation of the Habitat and Resource Conservation Plan after reaching the understanding that it would not impact those projects which were initiated several years before. He agreed that the implementation process has moved slower than anyone had anticipated. He added that the studies will not supply new information which would affect those projects already in the pipeline but it will be effective as a long-range planning tool.

Councilmember Guzzetti stated that the growth rate numbers are pertinent. He noted that those projects which have already been approved represent more than four years of growth. If the City allowed every project to go through, the current or expanded sewer capacity would not be sufficient.

Bob Linschied, 821 Arbutus, stated that he is concerned that there is not enough focus on the Economic Development Element of the General Plan, as most of the comments have been concentrated on the environmental aspects. He noted that while 62 percent of the land designated industrial is vacant, less than 10 percent of that land has the infrastructure to support an industrial use. He stated that it is important to export goods and services to other areas and to import dollars into the community. He added that after three years of effort by Team Chico, the economic ratio is not breaking even. He indicated that while the environmental standpoint is important, it is equally important to create an environment where business can function profitably and provide jobs.

Councilmember Guzzetti stated that there is a misconception that the City was causing companies, and their jobs, to leave the area. He noted that the City has given away land at the Chico Municipal Airport, created a revolving loan fund, and implemented other measures to foster economic development.

Mr. Linschied clarified that the City has not recruited big box retail; rather, it occurs naturally.

Tom Fogarty, P.O. Box 8942, stated that the General Plan is being implemented. He noted that implementation of several General Plan policies are ensured through the use of the development checklist. He indicated that the General Plan was meant to be a living document which will change and grow as the city changes. He added that he is currently proposing a project in a Resource Management Area and required to demonstrate compliance with Plan policies. Resource Management is being addressed and as part of the condition of approval, it will be subject to public review. He assured the Council that the General Plan is being followed.

Pete Giampaoli, 1263 The Esplanade, Suite C, stated that the City does need to take a careful look at the comprehensive Development Code and at the Habitat and Resource Conservation Plan. He suggested that the City prepare guidelines and time frames to complete these documents. He stated that it requires prioritization. He urged the Council to allow projects to go forward while staff

works with the applicant to address General Plan policy and environmental issues during the review process as opposed to holding up applicants until all implementation measures are in place.

He stated that several other regulations cover Resource Management Areas other than the Habitat and Resource Conservation Plan. Agencies including the U.S. Fish and Wildlife Service, Environmental Protection Agency, State Department of Fish and Game, Regional Water Quality Control Board and Army Corps of Engineers, require that projects meet all the regulations. He noted that wetlands and endangered species, are looked at and studied by all these organizations.

Mr. Giampaoli pointed out that there are 389 policies in the Plan, 94 of which are to be implemented as part of the Development Codes. He stated that General Plan implementation of this magnitude will not happen overnight. He suggested that a prioritized schedule, over a period of years, will help develop the General Plan implementations. He inquired if the number of acres available for development mentioned in the Annual Report, Section III Page 1, included Resource Management Areas.

Sr. Planner Hayes responded that it is the gross total available residential land.

Mr. Giampaoli stated that there is a substantial amount of land within the Sphere of Influence which is in Resource Management Areas and may not be developable. He expressed concern regarding Neighborhood Plans and Mixed Use Neighborhood Cores. He asked Council to carefully consider the economic feasibility of Neighborhood Cores.

Mayor McGinnis stated that a study was done regarding the feasibility of Neighborhood Cores.

Mr. Giampaoli stated that he would like to look at those studies. He reviewed Mr. Harriman's discussion regarding the Best Management Practices Manual, which is not complete, and will not be established for a number of months. He also reviewed the implementation programs that are currently being worked on including the development standards, Sphere of Influence update, and the Habitat and Resource Conservation Plan. He indicated that storm water best management practices have been established, including drainage, outfalls and retention. He noted that much of the potential Habitat and Resource Conservation Plan may already be in place through all the applicable federal regulations and CEQA. In terms of Air Quality, the City does not have much control. He stated that there have been local bond issues for schools turned down by voters recently, though a State-wide bond issue was coming up in the November election. He noted that schools are important to the community regardless of growth. Regarding the Water Pollution Control Plant, Mr. Giampaoli stated that the building industry is paying its fair share through sewer assessments on undeveloped parcels.

Mr. Giampaoli agreed that the General Plan is a resource-based plan which was reached through a compromise. He noted that the development community is losing, some through dedications, up to 50 percent of the land zoned for development due to natural resources. The General Plan calls for development of these lands and sewer fees have been paid for them, but they cannot be developed. He stated that there has been a 3.3 percent increase in Chico population and that 2.5 percent is the approximate increase with the annexations removed.

Mr. Giampaoli reviewed the memo from Community Development Director Baptiste. He clarified that the supply ratio balances out due to the market constraints, CEQA and other Federal and State regulations. He stated that quality of life is an important issue for everyone in every facet of the community. This will continue to be a great town at every level, if the quality of life is maintained. He urged the Council to let the community grow in a positive manner through the next twenty years.

The public hearing was closed at 10:30 p.m.

Councilmember Hubert stated that this is the first time the Council has seen what has happened since the General Plan has been adopted. He noted that those issues which have not been implemented at this time will be implemented given time. He added that work has begun on the Habitat and Resource Conservation Plan with both consultants and the committee working on it. He stated that he appreciates knowing what steps are being taken to address General Plan concerns as projects are coming forward. He indicated that he would support staff continuing in the manner presented.

Councilmember Guzzetti stated that the City should move forward, in the spirit of the General Plan. He added that he would like to see the subcommittee formed to look at the Habitat and Resource Conservation Plan expanded to look at the resource areas in the interim and review where growth will occur. This subcommittee would work with staff and monitor implementation along with the staff needs and cost estimates. He stated that he could be supportive of a moratorium in Resource Management Areas if given the right circumstances. He expressed concern with the growth rate. He indicated that the City cannot afford to continue to grow at rates of 4 to 6 percent per year. Councilmember Guzzetti reviewed Community Development Director Baptiste's memo displaying large growth rate figures since 1981. He questioned why the Council approved documents which were based on a 2.5 percent growth rate if the actual rate has been 4.1 percent over the past 10 years. He stated that he was concerned with sewer capacity with 1600 units approved and 5000 units proposed, but only 900 units which can be served by the sewer plant. He stated that the City is being disingenuous when people have already asked for half the capacity of the expanded plant.

Councilmember Keene stated that according to the General Plan the City would have an average growth rate of 3.9 percent. He stated that he had agreed that the General Plan would have a natural growth rate which would be maintained. He noted that the General Plan was designed to have a 15 to 20 year life. He indicated that some speakers were on the task force which created the General Plan and had agreed to that document, and now they are saying that they do not agree with those figures used to create the document. The General Plan calls for increasing the capacity of the Water Pollution Control Plant. He expressed concern that staff had stated one year ago that daily flows averaged 5.2 mgd, which now that has been raised to 5.8 mgd. He added that the General Plan requires parcels to hook-up to the sewer system. If the City does not provide for those hook-ups, then it is in violation of the General Plan.

Regarding economic development, Councilmember Keene stated that the Council had made a commitment to the development of ready-to-go land, and to provide adequate infrastructure for 10 percent of available industrial land. He noted that to provide the infrastructure, it means that the sewer capacity must be expanded. He indicated that storm drain and other issues will be reviewed in the future as specific development projects are proposed.

Councilmember Keene stated that the Council must achieve a balance between environmental concerns and economic concerns (jobs/businesses) to keep the area viable. He stated that he did not feel the need to stop the growth. In the Resource Management Area of the plan, he stated that the General Plan is specific that a qualified biologist and staff must agree on mitigations. He noted that this has been in place since the adoption of the Plan. He added that this is an ambitious document and will take time to implement. He stated that the Council should stick with the General Plan and must provide the infrastructure necessary for growth.

Councilmember Guzzetti stated that the sewer controversy is greater than has been portrayed by Councilmember Keene. He stated that there are 2863 acres of industrial land available. He added that the City cannot sustain continued growth at four times the national average. He noted that the City does have an active mortgage subsidy program to assist low income households.

Councilmember Owens clarified that this is an annual review, not a complete revision of the General Plan. He stated that the General Plan is a living document and needs to be able to develop as such. He inquired what the implementation status was for the Resource Monitoring Program.

Sr. Planner Hayes responded that the Resource Monitoring Program is recommended for development and implementation within the next year. He explained that the Resource Monitoring Program is an indicator program for the various resources in the community and the City must find ways to measure the impacts on these resources. The Resource Management Area Monitoring and Reporting Program was initially included in the Habitat Management Plan, and is implemented through the submittal of biological information before the design phase of the project. He noted that this is being implemented on a project-by-project basis at this time.

Regarding the Fair Share Affordable Housing issue, Councilmember Owens recommended that a diagram be included in the Annual Report displaying compliance with the Fair Share Allocations for surrounding areas as well as for Chico. He stated that if Chico is the only one meeting its share, then compliance should be measured accordingly. Sr. Planner Hayes replied that such a diagram will be provided next year. He added that State-wide only a few jurisdictions meet their allocation.

Councilmember Owens inquired on the status of the groundwater model. City Manager Lando explained that staff is working with the engineer designing the model, Wes Gilbert, to make the model usable for specific areas. A meeting will be held to establish dates, abilities, and Chico's status in the Butte Basin Water Users Association.

Councilmember Owens asked what staff is doing to establish where the groundwater recharge area is. Planning Director Sellers responded that staff has started meeting with other agencies to establish information which is currently available while they are waiting for the model to be completed. He noted that the existing Habitat and Resource Conservation steering committee may be the best committee to work on the groundwater and recharge issues. He indicated that additional direction from Council would be necessary to establish this as a concurrent priority.

Councilmember Owens noted that there has been little implementation of the Economic Development Element. He stated that he would like to see the Council look at the industrial land and what infrastructure is needed to make it accessible. He indicated that the Habitat and Resource Conservation Plan does not deal with cumulative impacts, causing concern with using the Master Environmental Assessment as a basis for the sewer plant expansion. He stated his belief that

Council had previously directed staff to proceed with neighborhood planning. He suggested staff start identifying the neighborhoods.

City Manager Lando stated that Council's direction was to start the identification process for neighborhoods.

Councilmember Owens noted that Mixed Use Neighborhood Cores may work better in areas which are being developed rather than in an existing neighborhood. He suggested that potentially the South Park Avenue area and Diamond Match projects may be a good place to start. He stated that the Council should look at community commercial zoning and greenbelt feasibility. He asked for a review of the legal opinion regarding a development fee to fund a greenbelt.

City Attorney Boehm stated that it was his opinion that the City cannot charge an impact fee where agricultural land is being taken out of production. He clarified that the original proposal was that all new development be assessed an open space fee, which did not provide a viable nexus. He added that there is a case before the California State Supreme Court which may define the parameters for establishing fees for new development.

Councilmember Andrews reviewed the process on establishing the numbers for the fair share housing allocation. She agreed that neighborhood designs including Mixed-Use Neighborhood Cores should be considered for new development. She added that the General Plan is complicated, though it is one of the better Plans in the State, and requires work to implement. She noted that the General Plan will change and grow as the community grows and suggested that if everyone would work together, it would be for betterment of the community.

Councilmember King stated that there have been many issues raised in this discussion. She expressed concern regarding the ground water recharge area, which possibly may be in the foothills. She stated that the recharge area needs to be established quickly, before development takes place in that area. This will avoid impacting the infiltration of water into the City's domestic water supply.

Councilmember Guzzetti moved that the Habitat and Resource Conservation Plan Subcommittee, with the addition of two Planning Commission representatives, work with staff on the Habitat and Resource Conservation Plan and General Plan implementation. The subcommittee would have the ability to work with staff and report to the Council in 90 days. The motion included giving the Planning Commission direction to alert the Council on General Plan issues and to discuss major issues with the Council. Councilmember King seconded the motion.

Councilmember Andrews suggested that the existing subcommittee may not have the available time to accomplish both goals.

Planning Director Sellers replied that there already is an ambitious schedule to work on the Habitat and Resource Conservation Plan and additional assignments should be carefully considered to avoid delaying that process.

Councilmember Guzzetti clarified that when issues arise, staff would be able to discuss their concerns with the Subcommittee. This Subcommittee will not provide approvals, but rather is a well

represented group from which the staff may gain insight. He added that the Subcommittee may periodically report back to the Council regarding issues that are brought before them.

Councilmember Owens questioned increasing the size of the Subcommittee as Commissioner Carter is already on the Subcommittee.

Mayor McGinnis stated that he was concerned as this type of Subcommittee was formed following adoption of the 1976 General Plan, which was eventually disbanded due to lack of interest.

City Manager Lando stated that this Subcommittee was established to look at habitat sensitive areas. The life of the Subcommittee was to end at the adoption of the Habitat and Resource Conservation Plan.

Councilmember Hubert indicated that the Habitat and Resource Conservation Plan was plenty for the Subcommittee to concentrate on at this time.

Councilmember Keene asked for a staff presentation after the groundwater model has been completed.

Councilmember Owens stated that it would enhance the public participation process to have a subcommittee review the implementation. He inquired if staff would see the Subcommittee, acting as a sounding board, as a benefit or a hindrance.

Councilmember Andrews suggested a compromise for staff and the Subcommittee to discuss the concept to see if it would be beneficial.

Councilmember Owens stated that the Subcommittee has a major job to get done with the Habitat and Resource Conservation Plan as a part of the implementation. He seconded Councilmember Andrews' compromise.

Councilmember Guzzetti accepted the modification.

The modified motion passed unanimously.

Councilmember Hubert stated that he would like to see the costs associated with the implementation of Neighborhood Planning, including staff time.

Planning Director Sellers stated that the first step for Neighborhood Planning would be to establish a process/program, which the Council would approve, prior to actually going into preparation of a specific neighborhood plan.

Councilmember Keene stated that the Council must see the limitations on staff time prior to implementing Neighborhood Planning.

City Manager Lando stated that staff will return to Council with the area and scope of work prior to implementation.

Mayor McGinnis suggested that if the monetary costs were too high, it may be prudent not to have neighborhood plans. City Manager Lando stated that the costs may vary from neighborhood to neighborhood.

Mayor McGinnis stated that there have been comments made regarding the Economic Development Element. He pointed out that Chico has been mentioned in a magazine this year for being a very business friendly city. He noted that the City has a proactive stance, with a significant amount of public money, to encourage businesses such as education, software, and medical. He stated that manufacturing is declining throughout the country. He indicated that people move to communities because of a strong environment, water, schools, and other infrastructure.

Councilmember Guzzetti moved to approve the Planning Commission's recommendations with the addition of discussions on commercial zoning and big box retail, and the agricultural element. The motion was seconded and carried by 4-3 vote (Councilmembers Hubert, Andrews and Keene in opposition).

Councilmember Keene stated that he was opposed to the motion and asked for a separate vote on each recommendation.

ADJOURNMENT

The meeting was adjourned at 11:25 p.m. to February 20, 1996 at 7:00 p.m. in Conference Room 2 if a closed session is scheduled, or at 7:30 p.m. in the Council Chamber if one is not scheduled.

Date: _____

City Clerk

Mayor

PLANNING COMMISSION
MINUTES
MEETING OF MARCH 4, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Brenda Crofts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Commissioner Jeff Carter was absent. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Wright stated that he had received a phone call from Katy Thoma asking if he had any questions before the meeting.

CONSENT CALENDAR

1. Minutes of Regular Meeting of February 5, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Initiate proceedings to revoke Use Permit No. 1599 (Fun World - 2275 E. Elm Street)
and set public hearing date.

Requested Action: Schedule public hearing date for April 1, 1996.

COMMISSIONER MCADAM MOVE APPROVAL OF THE CONSENT CALENDAR.
COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Planning Director Sellers noted that the applicants for Item No. 2 are present at the meeting. Chair Monfort asked if applicant would like to have input on the hearing date.

Evelyn Carr, 372 Florin Road #150, Sacramento, stated that the item being on the Consent Calendar was procedurally incorrect. She quoted from the Municipal Code regarding notification. She added that notice was provided to them fewer than 10 days of this meeting.

Chair Monfort noted that this meeting is not the hearing, rather it is setting the hearing date. He added that the time period between this meeting and April 1st is well within the 10 day requirement as they have received notice.

Ms. Carr agreed to the April 1, 1996 hearing date.

THE MOTION APPROVING THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

3. **Use Permit No. 96-3 (Jesus Provides Our Daily Bread)** - A request to temporarily use the Salvation Army Church located at 567 East 16th Street to operate a food program for the underprivileged with two daily feedings (7:30-8:30 a.m. and 3:30-4:30 p.m.) while the applicant's permanent site at 1530 Park Avenue is reconstructed following fire damage. Authorization of this use is requested for a period not to exceed three months. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report, noting that this is for a temporary facility. He explained that the temporary nature of the 90 day requested time period is to allow the applicants to look for another more permanent location during the recovery from a fire at their facility. A neighborhood meeting was held on February 26, 1996 at which neighbors pointed out problems which have occurred since services began at the E. 16th Street location. He noted that some of the neighbors have suggested that they may be willing to accept the permit for the 90 day limited time period. He reviewed the conditions of approval recommended by staff for approval of the use permit. He also recommended that the Commission add a condition to require monthly reports from the applicants containing information regarding the operation of the facility, the number of meals served and the progress toward finding a long-term location. Planning Director Sellers added that additional correspondence in opposition were received by the Commission at this meeting.

Commissioner McAdam inquired how services are different from those at the site on Park Avenue. Planning Director Sellers replied that the Park Avenue site had services such as restrooms, a message phone, mail delivery, a clothing bank and a referral program. This facility will only provide food services, with restrooms only during those meals, and Bible study two days per week.

Commissioner Wright reviewed Condition No. 7, and questioned why the date of termination was set from the approval date, not from date of application. Planning Director Sellers replied that staff made that recommendation for the date from date of approval in order to give them sufficient time to relocate. He added that the applicants have agreed to stop services at the location if the permit is denied at this meeting. Planning Director Sellers noted that staff does not recommend that a longer period be approved.

Chair Monfort asked if a use permit is necessary because it is an expanded use, and if any church would be required to have a use permit if meals were to be served. Planning Director Sellers replied that a permit is needed if meals are to be served regardless of affiliation and this is outside the normal services provided by the church.

Chair Monfort reviewed the correspondence received by the Commission, noting the issues established by the letters which were in opposition to the use permit.

The public hearing was opened at 7:45 P.M.

Katy Thoma, Executive Director of the Jesus Provides Our Daily Bread Center, explained that this is not a normal circumstance, but rather a temporary situation resulting from a fire at their permanent facility. She indicated that they will not be asking for an extension. She described the

PLANNING COMMISSION

Minutes for Meeting of March 4, 1996

Page 3

services being provided at this location as Monday and Friday Bible studies, mail distribution at meal times, and two meals per day. She stated that they are currently looking for a more permanent location for the services as they will have to rebuild or relocate the facility because the fire damage was so extensive. She stated that they appreciate the Salvation Army for offering the use of their facility while the search for a better location is occurring. She noted that they are serving more people since moving to the 16th Street facility, especially children. She explained that one-third of people served at this site are children.

Ms. Thoma explained some of the steps which are being taken to mitigate some of the problems which are occurring. One person is in the area full-time to deter loitering. Chico Police Department is stepping up the patrols in the neighborhood. She suggested that these types of problems could continue to happen even if the Jesus Center cannot continue their service.

Commissioner Studebaker inquired how many people would be available for monitoring alleys and adjacent properties, as recommended in Condition No. 6 of the staff report. Ms. Thoma responded that two to three people would patrol the alleys and streets. She explained that some of their clients are handicapped and do not like to walk down the street so they choose to walk down alleys. She noted that their staff is made up of four people.

Commissioner Studebaker verified that two people could be patrolling the area.

Chair Monfort questioned if the Center was working with other churches in the community. Ms. Thoma replied that they have been working with other churches, who have offered to help pay for the rebuilding of their facility.

Chair Monfort verified that there was a pool of volunteers to help patrol.

Rick Garrett, 1653 Laurel Street, stated that the neighborhood historically is a tolerant one. He added that the issues in the letters are valid, though other issues do exist such as parking. The Salvation Army site does not have parking on site which creates a problem for the neighborhood as several residences do not have off-street parking. He indicated that some of the Jesus Center clients live in their cars and tend to park in the neighborhood and wait for the meals. He expressed concern that since the applicants are requesting a use permit thirty days after beginning to use the facility, they are suggesting that there would not be opposition. He refuted Ms. Thoma's statement that the problems would continue to exist without their service in the area, saying that there were not the problems in the neighborhood in the past. He stated that there have been instances where the clients of the Jesus Center have intimidated himself, his family, and several other residents of the area.

Mr. Garrett suggested that the applicants need a well thought out plan, which should not include the facility being in a residential area. He stated that he felt the facility would pull a blight into any neighborhood. He indicated that the neighborhood has been tolerant for thirty days while there has been no construction going on at the other facility. He inquired if the Salvation Army was in violation of their use permit when they did provide meals in the summer. He noted that the Jesus Center clients are not being managed during the non-meal hours, and felt that the neighbors should not be subjected to this.

Chair Monfort asked if Mr. Garrett had a problem with a 90 day use permit with conditions. Mr. Garrett stated that they have had extensive problems during the past thirty days which did not exist at the current levels in the past. He indicated that the use permit was not acceptable with the

conditions imposed, as there is no solution for the parking. He added that one or two volunteers may not make a difference with the loitering problems. He suggested the applicant consider locating the facility at the fair grounds or present a viable alternative.

Gina Moss stated that the clients of the Jesus Center are treated like family by the staff. She indicated her belief that there is not a problem with hypodermic needles being discarded in the area. She informed the Commission that she has been served by the Jesus Center for six years.

Pamela Brown, 962 Yosemite Dr., stated she understands the risk the applicant is asking the people in the neighborhood to take by having such services in the area. She indicated that there is no evidence that having services such as these has increased poverty or crime into an area. Ms. Brown stated that something is shown about our culture in how we care for people outside of our families. She noted that the fastest growing poverty group is women and children. She indicated that the Jesus Center staff provides a sense of family and belonging to the people who use those services and who are not as likely to have that sense on their own. She emphasized that the Jesus Center is asking for a 90 day permit to feed people. Ms. Brown stated that patrolling the area is important because the families in the neighborhood do need to be protected. She noted that while this is a short term solution, City officials can help with long term solutions.

Daniel Gibson, 1644 Laurel Street, stated that while he agreed with the previous speaker, this is a request for a use permit, not a request to address social issues. He suggested that the determination to approve this permit may have been done prior to this meeting as the applicant has been serving meals at the location for 30 days. He indicated that the term temporary should be defined as 90 days total - allowing the facility to operate for 60 more days as it has been in operation for 30 days. He indicated that he felt the recommended conditions of approval were all valid. He added that he would like to see more than two or three people patrolling the alleys.

Mr. Gibson stated that parking in the neighborhood is a problem which may be alleviated with the use of the large fenced paved area on the Salvation Army property. He suggested that a condition be placed on the permit providing that the parking lot be used only during the hours which the Jesus Center is serving meals. He noted that while he was glad that people are getting the help they need, it should not be at a personal cost to himself, his family and the neighborhood. He concluded that he would fight this proposal if it is to become a permanent site.

Alan Johnson, 1705 Laurel Street, stated that they have had problems with trash being left in the neighborhood after the meals have been served. He indicated that some of the Center's clients have dogs which they bring to the site, and have caused problems with neighborhood animals. He noted that the neighborhood had vandalism problems in the past when the Salvation Army was providing meals at the site. He stated that he felt when the organizations feed these people, they are not helping them find jobs.

Lloyd Clark, 5536 Foster Road, Paradise, stated that he owns five rentals on Elm Street, from which two tenants have moved because of the homeless problem in the area. He indicated that the tenants have expressed that they feel threatened and are concerned because the clients use foul language around the neighborhood children.

Dick Gillander, 4328 Kathy Lane, stated that when he first moved into Chico he noticed a large number people living out of dumpsters. He indicated that he has volunteered at the Jesus Center for seven years. He urged the Commission not to let people get away with closing the facility just because someone burned it down. He questioned where the Center's clients will go if the use

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permit is denied, suggesting that some of the clients will be panhandling and going from door to door to survive. He suggested that a large percentage of people served by the Center live in the surrounding neighborhood. He noted that the Jesus Center's original use permit was to allow variation from parking requirements, and since that time a full kitchen has been installed to County Health Code standards. He added that the reason the showers were not installed was because there was a condition to the use permit stating that the building could not be expanded.

Lesley Vega, 1725 Laurel Street, stated that she attended the neighborhood meeting at which it was suggested that the Center would patrol the area. She explained that on the day following the neighborhood meeting she had a problem with a client being on her front porch; the Police did not respond for 20 minutes. She noted that she lives four houses away from the site. She added that the problems did not exist in the neighborhood before the Jesus Center started serving meals at the location. She suggested that the Center should consider moving to a commercial zone.

Leslie Brown, 185-F Cohasset Lane, stated that she volunteers time at the Jesus Center. She suggested that anyone could lose their job tomorrow and would need the services provided by the Jesus Center.

Weldon Landon, 865 Brandonbury, stated that he is a consultant working on a time donation basis for Jesus Provides Our Daily Bread. He suggested that the Jesus Center has brought some people into the neighborhood who were not there before, but he stressed that the people are not there because they want to be. He stated that the Center has a strategic concern if the use permit is denied because of donations. A total of 7530 volunteer hours were donated during the past year, as well as numerous private monetary donations. He indicated that there is the concern that the base of volunteers may go somewhere else if the Center ceases operation over a period of time. The fiscal budget for the Center is funded mostly from private sources, and if the Center fails to provide those services, the funds will go elsewhere. He stated that while the neighbors have valid concerns, the alternatives are to close the facility down or to keep it going for another 90 days, at which time the commitment has been made that it will be moved to a more suitable location.

Cheryl Partidge-Shafer, 1722 Elm Street, stated that everyone supports feeding the hungry. She stated that she is concerned that a use permit, if granted, should contain certain guidelines. She noted that she felt the evidence is overwhelming to deny the permit. The neighborhood could accept this situation if it was considered that there were 30 days already used and the facility remain for only 60 more days. She inquired what the maximum capacity for the meals at the Salvation Army site are. She expressed concern that there should not be people waiting in front of the facility waiting to eat. She also expressed concern that granting this use permit would set a precedent for the Salvation Army providing the same services at this location.

Chair Monfort explained that he had asked staff if this is a necessary permit, and was told that this is an expansion of the use of the facility.

Ms. Partridge-Shafer stated that the use is impacting the neighborhood. She indicated that they chose to live in a house which is 150 feet from the Salvation Army property. She urged the Commission to consider the 30 days during which meals have already been served at the site as part of the 90 days, as well as the parking issue and that monitoring be provided.

Gaylord Enns, 5 Niagra Way, stated that he feels a sense of support for the people who live in the area, as well from those who need help. He expressed the need for people to volunteer to help with the Center immediately as well as for the rest of the 90 days. He asked Chair Monfort's permission

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to ask how many people would be willing to assist monitoring the streets and providing meals for the Center. Chair Monfort allowed him to ask. Approximately 20 people offered to assist the Center. Mr. Enns stated that Ms. Thoma would have a sign up sheet for people after the meeting..

Neil Bennett, 1311 Bradbury, stated that he had a discipleship training program with 15 men willing to be there every day to help the Center monitor the area.

Jerry Conly, P.O. Box 1821, noted his support of the Jesus Center. He stated that he had moved to Chico to start a business, which has since failed. He explained that the Center enabled him to stay clean and to find work. He indicated that because of the Center he did not have to take advantage of County services. He went on to say that now he does have a job and has a deeper appreciation of all the residents of the City of Chico. He noted his belief that those nuisances which the neighbors have mentioned will not leave if the Center does not feed the people.

Eric Christopher, 1725 Laurel, stated that it is admirable that there are so many volunteers. He indicated his belief that the homeless clients of the Center have worn out their welcome in the neighborhood due to vandalism, loitering and verbal threats. He suggested that if the facility were not located in an residential neighborhood it would not need the policing.

Sue Ely, 1670 Bidwell Avenue, commented that there seems to be an overwhelming feeling of fear from the neighborhood. She added that homelessness is a scary thought and people do not want to be touched by it. She noted that she would like to volunteer time for the Center.

Mr. Garrett, a previous speaker, suggested that an additional condition be placed on the permit to ensure that at the end of the 90 day period, services will cease at that location. He stated that the applicant is talking of planning another place to move to, and one has not yet been found. He expressed concern that this application will come back for a permanent use.

Chair Monfort stated that they would have to come back to ask for an extension. He noted that there is a condition to end the use after the period of three months. It is within the applicant's rights to ask for an extension as a nature of the proceedings. Mr. Garrett stated that since they have been doing the use illegally, he would like assurance that at the end of 90 days they will not have to come back to the Commission and he would like that as a condition of approval.

Scott Hill, 1606 Laurel Street, expressed concern that the use has already been in operation for 30 days. He stated that he felt the foundation had been laid for a permanent use. He suggested that a good indication of the effect of this use on the neighborhood is the opinions of the neighbors from the location on Park Avenue. He stated that he does not feel the use is appropriate for the area, and that his children should not be intimidated by people in the neighborhood. He indicated that a better area for this type of use could be found.

Ray Yant, Captain of the Salvation Army, stated that the Salvation Army was founded to help the homeless. He indicated that there is a need to help these people. He noted that he was glad to have the facility to help meet the need of feeding the homeless, poor and those who are down and out. He stated that this request is for a short term use, asking for neighbors and the City to be compassionate and tolerant for 90 days and no longer. He asked that the neighbors call police, the Salvation Army, or the Jesus Center if they have a problem and that the person causing the problem would not be welcome at their feedings. He indicated that their purpose for providing the meals is to allow men, women and children to have a well balanced meal.

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Chair Monfort asked if the parking lot could be opened up for use. Capt. Yant replied that the lot is used as a basketball court and for other programs. He stated that it could be opened and used for off street parking whenever it is not used by the other programs.

Richard Peters, 2439 Alamo Avenue, suggested that if the armory or the fairgrounds were available, all these problems would be solved.

Tim McCarthy, 10486 Cohasset Road, chairman of the board of the Jesus Provides Our Daily Bread, stated that he would like to address some questions which have arisen. He confirmed that they will not be asking for an extension after the 90 days. He noted that the armory does not have kitchen facilities, and the Salvation Army does, which is why the site was chosen. He added that when the decision was made to move the services to the Salvation Army site, they did not know the extent of the damage to the permanent facility. The damage has recently been determined to be so extensive that they will have to rebuild. He further stated that some discussions have occurred to determine what can be done to move to another location. He noted that this is a temporary measure while they continue working with the community to find an adequate location. He stressed that there is no answer for a new, more permanent location at this time.

Commissioner Wright inquired what the Center plans to do after the 90 days. Mr. McCarthy stated that he believes that they will be able to find a new location in 90 days. He added that they have been given the an opportunity to relocate to another facility which is being considered at this time.

Commissioner Wright questioned if a use permit would be necessary at that location also. Mr. McCarthy responded that a use permit would be needed there also.

Commissioner Wright asked if they would be able to find another location in 60 days. Mr. McCarthy stated that they are looking for a temporary band-aid while finding a permanent location. He added that they are looking for something which is more permanent while they are looking for a permanent location or rebuilding the fire-damaged facility.

Mike Campos, 774 Hillview Way, stated that he has had tenants who have moved because of "dumpster diving" in the area in the past. He noted that the current tenants have indicated to him that they have not had a problem. He stated that he felt this is a service which are needed in the Community and this is a temporary situation. He suggested that the Center may continue to move around the community until a permanent solution may be found. He stated that monitoring is the most important issue which has been raised. He asked the Commission require monitoring as a condition of the permit.

Ms. Thoma stated that it is their hope that a temporary or more permanent solution can be found within 90 days, and hope to stay at that location until their building is rebuilt. She noted that several issues need to be addressed, regarding relocating the services, in addition to the day to day operations of the Center. She pleaded with the Commission that a 90 day permit be approved in order to allow time to find a location where the services would not impact the neighbors.

Chair Monfort inquired if a monitoring program could be organized with the volunteers and the Police Department. Ms. Thoma explained that at their Park Avenue location, they worked with the Police Department Community Outreach program to establish a program. The Police Department gave them training, provided a cellular phone to reach Dispatch, and would provide a volunteer to assist on the patrols. She stated that the program was to have been implemented the week after the fire occurred and felt that a similar program could be established for the neighborhood surrounding the

Salvation Army site. She emphasized that they have an outstanding rapport with the Police Department.

Commissioner McAdam inquired what type of patrols the Center has had since they relocated to the Salvation Army site. Ms. Thoma stated that patrols at this site do not consist of the Citizen Patrol, but rather staff and volunteers.

Commissioner McAdam verified that the patrol which they have had in the last 30 days is not trained by the Police Department. Ms. Thoma stated that the current patrols have not been trained by the Police Department yet. She noted that they have received commitments for help with the patrols from people.

Mr. Johnson, a previous speaker, stated that he has not seen any patrols in the neighborhood.

Mr. Garrett, a previous speaker, inquired what area would be patrolled, if it would be within a few blocks of the facility and if it would be only during mealtime hours. He asked who would be available to respond at 4:00 a.m. He stated that some of the problems are occurring while the clients are waiting for the meals and are loitering in the entire neighborhood.

Ms. Thoma responded that while she can not say that they can patrol at 4:00 a.m., they can possibly patrol one hour on each side of mealtimes and during meal times.

Wayne Cray, 1538 Park Avenue, stated that the neighbors have substantiated the problems which occurred on Park Avenue. He explained that the Center's use permit started as a variance for a thrift store. He indicated that it is licensed as a thrift store, not as a feeding facility. He reviewed the staff report for a variance request for a thrift center (1983); it stated that the eating use was not to be significantly expanded beyond what currently exists. At that time, there were two crock pots for food service, but now the Center is reportedly serving 40,000 meals annually. He indicated that the Center has gone through an evolutionary process and has not had to get City licenses, rather it has been allowed to skirt around legal parameters. He expressed concern that they are asking for 90 day permit, without exposing an alternative. He stated that he felt it would be difficult for progress toward a more permanent location to be made within 60 days and suggested that the applicants may be applying for another variance or use permit for the same site.

Mr. Gillander, a previous speaker, explained that the Jesus Center had to comply with the County Health Department regulations and the kitchen facilities are inspected on a yearly basis. He added that they are seeking a site with the necessary kitchen facilities.

Janet Conley, 2723 White Avenue, stated that in the past she had several problems, including Post Traumatic Stress Disorder and used the Jesus Center's services at that time. She indicated that she found that the Center was more than just a place to eat, that they assisted with finances, morale and other things to get back on her feet. She noted that she now has a home and her children. She added that she understands how people would not want their children around those who do not follow the disciplinary guidelines of the Center.

The public hearing was closed at 9:10 P.M.

Commissioner Studebaker asked if staff had received feedback from the Police Department on this use permit. Planning Director Sellers stated that the Police Department was a participant in the neighborhood meeting. He noted that the Police do work with the Jesus Center. He reviewed the

monitoring program which was to be implemented at the Park Avenue site. He stated that the Police Department is willing to participate in a similar program at the Salvation Army location. He added that such a monitoring program would have the most visible impact with proximity to the location and mealtimes.

Chair Monfort stated that he lives six blocks from a recycling center and has experienced similar problems.

Commissioner McAdam stated that there are good arguments on both sides and there is a consensus that there is the need for the services. She emphasized that the neighborhood's concerns have to be considered. She stated that the Jesus Center has expressed a willingness to be responsive to the neighborhood and is in the service to help people.

COMMISSIONER MCADAM MOVED TO APPROVE USE PERMIT NO. 96-3 FOR 90 DAYS FROM THE DATE OF THIS MEETING WITH THE CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT WITH THE ADDITION OF (1) THAT OFF-STREET PARKING BE MADE AVAILABLE, (2) MONITORING AND PATROLS BE ESTABLISHED DURING THE MEALTIMES AND ONE HOUR ON EACH SIDE OF MEALTIMES, AND (3) REQUIRE MONTHLY REPORTS CONTAINING INFORMATION REGARDING THE OPERATION OF THE FACILITY, THE NUMBER OF MEALS SERVED AND THE PROGRESS TOWARD FINDING A LONG-TERM LOCATION.

Chair Monfort suggested that Condition No. 6 be changed to read "according to a plan which the Jesus Center works out with the Chico Police Department." Commissioner McAdam agreed and added to the statement to include the neighborhood.

Ms. Thoma reviewed the process for the patrol plan established for on Park Avenue. She stated that they would work with the volunteers to establish a schedule and would provide notification of the plan to all those who were notified of this hearing.

Commissioner McAdam stated that she would want this plan and notification to be completed as soon as possible, as this is a 90 day permit.

Alan Dorr, 385 E. 12th Street, inquired how the revocation process would work if the Center fails to comply with the conditions. He asked to Commission to consider how monitoring of the area has happened.

Planning Director Sellers explained that the Municipal Code provides for a 10 day notice prior to a public hearing for revocation of a use permit. He noted that it can take an extended period of time due to the length of some public hearings.

COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Studebaker stated that as city grows, this type of problem will also grow. He noted that these people had to leave their location because of a fire, not by choice. He indicated that the political landscape seems to be supporting helping people through the private sector through services such as this. He complimented those who are helping the Jesus Center in their efforts.

Commissioner Belmonte stated that neighbors have expressed concern that there be a light at the end of a tunnel. He stressed that this is a 90 day request, and not longer. He stated that he will help and support the effort and encouraged others to do so.

Commissioner Wright thanked the neighbors for being considerate over the past 30 days, and stated that he would not vote to have this as a continuing site in the future.

Chair Monfort stated that this is a community problem which no one wants to have in their neighborhood. He stated that the clients may not be dangerous people. Statistics show that the disadvantaged may be more unpleasant, but not more dangerous. He indicated that he feels there is no alternative in this instance but to allow them 90 days to solve this problem. He suggested that the community needs to come up with a solution.

Chair Monfort called for a vote on the motion.

THE MOTION WAS APPROVED 6-0.

The Commission was in recess from 9:30 P.M. - 9:45 P.M.

4. **Use Permit No. 95-31 (Sainte Limited)** - A request to allow the modification of an approved use permit for a television station to operate in an existing building. The request is for two accessory buildings, an 8 foot wrought iron fence and wall, and to delete a previous condition requiring the removal of a non-conforming sign on property located at 300 Main Street, A.P. No. 004-151-004 and 025. This project has been determined to be exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act.

Planning Director Sellers reviewed the staff report. He noted that the conditions which were approved by the Commission were not included in the staff report. Regarding the request to delete the condition to remove the sign, he stated that the Municipal Code does not allow off-premise signs, and if a sign is abandoned or the business is not at the location for a period of one year, the sign is considered abandoned and must be removed. Staff recommends approval of all requests, except the removal of the condition for the sign, and that the Commission waive the requirement for additional architectural review.

Chair Monfort inquired why staff is supporting an eight foot high fence rather than a six foot fence. Planning Director Sellers replied that the higher fence will provide better screening for the storage sheds as well as better security.

The public hearing was opened at 9:50 P.M.

Chester Smith, Sainte Ltd, 31110 E. Lee Road, Escalon, stated that they had purchased the property with the understanding that they could use the sign. He noted that they had agreed to make the requested changes to the parking lot. He stressed that they would like to retain the sign as it was there when they bought the property. He stated that they felt that the sign was necessary as they are in the advertising business.

Commissioner McAdam stated that it was clear that the sign would be removed as part of the original use permit.

Naomi Smith, Sainte Ltd, 31110 E. Lee Road, Escalon, stated that they were not aware of that the condition until the day of the meeting. She noted that they did not address the issue at the last meeting as their realtor had indicated that the sign may be grand fathered in. She added that once they were aware of the condition to remove the sign, they decided to address the issue separately at a later date.

Chair Monfort inquired why an eight foot fence was requested.

Alan Thompkins, Chief Engineer for KCVU, stated that the architect had wanted an 8 and one half foot high fence as it would fit into the accessory structures. He noted that City code limits fence heights to eight feet. He added that the reason for the high fence that it allows the accessory building to be architecturally part of the fence as well as providing additional security.

Joseph Moss, 126-D W. 2nd Avenue, stated that he was in support of the 8 foot fence. He noted that a six foot fence can be climbed fairly easily.

The public hearing was closed at 9:55 P.M.

Chair Monfort reviewed that there are two large walls in the accessory buildings and the plats show the height of the buildings. He added that he is against the sign.

Commissioner Studebaker stated that a sign suggests that the business is at that location. In this instance the sign is off-premise with a toy store closest to the sign.

COMMISSIONER MCADAM MOVED TO (1) APPROVE THE MODIFICATIONS TO UP 95-31 WITH THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF FOR THE TWO ACCESSORY STRUCTURES WITH A MASONRY WALL AND WROUGHT IRON FENCE; AND (2) DENY THE REQUEST TO ELIMINATE THE REQUIREMENT TO REMOVE THE NON-CONFORMING SIGN. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. Discussion of Awning Signs and Portable Free-Standing Signs.

Planning Director Sellers reviewed the staff report and indicated that the report dealt with two types of signs. The first type of signs are portable, free-standing signs such as sandwich and menu boards. He stated that the Municipal Code currently does not allow temporary signs in any commercial districts. He indicated that staff supports the change to allow temporary free-standing signs. The second consideration is regarding awning signs. He noted that staff has recommended that the Code be amended to allow five sq. feet of signage per business per awning. He added that following discussions with Commissioner Carter and a downtown business owner, staff would support the allowable amount of signage to be 10 sq. feet per business not to exceed 10 percent of the total surface of the awning.

Commissioner McAdam asked if the "temporary signs" definition is such to suggest that there be a limited duration. Planning Director Sellers stated that it is not intended for a time period, rather as a portable sign for menu boards or folding boards. He noted that these types of signs are more oriented toward pedestrians than vehicles.

Commissioner McAdam inquired if such signs would impede pedestrian traffic. Planning Director Sellers replied that business owners know that to discourage anyone from coming into their business through having blocked sidewalks would be to their detriment. Planning Director Sellers also gave the example of sidewalk cafes now being allowed in the downtown area. He stated that he does not foresee a problem.

Chair Monfort suggested that as sidewalk cafes are restricted to private property, the temporary signs also be limited to private property. Planning Director Sellers explained that the cafes are required to submit a seating plan to show how the seating would not impeded traffic. He noted that this type of program would be harder to enforce and could be a widely used.

Chair Monfort agreed that if the allowable placement of the signs were open to both public and private locations, the signs could proliferate and become a problem. He added that signs placed near curbs may be more useful to attract automobile rather than foot traffic.

The public hearing was opened at 10:05 P.M.

Dick Peters, 2427 Alamo Avenue, presented pictures of an awning over four different businesses. He stated that, as the Code stands, 10 percent of awning area or 25 sq feet of signage can be used

per awning, which would allow signage for one business. He suggested that it be allowable for signage for up to 10 sq. feet per business. He stressed that signs are important to a business.

Randy Shelton, 525 Salem Street, president of the Downtown Chico Business Association (DCBA), stated that the DCBA supports the request to modify the ordinance for the awnings. He stated that the request does meet the intent of the original ordinance, which was to minimize sign clutter. He indicated that the DCBA did have considerable discussion on the temporary sign ordinance, which resulted in several different opinions but no final conclusion. He stated that some businesses were concerned about possible encroachment onto the public right-of-way, and other businesses were supportive of businesses attracting more pedestrian customers.

Commissioner Belmonte inquired what percentage of businesses have private property available to provide space for temporary signs. Mr. Shelton replied that most businesses in the area have a recessed doorway but the rest of the area would be in the public right-of-way. He added that there was some discussion of non-conforming neon signs and what limitations should be established on such signs.

Mary Andrews, 33 Amber Way, owner of a business at 240 Wall Street, stated that she has a free standing sign which she uses occasionally. She added that the sign does bring people into the business. She also suggested that signage underneath the awnings, signage on awnings, waste receptacles on sidewalks, and benches all need to be addressed. She indicated that the removal of bicycle parking on the sidewalk has left room for a bench way. She noted that the marketing committee of the DCBA, did not recommend specific standards for temporary signs but did determine that they did not want a neon sign attached to a temporary sign. She stressed that standards need to be developed to govern temporary signs. She recommended that the Commission ask the DCBA or have a subcommittee work on the concept. She indicated that she would happy to work with a subcommittee as would DCBA. She said that signage is very key to a business.

Chair Monfort suggested that a subcommittee could be established with the general issue of what should be done on sidewalks in the Downtown business district. Ms. Andrews replied that the subcommittee should also address signage on awnings. She noted that there was a master plan for the downtown which has not yet been formally adopted by the Council.

Chair Monfort inquired if Ms. Andrews was concerned with a potential of continued growth of sidewalk signs if they were allowed, creating visual clutter. Ms. Andrews stated that by nature this type of sign is temporary and if criteria were established to control the signs, there should not be a problem. She presented the example of Santa Barbara which has several sandwich board signs.

Commissioner McAdam verified that if the signs were restricted to private property, very few places would be able to take advantage of signs. Ms. Andrews replied that several buildings downtown are built to the property line and have no private property easement.

Commissioner McAdam stated that she would support looking into allowing temporary signs if there were some sort of balance established. Chair Monfort stated that the whole sidewalk streetscape would be appropriate for the City to have a task force to look into sidewalk issues downtown.

Planning Director Sellers suggested that as part of that discussion on the Downtown Streetscape Master Plan, scheduled for an upcoming Council meeting, it may be appropriate for the Council to

appoint a task force to consider implementation of that plan. He noted that if the sidewalks were considered by a separate task force, the group may not consider the entire picture.

Chair Monfort verified that the awning signs are a separate issue. Planning Director Sellers replied that the recommendation for Council consideration of an amendment to Title 19 with regard to the awning signs do not preclude the Task Force reviewing the issue. Chair Monfort agreed with Planning Director Sellers proposal.

Commissioner Studebaker volunteered to assist with a task force.

COMMISSIONER MCADAM MOVED APPROVAL TO DIRECT STAFF TO DRAFT AN ORDINANCE TO RECOMMEND THAT THE CODE TO BE MODIFIED TO ALLOW 10 SQUARE FEET OF AWNING SIGNAGE PER TENANT, NOT TO EXCEED TEN PERCENT (10%) OF TOTAL AWNING SPACE. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0.

Chair Monfort inquired if a recommendation to Council was necessary regarding a task force regarding the Downtown Streetscape implementation. Planning Director Sellers stated that if there was a consensus of the Commission, Commission comments will be incorporated into the staff report to Council. Chair Monfort verified that there was a consensus from the Commission.

6. Discussion of the Appeal Process and Report of Council Action

Planning Director Sellers noted that the Commissioner who had recommended this item be placed on an agenda was not present.

Commissioner Studebaker suggested that this item be continued to the next meeting.

Commissioner McAdam stated that on issues of particular controversy, the feelings and discussion by the Commission should be represented at the Council meetings. She suggested that an appointment of a Commissioner to attend a Council meeting on each controversial issue may be worth while to put forth the opinion of the Commission.

Commissioner Studebaker inquired how the rare occurrences where there is a 4 to 3 Commission vote, would be dealt with. Commissioner McAdam stated that both a minority and majority view should be present.

Commissioner Wright questioned what staff currently provides to the Council in the staff report. Planning Director Sellers stated that a staff report similar to the one provided to the Commission is provided to the Council which includes a section describing the Commission's action. The Commission meeting minutes are also provided.

Commissioner Wright stated that if a Commissioner were presenting a position to Council, then they would be advocating a particular position. Planning Director Sellers stated that the problem currently is that staff is representing the Commission's position.

Commissioner McAdam suggested that as opposed to advocating a position, the Commission is supporting or denying the position by voting on it. She noted that by representing that opinion, they would be expressing how the Commission reached the decision.

Commissioner Wright stated that there may be a perception that as a group the Commission is advocating a position, rather, in certain circumstances the Commission is regulated by rules which establish that vote.

Commissioner Belmonte stated that to represent a decision to the Council, a Commissioner may be representing personal views to the Council rather than a Commission consensus.

Chair Monfort stated that in the past, during his six years on the Commission, when members of a Commission would go to Council meetings, usually the purpose was to be available if the Council desired to review how the decision came to be.

Commissioner McAdam suggested this item be continued to allow further discussion.

Commissioner Wright stated that the Commission may not know what decisions would be appealed. Chair Monfort stated that members of the Commission receive copies of Council agendas on items being appealed. Commissioner Crofts stated that the items on the agenda were circled to draw attention to them and mailed to the Commission.

Commissioner Wright stated that he would like a report on the Council decisions.

COMMISSIONER STUDEBAKER MOVED TO CONTINUE THIS ITEM. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 6-0.

BUSINESS FROM THE FLOOR

Planning Director Sellers explained that the Council is meeting with Park Commission on March 18, thus canceling the Planning Commission meeting. He noted that the only date when the Council Chambers was available for televising the Bidwell Ranch hearing was March 21.

Commissioner Crofts verified that the date of the hearing would conflict with the League of California Cities conference. Commissioner McAdam asked how many Commissioners would be attending the Conference. Planning Director Sellers replied that Commissioner Crofts is the only Commissioner who has stated that she would attend.

Chair Monfort verified that the Commissioners would be available for the March 21 hearing.

Planning Director Sellers noted that the Final Environmental Impact Report (FEIR) and specific plan were due soon. He added that a staff report would be prepared and forwarded with the FEIR and specific plan within the next week.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 10:40 P.M. to a special meeting on March 21, 1996.

April 1, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF MARCH 21, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

REGULAR AGENDA

1. **Bidwell Ranch Specific Plan and Tentative Subdivision Map** - Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, and Final Environmental Impact Report. The Commission will provide a recommendation regarding specific plan adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel.

Planning Director Sellers stated that City Attorney Boehm was present to address questions relating to the settlement agreement, and Steve Centerwall, from the consultant firm Jones and Stokes which prepared the environmental document, was present to review the environmental document. He recommended the Commission continue the hearing to April 22, 1996, to provide time for review of the draft development agreement and subdivision report.

Planning Director Sellers reviewed the staff report which covered the history of the project, the specific plan, vesting tentative subdivision map, settlement agreement, and the Bidwell Ranch Final Environmental Impact Report (FEIR).

City Attorney Boehm reviewed the settlement agreement and requirements that several documents be completed and approved by the City prior to development. These include a development agreement and a specific plan. He advised the Commission to hear the public comment at this meeting, without taking any action regarding the specific plan and the development agreement. He noted that an April meeting will be held to provide the Commission the opportunity to receive additional testimony, make a recommendation to the Council on the specific plan, development agreement and certification of the environmental impact report.

City Attorney Boehm reviewed the settlement agreement. He noted that after the referendum on Rancho Chico, the sewer assessments on the property were in default and the City filed suit. The applicants asserted inverse condemnation in their cross complaint. The City did arrive at a settlement agreement with the applicants, at which time the cross complaint was deemed resolved if the City approved a project which meets certain criteria at some future date. He explained that if a proposal for the site which meets the criteria is denied after going through the approval processes, the developers have the opportunity to continue the inverse condemnation complaint. He reviewed the criteria for development established in the settlement agreement.

Planning Director Sellers stated that the applicant does not propose the 22 acre community park required by the agreement, believing that the condition was met with the development of the Wildwood Park site. He added that the specific plan does include a neighborhood park. He also noted that the junior high school site was deleted at the request of the school district.

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Chair Monfort asked if the specific plan does not meet all the criteria listed in the settlement agreement, can the applicant continue the inverse condemnation. City Attorney Boehm stated that if the criteria are not met, the applicants are not in a position to proceed with their suit. He noted that if less land is dedicated and approved by the City than is required by the settlement agreement, the applicants will not complain.

City Attorney Boehm stated that the Commission will be making a recommendation for the Council regarding this proposal in light of all the documentation and public testimony. Planning Director Sellers added that direction from the Council is for the Commission to provide a recommendation based on design and land use considerations and not be constrained by the settlement agreement.

Chair Monfort confirmed that the Commission will open the public hearing to receive public testimony on the specific plan and the FEIR. He inquired on the role of the development agreement. City Attorney Boehm clarified that the Commission is to make a recommendation to the Council on all three documents, though the development agreement has not been completed at this time. Planning Director Sellers added that the development agreement will set forth the guidelines for the implementation of the specific plan.

City Attorney Boehm stated that development agreements are provided for in the Municipal Code and state law. Such agreements allow the City and the developer to be more flexible in designing a project of this magnitude. Upon approval of a development agreement, a development is vested for the term of the development agreement.

Mr. Centerwall reviewed the scope of the environmental impact report analyses. He noted that the FEIR addresses 79 impacts, 23 impacts of which are identified as significant and mitigatable, 3 are identified as significant and unavoidable, and 53 are identified as less than significant. He identified the three significant and unavoidable impacts as changes in viewshed, traffic in terms of critical intersection operations (one intersection was found to have significant impacts and nine other intersections were found to have less than significant impacts), and air quality as ozone and PM10 emissions will result in significant/unavoidable impacts. He also reviewed the traffic analysis, which includes projected improvements such as the expansion of East Avenue and extension of Eaton Road. He noted that the analysis was based on the traffic model used for the City's General Plan. Project traffic would result in elevated PM emissions and noise which could not be mitigated in some areas due to the impact on neighborhoods on East and Marigold Avenues and was deemed significant and unavoidable.

Chair Monfort inquired if the assumptions in the traffic study concluded that any effect was made by the use of the bike and pedestrian pathways, and central commercial zoning within the project itself. Mr. Centerwall stated that the analysis did not include information on the impact of the bike path. He noted that the traffic analysis is a worst case analysis as those types of measures were not considered and the City-wide traffic model did not consider that information either.

Chair Monfort asked what is the limit on mitigations for air quality. Mr. Centerwall responded that the standard mitigation measures would not have an effect of reducing the significance of the impact. Planning Director Sellers added that those significant and unavoidable items in the FEIR were consistent with the findings of the General Plan Environmental Impact Report, and the Council did have to make overriding considerations of those impacts in adopting the plan.

Chair Monfort verified that in order to make a recommendation to the Council, the Commission will also have to recommend a statement of overriding consideration for those significant and unmitigatable effects. City Attorney Boehm stated that the Council is the entity which will make the

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requisite findings though the Commission can make recommendations for findings they consider appropriate.

Planning Director Sellers stated that any comments the Commission makes on the FEIR will be included in the report which will be provided to the Council. City Attorney Boehm noted that CEQA provides for a formal comment period, which the City is obliged to follow, and the legal comment period has expired.

Planning Director Sellers also noted that there has been a proposal to acquire the site as a mitigation banking area. The Council has expressed support for exploring this concept and has directed staff to work with interested parties to determine the feasibility of acquisition and identification of funding sources. He added that some correspondence has been provided for this meeting and more will be provided when received by staff.

The public hearing was opened at 8:30 P.M.

Nancy Praizlea, 1292 Dale Way, asked for a clarification of the process, and verified that she could make written comments.

Commissioner Carter noted that the hearing will be continued to April 22, which will also be a public hearing on this proposal.

Ms. Praizlea stated that she has two concerns. She stated that she felt the FEIR did not take into account the increased costs to public service at build-out, which the FEIR said would be addressed through the City's annual budget process. She expressed concern that the impacts could be so easily mitigated. She added that the schools and solid waste mitigations were not complete. She stated that it is not in the best interest of the public to have development next to Bidwell Park.

Vince Phelan, 3010 North Avenue, asked if the traffic estimates are dependent on a single point of access onto Manzanita Avenue, or a major artery to the planned Eaton Road extension. Planning Director Sellers responded that the traffic analysis was based on build-out of the project which does include the extension of Eaton Road.

Mr. Phelan inquired if a road is planned which will be the single means of access to Manzanita Avenue. Planning Director Sellers stated that it is an issue of phasing, and staff will be considering a phasing recommendation to determine which improvements need to be made at each phase. However, initially there will be a single access to Manzanita Avenue at East Avenue.

Faye Johnson, 1850 Vallombrosa Avenue, stated that there have been many changes in the wildlife and vegetation in the Park. She noted that the residents have been assured that development of the area will not affect Vallombrosa Avenue. She added that she felt that the wildlife and vegetation in the Park would be deteriorated by this project's development.

Gloria Bettencourt, 1366 Vallombrosa Avenue, stated that it is her belief that the Environmental Impact Report has not addressed the traffic problem on Vallombrosa Avenue. She questioned the logic of placing a large development next to the Park. She added that placing it next to a prime recreation area is unacceptable to the citizens of Chico. She stated that the effect of this proposal on Bidwell Park and traffic cannot be mitigated. She noted that the traffic will channel down Vallombrosa, East Avenue, Hooker Oak and Manzanita Avenues. Traffic lights will not mitigate the traffic generated. She suggested that the City needs to retain the area as a window to the foothills, as well as for the water recharge area and flood zone protection.

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Ms. Bettencourt verified with City Attorney Boehm that the Commission can recommend to approve this project, modify it, or can the recommend that the Council reject it. She asked Commission to reject the proposal.

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Tim Bousquet, 462 E. 3rd Street, compared figures from both the Bidwell Ranch DEIR and the General Plan EIR regarding traffic concerns. He stated that the lowest traffic volume and the safest situation is what is desired by those with children in affected schools. He reviewed possible traffic routes from the project area. He felt that the FEIR does not consider downstream traffic. He added that at Manzanita and Mariposa in the morning is the worst intersection affected by the project, and is not covered in the FEIR. He stated that the FEIR ought to be rejected because it does not take into account the current and anticipated traffic volumes. He also noted that Vallombrosa is designated as a scenic route in the General Plan.

Mr. Bousquet inquired if the settlement agreement was approved in a public meeting. City Attorney Boehm stated that the agreement was recommended by staff to the Council, though he will have to check the record to verify that it was approved in a public meeting.

Mr. Bousquet stated that the voters overwhelmingly defeated the project and the Council approved an agreement with the developers. City Attorney Boehm emphasized that the settlement agreement does not require the Council to approve any particular development proposal.

Mr. Bousquet stated that the FEIR could be rejected by the Commission and Council if the traffic analysis does not meet required standards.

Planning Director Sellers pointed out that the traffic analysis was based on the traffic model, which is a standard model used by staff for planning purposes.

Commissioner McAdam questioned Mr. Centerwall regarding the traffic model. Mr. Centerwall stated his firm modified the traffic model to meet the needs of a project specific environmental impact report and included all the assumptions of the City model. He noted that his firm has had numerous reviews of the model with the City's Traffic Division and Planning Division. Commissioner McAdam inquired if the model assumes all the planned improvements and street widenings are completed. Mr. Centerwall replied that the planned traffic improvements which are currently scheduled for completion by the City were included.

Chair Monfort stated that the General Plan specified certain levels of service, and that developments should be phased so as to not change the accepted level of service for an intersection. Planning Director Sellers stated that the capital improvement program for street facilities is intended to meet cumulative demand for traffic improvements. Based on level of service or priorities, improvements would be built, but not necessarily because of a specific project.

Commissioner McAdam inquired if staff is going to make a recommendation for a second point of access. Planning Director Sellers clarified that at some point in the development, staff will recommend that additional off site access points be used. Development will tie across the diversion channel at a certain point through the Eaton Road extension.

Patrick Kelly, 900 E. 19th Street, reviewed the four impacts to wetlands sources which are considered significant in the FEIR. He inquired about the conceptual mitigation plan. Mr. Centerwall stated that the mitigation plan was called conceptual as it is in the process of being approved by the Army Corps of Engineers and the Fish and Wildlife Service.

Mr. Kelly suggested that a fixed mitigation plan be used for a CEQA impact rather than a conceptual plan which may be changed.

Mr. Centerwall noted that the assumption made in the CEQA document, though the precise method to mitigate not been finalized.

The Commission was in recess from 9:05 P.M. to 9:20 P.M.

Planning Director Sellers stated that the representative for the applicant has noted that the conceptual wetland plan has been approved by the Army Corps of Engineers.

Carl Johnson, 1850 Vallombrosa, stated that Vallombrosa is an undersized street and agreed with the traffic concerns speakers had previous addressed. He inquired if the schools will be funded as there has been trouble passing bonds for schools and citizens are feeling over-taxed. He noted that the City will have to spend money to support this development through sewers, water, traffic impacts, as well as fire and police protection.

Chair Monfort stated that the FEIR answers those questions through fees, taxes and similar funding mechanisms, as the project must pay its own way. Planning Director Sellers added that any taxable property will generate revenue; how those funds are allocated is a discretionary matter for the Council. The fees are the same as other similar developments.

Mr. Johnson stated that he felt there needs to be an update of the traffic model on Vallombrosa since the stop signs have been installed. He also suggested that traffic counts be done during peak good weather times.

Glee Clark, 1626 Manzanita Avenue, stated that the deterioration of Bidwell Park is noticeable when compared to the Park in the 1930's. She added that the Manzanita and East Avenue intersection will have a dramatic increase in traffic once the proposed development is built. She added that she agrees with prior speaker concerns regarding traffic.

Laura Jacobson, 1618 Locust Street, stated that she is concerned with this project being so close to the Park. She indicated that the public would like to turn onto Wildwood Avenue and be in a natural setting. She noted concerns regarding construction impacts on wildlife and park users, and the existing neighborhood. She added that while traffic on Manzanita and Wildwood Avenues has already increased, it will be more impacted once the construction begins. She stated that she felt it was unacceptable to decrease air quality. She stated that the cost of public services will not be paid for by the development. She indicated that if given the option for added taxes for more fire and police protection, she would rather pay taxes to purchase the land for the public to enjoy. She recommended the Commission reject the Final Environmental Impact Report and consider what this development would do to Chico.

Chair Monfort inquired if, according to the settlement agreement, should the developer pursue the suit against the City, one consequence may be that the City would have to purchase the property. City Attorney Boehm responded that a judgement against the City would be possible in the event that the property owner were precluded from using the property for any economic use. He noted that the property is encumbered by a sewer assessment, which the owner would be obligated to continue to pay in the future. He noted that when the matter does come before the Council, he will articulate those concerns.

Chair Monfort asked if the sewer fees are a separate issue. City Attorney Boehm replied that the sewer fees can be considered another dimension of the problem. Chair Monfort noted that the

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previous speaker testified that the public may be willing to pay more taxes in order to purchase the property. City Attorney Boehm stated that it could become necessary for the City, through the taxpayers, to acquire the property. He noted that it would be necessary for a two-thirds voter approval for a general obligation bond measure to have the funding for such a purchase.

Roxanne Jenson, 11 Noyo Court, stated that she is a freshman at Pleasant Valley High School, which is the largest class to enter the school. She expressed concern that the project will increase the population of the school. She added that she does not want additional traffic on East Avenue.

Jerry Olio, 2593 Cactus Avenue, expressed concern regarding the inverse condemnation suit, and stated that there was an advisory vote prior to the referendum which should have precluded the Council establishing such an agreement. He suggested that another advisory vote may be necessary. He stated that he is convinced that the people do not want a project of this size at the site. He suggested that the Commission look at the location.

Shelley Jenson, 11 Noyo Court, expressed concern that the Commission did not question the FEIR and why the proponents have chosen to delay their presentation until after other comments. She noted her belief that exposure to a lawsuit is not a good reason to make a decision to approve this project. She expressed concern that the name for the proposal, suggesting that it is the Bidwell Ranch, is a desecration of Chico's founders. She urged the Commission to consider that the public interest is also governed by common sense not just the General Plan. She added that if the development is approved, there will be another referendum.

Chair Monfort noted that the General Plan was approved by the Council and worked on by the community.

Bill Johnson, 1174 E. 7th Street, stated that while there is a tenacious group who oppose this project, this project does not resemble what was voted down in the referendum before. He pointed out that if this proposal is approved, it will be built over a period of 15 years, thus impacting traffic gradually over a period of time. He stressed that over those 15 years Chico will continue to develop in many ways. He stated that he feels that this project is well planned. He noted that Bidwell Park does have borders and must not be allowed to expand to all adjacent property.

Steve Hackney, 3 Merle Court, noted that he was speaking as a private citizen, not any other agency or organization. He stated that there are aspects of this project which have merit and incorporate many improvements over past versions. He expressed concerns that he had made comments regarding traffic in the DEIR, and while those comments were addressed in Chapter 5 in FEIR, the issues have not changed. He indicated his feeling that this document, in the area of traffic, is inadequate. He stated that he had identified these inadequacies for the DEIR. Significant traffic impacts still are not addressed in the FEIR. The consultant on the FEIR has refused to address those impacts adequately. He suggested that based on the FEIR traffic impacts, the Commission should determine this document is inadequate.

Chair Monfort reviewed that Mr. Hackney's remarks at the hearing for the DEIR dealt with cumulative impacts. Mr. Hackney clarified that the traffic analysis did not take into account the cumulative impacts to include Foothill Park East or other future developments. He stated that the project will affect Marigold and East Avenue traffic patterns. He noted that the FEIR has to be adequate and address those factors.

Chair Monfort stated that the traffic model uses the figures which anticipated growth of Foothill Park East and other future developments. Mr. Hackney stated that East Avenue will be widened to six

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lanes according to the EIR, as well as Manzanita widened to four lanes. He inquired if development of the 1500 units is to be phased to correspond to the road improvements which will occur and if the costs of the improvements would be the responsibility of the applicant. He also inquired if the City would be responsible for widening Manzanita Avenue when part of it is in the County.

Barbara Vlamis, Butte Environmental Council, inquired what will occur with the public comments from this meeting. Planning Director Sellers replied that both the verbal and written comments will be forwarded to the City Council, along with any Commission recommendations.

Ms. Vlamis asked what the status is for the storm water management plan and if a completion date has been anticipated. Planning Director Sellers replied that the City is waiting for completion of the FEMA report on flooding to be used in the management plan preparation.

Ms. Vlamis inquired if the 1994 Air Quality Attainment Plan has been adopted. Commissioner McAdam replied that it has been adopted locally and has been forwarded to the EPA and the State Air Quality Resources Board, possibly to be included in the State's plan.

Ms. Vlamis inquired if the 404-B1 Wetlands Permit has been issued. Planning Director Sellers noted that status of the permit will be verified for the April meeting.

Ms. Vlamis inquired if a final resource management plan had been submitted. Planning Director Sellers stated that since the application was filed prior to the adoption of the General Plan and RMP was not required. However, in looking at the requirements for a resource plan, the constraints analysis and the specific plan address most if not all of the components necessary for a resource management plan.

Ms. Vlamis quoted from the DEIR, Table 16-10, where a mitigation measure stated that the refinements will be required in the final resource management plan (RMP). She stated that a final RMP should be required.

Commissioner Studebaker stated it was suggested that the City purchase the land and Ms. Vlamis was working with staff to search for alternative resources to fund the purchase. He asked for a status update. Ms. Vlamis stated that she has worked with staff, looking at options for purchase of the properties and noted that there are potential funding mechanisms. She stated that a package still needs to be put together.

Mike Borzage, 1662 Vallombrosa, stated that he was concerned that there is a model of public interest reflected by the General Plan. He suggested the Commission use caution when relying on computer models as they are not always the ideal perfect model. He stated that the traffic model suggests that there is the potential for 741 cars per hour on Vallombrosa. He provided a perspective on that number as it would be 1 car every 5 seconds, which would allow residents along the street 2.5 seconds to back out of their driveways and merge to 35 miles per hour. He noted that since the property has been used for grazing, the name Bidwell Ranch may be because it is a ranch and if it were to continue as a ranch it would not be denying economic viability to that property.

Chair Monfort verified that the traffic impact is measured as being significant if it affects the established level of service. Mr. Centerwall stated that it is a level of service conclusion on how the intersection would operate at a rush hour. He clarified that the FEIR does not imply that traffic will not increase, rather that the improvements which have been planned will accommodate that traffic.

Mr. Borzage stated that the computer model has East Avenue expanded to six lanes. There may not be room to expand East Avenue to that extent, given the proximity of the existing homes. He suggested that this document does not express the impacts on the existing residents.

Commissioner McAdam pointed out that there are a number of different ways to assign a level of service for a road: by peak hour, average daily traffic, and qualitative measures for preserved congestion. Mr. Centerwall stated that they used the City accepted method of peak hour traffic. Commissioner McAdam stated that other methods are just as valid.

Chair Monfort inquired if Director of Public Works Ross will attend the next meeting. Planning Director Sellers assured him that Director of Public Works Ross will be at the next meeting.

Chair Monfort stated that the traffic models are constructed to make it easy to drive, not to live.

Patrick Newman, 1614 Spruce Avenue, stated that as long as developers continue to design cities as they have, people will continue to have the need to drive everywhere. He questioned the zoning as the General Plan designates some of the area as open space. Planning Director Sellers responded that it was recognized that there were significant environmental constraints on the site which needed to be addressed and mitigated.

Mr. Newman stated that because the General Plan says something can be built on the site does not mean something must go in there. He suggested that growth be slowed until more sane transportation is available. He stated that an automobile dependent project is not in the best interest of the community.

Doug Fogel, 1364 Filbert Avenue, reminded the Commission that recently the Council purchased an extension to Bidwell Park to preserve a viewshed. He suggested that one of the problems with this development is that it will impact the viewshed. He suggested that it would be inconsistent to deny the importance of one viewshed when the other direction has been protected.

In regards to traffic flow, Mr. Fogel stated that additional traffic equates to increased noise and air pollution proportionately. He indicated his concern that quality of life, including wildlife, will be impacted. He suggested that the traffic will increase in speed, thus impacting safety and quality of life.

Lee Altieu, 1927 Manzanita, stated that he enjoys riding his bike to work and the quality of life in Chico. He expressed opposition to the proposal. He stated that he feels threatened by the projection of heavy traffic patterns. He asked the Commission to consider declining to approve this project based on its effect on quality of life.

The Commission was in recess from 10:30 P.M. to 10:40 P.M.

Chair Monfort stated that several people approached him during the break to voice their disapproval of the project on the basis already entered into the record. He noted that he suggested the people may sign-in with the secretary and note their opposition. Four people signed-in.

Reed Farrell, 2602 Navarro Drive, stated that he will give staff his letter of opposition, to be discussed at next meeting. He reminded the Commission that the project is in direct line with the CDF tanker flight path. He inquired if the developer is insured to cover the homes if a plane crashes.

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Chair Monfort stated that there was a comment regarding air impacts. Mr. Centerwall stated that the Airport Noise Contours do not cover the Bidwell Ranch site.

Bill Brouhard, 2097 Penny Royal Drive, project manager, stated that he appreciated the comments, some of which he has heard before and some of which are new. He noted that he was available to answer any questions the Commission may have.

Chair Monfort asked Mr. Brouhard to address Mr. Hackney's comments regarding traffic mitigations. Mr. Brouhard stated that the widening of Manzanita Avenue and the bridge over Lindo Channel is proposed by the City regardless of the Bidwell Ranch project.

Mr. Centerwall explained that the traffic analysis includes the assumption of signalization of Manzanita and Vallombrosa. Planning Director Sellers stated that staff will review that assumption for the next meeting.

Commissioner McAdam stated that there is a plan to widen Bruce Road to four lanes out to SHR 32 as part of the overall Chico Transportation Plan.

Commissioner Studebaker questioned the public transit facilities section on page 626 of the FEIR, which stated that the project should be part of an assessment district to help fund transit facilities in the area. Planning Director Sellers replied that the intent of the mitigation is to recognize that at some time in the future it may be necessary to help fund transit facilities through such a district. He noted that as in the case of many of the impacts associated with development, they are not specific to the project, but rather the cumulative use. Staff is anticipating that hard decisions will have to be made to fund transit facilities.

Commissioner Studebaker stated that he does serve on the Transit Committee, which is concerned with the fact that dollars are scarce. He noted that he would like to address that issue at the next hearing. He expressed concern with the school situation and the school district's comment that a location for a junior high would not be necessary in the project area. Classrooms are currently impacted at existing high schools. He added that the voters have not approved school bonds.

Chair Monfort noted that the school board was willing to take money through school fees for the development.

Commissioner Carter asked that the Commission be provided with all previous Commission minutes where this has been a topic, as well as additional follow-up to Ms. Vlamis questions. He inquired if this site is an overflight zone for the airport.

Planning Director Sellers inquired if Commissioner Carter was referring to the minutes from the 1994 hearings. Commissioner Carter responded that he was referring to the minutes from 1995 at which the DEIR was discussed. Planning Director Sellers noted that the minutes in question were included in the Commission's information prepared for this meeting. He noted that there was an additional workshop from which the minutes will be provided.

Chair Monfort reviewed the information to be provided to the Commission for the next meeting include review of the airport overflight zone, the need for a resource management plan, the storm drainage system, air quality impacts, resource management areas, and the minutes from the previous workshop discussing the DEIR.

BUSINESS FROM THE FLOOR

None.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 P.M. to the Regular Meeting of April 1, 1996.

May 6, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF APRIL 1, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Senior Planner Ken Milam, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. Minutes of Regular Meeting of March 4, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Carter noted that he would be abstaining from Item No. 1 as he was not present at that meeting.

2. **Amendment to Title 19, Land Use Regulation of the Chico Municipal Code** - A proposal to amend Chapter 19.40 entitled "R-2 Medium Density Residential Zoning District," to include "Group care facilities and health care facilities," as uses permitted in the district subject to use permit.

Requested Action: Recommend City Council adoption of the proposed Title 19 amendment.

3. **Amendment to Title 19 Land Use Regulation -Sign Standards -Awnings Signs** - A proposal to amend the sign code for awning signs on buildings with multiple lease space or shops, to allow 10 square feet of awning sign area per tenant.

Requested Action: Recommend City Council adoption of the proposed Title 19 amendment.

COMMISSIONER MCADAM MOVED APPROVAL OF THE CONSENT AGENDA. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED WITH COMMISSIONER CARTER ABSTAINING FROM ITEM NO. 1.

REGULAR AGENDA

4. **Rezone No. 95-3 (The FHK Co.)** -A request to rezone approximately 11 acres located at the northeast corner of East and Mariposa Avenues, Assessor's Parcel No. 048-061-(046-050), containing an existing shopping center, from N-C Neighborhood Commercial to C-1 Restricted Commercial and modify the conditional zoning agreement to facilitate the development of a wider range of commercial uses including fast-food restaurants with drive-through facilities. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Belmonte stated that he would abstain from this item as he is a local operator of McDonald's in Chico.

Sr. Planner Hayes reviewed the staff report, the background of the site, and the current request to rezone the site to C-1. He noted that staff requested that the environmental document and traffic study be prepared. The traffic study and analysis suggest that Level of Service for the facilities for the area would predominantly remain at their current levels with the build out of the center. At the time the original conditional zoning agreement was established, the Council and Commission were very concerned about the extension of intensive commercial uses in that area, giving reluctant approval of any commercial land uses being added on East Avenue and conditions were set in order to maintain the area as a neighborhood center.

Sr. Planner Hayes stated that the center has a neighborhood character at the present time, though staff is concerned that the full range of commercial uses that could be established at that center over time if the C-1 designation were approved. He added that staff is also concerned with the possible development of drive through facilities in the area. He noted that the conditional zoning agreement included a condition that the pad buildings to be placed close to the sidewalk in order to screen the parking lot and give the impression of "village-like" pedestrian center. Drive through facility traffic patterns require vehicles to go around the buildings, which would also change the character of the center. He indicated that if the Commission's recommendation is to retain the PD/N-C Planned Development Neighborhood Commercial designation, a motion for such should include denial of the request for C-1 Restricted Commercial.

Commissioner Wright inquired about the types of businesses that would be allowed in C-1 Restricted Commercial which are not allowed in N-C Neighborhood Commercial. Sr. Planner Hayes responded that any retail use would be allowed, such as import goods, recreational activities, and businesses which would draw from throughout the community. He noted that businesses are also limited in size in an N-C district.

Commissioner McAdam inquired if she should direct questions regarding the traffic and air quality study to staff. Sr. Planner Hayes responded that the traffic engineer is present to answer any questions.

Chair Monfort asked Director of Public Works Ross if, when looking at environmental impacts for traffic, the City only is looking at the effect on level of service. Director of Public Works Ross explained that the level of service considers how the action would impact the surrounding areas and the site. Chair Monfort verified that the environmental impact is then defined by level of service.

The public hearing was opened at 7:50 P.M.

Carl Leverenz, 515 Wall Street, attorney for the managing owner, stated that the issue is the rezone. He noted that there are individuals present from McDonald's as they are interested in processing a use permit for a drive through at the site on a pad owned by Wells Fargo. He noted that his client has a proposal for the site to locate a Payless Drug Store which requires a drive through for pharmacy prescriptions. He

indicated that while he agreed with staff, he reached different conclusions. He stated that it is an ideal location to meet all General Plan policies and that the center will not lose the current neighborhood orientation as the facility is essentially established. He noted that his clients want to be given the opportunity to process use permits for Payless and McDonald's drive throughs. All of the concerns, especially those relating to bicycles, are already built into the location in the traffic patterns already established. He noted that there will be a need, if the applicants are to be successful with a use permit application, to show that drive through facilities can be screened and mitigated. He stated that if the Commission votes to recommend against the rezone on the reason of allowing drive throughs, it should be stated in the motion so the Council will understand that drive throughs are an issue. He noted that the proposal for this type of center attracts service providers, not major retail businesses. He asked that potential drive through owners be given the opportunity to process a use permit.

Commissioner McAdam asked staff if the proposals for development mentioned by Mr. Leverenz would be allowed under the Neighborhood Commercial designation. Mr. Leverenz stated that allowing drive through facilities are important to the applicant as Payless will consider moving onto the site only if they can have a drive through. He noted that if the site is rezoned C-1, they can process a use permit for a drive through facility.

Commissioner McAdam verified that a zoning change to C-1 is of no consequence for the development of a Payless at that location. Mr. Leverenz replied that the rezone is the first step to process a use permit for a drive through on the site. He stated that he could not go into detail because the issue is not whether or not to allow drive through facilities, but rather is a rezone. He added that other businesses, such as restaurants, are larger than the 2,500 feet allowed in the N-C Neighborhood Commercial zones.

Commissioner McAdam reviewed the locations of both Payless and Thrifty retail chain stores in the Chico area. She suggested that another store may result in over saturation of the market. Mr. Leverenz responded that Payless has completed a marketing study which confirms that a Payless can operate profitably at that location with a drive through. He indicated that the size of facility would be substantially smaller than their other stores in the area. He added that the type of business which Payless draws does tie into the neighborhood atmosphere.

Tom Ferrara, traffic study engineer for FHK, stated that he was available to answer questions.

Commissioner McAdam reviewed and discussed the traffic figures and assumptions used for the traffic study with Mr. Ferrara. Mr. Ferrara explained that he used figures from existing McDonald restaurants in the area as he felt it would more accurately reflect the use of fast food restaurants in Chico. He summarized studies which had been done on the proportion of passby trips for similar centers and estimated the number of pass-by trips and single-destination trips. He stated that he felt the estimate concurs with the original 1980 estimates on traffic.

Chair Monfort inquired if it was possible to estimate the impact that the high school traffic would have on the area. Mr. Ferrara stated that a McDonald's restaurant does generate a lot of traffic during the noon hour. He indicated that one McDonald's restaurant generates 240 trips per day at the noon peak hour, which would be representative of what would occur. He added that the baseline was established by sampling the existing McDonald's in the area during peak hours over a period of days.

Commissioner Wright inquired, based on Mr. Ferrara's observation of the other McDonald's restaurants, how many cars can be processed during the noon hour. Mr. Ferrara explained that the projections for trip-ends are for all vehicles which come to the restaurants, including deliveries and employees.

Sue Green, McDonald's Corporation, 1750 Howe Avenue, Sacramento, stated that 70 percent of McDonald's customers are coming from home, work or shopping centers. She noted that their survey shows that the restaurant can survive on with smaller buildings to service smaller neighborhoods and

areas. She explained that changes in society have brought about the popularity of drive through restaurants. Nationwide the amount of their business generated by the drive throughs has risen to 50 to 57 percent of their total business. As for the site location at Mariposa and East Avenues, the corporation feels that it can succeed in a neighborhood center with a local grocery store and a varied tenant mix. She added that she has spoken with representatives from the high school who would like a drive through in the area. She stated that she has observed that high school students currently do walk to the center during lunch hours. She stated that while McDonald's Corporation would like to come to the Commission for a use permit, though they are now supporting the request for a rezone.

Chair Monfort inquired if McDonald's would be willing to build at the location without a drive through. Ms. Green explained that sales are down in the restaurants which were set up with retail walkup windows as a sample to see what impact not having a drive through would have. Chair Monfort reviewed that some metropolitan areas have McDonald's restaurants without drive throughs. Ms. Green responded that the Corporation has stated that they will not build more retail restaurants without drive throughs without certain circumstances such as in an airport.

Commissioner Wright inquired how many cars can be processed by a drive through during a lunch hour. Ms. Green stated that they could not specifically establish that amount. Commissioner Wright stated that his concern was that the facility will only accommodate a certain number of cars per hour no matter what traffic is generated.

Sarah Proctor, 2415 Ceanothus Avenue, stated that she is currently a senior at Pleasant Valley High School. She informed the Commission that Safeway does have a pharmacy, and reviewed the proximity of Payless, Terrace Rexall, Walgreens and Thrifty, all within a few miles of the site. As for how the presence of a McDonald's would impact the high school, currently she has observed that students frequently drive to Safeway during their lunch break. She expressed concern with the projected increase of students at the high school to 2,100 students, mainly freshman who do not have drivers licenses. As for the McDonald's representatives statement that the high school said that they would support McDonald's building in the area, she stated that she would verify that the issue has not been brought up to the student body.

Ms. Green stated that she had spoken to principal and the Board of Education.

S. G. Buckland, 1389 East Avenue, stated that prior to Safeway being built in the area, the high school students would walk to 7-11 at Floral and East Avenue. He noted that most of the traffic in the area at lunch time is pedestrian, and Chico Police Department does patrol the area regularly. He indicated that if the students had other places to go they would not have such an impact on the Safeway center. He stated that he does not feel it would be a detriment to have more fast food restaurants in the area. He noted that traffic has improved with the installation of the stoplight on East Avenue and that he does not believe the traffic would get worse.

The public hearing was closed at 8:40 P.M.

Commissioner McAdam stated that she was impressed with the staff report. Commissioner Carter stated that he found the report to be one of the better staff reports the Commission has received. He noted that the staff analysis reviewed all factors, including General Plan conformity, both for and against the request.

COMMISSIONER CARTER MOVED TO DENY REZONE NO. 95-3 (THE FHK CO) AND RECOMMEND TO COUNCIL THAT THE AREA MAINTAIN PD/N-C PLANNED DEVELOPMENT NEIGHBORHOOD COMMERCIAL ZONING WITH THE ESTABLISHED CONDITIONS REMAINING IN PLACE. COMMISSIONER MCADAM SECONDED THE MOTION.

Commissioner Wright stated that he would not vote in favor of the motion. He stated that the main issue to question was if the character of the operation would be changed by having a C-1 Restricted Commercial, designation rather than N-C Neighborhood Commercial. He indicated he does not feel that he has been impacted by living close to the Park Plaza shopping center which is zoned C-1. He noted that C-1 Restricted Commercial, does allow for the application of a use permit to allow a drive through, at which time the problems and appropriateness of the use can be established.

Chair Monfort stated that he will vote in favor of the motion. He suggested that the Commission has few chances to envision a neighborhood commercial center to establish if such a center can viably function. He noted that the General Plan encourages neighborhood centers.

Commissioner Studebaker stated that the Park Plaza area is different than this site due to the close proximity of the high school. He suggested that additional traffic problems may occur by students trying to get there before other students.

Commissioner Wright noted that whether a restaurant facility is there or not, the site will continue to draw the high school students.

THE VOTE ON THE MOTION WAS 5-1-1 (COMMISSIONER WRIGHT DISSENTED AND COMMISSIONER BELMONTE ABSTAINED.)

The Commission was in recess from 8:45 - 8:50 P.M.

5. **Tentative Vesting Subdivision Map S-94-11 (Holdgraffer)** - The proposed project consists of a Use Permit for a Planned Development and a single family residential subdivision to create 23 residential lots and one office lot. The project was conceptually approved by the Planning Commission on March 6, 1995 with a requirement to provide a wetlands delineation study on the property. The study has been completed and the results have been included within the environmental review for the project. The proposed project is located at 2369 Ceanothus Avenue in R-1 and RP districts. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act (CEQA).

Sr. Planner Milam reviewed the staff report. He noted that the main reason the item was continued previously was to review the wetlands area on the property. He stated that the wetlands cover approximately 0.14 acre, which resulted in a mitigation measure to require \$1,400 to a wetland banking program, preferably the Butte County Wetlands Mitigation Bank. He noted that the second area of concern was possible toxics contamination. According to the Butte County Health Department and the City of Chico Fire Department, there is no reason to believe that the chemical fire that occurred in 1983 contaminated the soils on the property. He added that the pedestrian access to East Avenue is not included in this proposal, as the Commission removed the requirement at their February 26, 1995 meeting.

Commissioner Carter expressed concern that there may have been some soil contamination of this property either from the fire or other occurrences. Sr. Planner Milam stated that Butte County Health Department has stated that there is no evidence of toxic material in the property.

Commissioner Carter asked Assistant City Attorney Barker if the City would be held liable if there are toxic materials on the property. Assistant City Attorney Barker replied that she would need to research the subject.

Commissioner Carter questioned why there was not through connectivity through the lot or to East Avenue. Commissioner McAdam stated that because of the proximity to the high school, there was the concern that access onto East Avenue would result in a large number of high school students onto East Avenue, leaving them mid-block onto East Avenue, creating safety hazard.

Commissioner Carter asked the purpose of the area on the north edge of the access entrance, Lot B. Commissioner McAdam explained that the area would be landscaped with vegetation, which would prohibit loitering. Sr. Planner Milam added that Lot B was partly established due to the shape of the original lot. Lot B will also accommodate extra parking which is necessary for the small lot subdivision.

Commissioner Carter verified with staff that the project will have park strips along both sides.

The public hearing was opened at 9:10 P.M.

Mark Risso, MER Consulting, 468 Manzanita Avenue, urged the approval of this project. Mr. Risso stated that they had reviewed the possibility of a toxic problem and none was found.

Commissioner Carter inquired which types of toxic studies were completed. Mr. Risso stated that he had contacted the Butte County Health Department and the City Fire Department. Both organizations indicated that there was no spilling from the chemical drum and there is no apparent reason to suspect toxic contamination on the property. He clarified that no Phase One or Phase Two study has been completed.

Susan Proctor, 2415 Ceanothus, stated that the traffic coming onto Ceanothus from the project will be dangerous as the Pleasant Valley High School parking lot entrance is directly across Ceanothus from the proposed street. She stressed that there are other activities at the high school during non-school hours which will impact the traffic flow. She noted that the original staff report had indicated that 250 daily traffic trips will result from the project. She stated that she felt that the proposed density is too high for a 4.5 acre parcel. She expressed concern that the prior map did not indicate there was to be a house in front of the trees on the corner of Ceanothus, which the current map reflects. She stated that there has never been a traffic report completed on Ceanothus. She added that the traffic light at East and Marigold does not help in regard to the school parking lot onto East Avenue. Instead, students are driving onto Ceanothus to avoid taking a left turn onto East Avenue.

Sarah Proctor, a previous speaker, stated that the high school students either exit the parking lot on Ceanothus to go toward downtown or go toward Kimberly Lane to ultimately meet the Mariposa/East Avenue traffic light to turn left onto East Avenue. She noted that the impending growth of Pleasant Valley will impact parking and traffic in the area, thus affecting the traffic flow for this development.

Mabel and Robert Smith, 1456 Keri Lane, stated that seven homes on Keri Lane will share a fence into this project. Six of these homes have a 16 foot clearance from the home to the fence. Mrs. Smith expressed concern that her home will have a five foot clearance after the new construction has been built. She stated that she felt the project will ruin the value of her home by putting another home five feet from their back fence. She noted that the neighborhood is concerned with this proposal, particularly in regards to the density of the proposal. She added that 33 people signed a petition stating that this proposal has too high a density. She indicated that Planning Director Sellers had told her that he would request that a 15 foot setback be placed between the homes in the project and the existing fence line. She requested that the 15 foot setback be enforced.

Commissioner Carter requested staff review the setbacks. Sr. Planner Milam stated that the Commission was provided with one tentative map showing the lot lines only and one tentative map showing the building footprints. He explained that the Smith parcel is adjacent to Lot 13 on tentative map. The building footprints appear to be scaled to reflect the building being placed 15 feet off from the common line. He suggested that the Commission could place a condition on the map requiring that there be a minimum of 15 feet between the lot line and building footprint.

Commissioner Carter inquired if there were any footprints placed within 15 feet of the lot line. Sr. Planner Hayes responded that there is a minimum of 15 feet and a maximum of 20 feet from the footprints to the lot lines.

Ms. Smith stated her belief that while older buildings cost the taxpayers in taxes, overcrowding causes pollution and stress.

Teresa Hildebrand, 1486 Keri Lane, stated that the former owner of the property did do backhoe digging at night, which led to the belief that there may be a toxic spill on the property. She indicated that Marigold School may be converted into additional buildings for Pleasant Valley High School. She stated that once that occurs, the children in the area will have to be bussed elsewhere. She noted that since the lots on Keri Lane are not deep, there will be 2 to 2.5 houses built behind each of the homes on Keri Lane. She stated that she felt the proposed houses are too close together.

Carol Levensaler, 1492 Keri Lane, reviewed a report which the neighbors prepared and was given to the Commission at tonight's meeting. She concurred with the previous speaker with regard to the number of proposed homes backing up to the homes on Keri Lane. She noted that the homeowners in the project will have to get a variance to put a patio in. She read the Municipal Code definition of a planned development, and noted that this proposal does not have the prerequisite open areas. She stated that the overcrowding, variances for streets and street lighting, and lack of open space result in a development of lesser quality.

Ms. Levensaler expressed concern that the entrance to the project is across from the entrance to the Pleasant Valley High School parking lot. She noted that parking and traffic is already intense on Ceanothus. She indicated that emergency services would be impacted for the project by there not being a turnaround or an exit onto another street. She reviewed the history of the wetland delineation. She noted that many homes in the area have to deal with flooding during winter months. She felt this project would impact what drainage there is in the area. She requested that since the property was the official address for a licensed and registered hauler of hazardous waste, the property should be tested and verified clean prior to development of the parcel. She also requested that the densities be adjusted to the standard lot sizes for the area or the City enforce the open space requirements for a planned development.

Larry Laney, 1352 Keri Lane, stated that he is concerned with the proposed density. He added that he does not want to see the neighborhood change in its consistency. He urged the Commission to take a close look at the property and if it is to be developed, required that it be developed with the existing neighborhood in mind. He stated that this proposal will result in overcrowding with only one narrow access. He stated that he was saddened with the prospect that Marigold School may be closed and the high school enlarged. He stated that the noon hour traffic on Keri Lane is greater, and will increase as the high school grows. He asked the Commission to think twice about increasing the load on the existing neighborhood with 24 new homes.

Mr. Risso stated that the proposed street is not smaller than a standard City street, and he noted that the radius at the rear of the street is larger than normally required to accommodate emergency vehicles. He explained that the sampling for the wetlands were sent to the Army Corps. of Engineers per their

specifications and were sent only after careful study of the property to determine that all possible wetlands were included.

Chair Monfort inquired what traffic controls are to be established at the corner for the project. Mr. Risso replied that a stop sign would be installed. Chair Monfort asked if a stop sign could be installed at the school parking lot. Director of Public Works Ross stated that the City does not own any public rights to control access to the high school parking lot. While the City can ask the school district to install one, the police could not enforce a private stop sign. He noted that the Vehicle Code require all drivers to stop at the entrance from all driveways onto public right-of-ways.

The public hearing was closed at 9:35 p.m.

Assistant City Attorney Barker stated that there are findings required for a Planned Development which were not included in the staff report. These findings relate to General Plan consistency and that Planned Development does include adequate provision for utilities and emergency vehicle access. She recommended that, if the Commission desired to approve the use permit and tentative subdivision map, the motion include the findings for adequate provisions for utilities and emergency vehicle access and General Plan consistency.

Commissioner Studebaker inquired if the Commission previously reduced the total number of lots. Commissioner McAdam replied that the number of lots went from 25 to 24 total lots. Sr. Planner Milam added that there was also a redesign of the cul-de-sac.

Commissioner McAdam verified that there are 23 lots facing the cul-de-sac, and one lot faces onto East Avenue. Sr. Planner Milam noted that the one lot which does face onto East Avenue is zoned for office use.

Commissioner McAdam noted that while the submittal by the residents of the area were correct in their assumptions of the General Plan issues, there are General Plan principles which are equally important, including issues of encouragement of in-fill, affordable housing, efficient use of Police, Fire and other city services. She stated that while acknowledging that this is not a perfect project, she felt that this is an opportunity for the provision of greater density in the City and providing in-fill.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 94-33 AND TENTATIVE VESTING SUBDIVISION MAP S-94-11 (HOLDGRAFFER) ADDING THE FINDINGS FOR GENERAL PLAN CONSISTENCY; THE ADEQUATE PROVISION OF FACILITIES FOR UTILITIES AND EMERGENCY ACCESS AND MAKING THE FINDINGS IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS INCLUDED IN THE STAFF REPORT AS MODIFIED.

Chair Monfort suggested an amendment to the motion to add a condition on the subdivision map requiring a 15 foot setback to the lot line toward Keri Lane. Commissioner McAdam accepted the amendment.

Sr. Planner Milam verified that the 15 foot setback would be for lots 13 through 23.

COMMISSION CROTTS SECONDED THE MOTION.

The public hearing was re-opened at 9:45 P.M.

Ms. Susan Proctor, a previous speaker, asked how many lots were being approved. Commissioner McAdam replied that the approval included 23 lots and one office lot which faces East Avenue. Sr. Planner Milam noted that the copy of the subdivision map which Ms. Proctor had included 22 lots in addition of the existing home on the corner.

Ms. Proctor inquired if the installation of a stop sign for the high school parking lot would be left up to Pleasant Valley High School. Chair Monfort explained that the street for this subdivision will have a stop sign, but the City does not have the authority to control access from Pleasant Valley High School's parking lot. He suggested that the residents in the area ask the school district to put in the sign.

Ms. Sarah Proctor, a previous speaker, stated that the proposed house for Lot 23 is to be placed within a few feet of existing trees. She suggested that this house may not be feasible. She noted that the house on Ceanothus, adjacent to Lot 23, does not have much of a setback. She also expressed concern regarding the street coming out with a stop sign on Ceanothus opposite the parking lot for the high school. She indicated that those cars exiting the high school will not be able to get out onto Ceanothus if a stop sign is enforced.

Gail Wolford, 2313 Ceanothus, expressed concern that if a house is placed on Lot 23 it will be close to the existing houses in back of it. Many of the existing homes are not setback very far from the property line. She verified with the Commission that the trees are to remain.

The public hearing was again closed at 9:50 P.M.

Commissioner Carter suggested an amendment to the motion that evidence be provided that there is no toxic contamination. He stated that he felt there was a lack of evidence that the property has been adequately investigated for toxics. He noted that the proponents have called attention to the extent of the toxic drum fire. He indicated that he had walked the property and noted that the ground is uneven, and debris is evident (cement blocks sticking out from the ground). He expressed concern that there may be toxicity on the property, and would like an amendment to the motion that clarification of no toxicity on the property be provided prior to map recordation.

Commissioner McAdam inquired how such clarification could be achieved. Commissioner Carter stated that a Phase One or Phase Two study could be conducted showing that no contamination has occurred to the property. He suggested that staff would know what degree of study would be needed. He added that the developer would have to contract with a consultant to complete the study, and if contamination is found, it be removed prior to construction.

Commissioner McAdam accepted amendment to the motion to require toxicity studies be conducted by a consultant, paid by the applicant, to determine if contamination of the soils has occurred, and if it has occurred, it be cleaned up prior to recordation of the map.

CHAIR MONFORT REVIEWED THE MOTION TO APPROVE THE USE PERMIT AND TENTATIVE SUBDIVISION MAP MAKING THE FINDINGS FOR GENERAL PLAN CONSISTENCY AND ADEQUATE FACILITIES FOR EMERGENCY ACCESS AND UTILITIES, WITH THE ADDED CONDITIONS THAT A NOTE BE PLACED ON FINAL MAP REQUIRING A 15 FEET FROM PROPERTY LINES ON LOTS 13 THROUGH 23, AND APPROPRIATE TOXICITY STUDIES BE COMPLETED TO ENSURE THAT NO SIGNIFICANT CONTAMINATION IS FOUND OR IF CONTAMINANTS ARE FOUND ON THE PROPERTY, IT BE ELIMINATED PRIOR TO MAP RECORDATION.

Commissioner Carter stated that the General Plan was in the process of being drafted when this project originated. He indicated that he found the footprint of this project uncreative and disrespectful of the existing neighborhoods and the General Plan. He stated there is a need to encourage infill. He stated that to make the General Plan work there must be creative use of land, and development not going forward with older style maps. He suggested that the applicants do not appreciate the ramifications of this project on the General Plan.

Commissioner Belmonte expressed concern regarding the traffic issues for the area. He noted that the Pleasant Valley High School area will be subjected to tremendous growth in the future. As a parent who frequents that traffic pattern, he stated that he felt it was a dangerous area, which is added to by Ceanothus being an uncontrolled street. He noted that in the future the Engineering Division will also have to look at the Mariposa traffic pattern. He suggested that if this project were not so close to the schools it would not have created so many concerns.

Chair Monfort stated that part of the traffic hazard is caused by some of the young people driving unnecessarily as there are other means of transportation. Commissioner McAdam noted that another side of the traffic issue for this project is that it presupposes that everyone in the subdivision may be using the traffic pattern during the peak hours.

Commissioner Belmonte stated that by nature a high school generates more traffic than if it were an elementary school, due to the eagerness of new young drivers.

THE MOTION WAS APPROVED 5-2 (COMMISSIONERS CARTER AND BELMONTE OPPOSING).

6. **Revocation of Use Permit No. 1599 (Fun World)** - Revocation of a use permit which allowed an amusement park and use of an adjacent parcel (Silver Dollar Fairgrounds) for parking on 5.79 acres at 2275 E. Elm Street, Assessor's Parcel No. 005-490-035, in an M-1 Limited Manufacturing zoning district.

Sr. Planner Milam reviewed the staff report. He stated that the revocation was brought about as Fun World's lease with Silver Dollar Fair Grounds to provide parking has been terminated. He noted that prior to this meeting he had contacted the manager of the Silver Dollar Fair Grounds to verify that a new agreement to provide parking had not been initiated. He noted that the amusement park has Building Code violations and other safety issues to address, including a Certificate of Occupancy to replace the Temporary Certificate of Occupancy which has expired. The staff report recommended suspension of the permit as there is a major investment in the park and structural features on the property which would be difficult to reuse for another purpose. Senior Planner Milam noted that if a parking replacement is secured and the other conditions are met the use permit could be reinstated.

Chair Monfort verified that the staff recommendation is to suspend the use permit until all conditions listed in the report are met.

Commissioner McAdam stated that there has been much community concern in terms of other operational problems. She inquired what the difference between re-instating and reissuing the permit would be. Sr. Planner Milam responded that it would be faster to reinstate a permit as reissuance of a revoked permit would result in the need to address additional concerns.

Commissioner McAdam inquired if the Commission would have the ability in the re-instatement process to add conditions. Sr. Planner Milam stated that there is a way under reinstatement to add conditions to modify the permit, if it was advertised with a public hearing.

Commissioner Carter noted that the use permit is linked to the property; thus, if this property is sold or lost through foreclosure, the new owner will have to go through the same steps. He suggested that suspension may be a better alternative if the existing owner continues to own the property. He added that it would be more difficult for a new owner to come in and change the use of the property. He informed the Commission that he was aware that a foreclosure sale was scheduled for last month but had been postponed.

Assistant City Attorney Barker explained the difference between suspension and revocation. She noted that if the permit is suspended, once the facility owners have met the existing conditions, the Commission may modify the conditions as outlined by Sr. Planner Milam. If the permit is revoked and the owners returned for re-issuance, the Commission would have to make a full set of general findings once again.

The public hearing was opened at 10:10 P.M.

Daniel Hitzk, 305 Ash Street, Apt. 3, Community Liaison for Omni II Foundation, stated that the Foundation sent a fax on April 1 (the day of this meeting) requesting a continuance. He requested that discussion of this action be continued to the meeting of April 15, 1996. He noted that the owners have waived their rights for added restrictions put on the permit.

Sr. Planner Milam replied that representatives from the Foundation did discuss that they were having trouble traveling to Chico due to flooding. He noted that as of 7:00 P.M., directly prior to this meeting, no fax was received by staff.

Assistant City Attorney Barker stated that at any time a use permittee would agree to added conditions on a use permit, the Commission would not have problem modifying the permit.

Mr. Hitzk clarified that as he is not a member of the Board for Omni II Foundation, he cannot speak on their behalf, but he could speak on behalf of Fun World. He noted that both Fun World and the Foundation would accept additional conditions on the use permit if it were to be suspended rather than revoked.

Chair Monfort verified that Mr. Hitzk is asking for a continuance, and at the next meeting will accept additional conditions on the permit if it is to be suspended. Mr. Hitzk stated that he would speak to the Board of Directors for the Foundation regarding the matter. He noted that they are in the process of establishing new management and ensuring that proper procedures are followed. He added that Fun World is intending to open May 1st.

Commissioner McAdam inquired how Fun World intends to open May 1st when the Commission is discussing revoking its permit at either this meeting or the April 15th meeting. She added that while there are not a lot of other things which can be done with the property, all organizations must follow the same rules when it comes to the Building Code, use permits and business licenses.

Mr. Hitzk stated that the May 1st date was intended as a goal. He indicated that the Foundation was confident that the parking requirement will be met by that date. He noted that their long term goal is to build a parking lot on the premises. He stated that the mission of the Foundation is to provide a safe place for children in the community to recreate.

Mr. Hitzk stated that parking was the only issue which the Foundation had agreed would be discussed at this hearing.

Chair Monfort verified with Assistant City Attorney Barker that revocation can be done without the applicant present. Assistant City Attorney Barker noted that the Commission is required to provide notification.

COMMISSIONER CARTER MOVED TO DENY THE REQUEST FOR A CONTINUANCE. COMMISSIONERS MCADAM AND STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-1 (CHAIR MONFORT DISSENTING).

Chair Monfort stated that the issue is whether the Commission desires to revoke or suspend the use permit as recommended by the staff report.

Commissioner McAdam stated that she would prefer revocation as there are other issues, such as noise, traffic and safety, which need to be addressed in addition to parking requirements.

Commissioner Studebaker stated that at a prior hearing to modify the permit, it was stated that there was a master plan for the facility which was not presented to the Commission.

Commissioner Carter noted that if the Commission had been hearing these problems for the first time they would be more willing to discuss options. He stated that the community is not supportive of the idea of a Fun World without proper code compliance. He added that the owner has not complied with conditions of the use permit.

Mr. Hitzk inquired what has not been done to meet the conditions of the permit. He stated that the last time the Park was inspected was 1986, which was prior to the Foundation's control over the property. He stated that they felt the shading and overhang over the parking area was adequate.

Commissioner McAdam noted that Fun World community relations with the neighborhood was a subject of discussion at a prior hearing.

Mr. Hitzk stated that the master plan for the park also contains a survey to establish what would make the facility more community oriented and supported. He stated that his concern since taking this employment position two weeks ago was the neighbors. He noted that the Foundation had informed him that parking was the issue to be discussed at this hearing.

Commissioner McAdam stated that the people which were representing the Foundation at the last Commission hearing regarding Fun World were aware of the issues.

Mr. Hitzk indicated that there are people in the neighborhood who are both for and against the park. Some neighbors are not willing to listen to the new management of the park. He noted that several children from the neighborhood receive free admission to the park. He stated that it is the Foundation's intent to have the park functioning again as quickly as possible, and to accomplish that they are asking for some leniency from the Commission. He added that a bankruptcy date had been set, though it has since been resolved. Mr. Hitzk explained that the way the park was run in the past was not in the best interest of the Foundation or Fun World, and as such new management has been established. He noted that the Foundation is working to secure the funds to purchase the 12 acre lot adjacent to the park. He stated that he would forward the master plan to the Commission for their information.

Chair Monfort inquired if Mr. Hitzk was informed by the Foundation that the Commission denied the use permit application to serve alcohol. Mr. Hitzk stated that the master plan calls for the bar to be a juice bar as the Board of Directors took alcohol off the plans. He noted that another idea which is being considered is to build a skate park at the facility. He added that the Foundation does plan on working off their debt in the community, as they intend on remaining the owners of the property.

Mr. Hitzk requested that a suspension be considered instead of a revocation as the revocation would give the Foundation a reason to pull out of the area saying that the City of Chico does not want to help them. He noted that the Foundation has put \$250,000 in improvements into the park which does not cost the taxpayer. He stated that Fun World is a pro-community facility which provides a safe environment for children. He indicated that he would provide the Commission the opportunity to see the rest of the master plan, which includes a multi-purpose field and skate parks. If the permit is revoked, the Foundation will not continue investing in the property. He noted that he would be able to go to the Foundation board to discuss their goals if the permit is suspended.

Commissioner Studebaker noted that the Commission does not have the master plan to review. He added that the letter received from the Foundation dated March 28th has not created an environment which would receive leniency by this Commission.

Mr. Hitzk assured the Commission that he would never have sent such a letter, but noted that the letter did have valid points.

Mr. Hitzk suggested that a suspension of the permit would provide one more hearing to allow the Foundation put together the master plan and goals of the Foundation to present to the Commission.

Commissioner McAdam asked staff to review the process to reapply for a use permit if this one is revoked. Sr. Planner Milam stated that standard procedure is that the Commission can take appropriate action to allow the applicant to refile within one year. Once the application is complete, a 45 day review period would be required for a CEQA negative declaration.

John Gillander, 4328 Kathy, stated that there are other issues of concern over and above parking requirements. He suggested that suspension would allow for improvements to be made to the facility.

Wanda Story, 1450 Guill Street, stated that she does not want to see the park opened in the condition it is in and the danger it places the children who patronize the park in. She noted that her main concern is the condition of the park's facilities.

Laurie Sage, 1548-A Elm Street, complimented the Commission's stern attitude toward adherence to rules and regulations. She stated that she is a member of a coalition for progressive action which is concerned with children and providing safe places for them. She asked for objectivity from the Commission.

Bill Story, 1450 Guill Street, stated that he cannot say this park is a good neighbor or good for the community, nor does he want them for a neighbor.

Chair Monfort verified that Mr. Story feels that revocation is the better option.

Craig Isely, 1401 El Camino Avenue, Sacramento, stated that he works for the mortgage company for the property and has been involved with this project for several years. He indicated that in the past, when the property was for sale on the open market, it did not sell for four to five years. The economy of this particular project is that there are \$1.7 million in the project which could not be recovered, and \$400,000 due in back property taxes. He stated that he felt revocation would be the death of the project. He noted that foreclosure has been held in abeyance in the hopes that Omni II could meet their promises. If the permit was revoked, they would not be able to open this year, and the property will remain closed unless the property is sold. He suggested the possibility that the facility may have to be demolished in order to be sold and developed for another purpose.

Mr. Isely stated parking and deferred maintenance can be dealt with in a timely manner. Commissioner McAdam stated that the property has a long history with many concerns.

Mr. Isely stated that if the permit is revoked, there will be a foreclosure in the near future. He expressed concern that they will not be able to find another buyer with a closed park with a revoked use permit. He requested that the Commission give the Foundation another opportunity. Commissioner McAdam inquired if he believed they could meet the requirements. Mr. Isely stated that it was his professional opinion that they could.

Commissioner Carter inquired when the next foreclosure sale is set and what amount would be necessary to secure it. Mr. Isely responded that \$2.1 million would be required to pay off the debt and \$500,000 to procure it. He noted that his firm has worked with the property owners in the past to take payments on the debt. If the owners commence with payments by the first of June, the foreclosure would be stalled.

Commissioner McAdam verified that the mortgage firm believes it would be better to get a little bit of money from the property than none. Mr. Isely stated that the park is worth more money open.

Commissioner Carter confirmed that Mr. Isely's contacts at Omnii II are Ms. Driver and Ms. Carr.

Commissioner Carter verified that Mr. Isely is supportive of a suspension, and if the property owners cannot meet the conditions to reinstate by May 1, the property will be foreclosed. Mr. Isely added that if the property owners are in compliance with those conditions and are able to open for the season, the foreclosure will be stalled.

Lisa Corron-Walton, 2225 Elm Street, stated that the water slides are almost in her back yard. She noted that she did have a problem with one of the employees there last year, after which the employee was let

go. She asked the Commission to allow the organization time to solve its problems. All the neighbors are not against it and a lot of people do get enjoyment from it.

Doug Campbell, 364 Brookside Drive, stated that he had been watching this proceeding on television. He noted that a few months ago his consulting firm had a conversation with Ms. Driver and Ms. Carr to do some work for Omni II Foundation. Prior to signing contracts with the Foundation, he conducted research on the Foundation, after which his firm withdrew their offer to do any work for the Foundation. He suggested the Commission conduct similar research before they consider any plans proposed by the Foundation. Due to the Foundation's financial status, Mr. Campbell stated that he did not feel that the Omni II Foundation was capable of paying debts or running an amusement park. He suggested the Commission contact agencies which conducted fund raisers at the park to see if any funds were received; to contact food services for the park to see if any have received payment from this organization; to contact the State Board of Equalization and Internal Revenue Service to see if they have paid their taxes. He stated that he felt it was significant that Ms. Driver and Ms. Carr are not at the hearing.

Janice Konno, 532 W. 14th Street, stated that her family have been patronizing this park for a number of years. She noted that last summer she took her daughter to the facility and encountered numerous health and safety hazards, including loose lights on the miniature golf course. After pointing out this incident to the management, Ms. Konno stated she was given numerous free tickets which she found she could not give away. Ms. Konno indicated that she did not know who to contact regarding the problems she had encountered with the park management, so she had sent letters regarding the conditions of the park to several local and state agencies. She indicated that while she does not want to see park closed, she would like to see the park safe for the patrons.

Chair Monfort asked if she had an opinion regarding the use permit status, either a suspension or a revocation. Ms. Konno stated that she would be in favor of suspension with the addition of conditions addressing health and safety, in order to hold off foreclosure.

Ken Rice, 2153 Elm Street, noted that the use permit states specifics which the current owners have not been able to meet. He stated that he would be in favor of revoking the permit as they have not made any attempt at meeting the permit's conditions.

Barbara Smith, 558 E. 23rd Street, stated that she is also concerned that the water pumps are not working, resulting in an increase of mosquitos. She added that the water slides have been there a long time and may have dryrot and other structural problems. She noted that on the day of this meeting the gate was open on 23rd Street, which is not allowed as a condition on the use permit. Also, Mr. Hitzk had spoken about the possible purchase of additional land for the park, which she informed the Commission was not allowed per the development agreement. She stated that the management there has frightened and threatened her instead of helping her as the previous owners had. She indicated that safety and health codes are concerns to be considered. She stated that she felt the slides and pools are in a dangerous condition and that she supported revocation of the use permit.

Mr. Hitzk stated that he has a receipt for \$5,100.00 for the repair of the slide made in May, 1995. He noted that the facility was inspected last week by two structural and one other engineer. He stated that Fun World is in the midst of securing parking and there is shading and overhang for the parking in question. Regarding the failure to receive the Certificate of Occupancy, he stated that he was not informed of the issue and could not address it. He stressed that the new management of Fun World is more thorough and would meet their obligations. He indicated that they were in the process of fulfilling the requirements for parking and landscaping, though he could not provide the current status for the Certificate of Occupancy. He added that the Foundation was in the process of receiving the funding to complete the necessary improvements. He requested that if the Commission desires to, they should suspend the permit with any new conditions which may be required.

Ken Rensink, 1411 Glenwood, stated that the Commission has heard neighbors who believe the facility should be shut down, and others who would like it left open. He suggested that most people would agree that the park could be a good thing. He proposed that since this problem has gone on for 13 years, he doubted that the problems can be solved in two weeks. He suggested the Commission suspend the permit for two weeks, and if the property owners show up with a plan to solve the problems the Commission should give them a chance; if not, then revoke the permit.

The public hearing was closed at 11:30 P.M.

Chair Monfort stated the public hearing reflected six people to four people in favor of suspension of the use permit as opposed to revocation.

Commissioner McAdam stated that she felt either course of action would not make a difference in the long run after seeing the type of management which has occurred. She added that either the management does not know what they are doing or are trying to confuse the Commission.

Chair Monfort stated that if the current owners cannot open the facility for business, it is unlikely someone will purchase the facility.

Commissioner McAdam stated that if it is the will of the Commission to suspend the permit, she would be willing to vote for a suspension.

Commissioner Carter suggested that the three conditions listed in the resolution will likely not be satisfied in the month of April in order for the facility to operate on May 7, 1996. The Certificate of Occupancy would consider safety and other issues. He stated that he would assume that if the Foundation had engineers on the property last week, work does need to be done to bring the facility up to a level which could receive a Certificate of Occupancy.

COMMISSIONER CARTER MOTIONED THAT USE PERMIT NO. 1599 BE SUSPENDED TO MAY 1, THAT THE REVOCATION BE MADE AT THAT TIME IF THE THREE CONDITIONS, PARKING, LANDSCAPING AND CERTIFICATE OF OCCUPANCY, HAVE NOT BEEN MET BY THE COMMISSIONS MAY 6TH REGULAR MEETING.

Assistant City Attorney Barker verified that the necessary findings are incorporated into the motion.

Commissioner Carter amended the motion to include revisions to the proposed resolution: (1) Item No. 6 on Page 3 to read, "In lieu of immediate revocation of Use Permit No. 1599, the Commission orders the use permit suspended, in conformance with the agreement described above"; and (2) Item No. 8 "In the event the conditions have not been met prior to May 6, 1996, the suspension is rescinded and revocation is effective."

Commissioner Studebaker inquired if the suspension would provide argument for another hearing. Commissioner Carter stated that the motion incorporates the three items set forth in the resolution, which are conditions of the use permit. All three will have to be fulfilled by May 6, 1996 in order for the permit not to be revoked. He inquired if the Certificate of Occupancy could be issued if the use permit is suspended. Sr. Planner Milam responded that the Planning Division can authorize the Building Division to issue a Certificate of Occupancy if the parking and landscaping issues have been adequately resolved.

Commissioner McAdam stated that the motion will provide the organization an opportunity to meet the use permit's conditions. Commissioner Carter indicated that the Commission cannot add conditions to address additional complaints at this time, but may be able to in the future if the existing conditions have not been satisfied.

Assistant City Attorney Barker suggested that Item No. 7 of the Resolution would require the issue to be returned to the Commission for approval of the parking. Commissioner Carter suggested that Item No. 7 be retained in order to provide the opportunity for the organization to present parking plans.

Commission Crofts stated that if the organization does meet the necessary requirements, they would not need to come back to the Commission with parking requirements.

Commissioner Carter amended the motion to strike Item No. 7 to the Resolution.

COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

Sr. Planner Milam stated that if the Commission wished this issue to be agendaized for the May 6 regular meeting, notice must be provided by April 26. The Commission concurred that if the three conditions had been met by that date, April 26, the item will be placed on the Consent Agenda for the May 6 meeting, to lift the revocation. If the conditions are not met by that date, the use permits is revoked.

CORRESPONDENCE

7. Jesus Provides Our Daily Bread, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

Lisa Corron-Walton, a previous speaker, expressed appreciation for the Commission's efforts.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 11:45 P.M. to the April 15, 1996.

April 15, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF APRIL 15

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Clif Sellers, Senior Planner Ken Milam, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Wright stated that he had received a telephone call from Greg Webb, to discuss issues regarding curb, sidewalk and gutters on the Vallombrosa project.

CONSENT CALENDAR

1. Minutes of Regular Meeting of April 1, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Use Permit No. 96-5 (Cook) - A request to allow construction of a building which consists of a three-car garage, second living unit, and a pool house in the rear yard of an existing single family residence located at 1417 The Esplanade, Assessor's Parcel No. 003-032-013, in an R-P Residential-Professional/Business Office zoning district.

Request Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

Commissioner McAdam asked for a clarification on the size of the garage mentioned in Item No. 2, noting that the agenda annotation says the building consists of a three-car garage, while the staff report lists a two-car garage. Planning Director Sellers replied that the garage has an L-shape configuration which will fit three cars, but is in actuality a two-car garage.

COMMISSIONER MCADAM MOVED APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

3. Use Permit No. 96-7 (Tau Kappa Epsilon) -A request to allow a fraternity which was previously approved on a temporary basis with 14 live-in residents to operate permanently on property located at 1020 West 2nd Street, Assessors Parcel #004-032-004, in a C-2 General Commercial District. This action has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA). This project was previously approved with a mitigated negative declaration which is on file, and can be reviewed in the Community Development Department.

Senior Planner Milam noted that this was a request for re-approval of a use permit which expired. He reviewed the staff report and the recommended conditions of approval. He noted that the Police

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Department had also submitted a report. Planning Director Sellers added that additional materials, from the applicant and a neighbor, were provided to the Commission at this meeting.

Chair Monfort questioned the feasibility of the condition of approval which calls for revocation of the use permit upon on-site activities resulting in police responses. Planning Director Sellers replied that this condition would be enforced through required hearings and only in the event of conviction for an offense.

Commissioner Studebaker inquired how approval of this use permit would be affected if the proposal for a social organization overlay zone is enacted. Planning Director Sellers responded that if this permit is approved and the Council does approve the overlay zone, the fraternity will have the opportunity to turn in their use permit in favor of the conditions under the ordinance and operate under the new ordinance. He noted that this property is zoned Commercial, and commercial properties may be excluded from the overlay zoning proposal.

Commissioner Studebaker verified that there will be instances where this type of application will still be required, even with the creation of an overlay district. Planning Director Sellers noted that the Council has yet to consider the proposal for the overlay zone.

Commissioner Wright inquired if there was a way for the use permit to be revoked if the fraternity's status changes with the University. Planning Director Sellers stated that the University has expressed concern with the City making a decision based on University affiliation. He added that it would be difficult to enforce such a regulation but in most instances an adverse response from the University would also result in an infraction which the City could enforce.

Commissioner Carter suggested that one additional condition of approval be phrased "granted for operation of a fraternity operated by and in accordance with University recognition." Commissioner Wright added that in the proposed overlay zone, a social organization will be required to establish University recognition.

The public hearing was opened at 7:45 P.M.

Robert Small, president of Tau Kappa Epsilon (TKE) fraternity, reviewed the projects the fraternity was involved in, included community related projects. He noted that the organization had fewer police responses to their location compared to any time in the history of the organization. He indicated that the fraternity is in good standing with the University and the InterFraternity Council (IFC), and is no longer on probation.

Mr. Small stated that the only opposition to this use permit has been from a neighbor. He indicated that the fraternity has insulated their basement, and has made an effort to address their neighbor's concerns. He noted that the fraternity has received complaints from the neighbor after events have ended. He stated that he felt the organization could not appease the neighbor, as the surrounding area has much activity not related to fraternity activity. He noted that the organization felt the location was an ideal place for a fraternity as it provides an open location with much visibility. This visibility provides incentive for establishing and keeping the image they wish to portray and as such the organization will be able to have a better impact throughout the community.

Chair Monfort inquired if Mr. Small had read the proposed list of conditions. Mr. Small stated that while he had read the conditions listed in the staff report, he expressed concern because the fraternity did receive a noise citation, on Friday, April 12; if there is a conviction, would they lose the permit. Planning Director Sellers noted that the current pending violation would not affect the use permit under consideration at this meeting, but any subsequent violation would.

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Commissioner Carter inquired if the fraternity had considered planting sound attenuating landscaping along the property line adjacent to the neighboring property. Mr. Small responded that ivy and other plants take several years to grow, or would have to be purchased at a larger size and at an extensive cost.

Commissioner McAdam suggested that vegetation may not cut down the noise. Mr. Small stated that several suggestions have been submitted including planting shrubs or building a concrete wall. He noted that they have considered building a sound wall, though it may not keep out enough noise and is expensive to build.

Commissioner Studebaker inquired about the neighborhood watch program listed on the community services list. Mr. Small explained that the fraternity's role in the neighborhood watch included random patrols throughout the semester. He noted that the fraternity made it a point to keep the awareness level up to help protect the neighborhood.

Commissioner Studebaker inquired if the organization still maintained a house manager and house rules as listed at the hearing for the prior permit. Mr. Small stated that a house manager is employed to help maintain the house and enforce the house rules. He indicated that the house rules list house assignments, maintenance provisions, and noise regulations.

Commissioner Studebaker inquired if the area outside the house is maintained and garbage cleaned up. Mr. Small replied that specific fraternity members are assigned to clean-up the area outside the house on a rotating basis.

Darrell Smith, 130 Cedar Street, stated that Mr. Small had informed him that there would not be more open parties this semester and then an event was held last Friday night. He added that the neighborhood atmosphere has not changed much since the approval of the temporary use permit. He stated that the atmosphere includes screaming and foul language, making it difficult to live next to the fraternity. He noted that Mr. Small was not present at the past Friday night's event. He indicated that while such events are not held everyday, they do happen. He also noted that members of the organization had built pallet ladders to get onto the roof, which the landlord would not like. He stated that while he does not want the organization there, he usually will approach the organization if he has a problem before calling Police Department.

David Schwering, 1025 Magnolia, stated that he manages the property at 1032 W. 2nd, adjacent to the west property line of the fraternity. He indicated that while there are not people around during the day, it is often the organization members friends which generate traffic and do not clean up their mess. He noted that he does pick up debris left on the property he manages after TKE events. While the current tenants have not complained about their neighbors, he expressed concern over his ability to rent out the property when current tenants leave.

Sean Gallegos, 1055 E. Lassen #14, stated that he was a TKE alumni and has been appointed as their Chapter Advisor by the national organization. As Chapter Advisor he attends general meetings and stops by the facility often. He stated that he felt the event on Friday was organized and planned, and that the organization is doing a good job learning to be responsible. He indicated that he would be willing to be a contact between the Commission and the fraternity.

Commissioner Studebaker asked if Mr. Gallegos has given Mr. Smith his telephone number as a contact. Mr. Gallegos replied that he would provide Mr. Smith with the number, and explained that he had not done so previously as he has not been in the position long.

Mr. Gallegos stated that the fraternity members are trying to change the focus of the fraternity away from the partying aspect, and towards becoming better members of the community. He noted that members

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are expected to keep their voices down and to pick up trash as a matter of respect. He indicated that friendships and character are now the focus of the organization.

Commissioner Studebaker inquired if Mr. Gallegos had been a member of this fraternity and if he had spoken with Officer O'Brien from the Police Department. Mr. Gallegos stated that he was president of this chapter in the past, and was also a member of the fraternity at another university. He added that he had spoken with Officer O'Brien in the past.

Commissioner McAdam stated that the past Friday night's event was an example of what the Commission does not want to happen. She asked Mr. Gallegos' opinion on what went wrong and what could be done to ensure that it would not happen again. Mr. Gallegos stated that the organization now has a rule that the president should be at all such functions as the other officers do not hold the same position of authority and respect over the other members.

Commissioner Studebaker discussed with Mr. Gallegos the leadership and responsibilities of the fraternity. Mr. Gallegos stated that the members are responsible for their guest, and that the fraternity officers and alumni can expel members if they do not take fulfill responsibilities. International Tau Kappa Epsilon organization has rules for open parties, and within those rules the officers are responsible, and do what they can to maintain control.

Chair Monfort verified that the organization understands that if there is another citation which is successfully prosecuted, the Commission will start use permit revocation proceedings.

Commissioner Wright asked for the goal of the open parties. Mr. Gallegos stated that the open parties are tools to meet individuals and show them the house. He indicated he felt that since the Greek institution at CSUC is closed, these parties open up the Greek system to more people. He noted that no alcohol is served by the fraternity at the parties.

Mr. Small stated that the party last Friday was the first function he missed for the organization. He noted that the other officers did make ample attempts to get people out of the house and off the premises. He indicated that the party did not disperse as quickly as usual and that a citation was received at 11:30 P.M. He stated that they had received two noise citations, one two weeks after use permit approval, the second three days prior to this meeting. He indicated that the open parties provide exposure for the organization.

Mr. Smith restated he had been told that there were not going to be any more parties this year.

Mr. Small stated that their problem is with one neighbor. He suggested that the fraternity has been blamed for people walking down the street after hours who have not been at their house.

Commissioner Carter reviewed the house rules, noting that some were made conditions of the original use permit. He verified with Mr. Small that the fraternity would accept those conditions again.

Mr. Schwering, a previous speaker, stated that if the fraternity were not causing a problem, the neighbors would not be at this hearing. He indicated his belief that the fraternity members do not join the organization for community participation, but rather for social factors. The neighbors have the right to go to sleep when they want to without the noise.

The public hearing was closed at 8:30 P.M.

Commissioner Belmonte verified with Planning Director Sellers that the organization would be able to operate if the Council were to approve the overlay district even if the Commission did not approve this request.

Planning Director Sellers reviewed the Commission recommendations to Council regarding a social organization overlay zone within a student-intensive area, which would allow the use of property for a social organization, subject to the same rules as any other private citizen in the area.

Commissioner Carter stated that the Commission cannot stop a building from being occupied by several individuals who happen to be members of a fraternity. He added that the Commission is in a position to moderate the behavior with a use permit. He indicated that the fraternity has made a good faith effort and appears to be committed to try to be good neighbors.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 96-7 (SMALL/TAU KAPPA EPSILON) 1020 W. 2ND STREET, INCLUDING CONDITIONS 1 THROUGH 10 FROM THE STAFF REPORT, AND THE FOLLOWING ADDITIONAL CONDITIONS: (1) THAT THE USE PERMIT BE FOR THE OPERATION OF A FRATERNITY, TAU KAPPA EPSILON, AS LONG AS IT REMAINS IN GOOD STANDING WITH CALIFORNIA STATE UNIVERSITY, CHICO, WITH A MAXIMUM OF 14 LIVE-IN MEMBERS; (2) THERE SHALL BE NO LIVE OR AMPLIFIED MUSIC AT ANY TIME, EXCEPT FOR INTERIOR AMPLIFIED SOUND, WHICH MAY BE AUDIBLE FROM BEYOND THE RESIDENCE, AND IN COMPLIANCE WITH THE EXISTING CITY NOISE ORDINANCE; (3) THERE WILL BE NO EXCESSIVE NOISE OUTSIDE, (EXCESSIVE NOISE IS DEFINED AS ANY UNREASONABLE LEVEL OF NOISE, IE. TALKING LOUDLY OR SHOUTING); (4) OPERATING AS A BUSINESS OR CHARGING ATTENDANCE FEES FOR ENTERTAINMENT IS PROHIBITED; (5) QUIET HOURS WILL BE IN EFFECT AFTER 9:00 P. M., SUNDAY THROUGH THURSDAY, AND AFTER 11:00 P.M. FRIDAY AND SATURDAY; (6) THE PLANTING OF SOUND ATTENUATING LANDSCAPING ON THE EASTERN PROPERTY LINE, RECOGNIZING THAT IT MAY NOT HELP IN THE IMMEDIATE FUTURE. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Chair Monfort inquired if the quiet hours would allow the fraternity to make noise prior to that time. Commissioner Carter responded that the other requirements regarding amplification and noise would help. He added that the applicant has indicated a willingness to accept the condition. He suggested that the requirement for quiet hours be altered to reflect that there be no outside events during those hours.

Commissioner Wright stated that while he appreciates the effort that fraternity has made, they did not keep to the requirements of the temporary use permit. He urged Mr. Smith to return to the Commission if he had more complaints.

Chair Monfort stated that the Commission has more control with a use permit than without one.

Commissioner Studebaker stated that the advisor of the fraternity took a strong role in facilitation of this permit and helping solve these problems.

THE MOTION WAS APPROVED 5-2 (COMMISSIONERS WRIGHT AND BELMONTE).

After some discussion regarding the length of the meeting, the Commission agreed that all items on the agenda will be heard at this meeting.

The Commission was in recess from 8:55 - 9:10 P.M.

4. **Foothill Park East Subdivision S-94-2** - Consideration of the Draft Environmental Impact Report (DEIR) prepared for the Foothill Park East Subdivision, generally located south of Sycamore Creek (south fork), westerly of the Sycamore Creek diversion channel, north of the northern termini of Ceanothus, Marigold, and Cactus Avenues, and east of a line extended north of the northern terminus of Ceanothus Avenue. The project proposes subdividing approximately 142 acres of a 173.83 acre site into 136 parcels. 125 of those parcels would be between 4,000 to 10,000 square feet to accommodate single-family residential (R-1) development. 11 larger parcels between 1.93 and 16.74 acres would be subject to further subdivision into smaller lots. Approximately 31 acres on the northernmost portion of the site are proposed to be set aside in open space as a Resource Conservation Area for vernal pool wetlands.

Sr. Planner Jolliffe indicated that the purpose of the meeting is to review information presented in the draft environmental impact report (DEIR) for the project. A full staff report, subdivision report and final environmental impact report (FEIR) are estimated to be before the Commission in July 1996. She introduced Cathy Spence-Wells, of CSW Planning Associates, the consultant who prepared the environmental impact report. She reviewed the history of the project and noted that the process to this point has included a Notice of Preparation and a public scoping meeting. She added that the public review period for the DEIR terminates on April 26, 1996, and that all comments received during that time period will be responded to in the Final Environmental Impact Report.

Sr. Planner Jolliffe reviewed project site characteristics including General Plan designation, zoning and the northern 30 acres set aside for wetlands preservation. The project involves a proposed subdivision which ultimately will accommodate no more than 547 housing units. She noted that the proposal requires that Council rescind a previous specific plan for the site. She also noted that the application for the proposal was filed prior to General Plan adoption, and though it provides the substance of General Plan submittal requirements, it was not held to the letter of General Plan submittal requirements. Certain implementing programs are not in place on a city-wide basis so the project attempts to meet them on a site-specific basis.

Sr. Planner Jolliffe presented a history of the previous permits and actions on the site, noting that the Army Corps of Engineers previously issued a permit for the fill of wetlands on the site. Mitigation included the set aside of a 200 acre preserve north of Sycamore Creek and 30 acres south of the creek, which was shared mitigation for three separate projects, including this one. Approximately 175 acres of the 200 acres north of the creek is attributed to this project representing the gross acreage of 1.2 acres preserved for each acre impacted.

Cathy Spence-Wells, CSW Planning Associates, stated that the DEIR concluded that the following impacts are significant and unavoidable: visual resources, emissions from mobile sources and cumulative air quality impacts from mobile sources. She discussed the traffic statistics which project 5,000 trip-ends per day at build out and includes street improvements such as the extension of Eaton Road. She indicated that the biological resources review was conducted by Sugnet and Associates and included the vernal pool mitigation. The conclusion of that report was that the project, with the mitigations in place, will attain no net-loss as established by General Plan.

Commissioner Carter inquired if there has been discussion with the applicant regarding the need for a new specific plan. Sr. Planner Jolliffe responded that staff did discuss that option with the applicant. The applicant indicated that they did not wish to prepare a specific plan and felt they could demonstrate General Plan consistency through other measures in the approval process.

Commissioner Carter expressed surprise that staff has determined that this project follows the spirit of the General Plan, but not the letter of the Plan. Sr. Planner Jolliffe noted that the application was filed prior to

General Plan adoption: for instance, the resource information that is now required with development applications in the new General Plan was actually provided later in the process for this project.

Chair Monfort asked how the community design standards, one of the mitigation measures, will be approved if the City does not have such standards in place. Sr. Planner Jolliffe responded that the standards can come before the Commission after tentative map approval, as they will not be ready prior to the estimated July, 1996 hearings. Chair Monfort stated that he felt the design standards will be relevant in approving the tentative map.

Chair Monfort stated that although Sr. Planner Jolliffe had urged that the hearing be limited to questions about the environmental impact report, he felt he was unable to do this relative to General Plan consistency. Commissioner Carter stated that the General Plan was referenced in mitigation measures in the DEIR; therefore they were relevant to the discussion. He noted that the project is in a sensitive habitat area.

Sr. Planner Jolliffe stated that the purpose of this meeting was not to discuss the merits of the project. Rather, the purpose was to review the findings of the draft environmental impact report, Commission should discuss whatever it feels is relevant. Ultimately, the Commission and Council will determine General Plan consistency in their deliberations to approve or disapprove the project.

Chair Monfort verified that the Commission would have the opportunity in the future to review the design of the project relative to the community design standards.

Commissioner Carter stated that he felt the design of the project is an important consideration when reviewing its consistency with the General Plan in the environmental impact report. Commissioner McAdam stated that the Commission and the public do not have the information to review whether the project is consistent with the General Plan - Community Design Element because they do not have design information.

Commissioner Carter verified with Ms. Spence-Wells that some of the environmental information incorporates information from the Bidwell Ranch Final Environmental Impact Report (FEIR). Ms. Spence-Wells noted that the cumulative scenarios, specifically traffic and air quality, do include information from the Bidwell Ranch FEIR.

Commissioner Carter again stated that he felt that discussion could not be limited to only environmental concerns, as the subdivision is a major project in an environmentally sensitive area.

Commissioner McAdam stated that she felt the environmental document contains certain presumptions that Bidwell Ranch will be approved. She noted that generally there are some inconsistencies on which more detail is needed.

The public hearing was opened at 9:30 P.M.

Vince Phaelan, 3010 North Avenue, distributed written comments to the Commission. He stated that the comments requested that several issues be addressed. These issues include traffic, overcrowded schools, infrastructure, storm drainage and the flight path for the California Department of Forestry and Fire Protection (CDF) air tankers based at the Chico Municipal Airport.

Chair Monfort inquired if he had read the proposed mitigations. Mr. Phaelan responded that he had read the mitigations, and felt that there are general topics which have not been resolved.

Patrick Kelly, 900 E. 19th Street, stated that he would like to see where the Eaton Road extension is proposed to go. He indicated his belief that the area contains one of the largest vernal pools in Chico.

Planning Director Sellers stated that the Eaton Road extension would cut across the parcel to the southeast, though it does avoid the vernal pool, which is about one acre in size and will be located approximately 100 feet from the right-of-way. This vernal pool is not on the project site, but on an adjacent parcel.

Mr. Kelly inquired if the property around the vernal pool will be developed. Planning Director Sellers replied that the question should be addressed to the property owner; no applications are pending.

Mr. Kelly stated that he felt that this document, and the other documents for the general area, are not addressing cumulative impacts on the biological resources. He indicated his belief that some of the mitigations which are to be implemented on separate development phases do not mitigate overall impacts. He noted that regarding page 103, mitigation number 4.5-2, the Habitat and Resource Conservation Plan (HRCP) has not been completed. Also there is no need to keep the public off of the preserves as it has been a pasture for many years. He reviewed page 90, last paragraph, and asked for clarification.

Sr. Planner Jolliffe reviewed the history of the 230 acre wetlands preserve. This 230 acre preserve area consists of 30 acres in the project site and 200 acres north of Sycamore Creek. The 200 acre preserve serves as mitigation for three different projects, a previous portion of Foothill Park between Cohasset and Floral Avenues, Foothill Park East, and an industrial area which hasn't been developed. For illustrative purposes, staff has attributed the acreage of the 200 acre preserve to the three projects based on their proportion of wetland impacts.

Mr. Kelly stated that this current project will have a greater impact than the previous project, specifically that there are extensive vernal pools which were to be mitigated by this preserve. Sr. Planner Jolliffe stated that while she does not have a complete historical reference for the entire Foothill Park area, the 200 acre preserve was established by the Army Corps of Engineers permits which were to cover all three projects. Planning staff independently assigned preserve acreage based on each project's proportionate share of wetland impacts. Planning Director Sellers noted there is no way to reconstruct the amount of wetlands which were filled in the overall Foothill area as of some those lands were filled prior to Corps regulation of wetland fill.

Mr. Kelly stated that the biological values in the area were not accurate, as the compiled plant list is not complete. He noted that some plants which are noticeable in the area were missed due to the number of times and seasons which the area was surveyed. These plants include Douglas Meadowfoam, which was missed because it has gone into seed, Yellow Carpet, and Goldenfields. He indicated that these wetlands are compository of the native plants in a sea of exotic grasses. He stated that he felt the wetland mitigation which substitutes swales and drainages for vernal pools is not satisfactory, as some species of plants in vernal pools are different than what is in the drainages currently located south of Sycamore Creek. He asked that the Army Corps of Engineers' mitigations be removed as they are changing the ecology of the area.

Les Gerton, 795 Caprice Way, stated that the land is sensitive vernal pool land and suggested that it should be made a preserve.

Betty Volker, 870 Moss Avenue, verified that the projected traffic impact is based on what had been done for the Bidwell Ranch study. She stated that she felt the comments made in the draft and final environmental impact report for Bidwell Ranch may not be correct.

Elizabeth Moshier, 30 Rusty Lane, questioned the City's ability to approve plans like this before problems that presently exist are resolved. She expressed concern that the statistics and environmental report may not reflect the facts. She stated that she had specific concerns regarding schools and drainage. She described Marigold School as having 508 students, 300 more than it was originally designed to accommodate. She noted that the school library and nurses offices have not been expanded and portable classrooms have taken away much of the play area. She urged the Commission not to approve a development of this size without providing the schools necessary to maintain the quality of education. She added that there are children who would like to walk to school but do not because of traffic.

Ms. Moshier expressed concern regarding drainage, traffic and air quality. She stated that the amount of traffic on East Avenue currently has increased 500 percent in the past ten years with no improvements having been made to East Avenue. She suggested that in order to maintain the air quality other modes of transportation are necessary. She noted that single family residences with small roadways, a bus system and small community parks are desirable. She verified that the ratios of acreage for open space for this project as being 1.2 acres set aside for each acre of developed land. Sr. Planner Jolliffe stated that the ratio is based on the entire area subject to development.

Ms. Moshier encouraged the Commission to turn down this project. She stated that development is not a done deal.

Clive Fairchild, 903 Sarah Ave, stated that he agreed with the previous speakers in opposition.

Steve Moshier, 30 Rusty Lane, questioned the drainage in the area, as he had observed that the acreage abutting the new park on Wildwood drains through their property onto the proposed project. Sr. Planner Jolliffe stated that the storm drainage will be collected into the onsite drainage system.

Barbara Vlamis, Butte Environmental Council, 116 W. 2nd Street, stated that she felt the DEIR is inadequate. She inquired if there would be new environmental information provided in the hearings for the final environmental impact report. Sr. Planner Jolliffe replied that it is not anticipated that substantial new environmental information would be provided at that time, but that the FEIR would include responses to comments and the hearing would also entail an analysis of the project itself.

Ms. Vlamis inquired about the preservation management plan. Sr. Planner Jolliffe replied that staff has recognized a need for a preservation management plan, which will be addressed in the final environmental impact report.

Ms. Vlamis reviewed General Plan Implementation Policy OS-I-24 and stated that if additional mitigation measure are included in the final environmental impact report, it will not allow for public comments. Sr. Planner Jolliffe replied that staff can work to address concerns regarding the mitigations through the public hearing process.

Ms. Vlamis stated that she felt the project is inconsistent with the General Plan and its implementation policies regarding a resource monitoring program. Sr. Planner Jolliffe noted that with the timing of the project application, it is not required to fully meet all requirements within the General Plan; however, although there is no formal resource monitoring program at this time, all the information required by a resource monitoring program is provided in the draft environmental impact report.

Ms. Vlamis questioned the lack of a staff report containing a full staff analysis. Sr. Planner Jolliffe replied that the meeting was scheduled to discuss the DEIR and to allow Commission and the public an opportunity to comment on it before the comment period had ended. She added that a complete staff analysis, subdivision report and the final environmental impact report will be available in July when the Commission is tentatively scheduled to hear the project.

Ms. Vlamis noted that the Habitat and Resource Conservation Plan (HRCP) has not been completed, and questioned the advisability of approving a project within a resource management area without the HRCP. She stated that she felt it was difficult to review this environmental impact report on a project which destroyed wetlands prior to this hearing. She indicated that the General Plan says that some level of development is acceptable in Resource Management Areas, though the public would be given a chance to evaluate biological resources to allow the resources protection and still allow development.

Ms. Vlamis noted that pages 6 and 36 of the DEIR mention possible transfer of densities, though no transfer of densities appear to have been proposed. Sr. Planner Jolliffe stated that there is no proposed transfer of densities in this project.

Ms. Vlamis stated that she felt it is important that the Commission understand that the Army Corps of Engineers does permit less than one acre of wetlands loss without mitigation. She stressed that neither staff nor the Army Corps know how much wetlands were impacted in the first projects.

Commissioner Wright verified that this project has the greater proportion of mitigation than the other two projects. Sr. Planner Jolliffe stated that according to staff's calculations approximately 175 acres of the 230 acre wetlands preserve are mitigation for this project.

Ms. Vlamis stated that the Army Corps of Engineers process did not issue permits for individual projects. The Corps did not require 175 acres for this property rather they approved all the mitigation together.

Sr. Planner Jolliffe concurred. Two Corps permits were issued for three separate projects. All three contributed to the preserve. In the EIR scoping process it was a concern of Ms. Vlamis that this project not be credited for mitigation that was exacted for previous projects. To address that concern, staff extrapolated this project's contribution to the preserves based on the proportion of wetland impacts. It does not reflect the Corps permitting process, but is provided by staff as a tool to assess this projects contribution to the open space/wetlands preserve.

Planning Director Sellers added that staff has checked with the Army Corps for more a firm breakdown of preserve acreage for individual projects, but none was found.

Ms. Vlamis stated that the traffic analysis referred to Bidwell Ranch DEIR, and the numbers being used for that document were not accurate. She reviewed one example in the DIER of East Avenue between Cohasset Road and Manzanita Avenue, after potential build-out of Bidwell Ranch and Foothill Park, the average daily trips does not increase dramatically and the level of service does not change. Thus if the traffic analysis is based on these figures, this environmental impact report and that for Bidwell Ranch are incorrect.

Ms. Vlamis reviewed her concerns that without the HRCP being complete, and with development standards and guidelines still being created, the public and the Commission do not have the tools to evaluate projects in RMAs. She stated that reviewing projects on an individual basis was not the intent of General Plan.

George Matthews, 318 Orient Street, stated that this project is asking for a sacrifice of open space, scenic views, wetlands, air quality, traffic flow, school quality and rare and delicate flowers. He noted that he would like to see Chico go towards a compact urban form rather than classic suburban sprawl going into previously unused open spaces. He indicated that the proposed lots will be 4,000 to 10,000 square feet, which is large for Chico. He noted that Post World War II homes wasted space with large yards, and expressed concern that the same would follow for homes in this development. He suggested that the area could build real neighborhoods with smaller lots, which would leave more open space. He urged the Commission to make sure that this development, if approved, is a high quality neighborhood.

The public hearing was closed at 10:35 P.M.

Commissioner McAdam stated that she would submit written comments. She noted that these comments would include the traffic presumption that Bidwell Ranch would be built, cumulative impacts which are addressed and others which are not. She indicated she felt the air quality impacts, which will be significant and unavoidable, are addressed with mitigations which are inadequate. She stated that the level of significance with regard to school mitigations should be altered to "potentially significant" as the State has limited the amount for school mitigation fees and that inequality should be recognized. Regarding the Chico Municipal Airport, page 145 of the DEIR, she suggested that it is dangerous to say that there will not be any impact and added that the preservation of the airport is important.

Commissioner Carter asked Assistant City Attorney Barker to review the process the Commission is going through, and address any legal concerns about the process. If additional information is to be added after the closing of the public comment period, there would be no ability to respond to the comments. Assistant City Attorney Barker stated that she will research the question and provide more detail at a future meeting.

Commissioner Carter stated that his largest objection for the project is the apparent disregard of the General Plan. He indicated that the applicant has pinpointed the aspects of General Plan which are consistent with the project and stated that the project is consistent with the Plan. He noted that the General Plan encourages looking at areas of development as a whole rather than piecemeal. He added that this property has the potential for being an example of the good use of land in a sensitive area. He noted that the DEIR references separately that this project will be developed in phases.

Commissioner Carter expressed concern regarding Mitigation Measure No. 4.1.1 - Design Policies. He stated that the applicant is not presenting a specific plan, which would meet that measure. He noted other discussion in the DEIR which suggests a specific plan be prepared. He indicated that another design issue of concern is walls and berms along Eaton Road, which is not consistent with the General Plan. He expressed concern that the connectivity of this project has not been provided to the Commission. He stated that he would rather see project specific impacts for both Bidwell Ranch and this project, as well as cumulative impacts.

Chair Monfort stated that he agreed with Commissioner Carter's remarks. He noted that in the DEIR, Pages 36 and 37 address consistency with the General Plan. He indicated that it would be difficult to establish General Plan consistency without more information provided through a specific plan or community development standards. He added that a better map of the project would also be appreciated. He added that traffic is one of the significant effects of this project, and will result in an increase of traffic on residential streets. He stated that traffic studies only measure levels of service to motorists, but they should also take into account impacts on the people living along the effected roadways. He noted that such a study may result in additional mitigations to keep the traffic from impinging on the quality of life for residents.

Sr. Planner Jolliffe stated that the DEIR did discuss that issue in the land use section. She noted that it is difficult to quantify the impact of increased traffic on the rural characteristics of the roadways, but that a qualitative discussion is provided.

Commissioner Carter stated that the General Plan calls for the respect of the surrounding community. He noted that he felt this project does not respect the existing neighborhoods.

Chair Monfort suggested that traffic calming devices on residential streets may be an effective mitigation measure to address traffic concerns in the surrounding neighborhoods.

Commissioner Carter reviewed page 38 from the DEIR, regarding the effect on the neighborhood. Ms. Spence-Wells replied that the intent of this section is that the project is residential development similar to the surrounding residential type of land use.

Commissioner Studebaker stated that he had an additional concern, though he agreed with the previous concerns the Commission had expressed. He noted that while there are four schools on the map used to evaluate concerns for the project, it has been rumored that Marigold School may be made a part of Pleasant Valley High School. He stated that he would like a report from the school district regarding that integration. Sr. Planner Jolliffe stated that she will contact the school district.

Commissioner Studebaker stated that he was also concerned with the pedestrian circulation in the area.

Chair Monfort inquired if new information is added to the DEIR, will the comment period be extended. Assistant City Attorney Barker stated that she will report to staff and Commission following research on the topic. Sr. Planner Jolliffe stated that the need for recirculation of an environmental impact report is based on significance of the new information. In relation to the RMAs, while this report does not have a section by that title, it does generally include the content required by the referenced General Plan policies. She added that one area which was not adequately resolved was the requirement for a management plan. She concluded that if any new information provided does not identify any additional environmental impacts, the DEIR would not require recirculation.

Commissioner Carter stated that this project needs a specific plan, especially as it is a large project in a sensitive area.

Chair Monfort inquired if requirements for environmental review have been met if a draft is presented and comment time is provided. Planning Director Sellers replied that there are standards for disclosure which go beyond the document. A draft needs to be a full catalog of impacts. Impacts are established, but mitigation measures can continue to be added as needed.

Commissioner Belmonte expressed dissatisfaction with the DEIR. He noted that this document has pointed out that information is missing rather than answering questions.

Commissioner Crotts stated that this document presumes information, and needs information including detail regarding the noise contours and flight paths for the airport. She agreed that this project needs a specific plan.

Sr. Planner Jolliffe stated that this is the subdivision map which is currently proposed. If the Commission is leading toward requiring a specific plan, it may want to provide that direction at this time.

Commissioner Crotts stated that she felt this project is not consistent with the General Plan and shows no creativity.

Sr. Planner Jolliffe stated that it is possible to continue this meeting to a subsequent date in order to provide the Commission a staff report regarding a specific plan.

Commissioner McAdam verified that the Commission cannot take action at this meeting. Sr. Planner Jolliffe replied that the Commission can provide direction to the applicant.

Chair Monfort added that the Commission is providing a service and guidance to the applicant in advance of map approval hearings. Chair Monfort stated that he did like the population and housing section of the DEIR.

The Commission was in recess from 11:05 p.m. - 11:15 p.m.

5. **Fleur du Parc Vesting Tentative Subdivision Map S-96-1 (Dendall)** - A proposed subdivision of 5.3 acres into nine lots for single family residential development with an average lot size of 16,680 square feet, located at 1298 Vallombrosa Avenue, Assessor's Parcel No. 045-340-017, in an R-1 Single Family Residential zoning district.

Senior Planner Milam reviewed the staff report, which concluded that the subdivision is transitional, in-fill, and meets the required minimum density. He noted that the applicant is also requesting four variances from the Development Standards which are listed in the staff report. He indicated that the school district does request full mitigation, but the Commission is limited by State law regarding that request.

Director of Public Works Ross stated that the proposed cul-de-sac does not conform to design criteria. He expressed concern with the proposed landscape median, as it would require a maintenance district since it is a public right-of-way which requires the City to maintain the small landscaped median. He noted that currently there are no cul-de-sacs with landscaped medians in the City. He stated that though the cul-de-sac is designed to comply with fire engine requirements, it is an architectural feature.

Commissioner McAdam asked if there is an alternative. Director of Public Works Ross stated that the alternative is for the cul-de-sac to meet the City standards for a public street.

Commissioner Carter verified with Director of Public Works Ross that the proposed cul-de-sac is designed to provide satisfactory access for public safety vehicles.

Commissioner Wright confirmed with Director of Public Works Ross that the future property owners will bear the cost of maintaining the landscaped median if the cul-de-sac is a public street.

Commissioner Wright inquired what would trigger development of curb and gutter along the expanse of Vallombrosa as there are currently few sidewalks in the area. Senior Planner Milam stated that when development has occurred in the City, frontage improvements are required, though there are several properties in the area which are under County jurisdiction which may not be further developed. The Commission discussed the surrounding area and the approximate costs of requiring curb, gutter and sidewalk beyond the project site. Director of Public Works Ross explained that the City does have a master plan to provide curb, gutter, sidewalk to all property in the City. He also discussed the sidewalk design for scenic roadways which is being revised as part of the development code review. Assistant City Attorney Barker pointed out that this project is subject to the standards currently required for curb, gutter and sidewalk, and the Commission must make the findings required to vary from those standards.

Commissioner Wright inquired what the funding mechanism would be to put in curb, gutter, and sidewalk along all of Vallombrosa Avenue. Director of Public Works Ross responded that annual funds from the gas tax for street construction would be the most likely route, as City-initiated assessment districts have not occurred in 10 years.

Commissioner Carter suggested that the developer may be able to deposit money for such time as development in the area results in further street improvements which can be done through a development agreement. Director of Public Works Ross noted that there would have to be a term limit for the agreement, and would result in a requirement for a bond in order to guarantee those improvements will be completed. Senior Planner Milam added that if a security bond is posted it must be for a specific period of time, as the Map Act has statutory limits on refunds.

Commissioner Carter reviewed the approximate cost for curb, gutter, sidewalk and planter strips, which, according to Director of Public Works Ross, is roughly \$25 per foot plus shoulder improvements.

Chair Monfort noted that there is evidence of demand for pedestrian or bicycle access in the area through paths worn into the shoulders.

Commissioner Carter stated that the staff and the developer should be able to agree on the amount of money which could be posted to allow the developer the chance to not put in street improvements until the master plan on Vallombrosa is devised.

Chair Monfort questioned the request for a change from drainage requirements. Director of Public Works Ross replied that the storm drainage is envisioned to go across Vallombrosa and filter into the Park at peak flow, rather than creating another drain into Big Chico Creek. He added that the intent is to retain as much drainage on site as possible.

The public hearing was opened at 11:30 P.M.

Bill Dinsmore, Rolls Anderson and Rolls, representing the applicant, stated that the landscape median was felt to be a distinctive feature and maintenance is available through a maintenance district. He noted that the radiuses of the cul-de-sac have been cleared through the Fire Department. Regarding Vallombrosa Avenue, he indicated that in the surrounding area there are two pieces of curb and gutter one-half mile to the east, and no curb, gutter and sidewalk within one-half mile to the west. He stated that the applicant would be willing to enter into an agreement with the City for five years and post a bond. At the end of that five years, if the curb, gutter and sidewalk is not necessary, the money will be returned. He additionally noted that they would like the project's street improvements to conform with the rest of Vallombrosa Avenue.

Chair Monfort stated that Public Works would not object to the road if it was a private street and inquired why that was not requested. Mr. Dinsmore replied that it is a time consuming process to establish a homeowners association and it is expensive for the homeowners. He noted that a maintenance district would be required to maintain the median which will contain City designed landscaping.

Commissioner McAdam noted that in cul-de-sacs emergency vehicles may run over landscaping and inquired if that possibility was addressed. Mr. Dinsmore stated that the Fire Department has approved the radius' and curves of the cul-de-sac.

The public hearing was closed at 11:55 P.M.

COMMISSIONER MCADAM MOVED APPROVAL OF THE FLEUR DU PARC VESTING TENTATIVE SUBDIVISION MAP S-96-1 (DENDALL) AND ADOPTION OF PLANNING COMMISSION RESOLUTION 96-03 WITH THE ADDITION OF A PROVISION FOR THE SIDEWALK, CURB AND GUTTER IN WHICH THE APPLICANT BE REQUIRED TO POST A BOND FOR FUNDING OF THE IMPROVEMENTS FOR A PERIOD OF FIVE YEARS, IN ACCORDANCE WITH THE SUBDIVISION MAP ACT, AND TO ALLOW THE FOLLOWING MODIFICATION TO THE DESIGN CRITERIA AND IMPROVEMENT STANDARDS FOR THE PUBLIC STREET WIDTH, STORM WATER DRAINAGE SYSTEM, AND MEDIAN STRIP IN THE CUL-DE-SAC SUBJECT TO THE FINDINGS LISTED IN THE STAFF REPORT.

Commissioner Carter verified that if the improvements are not in place in five years pending the completion of the City's master plan for street improvements along Vallombrosa, the money will be refunded.

Commissioner Carter seconded the motion which was unanimously approved.

6. **Use Permit No. 96-6 (Schaefer)** - A request to allow the expansion of an existing bar and grill (The Oasis) and the addition of live music and entertainment located within 300 feet of a residential district at 1007 West 1st Street, Assessors Parcel #004-032-002, in a C-2 General Commercial District. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Senior Planner Milam reviewed the staff report for the request to expand an existing use and allow live music and entertainment.

Commissioner Carter inquired what landscaping would be required. Senior Planner Milam replied that the area behind the building will have to meet current standards. He noted that to require landscaping in front of the building would require an abandonment of the City right-of-way.

Chair Monfort suggest that there should be different parking requirements for pedestrian intensive areas. He added that planting street trees would be an improvement for this area.

Commissioner Carter reviewed with Planning Director Sellers the City standards regarding street trees and landscaping.

The public hearing was opened at 12:05 a.m.

Jim Stevens, NorthStar Engineering, representing the applicant, described the request which would include providing an acceptable amount of parking, and provide space for a stage and equipment access. He noted that the net floor area for patrons is 1887 square feet. He noted that the front of the property has existing curb and gutter, though the applicant would not object to applying for an abandonment to acquire the land in order to complete the parking spaces located in the front. He added that the frontage currently is all paved and installation of street trees would affect parking patterns, may not affect the amount of shading, and pedestrian and vehicle traffic may affect the longevity of a tree.

Commissioner Carter inquired what the area behind the glass shop is currently being used for. Mr. Stevens responded that the land is occasionally used for parking and deliveries, though it is uneven.

Commissioner Carter reviewed the location and site plan and inquired if lighting would be required in the parking lot. Planning Director Sellers noted that City standards do not require parking lot illumination.

Mr. Stevens noted that the owner and Mr. Smith, the adjoining neighbor, have worked out differences in the past and would be able to address any lighting impact concerns.

Commissioner Carter stated that parking lot lighting is a safety issue. Mr. Stevens noted that there currently is lighting illuminating the area.

Mr. Stevens requested that Condition No. 5, requiring architectural review, be staff administered since there are no new features or color changes intended for the building. Planning Director Sellers indicated that the Code allows the latitude for the Commission to specify that the project be subject to architectural review.

Commissioner Studebaker inquired if this expansion will affect the hours of operation. Mr. Stevens replied that the hours of operation would not change.

Commissioner Carter verified that the applicant would be willing to work with the Urban Forester regarding the possibility of street trees.

Mr. Stevens stated that, mindful of noise concerns, the applicant intends to place sound attenuating insulation in the extension.

Mr. Darrell Smith, a previous speaker, stated that he has worked out problems with the applicant, Mr. Schaefer in the past. He indicated that Mr. Schaefer has told him that a sound wall will be built between the rear parking lot and his residence. He added that though the wall was not part of this permit, he believed it would be built.

The public hearing was closed at 12:20 a.m.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 96-6 (SCHAEFER) WITH THE CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT WITH THE ADDITION OF (1) THE APPLICANT WILL CONSULT WITH THE URBAN FORESTER TO VERIFY IF STREET TREES SHOULD BE INSTALLED IN THE FRONT OF THE PROPERTY, THE TYPE AND NUMBER TO BE DETERMINED BY THE URBAN FORESTER; (2) THE PARKING AREA IN THE REAR SHALL BE ADEQUATELY LIGHTED FOR THE SAFETY OF THE PATRONS; (3) A SOUND WALL OF THE HEIGHT NECESSARY TO ADEQUATELY CONTAIN SOUND AT THE REAR OF THE PROPERTY MUST BE BUILT PRIOR TO SEPTEMBER 30, 1996; AND (4) THAT THE PROJECT BE SUBJECT TO THE ARCHITECTURAL REVIEW PROCESS.

Chair Monfort verified that installation of street trees is to be discretionary.

COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 7-0.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:20 A.M. to the Special Meeting of April 22, 1996.

May 20, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF APRIL 22, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Community Development Director Tony Baptiste, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

REGULAR AGENDA

1. **Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map**
Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, a draft Development Agreement and Final Environmental Impact Report. The Commission will provide a recommendation regarding certification of the Final Environmental Impact Report, specific plan and development agreement adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. This item was continued from March 21, 1996.

Planning Director Sellers introduced Bill Brouhard, the project manager, prepared to give a brief project presentation as requested by several Commissioners.

Bill Brouhard presented slides displaying the proposed project. These slides included aerial photographs with the proposed designations overlaid, a land use summary, preservation of vistas to foothills, informal recreation, and displaying a definitive edge for the City. He noted that the meadowfoam preserve will be 119.6 acres. He described the objectives of the neighborhood features as including pedestrian scale, organized structure, well-defined edge, a neighborhood center, landmark spaces, space for community activities, a neighborhood school and parks. He reviewed the pedestrian circulation. Mr. Brouhard stated that he had worked with the school district, Chico Area Recreation District (CARD) and staff to design the school and neighborhood center area. He note that the road patterns include a master landscape plan. He added that the overall slope of the project area is an average of 2.5 percent. He gave an overview of the wetlands on the site, both natural and created. He stated that Sycamore Creek will be protected by the park buffer.

In regards to Bidwell Park, he stated that the project does include a bike trail across the 200 acre buffer to the Park. He indicated that he would like the Commission to recommend to Council that the path not be lighted as requested by City Public Works. He noted that the project will not be very visible from the Park North Rim Trail both due to the distance of the park buffer and other knolls which block the view. He presented a photo simulation of the result of the dedication of the park buffer which is meant to protect the Park. He noted that use of the Park is a function of a lifestyle, not a particular residence location.

He reviewed different possible land use and traffic patterns, including those proposed throughout the projects history dating back to 1982. He addressed questions which have been raised by the Commission and the public. He stated that street improvements will help eliminate the impact of the traffic generated by this project, though traffic is a major concern throughout the city. He acknowledged that Bidwell Ranch will require City services, but stressed that the residents of the area will be taxpayers. He added that the project incorporates an elementary school site and \$8 million in school impact fees.

Mr. Brouhard stated that the Resource Management Area (RMA) requirement in the General Plan is intended to provide the land owner, staff and the public with information prior to the land use planning process. The RMA leads to creek continuity, continuity of open space preserves, and preservation of endangered species. He suggested that this project was the model for what the RMA is supposed to do, as it incorporates the intent of the RMA, and was completed prior to the RMA requirement.

Commissioner Studebaker expressed concern that the settlement agreement requires that land be dedicated for a junior high school, but the applicant is relaying that the school district does not want it. Mr. Brouhard replied that the school district has noted that a junior high site needs to be central to those who would use it. He noted that this project site is offset, and would not provide that centralization. He added that other changes to the agreement being requested are the dedication of eight acres (five acres are now required) and the community park which was required, but now is not desired due to the development of Wildwood Park.

Commissioner Studebaker questioned where in the specific plan housing goals and affordable housing were addressed. Mr. Brouhard stated that the General Plan Housing Element talks about providing varied housing types, and the subsidized housing is being addressed through an agreement to participate in any area-wide issues with subsidized housing.

Chair Monfort confirmed that the Specific Plan suggests that 6,000 to 8,000 square foot lots may be allowed to have granny units as a possibility.

Commissioner McAdam asked for clarification on how this project would provide a definitive edge to the City. Mr. Brouhard replied that the project is bordered on three sides by open space to be dedicated to the City. He stated that the best way to do define an edge is to have a project which does not allow any development to the east.

Commissioner McAdam inquired why additional acres are need to create an edge, rather than using the diversion channel as the edge. Mr. Brouhard responded that the General Plan, sewer assessments, zoning designations and Sphere of Influence line extend to the 200 kv line, defining where the edge should be located.

Planning Director Sellers reviewed the staff report. He noted that the previous staff report reviewed the General Plan issues as well as other issues.

Planning Director Sellers reviewed the Bidwell Ranch Final Environmental Impact Report (FEIR) and the process which has led to it. At the public hearing held in March the Commission received comments on wetlands mitigation, he noted that approval was given to the wetlands mitigation plan by the Army Corps of Engineers. He indicated that the traffic analysis does represent an increase as a result of the Bidwell Ranch development. He stated that the diagrams from the DEIR on programmed improvements having a six lane configuration on East Avenue was in error and was based on previous models on full build-out of a larger version of Bidwell Ranch and Foothill Park. He stated that programmed street improvements include the widening of East Avenue and Manzanita, and widening of two bridges, which would be sufficient to handle the amount of traffic which will be generated by the project and other community development.

Planning Director Sellers reviewed the eight recommended conditions of approval for the Specific Plan. He stated that the purpose of the Development Agreement was to establish responsibilities and timing of the implementation of the Specific Plan. He reviewed the responsibilities as set forth in the Development Agreement. He noted that Item No. 3, regarding responsibility for park improvements,

requires Council direction. He also recommended clarification of Item 2.5 to not limit the City's ability to require certain improvements be completed at certain phases.

He noted that it is not possible for the Commission to act on the Tentative Vesting Subdivision Map at this time as the General Plan requires adoption of the Specific Plan prior to adoption of the Map. He recommended the Commission adopt a motion of intent pending Council final action.

Chair Monfort stated that the Commission should consider each section of the proposal as it will be complicated with phasing and mitigation which may not work together. He added that staff should be directed to establish which document required conditions relating to phasing should be added to. Planning Director Sellers stated that such a direction could be included in the Commission's recommendation to Council. City Attorney Boehm stated that the Tentative Subdivision Map is not before the Commission at this time as it is dependent on adoption of the Specific Plan.

Commissioner Carter expressed concern that the City's Capital Improvement Plan is not tied to this project, though the mitigation of traffic is dependent on the completion of the Capital Improvement Plan. Planning Director Sellers stated that the Commission can require specific improvements as conditions of project approval.

Commissioner Wright stated that the Development Agreement, Section 3 refers to an Exhibit C which is not present in the Commission's packet. Planning Director Sellers replied that the Exhibit will be the listing of improvements which will be required. That list, and how they need to be phased, cannot be established prior to Commission and Council comments. He noted the improvements such as the Eaton Road extension and signalization of Manazanita Avenue will be addressed. City Attorney Boehm added that the developer will prepare a document which will establish the phasing. Planning Director Sellers stated that the subdivider will submit a map depicting a proposed phase, then those improvements necessary for that phase will be determined by the Department of Public Works.

Commissioner Carter inquired if there is similarity between this phasing and the phasing which resulted in the traffic at the intersection of California Park Drive and Bruce Road, considered in the development of California Park. Planning Director Sellers responded that there were agreements made in the development of California Park, though there was not a specific plan or a development agreement.

The Commission was in recess from 9:00 p.m. to 9:15 p.m.

Chair Monfort noted that due to the amount of requests he received during the recess, he offered that those who only wish to declare their opposition may feel free to register with the secretary.

Planning Director Sellers stated that during the break, the development agreement was discussed and it was determined that the agreement as currently structured, will incorporate the Public Works Subdivision Report, already provided to Commission, as Exhibit "C."

The public hearing was opened at 9:15 p.m.

Shelley Jensen, 11 Noyo Court, stated that the applicant has not addressed all the concerns of those in the existing neighborhood. She reviewed the significant unmitigatable impacts. She noted that the Commission has a responsibility to those who already live in the area. She indicated that in order to plan

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for the growth of Chico does not require approval of this large project. She asked that the Commission recommend to the City Council that this project be denied.

Roxanne Jensen, 11 Noyo Court, stated that she felt Bidwell Ranch is a huge proposal. She expressed concerns regarding school over-crowding if the project is developed as the current schools are crowded and construction bonds for new schools did not pass the voters. She asked that the Commission deny the project.

Vince Phelan, 3010 North Avenue, stated that he is opposed to the Bidwell Ranch project because it will impact an overburdened sewer plant and overcrowded schools. He noted that serious hazards will be created when the project access is blocked at its sole egress point. He added that 1,500 homes on the outskirts of Chico, roughly a population the size of Corning, will adversely effect the visual resources of the City.

Laura Jacobson, 1618 Locust Street, expressed concern with the impact the project may have on Bidwell Park vistas, potential damage to the Park during construction, the loss of trees in the Park when Manzanita Avenue is widened and damage which can be created by increased use of the Park. She compared Bidwell Park to Yosemite National Forest. She implored the Commission to take the risks, utilize their foresight and make the decision to deny the project instead of wasting taxpayer money on a voter referendum.

Bill Crowley, 941 Walnut Street, Apt. 8, expressed concerns regarding the air quality and traffic impacts of the Bidwell Ranch project. He stated that in order to handle the east/west traffic, Vallombrosa will have to be expanded into Bidwell Park. He noted that the applicant is based in Sacramento and will not live with this development nor have to contend with its impacts. He stated that Bidwell Park is the crown jewel of Chico and this project will have a visual impact on the Park. He also stated that he felt that development in that part of the City should be further north, away from the Park, and the General Plan should be revised to reflect that.

John Hunt, 980 Normal Street, stated that new people moving to Chico and into Bidwell Ranch will not have the same sense of responsibility to the community as the many who have gathered to oppose this project. He noted that there are hawks which live in the Park whose habitat will be impacted if this development is built.

Nancy Park, 372-B E. 10th Avenue, stated that she is in opposition to this proposal. She indicated that she does not like to see signs of sprawling development. While the General Plan allows some growth to occur, growth without a habitat protection plan is asking for disaster. She noted that the proposal will have an impact on Bidwell Park.

Daran Marx Finney, 19 Kinswood Lane, expressed concern with the amount of traffic at the intersection of Marigold and East Avenues, which is adjacent to the kindergarten. She stated that it was a good idea to donate the eight acres for development for an elementary school, but inquired if the \$8 million in school fees will go toward building the school. She suggested that since there is room for growth in other areas of Chico, the project be built elsewhere.

Eric Mindel, 1512 Laurel Street, stated that the 200 acres of dedication for a Park buffer will affect the coyote population. He indicated that either the animals will move further away, or it will increase their visibility around the homes where they may impact the residents. He noted that a feral cat problem currently exists in lower Bidwell Park, which may be extended to upper Bidwell Park if there is development nearby. This will provide a food source for the wild coyotes. He stressed that for the safety of both people and animals, development should not occur next to the wildlife of Bidwell Park.

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Karen Leslo, 468 E. Sacramento Avenue, stated that people are moving to Chico to avoid the innercity atmosphere such as exists in Sacramento. She expressed concern that to build up the outer limits of Chico will result in the older neighborhoods becoming like the innercity.

Richard Redmond, 1740 Citrus Avenue, expressed concerns with the problems which exist now and will grow with development. He noted that schools are already overcrowded and voters do not seem likely to pass a bond for school expansion. He stated he felt that during the General Plan process, the General Plan Task Force was promised that there would be no more six lane roads in Chico and the Eaton Road extension would not happen. These are now included in this project. He noted that allowing development in this area was a close vote by the General Plan Task Force for development.

Mr. Redmond stated that there is no need for the amount of homes which are proposed given that were 37 homes sold in Chico during the past month. He indicated that the Bidwell Ranch proposal contains many things which should be supported, but not when it is located next to Bidwell Park. He noted that the General Plan calls for a compact sphere of influence; this is leap frog development. He asked the Commission to oppose this project because it is not needed.

Tim Bousquet, 462 E. 3rd Street, reviewed the FEIR traffic projections. He noted that Mr. Brouhard has stated that the General Plan acknowledges that traffic will increase, though it contains no final numbers on traffic projections for Vallombrosa which is designated as a scenic route. He indicated that traffic will triple on Vallombrosa if this project is developed. He added that residential development does not pay for itself and there is not enough commercial properties in the project to pay for the development. He stated that the main problem with this proposal is its location in relation to the rest of the city, and that the infrastructure cannot be reconfigured to handle the traffic which will be generated.

Nicole Lewis-Oritt, 339 W. Francis Willard, stated that people move to this area because it is a small community. She added that Bidwell Park is one of the top three reasons to move to Chico. In order to protect the resource of Bidwell Park, she stated she felt it would be foolish to have this type of development next to the Park. She urged the Commission to vote no on this project as it will ruin what makes Chico a unique and special place to live.

David Vierra, 1679 Manzanita Avenue, stated that Bidwell Ranch will have an impact on the area, as there is no where for traffic to go other than through existing neighborhoods. He noted that the development will decrease the value of his home, which is across from project area. He stated he felt that he will have to sell his home as the development will ruin the beauty of the area.

Neil Farrell, 2602 Navarro, stated that the proposed neighborhood center will not prevent traffic trips. He stated that the bike path to Bidwell Park will have to be a paved road in order to provide the emergency vehicle access. He presented a map depicting the area as the California Department of Forestry (CDF) fire-bomber route. He expressed concern that this development will produce a non-mitigatable effect on forest fire protection as he felt CDF will move to another airport if this development is built. He urged the Commission to deny this project.

Kelly Meagher, 337 Main, summarized that this is an emotional issue. He indicated that many people believe that the General Plan is inadequate because it is not fully implemented. He asked who currently owns the property, if bankruptcy is involved, and if the sewer assessments have been collected. City Attorney Boehm responded that Crocker Development Limited Partnership owns the property, and is currently in Chapter 11 bankruptcy proceedings. He noted that there was an automatic stay on the sewer assessments once the Chapter 11 proceedings had begun.

Mr. Meagher suggested that the developer is already in debt to the City and will not be able to meet the necessary mitigation. He urged the Commission to vote against this proposal.

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Commissioner Carter inquired if the reorganization for the property owner has been approved by the bankruptcy court. City Attorney Boehm replied that there are plans for reorganization at this time. He stated that the development agreement has to be approved by the bankruptcy court. He noted that the people which will suffer from the lack of payments are not the taxpayers, but the bondholders for the Northeast Chico Sewer Assessment District.

Carl Johnson, 1850 Vallombrosa, stated that there has been a change in Bidwell Park's wildlife habitat over the past 20 years which will be worsened by this development. He presented written comments to the Commission. He expressed concern that the flight path for CDF fire-bombers will be impacted, prompting CDF to move, which may have a chain reaction with Aero Union and other airport tenants relocating causing the airport to close. He suggested that the sewer in the area could be used to hook-up to the Park instead of the proposed development.

Walter Cook, 42 Northwood Commons, expressed concern regarding traffic impacts on Vallombrosa and East Avenue. He noted that massive residential development may not have long term economic benefit for the community or enhance the quality of life. He stated that the public facilities in the area are not adequate for expansion of the development in the area, particularly schools. He stated that the Commission should decide that adequate facilities are not available in the area and deny the project.

Billie Crosby, 1378 Vallombrosa, presented a list of 75 people present who wished to voice their opposition to this project, as suggested by Chair Monfort.

Mary Hurd, 1120 Esplanade, stated that the project may be a quality development, but noted that many people she has spoken with do not feel that growth has been accomplished properly in Chico. She noted that many people do not notice the small developments, and this project is big enough to draw their attention. She suggested that no one moves to Chico because of housing, but for a job and that this is a good place to raise a family or to contribute to a quality community. She stated her belief that the Commission should ensure that the General Plan implementation be completed prior to approving a project this large.

Gloria Bettencourt, 1366 Vallombrosa Avenue, stated that this development proposal is the size of a new city and the General Plan did not address advocating new cities. She suggested the Commission advocate a greenline at this project to protect the foothills and the viewsheds.

Elizabeth Deveraux, 296 Honey Run Road, reviewed that as a General Plan Task Force member, the Task Force had a split vote on allowing development in this area. She noted that most of the problem with this proposal is the location. She suggested that growth be in areas where there is already infrastructure. She stressed the need to have population along transportation corridors in order to have viable public transit and those corridors need to have urban development rather than subdivision development.

Charlene Sturm, 1372 Vallombrosa, stated that Vallombrosa is already impacted with speeding. She noted that Butte Environmental Council is working on finding assistance to help purchase the land as a watershed. She stated that she would support the property being added to Bidwell Park. She expressed concern regarding the proposed East Avenue widening as there are schools located along it.

Patrick Newman, 1614 Spruce Avenue, stated that he is against this project because it is automobile dependent.

Diane Naegli, 860 Vallombrosa, expressed concern with traffic especially along Vallombrosa and East Avenue. She noted that residents along Vallombrosa have begun to install sound attenuations. She stated

that the public had already voted down development on this property once before and this proposal should also be denied.

Jerry Olio, 2595 Cactus Avenue, stated his opposition to this project.

The Commission was in recess from 10:40 p.m. to 10:50 p.m.

Belva Dean, 2759 Mariposa Avenue, asked the Commission to protect the Park. She proceeded to read the letter she had submitted to the Commission prior to this meeting.

John Merz, 178 Terrace Drive, handed out a publication entitled "Beyond Sprawl and Patterns of Growth in the New California". He noted that driving elements of the General Plan include compact urban form and infill. He stated that the message delivered by the people in the community is that this project should not happen, is not the definitive edge of the community. He suggested that Sycamore Creek provides a natural edge of the city. He indicated that this project will have a significant negative impact on the airport, water recharge zone and wetlands. He also suggested that it is time to establish the limits of growth in the community; this being beyond the limits.

Larry Laney, 1352 Kari Lane, reviewed the recent public hearings regarding an FHK rezone and the Parker Manor subdivision, which was meant to be an in-fill project. He expressed concern with the widening of East Avenue. He suggested that it is not possible to build this project and expect current area residents to accept the additional traffic. He urged the Commission to deny this project.

Jim Griffith, P.O. Box 1418 Chico, stated that road decay starts with over-burdened roads and suggested that expanding the right-of-way on East Avenue may be inadequate as it will create no buffer for the existing neighborhoods. He urged the Commission to give the best recommendation to the Council regarding the project in terms of planning and to deny the project.

Les Gueton, 795 Caprice Way, stated that the General Plan task force was not elected, and noted that at the October, 11, 1994 City Council meeting, the area east of the airport was declared to have too much development. He indicated that this area is an infiltration area, creating a sponge to prevent flooding. He asked that the property be made an addition to Bidwell Park.

Larse Page, E. 9th Street, stated his opinion that the Commission should approve this project. He stated that if growth is not allowed, area businesses will not be able to expand. He added that if growth is stopped, most citizens will not be able to afford to purchase a home.

The public hearing was closed at 11:17 p.m.

Chair Monfort stated his intent to continue the discussion to the next meeting.

Planning Director Sellers stated that if the Commission desires additional information, staff will gather that information prior to the next meeting.

Commissioner Studebaker reviewed that Chico Unified School District has formed a committee to look at facilities planning which offers alternatives, including incorporating Marigold School into Pleasant Valley High School. This report is due to the school board in September. The Commission needs to know how the schools will be impacted by this development. He added that he is also concerned with the traffic impacts, as there is no guarantee the improvements will be made.

Commissioner Carter stated that he would like to see Exhibit C to the Development Agreement. He noted that the exhibit should be user friendly, easily understandable and include phasing. He added that Exhibit C will most likely refer to the City's capital improvement program, which should also be reviewed by the Commission in considering development of this area. He expressed concern that the project is a major undertaking, especially for a developer under jurisdiction of bankruptcy court. He indicated he would like a review by the legal staff regarding the effects the Chapter 11 and advising the Commission regarding the potential effects and possible impacts.

Commissioner McAdam stated that the airport tankers' paths were not a part of the Bidwell Ranch FEIR, and would be a significant piece of information which needs to be addressed.

Chair Monfort stated that there are offsite improvements, including Eaton Road extension, bikepaths and other traffic calming devises which are not on-site but could be mitigation for this project. He inquired if there has been a nexus study which shows that the impact fees would be sufficient to pay for these improvements. Planning Director Sellers replied that the transportation fees are based on a certain set of improvements which are considered for community street facility needs. He noted that these fees will not fund traffic calming devises or bike paths off-site of the project, so there would have to be a nexus statement and a condition which would be addressed by that improvement. He added that staff can research those issues if directed by the Commission.

Chair Monfort stated that traffic engineers consider impact on drivers in levels of service, not traffic flow and noise. He suggested that one way to deal with that issue is to use traffic calming devises along residential streets. The object is not to affect levels of service but deal with traffic flow and decrease noise and speeds in the adjacent neighborhoods. Planning Director Sellers stated that traffic noise was established as a significant and unavoidable. He added that the City is responsible to mitigate to the extent possible, and that these are feasible mitigation measures.

Commissioner Belmonte stated that he felt that provided information is insufficient to see what this development is doing to address the issue of affordable housing. He indicated that he would like a more definitive answer which deals specifically with this project.

Chair Monfort stated that the Bidwell Ranch FEIR contains comments by the Police Chief stating that the emergency response time for this project is approaching seven minutes. He stated that he would like to know what the allowable threshold is.

Commissioner Carter stated that additional information is requested by the Commission which the public has not yet seen. He indicated that it would be appropriate to re-open the public hearing to hear comment on those issues. He noted he would be in favor of continuing the public hearing.

Chair Monfort stated that he would like to restrict the public comment to new information.

The Commission discussed alternative dates.

COMMISSIONER CROTTS MOVED TO CONTINUE THE PUBLIC HEARING TO THURSDAY MAY 9TH AT 7:30 P.M. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 7-0.

BUSINESS FROM THE FLOOR

Planning Director Sellers expressed his appreciation to Commissioner McAdam for her service to the Commission and best wishes on her impending move from the area.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:40 p.m. to the Regular Meeting of May 6, 1996.

June 3, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF MAY 6, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Kirk Monfort, Jonathan Studebaker and Michael Wright. Commissioner Brenda Crotts was absent. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Ken Milam, Contract Senior Planner Pam Figge and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

1. Minutes of Special Meeting of March 21, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Revocation of Use Permit No. 1599 (Fun World) - Revocation of a use permit which allowed an amusement park and use of an adjacent parcel (Silver Dollar Fairgrounds) for parking on 5.79 acres at 2275 E. Elm Street, Assessor's Parcel No. 005-490-035, in an M-1 Limited Manufacturing zoning district.

Requested Action: Acknowledge Receipt of a letter from staff informing applicants of revocation.

3. Tentative Parcel Map PM 96-1 (Adema) - A request to create two lots with existing residences on each parcel and modification of development standards to exceed the 3 to 1 width to length ratio on property located at 1641 and 1645 Oak Park Avenue, Assessor's Parcel No. 043-682-032, in an R-1 Single Family Residential zoning district.

Requested Action: Adopt the Planning Commission resolution conditionally approving the tentative parcel map application.

Commissioner Carter removed this item from the Consent Agenda.

COMMISSIONER CARTER MOVED APPROVAL OF CONSENT ITEMS 1 AND 2. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 5-0.

ITEMS REMOVED FROM THE CONSENT AGENDA

3. Tentative Parcel Map PM 96-1 (Adema)

Commissioner Carter inquired if there is a condition in the resolution requiring full urban improvements and that the existing trees be preserved. Planning Director Sellers replied that staff will work with the applicant on the design of the improvements in order to retain the trees.

Commissioner Carter verified with Planning Director Sellers that there are other improvements in the area.

COMMISSIONER CARTER MOVED APPROVAL OF TENTATIVE PARCEL MAP PM 96-1 (ADEMA) WITH THE ADDED CONDITION THAT THE APPLICANT WORK WITH THE URBAN FORESTER TO PRESERVE EXISTING TREES. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 5-0.

REGULAR AGENDA

- 4. Administrative Use Permit No. 96-5 (Walmart)** - A request to allow an existing 80,000 square foot grocery store located at 2060 East 20th Street, in a C-1 Restricted Commercial zoning district, to operate on a 24-hour basis, located within 300 feet of a residential zoning district. This represents an appeal of the Planning Director's approval. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Senior Planner Milam reviewed the staff report and the previous application for a use permit for the site.

Commissioner Carter asked for a history of the project. Planning Director Sellers stated that the project had been approved through the Architectural Review Board prior to General Plan adoption, though many General Plan design principals were discussed. He noted there had been a proposal to rezone an adjacent parcel, which the Commission had recommended for denial. The application was withdrawn prior to Council consideration. Planning Director Sellers reviewed the adjacent zoning designations and land uses in the area.

Commissioner Carter inquired if, when Walmart submitted its original application, there was discussion of 24 hour operation. Planning Director Sellers replied that the applicant had considered another location and initially did request 24 hour operation, but that application had been withdrawn.

Chair Monfort asked several questions relating to the 24 hour operation of the Safeway store located on East Avenue. Planning Director Sellers noted that the East Avenue Safeway location has a conditional zoning agreement. This agreement restricts the landscaping, lighting, deliveries and truck access. He indicated that there had been complaints regarding the metal doors in the rear of the building; those doors were removed subsequently. Other complaints were resolved through area residents' discussions with the owner and operator.

The public hearing was opened at 8:45 p.m.

Paul Simmons, 3601 State Street, Salem, Oregon, representing Walmart, stated that Walmart operates 20 stores, all of which have 24 hour operation, except for Chico with the other locations having similar settings near residential development. He explained Walmart is willing to accept the conditions of approval except for the condition regarding deliveries. Due to the high volume of stock which is delivered from Salem between approximately 9:00 p.m. and 11:00 p.m., seven days a week, the delivery time is requested to be restricted from 10:00 p.m. to 1:00 a.m. with no deliveries from 1:00 am to 6:00 a.m. He stated that noise impacts are a concern which is being addressed. He stated that a new noise study has been completed, which will be presented at this hearing. He added that they will extend the east end of the soundwalls to the end of the building.

Commissioner Wright asked how many trucks deliver goods on a typical night. Mr. Simmons replied that there are three different companies delivering goods with an average of two trucks total per night. He noted that unloading the trucks takes an average of one hour per truck.

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Commissioner Wright inquired if the primary reason for this request is for deliveries or to provide customer service. Mr. Simmons responded that to be competitive the store must be open 24 hours. He noted that the late hours also allow time for stocking and delivering.

Commissioner Carter asked what the average number of customers is during the late night hours. Mr. Simmons explained that, depending on time of year, there is an average of 50 to 100 customers, though the issue is really customer perception of availability, which requires 24 hour operation.

Al Duble, Kings Grade Road, Newberg, Oregon, presented copies of noise data sheets taken within a week of the meeting. He stated that the basic finding of the noise study was that noise levels along the north side of Forest Avenue have decreased anywhere from 3 to 12 decibels since 1994. He suggested that, being a large building, Waremart has acted as a noise barrier from the Forest Avenue/20th Street intersection.

Chair Monfort stated that the concern is that the sudden events, such as truck deliveries, may not be reflected in the averages. Mr. Duble responded that those types of activities are listed in the document. He stated that it was his experience that the lowering of the ambient noise level may have resulted in the residents becoming more sensitive to the sudden noise events.

Commissioner Carter noted that the previous noise report had stated that the heating and cooling systems in the residences, with windows closed, should reduce the noise impacts, although those who leave their windows open will have noise like a freeway.

Mr. Duble stated that the backup signals on many of the delivery trucks which made deliveries to the store during his study were inoperational, even though required by OSHA standards. He noted that the residents living behind Waremart were correct that the loading docks do make noise, but the noise is within the Municipal Code allowable ratios. He stated that he has suggested the docks be given a polyurethane coat, which will help reduce the noise impacts and electric carts be purchased to help reduce the noise on the loading ramps. He stressed that even though noises meet standards, some noises will draw complaints.

Chair Monfort inquired why acoustical paneling had not been installed along the back of the building as was suggested in the early noise study. Mr. Duble replied that the Architectural Review Board had not approved that paneling. Chair Monfort asked if landscaping would help dampen the effect. Mr. Duble stated that it would not.

Commissioner Carter reviewed with Mr. Duble the building design in respect to noise attenuation and questioned the design consideration when orienting the loading dock next to residential development. Mr. Duble stated that the loading area was designed so the noise from the backup signals would be protected by the dock, depressed driveway and sound wall, and the acoustical tile would have also helped reduce the noise.

Don Fitzgerald, 2050 Springfield Manor, No. 111, stated that he has a log of noises emanating from the Waremart building. He verified that the City has an ordinance for no noise levels between 10:00 p.m. and 7:00 a.m. He stated that trucks often have their engines running for 40 minutes to one hour at a time. He added that the engine vibrations can be felt throughout his house. He asked why the existing sound wall is higher on the store side, but only about five feet high on the Springfield Drive side. He stated that he is against the request based on noise issues. He questioned the validity of the noise report which was generated on Friday and Saturday nights, the slowest nights of the operation.

Mr. Fitzgerald inquired if a sign could be posted at the entrance to Springfield Manor that it is not an entrance to Waremart in order to eliminate traffic looking for a rear entrance to the store.

John Jennings, 2050 Springfield Drive, No. 109, confirmed that the applicant is requesting to allow deliveries to 1:00 a.m. He expressed concern with that request. Mr. Jennings added that the neighbors are concerned with the possibility of criminal activity on the block during the late night hours. He stated that he felt Waremart has been an excellent neighbor, but he is concerned with noise and safety issues if the hours of the activity are extended.

Carl Preusse, 18 Westminster Court, stated that he was concerned with the noise and increased traffic, but also with safety associated with bike path use across 20th Street from the store. He stated that the bike path has brought more people through the neighborhood and it may increase into the late hours if this request is granted.

Chair Monfort noted that some cities have found that the property values increased and the crime rate remained unchanged when bike paths were installed.

Mr. Preusse stated that the bike path has become an alley, impacting the safety of the children in the neighborhood. He suggested that people do not need to be shopping at 2:00 a.m.; rather, the purpose of the request is to allow time to restock their shelves.

Andrea Roberts, 19 Westminster Ct., stated that she did not receive notices of this hearing, but was opposed to the request for numerous reasons.

Yolanda Najern, 21 Westminster Ct., stated that she agreed with Ms. Roberts.

Planning Director Sellers noted that City is required to provide notice to those on the tax rolls which are established in March. The most recent copy the City has was updated March 1995 as the 1996 update has not yet been published.

Commissioner Studebaker asked how this store is addressing security in the area.

Dick Bryant, Waremart store manager, replied that with a number of people working in the store, it does help prevent unwanted activity. He noted that when he managed another Waremart in another city, they did have a problem which was alleviated by patrolling the parking lot until 2:00 a.m.

Ken Donnell, 24 Parkhurst, reviewed a previous application which had been withdrawn. He noted his objection to this request because the original permit had a 24 hour operation request which was removed. He suggested it was removed in order to avoid the need for an environmental review, which is a manipulation of citizen rights to review the full impact of the 24 hour operation.

Planning Director Sellers noted that Mr. Donnell was correct in that if the project had requested 24 hour operation when developed, the City would have been compelled to conduct environmental review of the entire project as there was a discretionary permit involved.

Commissioner Studebaker inquired if the Police Department had a recommendation. Planning Director Sellers stated that the request was circulated to the Police Department, but no response was received.

The public hearing was closed at 8:35 p.m.

Commissioner Studebaker inquired if there are other 24 hour stores which must comply with a similar condition restricting deliveries. Planning Director Sellers replied that the only grocery store developed under existing regulations is the Safeway store on East Avenue, which does comply with similar conditions. He noted that there are other 24 hour stores which preexisted the requirement for a use permit

for 24 hour operation, though they are compelled to comply with the noise ordinance and other Municipal Codes.

Commissioner Carter reviewed the General Plan Noise Element sections regarding requiring barriers and encouraging noise attenuation. He noted that when the project was planned, the decision was made to site the building adjacent to the residential area to the north. He agreed that the applicant came in without a request for 24 hour operation, because it would have required more input on the project. He stated that in order to make the incompatible land use compatible, the request for 24 hour operation should be denied. He also noted that if the use is not denied, the City cannot control delivery hours other than the noise ordinance and nuisance laws.

Assistant City Attorney Barker noted that the staff report represents that without a use permit deliveries can occur at any time, but through staff discussions after the report was completed, it was determined that it is the position of the City that it is a violation of the Municipal Code to operate at business after 11:00 p.m. without a use permit. The purpose of requiring a use permit after 11:00 p.m. is to lessen the impact of traffic and noise. She noted that the Code section should be interpreted as "open for business" includes "open for deliveries." She stated then, if the use permit was denied, Waremart would not be able to accept deliveries after 11:00 p.m.

COMMISSIONER CARTER MOVE TO DENY ADMINISTRATIVE USE PERMIT NO. 96-5 (WAREMART).
COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Wright suggested that denial of the application is harsh and staff recommendations with the condition to limit deliveries after 10:00 p.m. would address the neighborhood concerns.

Chair Monfort stated that he is also opposed to the motion to deny the permit as limiting deliveries between the hours of 10:00 p.m. and 6:00 a.m. will address most issues. As for the security issues, he stated that he felt it is more of a crime deterrent to have employees and customers on the property rather than have it abandoned late at night.

Commissioner Belmonte stated that he agreed with Chair Monfort and Commissioner Wright and would oppose the motion. He noted his belief that if this permit were denied, the Commission would be limiting the applicant's ability to service those customers who would wish to access the store during the expanded hours. He added that the conditions of approval recommended by staff would provide more limited hours of deliveries than would be allowed without the permit.

Commissioner Carter stated that 24 hours operation of the store would not mitigate the incompatibilities of land uses.

The motion was defeated by a 2-3 vote (Chair Monfort, Commissioners Belmonte and Wright dissenting).

COMMISSIONER WRIGHT MOVED TO APPROVE ADMINISTRATIVE USE PERMIT NO. 96-5 (WAREMART), SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT. COMMISSIONER BELMONTE SECONDED THE MOTION.

Commissioner Carter reviewed the original noise analysis, including the suggestion within the document to limit the number of trucks throughout the day. He stated that he would oppose the motion. He reviewed the vehicle access for the property with Planning Director Sellers.

The Commission discussed the conditions regarding deliveries. Commissioner Carter suggested limiting the number of deliveries between 7:00 p.m. and 10:00 p.m.

Chair Monfort inquired if a sign, as requested by a member of the public, could be erected designating that there is not an entrance to Waremart off of Springfield Drive. Planning Director Sellers replied that staff will research the possibility of an advisory sign to be located on Waremart property, though he noted that the City is limited to approved sign standards.

Commissioner Belmonte noted that a 24 hour store may not change the character of the neighborhood, as he resides in a neighborhood which has a 24 hour store that has resulted in a more secure area with the constant activity.

Commissioner Studebaker stated that he would vote against the motion to approve the request.

THE MOTION WAS APPROVED 3-2 (COMMISSIONERS CARTER AND STUDEBAKER DISSENTING).

The Commission was in recess from 8:55 p.m. - 9:05 p.m.

5. **Tentative Vesting Subdivision Map and Planned Development Use Permit S 96-2 and UP 96-4 (Hyde Park)** - Preliminary review of a planned development and request to subdivide and develop 3.0 acres for office use creating three parcels on property zoned RP-PD Residential Professional/Planned Development, located at the southwest corner of East Avenue and Cussick Avenue, Assessor's Parcel No. 042-070-200.

Senior Planner Milam reviewed the staff report.

Commissioner Carter reviewed the traffic pattern for the proposal and suggested that traffic from the project site be allowed to turn left onto Cussick Avenue, then left onto East Avenue. Planning Director Sellers stated that he was unable to respond to the restrictions on traffic movements, but would refer the question to Public Works for a response at a subsequent meeting.

Commissioner Carter stated that it would make more sense to turn onto Cussick then East Avenue. Chair Monfort suggested the Commission ask that Public Works review the traffic pattern and the median on East Avenue to avoid stacking on the northbound lane on Holly Avenue.

Planning Director Sellers stated that those turning west on East Avenue may cause stacking on Holly Avenue. He noted that Pubic Works can review the traffic flow, which will be included in the final recommendation.

Commissioner Carter reviewed the staff report regarding landscaping and fencing.

Commissioner Belmonte inquired if there was a problem meeting the 50 percent shading requirement in the landscaping plan. Senior Planner Milam replied that staff has not yet established if the plan will meet that requirement, but that level of shading is required.

Commissioner Belmonte suggested that a center turn lane on East Avenue may accommodate westerly traffic turning into the project, or allow for people to turn left onto East Avenue. Planning Director Sellers again stated that the traffic pattern will be reviewed by Public Works and a report included in the final review.

Chair Monfort stated that in the internal traffic pattern there are six spaces in front of Parcel 2, which are backing out into the main traffic lane. He noted that there is already excess parking, and those six spaces may not be necessary.

The public hearing was opened at 9:15 P.M.

Wes Gilbert, Gilbert Engineering, representing the applicant, reviewed the history of the project, including the rezone with a Planned Development overlay, which he stated was to allow the project to be master planned and presented to the Commission and the Architectural Review Board. He noted that the master plan was developed in order to share parking, utility trenches and landscaping. He indicated that the entrance onto East Avenue was sited at the midpoint of the project, 350 feet west of the centerline of Holly Avenue, with turning radii in and out of the project meeting standards. He added that the Holly Avenue access was a design feature, but there was concern that it may impact the stacking in the turn lane.

Chair Monfort stated that those who enter project, then wish to proceed east on East Avenue may exit back onto East Avenue. Mr. Gilbert stated that there will be signage directing traffic.

Commissioner Carter inquired if Mr. Gilbert agreed with the Public Works recommendations. Mr. Gilbert replied that a considerable amount of time had been spent in discussions with the Department of Public Works regarding the traffic pattern.

Chair Monfort inquired if the six parking spaces could be eliminated. Mr. Gilbert responded that those spaces could be converted into landscaping.

Chair Monfort inquired if thought had been given to building residences above the business establishments. Planning Director Sellers replied that single story offices were represented in the rezone.

Commissioner Carter stated that the safety issues of turning north onto Holly Avenue is less dangerous than turning west onto East Avenue. Mr. Gilbert stated that a significant amount of traffic will wish to go east on East Avenue, and those who wish to go west on East Avenue will be able to by using the traffic signal on Holly Avenue.

Chair Monfort asked Mr. Gilbert to review the location of bicycle parking. Mr. Gilbert stated that the applicant is present and can address those issues.

Commissioner Studebaker inquired if there is a possibility of placing a bus stop at the location. Mr. Gilbert stated that this site plan does not incorporate one as the City has not requested it.

Commissioner Studebaker asked what the proposed use of the buildings will be. Mr. Gilbert stated that one building will have an eye center, and the other two buildings will have similar office uses.

Brian Firth, P.O. Box 8887, landscape architect, presented the landscape plan and the pedestrian access throughout the project. He stated that the bicycle parking will be provided in the back of Building B, though there will be more space provided in the courtyard and in front of Building B.

Chair Monfort asked who would maintain the wood fence behind the parking area. Mr. Firth responded that the adjoining residents would maintain the fence. Chair Monfort noted that such a solution would put future maintenance cost onto homeowners rather than the project's landholders.

Mr. Firth addressed the issue of a bus stop by noting that there currently is a bus stop on Holly Avenue, directly across from this site.

Chair Monfort asked if pedestrian access onto East Avenue was planned.

Tim Creete, 2540 Esplanade, No. 72, project architect, reviewed the building design, and lighting which will be directed on-site to shield light from the adjoining neighborhood. He noted that the wood fencing is already under construction.

Commissioner Belmonte reviewed the HVAC unit locations and the window treatments with Mr. Creete.

Chair Monfort asked if the six front parking spaces could be removed. He stated that he is not pleased that construction began on the wood fence prior to Commission discussion and expressed concern that the residences are to be responsible for maintenance of the fence.

Mary Brownell, 5 Franciscan Way, stated that the developer has suggested that the CC&Rs could be changed to ensure that the fences remain and be maintained by the home owners. She reviewed the altered color scheme which will be presented again to the Architectural Review Board. She noted that there will be eight feet of evergreen landscaping in front of the wood fence, planted during the development of Building B.

The public hearing was closed at 9:50 p.m.

Planning Director Sellers reviewed the discussions of the Commission; requesting Department of Public Works reexamine the vehicle access and turn movements onto East and Holly Avenues, provide an explanation of that recommendation, and that the applicant remove the six parking spaces from the front of the center building.

Planning Director Sellers inquired if the Commission was satisfied with fence maintenance concerns being addressed in the homeowner CC&Rs. Chair Monfort replied that if the fence is to mitigate impact of the commercial property, then the commercial property should be responsible for its maintenance, though if the CC&Rs are modified, and the homes are purchased, then the homeowner takes on the responsibility. Planning Director Sellers added that the greenery and landscape setback will be maintained by this project, thus sharing some of the burden of the impact.

Commissioner Studebaker asked that staff verify with the Transportation Coordinator the need for a bus stop on East Avenue.

Chair Monfort requested that covered bike parking be included.

6. **Development Agreement (Enloe Hospital)** - a development agreement between Enloe Hospital and the City of Chico. The agreement sets forth the environmental mitigations, conditions of approval and development rights for a Final Environmental Impact Report, General Plan Amendment (91-03/96-01) and Rezone (No. 443/96-01) previously considered by the Planning Commission and City Council. The 240 acre project site is located south of Humboldt Road, west of Bruce Road, and extends 300 +/-feet westerly beyond the future extension of Notre Dame Boulevard and 300 +/-feet southerly beyond East 20th Street. The agreement facilitates the future development of a 40 acre health care facility and the following land use designations for future development: 59 acres of Open Space for Environmental Conservation; 5 acres of Parks/Greenways; 3 acres of Neighborhood Commercial; 4 acres of High Density Residential; 46 acres of Medium Density Residential; and 83 acres of Office-Residential.

Sr. Planner Figge reviewed the staff report and provided background on the project, which was initially recommended for approval by the City Council in November 1994. She noted that the requested Commission action is a recommendation to the City Council on the development agreement. She reviewed the development agreement which references mitigations and conditions including the immediate dedication of a meadowfoam conservation easement, creekside greenway, a neighborhood park and preservation of a historic rock wall. She noted that a use permit will be required for the future hospital site.

Commissioner Carter inquired if the 30 acres is in a Resource Management Area (RMA), and why it is being called a meadowfoam easement instead of a resource conservation easement. Sr. Planner Figge explained that it was enlarged to include the entire watershed area. While the name "meadowfoam conservation" was used to describe the species being protected in the easement, it is still protected as a resource conservation area.

Commissioner Carter questioned what could happen in this area if ownership reverted to the applicant. Sr. Planner Figge replied that there are several mitigations which protect the meadowfoam area and indicated that the chances are slim that meadowfoam would be deleted as a federally-protected species and therefore, reversion would probably not occur. Planning Director Sellers noted that the 30 acres will be designated and zoned open space and any change from that will require full environmental review and Council approval.

Commissioner Carter verified that the Commission could recommend that the reversion clause be stricken.

Commissioner Carter inquired what would happen if, at the end of 15 years, the development has not been completed. Assistant City Attorney Barker responded that future development would be occur subject to the land use regulations at that time, if the agreement has expired.

Commissioner Carter reviewed with Assistant City Attorney Barker the assignment clause on Page 4 of the agreement, which would not release Enloe from its responsibilities.

Commissioner Carter reviewed the clause regarding amending the agreement. Assistant City Attorney Barker explained that there are provisions of State law which require that any change to a development agreement to be made by ordinance, though a minor change which would not substantially alter the agreement, could be accomplished without public notice.

Chair Monfort asked about the requirement for fencing on the creekside greenway. Sr. Planner Figge replied that it was requested by the landowner because the greenway dedication would be final, prior to development. Planning Director Sellers noted that it is a measure to protect the landowner's property and liability.

Commissioner Carter inquired what the timing of public improvements will be in relation to the phasing of the development. Sr. Planner Figge replied that there are no specific development proposals except for a use permit and tentative parcel map. The applicant will not develop the remainder of the property. Commissioner Carter questioned the off-site improvements. Sr. Planner Figge noted that all future development will be evaluated against the environmental document and held to maintaining its fair share of traffic improvements.

Commissioner Carter stated that the northern 45.6 acres require City development on Bruce Road. Planning Director Sellers replied that traffic warrants are tied to the level of service, the volume of bicycle traffic and accident history on a particular road.

Commissioner Carter noted that eight mitigations address potential traffic impacts.

The public hearing was opened at 10:35 p.m.

Carl Leverenz, attorney representing the applicant, noted that the development agreement has gone through revisions and negotiations with the City staff over a two year period. He stressed that if Enloe was required to develop property other than the 40 acres it intends to, the development would not occur. As for the meadowfoam easement, he indicated that the developer wishes to protect its rights, should the land become developable.

Commissioner Carter asked about the downzoning described in Section 2.1.1. on Page 5 of the agreement. Mr. Leverenz stated that it was intended to keep faith with the General Plan and to ensure that there were higher densities in some zoning areas.

Sr. Planner Figge noted that mitigations placed on the project were more specific and stringent than what is required by General Plan. Mr. Leverenz added that the mitigation measures are more encompassing than just the resource conservation overlay, and Butte County Meadowfoam was a critical reference. Mr. Leverenz stated that the fencing language was put in as it is anticipated that the bike path will be built as quickly as possible, with will protect both sides prior to development.

Commissioner Carter verified Assistant City Attorney Barker's comments regarding the assignment clause. Mr. Leverenz added that the additional owners will also assume some of the responsibilities. This is a development agreement which will be followed by a parcel map which will also be reviewed by the Commission. A specific development which will be consistent with the agreement and any other conditions the Commission may place.

Chair Monfort inquired about the traffic pattern and street layouts through the project. Mr. Leverenz stated that the City will have discretion over the individual projects as they are proposed any other development before the Commission. He noted that the only streets included in this proposal are those which the City has specified already the rest will be proposed and reviewed at the time of subdivision.

Commissioner Carter reviewed and discussed the mitigations addressed by the conservation easement. He suggested that the Commission recommend that the agreement be modified on Page 7, which incorporates the Butte County Meadowfoam, to add - "and the mitigations in the attached Schedule F."

John Merz, 178 Terrace Drive, inquired when this will be heard by Council. Sr. Planner Figge replied that this item is scheduled to be heard on May 21, 1996. She noted that Council has made a motion of intent to certify the Final Environmental Impact Report (FEIR) prior to the adoption of a development agreement. She added the FEIR comment period has been closed and no formal comments will be taken on the environmental document.

Mr. Merz expressed concern regarding the process of amending the agreement, which, he indicated, should be clarified in terms of substantially altering the term of the agreement, and to allow for public hearing any amendment to the agreement. He also expressed concern with the provision on Page 5 of the agreement allowing for R-2 zoning designation. He indicated that it would be providing for R-2 zoning on the side of the creek which is in the conservation area. Mr. Merz questioned the intent of the fencing requirement. He suggested that it may have a street fronting it in the future. He asked that the requirements be either dropped or revised.

Mr. Leverenz stated that when there is development in the area, the Council and Commission may wish to remove the condition, as the fencing will not need to be there following development.

Mr. Merz suggested that additional language be added "that until such point as development occurs." Chair Monfort suggested the language read, "...as prior to development of adjacent parcels."

Mr. Merz reviewed the agreement sections which include storm water management, the retention of the rock walls, and the dedication of 10 acres south of 10th Street. He expressed concern that the City's Best Management Practices Manual still does not exist. He suggested that the word 'degradate' be changed to 'superseded' in Section 2.3 of the agreement. He stated that the reversion clause is unacceptable and asked the agreement be strongly linked to the mitigation program.

Mr. Merz and Sr. Planner Figge discussed the location of R-2 zoning and its proximity to the open space dedication. Sr. Planner Figge noted that the area was also encumbered with a Planned Development overlay 300 feet on either side of the creek and that development could be clustered.

The Commission was in recess from 11:20 p.m. to 11:30 p.m.

Eileen Brown, 153 Picholine Way, expressed concerns regarding the number of projects occurring in the area bordered by Bruce Road, Skyway, SHR 32, and SHR 99. She stated that her concerns involved child safety hazards, traffic and noise concerns which are not currently being addressed and asked that they be addressed prior to signing this agreement.

Ken Donnell, 24 Parkhurst, Skyway Park Neighborhood Association, stated that he appreciates the work on those issues which have been addressed. He noted that the bicycle path shown on Exhibit E goes to Hartford Drive, and requested that the path link up with the other Class A path at Little Chico Creek School.

Mr. Leverenz stated that the Council had directed Enloe to deal with the path and the City would provide signals at Springfield Drive, 20th Street and Notre Dame Boulevard, and the Class I bikeway to allow children to get to the school. He indicated that the intent was for the two bike paths to be accessible through the school, as Council had suggested that arrangements can be made to put the two paths together.

Mr. Donnell stated that he would like to see a recommendation by the Commission to ensure it would happen. Planning Director Sellers suggested it be included as a companion recommendation.

Mr. Donnell stated that adherence to the environmental impact report is imperative. He agreed with a previous speakers comments relating to the environmental issues, specifically relating to the reversion clause and the amendment clause.

The public hearing was closed at 11:45 p.m.

CHAIR MONFORT MOVED APPROVAL OF THE RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF DEVELOPMENT AGREEMENT. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner Carter offered amendments to the development agreement as follows: (1) Page 5, 1.7 Amendment of Agreement, sixth line from the top of the page "that any change to this Agreement which does not substantially alter the term ...", the word "substantially" to be stricken; (2) Page 6, 2.2 Dedication Requirement, following the last sentence on the page "...such as bicycle paths, are placed on the property," add "It is understood that such fencing is only necessary if a bicycle, pedestrian path or other public use improvement is constructed prior to the development or improvement of the adjacent lands"; (3) Page 7, 2.2 Dedication Requirement, following the last sentence of the first paragraph "...no net increase in peak flow," add "All mitigation measures set forth in Exhibit "F" of this agreement shall apply"; (4) Page 7, 2.2 Dedication Requirement, after "(1988 study of Jokerst)" to include "and the mitigation measures in the attached Exhibit F."

Chair Monfort expressed a concern that the rock wall may have to be moved onto private property in order to expand Bruce Road.

CHAIR MONFORT ACCEPTED THE AMENDMENTS TO THE MOTION. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 5-0.

COMMISSIONER CARTER MOVED TO RECOMMEND TO THE CITY COUNCIL THAT THEY CONSIDER A CONNECTION OF THE NORTH/SOUTH AND EAST/WEST BIKEWAYS AS SHOWN ON

EXHIBIT E, AND WORK TOWARD THE CONNECTION WITH CUSD AND THE APPLICANT. CHAIR MONFORT SECONDED THE MOTION WHICH WAS APPROVED 5-0.

COMMISSIONER CARTER MOVED TO RECOMMEND TO THE CITY COUNCIL THAT THE REVERSION CLAUSE IN SECTION 3.4 BE DELETED. THERE WAS NO SECOND TO THE MOTION.

Commissioner Carter requested that his motion (and lack of a second) be forwarded to the Council as information.

CORRESPONDENCE

7. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.
8. **Request for workshop to discuss Foothill Park East design** from Bill Brouhard, Project Manager.

Planning Director Sellers discussed the reasons for the workshop which would be to address design and other concerns raised during the public hearing discussion on the Draft Environmental Review.

The Commission discussed possible workshop dates, and agreed to meet at 6:00 p.m. prior to the first regular meeting in June.

BUSINESS FROM THE FLOOR

Commissioner Wright inquired what topics would be agendized for the joint meeting with the Council. Planning Director Sellers replied that discussion of possible topics will be placed on agenda for the May 20th Adjourned regular meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:05 a.m. to the Special Meeting of May 9, 1996.

July 1, 1996
Date Approved

CLIF SELLERS
Planning Director

**PLANNING COMMISSION
SPECIAL MEETING
MEETING OF MAY 9, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

REGULAR AGENDA

Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map

Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, a draft Development Agreement and Final Environmental Impact Report. The Commission will provide a recommendation regarding certification of the Final Environmental Impact Report, and specific plan and development agreement adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. This item was continued from March 21 and April 22, 1996. The public hearing was closed at the end of the public testimony at the April 22nd meeting. The hearing may be re-opened at the discretion of the Commission.

Planning Director Sellers reviewed the staff report which addressed questions raised by the Commission at the April 22nd meeting. These questions included schools, traffic projection, planned street improvements, traffic impacts analysis, and the Commission's ability to impose additional street improvement conditions.

Commissioner Wright reviewed the Commission's abilities to require improvements to address cumulative effects in light of finding a nexus. Planning Director Sellers replied that if a condition is imposed which is not directly related to improvements affected by this project, reimbursement may be necessary. He added that some of the planned improvements will need to be built, regardless of whether or not this project is approved. This project is part of the cumulative need for some improvements, but will not be a major portion of that need; thus, staff is not recommending the applicant fund or install all improvements affected by the project. The required nexus exists where there is a cumulative impact, but the project itself will make such an impact that the improvement would be required for the project.

Commissioner Carter asked what other means are available to measure impacts for an intersection besides level of service. Planning Director Sellers replied that other possible indicators are safety, noise, and a variety of subjective observations. Director of Public Works Ross noted that level of service is the primary function reviewed at intersections.

Commissioner Carter inquired if there have been any instances in the City where a traffic signal is installed for safety reasons, rather than in response to level of service criteria. Director of Public Works Ross replied that it has not happened.

Chair Monfort noted that the street improvements listed in the staff report do not list the bridges being widened as part of the Manzanita Avenue project. Planning Director Sellers replied that the bridges (Lindo

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Channel and Big Chico Creek) will be widened to accommodate four lanes when Manzanita Avenue is widened, as part of the project.

Assistant City Attorney Barker reviewed her memorandum which was distributed to the Commission regarding whether an agreement with the applicant would need to be approved by the bankruptcy court. She summarized that the court would most likely not have a problem approving an agreement, as it would not have an adverse effect on the development or value of the property.

Commissioner Carter inquired if the City would require the street facility fees up-front. Planning Director Sellers responded that the City requires that the subdivider provide the improvements, with the phased development of the project based on generated demand. It is not clear who that subdivider will be. He noted that if the applicant is the subdivider, and the funds are not available, then the project will sit dormant until the improvements are constructed or fees are paid.

Commissioner Carter urged caution when considering a project in which the developer is in reorganization. He explained that the other creditors may need to provide approval also.

Commissioner Carter inquired how additional costs might be assessed if a nexus is found to require off-site improvements, and the costs exceed the amount which the applicant has agreed to pay for up-front improvements. Planning Director Sellers responded that it would be the developer's responsibility to install all improvements necessary to mitigate project impacts. The Council does have several options which may be utilized, such as providing some of the funding, providing reimbursement over a fixed period of time, providing a cap for the amount of the developer's share, or requiring a portion of that money up front.

Planning Director Sellers reviewed the correspondence provided this evening. He noted that the public hearing was closed at the end of the last meeting, and it is at the Commission's discretion whether the public hearing should be reopened. He added that the Commission can limit the public hearing discussion to the new material.

Commissioner Studebaker inquired if there had been any response from the airport regarding possible economic impacts. Planning Director Sellers reminded the Commission that the City is the airport manager and operator, and noted that no comment has been received from any of the businesses located at the airport. He added that the Butte County Fire Department was given the DEIR for comment, but did not respond relating to airport use.

Commissioner Belmonte stated that the question was whether or not the California Division of Forestry (CDF) fire attack planes would no longer fly in Chico following Bidwell Ranch development and the economic impact of that on the airport. He indicated that the information provided requires further clarification.

Chair Monfort stated that during the public hearing it was suggested CDF would move their operation due to the possibility of public outcry relating to noise from the planes. Commissioner Crotts stated that there are no restrictions for aircraft flight patterns in the area, and noted that the DEIR was not circulated to the Airport Land Use Commission (ALUC).

Commissioner Wright asked if tankers are currently flying over residential areas. Commissioner Belmonte responded that, according to the map that was previously provided by a member of the public, the planes do not currently fly over residences.

Commissioner Carter reviewed the street facilities improvement schedule and asked that it be compared to the phasing of this project. Director of Public Works Ross replied that a temporary intersection would be developed where Eaton Road comes into East Avenue and once the level of service reaches a certain

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point, the ultimate configuration for the intersection would be built. As for the improvements at Manzanita and Eaton Road, Director of Public Works Ross stated that if the design was completed at the time of that phase of development, the developer would build the improvements; if the City has not completed the final design, a temporary design with the current street alignment will be installed. He added that the traffic signal at East Avenue/Eaton Road will be installed during the second phase.

Chair Monfort inquired why the bike improvements are not scheduled to be installed in Phase One. He suggested that the development should provide residents access to the schools without having to drive a car. Director of Public Works Ross stated that the Commission can impose that condition.

Commissioner Belmonte stated that questions were raised regarding the traffic study which have not been responded to with the information provided. Planning Director Sellers stated that the questions arose at the March public hearing, and at the April public hearing he reviewed a conference call that had occurred between the consultant, County representatives, City representatives and the applicant regarding the traffic analysis. The project analysis relied on the traffic analysis prepared for the General Plan. Based on that review, both County and City staff concluded that the traffic analysis is accurate.

Chair Monfort stated that he felt there are off-site improvements which need to be made before building any of the project. He verified that the Commission could recommend that certain items be completed prior to development, and that the Council discuss the priorities and funding.

Commissioner Carter expressed concern that signalization on Eaton Road at the intersection of this project is not a priority project, while it is part of the applicants responsibility to develop the portion of Eaton Road to four lanes adjacent to the project. Director of Public Works Ross responded that when capacity requires signalization, the developer will be required to install it.

Commissioner Carter stated that it is not good planning to require signalization solely on volume as there are other concerns.

Commissioner Studebaker requested that staff review the reasoning for having a single road providing access for as many units as are in this project. Planning Director Sellers stated that while clearly two roads would be more advantageous for this project, a portion of the project site containing wetlands is along the diversion channel, where the second road would most likely be placed. This second road would have significantly impacted the wetland resources. He noted that the bridge design contemplates a divided road so if there is an accident it would not affect all lanes. Also, the bike path going across the Bidwell Park buffer would provide the necessary emergency access.

Commissioner Studebaker asked staff to review other neighborhoods of this size with single point of access. Planning Director Sellers replied that there are smaller subdivisions in the area which have single point of access, though there are none that are this size.

Chair Monfort noted that the specific plan states that the project design will encourage alternative transportation, and thus will reduce the air quality impacts. He suggested that, in order to get residents to other areas, off-site bicycle improvements would help reduce air quality impacts. He noted that there has been public testimony concerned with increased traffic use and noise on existing residential streets resulting from this project. These concerns are not reflected in level of service. He recommended that traffic calming devices be installed off-site on residential streets so as to lessen the noise impacts of the increased traffic.

Commission Crotts noted that new information is still needed regarding airport impacts.

The public hearing was opened at 8:35 p.m.

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Vince Phalen, 3010 North Avenue, noted that off-site road improvements do not depend solely on Council priorities, as some are within the County jurisdiction. He stated that when Foothill Park was considered, the existing CDF Fire Chief had expressed concern regarding flight paths over residences with loaded air tankers leaving the airport and, if an emergency occurs which requires dumping the load of fire retardant, there would be a chance of damage to property and injury to people. He indicated that there would be an impact on operations at Chico Municipal Airport if there were residents in the area voicing opposition to the aircraft or the threat of retardant dropping. He expressed concern that opposition may force CDF to move their operations, thus impacting fire services in the area.

Chair Monfort noted that the documents regarding this development were circulated through the affected agencies and no response was received.

Carl Johnson, 1850 Vallombrosa Avenue, expressed concern on the current condition of Manzanita Avenue from East Avenue to Vallombrosa Avenue. He stated if more traffic is anticipated for that road, the road surface would need to be improved.

Kelly Meagher, 337 Main Street, suggested that General Plan designation allowing this area to be developed needs to be corrected.

Jerry Olio, 2595 Cactus Avenue, reminded the Commission that the law of referendum allows the citizens the final vote on a matter. He stated that the 14 hours of public testimony have expressed that citizens do not want the development.

Neil Farrell, 2602 Navarro, stated that the large machinery needed to develop the project would have to be brought in on Wildwood which would impact the existing subdivision in the area. He stated that he does not want a four lane road behind the existing subdivision.

Director of Public Works Ross noted that construction activity will be governed by the grading plans and environmental impact report, which address air quality.

Mr. Farrell verified with Director of Public Works Ross that Eaton Road will not be extended until the development proposed in the area is completed.

Clive Fairchild, 903 Sarah Avenue, stated that the General Plan Environmental Impact Report stated that the current Water Pollution Control Plant will not address the needs of this growth. Planning Director Sellers explained that the current sewer plant has the capacity for two to three year of growth at the current rate. The proposed treatment plant expansion will allow for 12,000 more residences, though capacity may be used quickly if the nitrate action plan requires all residences in the area to connect to sewer. He added that if the expansion does not occur, any approved development will not be allowed to go forward because of lack of sewer capacity.

Nancy Dodero, 198 Honey Run Road, confirmed the bankruptcy status of the applicant, and expressed concern that the applicant may not be able to build the facilities once the project has begun. She stated that she felt that this area is already overwhelmed with burning and dust from farmers, which would be worsened by automobile pollution.

Commissioner Carter explained that, if the Council were to approve the development agreement and subdivision report, it will be an agreement to develop the land according to what is established in those documents. It would bind the property so that if the applicant was unable to perform, development would cease until the conditions of the agreement and approval were met, and whoever succeeds the applicant must perform.

Ms. Dodero stated that she does not want the taxpayers left paying the costs of this development.

Commissioner Carter noted that the Council can require a performance bond to cover the improvements. Planning Director Sellers added that the City must have a performance bond or some other financial guarantee for the improvements by State law.

Mary Menimer 497 Redwood Way, stated that she was told by CDF that their emergency target is Five-Mile Recreation Area. She expressed concern with the traffic impact on Bidwell Park and its entrance, and the viewshed.

Belva Dean, 2759 Mariposa Avenue, read a letter she wrote in opposition to this project and provided copies of the letter to the Commission.

John Hunt, 980 Normal Street, expressed concern with a new housing project on the south rim of Bidwell Park. He stated that this project is a compromise which does not need to go through. He added that houses are made of wood, whose logging impacts forests.

The Commission was in recess from 9:15 p.m. to 9:30 p.m.

Nan Jones, 980 Normal, stated that those who move into the area to live in the houses in this project will be 1500 families with different values and different attitudes. She stated that the Commission holds the community's future in their hands, and the community does not want this development.

Steve Hackney, 3 Merle Court, stated that he was speaking as a private citizen, and provided handouts to the Commission. He noted that he has continuing concerns with elements of the Bidwell Ranch Final Environmental Impact Report (FEIR), specifically with the potentially significant impact of traffic. These concerns are encompassed in the traffic model, the methods used for that model, the data and the mitigations. He stated that he felt his concerns have not been addressed, thus the environmental impact report is inadequate.

Mr. Hackney indicated that the handouts he provided to the Commission include some examples. The first of these examples is the intersection of Cohasset Road and East Avenue, which according to the traffic model used is assumed to have six lanes (three in each direction), whereas the General Plan traffic model assumes it has four lanes (two in each direction). He reviewed the traffic figures for Bidwell Ranch and Foothill Park East as assumed by the General Plan EIR. He indicated that he felt there is a need for an independent traffic study to validate the Bidwell Ranch FEIR, which would indicate further traffic impacts, which then could be addressed.

Director of Public Works Ross stated that the traffic reports and analysis was completed in conformance with regulations and are based on the traffic model utilized by the City. He added that the traffic model used by the City is the best information available to the City.

Chair Monfort questioned the amount of daily traffic trips for Bidwell Ranch in the Bidwell Ranch FEIR and the General Plan EIR. Planning Director Sellers noted that at the last public hearing it was acknowledged that two maps in the EIR are incorrect. He noted that a figure is not given for Eaton Road in the General Plan, and the other map was the one which depicted an inaccurate lane configuration for Eaton Road. These were addressed in the staff report for the April 22nd meeting. He added that the General Plan provides the complete picture of what this project will produce.

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Mr. Hackney stated that he felt the Cumulative Impacts section in the Bidwell Ranch FEIR, as required by the California Environmental Quality Act (CEQA), is non-existent, does not meet the minimum requirements to describe the impacts of this project, and it does not address adjacent areas which are likely to be developed. He noted that the General Plan Circulation Element does not give figures for this area. The General Plan may need to be changed to reflect this project and Foothill Park.

He reviewed the issue of the airport and the overflight zone which encompasses both Foothill Park East and Bidwell Ranch. He stated that the CDF planes will be flying approximately 300 feet over Bidwell Ranch. He noted that the City Manager has the authority to direct air traffic further eastward, an air route that CDF would not be able to meet. He added that if CDF moves their operation to Redding, it could result in a response time increased by 45 minutes.

Commissioner Belmonte inquired if, the 15,000 daily trips generated as has been said by the project manager, indicates that the traffic model should be reviewed. Planning Director Sellers explained that some of those trips would be external, with the traffic generation figure being slightly less than normal given the schools and other facilities within the project close enough to walk or ride bikes. He noted that staff did take another look at the traffic analysis and concerns were responded to in the staff report for the April 22nd meeting.

Commissioner Carter expressed concerns that some of the assumptions for the Bidwell Ranch FEIR which were based on the General Plan DEIR, may be faulty. He stated that if the City is building on a foundation which is faulty, there will be problems with the individual project analysis.

Mr. Hackney asked that an independent study be performed. He noted that Foothill Park East Draft Environmental Impact Report is referencing figures from the FEIR for Bidwell Ranch, which may not be valid.

Commissioner Carter inquired if these questions can be answered through discussions at this meeting or does there need to be a more substantial study. Planning Director Sellers reviewed the CEQA impacts summation in the DEIR. In that section there were three categories which were studied, the project alone, at a less than General Plan build out, and the cumulative build-out. In those cases, the DEIR demonstrated that the difference in impact with the project and without the project were less than significant.

Chair Monfort asked for a legal opinion regarding the claim of illegality in the Cumulative Impacts chapter. Assistant City Attorney Barker stated that she would review the regulations and the section.

Mr. Hackney stated that the Cumulative Impact section, as per CEQA requirements, should include project specifics, adjacent projects, and not thrust the responsibility onto the General Plan. He stated that the response to comments in FEIR Section 8-3.2 is unclear. He noted that the DEIR fails to acknowledge the existence of a plan for development of the adjacent property. He added that the General Plan is a legislative document whose intent is not to calculate the traffic figures for individual projects.

Director of Public Works Ross stated that the project and FEIR are based on the General Plan densities and use.

Commissioner Carter asked what would be entailed in an independent traffic study. Mr. Hackney replied that it would be a complete traffic study including traffic counts, field work and traffic engineer review without direction from City staff. He noted that such a study is expensive, but he stressed that understanding the long term impacts are worth that expense.

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Bill Brouhard, project manager, suggested that, had Mr. Hackney participated in the conference call where each item was addressed and discussed, his concerns would have been addressed. He read a letter from Butte County Planning Director Barry Hogan which is included in the Commissions' packets, stating the County's satisfaction with the EIR traffic analysis.

Chair Monfort inquired if Mr. Hackney was invited to participate in the conference call. Planning Director Sellers noted that Mr. Hackney works for the Butte County Planning Department, whose director participated in the conference call. He stated that he had requested that Mr. Hackney be included and is unsure why he was not in attendance.

Commissioner Carter stated that Mr. Hackney had raised questions which were responded to and addressed in a telephone conference call. He inquired if there is a memorandum documenting agreements made during that call.

Planning Director Sellers reviewed the conference call. He stated that the General Plan EIR included traffic modeling which was carried forward to analyze the impacts of this project. The point of the call was not to convince anyone on any issue, but rather to identify where the issues were addressed in each document and provide clarification where needed. He noted that the initial comments raised regarding the traffic section were from the County and other sources, with the most comprehensive comments from the County. Butte County Planning Manager Hogan has expressed that those concerns were addressed in the final documents.

Commissioner Carter confirmed that concerns have been raised, addressed and resolved to the satisfaction of the County. Planning Director Sellers agreed and added that the staff report for the April meeting summarized in detail why staff believes the traffic information was correct.

Mr. Brouhard suggested that the Commission direct staff and the consultant to reconstruct the conference call to the best of their recollection.

Planning Director Sellers restated that Page 2 of the staff report for the April 22nd Planning Commission meeting contains a summary of the conversation. He stated that staff believes it is a complete cumulative impact analysis. He noted that Mr. Hackney does not believe that it has been done.

Commissioner Carter confirmed that cumulative numbers used in the General Plan EIR, upon which this the Bidwell Ranch DEIR and FEIR are based, show that the present levels of service will remain after build-out of this project, Foothill Park East, and other developable projects in the area, if all of the traffic improvements are completed at build-out; thus, there will be substantial degradation of levels of service if build-out occurs without those improvements. If the numbers, as Mr. Hackney suggests, are wrong, then the conclusion of the consultants that levels of service will remain the same at build-out with full improvements to the circulation system is wrong. He asked if the consultant and staff will stand by the studies. Planning Director Sellers responded that staff stands by the expertise of the traffic engineers who prepared and reviewed the analysis.

Mr. Brouhard asked if the widening of the Manzanita Avenue bridge would be required if Bidwell Ranch did not occur. Planning Director Sellers replied that Bruce Road and Manzanita Avenue are shown in the General Plan as needing to be widened, which includes the bridges.

Mr. Brouhard stated that the DEIR shows 15,000 average daily trips (adt) as a best estimate and the Eaton Road/access road intersection requiring a stoplight. He reminded the Commission and public that the approvals and development agreement place controls on the land not on individual developers, even those who have bankruptcy problems. Mr. Brouhard stated that the Commission continues to hear comments against building homes next to Bidwell Park. He noted that the nearest home will be 1800 feet away from

the current Bidwell Park border. He indicated that 60 percent of the project's land has been designated as open space with a 200 acre park buffer, with the trees on the property also being protected. He reviewed the relationship between planning and accomplishing land use patterns and the land use relationship to growth. He stressed that the homes will be built as they are demanded and that people will move to the area for jobs, not a particular house. He added that this is an opportunity, with this large amount of land, for the community to master plan communities.

Commissioner Studebaker expressed concern with a lone access road. Mr. Brouhard reviewed the history of the project as originally having three access roads, and incrementally those access points have been reduced. He stated that the access situation has to be safe. He described the current planned access, which is to have the sides of the road being separated by 16 feet, and including a bike path and landscaped median. He indicated that access has been a trade-off in responding to other concerns such as open space and meadowfoam preservation.

Chair Monfort stated that at Lot 11 the channel opens up to the diversion channel with a bike path on the Foothill Park side. He suggested that a dry water path be required to connect the Bidwell Ranch project to the Foothill Park East bike path to avoid a bootleg path being created through that sensitive area. Mr. Brouhard replied that the Commission could recommend such an addition. He explained that the bike path was eliminated from the area in an attempt to keep people out of the sensitive habitat area.

Chair Monfort stated that a number of people have testified against the size of this project, though it will not be developed all at one time. He noted that the Commission does like to see large lots projects that will be developed over a long period of time, so that a comprehensive plan can be established. This site is one of the few large sites left which can be planned in that manner.

Mr. Brouhard stated that public input on the how the project can be improved to limit the effects of the project is appreciated.

Mr. Hackney stated that he does not disagree with the project design. He noted that he is criticizing the FEIR as a professional and private citizen. He noted that CalTrans also has concerns, though he stated that he has not discussed this project with them. He stated that he wanted to refocus attention on the issues of the environmental impact report. Mr. Hackney noted that the letter from the County, dated April 19, 1996, was received by the Commission, as well as another letter the City has received, dated April 30th, regarding Foothill Park East, both expressing concerns with the traffic model.

The Commission was in recess from 10:55 p.m. to 11:05 p.m.

David Howard, 382 E. 10th Avenue, stated that he had previously inquired why the Capital Improvement Plan did not include the Eaton Road extension and was told by the Transportation Coordinator that as there was no funding mechanism, it was not listed. He added that Director of Public Works Ross now has informed him that it is listed on a new document as a Priority 2 improvement. He stated that if an improvement is needed, it should be mandated by the City that the funding for the improvement be paid for by the projects being built in the area. Mr. Howard stated that he has concerns regarding the traffic and impact on schools on East Avenue. He noted that the traffic study shows the level of service at the intersection of East and Marigold Avenues not being impacted by 2,000 new homes in the area, which he stated he felt was inaccurate and the study should be reviewed. Mr. Howard stated that although the airport is managed by the City, it has been shown in previous testimony that there were going to be impacts for CDF, and thus there will be impacts to the airport by this project. He added that there should

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be sewer capacity assured before building new homes. He noted that there are several existing residences in the urban area which are not yet connected to the sewer system and a suit has been filed against the expansion of the sewer plant. He stated that until those problems are resolved, he feels the Commission should not approve any additional projects.

Chair Monfort noted that if there is not the sewer capacity for a project, the project will stop until there is the capacity. Mr. Howard stated that those issues do need to be considered and the City may be held liable for costs incurred by a developer for improvements made prior to having to stop the project.

Richard Redmond, 1740 Citrus Avenue, noted that the ALUC will be meeting next week on this subject. He stated that with the use of big warehouse stores which save people money, they do not use neighborhood grocery stores, and more trips will be required than anticipated by the traffic study as it relies on the use of neighborhood cores.

Belva Dean, a previous speaker, stated that the property site is an aquifer and water recharge area. She indicated that pollutants seeping into the ground from residences in that sensitive area will contaminate the City's water supply.

The public hearing was closed at 11:20 p.m.

Chair Monfort asked for a motion to continue, and clarification as to what information is requested.

Commissioner Studebaker stated that he would like an update at the next meeting on the estimated enrollments of students in the Chico Unified School District.

Commissioner Belmonte stated that he would like a summary of the issues which were discussed and resolved during the conference call with the County on the traffic concerns raised. Planning Director Sellers stated that the basis of the conversation was the list of comments submitted by the County, and a summary can be created.

The Commission discussed possible dates for another meeting on this item. They agreed that the meeting would be held Wednesday May 29, 1996 at 7:00 p.m. and continued consideration of the Bidwell Ranch project to that time. Planning Director Sellers noted that the meeting will be for Commission discussion, as the public hearing has been closed, unless the Commission desires to re-open the public hearing.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:40 to the Adjourned Regular Meeting of May 20, 1996.

August 5, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF MAY 20, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Carter stated that he received communication from Ken Grossman, Sierra Nevada Brewery, regarding Use Permit No. 96-11 (Migrant Head Start). He indicated that while Mr. Grossman was not in opposition to the permit, he was concerned that there might not be enough distance between the brewery, if it were to be expanded, and the day care center, particularly in terms of State Alcoholic Beverage Control Board regulations. He noted that he is the attorney for the Sierra Nevada Brewery and will be abstaining from that issue.

Commissioner Studebaker stated that he received a telephone call from Katy Thoma, Jesus Provides Our Daily Bread, who offered to answer any questions he may have. He indicated that he responded to her that while he had some questions, staff would be able to answer them at this hearing.

Commissioners Wright, Crotts and Chair Monfort also noted they had received similar contact from Ms. Thoma.

CONSENT AGENDA

1. Minutes of Regular Adjourned Meeting of April 15, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Carter moved approval of the Minutes from the Regular Adjourned Meeting held April 15, 1996. Commissioner Studebaker seconded the motion which was unanimously approved.

REGULAR AGENDA

2. Use Permit No. 96-11 (Migrant Head Start) - A request to allow construction of a seasonal (May-November) day care center with enrollment up to 60 children (not all present at once) for the children of migrant agricultural workers, and a classroom building for adult education activities such as a literacy program for parents, to be located on 2.06 acres at 2205 Elm Street, Assessor's Parcel No. 005-490-001 & 032, in an R-1 Single Family Residential zoning district. A Mitigated Negative Declaration was previously adopted for this project pursuant to the California Environmental Quality Act (CEQA).

Sr. Planner Milam reviewed the staff report. He acknowledged that staff has also received communication from the Sierra Nevada Brewery which questioned the requisite distance of the proposed child care center from the brewery pursuant to State law. He also noted that a number of trees are proposed to be removed though nine oak trees will remain and will be protected. He added that a temporary interim storm drainage system will be located at the same location as the oak trees. It will be approximately one year before city storm drainage facilities will be extended to this area. He stated that

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the design for the temporary storm water retention facility will be worked out with the Department of Public Works and the Urban Forester. Chair Monfort verified that most drainage problems in the vicinity should be taken care of within one year. Planning Director Sellers explained that the City storm drainage system will be extended to this area within one year, though the collectors may not be installed immediately. He added that this property will be in the initial storm drainage project area.

Commissioner Wright inquired if street improvements on 22nd Street will be completed at that time. Planning Director Sellers responded that the road itself will be reconstructed, but bicycle and pedestrian access will not be improved.

Chair Monfort verified that the storm water management project is part of the Chapman/Mulberry Plan. He inquired if the storm drainage work will concurrently change the grade of the area. Planning Director Sellers noted that the grade will be changed along 22nd Street.

Regarding the hours of operation, Sr. Planner Milam stated that 6:00 a.m. to 6:00 p.m. was assumed in the staff report. He indicated that the Commission may want to make some adjustment to those hours as there is a building at the rear of the property which will be used for adult literacy programs and other community functions.

Chair Monfort reviewed the surrounding land uses, which include a non-operating water fun park and a limited manufacturing facility.

Sr. Planner Milam noted that staff was concerned about an area where unloading of children would occur, which is on the Elm Street side of the classroom building. He reviewed the proposed fencing requirements.

Commissioner Belmonte expressed concern about the distance the child care center will be from the Sierra Nevada Brewery. Sr. Planner Milam reviewed the State Alcoholic Beverage Control (ABC) regulations, stating that if Sierra Nevada should wish to expand, there will be a general notice sent to the neighborhood 600 feet surrounding the proposed expansion and a protest could be launched by the owners or operators of this proposed facility. He noted that the concern was that such a protest could put restrictions on the operating rights or expansion of the facility.

Planning Director Sellers noted one additional letter was received by the Commission at this meeting opposing this permit.

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

Betty Votaw, center assistance coordinator for Migrant Head Start, explained that as a Federal program they are not allowed to purchase property, but can lease and build on property. This property is being leased from the City of Chico and is the third such site in Northern California. She noted that pictures from their Kelseyville site are displayed for this meeting, which is similar to what will be built at this site.

Ms. Votaw indicated that the applicants desire that some wording in the conditions be changed. The first of these changes is that the units be inspected by the Department of Housing. She asked that the word 'approximately' be added to the start and end dates due to changing harvest dates. She also noted that they would like the hours to be approximate as they will change depending upon the needs of the workers in the field. These hours can occur as early as 5 a.m. during harvest time, though they will still be open for 12 hours. The adult literacy programs will be held from 8:00 p.m. to 9:00 p.m. and will result in approximately nine cars at the location as the classes are very small. She expressed concern that the allowed hours will also impact other proposed uses of the facility, as the City lease requires that the facility be shared with other community organizations during the off-season.

Assistant City Attorney Barker clarified that the draft of the lease does provide that the Migrant Head Start program can share the building during off-season with other community educational organizations. This stipulation was included in the lease because Migrant Head Start will only use the facility during a portion of the year, opening up the facility for use by other groups during other times.

Chair Monfort inquired if the condition regarding hours of operation should not apply to this use permit in light of the lease agreement. Assistant City Attorney Barker suggested that hours of operation were appropriately addressed by the permit and noted the proposed condition stipulating no amplified or outdoor music be allowed. Sr. Planner Milam noted that the building could still be used under the same conditions as the design of the facility will be aimed at children. He added that the adult literacy classes may go as late as 9:00 p.m., and thus the Commission may wish to alter that condition to add those hours.

Ms. Votaw reviewed the tree preservation plan, noting that the Head Start program is concerned about trees which have allergenic results in children or adults. She stated that they are working with the Urban Forester. She indicated that for the north fence, a three foot landscaping buffer would reduce the width of the driveway, which their engineer does not support. She suggested a three foot wide landscaping strip be placed inside the driveway with a chain link fence.

In response to Chair Monfort questioning the type of fence to be installed, Ms. Votaw stated that a solid wood fence would be expensive to maintain and would need more maintenance than other fencing. She noted that there are three separate play yards which do not generate much noise. She indicated that she has been in contact with City staff regarding signage and landscaping requirements.

Commissioner Wright inquired how much traffic would be generated. Ms. Votaw responded that three staff persons and a few children arrive when the center is opened, followed by varied pickup and drop off times throughout the day. She indicated that less traffic is generated through this type of center as compared to an average day care center.

Commissioner Studebaker asked for the peak hours for the facility. Ms. Votaw replied that peak hours occur from approximately 8:00 a.m. to 4:00 p.m. though during full harvest time there are more children at the center. She added that the program does have vans to help transport children.

David Long, education coordinator for Migrant Head Start, identified an average 85 percent attendance rate with the peak use hours between 7:30 a.m. to 4:30 p.m. He indicated that during the first hour of the day 5 to 12 children are on site, then between 6:00 a.m. and 9:00 a.m. the rest of children arrive. He noted that the hours for the facility are varied based on parent request, though the ratios for the children remain stable. He added that there are many families involved in the program which have 2 to 3 children enrolled.

Commissioner Wright asked what age groups are served. Mr. Long explained that the program has children age 6 months to 6 years, which are grouped in classes from 6 months old to 18 months old, 18 months old to 2.5 years, and a majority of the children being in the 2.5 to 5 years old group.

The public hearing was closed at 8:10 p.m.

Chair Monfort noted that concerns listed in the letter which was received were addressed by the storm drainage and street improvements which should be installed in one year. He suggested that the condition regarding hours of operation be amended to allow operation from 5:00 a.m. to 9:00 p.m.

Commissioner Belmonte asked for clarification from staff on the implications of the possible expansion of the brewery facility. Sr. Planner Milam described the area between the project site and the Sierra Nevada Brewery. Planning Director Sellers added that the area in question is mostly used for warehousing. He noted that the ABC notification requirement was targeted at bars, tap-rooms and other

alcohol related facilities which may influence children by proximity. He explained that future traffic enhancements in the area include a bicycle path toward Chapman School which will help children bypass the area. He stated that the General Plan Task Force had discussions regarding the zoning of the Mulberry area which were resolved by retaining the residential designation even through surrounding uses were industrial. The Commission will have to address these types of conflicts as the area further develops. He added that the brewery is approximately 1200 to 1500 feet from the child care center.

Commissioner Belmonte stated that sound attenuation may not be necessary as there is so much manufacturing in the area. He added that children will not generate as much noise as some of the facilities in the area. He suggested that they provide sound attenuating fencing toward the neighboring residences, rather than burdening the project with the cost of a solid fence throughout the site.

Commissioner Wright stated that if there is a problem in the future, not requiring a sound attenuating fence will be forcing the issue on the adjacent property owners in the future.

Commissioner Crotts noted that requiring a limited amount of wood fencing would result in less maintenance expense to the applicant.

Commissioner Wright suggested requiring wood fencing from the driveway to the classroom building only.

Chair Monfort verified that the Commission was proposing changing the traffic pattern to the front of the building and requiring solid fencing only on northwest side of the site from the frontage on Elm Street to the beginnings of the buildings and chain link along the remaining perimeter of the site; changing the hours of operation to 5:00 a.m. to 9:00 p.m.

COMMISSIONER BELMONTE MOVE TO APPROVE OF UP 96-11 (MIGRANT HEAD START) WITH THE RECOMMENDED CHANGES AS FOLLOWS: (1) CHANGING THE TRAFFIC PATTERN FOR CHILD PICKUP/DROP OFF TO THE FRONT OF THE BUILDING; (2) REQUIRING SOLID FENCING ONLY ON NORTHWEST SIDE OF THE SITE FROM THE FRONTAGE ON ELM STREET TO THE BUILDINGS AND CHAIN LINK ALONG THE REMAINING PERIMETER OF THE SITE; (3) CHANGING THE ALLOWED HOURS OF OPERATION TO 5:00 A.M. TO 9:00 P.M. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 5-0-1 (COMMISSIONER CARTER ABSTAINING).

3. **Use Permit No. 96-08 (Jesus Provides Our Daily Bread)** - A request to allow operation of a food program for the underprivileged with two meals served daily (7:30-8:30 a.m. and 3:30-4:30 p.m.) to be allowed at 346 Cherry Street, Assessor's Parcel No. 004-114-003 in an R-3 Medium-High Density Residential zoning district, for an unspecified time (until a permanent location is established). This project is exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CERA).

Sr. Planner Milam reviewed the staff report, recommending a six month approval with a possibility of a six month extension upon re-application and Commission approval. He noted that the existing facility was limited to a three month approval which expires on June 4th.

Commissioner Studebaker stated that he had visited the property and noticed that along 3rd Street there is no curb access. He added that he is also concerned with the condition of the sidewalks around the Newman Center. Planning Director Sellers responded that while he is not sure of the proposed timing for repair of the area, the Commission could recommend improvements be made. He noted that the Jesus Center, or the Newman Center, may not have the funds to take on such an endeavor for a short term permit.

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Commissioner Studebaker noted that the sidewalk around the Newman Center is a safety concern with regards to this permit.

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

Katy Thoma, director of Jesus Provides Our Daily Bread (Jesus Center), noted that for public and Commission information, the Jesus Center did approach the Newman Center requesting use of the facility. She added that Father Mike Newman of the Newman Center did not originally agree to the use, but after contacting approximately 600 people within the Newman Center community, few were opposed to the use, and he did agree to support the program. Ms. Thoma explained that the Jesus Center does have rules with consequences and exclusion from services, which are effective. She also noted that the Jesus Center works with the Police Department. She gave example of individual clients who cause problems in a City park are reported by the Police Department to the Jesus Center, following which the clients are excluded from Jesus Center services. She described the Citizen Patrol in the current area which has proven to be effective. She noted that while there is not a current time line on establishing a permanent location, a task force has been established and is working with the Salvation Army and the Well Ministry.

Chair Monfort inquired if Ms. Thoma would agree that a six month permit is a reasonable time to find a permanent location. Ms. Thoma replied that it will most likely take more than six months. She noted that relocating is extremely stressful on staff and those who they serve.

Commissioner Studebaker questioned if the people who are served register with the Jesus Center. Ms. Thoma responded that those served do not register with the Center, rather the Center maintains only a list of those whose access to services have been revoked. She stated that the University and its chief of police have been notified, and the Center has asked to establish a working relationship with the University Police as they have with the Chico Police Department.

Commissioner Wright noted that this area has a large amount of student pedestrian traffic. He inquired if the current patrol system is adequate considering there will be more people to conflict with clients attending the program. Ms. Thoma explained that there is a large amount of pedestrian traffic with children going to school at their current site, and the presence of the Citizen Patrol has been effective.

Commissioner Wright inquired if Ms. Thoma knew geographically where the clients are coming from. Ms. Thoma stated that while the number of meals being served has not changed, only 65 percent of those served are homeless; the rest live in the Park Avenue and Chapmantown areas, as well as some families which live in other areas of the city.

Commissioner Wright asked if she would be opposed to a three month permit to allow the people in the area to address any concerns that may arise. Ms. Thoma replied that a facility is needed for more than three months, allowing the staff and clients the security of knowing where the meals will be served. She asked that those who have problems contact the Jesus Center so that those problems can be resolved. She noted that the monthly report to the Commission allows for problems to be addressed as they are raised.

Chair Monfort inquired why it was not requested to extend the permit at the current location. Ms. Thoma replied that she had promised at the hearing which approved that permit that they would not make such a request.

Commissioner Studebaker asked if the volunteer list established at the last Commission hearing on the Jesus Center was working out. Ms. Thoma responded that the list has resulted in a new group of volunteers, including pastors from six churches.

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Randy Bowen, 645 Chestnut Street, stated that he works at Franky's restaurant on 5th Street and depends on the business there which will be affected by the Jesus Center relocating to the Newman Center, which is two blocks away. He added that California State University at Chico (CSUC) is trying to improve attendance, and indicated that this permit may impact potential parent's and student's views of the school. He stated that he is uncomfortable around the disadvantaged, and does not want them to become established in this neighborhood.

Brian Callar, 630 Cherry Street, reviewed a letter which he received on his door and was also enclosed in the Commission's information at this meeting. He noted that these disadvantaged people need help and should be allowed to take the helping hand which has been offered.

Chuck Prehoda, 2275 Dixon Street, noted that he volunteers to help the Jesus Center. He noted that the Jesus Center has created order and rules for those who patronize the Center. He indicated that he has never seen a major problem take place either within the facility or in the area surrounding it. He acknowledged that before and after the Center is open for the meals clients do gather in front of the building, but following meals they do disperse.

Randy Stone, 1325 Nord Avenue, director of risk management for Sigma Chi fraternity, noted that in Corvallis the Sigma Chi fraternity befriended the homeless, and in return the homeless helped protect the property in the area. He stated that the homeless in Chico are not transients, but rather are homeless who live in the area. He indicated that students and social organizations who live in the area regularly consume large amounts of beverages from recyclable containers. The homeless come to collect those recyclables as their livelihood. He stated that Sigma Chi supports this project.

Weldon Larson, 865 Brandonbury Drive, management consultant for the Jesus Center, stated that he was impressed with the vision, diligence and principles of the Jesus Center. He indicated that according to his observation at serving times, the Jesus Center showed genuine love, compassion and service. He stated that he felt there were compelling arguments to grant the use permit as the Center operates in an effective way, providing 3,896 meals per month at \$0.33 per meal. He noted his belief that the entire community benefits from the services of the Jesus Center.

Chair Monfort inquired if, as a consultant, Mr. Larson has reviewed the surrounding environment and the interaction between the Jesus Center and the surrounding area. Mr. Larson replied that he had not reviewed that aspect, but felt that the interaction was well handled.

Commissioner Studebaker asked if Mr. Larson is involved in the search for a permanent site. Mr. Larson stated that he is not.

John Wolford, P.O. Box 3541, stated that he was concerned with the proximity of the Newman Center to the West 3rd Street language houses. He suggested that the language houses will become a campground for the homeless with its open porches and boarded up windows.

Larry Lane, 2801 Notre Dame Blvd, representing Neighborhood Church, stated that he is a part of the task force formed by the Jesus Center. He noted that there have not been concerns regarding problems such as sleeping on porches in the Salvation Army neighborhood, and there is no reason to expect it with the Jesus Center's services located at the Newman Center. He reviewed the process the task force is taking at this time and indicated their concern with duplicate services and the needs to be served, not necessarily the location of those services. He stated that the location will be worked out with Jesus Center staff, the City Council and the Planning Commission.

Bill Payne, 768 Hill Grove Court, stated that he was against this permit. He indicated that enrollment at CSUC is declining, which has caused a housing vacancy factor in Chico. He stated that CSUC is in the

process of hiring a person to handle recruitment to increase enrollment. He noted that the Newman Center is close to Depot Park, the Amtrak train depot, and the University's parking structure. He suggested that there will be sleeping in Depot Park, and when it is raining, the homeless will camp out in the University's parking structure and the train depot. He noted that he has read numerous articles over the past five years in the Enterprise Record about the problems relating to the Jesus Center in the Park Avenue area including arsons, vehicle break-ins, and fighting. This is a main pedestrian thoroughfare for students, and a student residential area. These people will be hanging out there causing problems for the area residents. He suggested that there are better places for this facility to be placed.

John Payne, 660 Manzanita Court, stated that he agreed with the previous speaker. He stated that it is a bad idea to put a soup kitchen in the middle of a student area. He noted that the criminal past of the Center's clients is suspect. He added that there were problems on Park Avenue since the Jesus Center was established. He indicated that the Jesus Center has had three to four months to work toward rebuilding on their property. Instead, they are looking for a new location. He suggested that the facility should remain in South Chico.

Lewis Everett, 2165-D Nord Avenue, stated that he owns the property across from Newman Center, and the tenants there are not enthusiastic about this proposal. He stated that he does agree that this is a needed program, but expressed concern that this is not a good place for the program. He noted that there are several back entrances to apartments in the area. He added that there are many single young women living alone in the area who may be frightened to leave their apartment at night if this service is provided in the area and attracting homeless people. He stated that an R-3 designated neighborhood is not a good place for this facility. He stated that he has instructed the work crews for his apartments in the area to not start until after 8:00 a.m., and questioned the noise level of starting meal service at 7:30 a.m. He stressed that he has reservations with this location being used to provide meals to the homeless as it will have an impact on the type of tenants who live in the neighborhood.

The Commission was in recess from 9:00 p.m. to 9:10 p.m.

Bill Sheridan, Gateway Management, 813 Nord Avenue, stated that his company manages property in the area, including one which is occupied by a sorority. He indicated that an informal poll of the sorority tenants was taken, and only 16 percent of those residents say they would support the Jesus Center being relocated to the Newman Center. He suggested that a formal outreach poll be taken prior to the Jesus Center moving to the site.

Yvette Snoen, 219-F W. 20th Street, stated that she once was one of the homeless clients of the Jesus Center, and as such was never approached in an inappropriate manner. She noted that she has also seen college students use the services provided by the Center. She suggested that if a survey was conducted, it would find people in support of the facility. She proposed that those individuals who do not wish the facility to be located at the Newman Center should suggest a good location.

Scott Foster, 40 Tom Polk Circle, stated that he has a vested interest in the area. He admitted that his opinion is based on past innuendos regarding the Center. He indicated that due to the important economic interest the community has with CSUC, the Commission must do what it can to prevent an impact on University enrollment. He expressed concern that once the Jesus Center begins operation in the area, they may not want to leave after six months. He also noted that there is already a parking problem in the area.

Julie Wagner, 152 Via Mission Drive, described a situation when she and her family encountered a homeless person who frightened them and shouted obscenities at them. She stated that she related the situation to Ms. Thoma, who later called and told her that the man had been identified and was no longer allowed use of the Center's services. She indicated that she was disturbed by the comments regarding the student housing area, which she felt were in shambles. She stated that while there are some concerns about the college area, it is not a matter of money that will not be made; rather people should be concerned with humanity.

Ray Murdock, 520 W. 7th Street, stated that the Newman Center currently has a sign which says "No Loitering or Overnight Sleeping Allowed." He expressed concern that properties in the area may eventually need the same sign. He stated that he has seen the Jesus Center's clients on Fair Street, where he works, and they do tend to congregate in groups. He noted that there is always a potential for problems when people hang around in large groups. He expressed concern regarding the safety of the vacant properties in the area. He also was concerned with the criminal past of the Jesus Center's clients. He suggested that the presence of the Jesus Center cannot be mitigated until damage has been done.

Randy Bowen, a previous speaker, stated that while the kitchen is serving a minority of people, it is at the expense of the taxpayers who live in the neighborhood. He suggested an alternative location could be the Neighborhood Church in South Chico.

Frank Wenten, 1321 Normal Street, stated that he often passed by the Jesus Center at its location on Park Avenue and did not notice any problems. He thanked the Jesus Center for offering moral recourse to panhandlers.

Bill Payne, a previous speaker, suggested other possible sites for the facility could be in public areas, such as the Municipal Building parking lot, the CARD Center on Vallombrosa, Melody Hall, and the public golf course. He stated that a public park would place the facility in everybody's back yard.

Commissioner Carter reviewed the list of those noticed of this hearing. He noted that the University was not notified. Ms. Thoma stated that she has notified the University, and the matter was brought to the President's Cabinet. She noted that Mike Minard from the University Police Department had informed her that the University was remaining neutral in the request.

Commissioner Studebaker asked for clarification on the search for a permanent site. Ms. Thoma replied that it has not been discussed at the task force level, though she has discussed and reviewed the South Chico area with City staff in regards to a permanent site. She added that one spot on Fair Street is currently for sale and the Center has discussed this purchase. She noted that there is concern with the separation of church and state with regard to the City purchasing the property.

Commissioner Studebaker asked Ms. Thoma to review the process to find a permanent facility. Ms. Thoma noted that they are also working with the Salvation Army and The Well to make sure that services are not being duplicated. She stated that the task force is currently gathering information from other cities throughout the west to see what services should be offered to help the poor in Chico.

Commissioner Studebaker stated that he would like to be assured that the search for a permanent solution is being sought and to ensure that this is to be a temporary permit.

Commissioner Studebaker inquired if counseling services were provided by the Jesus Center. Ms. Thoma replied that while they do not offer counseling, they do refer clients to other agencies.

Commissioner Studebaker inquired if the bible study groups occur at meal times. Ms. Thoma responded that Bible study is offered prior to the evening meal on Monday and Tuesdays and usually are attended

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by 6 to 10 people. She added that the Bible study will be conducted by the Jesus Center not the Newman Center.

Commissioner Studebaker asked how this permit could impact the services of the Newman Center. Ms. Thoma replied that the Newman Center will not be impacted as the facility will not be available for meals on Saturdays to allow for weddings and other scheduled events to be held there.

Commissioner Studebaker verified that the entrance to the area is the double doors on Cherry Street.

The public hearing was closed at 9:35 p.m.

Sr. Planner Milam reviewed the staff recommendation to approve this permit for a six month period with an added condition that at the end of three months the Jesus Center have a neighborhood meeting which will include the Police Department and the neighbors. Planning Director Sellers added that staff is also recommending that the Jesus Center be required to submit monthly reports, and the fourth month report include a summary of the neighborhood meeting. He indicated that approaching the sixth month, the Planning Commission would hold a noticed hearing to review the permit and then, if approved by the Commission, move forward with another six month authorization.

Commissioner Wright inquired what can be done if problems develop prior to that six month date. Planning Director Sellers replied that the purpose of monthly reports is to see if problems do arise and to provide some oversight to solving those problems. He noted that the Jesus Center has indicated that they need the location and will do what they must to facilitate that use. He added that there were neighborhood meetings held at the Salvation Army site prior to the public hearing on the permit for the site. Those meetings allowed time for the Jesus Center to present solutions for the problems that were brought up.

Commissioner Carter reviewed the recent action taken on the Tau Kappa Epsilon Use Permit which required a listing of contact persons to respond if any of the neighbors have problems. He noted that there were conditions placed on the fraternity to ensure neighborhood compatibility.

COMMISSIONER CARTER MOVED APPROVAL OF UP 96-08 (JESUS PROVIDES OUR DAILY BREAD) WITH THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT WITH MODIFICATION OF CONDITION NO. 5 TO ADD THE MEAL TIMES OF 7:30 A.M. TO 8:30 A.M., AND 3:30 P.M. TO 4:30 P.M. WITH BIBLE STUDY ALLOWED ONE HOUR BEFORE THE EVENING MEAL, AND THE ADDITIONAL CONDITIONS OF (1) JESUS CENTER MEET MONTHLY WITH THE NEIGHBORHOOD SHOULD THE NEIGHBORS SO REQUEST; (2) JESUS CENTER PROVIDE THE NAMES, ADDRESSES AND HOME AND WORK TELEPHONE NUMBER OF RESPONSIBLE PERSONS IN THE EVENT THERE ARE PROBLEMS.

Chair Monfort suggested that the telephone number as listed in the phone book would be sufficient.

COMMISSIONER CARTER AMENDED THE MOTION TO MODIFY AS FOLLOWS (2) JESUS CENTER PROVIDE AN ANSWERING SERVICE OR PAGER NUMBER FOR A RESPONSIBLE PERSON IN THE EVENT THERE ARE PROBLEMS.

Commissioner Wright suggested an additional amendment for a three month review. The review would allow the neighbors to have a forum where their concerns will be addressed. He noted that he was impressed with the results of the Salvation Army area, which meant that the Jesus Center has done what they said they would. He added that the Jesus Center does provide a needed service to the area. He pointed out that this is a vital area of the community, located close to the University and the downtown.

Commissioner Carter stated that he is against a three month review, as the review period would expire during August when the University students would not be present, and they are those who will be most impacted. He stated that the Jesus Center must be allowed to plan on a location.

Commissioner Studebaker suggested an additional condition that the three and six month reports submitted by the Jesus Center contain a brief summary or progress report on the search for permanent location. He stated that he also would like to recommend that the Department of Public Works study and present an interim solution to the sidewalk situation in the area as it is unsafe. He noted that the Jesus Center will be providing meals for a large group of people who will be frequenting an area where the current condition of the sidewalks, curb and gutter is a health and safety hazard. He added that he would also recommend that the Department of Public Works make it a priority to work on the improvements in the area.

Commissioner Belmonte agreed with the suggested conditions regarding the availability of restrooms during meals and bible study hours. He also agreed that at the end of three months the report should be accompanied with proof of diligent search for a permanent facility. He noted that he does support a three month review to accommodate the concerns of the residents in the area.

Chair Monfort noted that he also approves of a three month review to allow for a definite time to ensure that concerns have been met.

COMMISSIONER BELMONTE SECONDED THE MOTION WITH THE ADDED AMENDMENTS OF A THREE MONTH MEETING AT THE NEWMAN CENTER, A SIX MONTH REVIEW BY THE PLANNING COMMISSION AND REGULAR REPORTS ON PERMANENT SITE ACQUISITION. THE MOTION WAS APPROVED 6-0.

CORRESPONDENCE

4. Memo from Sr. Planner Stacey Jolliffe outlining the issues of concern to be discussed at the Commission workshop on Foothill Park East scheduled for June 3, 1996.

Planning Director Sellers noted the purpose of the memo is to provide an outline for discussing the project with the applicant.

Commissioner Carter noted that in General Plan Consistency section there is no discussion on requiring a specific plan. He indicated that he would like those sections of the General Plan relating to specific plans included in the discussion. He added that discussion relating to the General Plan on compatibility with surrounding neighborhoods should also be included.

Commissioner Belmonte stated that the Commission should have the opportunity to discuss measuring the impact on an intersection other than level of service. Planning Director Sellers responded that staff is working on presenting other threshold and qualitative traffic measures. He noted that there are a variety of alternative measures which can be discussed, but that discussion will be scheduled later in the year, not necessarily in relation to this project.

5. Discussion of topics/issues to be discussed with the City Council during the scheduled joint meeting on May 30, 1996.

Chair Monfort stated that issues relating to school impact and sewers keep coming up and the Commission should have some direction from Council on those issues.

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Commissioner Carter added that issues regarding traffic and capital improvements should be discussed. He noted that there are some questions and concerns about the implementation of the capital improvement program and its build out in relation to potential large projects.

Planning Director Sellers clarified that the Commission was requesting that the Council provide direction on how the Commission should handle the capital improvements where it affects proposed projects and if the Commission should take a more aggressive stance on school impact fees. He noted that State law accepts payment of State established school impact fees as full mitigation, event though the school district has established that the actual cost of full mitigation is much higher.

Commissioner Carter noted that the Commission does need direction from Council regarding front loading mitigation fees that are affected by growth as stated in Section 4 of Councilmember David Guzzetti's memo dated May 16, 1996.

Commissioner Wright stated that at a prior Commission meeting there was some discussion that the Commission set up a process where they may address Council on items being appealed. He indicated that the Commission should ask for feedback from the Council on that suggestion.

Commissioner Carter asked that a future agenda item discuss a procedure where the Commission is made aware of Council consideration of a matter relating to a Planning Commission referral or appeal. Planning Director Sellers noted that staff can place Commission on the mailing list where an issue goes before the Council.

Planning Director Sellers reviewed recent decisions by Council. He added that the Council had concurred with the proposal for a social organization overlay zone. He noted that staff will be drafting amendments on the matter over the summer and the issue will be heard again by the Commission in September after the students have returned.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 10:05 p.m. to the Special Meeting of May 29, 1996.

June 3, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF MAY 29, 1996

ROLL CALL

The meeting was called to order by Chair Monfort at 7:00 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

REGULAR AGENDA

1. **Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map**
Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, a draft Development Agreement and Final Environmental Impact Report. The Commission will provide a recommendation regarding certification of the Final Environmental Impact Report, specific plan and development agreement adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. This item was continued from March 21, 1996, April 22, 1996 and May 9, 1996.

Planning Director Sellers summarized the staff report which contained the additional information requested by the Commission regarding site access, airport impacts and a summary of a conference call between City and County representatives and the applicant regarding the traffic analysis in the Bidwell Ranch Final Environmental Impact Report (FEIR). The site access is to be a divided four lane road extending to Eaton Road. He noted that the provision of a second primary access route across the diversion channel would not help with circulation as both access points would connect to Eaton Road and would significantly impact the wetlands preserves in that area. He stated that staff is recommending a divided landscaped median be installed for the proposed single access route between project development and Eaton Road.

Regarding airport operations, particularly overflight of California Department of Forestry (CDF) fire bombers, Planning Director Sellers reviewed the information which has been received by the Planning Division. He stated that staff believes the environmental impact report is complete as it was circulated to all interested agencies and the State Clearinghouse and no response addressed issues of safety hazards from aircraft operations. He stated that the CalTrans handbook requires circulation of an environmental impact report to the local airport land use commission if the project lies within a two mile radius of the airport. While this project is not within the radius to place it in the jurisdiction of the Airport Land Use Commission (ALUC), the environmental impact report was circulated to affected agencies, including Butte County Planning (ALUC staff) and CalTrans, and no response was received to either the Draft Environmental Impact Report (DEIR) or the FEIR in regards to airport safety. He noted that now additional concerns have been raised, representing a significant issue to be addressed, but not necessarily in the EIR. He added that the letter received from the California Department of Forestry and Fire Protection - Chico Air Attack Base does recommend providing an air safety corridor along Sycamore Creek, which is addressed by staff recommendation that a 500 foot wide non-developable area be established along the diversion channel.

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Planning Director Sellers noted that a representative from the Chico Unified School District had indicated that he would attend this meeting to answer any questions the Commission may have, though he has not yet arrived.

Commissioner Carter inquired how the Commission can address the new information. Planning Director Sellers reviewed options the Commission could take. These options included requesting preparation of a supplement to the environmental impact report to address aircraft safety impacts, or to take additional public comment at this time to further define the issues. He stated that the State circulation period for a supplement to the EIR is 45 days, and it may take 45 days to prepare, allow for comment, respond to comments and return the supplement to the Commission. He suggested that most of the comments in regards to the potential air safety impacts have already been received.

Commissioner Studebaker stated that the impacts being discussed are related to safety and not the economic impacts to the airport. Planning Director Sellers responded that at previous hearing several speakers did address the economic impacts, though the Commission directed staff only to address safety concerns. He noted that Risk Manager Bob Koch had indicated that he had spoken with Vic Alvister, Aero Union, who said that he is remaining neutral on the project, with no comments at this time.

Commissioner Crotts stated that she was present during discussions at the meeting of the ALUC, as an ALUC commissioner. She noted that ALUC was concerned with the impacts from the air tankers, though they could not comment on the project consistency with the environs plan because the site is outside the study area.

Commissioner Carter verified that if the Commission were to request a supplement to the FEIR, it would require re-circulation, a period of public comment and a public hearing on that aspect. Planning Director Sellers stated that the Commission would not have to hold a public hearing, but would probably do so in conjunction with other discussion on the project.

Chair Monfort stated that there are three types of airport impacts: safety, economic and noise impacts. City Attorney Boehm noted that economic impacts are not a subject for an environmental impact report, as it does not have a physical effect on the environment.

Chair Monfort noted that the letter received from the State Department of Transportation addresses the issue of the inability of ALUC to find inconsistency with the Airport Environs Plan. He inquired if the Environs Plan is out of date. Planning Director Sellers replied that though he could not address the validity of the Environs Plan, the letter was sent in response to a call from the chairperson of ALUC, not from the Commission itself. He noted that the City did send the Department of Transportation copies of the environmental impact report and the specific plan for the project. City Attorney Boehm stated that even if the Environs Plan is deemed invalid, the Bidwell Ranch site is outside the two mile radius defining the jurisdiction of the ALUC, and the proximity of this development to the airport does not raise any obligations for ALUC referral or review.

Planning Director Sellers reviewed the California Environmental Quality Act (CEQA) statutes relating to projects in the vicinity of airports. He stressed that the draft and final environmental impact reports were correctly prepared. The issue of safety hazards from aircraft overflight is new information. He stated that now that it is identified as a significant issue, it should be addressed. City Attorney Boehm stated that he would review the legal issues in respect to CEQA, as the information was not presented during the DEIR comment period, and thus was not addressed.

Commissioner Carter stated that significant new information could affect the safety of those living in the subdivision, and that a supplement to the EIR is needed. City Attorney Boehm stated that the City Council, which is the entity which must certify the FEIR, may require the supplement. The Commission can

recommend to the Council that a supplement is appropriate, but the Commission has no legal authority to demand the supplement.

Commissioner Carter stated that he must then recommend denial of this project, with the stipulation that he may recommend approval of the FEIR if the supplement is provided. He noted that for the safety for those living in the vicinity of the airport, he felt that the developer may wish to provide the information. Commissioner Studebaker agreed. Commissioner Crotts added that a 100 day delay may be a small request in light of the safety issues involved. Commissioner Carter stated that the project is being presented as a whole and it is not appropriate to make a decision without all the information and suggested the Commission should err in favor of safety.

Commissioner Carter additionally stated that he is troubled by the traffic analysis, specifically in the summary of the conference call. He stated that he felt more questions were raised in respect to the City's Capital Improvement Program (CIP). He suggested the CIP to be tied to the phases of the project. He noted that the widening of the road and bridges will require separate environmental review at Lindo Channel and Big Chico Creek. If the City is not able to widen the bridges due to environmental concerns, the traffic impact at the bridges will be great. He suggested an independent third party review the traffic analysis and the CIP be tied to phases so there will be no degradation of service or impact on safety in the absence of the assumed traffic improvements.

City Attorney Boehm stated that while the FEIR does identify the cumulative impacts of multiple projects, it does not need to address environmental issues relating to each of those impacts.

Commissioner Carter stated that the validity of the traffic analysis has been questioned on several occasions and the Commission should request an independent consultant verify the traffic analysis. City Attorney Boehm again noted that the Commission can make such a recommendation to Council.

Commissioner Carter stated that the traffic analysis says there will be no impact from the project at build out because the CIP will be completed at that time. He noted that if the Commission is going to recommend certification of the FEIR based on there being no negative impact of traffic because of the CIP, the Commission needs to be certain that the improvements will be completed.

City Attorney Boehm stated that the Commission can condition a project so that a phase cannot proceed until a capital improvement is in place, either by developer or City installation.

Commissioner Studebaker stated that the Commission should take a cautious route as there are a lot of unknowns and assumptions that the CIP will be completed.

Chair Monfort noted that the staff report of May 8, 1996 has the priority listing of capital improvements planned for the area. He noted that the conference call summary mentioned bridges which are not listed in the capital improvement programs. Planning Director Sellers stated that the overall widening for the length of the road sections does include the widening of bridges, although it is not explicitly stated.

Chair Monfort stated that if traffic impacts are underestimated as public testimony suggests, then the Council may have to reorder the priorities of the CIP. Planning Director Sellers stated that the priority list is based on current need or projected need, and the Council annually reviews the priority list and reevaluates that need. He added that the list does change in response to need or circumstances.

Commissioner Carter stated that the General Plan is filled with references to the Capital Improvement Program. He reiterated the need to attach the CIP to phases of the proposed project.

Commissioner Wright stated that the CIP is Council jurisdiction and Council sets the priorities for construction. Commissioner Carter agreed that it is a Council matter, but the recommendation must be to approve or deny a project based on the General Plan. He stated that the Commission must know how the project is phased to ensure that the improvements are truly mitigations. Commissioner Studebaker stated that it is not a matter of jurisdiction, but the Commission does have the right to know what will occur.

Commissioner Carter stated that staff identified the CIP projects which are required by the subdivision and inquired how they should be tied to phases to ensure safety and mitigation. Planning Director Sellers responded that identified items are those improvements to the street system which were assumed to be in place for project buildout. The project contributes to the cumulative need. Those listed would be necessary to support the funding of no project impacts to traffic facilities.

Commissioner Wright compared direct impact and cumulative impact. He verified that direct impact mitigations should be recommended to be installed up-front. As far as cumulative impacts, the City is responsible for the installation of the traffic improvements required for this and other projects in the area through the capital improvement program. Commissioner Carter stated that the line between direct impact and cumulative impact may be narrow, as one may cause the other.

Commissioner Belmonte stated that one recommendation made earlier at this meeting regarded the possibility that the traffic analysis is in error and may need to be looked at further. He agreed that an independent study should be completed as it would provide information to address the concerns raised. He indicated that projects this size have impacts which are far reaching and the Commission does need all the information possible prior to making that decision.

City Attorney Boehm clarified that the FEIR was completed by an independent contractor, employed by the City not the developer. Planning Director Sellers added that the consultant who did the traffic analysis was Jones and Stokes Associates. He indicated that Jones and Stokes Associates is familiar with the City's traffic model and assumptions, and determined that the modeling program was adequate for impact analysis. One of the steps in the preparation of a traffic analysis requires the consultant to work with the City traffic engineer to discuss the model and the base assumptions.

Chair Monfort stated that the issue regarding traffic does question the methodology used, as it was based on the traffic model completed for the General Plan. Planning Director Sellers stated that the consultant, working with the City, did survey specific intersections at peak traffic hours. He added that a traffic model is a set of assumption on facilities and traffic routes meant to provide a reasonable estimate of the amount of traffic and levels of service at key intersections.

Commissioner Carter verified that the primary assumption in the traffic analysis contained in the FEIR is that the capital improvement program would be in place. Planning Director Sellers verified that the environmental impact report analyzed impacts at build out with the assumption that the CIP would be completed. It did not address the point at which traffic levels and existing improvements becomes problems. He noted that there are many variables as the CIP priorities are based on many considerations.

Commissioner Carter asked if it would be appropriate to tie phases of the project to the CIP. Planning Director Sellers responded that the project traffic by itself will not significantly impact the facilities, rather current traffic, traffic from this development and growth throughout the City will affect the facilities.

Commissioner Carter stated that the Commission has indicated it wants new information and the applicant may be willing to provide that information. He stressed that the Commission does need a supplement to FEIR regarding airport impacts, a second traffic analysis and a flushing out of the CIP to identify the direct impacts of this project.

Planning Director Sellers stated that the direct impacts were those identified in the FEIR, and, in the absence of the second opinion on the traffic analysis, staff will stand by the analysis completed by Jones and Stokes Associates.

Commissioner Carter stated that if staff can establish the phasing of this project, staff can establish when specific traffic improvements are needed. Planning Director Sellers stated that such an approach would require the same application for all developments.

Commissioner Belmonte stated that one of the assumptions made in the traffic analysis was that the CIP would be completed and as such there will be no substantial traffic impacts. He inquired what the analysis would be if none of the CIP were completed, or just a portion of the improvements were completed. Planning Director Sellers responded that in the existing scenario with only Bidwell Ranch traffic added, there would not be a significant impact. If this project went in, other developments in the area were built, and no improvements were made, then there would be significant traffic impacts at most, if not all, intersections from the additional traffic generated by all of the developments.

Commissioner Carter expressed concern with placing trust in a CIP which is revised annually. He gave the example of the California Park development where, 25 years after construction began, the City is finally installing traffic signals to ensure safety at the intersection on Bruce Road.

Chair Monfort reviewed the street facility fees to be brought in by the development of this project and others in the area and inquired if the funds would be used to build the planned improvements in the area. Planning Director Sellers stated that the funds are placed in a central fund to be used to build improvements which are determined to be necessary due to development throughout the community, not necessarily in the same area.

Chair Monfort stated that the Commission, in their recommendation to Council, can make it clear that the City must ensure the projects prioritized in the CIP are completed.

Commissioner Wright stated that though the Commission does need more information on the airport impacts, the traffic analysis, and some sort of phasing mechanism, he was concerned with where to draw the line on the amount of additional information. Commissioner Carter indicated that staff could, with the exception of a second opinion on traffic, provide that additional information.

Commissioner Belmonte stated that the Commission and public have displayed concerns and deserve further answers which could be addressed by a second independent analysis. He noted that such an opinion may provide a contrasting point of view. He suggested that the second opinion address the option that the CIP not be completed. The second opinion may provide more answers or validate the existing traffic analysis.

Planning Director Sellers replied that there are an infinite number of variables in the CIP implementation, as priorities are based on traffic generated from all projects throughout the urban area. Changes in traffic patterns resulting from change of use also effect the CIP formula. A qualitative analysis could be completed, rather than quantitative, but it may not address all concerns. He added that the assumptions relied on are standard for the City.

Commissioner Belmonte stated that due to the size and impacts of this project, the requests for more complete answers are not unreasonable.

Commissioner Stuebaker stated that he had previously requested an update on the student enrollment in the Chico Unified School District. Chair Monfort replied that Mr. Weisenborn from the School District is present and asked him to approach the podium.

Mike Weisenborn, Chico Unified School District, stated that he does not have specific numbers regarding enrollment with him at this meeting. He reviewed that the settlement agreement associated with this project included the dedication of elementary and junior high school sites. He stated that the District has also asked for payment of full mitigation fees for the school impact, which the developer has agreed to. He noted that as the junior high site is not deemed to be in an appropriate location by the School Board, it was agreed that full mitigation would be required, but not dedication of a junior high site.

Commissioner Studebaker inquired about the need for portable buildings, which the District defines as relocatable and portable. Mr. Weisenborn stated that relocatable buildings allow for expansion and shrinkage of schools as normal cycles provide. He added that portable buildings are for additional overflow from schools. He indicated that there are relocatable or portable buildings at each school site, as relocatable buildings are required by the State in the development of all new school sites.

Commissioner Studebaker asked Mr. Weisenborn to review the ideas being explored by the task force. Mr. Weisenborn stated that the task force is reviewing three different ways of solving high school overcrowding, including scheduling alternatives, facilities alternatives, such as satellite campuses or using other facilities in the community, and any other ideas.

Commissioner Studebaker verified with Mr. Weisenborn that there would be about 1800 students at Pleasant Valley High School next year.

Commissioner Carter asked Mr. Weisenborn to describe full mitigation of school impact fees. Mr. Weisenborn stated that the District determines the cost to house an individual student at current construction cost and any other applicable cost, and uses that cost to establish the fee. The current amount is \$4.55 per square foot, which may change soon. He noted that there is current pending legislation which would dramatically impair the district's ability to collect school impact fees.

Commissioner Carter asked if the school district has a capital improvement plan and what is the likelihood of the construction of an elementary school on this site. Mr. Weisenborn stated that they do have a capital improvement plan which lists other sites with a higher priority for an elementary school, but one will be necessary at this project in the long term.

Commissioner Studebaker asked Mr. Weisenborn to give examples of the option of using other facilities in the community. Mr. Weisenborn stated that their task force is considering alternatives such as working with the University to use their facilities and charter schools. He stressed that the task force was in the discussion and analysis stage; the report will be presented to the School Board in September. Commissioner Studebaker stated that he would like a copy of that report and the student enrollment numbers. Mr. Weisenborn stated that he could provide a copy of those numbers at a later date.

Chair Monfort stated that environmental impact reports always address school mitigation and the School District usually requests full mitigation. Mr. Weisenborn stated that most project developers do try to avoid full mitigation. However, this project developer has agreed to pay full mitigation. With this full mitigation fee, the projected students coming out of this project will be generating funds to house them.

Planning Director Sellers stated that the standard full mitigation fee requested by the School District is \$4.55, which is based on a calculation formula valid throughout the community. He added that this project is fully mitigating the impact of its students, though most projects do not.

The Commission was in recess from 8:30 p.m. to 8:45 p.m.

Chair Monfort stated that at the meeting of May 20, 1996, the Commission received a letter from Councilmember Guzzetti. He inquired if those issues had been addressed. City Attorney Boehm responded that from a legal standpoint it would not make a difference if voters were to reject the proposal as the City Council and qualified voters can both be defined as the corporate entity. City Attorney Boehm stated that he would respond in writing to the question of what the City's exposure to litigation would be if the proposal was turned down. He noted that this written opinion will be presented to the Council and may be deemed confidential. Regarding front-loading mitigations, City Attorney Boehm stated that the City cannot require a developer to mitigate a consequence to development before the consequence occurs, but it can be phased so that development does not occur until that improvement is provided for or is constructed concurrently. He explained that the option of an advisory measure is available for a legislative act, such as the specific plan and development agreement. City Attorney Boehm also noted there are two court cases which resulted from a similar situation to the Northeast Chico Sewer Assessment District. These cases have shown that if the property owner initiated an assessment district in order to speculate to develop property, then the speculation does not hold the public agency responsible. He indicated that those issues will be addressed in the formal opinion which will be presented to Council.

Commissioner Carter stated that he felt the majority of the Commission support requiring additional information and would like that information before making any decision. City Attorney Boehm reiterated that the Commission cannot require the additional studies. He offered the options that the Commission could recommend denial to the Council unless the studies be completed, as the Council can say to the applicant that the project would be denied without that information, or the Commission could recommend to Council that this information be required, and when that information is provided then it can be forwarded back to the Commission.

Bill Brouhard, project manager, stated that regarding airport safety issue he would like those questions answered for the Commission. He noted that the City has under contract an airport consultant for preparation of the Airport Environs Plan. Planning Director Sellers clarified that a consultant has completed the airport noise study, and may be contracted for preparation of the Environs Plan.

Mr. Brouhard stated that he would like to support the record with an independent airport impacts study, though he would like a firm schedule with the consultant. He asked City Attorney Boehm if the project, in respect to CEQA, has been satisfied. City Attorney Boehm replied that the environmental impact report complies with CEQA and is adequate. Mr. Brouhard stated that the developer is not prepared to recirculate a new environmental impact report, which would be the fifth in the history of this project. He stressed that the developer would support an airport impacts study that was not a supplement to the FEIR.

Mr. Brouhard reviewed the Commission's request for an additional traffic study. He stated that the applicant paid the City to hire an independent consultant to prepare the analysis. He noted that there has been much discussion on cumulative impacts and the distinction between direct and cumulative impacts. He stressed that the purpose of the street impact fee is to fund the improvements to mitigate cumulative impacts.

Mr. Brouhard asked if it is a question of the credibility of Jones and Stokes Associates. Commissioner Wright replied that the concern is not with work the consultant preformed but with the underlying methodology used and if that information was reliable. Commissioner Carter stated that the Commission does not question the professionalism of Jones and Stokes Associates, but because of the project size and impacts, there has been considerable debate and discussion which has shown that there may be questions which should be addressed prior to approval. He noted that a second opinion will help resolve any questions.

Mr. Brouhard inquired if the second independent study would review the methodology the City uses. Commissioner Carter replied that the Commission is looking for a second independent verification that the conclusions reached are sound based on the methodology used. He added that Commissioner Belmonte had suggested that the second opinion contain what the impacts would be if the CIP were not completed. Chair Monfort stated that he does not feel the second opinion will resolve the questions of whether or not the CIP would be completed, but the methodology using the traffic model for the General Plan to derive information for a specific area has been questioned. He noted that the conclusions resulting from made by the traffic analysis have been attacked by the public and a former Commissioner. He indicated that the Commission desires to verify that the analysis is correct.

Commissioner Belmonte inquired if the second analysis would be based on the same assumptions to ensure that the conclusions are the same. Commissioner Wright added that there are questions if the assumptions being made are valid.

Planning Director Sellers stated that there are two types of assumptions which were made in the analysis. The first involves assumptions incorporated in the traffic model and the second addresses completion of the street facility improvements.

Commissioner Carter indicated that the assumption that the CIP would be fully constructed at project build out, may or may not happen. The question is if CIP completion is a sound assumption. He quoted from the General Plan policies relating to continued use of the CIP. He stated that the Commission is asking that the CIP be factored into the traffic analysis in a realistic fashion.

Mr. Brouhard stated that ensuring the that the CIP is constructed in a realistic fashion is the purpose of the street impact fees.

Commissioner Carter stated that the Commission is questioning the validity of the analysis based on comments during the hearings and would like a second review of the analysis in terms of methodology and assumptions.

Mr. Brouhard stated that phasing of the project has a minor influence on the impact created. He stated that it does make sense to tie the level of service to improvements in the CIP. He noted that the Commission can recommend to Council that the money generated by this project be used for the CIP improvements which are assumed to be built by the traffic analysis.

Commissioner Carter stated that certain improvements should be made prior to the first residents moving to the site to safely get them from the project to the areas which they are most likely to go, such as schools. He stated that he would support tying the project and phases of the project to construction of certain capital improvements.

Mr. Brouhard stated that if staff says they can do a study based on those parameters, it has been his intent to give the public, Commission and Council the information necessary to make the decision.

Commissioner Carter noted Mr. Brouhard has been overly accommodating with providing information and showing civic reasonability as an applicant.

Chair Monfort inquired what would happen if the second review validates the initial conclusions. Commissioner Carter stated that he will not ask for a third opinion.

Mr. Brouhard stated that the FEIR is the City's document and is an independent document, and he would like the City to complete the second analysis. He inquired if it would be appropriate to have a workshop

to discuss the content of the second traffic analysis. Planning Director Sellers replied that a workshop would not be necessary at this point; Commission direction was clear.

Planning Director Sellers stated that the Commission is asking for an independent analysis to see if that analysis duplicates the result and conclusions in the FEIR, and he would use the scope of work given to Jones and Stokes Associates. He noted that part of the environmental impact report process is to hear diverse opinions. Looking at both conclusions or points of view and using them to come to a decision is part of the job of the Commission .

Chair Monfort stated that the second opinion is also to review the methodology, in more of an audit fashion than a review. Commissioner Wright added that the second opinion will ensure that the methodology and the numbers used are valid. Planning Director Sellers replied that the second analysis would be accomplished with the same work program. He indicated that it would not be correct to assume that Jones and Stokes Associates accepted the assumptions made by the City without question, rather they reviewed and verified the assumptions prior to using them. He stated that it would be a peer review.

Mr. Brouhard stated his belief that the Commission needs that information. He added that he also believes the traffic analysis and FEIR are adequate. He noted that he has agreed to provide the additional study through the City on the airport safety issue, though the FEIR will not be recirculated, and will work with the City on commissioning an independent review of the Jones and Stokes Associates traffic study. He indicated that the only remaining matter was the discussion of the capital improvement process.

Commissioner Carter noted that among other matters to be discussed in a joint meeting with Council to be held tomorrow, the question with respect to Capital Improvement Plan will be addressed.

Mr. Brouhard inquired if there are any other issues which the Commission desires additional response on.

Commissioner Studebaker that the economic impacts of the airport should be addressed. Chair Monfort replied that it is not clear if the Commission had jurisdiction in that area. The City Attorney added that economic analysis is not required as part of the project environmental review. Commissioner Carter asked that staff review and flesh out the CIP and discuss the results in further detail.

Mr. Brouhard requested that the Commission schedule a meeting to discuss the results of the studies. Planning Director Sellers noted that until there are discussions with the independent consultants, it would not be appropriate to discuss calendaring to discuss the results. He added that it will be scheduled as the information is available.

Mr. Brouhard stated that he appreciated the amount of time and meetings the Commission has devoted to this project.

Commissioner Belmonte also requested that when the additional information is available it be distributed to allow time for review, rather than the day before the meeting. Planning Director Sellers noted that because of the short time frame between meetings, combined with the volume of information requested, the information for meetings have been distributed late, but that has been as soon as the information was available. He noted that the additional requested studies will be available for Commission and public review a minimum of 10 days prior to the Commission meeting.

Commissioner Carter requested that the additional studies be provided to CDF and ALUC. Planning Director Sellers replied that they will be distributed to all interested agencies, including those requested by Commissioner Carter, and also CalTrans Aeronautics Division.

Commissioner Carter moved to continue the hearing on Bidwell Ranch until such time as the applicant provides the additional requested information regarding airport impacts and a second opinion on the traffic

analysis in the environmental impact report. The Hearing will be a public hearing when additional information is available. Commissioner Studebaker seconded the motion which was unanimously approved.

BUSINESS FROM THE FLOOR

Chair Monfort stated that the Commission is in need of a Vice Chair due to the resignation of Celia McAdam. Planning Director Sellers stated that will be agendized as an addendum to the June 3, 1996 agenda.

Vince Phalen, 3010 North Avenue, stated that he found the risks that people are facing on the existing road network are dangerous and will be increased with the building of the Bidwell Ranch proposal. He submitted a letter for Commission reference. He expressed concern with the implications of ALUC's findings. He indicated that he had spoken with Steve Lucas from ALUC, who informed him that CalTrans was concerned with aircraft safety issues involved with this project. He stated that he felt the CEQA implications as far as aircraft safety was glossed over by the Commission at this meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:35 p.m. to the Regular Meeting of June 3, 1996.

June 17, 1996
Date Approved

CLIF SELLERS
Planning Director

PLANNING COMMISSION
MEETING OF JUNE 3, 1996

ROLL CALL

The special workshop meeting was called to order by Chair Monfort at 6:00 P.M. in Conference Room 2 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Brenda Crotts, Kirk Monfort, and Michael Wright. Commissioners Jonathan Studebaker and Jeff Carter arrived at a later time. Staff present were Assistant City Attorney Lori Barker, Senior Planner Stacey Jolliffe, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

SPECIAL WORKSHOP MEETING 6:00 P.M. - 7:30 P.M.

1. **Discussion on Foothill Park East** - Workshop to discuss Foothill Park East Subdivision S-94-2 - the Draft Environmental Impact Report (DEIR) prepared for the Foothill Park East Subdivision, generally located south of Sycamore Creek (south fork), westerly of the Sycamore Creek diversion channel, north of the northern termini of Ceanothus, Marigold, and Cactus Avenues, and east of a line extended north of the northern terminus of Ceanothus Avenue. The project proposes subdividing approximately 142 acres of a 173.83 acre site into 136 parcels. 125 of those parcels would be between 4,000 to 10,000 square feet to accommodate single-family residential (R-1) development. 11 larger parcels between 1.93 and 16.74 acres would be subject to further subdivision into smaller lots. Approximately 31 acres on the northernmost portion of the site are proposed to be set aside in open space as a Resource Conservation Area for vernal pool wetlands.

Bill Brouhard stated that he is representing the applicant, Drake Homes. He introduced the other people involved in this project. They included David Wade, design planner, Mike Byrd, Rolls Anderson and Rolls, engineer, and Bill Davis, Assistant Planner on the project.

Mr. Brouhard presented and reviewed a handout outlining discussion items. He described the original intent of the project to create 175 lots ready for development, with major arterial and collector alignments providing the definition of additional large lots suitable for future residential. The present intent is to create 125 single family residential lots, large parcels for future development or sale, major connectors and arterials, and a neighborhood park as a central feature.

Chair Monfort asked what was going to be developed west of Ceanothus in relationship to the entire area, noting the importance of coordination with surrounding land uses. Sr. Planner Jolliffe stated that nothing has been proposed at this time. Mr. Brouhard noted that there is a large vernal pool in that area and the HRCP will consider the area in terms of preservation.

Mr. Brouhard discussed the neighborhood park as a central feature, with the specific design deferred to the Chico Area Recreation District (CARD). The park design will likely be accomplished in a similar fashion as the neighborhood park on 8th Avenue.

Chair Monfort stated that, even though the Lassen Avenue and Eaton Road extension are fixed, a diamond-shaped subdivision would function as a traffic calming device. Mr. Brouhard noted that he has formally asked the City that Cactus Avenue not go through this project.

Chair Monfort verified that the intent is to have all lots be R-1 single family dwellings, though the lot sizes may vary.

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Mike Byrd, project engineer, noted that the proposed average lots size is 5,000 square feet, varying to 6,000 square feet.

Mr. Brouhard noted that this proposal will be similar to the Bidwell Ranch plan, without a specific lot layout for the entire project, but will include guidelines for future project design and development.

Sr. Planner Jolliffe noted that Vince Phalaen had inquired what the jurisdictions are for the surrounding roads. Mr. Brouhard noted that there are County islands in the area to the north of East Avenue, south of the project site, including County roads.

Mr. Brouhard reviewed the primary subdivision design features to achieve the required open space; cul-de-sac ends opening onto open space, bike trails surrounding open space edges, single loaded roads abutting open space, and minimizing the rear yards abutting the open space where possible.

Mr. Brouhard stated that the first 125 lots can be examples of the neighborhood development, and the full site development can be accomplished through a master plan. Sr. Planner Jolliffe noted that some members of the Commission have stated that they would like to see a specific plan, though there are other mechanisms which can be considered that accommodate the Commission's concerns regarding design issues and the traffic structure.

Chair Monfort asked for discussion of the school mitigation fees. Sr. Planner Jolliffe reviewed that the State has established a maximum amount allowed per square foot of development which is to be accepted as full mitigation of school fees. Case law has determined that for legislative acts, in which the developer gets an entitlement to develop the land at a higher density full mitigation can be required by the school district. She noted that the proposed subdivision will have a lower density than provided by the prior specific plan.

Mike Weisenborn, Chico Unified School District, noted that an agenda item is scheduled for the next School Board meeting, raising the full mitigation fee to \$4.60 per square foot.

Assistant City Attorney Barker noted that there was a specific plan for this area adopted in 1979, which is inconsistent with the current General Plan in regard to permitted densities. In order to approve the Tentative Map, the map must meet the requirements of the specific plan and the General Plan, unless the Council repeals the specific plan, or it is amended. She acknowledged that the applicant's attorney feels that the specific plan does not exist due to the adoption of the General Plan, though she and City Attorney Boehm do not agree. Their position is the specific plan does exist, but does not conform to the General Plan.

Mr. Weisenborn described the School Boards decision to request full mitigation fees, though it is district policy that if there is a reduction in density or density is maintained, the District would not look for full mitigation. If it was determined that a legislative act had occurred, full mitigation would be requested. He noted that, under the current legislation, the developer may be protected if the environmental impact report is certified.

John Merz stated that he would like to see the policy in writing, as the School District is depriving itself of additional funds.

David Wade, planning designer on the project, reviewed design issues, including existing roads and traffic patterns. He noted that it is a benefit to provide access onto the bike trails. He noted that access to the preserves are limited by the provisions of the Army Corps permit. He added that a master plan would provide a conceptual phasing plan, with the location of the separate proposed lot areas, as well as a view

of traffic both incrementally and cumulatively. Mr. Wade described the housing as designed so that the open space becomes the front yard.

The Commission indicated they would like further discussion on the design issues and the issue of specific plan versus master plan. John Merz suggested a more formal meeting be held, allowing for more public comment.

The Commission adjourned to the Regular Meeting at 7:35 p.m.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:40 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

2. Minutes of Special Meeting of April 22, 1996.

Requested Action: Approve with any corrections/revisions required.

3. Minutes of Adjourned Regular Meeting of May 20, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Carter removed this item from the Consent Agenda.

4. **Use Permit No. 96-09 (Chico Certified Farmer's Market)** -A request to allow an open-air farmer's market on Wednesdays from 10:00 a.m. to 2:00 p.m. in a portion of the North Valley Plaza Mall parking lot, specifically, at the southeast corner of East Avenue and Pillsbury Road, Assessor's Parcel Nos. 007-280-016 & 046 (portion of), in a C-1 Restricted Commercial zoning district. This project is exempt from environmental review pursuant to section 15304 (e) Minor Alterations to Land of the California Environmental Quality Act (CEQA).

Request Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

COMMISSIONER CARTER MOVED APPROVAL OF CONSENT AGENDA ITEM NOS. 2 AND 4.
COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA

3. Minutes of Adjourned Regular Meeting of May 20, 1996.

Commissioner Carter stated that the motion on Page 9 correctly recites the motion, with the exception of Item No. 3. He indicated that the Commission had agreed that regarding the provision of contact numbers, it was determined that an answering service or beeper number would be sufficient.

COMMISSIONER CARTER MOVED APPROVAL OF THE MINUTES OF ADJOURNED REGULAR MEETING OF MAY 20, 1996 AS AMENDED. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

5. **Tentative Vesting Subdivision Map and Planned Development Use Permit S-96-2 and UP 96-4 (Hyde Park)** - Review and approval of the final development plan and tentative vesting subdivision map for an office development on a 3.0 acre parcel on the southwest corner of the East Avenue (west) and Holly/Cussick Avenues intersection, zoned R-P Residential Professional/Business Office land use district (A.P. No. 042-070-200).

Planning Director Sellers reviewed the staff report, noting that the Commission had given its tentative approval of this plan one month before with modifications, including the removal of six parking spaces, the provision of bicycle parking with some spaces covered, provision of a bus shelter at the bus stop on East Avenue, and that the maintenance of the wood fencing along the south lot line, separating the parking area from the adjoining subdivision, be added to the CC&R's for the adjacent residential property owners. He reviewed the traffic pattern through the project site and exiting onto East and Holly Avenues. He also noted that the Architectural Review Board has approved the plan for this project.

Commissioner Carter noted that the Resolution does not include the CC&R modification. Assistant City Attorney Barker stated that it is sufficient that the City has approved the CC&R's, and it does not need to be included in the Resolution.

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

Wes Gilbert, 55 Independence Circle, Ste 101, representing the applicant, stated that the applicant strongly objects to the requirement for the sheltered bench, as the bus stop is not located on the project site. He noted that it is a community facility and not directly associated with this project, as well as the fact that a portion of the Building Permit Fees are used to fund community facilities such as this bus shelter.

Chair Monfort stated that the Commission often recommends improvements to facilitate the use of public transportation. He noted that the future clients of the project will use the facility. Mr. Gilbert stated that it is a shared facility, with the bus stop already in existence, used by existing residences.

Linda Leete, 1074 East Avenue, Ste B-1, applicant, reiterated that transportation fees are part of the Building Permit Fees, and pay for the construction of bus stops. She added that in order to build the shelter, it would require improving someone else's property.

Commissioner Wright stated that other projects have been required to make off-site improvements and were given credit on street facility fees. Street facility fees are for street improvements, to be spent only on a fixed list of improvements. Planning Director Sellers replied that street facility fees do not include transit facilities. He stated that staff could try to collect a proportionate share from other owners in the area, though it would be difficult. He reviewed the process to collect a pro-rata share of the costs from the applicant.

Commissioner Crotts asked where the money comes from to improve bus stops. Planning Director Sellers replied that Federal or State funds, such as gas tax monies, and the City's general fund are used to build such shelters.

Commissioner Carter asked what the cost of a bus shelter would be compared to building a masonry wall in the parking lot. Wes Gilbert estimated that it would be \$10,000 to build a bus shelter, and stated that he was unable to provide an estimate at this time for a masonry wall.

The public hearing was closed.

Commissioner Wright agreed with staff that there is a need for the shelter, and stated that the Commission should provide a mechanism to divide the cost.

COMMISSIONER WRIGHT MOVED TO DELETE THE REQUIREMENT FOR A COVERED BUS STOP FROM THE SUBDIVISION REPORT UNLESS THE COMMISSION CAN AGREE ON A PRO-RATA MECHANISM WHICH THE COMMISSION WOULD APPROVE. COMMISSIONER BELMONTE SECONDED THE MOTION.

Planning Director Sellers reviewed the possibility of other developments in the area in response to a request by Commissioner Carter. He described the status of other development proposals in the area and added that no proposals have been submitted for the remaining vacant land in the area.

Commissioner Carter noted that there was some discussion to require a masonry wall between the subdivision to the south and this property, instead, the developer placed the cost of maintaining a wooden fence on the future adjacent homeowners. He stated that he would support a mechanism in which the developer could recoup a portion of the costs of the bus facility in the future.

Commissioner Belmonte inquired if there are realistic means to ensure that in the future this property must assist in the building the bus shelter.

Commissioner Carter suggested an amendment to the motion to modify the condition in the subdivision report that the developer will post an in-lieu fee or a performance bond at one-third the cost of the covered bus stop, to be refunded in 5 years if the facility is not constructed. Commissioner Wright accepted the amendment to the motion.

Mary Brownelle, 1074 East Avenue, Suite B-1, noted that there is a facility being built behind the Sisco building further down East Avenue as well as other buildings existing in the area which may also use the bus facility. In reference to the fence separating the site from the adjoining subdivision, she stated that the masonry wall was not traded off, as an eight foot landscape barrier was added.

Commissioner Carter verified that the amended condition can be left vague.

Planning Director Sellers reminded the Commission that the Hyde Park Subdivision is being developed in the area by the same developers and will also be using the bus facility.

Mr. Gilbert stated that the developer has agreed to a \$2,000 performance bond for the bus facility.

Assistant City Attorney Barker stated that it is difficult administratively for the City to accept posting of a bond for a number of years if an improvement is not made. She noted that the cleanest way to facilitate the development is to have a in-lieu fee or a letter of credit. She indicated that a letter of credit is a level above a performance bond.

Commissioner Carter noted that \$2000 is a one-fifth of the total \$10,000 for the facility quoted by Mr. Gilbert.

COMMISSIONER CARTER MODIFIED THE CONDITION TO REQUIRE A CASH IN-LIEU FEE OR LETTER OF CREDIT, AT THE OPTION OF THE DEVELOPER, TO BE A CONTRIBUTION OF ONE-THIRD OF THE SHELTER COST TO BE DETERMINED BY STAFF AND DEVELOPER. COMMISSIONER WRIGHT ACCEPTED THE AMENDMENT. THE MOTION WAS APPROVED 5-1 (COMMISSIONER STUDEBAKER OPPOSED).

COMMISSIONER CARTER MOVED APPROVAL OF TENTATIVE VESTING SUBDIVISION MAP AND PLANNED DEVELOPMENT USE PERMIT S-96-2 AND UP 96-4 (HYDE PARK) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

6. **Use Permit No. 96-13 (Les Schwab Tire Centers)** -A request to allow a new 17,124 square foot retail tire center with parts installation and related auto repair on 1.61 acres located on the south side of East Avenue, approximately 250 feet west of the Esplanade, Assessor's Parcel No. 006-150-094 (portion of), in a C-1 Restricted Commercial zoning district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He noted that the applicant has worked with the Architectural Review Board in reorienting the building and addressing the concerns expressed by that Board.

Chair Monfort reviewed the General Plan descriptions of the zoning districts and suggested that automobile sales and service should be primarily in the Community Commercial districts. Planning Director Sellers agreed.

Chair Monfort reviewed land uses on East Avenue, between the Esplanade and the freeway, there is a concentration of automobile sales and service uses, and questioned the desire to continue that pattern west of the Esplanade. Planning Director Sellers estimated that 30 percent of that area is used for auto related businesses.

Chair Monfort inquired how the site traffic pattern would be affected by Mission Ranch development. Planning Director Sellers stated that the road pattern for both parcels is fixed to intersect across from the main driveway to Albertson's, and the road alignment does leave developable land to the west of the site.

Commissioner Carter inquired about the portion of the operation which would be conducted under a tent. Planning Director Sellers replied that the covered work area is located at the rear of the site and used for larger vehicles. He noted that this application was filed prior to Council adoption of the amendment regulating motor vehicle repair.

Commissioner Carter noted the staff report's discussion of General Plan strip malls. Planning Director Sellers stated that the depth of the parcels already existing on East Avenue particularly between the freeway and the Esplanade, promote strip commercial development. He added that store-front orientation can help break-up that streetscape.

Planning Director Sellers reviewed surrounding land zoning and uses at the request of Chair Monfort.

Commissioner Carter inquired if the access road to the west will extend to Orchard Drive. Planning Director Sellers responded that since Orchard Drive is a private road and, after reviewing the traffic study prepared at the time of parcel subdivision, it was determined that there are several conflicting traffic patterns in the area which would be made worse through the use of Orchard Drive for access. He reviewed the traffic pattern planned for Mission Ranch, including an access road to the west of this site. He also reviewed other current and future traffic patterns in the area.

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

Mike Oxman, real estate manager for Les Schwab Tires, stated that he agreed with the staff report.

Chair Monfort asked if Mr. Oxman was aware of what will be built to the west of this site. Mr. Oxman responded that this site is a portion of a six acre piece of property. While it is not known what will be developed on the remainder of the parcel, an agreement between Mr. Hubbard and Les Schawb requires an access easement westerly to the future Tierra Blanca. What will be developed is a function of market forces at the time of development. He suggested that this is an area of the city which will be going through redevelopment in the future, most likely with a higher use than retail auto parts.

Planning Director Sellers noted that a condition of the parcel map creating this parcel contains a list of conditions, including an access easement to extend to intersect with Tierra Blanca.

Bill Hubbard, P.O. Box 3317, Chico, representing the property owners, stated that he does not know what will happen in the area. He noted that the Parcel Map was submitted approximately two years prior to this application. He stated that the design was set up to accommodate a number of alternative traffic flows. He added that City staff has worked closely with them to phase overall development, which will include the intersection of Tierra Blanca, particularly because the median to be installed on East Avenue will result in Tierra Blanca serving as the primary access for this parcel and development of the remaining properties.

Mr. Oxman stated that they wanted access to Tierra Blanca for access to East Avenue; therefore the development agreement allows for cross access easements to Tierra Blanca.

Commissioner Carter expressed concern that customers should be able to safely access East Avenue. He inquired about the conditions of the parcel map. Planning Director Sellers reviewed the conditions of the parcel map including the requirement for common access.

Mr. Oxman stated the Les Schawb is committed to pay for the cost of the median in exchange for the common access.

Commissioner Carter asked if the development agreement is sufficient to ensure that access. Planning Director Sellers replied that as the agreement was in place as part of the parcel map, the access will be accomplished.

Mr. Oxman described the proposed structure as a masonry building with a metal roofed area, not a tent, to allow for work on larger vehicles. The metal canopy will be obscured by two large trees and setback on the rear of the site. He noted that this will not be a truck related store, with only 10 percent of business being related to commercial vehicles, but the store will need a covered concrete slab to work on trucks, school buses and recreational vehicles.

John Merz, 178 Terrace Drive, reviewed the environmental document, with particular concern to the transportation issues, agriculture mitigation, and storm water runoff. He noted that the Initial Study, page 4, indicates that there will be no reduction of agricultural acreage, even though the site is prime soil. He stated that he had the understanding that staff was working on a agricultural mitigation fee, to be collected at such time as the Council enacted such a fee. He asked that a condition, or mitigation, be placed on the approval relative to the loss of those soils. He added that on Page 5 regarding exposure to flood hazard, there is a reference to a recent technical report, though the date for the report and referenced page were not attached. He questioned the quality of the storm runoff downstream to Lindo Channel with the generation of pollutants, and monitoring of Best Management Practices (BMP's). He expressed concern that the City does not have BMP's at this time. He questioned if the mitigation on Page 15 of the Initial Study, public service factors and ongoing maintenance, which will be monitored during construction, will be monitored in the future and if other monitoring will occur relative to maintenance.

Planning Director Sellers stated that the public facilities will be maintained by the City.

Mr. Merz expressed concern that there is a greater chance of pollutants in the storm water runoff, particularly with automobile service uses and suggested that the public needs to know what type of on-site mitigation will be used for the grease traps. He expressed concern with the projected traffic volume. He suggested that there may be additional mitigations which could effect the cumulative impacts. Mr. Merz stated that he is not opposed to the project, but does have concerns with isolated development in a concentrated area. He stated that the issues of overall traffic and phasing need to be publicly addressed.

Mr. Hubbard stated that Bob Feeney is the engineer on this project as well as the neighboring Mission Ranch development. He noted the property has not been used for agriculture purposes for at least 12 years.

Planning Director Sellers stated that when the parcel map was filed in this area, all of the vacant property on East Avenue east of the Esplanade was master planned for access and circulation. This is an incremental step in implementation of that process.

Chair Monfort inquired about the air quality sampling required for Mission Ranch. Planning Director Sellers responded that there currently are three, and will be four, air quality locations sampled for the Mission Ranch studies. The current finding is that the air quality not getting worse at those sample intersections.

Bob Feeney, 377 Connors Court, project engineer, stated that all driveways on the north side of East Avenue will match the access points on the south side. Eventually, on East Avenue between the Esplanade and Cussick intersections, there will be a median with two left turn outlets, one at Albertson's and one at Holly. As far as storm drainage, he explained that there are two outfalls; one is at Montecito Avenue, and the other is at the Holly Avenue bridge. He noted that they are looking at alternative storm drainage, and that he has been working with City staff on BMP's which will be included in the future. He added that the cost of the public facilities are included in the maintenance district for the area. He clarified that there will also be CC&R's or an agreement so that the commercial properties in the area will pay for the maintenance of the storm drainage system on-site.

The public hearing was closed at 9:00 p.m.

Commissioner Carter inquired about an agricultural mitigation fee. Planning Director Sellers explained that the idea is to mitigate the conversion of agricultural land to urban development. At the direction of Council, staff will be preparing an ordinance so that when prime soils are converted to urban development, mitigation will be required, possibly through payment of a fee. He noted that the nexus study has not been completed for such a fee, which will most likely be for larger projects where there is viable agricultural land. This fee was identified as part of the General Plan, though it has yet to be adopted.

Chair Monfort asked if the ordinance will focus only on soil types. Planning Director Sellers responded that it will probably focus on soil types based on the possibility of a landowners avoiding use of the land for agriculture for a few years prior to application for development. He added that the City would not be able to retroactively collect that type of fee. He explained that the nexus study will establish the link between the conversion of agricultural soils to a non-agricultural use, and the amount of the mitigation fee.

Commissioner Carter expressed concerns that the material provided to the Commission does not include the full story, which he felt is contradictory to the staff report and the Initial Study. He stated that he is also disturbed with the lack of access to the Esplanade other than through the Mission Ranch development, with the project access depending on Tierra Blanca. He stated that the through-connectivity is a deciding factor, though there is nothing in the staff report confirming that.

The Commission was in recess from 9:10 p.m. to 9:15 p.m.

Planning Director Sellers recommended a condition be added that an access easement be required across the property to the west of the subject site so that access to Tierra Blanca Drive from Les Schwab will be provided at the time the street is extended between East Avenue and Mission Ranch Boulevard.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 96-13 (LES SCHWAB TIRE CENTERS) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT WITH THE ADDED CONDITION THAT AN ACCESS EASEMENT BE REQUIRED ACROSS THE PROPERTY TO THE WEST OF THE SUBJECT SITE SO THAT ACCESS TO TIERRA BLANCA DRIVE FROM LES SCHWAB CAN BE PROVIDED AT THE TIME THE STREET IS EXTENDED BETWEEN EAST AVENUE AND MISSION RANCH BOULEVARD. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Studebaker inquired what the final decision was regarding the agricultural soils. Chair Monfort stated that when Council adopts an agricultural preservation resolution it will not be retroactive. Planning Director Sellers added that staff will continue to research the nexus and prepare such a resolution for future consideration.

THE MOTION TO APPROVE THE USE PERMIT WAS 6-0.

CORRESPONDENCE

7. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

8. Selection of a Vice Chair. The Commission will elect a vice chairperson. Chair Monfort called for nominations for the position of vice chair.

Commissioner Belmonte nominated Commissioner Carter. Commissioner Studebaker seconded the nomination.

Commissioner Carter accepted the nomination.

THERE BEING NO FURTHER NOMINATIONS, CHAIR MONFORT CLOSED THE NOMINATIONS AND CALLED FOR A VOTE. COMMISSIONER CARTER WAS UNANIMOUSLY SELECTED FOR THE POSITION OF VICE CHAIR.

BUSINESS FROM THE FLOOR

Planning Director Sellers stated that at the close of the worksession held prior to this meeting, the Commission indicated they would like further discussion on design issues. He noted that John Merz had suggested it be discussed in a more formal setting.

Commissioner Studebaker inquired if the work session would be subject to noticing requirements. Planning Director Sellers explained that the Commission is not bound to a noticing period as it would be a worksession and no formal decisions would be made. Meeting agendas are posted and meetings are open to the public.

The Commission discussed availability for the additional workshop. It was decided that the continued workshop will be held at 6:00 on June 17th in a conference room of the Chico Municipal Center.

Chair Monfort clarified that the focus of the meeting is for the Commission to discuss the issue of specific plan versus master plan and design issues. He added that he would like a written report from the School District regarding the school impact fees.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 9:28 p.m. to the Adjourned Regular Meeting of June 17, 1996.

Date Approved

CLIF SELLERS
Planning Director

**PLANNING COMMISSION
MEETING OF JUNE 17, 1996**

SPECIAL WORKSHOP MEETING 6:00 P.M. - 7:30 P.M.

ROLL CALL

The special workshop meeting was called to order by Chair Monfort at 6:00 P.M. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Stacey Jolliffe, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

1. **Discussion on Foothill Park East** - Workshop to discuss Foothill Park East Subdivision S-94-2 and the Draft Environmental Impact Report (DEIR) prepared for the Foothill Park East Subdivision, generally located south of Sycamore Creek (south fork), westerly of the Sycamore Creek diversion channel, north of the northern termini of Ceanothus, Marigold, and Cactus Avenues, and east of a line extended north of the northern terminus of Ceanothus Avenue. The project proposes subdividing approximately 142 acres of a 173.83 acre site into 136 parcels. 125 of those parcels would be between 4,000 to 10,000 square feet to accommodate single-family residential (R-1) development. 11 larger parcels between 1.93 and 16.74 acres would be subject to further subdivision into smaller lots. Approximately 31 acres on the northernmost portion of the site are proposed to be set aside in open space as a Resource Conservation Area for vernal pool wetlands. (This workshop was continued from June 3, 1996.)

Chair Monfort noted that the purpose of the work session is to discuss design issues and requirements for a specific plan or similar planning document. While the Commission will focus remarks at this meeting on design and compatibility with the General Plan, he noted that there are other issues which will be discussed at future meetings, including airport and traffic issues. He stated that he would like to ensure that these issues are addressed with a specific plan or design element, and the final environmental impact report (FEIR).

Bill Brouhard reviewed a handout regarding the proposed subdivision, layout revisions and design objectives.

David Wade, project design planner, stated that the design changes revolve around the suggestion that the neighborhood park should be the center of the neighborhood, and realignment of Marigold Avenue to create the focus on the park, with the inclusion of traffic circles. Another key concern expressed by the Commission was having homes backing onto open space, even though bikeways were included. He indicated that the revised plan uses a loop street concept throughout the plan area, with a few cul-de-sac heads abutting open spaces; thus, there are no instances where a unit will back onto open space. He also reviewed entry road treatments with landscaped medians providing entry to neighborhoods further from Eaton Road, so no traffic conflicts are expected between Eaton Road and intersecting streets.

Chair Monfort asked what has been planned for the property south of Eaton Road. Mr. Brouhard replied that, though there is not yet a layout, development of the property will be regulated as a function of density, and will be the subject of a separate application. He added that the design parameters would be included in the master design element, with possibly a schematic of a proposal for development of that portion of the site.

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Mr. Brouhard noted that the second page of the handout includes a draft introduction for a master design element.

Chair Monfort inquired if a design element could be enforced in the same manner as a specific plan. Sr. Planner Jolliffe responded that a master plan element would be a specific condition of subdivision approval, which is not a legislative act, but it would be enforced as a condition of approval. She noted that a master design element would have to be amended through the Commission, not the Council as required for a specific plan.

From the audience, John Merz expressed concern that there were no materials available for the public to comment on.

Commissioner Studebaker reviewed the size of the neighborhood park on the revised map. Sr. Planner Jolliffe noted that staff would be recommending a five acre park, consistent with the Chico Area Recreation District (CARD) recommendation. Mr. Brouhard commented on the City's Park fee schedule and parkway standards. Sr. Planner Jolliffe stated that pertinent information regarding those issues will be available when the project is at a formal hearing.

An unidentified member of the public verified that this property is in the Marigold School district.

Commissioner Carter inquired what rationale was used for the placement of the traffic circles. Mr. Wade replied that the circles were seen as a visual reference and for traffic calming on major traffic routes into the area.

Commissioner Carter reviewed bike path routes and destinations in the area. Commissioner Carter inquired how far the Bidwell Ranch commercial area is from the channel. Mr. Brouhard replied that it would be approximately 2,000 feet away from this project, and 800 feet from this project to the closest residential area of Bidwell Ranch.

Commissioner Studebaker inquired why it was determined that it would not be necessary to put in a neighborhood core. Mr. Brouhard replied that the area was zoned R-1, and as such a neighborhood core was not considered suitable. He noted that the project is in close proximity to other neighborhood centers.

Senior Planner Hayes explained that the neighborhood center was conceptually placed in the area between Floral and Ceanothus as it was central to the entire Foothill Park neighborhood and designed to serve a population of 8,000. Chair Monfort verified with Sr. Planner Hayes that the assumption was made that the property to the west of this land will be developed.

Chair Monfort noted that another traffic calming method is to make the streets narrower. Mr. Brouhard indicated that the City has just revised residential road standards which must be met. The interior roads will be the standard section for a residential road. He added that he does not want to eliminate the possibility of alleys if use of alleys is driven by the market in the future, as they are not designing units which will be sold 10 years in the future.

The Commission discussed the possibility of designing the project to not have any homes backing onto the neighborhood park. Mr. Brouhard indicated that the applicant has a similar project in Sacramento in which all lots but those adjacent to the park have sold. Commissioner Studebaker suggested that sale of those homes may be a reflection of what is going on in the park. Sr. Planner Jolliffe added that it can be a reflection of those who live in the area and safety in the community. Chair Monfort suggested that one way of providing security for a park is to have windows facing the park.

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Chair Monfort suggested that since higher densities usually mean trading private open space for public open space, one place to pick up density is to raise the density next to the central park with an R-2 designation. Sr. Planner Jolliffe stated that such a density switch would open the issue of density allocation with a range of lots sizes for development in the larger parcels retained for future subdivision proposals. Mr. Brouhard stated that such a solution was used with Bidwell Ranch, which required an annotated tentative map; thus, every time a neighborhood was proposed, it would be consistent with the overall density for the area. He proposed that a mechanism be developed to monitor the project site, along with proposing areas to have higher density due to land configuration.

Sr. Planner Jolliffe asked for the Commission's guidance regarding land use densities. Chair Monfort suggested that densities facing the park should be higher, with the ends of loop streets by the open space with small lots. Mr. Brouhard stated that he would like the loop street lot sizes to be generally flexible for what the homebuyer market is responding to.

Commissioner Carter stated that if the applicant is proposing a sound wall along Eaton, the Commission will want to have an idea of what it will look like. Regarding requiring a specific plan or a master design plan, he noted that the key difference is that a legislative act (specific plan) will require detail on infrastructure, and possibly require full mitigation of school impact fees, although full mitigation might not be possible.

Sr. Planner Jolliffe noted that the School District is meeting tomorrow to further discuss school impact fees. She added that Dr. Barbot and the chair of the school board have stated that their current position is that school impact fees are not an issue.

Commissioner Carter asked for a review of the infrastructure requirements for a master design element compared to a specific plan. Sr. Planner Jolliffe explained that specific plans are designed for areas where infrastructure is not yet planned. She added that this area has been planned for development, with existing infrastructure extended to or near the area.

Commissioner Carter stated that the Commission is concerned that there be a well-planned phased development with a common-sense approach. Sr. Planner Jolliffe indicated that from a planning perspective, a specific plan is intended for areas where few Planning and infrastructure issues have been resolved. Mr. Brouhard added that a specific plan does not necessarily describe what the Commission has been concerned with, including a design element.

Commissioner Carter verified that the process for a design element will require Commission approval, which can be appealed to Council. A specific plan, as a legislative act, would require Council approval for the plan itself and any amendments.

The Commission generally agreed that the revised subdivision proposal addressed many of their concerns and demonstrated consistency with General Plan policies. The Commission was also satisfied that a detailed master design plan adopted as a condition of subdivision approval would further guarantee General Plan consistency in buildout of the project.

The work session adjourned to the regular meeting at 7:20 p.m.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

2. Minutes of Special Meeting of May 29, 1996.

Requested Action: Approve with any corrections/revisions required.

3. **Title 19 Land Use Regulation Amendment** - A proposal to initiate an amendment to reduce the size of a corner lot in an R-1 zoning district from 7,000 square feet to 6,000 square feet, with a minimum width of 60 feet, consistent with the previously adopted amendment reducing the minimum size for an interior lot from 6,000 square feet to 5,000 square feet. (City of Chico)

Requested Action: Adopt a motion initiating the land use regulation amendment and direct staff to prepare the amendment and provide required notice.

Commissioner Carter moved approval of the Consent Agenda. Commission Crofts seconded the motion which was approved unanimously.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

4. **Tentative Vesting Subdivision Map S-96-4 (Harvest Way)** -Proposed subdivision and development of 2.8 acres to create 16 lots (Average 5110 SF) for single family residential use on property zoned R-1, Low Density Residential, located at 2582 Floral Avenue, Assessors Parcel No. 048-034-060 & 061. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report and the staff recommendation to approve the project subject to those conditions listed in the resolution. He noted that no adverse comments on the project have been received by staff. He added that the street name of Harvest Way has been disapproved as it conflicts with a street by the same name in Durham, which is within the same fire district.

Chair Monfort inquired about the project design. Planning Director Sellers stated that there was a Commission workshop within the last year where design alternatives for this site were discussed; this subdivision reflects one of those designs proposed at the workshop. He noted that the Commission had indicated that this was an acceptable solution, though there was a more appealing version which the developer at that time had determined had prohibitive economic costs to maintain the common use areas. He added that this proposal has a different applicant.

Chair Monfort reviewed the length and street width of the block. Planning Director Sellers stated that the distance from Floral to the east boundary is 600 feet, and the distance from the end of the street to Mariposa is about the same.

Commissioner Carter inquired about the hammerhead configuration at the east end of the street. Planning Director Sellers replied that there are two possibilities, one being that the City requires the subdivider to negotiate for the purchase for the extension of the road or a temporary cul-de-sac. The second alternative is to not develop the end lots.

Commissioner Carter inquired if there was a plan to put this street through to Mariposa Avenue, as opposite this subdivision entryway there appears to be a raised bumper strip on the west side of Mariposa. Planning Director Sellers indicated that the street was designed to be extended to Mariposa Avenue and that there was a curb built to divert the storm drainage into the channel.

Commissioner Carter asked if the fenced-in storm water retention facility at the east end of Artesia Drive affects this parcel. Planning Director Sellers stated that the subdivision report does not address that facility. The storm drainage in the subdivision to the north is underground, and the other storm drainage in the area was modified with the Safeway development. The DPW report for this project does require that the storm drainage be placed underground.

Commissioner Carter stated that the Commission was encouraged by the unique design proposed in the other design of this project, and had asked staff to make the maintenance of the common area less prohibitive. Planning Director Sellers replied that the applicant did not pursue the project, thus there were no discussions with the staff, though the developer did receive approval for a similar project elsewhere.

Commissioner Studebaker noted that the staff report mentions the Fire Department's concerns regarding the configuration of the hammerhead and that it may pose a safety hazard for children playing in the area. Planning Director Sellers noted that while children will play in the paved area, it will not have parking and will be posted as an emergency turn-around.

Commissioner Carter noted that an adjacent subdivision has a similar area which is used for parking. Planning Director Sellers explained that parking will be prohibited in the emergency turn-around area.

Chair Monfort inquired if the road in this project will be extended through to Mariposa at some future date. Planning Director Sellers verified that the street design is intended to be extended. Chair Monfort then asked about extending it east to Ceanothus Avenue through Mariposa. Planning Director Sellers stated it may not be able to be extended that far as the Safeway center blocks a direct connection. Further to the north there are several approved subdivisions which will connect between Mariposa and Ceanothus Avenues.

Chair Monfort reviewed with Planning Director Sellers the traffic patterns in the area, particularly with respect to the Safeway Shopping Center on East Avenue.

The public hearing was opened at 8:00 p.m.

Rick Colletti, Lands End Real Estate, project proponent, stated that the design of the project was due to constraints and comments made by the Development Review Committee requesting a through street. He stressed that there is a benefit to the future homeowners to not have a homeowners association. He discussed the street width. He explained that the hammerhead design is intended to be an interim measure as the additional property is under option, whose development will allow the through street to be completed. He added that the hammerhead design is for emergency vehicles and is planned for the rest of the development.

Chair Monfort inquired if Mr. Colletti would be willing to use alternative pavement strips or other traffic calming device. Mr. Colletti replied that though the use of tree wells was discussed, those trees are often harmed by vehicles. He noted that a future possibility is to merge Artesia and this street into one street.

Chair Monfort discussed the median strip on Floral Avenue, and its effect on people in this project who, if proceeding west, will have to go north on Floral and turn around to get to East Avenue. Planning Director Sellers noted that on most four lane streets in the City, medians provide capacity and minimized turn

movements. He noted that there will be turn lanes in the median which will allow people to make the u-turn. He added that medians work best when planned prior to development.

Chair Monfort reviewed the design of another project by the applicant, and asked if it was comparable. Mr. Colletti stated that the size of the lot is restrictive, though there is one similar house plan and a few others with variations. He noted that he has considered the idea of the parkway between the sidewalk and the curb, and would like to make the walkway meander around trees. Chair Monfort stated that such meandering can help with traffic calming.

Chair Monfort stated that there is nothing in the application to enforce the absence of garage doors facing the street. Mr. Colletti replied that the house plans have garage doors on the side, or recessed. This lot design has wider lots to allow a wider home.

Commissioner Carter inquired if Mr. Colletti had seen and considered the other lot configuration which had been discussed at a worksession. Mr. Colletti stated that he had seen the plan with 18 lots, but he felt that it was too tight and provided an excessive amount of pavement area. This piece of property, with new General Plan and design standards, was an opportunity to explore small footprint homes with more landscape area.

The public hearing was closed at 8:15 p.m.

Commissioner Studebaker reviewed the comment on safety issues on Page 13 of 20 of the environmental review, which was considered less than significant.

Chair Monfort verified that conditions could be added, including; there be no parking in the emergency turn area, that there be signage on the hammerhead specifying it as an emergency turnaround, and that there be some traffic calming measures built into Harvest Way, to be discussed with the developer and Public Works.

Commissioner Carter stated that the hammerhead is creating a unique traffic pattern, and that the median strip should not be installed out until there is connectivity to Mariposa.

Commissioner Carter proposed that the Department of Public Works review the median and submit a report to the Commission. Planning Director Sellers stated that Council has been discussing setting a meeting to discuss the traffic model and discussion of the placement of median might be appropriate at that meeting.

COMMISSIONER CARTER MOVED TO APPROVE TENTATIVE VESTING SUBDIVISION MAP S-96-4 (HARVEST WAY), AND ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT, WITH THE ADDED CONDITIONS 1.) THAT THERE BE NO PARKING IN THE EMERGENCY TURN AREA, 2.) THAT SIGNAGE BE PLACED ON THE HAMMERHEAD SPECIFYING IT AS EMERGENCY TURN-AROUND, AND 3.) THAT THERE BE SOME TRAFFIC CALMING MEASURES BUILT INTO HARVEST WAY TO BE DISCUSSED WITH DEVELOPER AND PUBLIC WORKS. THE MEDIAN MAY BE SUBJECT TO REVISION TO PROVIDE AN OPENING TO HARVEST WAY SUBJECT TO DEPARTMENT OF PUBLIC WORKS APPROVAL. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. **Workshop on the feasibility of implementing a neighborhood planning program in the City of Chico** - Planning Division staff will review various neighborhood planning programs currently used by other cities. No action is required.

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Senior Planner Hayes reviewed the staff report, including the types of neighborhood planning currently in use in several communities. He noted the areas of the General Plan which call for neighborhood planning and community design.

Chair Monfort discussed possible general definitions for neighborhoods. He noted that other cities have determined definitions by establishing boundaries and others by the neighborhood themselves. Senior Planner Hayes stated that some communities have neighborhoods which are defined by public or community facilities, such as schools, parks and commercial centers. Neighborhoods can also be defined by arterial streets or natural features, like streams, or changes in topography.

Chair Monfort stated that using defined boundaries, such as streets or creeks, does not deal with the consciousness of the people in the neighborhoods. This consciousness results in dealing with issues by creating advocacy groups. Senior Planner Hayes added that larger issues may encompass several neighborhoods, thus the boundaries may have to be established by what elements of land use define a neighborhood rather than issues.

Chair Monfort asked if the participation rates are higher in cities where extensive planning has created neighborhood plans and committees. Senior Planner Hayes replied that the participation rates vary extensively due to issues and events in their area.

Chair Monfort suggested that since the atmosphere in Chico is such that without an issue community involvement would be reduced, the Vancouver model which relied on advocacy and work with the neighborhood to define the issues, may work better. Senior Planner Hayes reviewed existing neighborhood organizations within the Chico area.

Chair Monfort stated that he had requested this workshop because the fraternity/sorority overlay proposal which was sent to the Council included a recommendation that the area form, or become part of, a neighborhood association in the south of campus area.

Commissioner Carter noted that it was determined, as part of the General Plan review, that some staff time shall be committed to reviewing the format and process for neighborhood plans.

Commissioner Studebaker suggested that many in the community feel that they do not have a say in what development goes into their neighborhood. He suggested that staff start by reviewing the goals of the General Plan and establish a direction from that point.

Commissioner Crotts stated that staff needs direction from the Commission in determining the physical boundaries and how to address smaller neighborhoods when there is a proposal for development in that area. Senior Planner Hayes stressed that a neighborhood plan does not eliminate the possibility of a group of nearby residents opposing a project, but helps to define what is meant by a neighborhood in the General Plan. Compatibility is a different issue.

Commissioner Crotts asked if there would be neighborhood education of the process included. Senior Planner Hayes replied that it is difficult to get people involved in government, so an educational element will be vital.

Commissioner Carter reviewed the letter from the Cussick Neighborhood Council received by the Commission at this meeting. He stated that it is important that the Commission establish neighborhood boundaries. He suggested that staff and Commission members go out to the various neighborhoods and explain to them what their community is confronting in the next five years, what the General Plan allows for neighborhood planning, and determining any interest in investigating planning at the neighborhood level. He stressed that there needs to be a grass roots effort.

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Planning Director Sellers stated that there is a need to establish some general parameters to avoid focusing on small areas. He noted that most Commissioners and staff who attended neighborhood meetings in the past found that the meetings were not successful in attendance or participation.

Commissioner Carter suggested having neighborhood meetings that include residents within elementary school boundaries, as school boundaries may be the best indicators of neighborhoods. He added that the best areas to hold the neighborhood meetings would be the areas where there will be substantial changes in the next few years.

Commissioner Belmonte noted that neighborhoods are defined not only by their physical boundaries but also by issues which affect the neighborhoods. He suggested allowing people to define what their neighborhood is as there are many issues which cross over the physical boundaries the Commission may establish. He stated that he would like to see a review of current issues and geographic barriers in a staff report.

Commissioner Carter suggested that the Commission form a subcommittee to review and discuss the alternatives and propose some boundaries. Commissioners Studebaker, Carter and Belmonte volunteered to be on the subcommittee.

Chair Monfort noted that the Traffic Committee was an example where residents on one street would join together on an issue whose resolution would affect another street, who would join together on the issue, etc. He stated that the Traffic Committee invites all those in the affected neighborhood, as what happens on one street will impact those who live on the other streets. He added that advocacy groups may take a narrow focus and make it difficult to establish neighborhood planning. He stressed that there has to be some level of generality in the neighborhood boundaries.

Commissioner Carter suggested that the Commission establish an idea of the boundaries and issues which will affect the neighborhoods and take that to the neighborhood to prompt their interest.

Commissioner Wright inquired if any cities that currently have neighborhood planning programs have done a cost benefit analysis or if there are any examples from other cities which end up pitting neighborhoods against each other, thereby causing more conflicts. Senior Planner Hayes responded that he would have to research those questions. He speculated that any of the cities he had surveyed would say that neighborhood planning is a benefit.

Commissioner Wright questioned how the various County jurisdictional pockets throughout the community affect the process. Sr. Planner Hayes stated that one of the assumptions in neighborhood planning is that any plan has to be consistent with the General Plan, which serves the whole community, not just a specific neighborhood. He added that there would be a conscious effort by staff and by the County to do a joint neighborhood plan in those neighborhoods where both County and City residents reside.

Commissioner Carter stated that the General Plan took into account the County pockets, and he would assume that the neighborhood plans would do likewise.

Commissioner Wright noted that while County residents should not be excluded from the process as issues affect all in the neighborhood, but funding for the services will have to be discussed.

Planning Director Sellers stated that the neighborhood planning may be a focus for establishing the neighborhood group, but in those groups all neighborhood issues will be discussed.

The Commission was in recess from 9:25 p.m. to 9:35 p.m.

Chair Monfort inquired on the costs of developing neighborhood plans in terms of staff time and suggested that each staff member could be assigned as a liaison for a few neighborhoods. Senior Planner Hayes stated that most neighborhood planning ideas will require funding and staff time, or reprioritizing of staff time. Planning Director Sellers added that once the format and plan is established, splitting up the work throughout the Planning Division would be conceivable, but it will require intensive staff time to start up the neighborhood plan process. He noted that it is the Planning Division's high priority to achieve General Plan implementation, this being a part of that implementation. Sample neighborhoods could be used to make movements into a neighborhood planning format, and some neighborhoods may not be as time-intensive as others would be.

Commissioner Studebaker inquired if there are any City guidelines or requirements on the upkeep of the units in the predominantly student housing areas as there is a significant population here from August to May living in those units. Planning Director Sellers stated that there are some Municipal Code provisions which may apply, but after debate a few years ago, it was decided that the City did not want to get involved more than with a substandard housing report, and weed abatement and trash abatement programs. He stated that a neighborhood planning program has to be dependent on the property owners in the area as much of that neighborhood population is transitory. He noted that the City is doing an extensive infrastructure review of the area, including substandard housing.

COMMISSIONER CARTER MOVED THAT STAFF MEET WITH THE SUBCOMMITTEE OF COMMISSIONERS BELMONTE, CARTER AND STUDEBAKER, AND THAT THE SUBCOMMITTEE RETURN WITH A PROPOSED ACTION PLAN BY THE END OF JULY. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0.

CORRESPONDENCE

6. Request to conduct a workshop in July 1, 1996 from 6:00 p.m. to 7:15 p.m. to discuss project design adjacent to Teichert Ponds (northwest of Springfield Drive, south of Little Chico Creek and east of State Highway Route 99)(Heritage Partners).

Commissioner Carter moved to hold the requested workshop. Commissioner Wright seconded the motion.

Commissioner Belmonte expressed concern that the Commission has been spent a large amount of time in workshops lately, while it is not their job to design projects. He questioned if project managers and developers feel that soliciting Commission input in workshops is a means to attempt to make the Commission feel it has a vested interest in the project. He suggested that the Commission review their policies in holding worksessions.

Chair Monfort stated that the Commission is aware of that concern and they can't create the supposition that a project will automatically receive approval if it follows suggestions made at a workshop. He noted that workshops, if used properly, are a time-saving way to allow the developer to get the Commission's input and resolve issues prior to presenting a formal proposal.

Commissioner Carter suggested that the Commission could explore its policy regarding workshops, as there is a history of holding the workshops which give the developer information at sparsely attended public meetings.

Planning Director Sellers noted that the concerns are accentuated, as the productive forum for a workshop is a conference room, and is usually held at a time that is not as widely available to the public.

Commissioner Belmonte stated that there have been comments made that materials are not being made readily available for the public. He stated that caution should be used as the Commission has already set a precedent in holding the worksessions, and there has been an increase in the frequency of them.

THE MOTION WAS ADOPTED TO GRANT THE WORKSESSION ON A VOTE OF 4-2 (COMMISSIONERS BELMONTE AND STUDEBAKER IN OPPOSITION).

BUSINESS FROM THE FLOOR

Commissioner Wright reviewed that at a prior meeting there was discussion on of use of traffic impact fees funds. He requested a listing of what those funds can be used for within the nexus study.

Commissioner Studebaker noted that there have been significant amounts of trees removed from the Park Plaza shopping center and requested that staff look into the situation.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 p.m. to the Regular Meeting of July 1, 1996.

August 19, 1996
Date Approved

CLIF SELLERS
Planning Director

**PLANNING COMMISSION
MEETING OF JULY 1, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 6:00 P.M. in Conference Room 2 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Stacey Jolliffe and Administrative Secretary Janine Schlichting.

SPECIAL WORKSHOP MEETING 6:00 P.M. - 7:30 P.M.

1. Workshop to discuss resource protection and project design adjacent to Teichert Ponds (northwest of Springfield Drive, south of Little Chico Creek and east of State Highway Route 99)(Heritage Partners).

Sr. Planner Jolliffe presented the staff report. She noted that the purpose of this workshop is to allow the Commission to relay its concerns and suggestions for the project. She noted that the much of the property is zoned OS-1, Primary Open Space, with areas which are zoned R-2, Medium Density Residential. She indicated that the area is a resource management area which will need to be addressed in project design.

Tom DiGiovanni, project planner, introduced Harry Crowell, the property owner, Bob Rhinan, project engineer, and Ken Whitney, wetland specialist and environmental consultant.

Mr. DiGiovanni provided a historical overview of the site, which was initially part of the Village Park Assessment District and had a tentative map approved in 1981. He noted that the property was used as a borrow pit for the construction of State Highway Route 99 (SHR 99), which created the ponds. He indicated that the Butte County Fish and Game Commission had considered the site as a potential mitigation site, but is currently favoring a site along Butte Creek. He stated that Jones and Stokes Associates has completed studies on the area, including traffic, noise and biology. He added that following a February, 1996 tour of the site by various interested individuals, site planning and discussions regarding development have begun.

Ken Whitney, Foothill Associates, reviewed the environmental delineation completed by Jones and Stokes Associates. He stated that the ponds were created when springs/ground water were found during the excavation of the borrow pit for SHR 99, and added to years later by a drainage outfall created by the City. He indicated that the habitat consists of a large expanse of open water with submerged marsh vegetation and riparian areas. He stated that concerns include water quality and the outfall, which is not a reliable hydrologic outfall. He noted that there are two trail systems proposed for the area, one for normal use and one for fishing. He added that though mosquitos have been problem due to accumulation of old tires and other trash, if the water level is stabilized and the ponding areas are connected, the mosquito problem can be abated via the use of mosquito fish.

Dr. Mazlin expressed concern that the stabilization of the water levels and mosquito abatement would impact the ecosystem of various animals such as frogs which rely on shallow riparian areas.

Chair Monfort verified that the pond creation was as a result of springs in the area. Mr. Whitney replied that they were caused by a combination of storm water and springs.

Mr. DiGiovanni suggested the possibility of leaving the pond areas for passive recreation such as hiking and bird watching. He stated that the development constraints on the site are jurisdictional wetlands and noise from the freeway. He noted that the wetlands also pose an opportunity for a passive recreation area.

Mr. DiGiovanni distributed that preliminary site plan, with approximately 140 dwelling units.

Chair Monfort inquired if there will be houses that face the pond.

Bob Rhinan, project engineer, stated that a good solution has yet to be determined in order for houses to face the pond. He noted that they are trying to comply with the General Plan goals for the houses to have rear garages and by making the activity center of the home in the front.

Maureen Kirk inquired if there will be CC&R's restricting the height of fences to three feet facing the pond. She suggested that such a restriction could lead to a situation similar to the Little Chico Creek Estates, where the property owners were told that a bicycle path would be put in prior to purchase, but the property owners rejected the proposal. She suggested that this would be a good opportunity to reshape, replant, and make it a truly native area.

Commissioner Belmonte inquired if the developers had considered front-loading the streets along the lake, and how that would affect the density of the project.

Harry Crowell, the property owner, replied that front-loaded streets are being considered, though he noted his dislike for a street along a lake for various reasons, including not enough room for a greenway space and a loss to overall density. He pointed out that the preliminary proposal provides that most homes are elevated from the trail which encircles the lake, providing an illusion of occupancy. He noted that they are trying to come up with something viable in order to maintain an appropriate density.

Mr. DiGiovanni stated that a front-loaded street would change the nature and quality of the trail surrounding the lake.

Sr. Planner Jolliffe suggested that another option would be to not put a street next to the pond, and have the living room/family quarters facing onto the pond.

Commissioner Belmonte noted that at a previous Commission workshop on another item, the applicant's representative suggested that a central neighborhood park can be a security problem; but the Commission considered front-loaded streets an asset, based on other front-loaded streets in Chico such as Woodland and Vallombrosa. The representative was going to investigate whether statistics or other information was available regarding crime rates adjacent to parks. Commissioner Belmonte asked that staff provide the Commission with that information from the prior workshop.

Commissioner Wright inquired if any access points are planned from the east. Mr. Crowell replied that access would be from the east, as well as from other areas.

Commissioner Crofts verified that there would be walkways or bikeways between houses, which were not displayed on the preliminary map. Mr. Crowell acknowledged that there would be.

Commissioner Wright discussed the streetscape with Mr. Crowell.

A representative from Butte County Mosquito Abatement stated that the Little Chico Creek mosquito problems do affect this development. He noted that the discarded tires on the property also present a mosquito breeding problem.

Mr. Crowell stated that they were willing to replant and redesign the area to make it a natural living center. He added that they would like to re-create it into things people would like to see.

John Merz inquired if the owner of the parcel to the north has been consulted, and if that area would also be developed. He also asked who is going to be in control of the wetlands that will remain.

Mr. Crowell stated that there are no plans at this point for that adjacent parcel, though hotels and offices were being planned at one point. He noted that development on the north side of the pond would landlock the pond.

Mr. DiGiovanni stated that the ponds are fundamentally a community resource, so some type of land trust would need to be created, or the property could be taken over by the City.

Chair Monfort asked what the effect would be on Little Chico Creek if the outfall was relocated to that waterway, particularly regarding peak flows. Mr. Crowell explained that the outfall which drops into this property and was part of bonding which wasn't completed.

Sr. Planner Jolliffe noted that beavers are impacting the surface elevation of the ponds.

Commissioner Carter expressed concerns regarding the plot layout, which is a traditional layout plan in what could be very beautiful area. He referred to the General Plan and its design element. He suggested measures could be added to draw focus to the pond, such as green areas at access points and traffic calming devices. He added that this plan could be isolating a corridor along Little Chico Creek and inhibiting the trail of animals to the pond area. He suggested that the developers look at the example of the Harvest Way Subdivision. He added that rather than making public access oriented toward the freeway, it could be geared more toward the community, making it more accessible.

Chair Monfort stated that the site does have potential. He asked if the developer has considered placing multi-family residential, such as tri-plexes, close to the ponds so more people would have access to the resources.

Mr. DiGiovanni replied that they envision clear access to the ponds with a frontage road. Mr. Crowell added that it is an ecologically sensitive area not designed for people but for wildlife. To make the resources more accessible would impact the ecosystem on the area.

Barbara Vlamis stated that there should be some type of transition between the biological area and the geometric plan. She indicated her opinion that houses facing outward is not detrimental; rather, visual access is an advantage.

Mr. DiGiovanni stated that he would set up a Commission tour of the site. He added that all comments made during this workshop would be taken into consideration during the preparation of the tentative map proposal.

The Special Workshop Meeting was adjourned at 7:30 P.M. to the Regular Meeting held in the Council Chambers.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:35 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Janine Schlichting.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

2. Minutes of Regular Meeting of May 6, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Crotts stated that she would abstain on this item as she was not present.

3. **Use Permit No. 96-14 (County Day School)** - A request to allow a preschool and a public grammar school (K-6 grade) for approximately 88 students with proposed hours from 6:45 a.m. to 6:00 p.m., located at 2412 Cohasset Road, Suite 3, Assessor's Parcel No. 048-100-088, in a C-1 Restricted Commercial zoning district A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Studebaker removed this item from the Consent Agenda.

COMMISSIONER CARTER MOVED APPROVAL OF CONSENT AGENDA NO. 2.
COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-0-1
(COMMISSIONER CROTTS ABSTAINED).

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Use Permit No. 96-14 (County Day School)**

Planning Director Sellers reviewed the staff report for the charter school.

Commissioner Studebaker stated that he removed this item from the Consent Agenda to inquire if this school will be part of the Chico Unified School District (CUSD). Planning Director Sellers replied that the school is chartered through the local school district and part of the educational community, but is not directly under the jurisdiction of the school district.

Commissioner Studebaker noted that he also has questions regarding the safety of the students with the traffic in the area. Planning Director Sellers suggested that the applicant address those issues.

The public hearing was opened at 7:40 p.m.

Brad Mentzel, 352 Picholine Way, the applicant, reviewed his request. He stated that the school will contain grades Kindergarten through sixth grade and a preschool program.

Commissioner Studebaker verified that there would be a fenced playground. He questioned the amount of supervision for the children both before and after school hours. Mr. Mentzel replied that there will be a minimum of two adult supervisors for the 88 children at all times.

Chair Monfort asked where the drop-off point for the children would be, and if there would be children riding or walking to school. Mr. Mentzel responded that the children will be dropped off in front of the school. He added that there will be six or eight students coming from the McManus area and may be riding bikes or walking, but most of the children are from out of the area and will require other transportation.

Commissioner Studebaker verified that most of the students will be taking a bus, car pooling or riding with their parents.

Commissioner Wright confirmed that the school has been approved by the school district.

Commissioner Carter expressed concerns regarding the traffic, as there will be 88 trips in and out of the area impacting existing traffic. Mr. Mentzel stated that a student shuttle is in the plans, but has not yet been implemented due to present enrollment numbers and other priorities. He noted that this program belongs to the school itself; not the school district.

Commissioner Studebaker inquired if Mr. Mentzel had spoken with the neighbors about the proposal. Mr. Mentzel replied that he had not. Commissioner Studebaker suggested that the neighbors be contacted. Planning Director Sellers stated that the meeting was noticed to those owning and/or occupying property within 300 feet of the area.

Mike Evans, 966 Marjorie Lane, stated that the property line between the subject site and his residence starts at the edge of building. He expressed concern that 88 children next door will impact his yard. He noted that he knows of residences near other schools which are impacted by the school. He suggested that an eight foot concrete wall be built along the property line that the children could not climb over. He added that he would like to avoid any problems occurring.

Commissioner Carter stated that a concrete wall is a recommended condition of the permit, though it is a six foot fence.

Mr. Mentzel expressed concern regarding the expense of an eight foot fence.

Chair Monfort suggested that the expense could be reduced by having chain link on the top two feet with a base of six feet of concrete.

At Commissioner Carter's request, Planning Director Sellers reviewed that allowable fence heights are six feet in residential areas, which could be extended to eight feet in a buffer situation, and eight feet in commercial districts.

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

COMMISSIONER STUDEBAKER MOVED APPROVAL OF USE PERMIT NO. 96-14 (COUNTY DAY SCHOOL), SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT, MODIFYING CONDITION NO. 6 TO ADD A TWO FOOT EXTENSION OF CHAIN LINK ON THE SOLID SOUND WALL. THE MOTION WAS SECONDED BY COMMISSIONER BELMONTE.

Commissioner Carter stated that an eight foot fence is extremely high when talking about Kindergarten through 6th grade students. He suggested an additional condition that the applicant make a good faith effort to implement a shuttle bus and/or voluntary car pool program

Commissioner Studebaker and Commissioner Belmonte agreed to the additional condition.

THE MOTION WAS UNANIMOUSLY APPROVED AS AMENDED.

REGULAR AGENDA

4. **Minor Land Division 96-6 (Kalinowski)** - A proposal to subdivide an approximately 1.5 acre parcel located on the north side of Alamo Avenue, 200 feet west of Cussick Avenue, portions of Assessor's Parcel Nos. 042-070-194 and 042-070-110, to create two parcels, one being 22,215 square feet and the other to be 6,100 square feet. An existing single family residence with a detached garage is on the larger parcel, with the other being vacant. Future development of the property must conform to the R-1 Single Family Residential zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15315 Minor Land Division of the California Environmental Quality Act (CEQA).

Planning Director Sellers stated that the applicant has requested this minor land division application be tabled indefinitely.

5. **Planned Development Use Permit No. 96-10/Tentative Subdivision Map No. 96-3 (Shastan Homes by the Lake)** - A Preliminary Review of a proposed subdivision and planned development of 6.5 acres into 27 lots for single family residential development with an average lot size of 5,400 square feet and some reduced dwelling setbacks, and an additional 0.9 acre lot for future development with 12 multiple family residences, located on the south side of California Park Drive, across from 2590-2594 California Park Drive, Assessor's Parcel No. 011-140-005 and 006, in a PD/R-2 Planned Development Medium Density Residential zoning district. Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He noted that the applicant submitted a revised map this afternoon depicting five additional single family units as opposed to the multi-family units previously proposed.

Commissioner Carter requested clarification on what area of the property would be landscaped open space. Planning Director Sellers stated that open space would be along the southern edge of the project, previously proposed for additional parking.

Chair Monfort inquired how the five additional single family homes instead of the multi-family units will affect the project ability to meet the density requirements. Planning Director Sellers stated that the overall density with the exclusion of the multi-family units would not meet the minimum density requirements for R-2 zoning.

Chair Monfort verified that there will be no connection between this project and the Windmill Falls development.

Commissioner Carter inquired if there was an intent to cut through the median on California Park Drive. He noted that without that median cut it would encourage residents to make a u-turn at the intersection of California Park Drive and Shooting Star Way, at the Windmill Falls development. Commissioner Wright asked if the median at Shooting Star Way meets standard turn radius. Director of Public Works Ross replied that while no median cut was intended for this project, the turn radius of the cut at Shooting Star Way is sufficient to allow normal vehicle traffic. He noted that delivery trucks and larger vehicles may have difficulty with the turn. California Park Drive has been landscaped and access points installed at planned locations. He indicated that there is not enough

room to the east to expand the intersection and allow the cut. He stated that he does not recommend piercing the median for this project.

Chair Monfort suggested that the if two median cuts might be necessary as the proposal includes two cul-de-sacs.

The public hearing was opened at 8:10 p.m.

Jay Halbert, the applicant, stated that he had met with much of the neighborhood, including the homeowners association of Windmill Falls who had expressed concerns regarding traffic in the area. He described the development constrictions on the land which is on a hill. He noted that the neighborhood has asked for single story, low density homes. He indicated that he is not opposed to placing two cuts through the median on California Park Drive. He stated that his reasons for not wanting multi-family dwellings include the neighborhood opinions and his desire to not place multi-family across from single-family. He noted that part of the proposed design accommodates the existing encroachment of Windmill Falls.

Commissioner Carter asked if any of the Windmill Falls residents had suggested that the theme of their development be continued into the area. He inquired if there was any way to modify the plans to change the location of the multi-family. Mr. Halbert stated that the Windmill Falls residents have requested that it be a single family development and have expressed concern that the new development residents may use their pool and recreation facilities. He noted that the lot is very odd shaped and on a hill, making it difficult to accomplish an alternate development.

Chair Monfort suggested placing the multi-family on the uphill side, on California Park Drive, thus the multi family would not impact others views. Mr. Halbert stated that requiring homeowners to drive through multi-family to reach the single family would impact perception and value of those single family homes.

Commissioner Carter inquired if the Windmill Falls residents were aware that this parcel was created as part of Windmill Falls, and was to be Phases 3 and 4. Mr. Halbert noted that it is not his desire to create additional Windmill Falls development. He indicated that the neighborhood concerns are traffic and noise.

Mr. Halbert stated that he has four house plans selected for this development, and noted that he is willing to add another plan which will incorporate a recessed garage, and modify another of the plans to accommodate a recessed garage also.

Commissioner Carter verified that the density would be below five units per acre with the revised plan.

Chair Monfort inquired if there was any attempt to install a pedestrian/bicycle path on the project. Mr. Halbert replied that there could be a bicycle path through the area and hook it into the Windmill Falls development, though the residents of that area did not desire any connectivity.

Commissioner Carter questioned if a variance would be required if the project does not meet R-2 requirements. Planning Director Sellers stated that if the Commission believes the applicant can meet density requirements by considering the density of Windmill Falls Phases I and II, a variance will not be required. Usually the first phase is built to certain density requirements, incorporating subsequent phases to determine the overall density requirements.

Chair Monfort stated that if the multi-family is eliminated from the project, it will not meet density requirements.

John Merz, 178 Terrace Drive, stated that the environmental review comment period is through July 15, 1996. He reviewed the project location and noted that the street design was installed at the time Windmill Falls was designed. He stated that one of the two options meets the desires of the neighbors, and the other meets density requirements. He questioned the grading activities on the site without a grading permit. He noted that a portion of the site is a creekside greenway. He added that Dead Horse Slough should be addressed in the environmental review. He suggested the Commission request additional information regarding the creekside greenway and an alignment for a pedestrian pathway/bikeway. He noted that he does appreciate the loop street, as it provides only one ingress and egress and meets density requirements.

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

Commissioner Carter expressed concern regarding the median cuts and suggested that they be considered. He noted that the Commission may be forced to consider a variance if the project does not comply with density requirements. He stated that the Commission should adhere to R-2 density requirements. He added that he would like to see a bicycle path included.

Planning Director Sellers noted that the common area, including the creekside greenway, in California Park is privately owned. In the event a bike path goes in and creates a connection to California Park commonly owned property, there could be a question relating to liability issues.

Commissioner Belmonte stated that in a Planned Development Overlay situation, certain aspects of the approval stay with the property, despite a change in ownership of property. Planning Director Sellers added that in those cases where it is a multi-phased planned development, the owners do have to come to the Commission in order to change the project after construction of the initial phases.

Commissioner Belmonte asked if there are legal considerations in the situation where the neighbors do not want a road that is supposed to be built based on prior approvals. Commissioner Crotts agreed. Planning Director Sellers responded that the current subdivider probably has rights to use the existing Windmill Falls road subject to compliance with certain conditions, such as annexing to the homeowners association, but is under no legal obligation to connect to these roads.

Chair Monfort reiterated that the project appears be entirely separate from the Windmill Falls development, and must meet density requirements on its own merits.

Planning Director Sellers summarized the Commission's request for additional information to determine if the project meets density requirements, status of access easements, and specifics of project unit design to de-emphasize garages and address other General Plan concerns if the density can be resolved.

Commissioner Carter noted that another question is what is the legal effect of a Planned Development overlay on this lot. Planning Director Sellers stated that the effect is the owner can either develop it as originally approved or come back to the Commission with an alternate proposal for subsequent phases.

The Commission was in recess from 8:45 p.m. through 9:00 p.m.

6. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 118 lots for single family residential development with an average lot size of 5,300 square feet on property pre-zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessors Parcel No. 060-020-147 & 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He noted that the final alignment of Eaton Road has yet to be determined, which will affect the northern portion of this property. He indicated that the sound wall will be built only as far as necessary to mitigate noise impacts. He also reviewed the Initial Study which addressed many issues including raptor nesting sites, storm water drainage, schools, and agricultural soils impacts. Staff has recommended mitigation for the loss of agricultural soils, which has not been recommended on previous projects. He added that the applicant has signed the mitigated negative declaration with the understanding that agricultural land mitigations will be further discussed.

Planning Director Sellers stated that the noticing requirement for this meeting, did not meet noticing requirements for the environmental review comment period. Thus staff requests that Commission proceed with discussion, with the discussion continued to the July 15, 1996 meeting. He added that a small supplemental handout has been presented which is a replacement of a portion of the Public Works Report regarding the alignment of the Eaton Road requirement.

Commissioner Carter questioned the long, narrow access points to the cul-de-sacs, and suggested a more fan-like configuration be used, similar to that discussed in the Shastan Homes area.

Planning Director Sellers noted the ultimate plan to establish a bicycle path along the drainage ditch southerly to Shasta Avenue.

Chair Monfort verified that the purpose of putting in narrow inlets was for connection to a future bike path. He asked if all the street alignments to the south have been fixed. Director of Public Works Ross replied that only the portion of the project to the southeast has been built. Planning Director Sellers added that the final map for the entire project to the south has been filed, fixing street patterns.

Chair Monfort questioned what would be developed across from Walnutshire Lane. Director of Public Works Ross replied that since Walnutshire is a private road, there is not a possibility of that road being extended.

At Chair Monfort's request, Director of Public Works Ross reviewed the minor modifications made to the Public Works Report, which were handed out prior to this meeting.

The public hearing was opened at 9:15 p.m.

Tom Fogarty, 1023 Neptune Drive, Yuba City, the applicant, stated that the initial access will be a temporary road off the Esplanade, an Eaton Road Extension, which will not be permanent until later phases or until an agreement can be reached with CalTrans for permanent alignment. He stated his belief that the project is well designed. He noted that the subdivision is geographically constrained on both the north and the west, though there will be access to the east and the south with the development of the adjacent subdivisions. Mr. Fogarty stated that it was his belief that loop streets generally lead to more paved area, lower density and increased construction costs. He

added that market studies show that home buyers prefer a cul-de-sac lot to a lot on a through or loop street. He stated that he is in the business of creating housing affordable and desirable to home buyers.

Mr. Fogarty reviewed the house plans intended for this development. Some are similar to those used, and sold, in the Huntington Village subdivision. Two other plans will be offered, one with a rear garage and one with a recessed garage and a front porch. He added that both of these plans are consistent with the General Plan.

Chair Monfort suggested that a narrower street width be used. Mr. Fogarty replied that Public Works had indicated that a 40 foot roadway and parkway landscaping was needed, and that he had agreed it was desirable. Director of Public Works Ross stated that the development follows the adopted street standards.

Bill Dinsmore, Rolls, Anderson and Rolls, project engineer, clarified that the street widths are 36 feet, not 40 feet.

Commissioner Carter stated that there are several General Plan policies in the Community Design Element which were not met, including; CD-G-48, marking major entries; CD-G-49, establish a central focus; CD-G-55, integrate special features and landmarks; and CD-G-57, encourage and design buildings that create positive transitions.

Mr. Fogarty described the physical limitations of the site, including the requirements to provide access to the south and pedestrian and bike paths. He explained that the proposed layout keeps lot sizes within an acceptable range. He stressed that the project does offer some recessed and rear garage designs, which will be market driven. He stated that a project cannot possibly comply with every General Plan goal and policy. As for integrating landmarks, he noted that the site does not have any landmarks. He added that the project will have access to parks in nearby projects.

Commissioner Carter inquired if consideration had been given to providing open space at the ends of cul-de-sacs opening onto the SUDAD drainage canal. Mr. Fogarty responded that open space onto the SUDAD ditch was not considered as there may be a future bike path along the ditch, which would have access from the cul-de-sacs.

Chair Monfort suggested that if the Neighborhood Commercial is built to the north, some type of pedestrian access to and across the SUDAD ditch to the north should be provided. Mr. Fogarty replied that pedestrian access can be provided along the ditch, though access across the ditch is not planned, as the ditch is County property.

Commissioner Carter stressed that this proposal is for a very repetitive subdivision with little consideration given toward the Community Design criteria guidelines. He inquired where the neighborhood park is located and if the bike path will connect to the park. Mr. Dinsmore noted that the project being built by Webb Homes to the south of this site is also in the same design. He indicated that the neighborhood park is to be located south of the two Webb projects, and will be built once an assessment district is formed for its maintenance. He added that current plans for the bike path do not include connection to the park, though they can be modified.

Chair Monfort verified that since the County owns the SUDAD ditch, the applicant on this project cannot be required to build the bike path along the ditch. Planning Director Sellers added that it may be feasible for both the County and the City to work on such a path, or it could be acquired by

easement. He added that the pedestrian path is desired in light of the future development of an elementary school on Henshaw Avenue. This would provide a direct route.

John Merz, 178 Terrace Drive, expressed concern with the proposal in light of the General Plan goals, including those related to Community Design and Transportation. He stated that the acceptable level of service (LOS) needs to be addressed for key intersections. He expressed concern that a map of the entire area was not provided for review. He noted that the adjacent Webb Homes' three subdivisions consist only of houses, with no parks or open spaces, though the third was explored for a park as it has a drainage basin. He complimented the project having the detention area in the one corner. He suggested that a small park be located in the center of the project. He also noted that the SUDAD ditch creates many problems for transportation circulation.

In reviewing the environmental document, Mr. Merz expressed concerns regarding the transportation section, which he felt indicated that, though an impact was evident, the impact is acceptable. He suggested that there are options in mitigating such impacts and suggested that the Commission consult the Butte County Air Quality Control Board.

Chair Monfort noted that he was also concerned with the cumulative air quality impacts and agreed that those issues should be studied. He stated that more growth may be acceptable if air quality would not be significantly impacted. He added that a map of the entire area would be beneficial. Planning Director Sellers stated that a map would be provided for the next meeting on the issue. He noted that traffic circulation had previously been considered and while the Council recognized that the Esplanade was the only access to the area, they chose not to require any other access routes to the area.

Jim Mann, 55 Independence Circle, Suite 101, stated that this is an infill project. He indicated his belief that cul-de-sacs provide a sense of neighborhood, which is a goal of the Community Design Element. He stated that, in designing this project, they did everything possible to adhere to the General Plan, and in the spirit of the General Plan, to blend this project in with the adjacent Webb project.

Commissioner Studebaker requested an opinion from the Transportation Coordinator regarding the public transit to this area. Planning Director Sellers stated that as the area develops, public transportation would be in demand and would then be provided to the area. Ultimately when that would occur will depend on the demand and funding for public transit.

Mr. Fogarty noted that this property is part of the Northwest Chico annexation which is effective today. He added that the project does include running a 27-inch sewer line across the property, at the expense of approximately \$70,000, in order to allow eventually other homes in the area to eventually connect to the sewer system.

Chair Monfort expressed concern with the project's use of the SUDAD ditch area to provide connectivity between cul-de-sacs, particularly if the area remains unlandscaped. He inquired if the use of loop streets would result in a loss of density. Mr. Fogarty replied that he is not opposed to landscaping the section along the ditch, as well as paving the bike path area. He explained that the decision to use cul-de-sacs was a business decision, as the market desires cul-de-sacs and larger lots. He indicated his belief that using loop streets through the entire project would be a waste of land, with a loss of density and increased paving.

The public hearing was closed at 10:10 p.m.

Planning Director Sellers asked that the Commission continue this meeting to July 15, 1996, with any recommendations to staff, the applicant, or if additional materials are desired.

Commissioner Carter asked that input be requested from the Butte County Air Pollution Control District.

Chair Monfort asked that the Commission be provided with a broader area map.

COMMISSIONER CARTER MOVED THAT THIS ITEM BE CONTINUED TO THE MEETING OF JULY 15, 1996. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

7. **Allredge Subdivision (formerly Galaxy Subdivision)** - A request to modify the requirements for an approved subdivision and planned development use permit for a 4.5 acre parcel located on the north side of Henshaw Avenue, 750 feet west of The Esplanade (Assessor's Parcel No. 006-370-008) to create 29 lots for single family residential development. The applicant requests that the requirement for six (6) lots to be reserved for low income households for a period of 30 years be removed, and replaced a requirement for all residences within the subdivision be initially conveyed to low income households through a self-help housing program but with no restriction on sale to non-low income households.

Planning Director Sellers reviewed the staff report, and noted that conditions include a requirement for Architectural Review Board approval. He added that at the Finance Committee meeting today, Chico Housing Improvement Program (CHIP) submitted plans for the development, including no two story units and open space provisions.

Commissioner Carter suggested that if the Commission were to remove the condition and CHIP was later to sell the project without building it out, the original purpose of the condition would not have to be met. Planning Director Sellers stated that a covenant would be required which would have a statement that a subsequent purchaser would be subject to the same criteria. Assistant City Attorney Barker stated that the covenant would be released at the time of resale.

Chair Monfort verified that if this request would be approved, the project would lose the low income incentive once the project has been sold.

Planning Director Sellers noted that a provision in the City's financial assistance (in the form of a loan) is that while the interest is forgiven based on long term occupancy, the principal is not; and the interest accrues for a number of years, then stops. This financing provides an incentive for the qualified family to retain the home.

Dave Ferrier, 1001 Willow Street, executive director of CHIP, explained that CHIP became the financier by request. He stated his belief that this a great deal for the City, given the larger number of low income housing which would be made available. He explained that self-help housing provides that the residents help build their home and that of their future neighbors before moving in. Thus, all units will be built prior to anyone moving in.

COMMISSIONER CARTER MOVED APPROVAL OF THE MODIFICATION OF THE APPROVED SUBDIVISION SUBJECT TO THE RECOMMENDATIONS LISTED IN THE STAFF REPORT. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

8. Letter regarding use of Traffic Circles from Kirk Monfort, dated June 18, 1996.
9. Letter regarding Planning Workshops from Bill Brouhard dated June 19, 1996.

10. Memorandum from Planning Division staff providing a General Plan Implementation Status Report, dated June 26, 1996.

Commissioner Carter inquired if the Commission should act on Item No. 10. Planning Director Sellers replied that no action is required as the report was requested at an earlier meeting and is only a status update for informational purposes.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

At 10:35 p.m., the meeting was adjourned to the Adjourned Regular Meeting of July 15, 1996.

September 23, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF JULY 15, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Clif Sellers, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. **Use Permit No. 96-15 (Pratt Navarro Architecture/Chico Community Hospital)** - A request to allow expansion of an existing hospital, specifically, the addition of a 13,000 +/- square foot perinatal unit (birthing center), at 560 Cohasset Road, Assessor's Parcel No. 006-240-042, in a P-Q Public Quasi-Public zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities and 15061 (b)(3) General Rule of CEQA.

Requested Action: Approve the use permit subject to staff recommended findings and conditions.

2. **Title 19 Land Use Regulation Amendment** -A proposal to initiate an amendment to reduce the size of a corner lot in an R-1 zoning district from 7,000 square feet to 6,000 square feet, with a minimum width of 60 feet, consistent with the previously adopted amendment reducing the minimum size for an interior lot from 6,000 square feet to 5,000 square feet (City of Chico). This amendment is categorically exempt from environmental review as a minor alteration in land use limitation.

Requested Action: Recommend City Council adoption of the proposed Title 19 Land Use Regulation amendment.

Commissioner Carter moved approval of the Consent agenda. Commissioner Belmonte seconded the motion which was unanimously approved.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

3. **Planned Development Use Permit No. 96-10/Tentative Subdivision Map No. 96-3 (Shastan Homes by the Lake)** - Final review of a proposed subdivision and planned development of 6.5 acres into 27 lots for single family residential development with an average lot size of 5,400 square feet with some reduced dwelling setbacks, and an additional 0.9 acre lot for future development with 12 multiple family residential units, located on the south side of California Park Drive, across from 2590-2594 California Park Drive, Assessor's Parcel Nos. 011-140-005 & 006, in a PD/R-2 Planned Development Medium Density Residential zoning district. A Mitigated Negative Declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report and correspondence received since the publishing of the staff report. The applicant notified staff today that he will submit a revised map for 17 multi-family and 27 single family residences. The combined multiple and single family residences will meet the General Plan minimum density requirements. Based on the revised application, it would be staff's recommendation for the Commission to adopt a motion of intent and direct staff to prepare a resolution adopting the revised application.

Chair Monfort reviewed the revised proposal.

Commissioner Carter verified that neither staff nor the Commission have actually seen the revised map for this approval.

At Commissioner Carter's request, Director of Public Works Ross reviewed the alternatives for the California Park Drive median, including installing left turn lanes.

Planning Director Sellers noted that the Windmill Falls Property Owners Association has submitted a letter which strongly objects to using access through their private streets.

Chair Monfort verified that this proposal is similar to the original staff report on this application. He noted that if the Commission was dealing with the map submitted at the last meeting, it was clear that there would be a need to deny the proposal.

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

Jay Halbert, Shastan Homes, the applicant, noted that he had spoken with several neighbors, who have noted their support for 32 single family homes.

Lisa Williams, 29 Burney Drive, stated that she would advocate 32 single family homes, since further development, especially higher densities, would impact the views of the lake.

Chair Monfort reviewed the zoning designation history for the site.

Robert Cohen, 25 Burney Drive, spoke in support of the proposal for 32 single family homes. He expressed concern that more development would impact the lakes, which have recently been improved. He noted that while he realized the subject site was originally zoned R-2, he felt it should be changed to R-1 due to the impact on the lakes.

Cynthia Lilly-Augur, 2816 Pennyroyal Drive, president of Windmill Falls Association, stated that the Association was concerned with the street for this project which would be bordering their pool. She noted that the property line is four feet off of some of the existing residences' porches, with existing fencing and irrigation extending into the project site. She stated that homeowners in the area of the multi-family dwellings are concerned that the multi-family will be built close to the property line, which would impact privacy. She suggested the multi-family dwellings be moved to California Park Drive, with single family, single story homes along the lake, as to not impact views from the existing homes. She also indicated that the Association has discussed with the developer the possibility of building Windmill Falls type buildings along the property line, and then including those homes in the Windmill Falls Association. She stressed that the issue of opening up Windmill Falls' private streets for access to this development is a major concern, and the Association is strongly opposed to it.

Chair Monfort asked if the Windmill Falls Association would consider it a trade-off to have the original street plan, which was to have the street for this development use Windmill Falls Road, in order to have the multi-family residences up the hill rather than near the lake. Ms. Lilly-Augur replied that they would consider such an option if the development were made part of the Windmill Falls Association, so they would have jurisdiction to regulate traffic speed.

Commissioner Carter inquired whether if there were discussions of building out Phases 3 and 4 similar to the previous phases of Windmill Falls at the meeting of the Association regarding this development, and if the Windmill Falls Association was opposed to the proposal due to the number of residences. Ms. Lilly-Augur replied that although there have been several meetings discussing this proposal; the alternative of developing it similar to Phases 1 and 2 was not discussed. Liability, street maintenance and speeding control are the major concerns if this project is to use Pennyroyal Drive for access.

Commissioner Carter reviewed that when these two parcels proposed for this project were created, they were parcels 3 and 4 of Windmill Falls and intended to be built as part of Windmill Falls. Now, as it is not included as part of the development, it may not work for everyone.

Ms. Lilly-Augur reviewed the street pattern submitted.

Susan Taylor, 2895 Pennyroyal Drive, stated that any multi-family units would be too much development for the site and for the adjacent lake. She suggested that the original developers did not properly consider the impacts of a larger population on the lake. She advocated 32 single family units, on the basis that there was not enough foresight when these parcels were created. She expressed concern as Windmill Falls is the only complex in the area with a swimming pool, resulting in vandalism and trespassing. She also had concerns with the lack of setbacks from the Windmill Falls homes.

Sharron Gray, 2926 Pennyroyal Drive, stated that she was opposed to multi-family development, as she felt the impacts on the lake would be too great. She suggested more of a greenbelt between the dwellings and the lake. She noted that she would prefer less than 32 homes if possible. She expressed concern with the traffic pattern of those detouring through Windmill Falls to avoid the already congested California Park Drive. She added that no development of the site would be preferable.

Jay Halbert stated that ingress and egress through Windmill Falls will not occur, and to ensure that prohibition he would build a fence to block that route. He indicated that 91 units could be developed on the site with the present zoning, though he did work on a compromise and will go with the 44 units if it is required.

Chair Monfort inquired if there is a way to put the multi-family development closer to California Park Drive. Mr. Halbert reviewed the site limitations including the slope on the lot, and stated that the multi-family could not be located farther from the lake. He noted that the original developer landscaped beyond the property line of the Windmill Falls homes. He reviewed the proposal on a map displayed.

Commissioner Carter verified that Mr. Halbert has agreed to add recessed garages. Mr. Halbert stated that he has made a commitment in writing, adding a floor plan and revising another floor plan, both with recessed garages. This will result in 16 out of 27 homes having recessed garages. He added that standard sidewalks and planter strips will also be used.

Richard Harriman, 1356 Manzanita, representing Valley Advocates and Golden State Wildlife Federation, expressed concerns regarding public noticing and review of the proposed map, as it is not available. He also questioned if the requirements for storm water runoff would be adequate as there is no storm drainage plan at this time. He quoted the case of Sundstrom v. County of Mendicino, and asked for a legal opinion from staff. He stated that the Commission cannot make a finding of General Plan consistency as there is no Best Practices Manual adopted, and thus it cannot be followed.

Chair Monfort reviewed the storm drainage mitigation in question which requires no net increase in peak runoff. Mr. Harriman stated that in Sundstrom v. County of Mendicino, the impact and mitigation was not disclosed. He stated that he feels the public is being cut out of the public hearing process.

Chair Monfort verified that the storm drainage mitigation used is a standard City policy. Assistant City Attorney Barker stated that the language is appropriate. She stated that she has not reviewed the cited case at this time. Planning Director Sellers stated that the Commission will be revisiting this proposal and the issue will be addressed, either by defending what has been presented, or by making revisions, if needed.

Commissioner Carter inquired if a motion-of intent is adopted, will the project be heard again. Planning Director Sellers stated that the item will be placed on another agenda and the public will have the opportunity to discuss it.

Mr. Harriman stated that as the Best Practices Manual has not been completed, the public is entitled to review the proposed storm drainage plan.

John Merz, 178 Terrace Drive, stated that he agrees with Mr. Harriman's concerns. He stated his belief that it is inappropriate for staff to recommend approval of this project, the proposed negative declaration of environmental impact should be recirculated as there are unaddressed significant issues related to density, traffic and storm drainage issues. He noted that the original storm water management plan for the City was turned down. He stated that the staff report determined that the project does not comply with the General Plan, and to assume that everything will be set at the next meeting is wrong.

Chair Monfort inquired if Mr. Merz would find it acceptable if the Department of Public Works look at a particular project's storm water plan and determine that it will have no net runoff. Mr. Merz replied that it would be operating on a basis of trust, rather than being open to public review.

John Gillander, 4328 Kathy, stated that this is not the first time the Commission has seen high density where the neighbors do not want it, and if the people in the community do not want it, that should be considered. He noted that a project site should be developed consistent with what is around it.

Commissioner Carter noted that it was intended to develop the property at an R-2 density, which is what is around it. Mr. Gillander stated that the purpose of the General Plan is to make the environment livable.

Commissioner Wright stated that the Commission could consider a rezone of the property to R-1, but that has not been applied for. The applicant is now requesting development for the R-2 zoning which is currently there.

Susan Taylor, a previous speaker, stated that she did not receive notification.

Kay Kohen, 25 Burney Drive, stated that the Commission should rezone the area, as putting more people in the area will not help the lake's environment.

Jay Halbert stated that the option agreement he currently has on the property will expire soon which does not allow time for further hearings. He stated that the only compromise which he is willing to offer is 44 units.

The public hearing was closed at 8:45 p.m.

Planning Director Sellers stated that the property is zoned with a Planned Development overlay. A developer could further the Windmill Falls development without further Commission review, but any other option would have to have Commission approval. This site will remain with the planned development overlay, so the design and layout of a multi-family project would also have to be approved. He noted that the residents within 300 feet of property boundaries were notified of this project, as well as other interested parties. He indicated that the density of this project is significantly below the adjacent properties: Windmill Falls is 10 units per acre, while this proposal is for 7.1 units per acre.

Chair Monfort inquired if a motion of intent would be to approve the project with 44 units. Planning Director Sellers replied that it could only be adopted for 44 units, and could provide direction for other considerations which would be included in the final resolution.

Commissioner Wright asked at what point would the Commission see the plans for the multi-family units. Planning Director Sellers replied that the parcel would be developed when the multi-family market has improved, at which time the Commission would see a plan.

At Commissioner Carter's request, Planning Director Sellers explained that if there is ever a bikepath system developed along the lakeside, the California Park Homeowners Association will be responsible for development as it would be in the association's common area.

Commissioner Belmonte verified that the multi-family will be developed at an undetermined time, leaving the land vacant. Commissioner Wright noted that at that time the residents would have input on the development of the multi-family parcel. Chair Monfort added that it would not be a variance from the 17 units of multi-family density. Planning Director Sellers stated that the density would be noted on the final map as a requirement.

Commissioner Belmonte inquired if the developer can request changing the density through a General Plan Amendment. Planning Director Sellers stated that it was a possibility but such an application would have to go through the process for the entire six acres.

Chair Monfort noted that some of the concerns of the neighbors were with placing multi-family units near the lake. He stated that he would like to see a street plan to have the 17 multi-family units closer to California Park Drive. He asked staff to address the claims regarding the storm water mitigation. Director of Public Works Ross stated that placing the condition on the map is in compliance with the General Plan requirements, as it relates to storm water mitigation for no net increase.

Planning Director Sellers explained that the storm drainage master plan for the urban area proposed about 10 years ago was determined to have significant impacts. The Council adopted the mitigation

measures, but denied the plan. A revised storm drainage master plan is now being prepared to avoid the identified impacts.

Chair Monfort inquired if would there be a detention pond required. Director of Public Works Ross replied that this project would be reviewed, including the types of soils, substrata and current runoff to determine storm drainage requirements. He noted that the analysis is done to ensure that there would be no increase in flows in Little Chico Creek. He added that there is the possibility of losing a lot in order to provide a pond site, if it is necessary.

Commissioner Wright noted a previous commissioner's opinion that multi-family development never gets the prime locations, though he would defer to the developer for appropriate site design.

COMMISSIONER WRIGHT MOVED APPROVAL OF A MOTION OF INTENT TO APPROVE A 44 UNIT DEVELOPMENT, MADE UP OF 27 SINGLE FAMILY UNITS AND 17 MULTI-FAMILY UNITS.

Chair Monfort suggested the motion be amended to include a paved pedestrian access between the cul-de-sacs. Commissioner Wright accepted the amendment.

Commissioner Belmonte suggested that the motion include a condition requiring recessed garages, and re-emphasized staff's need to review the storm drainage plan and that it be presented to the Commission and the public for review. Planning Director Sellers stated that staff will clarify what is required for an adequate level of public review. If it is determined that a plan should be provided, it will be forwarded to the Commission with the final resolution.

Chair Monfort inquired if the public requested information regarding the storm drain system approved by the Department of Public Works, is it public information. Director of Public Works Ross replied that staff will work with the developer's engineer in relation to site development, and it would be open to discussion and public review, but staff has to abide by the Best Management Practices - consistent with the General Plan and environmental mitigations.

Chair Monfort directed Assistant City Attorney Barker to research the public role in reviewing mitigation measures.

COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

Chair Monfort noted that Agenda Item No. 5 will be a motion to continue.

The Commission was in recess from 9:05 p.m. - 9:17 p.m.

4. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 118 lots for single family residential development with an average lot size of average lot size 5,300 square feet on property pre-zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessors Parcel No. 060-020-147 & 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Senior Planner Milam reviewed the staff report. He noted that there was lengthy discussion at the prior meeting between the Commission and the applicant, but no decision had been reached due to the fact that the noticing period had not ended. He stated that staff has the proposed language for an agricultural mitigation, but the applicant is concerned with what the amount of a mitigation fee or the procedure will be. There are two options for the mitigation measure; one is to require the applicant to acquire a conservation easement or obtain an appraisal for a conservation easement on property along the greenline. The second would be for the proponent to agree to an amount per acre of agricultural land, \$4,000 per acre, which was proposed to the Council. He also noted that the applicant is concerned with when the fee would be paid. It would be paid either concurrent with the final map, or at such time as Council adopts an agricultural mitigation fee ordinance, which establishes that such a fee be paid in conjunction with building permits. The applicant also requests that some form of refund be available should the Council not adopt such a fee.

Senior Planner Milam reviewed other changes to be made to the proposal. The first being Mitigation Measure No. 6, Air Quality, which should have the addition of the NoX type of water heaters to be used. The applicant is also proposing an average corner lot size smaller than the standard. He noted that a Title 19 Land Use Regulation amendment regarding corner lot sizes, as recommended by the Commission, is before the Council for consideration.

Senior Planner Milam reviewed other discussions from the prior hearing related to street connectivity and the level of traffic generation. He noted that adjacent roadways are currently at Level of Service (LOS) C, and with improvements, there will be no significant impacts to roadways.

Commissioner Carter stated that two points made at the last hearing relate to a request for an area map showing the vicinity road system and public facilities, and receiving comments from the Butte County Air Quality Control District. Planning Director Sellers replied that the Air Quality Control District has not submitted any additional comments on the proposal. He noted that the other public facilities are a five acre park and school planned on Henshaw Avenue. He indicated that the creation of the area map was not completed due to the size of the base map and time frames allowed.

Chair Monfort noted that a park site was purchased along the Esplanade. Planning Director Sellers clarified that the Chico Area Recreation District (CARD) purchased a 20 acre park site near Shasta Elementary School. The elementary school proposed on Henshaw Avenue includes an eight acre park site.

Chair Monfort verified that the only way to get to the Henshaw Avenue school site would be to utilize the Esplanade. Senior Planner Milam reviewed the internal street system. Planning Director Sellers added that there is a provision for a bike path from the Webb development site south to Shasta Avenue along the SUDAD ditch.

Chair Monfort reviewed adjacent sites in relation to the SUDAD ditch.

Commissioner Wright inquired if the applicant had signed the environmental document in regard to agricultural mitigation fee issues. Planning Director Sellers stated that he has and if the agricultural mitigation fee becomes a standard requirements for development, the applicant has stated that he will participate in that mitigation. Staff is willing to work with him as to when the fee will be paid. If the Council is not supportive of the fee and it is not put in place, then the applicant desires to be relieved of that requirement.

The public hearing was opened at 9:35 p.m.

Bill Dinsmore, Rolls, Anderson and Rolls, project engineer, suggested that a bike path may be possible along the SUDAD ditch as there is no other way to go south to Shasta Avenue. He added that he did talk to Butte County, who indicated a willingness to consider installing a bicycle path along the east side of the ditch, though they want to maintain the access road along the ditch. He acknowledged the Commission's concern regarding cul-de-sacs, and stressed that the applicant believes that cul-de-sacs are the marketable way to develop the project. He noted that cul-de-sacs would have less impact on people to the west of the ditch. He stated that a loop street will result in more traffic than cul-de-sacs would. In addressing storm drainage, he pointed out that this tentative map shows an initial storm drainage plan including a possible detention area, though there may be other methods used such as infiltration. He noted that Best Management Practices for storm drainage will be used on this site.

Commissioner Carter inquired if the applicant considered the Community Design Element of the General Plan on new neighborhoods, and if the applicant, Mr. Fogarty, was shown the map setting forth an alternative design he had provided Mr. Dinsmore prior to the meeting. Mr. Dinsmore noted that the applicant felt that density and other goals of the General Plan are met by the submitted proposal. He added that cul-de-sacs often provide a sense of community.

Commissioner Carter reviewed the alternate map which a disinterested planner had prepared with the guidance of the Community Design Element. The alternate map included a loop street, pedestrian access and a small park.

Robert Jackson, 3544 Bay Avenue, expressed concerns regarding the drainage ditch, the existing private bridge, density and project access to Eaton Avenue. He suggested that the drainage ditch is a natural barrier between zoning designations. He also expressed concern that as Bay Avenue has not been improved or maintained in many years, the high density traffic may impact Bay Avenue. He noted that during the winter, the ditch becomes a large body of moving water. He expressed concern that installing a bike path along the ditch will be placing children in danger.

John Merz, a previous speaker, stated that he had appeared at the previous hearing on this item, and expressed concern that there has been no staff response to the comments and concerns he had raised. He asked that the item be continued to allow staff time to respond. He reviewed the issues which were raised including the provision of a map of the area in terms of streets, parks, schools and other facilities, bicycle path access, and the alignment of the Eaton Road extension. He noted that there are a variety of ways to approach bicycle/pedestrian access, such as making the bridge into a pedestrian/bicycle bridge providing access to the future school. He expressed concern that the ditch may not be built to deal with the amount of storm drainage from urban development.

Regarding the proposed Negative Declaration, Mr. Merz reviewed several points in the Initial Study. The first of which was regarding the generation of pollutants, and suggested there be a requirement to monitor what is being done, similar to the monitoring program used for Mission Ranch. Airshed factors were another concern, and he stated that he would like to see a copy of the Butte County Air Quality District comments, and expressed concern that there was no mention of mass transit or a bicycle path to move people in the area. He asked what the appropriate level of service was for the intersections which will be affected by this project. He stated that the Initial Study should more truthfully report the impacts on schools and the costs of accommodating additional students which will only be partially offset by the payment of school impact fees. He inquired how does the public know if the storm drainage system will work as there is no prepared storm drainage plan. He asked for preparation of a written response to his comments.

The Commission was in recess from 10:05 p.m. to 10:15 p.m.

Christopher Marx, 620 Walnutshire Lane, expressed concern that the City is regulating leapfrog development through the County areas. He noted that he has been working with the County for 20 years on the development of this property, which has not yet been annexed into the City of Chico. Under County jurisdiction, the density for the development was to have been 4 units per acre, which has been increased to 7.1 units per acre under City regulation. He noted that the increase in density will impact his property value. Regarding greenways and open areas, he stated that other developments in the area have more open spaces than this proposal. He expressed concern that the drainage ditch has not been maintained in recent years by the County. He expressed concern with the density of this development, which he felt is not consistent with the adjacent neighborhoods.

Richard Harriman, a previous speaker, stated that he agreed with all comments and concerns presented by Mr. Merz at both the prior meeting and this meeting. He stated that he also agreed with concerns raised by Commissioner Carter that this project is inconsistent with the Community Design standards of the General Plan. He reviewed the alternate map suggested by Commissioner Carter.

Commissioner Carter noted that it is not a proposed alternative, but a depiction of a possibility to achieve General Plan consistency.

Mr. Harriman noted that there is reference throughout the mitigation measures to a tree removal plan, which is to be reviewed at the staff level without public input. He stressed the importance of public review in the CEQA review process. He requested that the tree removal plan be included in the final approval or that the hearing be continued to allow for review. He stated that the biological section of the Negative Declaration, Item B.1 requires concrete language before approval, as well as for Item B.2 in which the language is not firm about what will be done to mitigate the impact for the Swainson Hawk. He noted that a biologist study has not been completed showing that there is not Swainson Hawk habitat in the area. He suggested that the hydrological factors on Page 8, Section C.1., results in a speculative statement as there has been no hydrological study completed. There is no quantified analysis of the storm drainage run-off; thus, a storm drainage plan is needed for review prior to approval of the project. He handed out copies of pages 45 through 47 of Butte County Air Attainment Plan, and suggested that there is a need to have quantifiable numbers in order to show that this project is in compliance with the Plan. He stated that a cumulative impact analysis needs to be done for this project, and a focused environmental impact report on the storm water drainage, air quality and biological impacts. He stated that he supports the agricultural resources mitigations, but expressed concern that all developers be treated the same. He suggested as an alternative for the agricultural mitigation, that the developer donate an amount of land or money for land to a local non-profit organization who will maintain the land. He stated that a traffic study should be completed for this project, which must include the nearby Webb developments.

Loretta Damra, 610 Walnutshire, stated that during the past two winters she has had to check the water level of the SUDAD canal, as it has been at maximum capacity during major storms since the development of the Webb subdivision. She stated that this development will remove the former orchard completely, and replace the orchard with lots not large enough for children to play on. He expressed concern regarding the density and its impact on the surrounding areas, and the traffic and school impacts further development will have. He noted that the orchard is home to owls, which will be impacted also.

John Gillander, a previous speaker, reviewed the density for this project and expressed concern about not having the whole Butte County Air Quality Attainment Plan presented to the Commission by Mr. Harriman.

Rory Rottchalk, 609 Walnutshire Lane, stated that he would like to see this subdivision reviewed in terms of compatibility with the surrounding area. He reviewed the history of development in the area. He expressed concern that since the SUDAD ditch does flow hard, fast and full during winter storms, it will have to be fenced for the safety of the children, which will create difficulty in maintaining the ditch.

Tom Fogarty, 1023 Neptune Drive, Yuba City, project applicant, stated that the property was zoned R-1 by the City, and as such he is not asking for variances, and does intend to comply with the mitigation measures. He stated that he will protest the agricultural mitigation measures until it is clear what the City Council desires. He noted that there currently is no ordinance in place regulating agricultural land impacts and mitigation, and indicated that he would pay such a fee if is imposed on all similar developments. He stated that he was unsure of the mitigation regarding NoX water heaters, but was willing to work with staff and review that mitigation. He stated that if he received approval from SUDAD, he would be willing to remove the private bridge, thus not impacting the Walnutshire neighborhood. He explained his purpose for subdivision, is to build 118 homes, with extras installed as part of the base price, to provide the best value on the market. Regarding traffic and air quality impacts, he noted that R-1 zoning results in fewer traffic trips than higher densities. He stated that he agreed with safety concerns for a bicycle/pedestrian path on the SUDAD ditch, which would have to be fenced. He indicated that the property site has not been profitably producing as agriculture. He stated that he had been told that the Swainsons Hawk biological study has been completed.

Planning Director Sellers noted that staff has reviewed a recent raptor study on the site which did not find any hawks on the property, but due to the seasonal factors, recommends that the mitigation remain in place.

Mr. Fogarty reviewed the work on the storm drainage system and stated that he agrees to work with the Engineering Division. He noted that he is not opposed to monitoring for the storm drainage system. He stated that the tree removal plan is available and that he did not know why it was not attached to the staff report. He stated that he felt that Commissioner Carter's suggestion was a good attempt, but felt his own proposal is the optimum plan with lots which will fit the house designs proposed. He indicated that his research shows that people prefer cul-de-sacs.

Mr. Rottchalk, a previous speaker, stated that he agreed with Mr. Fogarty's opinion with regard to the design of the proposal. He expressed concern regarding traffic impacts, including the surrounding areas. He reviewed the current surrounding area's traffic problems.

The public hearing was closed at 11:15 p.m.

Commissioner Carter expressed frustration that more information is not available and requested staff provide the information. He stated that some of the required findings for approval cannot be made at this time. He suggested that all of the major provisions of the Community Design Element have been ignored. He stressed that staff needs to focus on the totality of the General Plan and not just the density requirements. He noted that the density requirements for R-1 designations start at 2.1 units per acre. He noted that there are other concerns surrounding the Negative Declaration and storm drainage which also need to be addressed.

Commissioner Carter moved to deny Tentative Vesting Subdivision Map S-96-5 (Eaton Village).

Commissioner Studebaker verified that staff could provide a written response to Mr. Merz's comments.

Commissioner Belmonte stated that some of the materials and information requested by the Commission have not been provided by staff and prohibit the Commission from making the best decision, reflecting complete information. He noted that the neighbors have been meeting with County representatives and now have had to retrace their concerns with the City. He indicated that the developer has raised some valid points for his design and has received some neighborhood support. He stated that if the developer had met with the neighbors prior to this hearing, some of the concerns could have been met or alleviated. He suggested a continuance to allow staff to provide the additional information requested and the developer to meet with the neighbors.

Commissioner Wright stated that he agreed with Commissioner Belmonte's comments in regards to the lack of the additional information from staff. In regard to non-compliance with the Community Design Element, he noted that there are numerous neighborhood parks in the area. He added that the developer has proposed lots to accommodate house plans which meet other sections of the General Plan.

Commissioner Carter restated that the alternate plan he provided is not intended as an alternative, rather it is an interpretation of what can be developed on the site to achieve the goals of the Community Design Element. He urged the Commission to consider the Community Design Element compliance as this proposal does not establish a central focus in the neighborhood.

Commissioner Crotts stated that more information is needed on the whole area, as the Commission has not dealt with the area in the past and needs to review the area street connections and planned connections overall. She noted that densities of the surrounding neighborhoods need to be considered in addition to the Webb development. She added that the developer should consider other aspects of enhancement to the area other than putting as many lots on the property as possible. She stated that she needs more information in order to reach a decision.

Chair Monfort stated that while he did not like the design features, he was encouraged by Mr. Fogarty's review of the suggestion brought in by Commissioner Carter. He noted that one way to break up the traffic pattern is by creating public space. He indicated that while he could understand the applicant's desire for cul-de-sacs because they serve the purpose of public space. He urged Mr. Fogarty to consider some way to break-up the traffic pattern to Road B. He suggested that the applicant consider a median strip, and building a small neighborhood park to provide focus and act as a traffic calming device. He noted Mr. Fogarty was willing to provide for a bus shelter and traffic monitoring such as that used at Mission Ranch. He stressed that the Commission does need a map of what is going on in the area.

Planning Director Sellers reviewed the characteristics of the area bounded by SHR 99, East Avenue, the railroad and Eaton Road.

Commissioner Carter withdrew his motion to deny the map.

COMMISSIONER BELMONTE MOVED TO CONTINUE THE PUBLIC HEARING ON TENTATIVE VESTING SUBDIVISION MAP S-96-5 (EATON VILLAGE) TO AUGUST 19, 1996. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Studebaker stated that this provides the Commission with an opportunity to review the area, as it is new to the City. He indicated that he appreciated Commissioner Carter's suggested map.

Commissioner Carter stated that the purpose of the continuance was to allow staff time to provide the additional information requested, and to allow the applicant and neighbors to meet if they desire to do so. Planning Director Sellers added that the continuance would also allow time to prepare responses to Mr. Merz and Mr. Harriman's comments.

THE VOTE ON THE MOTION WAS 6-1 (COMMISSIONER CARTER OPPOSED).

Mr. Fogarty stated that he was told by an associate that the neighbors had been consulted and he will research that representation. He stated that he found it difficult to approach the Commissioners prior to a hearing, noting that he would like to call each Commissioner individually prior to a meeting to allow concerns to be addressed. He asked if the Commissioners could make themselves available to discuss any solutions prior to finalizing a proposal.

Commissioner Carter stated that the Commission is restricted in regards to private conversations on a project by the Brown Act. He stated that in the past developers have used the tool of workshops to establish concerns. A workshop for a project of this nature would have been helpful.

Commissioner Belmonte stated that when there is a project which comes up in an area which is new to the Commission, staff should recommend a workshop.

Commissioner Studebaker asked that an item be placed on an upcoming agenda regarding the issue of workshops in general. Chair Monfort responded that staff must inquire if the Commission desires a workshop on a particular project, but added that such a discussion can be placed on an agenda in the future if the Commission desires.

5. **Parcel Map No. 96-3 (Goeller)** - A request to subdivide 1.27 acres located at 503 W. Shasta Avenue, Assessor's Parcel No. 006-280-029 into three lots for development with two additional single family residences, with lots sizes averaging 0.37 acre, located in an RS-10 Suburban Residential (10,000 square foot minimum lot size) zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to sections 15303 (a) New Construction and 15315 Minor Land Divisions of the California Environmental Quality Act (CEQA).

Planning Director Sellers stated that the applicant requests that the item be continued.

COMMISSIONER CARTER MOVED TO CONTINUE PARCEL MAP NO. 96-3 TO THE MEETING OF AUGUST 5, 1996. COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS APPROVED 7-0.

CORRESPONDENCE

6. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

Commissioner Studebaker indicated his desire that future reports provide a paragraph on the search for future site location.

7. **Letter from Anthony G. Symmes, Aspire Homes**, regarding Proposed General Plan Amendment and Rezone (Parkway Village Subdivision), dated June 27, 1996.
8. **Memorandum from Senior Planner Jolliffe**, regarding verification of school impact fees for Foothill Park East, dated July 1, 1996. Correspondence

BUSINESS FROM THE FLOOR

Planning Director Sellers stated that a letter was received this morning from Tom DiGiovanni requesting that the Commission meet on July 27 for a site review of the Teichert Pond area.

Commissioner Carter stated that he will be on vacation. Commissioner Studebaker stated that he cannot make a meeting that day. Commissioner Dietle stated that the date conflicts with Chico Day at the Bay, which she will be attending. Chair Monfort suggested that the applicant request another date.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 p.m. to the Regular Meeting of August 5, 1996.

August 19, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF AUGUST 5, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Wright noted that he would be abstaining from Item No. 6 as he owns property in the area.

Commissioner Dietle stated that she would be abstaining from Item Nos. 1 and 2, as she was not on the Commission at the time of those meetings.

CONSENT AGENDA

1. Minutes of Special Meeting of May 9, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of June 3, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Carter removed this item from the Consent Agenda.

3. **Parcel Map No. 96-3 (Goeller)** - A request to subdivide 1.27 acres located at 503 W. Shasta Avenue, Assessor's Parcel No. 006-280-029 into three lots for development with two additional single family residences, with lots sizes averaging 0.37 acre, located in an RS-10 Suburban Residential (10,000 square foot minimum lot size) zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to sections 15303 (a) New Construction and 15315 Minor Land Divisions of the California Environmental Quality Act (CEQA).

Requested Action: Adopt the Planning Commission Resolution adopting the negative declaration and approving the tentative parcel map subject to the conditions set forth.

Commissioner Carter removed this item from the Consent Agenda.

4. **Use Permit No. 96-14 (Chico Country Day School)** - A request to modify an approved use permit which allowed a pre-school/public grammar school (K-6 grades) with hours from 6:45 a.m. to 6:00 p.m at 2412 Cohasset Road, Suite 3, Assessor's Parcel No. 048-100-088, in a C-1 Restricted Commercial zoning district. The proposed modifications include allowing an additional 24 children, bringing the total number of children to 112, and placing an additional modular structure on the subject site to be used for the pre-school. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: Note that the request for modification of the use permit has been withdrawn and take no action. (This request may be resubmitted after the school as been in operation and site adequacy can be better evaluated.)

COMMISSIONER CARTER MOVED APPROVAL OF CONSENT AGENDA ITEM NOS. 1 AND 4. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED. (COMMISSIONER DIETLE ABSTAINED FROM ITEM NO. 1.)

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes of Regular Meeting of June 3, 1996.

Commissioner Carter stated that he removed this item from the Consent Agenda to address the discussion regarding Hyde Park office development. In the second paragraph at the top of page 5, it is stated that there are no other projects in the area. He noted that there are two or three projects that were being considered in the area. Planning Director Sellers agreed that the Commission had discussed other projects in the area, including a residential care facility, the adjacent Hyde Park housing development, and possibly one other, the remaining vacant lands in the area have no development proposals at this time. He suggested that the minutes be revised to replace the line with, "Planning Director Sellers reviewed the status of other development proposals in the area, and that there have been no proposals for the remaining vacant land in the area."

COMMISSIONER CARTER MOVED APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 3, 1996, AS AMENDED. COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER DIETLE ABSTAINING).

3. Parcel Map No. 96-3 (Goeller)

Commissioner Carter stated that he removed this item as approving this parcel map would also approve the use of septic tanks, and as such he would like to hear the staff report. He noted that there was nothing in the subdivision report or in the resolution to require monitoring the operation of the tanks. He inquired what the City could do if the tanks are monitored and are found not to be successfully disposing of the waste. He also expressed concern with General Plan consistency, as the staff report states that there is not General Plan consistency with the use of septic tanks, though there is a reason, and the resolution states that there is General Plan consistency.

Chair Monfort expressed concerns with making a change in the design criteria in order to accommodate this type of septic tank, which was not mentioned in the staff report. He stated that he does not like the language "impractical and infeasible to connect to sewer" as it may set a precedent.

Planning Director Sellers reviewed the staff report on the proposal and the experimental septic system which would be installed. He explained the modification of the design standards required by this proposal. He stated that the sewer line in the general area is a pressurized system, so the three residences created by this proposal would have to provide a private pump system and extend a line to one of two points where the system operated on gravity flow, both relatively far away. Also the slope of the site makes it difficult to use natural grading for the sewer. He noted that the finding on Page 5 of the resolution could be expanded to include that the topography of site makes a gravity flow system unfeasible. Condition F on Page 5 of resolution requires that Butte County Environmental Health Department and Regional Water Quality Control Board (RWQCB) provide letters specifying that the septic system is adequate. He added that the RWQCB letter, dated April 15, 1994, in the staff report lists two conditions relating to monitoring.

Commissioner Carter suggested that Condition F of the resolution reference the RWQCB letter conditions and any subsequent local or State regulations. He inquired what would happen if the septic system failed under those conditions. Planning Director Sellers referred the questions to the project engineer.

Planning Director Sellers stated that approving this proposal will not prohibit or encourage more of this type of application, and noted that the RWQCB may only be interested in a few of these systems.

Commissioner Dietle noted that the letter from the RWQCB dated July 17, 1996, states that they no longer consider this type of system experimental. Planning Director Sellers agreed that since the system is no longer considered experimental, it removes the RWQCB conditions relating to requirements, but the rest of the conditions remain, including monitoring.

Commissioner Carter inquired if there was a reason to not comply with the water policy provisions of General Plan. Planning Director Sellers stated that the purpose of that policy is to protect the groundwater supply. He stated that this proposal can demonstrate what happens with nitrate discharge with this type of system. If the amount of nitrates does prove to exceed standards, it will only be three houses, not an entire subdivision. He noted that there is initial and ongoing review by Butte County Environmental Health and the RWQCB.

Commissioner Carter verified that this subdivision will serve as a case study for the operation of an alternative septic system. Planning Director Sellers agreed and stated that there are several areas in the City containing homes which are not currently on sewer, but surrounded by existing development. To bring sewer to those areas may be prohibitive in cost. If this type of septic system does work to reduce nitrate discharges, it may provide an alternative for those residences besides sanitary sewer connection.

Chair Monfort stated that he does not like the reasoning that it is too expensive to extend the sewer to serve these parcels and is concerned with the precedent of approving this type of septic system. Planning Director Sellers stated that while the RWQCB does see some benefit to these systems, they are not going to endorse a large number of these systems. He referred to the RWQCB letter which states that several of these systems will raise the cost of sewerage for others.

Chair Monfort again expressed concern about setting a precedent on the basis of these findings.

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

Mark Adams, NorthStar Engineering, representing the applicant, stated that the Nitrate Action Plan amendment which was adopted by the County allows a maximum of eight of these sand filter septic systems to be installed in the Chico area. He noted that Placer County has established a level of performance for these systems and adopted regulations for use. He indicated that there are many of these systems in the town of Paradise. He reviewed how the system works to ensure that the net nitrate level going into the ground does not increase with the expansion of the system.

Commissioner Carter inquired what purpose the RWQCB monitoring was and what will happen if the system does not work. Mr. Adams stated that the RWQCB wants to see a demonstration on how the sand filter system operates in the Chico area. Typically it is an annual report, providing data to the RWQCB and receipt of a certificate which allows for further operation in the system. It is up to the RWQCB to determine what would happen if the system does not adequately limit the discharge of nitrates. He noted that the County has also been reviewing other filtering devices which could be an option if the sand filter fails.

Commissioner Carter inquired if the applicant intends to comply with the RWQCB requirements. Mr. Adams responded that they are satisfied with this type of system and will comply with the regulations.

Commissioner Carter stated that the purpose of the monitoring is to provide data, not regulating contaminants in the groundwater. Mr. Adams replied that the RWQCB letter dated 1994 acknowledged that this type of system is acceptable and that the Board would inspect the installed system.

Commissioner Carter suggested that the resolution be amended to add the phrase "prior to recordation that the septic system be in compliance with county and state regulations."

Chair Monfort asked Mr. Adams to explain how the sand filter works. Mr. Adams stated that the sand creates an aerobic system which helps the microorganisms which dispose of the waste.

The public hearing was closed at 8:03 p.m.

COMMISSIONER CARTER MOVED APPROVAL OF PARCEL MAP NO. 96-3 AND THE RESOLUTION WITH MODIFICATIONS TO THE RESOLUTION AS FOLLOWS; 1.) SECTION 5 ON PAGE 2 REFERENCE TO THE COUNTY NITRATE ACTION PLAN PERMITTING EIGHT SUCH UNITS, 2.)SECTION 6.F ON PAGE 5, INCLUDE AFTER ...COUNTY AND STATE REGULATIONS, "INCLUDING WITHOUT LIMITATION THE NITRATE ACTION PLAN AND THE REGIONAL WATER QUALITY CONTROL BOARD REQUIREMENTS AS SET FORTH IN THE CORRESPONDENCE DATED APRIL 15, 1994 AND JULY 17,1996, AND 3.) ADD SECTION 6.G. "THE PROPERTY OWNER TAKE ANY AND ALL CORRECTIVE ACTIONS REQUIRED BY ANY CITY, COUNTY AND STATE BOARD TO ADDRESS NITRATE DISCHARGES IN EXCESS OF STANDARDS." COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS APPROVED 7-0.

REGULAR AGENDA

5. **Planned Development Use Permit No. 96-10/Tentative Subdivision Map No. 96-3 (Shastan Homes by the Lake)** - Final review of a proposed subdivision and planned development of 6.5 acres into 27 lots for single family residential development with an average lot size of 5,400 square feet with some reduced dwelling setbacks, and an additional 0.9 acre lot for future development with 12 multiple family residential units, located on the south side California Park Drive, across from 2590-2594 California Park Drive, Assessor's Parcel Nos. 011-140-005 & 006, in a PD/R-2 Planned Development Medium Density Residential zoning district. A Mitigated Negative Declaration is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Senior Planner Milam reviewed the staff report. He stated that the Commission's packet included the tentative map as requested at the prior hearing. This proposal also includes a one-third acre open space and walkway along the lake. He indicated that the Department of Public Works agrees with the design of the two median cuts on California Park Drive. He noted that the applicant proposes rear garages on the majority of the lots. He reviewed that the concerns raised at the prior hearing regarding air quality and storm drainage. He presented a letter from the project engineer with a note signed by Senior Civil Engineer Tom Varga, verifying that there is no need for a retention basin in the project as the project is within California Park and as such, the California Park Lake will act as a retention basin. He added that while the detail of the storm drainage design has not been yet addressed, it is not standard practice to complete it until the final map stage, rather performance criteria are established as mitigation requirements.

Chair Monfort stated that the proposal is to see the lake as a drainage resource rather than a nature preserve. Planning Director Sellers replied that the lake is intended as private open space for California Park, and also serves as a detention facility. He noted that there is treatment required prior to discharge to the lake system.

Senior Planner Milam stated that there are clear standards in the mitigation measures, included in the environmental review and conditions, which address the storm drain plan contents, requirements and standards.

Senior Planner Milam stated that regarding air quality, the cumulative impacts of air quality were dealt with in the General Plan, as the Council had made a finding of overriding consideration. As to project-specific impacts, 125 homes would generate 75 trips per day in peak hour traffic and this is the threshold which requires special study. The project impacts are less than significant based upon this threshold contained in the General Plan.

Chair Monfort inquired if that reasoning regarding cumulative impacts would apply to all projects and not allow added mitigation. Senior Planner Milam replied that there will be a review of each project to see if it exceeds the General Plan established threshold. If it does exceed the threshold, it will have to be dealt

with on a case by case basis. He added that the statement of overriding consideration will not prohibit placing any additional mitigations on the project if the impacts are found to be project-specific.

Chair Monfort stated that there is a range of acceptable ways to deal with cumulative impacts, beyond not recommending anything that exceeds those standard mitigations. He asked if the Planning Commission could recommend any additional mitigations if the project is not exceeding the threshold. Senior Planner Milam replied that there could be a project with some unusual feature which causes unforeseen air quality degradation, and which could not have been known at the time of adoption of the General Plan. In those restricted cases, along with project specific impacts, added mitigations may be appropriate.

The public hearing was opened at 8:15 p.m.

John Gillander, 4328 Kathy, reviewed Mr. Harriman's lawsuit, representing the San Joaquin Raptor/Wildlife Rescue Center, against County of Stanislaus, in which the Fifth Appellate Court deemed the suit frivolous.

The public hearing was closed at 8:16 p.m.

COMMISSIONER WRIGHT MOVED APPROVAL OF PLANNED DEVELOPMENT USE PERMIT NO. 96-10, TENTATIVE SUBDIVISION MAP NO. 96-3 (SHASTAN HOMES BY THE LAKE), SUBJECT TO THE CONDITIONS IN THE STAFF REPORT AND ADOPT A MITIGATED NEGATIVE DECLARATION. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

6. **Use Permit No. 96-18 (Arroyo)** - A request to allow non-amplified live entertainment (Mariachi music), dancing, and the serving of alcoholic beverages in conjunction with a new restaurant to be located in an existing commercial suite at 738 Mangrove Avenue (within Bidwell Park Plaza Shopping Center) in a C-1 Restricted Commercial zoning district located within 300 feet of a residential zoning district. This project was approved in April 1995 as Use Permit No. 94-47; however, the permit expired before the use was established. The applicant is now ready to proceed and is requesting the same conditions of approval which applied to that use permit.

Commissioner Wright previously noted his abstention as this item and Commissioner Belmonte stated that he would abstain from this item as he operates a business in the area.

Planning Director Sellers reviewed the proposal, the staff report and the original application. He noted that the only circumstance in the area which has significantly changed since the original approval is the Butte County Housing Authority senior housing project, Walker Commons, whose residents were notified of this hearing.

Commissioner Studebaker asked for staff comment as to whether this should also be a one year permit. Planning Director Sellers stated that it has been common practice to include that condition on an application such as this, in proximity to residential areas. He noted that it is possible to have an administrative review at the end of one year, which would result in the permit being returned to the Commission only if problems arose. The permit then would have to take the standard revocation process. He noted that with or without a one year review, if complaints have been received by staff identifying any problems, the item would be returned to the Commission without waiting for a one year period for consideration of revocation.

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

Carlton Lowen, Lowen Real Estate, representing the applicant and owners of the shopping center, stated that the applicant has been a tenant at the site since June, 1995, but because of his operations, the opening of this project has been postponed. He stressed that the owners of the shopping center will also be policing the use in order to maintain the standards for the shopping center. He noted that it was an oversight in not renewing the use permit before the end of the one-year term. He asked that the permit be approved with the conditions which were placed on the original permit.

The public hearing was closed at 8:28 p.m.

Commissioner Studebaker asked for Commission discussion regarding a one year administrative review. Chair Monfort stated that it would be acceptable to approve the permit with the instruction that if staff sees any problems, it will be brought back to the Commission. The Commission concurred.

Commissioner Studebaker moved approval Use Permit No. 96-18 (Arroyo) subject to the conditions as set forth in the staff report. Commissioner Dietle seconded the motion which was approved 5-0-2 (Commissioners Belmonte and Wright abstaining).

CORRESPONDENCE

7. Jesus Provides Our Daily Bread, update report from Katy Thoma, Executive Director.

Chair Monfort noted the additions to the update report were included as requested by Commissioner Studebaker regarding the search for a permanent location.

8. Best Practices Manual (Interim), Best Practices Technical Manual (Interim) and a memorandum from the Planning Director, dated July 31, 1996, transmitting the Best Practices Manual.

Chair Monfort verified that these documents are available for review at the public library and at the Planning Division office. He inquired when the Commission would be receiving the drafts of the design guidelines and Code revisions. Planning Director Sellers stated that the design guidelines will be in discussion draft by the end of August. He indicated that the driving force for the Best Practices Manuals was a settlement agreement which stipulated that the City assemble the document, and staff used the impetus to put together a set of guidance documents which are used by staff and would be helpful to developers prior to project design.

BUSINESS FROM THE FLOOR

Chair Monfort noted that staff had inquired if the Commissioners would like a subscription to the *Planning Commissioners Journal*. Commissioner Carter noted that he would like a subscription.

Commissioner Carter stated that he had recently returned from a trip to the northwest. He stated that he had observed that other cities provide notice on properties which were subject to land use actions by a 4'x6' billboard on the property listing what action may be taken. He inquired if this would be feasible to do in Chico. Planning Director Sellers explained that if such noticing was used, it would be in addition to mail and other public notice, which does reach both absentee landowners and current residents. He noted that the problem is cost priorities. He stated that it would be an effective way of noticing residents in the area, as well as those outside the normal mail noticing boundaries.

Chair Monfort stated that posted signs have been used in the past, and gave the example of where all the running trails were posted along Vallombrosa.

Commissioner Studebaker asked if there would be any future discussions about workshops. Chair Monfort stated that the Commission had arrived at a consensus that workshops might be a useful tool.

Planning Director Sellers added that since the Commission needs to be asked if they want to hold a workshop, the Commission can state that they would prefer to hold an open noticed hearing.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m. to the Joint Meeting with the City Council on August 13, 1996 at 7:30 p.m. in the Council Chambers for a presentation regarding the City's traffic model, and then to the Adjourned Regular Meeting of August 19, 1996.

August 19, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF AUGUST 19, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Janine Schlichting.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of June 17, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of July 15, 1996.

Requested Action: Approve with any corrections/revisions required.

3. Minutes of Regular Meeting of August 5, 1996.

Requested Action: Approve with any corrections/revisions required.

4. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 118 lots for single family residential development with an average lot size of average lot size 5,300 square feet on property pre-zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessors Parcel No. 060-020-147 & 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). Continued from the meeting of July 15, 1996.

Requested Action: Note that additional materials are not complete and continue this item to the Regular Meeting of September 9, 1996.

This item was removed from the Consent Agenda by Chair Monfort at the request of a member of the public.

COMMISSIONER CARTER MOVED TO APPROVE ITEM NOS. 1, 2 AND 3. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)**

John Gillander, 4328 Kathy Lane, stated that he would like to enter a certain letter dated July 19, 1996 from Richard Harriman to Tom Fogarty into the permanent record.

COMMISSIONER CARTER MOVED APPROVAL OF ITEM NO. 4. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

REGULAR AGENDA

5. **Use Permit No. 2483 Modified (Theresa's)** - A request to modify a condition which limits the maximum amount of card tables to allow additional tables within an existing bar, pool hall and card room (Theresa's) located 824 Oroville Avenue, Assessor's Parcel No. 004-286-004, in a C-1, Restricted Commercial, district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of CEQA.

Planning Director Sellers reviewed the staff report, including a short history of the project. He noted that the condition requiring recordation of the use permit may be waived depending upon the Butte County Recorder's practice of not recording these types of documents.

Commissioner Belmonte questioned the condition requiring parking information signage inside the businesses and inquired if any other business had a similar condition imposed. Planning Director Sellers reviewed the existing use permit requirement for the signage and noted that the City cannot impose requirements on businesses to provide parking information inside their premises on parking areas owned by other parties without the consent of that party. He was unaware of any other businesses subject to this requirement.

Commissioner Wright stated that control of parking can be accomplished with the maximum occupancy in the cardroom.

Chair Monfort suggested that by allowing four card tables, it may be encouraging a violation of the maximum occupancy.

The public hearing was opened 7:40 p.m.

Pat Black, 824 Oroville Avenue, an owner of Theresa's, explained his perception of the parking problem. At the time the card room was initially approved, parking spaces were not required with occupancy limited to a maximum number based on the historical use of the site. He indicated that he is not proposing a business expansion, simply a clarification of the conditions. He added that he did not know a restriction existed on the number of tables allowed until he received a copy of the use permit a couple of months ago. He indicated that he would accept conditions recommended by staff.

Mr. Black stated that they usually have one poker game utilizing only one or two tables. With the addition of tournaments once a month, he indicated that he envisions the need for four tables. He noted that at the time of the tournament he posts personnel outside to request participants not to park in the neighboring parking lots.

Chair Monfort inquired if Mr. Black envisioned ever needing more tables, adding that he wished to avoid repeated requests for modification of the use permit. Mr. Black stated that he did not think any more than four tables would ever be necessary.

Robert Bruce, 2797 Chico River Road, stated that he owns a business next door to Theresa's. He noted that while he recognizes that it is unusual to have indoor signs regarding parking in neighboring parking lots, there has been a negative impact on his business caused by Theresa's customers parking in his lot. He added that he has plans to open for dinner this fall, but the parking situation may hinder the business, and parking is an ongoing problem.

Chair Monfort asked if Mr. Bruce has the parking spaces posted. Mr. Bruce replied that signage is posted in front of every parking space, but those signs have little effect.

Commissioner Belmonte stated that while he empathizes with the problem Mr. Bruce has, he has not seen a condition where an establishment is required to post a sign inside the business.

Chair Monfort inquired if there are any City parking lots in that area, rather than each business providing their own. Planning Director Sellers responded that there is an in lieu parking fee provision in the area in place at this time, but funds have not been generated to provide acquisition of a parking lot.

Mr. Black stated that he had conducted a parking study of the area before they originally applied for their use permit. At that time there were 140 on-street parking spaces in the area, and the neighboring business was occupied by Tortilla Flats. At most, 18 parking spaces were occupied around 8:00 p.m. by Tortilla Flats.

The public hearing was closed at 8:00 p.m.

Commissioner Crotts inquired if there was any way to close off the parking lot, perhaps with chains. Planning Director Sellers replied that it could be closed off, but the City could not require all of the affected mutual property owners to agree to such a closure. He added that problems could still occur, such as some cardroom customer's cars may be in the lot when the chains are put up.

Chair Monfort asked what other businesses are in the area which may be competing for parking. Planning Director Sellers listed several businesses including Chevron, Foster's Freeze, and Chico Natural Foods which have their own parking, and noted that there are other business in the area which do not. He stated that while there was not a shortage of on-street parking, it is a matter of getting the patrons to utilize the on-street parking rather than parking in other business's parking lots.

COMMISSIONER WRIGHT MOVED TO APPROVE THE MODIFICATION OF UP 2483 SUBJECT TO CONDITION NO. 10 RELATIVE TO WAIVING THE RECORDING OF THE USE PERMIT WITH THE COUNTY RECORDER. COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

6. **Use Permit No. 96-17 (Schuman)** - A request to allow 1) a second dwelling unit (one-bedroom, 640 square feet maximum size) to exceed the 15 foot height limitation for an accessory structure (22-foot height proposed); 2) a minor encroachment (less than 25%) into the 15-foot rear yard setback; and 3) tandem parking to meet the required off-street parking for the new unit, located at 1747 Broadway Street, Assessor's Parcel No. 005-231-006 in an RD-1 Low Density Residential land use district. This project is Categorically Exempt from environmental review pursuant to Section 15303 New Construction or Conversion of Small Structures of California Environmental Quality Act (CEQA).

Commissioner Dietle stated that she will be abstaining from discussion and voting on this item as the applicant's financial dealings are with her business.

Planning Director Sellers presented the staff report, noting the recommendations to approve both the tandem parking and the encroachment; but to require the building to conform to the neighborhood, with the entrance orienting onto 18th Street as opposed to entering from the private yard.

Chair Monfort questioned whether the lot would be large enough to do a lot split. Planning Director Sellers responded that a proposal was coming before the Council to reduce corner lot sizes from 7,000 to 6,000 square feet, and that if such was adopted, applicant's lot could be split.

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

Steve Schuman, 1747 Broadway, Chico, requested clarification of the reduction of corner lot size requirements. Planning Director Sellers stated that the proposal is before Council to reduce corner lot sizes from 7,000 to 6,000 square feet.

Mr. Schuman explained why he was proposing this dwelling and the expanded grounds. He pointed out that a similar two-story house existed on 16th Street. He reviewed a meeting held on Friday, August 16, 1996, to discuss the staff report. Those in attendance at the meeting were Contract Senior Planner Pam Figge, Asst. Planner Claudia Sigona and Combination Inspector Jerry Powers. Mr. Schuman stated staff had suggested improving the architectural style by using redwood stain with horizontal lapboard siding rather than high glossy exterior paint. With regard to orienting the structure toward the street, he noted that it was a recommendation and not a mandate. He stated that he would be willing to work with the Commission on what was acceptable. He added that he has spoken with the neighbor immediately behind the property who does not oppose the project. Mr. Schuman had also spoken with his neighbor across street, and she indicated she would not be able see the second unit because the existing olive trees would block her view.

Chair Monfort verified with applicant that the fence would remain.

Public hearing was closed 8:30.

Chair Monfort expressed his concern about General Plan policies relative to a second unit becoming a stand alone unit on one lot, and this would not fit into the neighborhood; the height did not seem to be an issue but, he was worried about it becoming a stand alone unit. Chair Monfort questioned whether a condition could be made so that a lot split could not be done on the property so that the second unit would remain contiguous to the house.

Assistant City Attorney Barker expressed her concern about putting such a condition on the property. She wished to research whether such would be an appropriate condition.

Planning Director Sellers agreed with Assistant City Attorney Barker and stated the Commission could require modification of fencing to reflect 18th Street frontage if the property is ultimately subdivided.

Commissioner Wright inquired if a lot split was initiated, would the frontage issue become part of that process. Planning Director Sellers stated the applicant would normally be required to make those changes necessary to reflect consistency with General Plan policies.

Nan Jones, 305 Wall Street, Chico, stated compatibility with existing neighborhoods was subjective and that attempting to match a current project with something that is already there seems invalid.

Chair Monfort inquired whether the applicant had considered stucco as a siding material. Mr. Schuman stated his contractor indicated stucco siding would be \$4,000 to \$6,000 more, and Mr. Schuman stated he could not afford to apply stucco at this time as he was working with a \$20,000

budget. His contractor indicated that the door could be moved to the other side so that it was oriented towards 18th Street. This could be accomplished for a reasonable sum.

Commissioner Carter inquired whether, pursuant to Condition 8, the second unit was subject to ARB approval. Planning Director Sellers responded that the Commission may address architectural review requirements at the time the use permit is approved or refer the proposal to the architectural review board.

Commissioner Carter suggested that if the trees were a factor, as the photos supplied to the Commission indicated they may be, a condition could also be included requiring that the trees not be removed and that if the trees died, they should be replaced. Planning Director Sellers suggested the Commission may want to impose a condition relative to not removing the present trees so that a time limit is created. Mr. Schuman indicated he was more than willing to plant trees in the adjacent planter strip.

Commissioner Belmonte questioned whether additional conditions would have to be met if the lot were to be split. In addition, he questioned whether staff was recommending an additional condition if the lot split process were begun. Planning Director Sellers stated the lot split process, itself, would address those particular conditions.

COMMISSIONER CARTER MOVED THAT THE USE PERMIT 96-17 BE APPROVED BASED ON THE FINDINGS SET FORTH ON PAGES 5 AND 6 WITH THE EXCEPTION THAT FINDING B BE AMENDED TO REMOVE THE 15 FOOT HEIGHT RESTRICTION DUE TO THE LOCATION OF THE SECOND UNIT AND THE PRESENCE OF TREES TO PROTECT THE NEIGHBOR'S PRIVACY; AND THAT THE REFERENCE TO 15 FEET BE STRUCK IN RECOMMENDATION 4 AND REPLACED BY 22 FEET; AND TO ADD THAT EXISTING TREES REMAIN ON THE LOT AND THAT APPLICANT CONSTRUCT A PLANTER STRIP ADJACENT TO HIS PROPERTY ON WEST 18TH STREET CONTAINING TREES WITH NUMBER AND TYPE IN AGREEMENT WITH THE URBAN FORESTER. COMMISSIONER BELMONTE SECONDED THE MOTION, AND THE MOTION PASSED BY A 6-0 VOTE.

CORRESPONDENCE

- 7. Memorandum from Assistant City Attorney Lori Barker**, providing an opinion regarding the permissibility of conditioning a negative declaration on mitigation measures that will be specifically defined after adoption of the mitigated negative declaration, dated August 9, 1996.

Chair Monfort remarked that not everything was in place for considering some specific projects according to memo. Assistant City Attorney Barker commented that the City Attorney's Office and Planning were working together to overcome any remaining problems.

Planning Director Sellers pointed out that if mitigation criteria are identified, it provides options to work with the various projects. Assistant City Attorney Barker stated mitigation measures should be set forth in the reports .

- 8. Memorandum from Senior Planner Tom Hayes**, providing a Neighborhood Planning Program status update, dated August 13, 1996.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

At 8:55 p.m., the meeting was adjourned to the Regular Meeting of September 9, 1996.

October 21, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF SEPTEMBER 9, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Director of Public Works E.C. Ross, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Planning Director Ken Milam, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Commissioner Carter stated that he had spoken with Ray Schoenfield about the matters set forth in his letter received by the Commission at this meeting.

CONSENT AGENDA

1. **Use Permit No. 96-23 (Winslett)** - A request to allow a family billiards center to operate at 664 E. First Avenue, Assessor's Parcel No. 003-452-037, in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Commissioner Studebaker removed this item from the Consent Agenda.

2. **Use Permit No. 96-19 (Caron)** - A request to expand a non-conforming office use in a R-3 Medium-High Density Residential zoning district. The proposed expansion will include a 1200 square foot office space increase with the possibility of an additional 800 square foot increase in storage space. The project's location is 238 Normal Street, Assessor's Parcel No. 004-048-003, in a R-3 Medium-High Density Residential zoning district. This project has been determined to be Categorically Exempt from Section 15301, Existing Facilities, of CEQA.

Commissioner Carter stated that he would abstain from this item as he performs legal services for the property owner.

3. **Use Permit No. 96-21 (Rodeghiero)** - A request to allow a small restaurant within an existing 924 square foot commercial building with a small outdoor area for barbeque cooking and an indoor seating area (not to exceed 450 square feet), located at 1043 West 8th Street, Assessor's Parcel No. 004-266-001 in a C-2 General Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Chair Monfort removed this item from the Consent Agenda.

4. **Use Permit No. 96-22 (Giordanengo/Marks)** -To allow the serving of alcohol (beer and wine) within 300 feet of a residential district in conjunction with a new restaurant (sandwich shop) at 243 W. 9th Street, Assessor's Parcel No. 004-289-001, in a C-1 Restricted Commercial zoning district. The site also appears to be nonconforming in terms of existing improvements located within the 25 foot creekside setback area. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301, Existing Facilities, of CEQA.

Chair Monfort removed this item from the Consent Agenda.

COMMISSIONER WRIGHT MOVED APPROVAL OF USE PERMIT NO. 96-19 (CARON).
COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS APPROVED 6-0-1
(COMMISSIONER CARTER ABSTAINED).

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Use Permit No. 96-23 (Winslett).

Commissioner Studebaker inquired how the applicant intended to comply with Condition No. 8 regarding age restrictions.

Michelle Winslett, 2773 Crosby Court, Santa Clara, the applicant, explained that each employee will be assigned a new stamp every day to apply to the customer's hand after the employee verifies the customer's age. She added that alcohol consumption will also be monitored, in respect to legal drinking age, by means of those stamps.

Commissioner Carter noted that Condition 8 does go beyond the house rules which were listed in the proposal. Ms. Winslett stated that she would prefer to allow people under 18 years old to remain with an adult.

COMMISSIONER STUDEBAKER MOVE APPROVAL OF USE PERMIT NO. 96-23 (WINSLETT); WITH THE ADDED CONDITION THAT NO ONE UNDER THE AGE OF 18 BE ALLOWED ON THE PREMISES AFTER 10:00 P.M. UNLESS ACCOMPANIED BY AN ADULT. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

3. Use Permit No. 96-21 (Rodeghiero)

Chair Monfort inquired if a barbeque pit outside requires a ventilation hood. Planning Director Milam stated that a hood may be required by the Butte County Environmental Health Department for food service facilities.

Ron Rodeghiero, 1043 W. 8th Street, stated that he had a previous business at that address, though it was not an outdoor restaurant. He described the barbeque as being approximately 2 feet across and 8 feet wide and burning only wood. He noted that he had spoken to the Butte County Environmental Health Department, who had indicated that a ventilation hood would not be required. He added that it may not be financially feasible to install a full ventilation hood, though if the neighbors complained, he would be willing to install one.

Planning Director Milam suggested that a condition be placed that ventilation be provided to the satisfaction of the Butte County Environmental Health Department.

Commissioner Belmonte reviewed Mr. Rodeghiero's comments regarding his conversation with the Health Department. He suggested that a way be found to monitor the situation if the ventilation or smoke is disturbing the neighbors. If there is a problem, it can be addressed at that time. Planning Director Milam stated that a condition could be placed that the site be inspected by staff, and if necessary, additional ventilation be added.

Mr. Rodeghiero suggested that he could modify the unit to provide that 90 percent of exhaust be filtered, if necessary, but stressed that such modification would be expensive.

Commission Crofts inquired if the Butte County Environmental Health Department or Air Quality Control District has guidelines for outdoor cooking establishments. Sr. Planner Hayes replied that there may not be air quality standards for an outdoor barbeque. He suggested a six-month review of the permit be required to allow for additional measures to be used if necessary.

Chair Monfort indicated that the six-month review should begin following commencement of business operations.

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COMMISSIONER BELMONTE MOVED APPROVAL OF USE PERMIT NO. 96-21 (RODEGHIERO) WITH THE ADDED CONDITION OF A SIX-MONTH REVIEW. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

4. Use Permit No. 96-22 (Giordanengo/Marks)

Chair Monfort inquired if the fence or any other section of the building will be removed. Sr. Planner Hayes noted that a significant amount of the existing facilities will be removed.

John Giordanengo, 2095 Honey Run Road, displayed two full size plats; one showed the existing facilities and the other, the planned facilities. He noted that staff will be provided with a copy of the full size drawings.

Chair Monfort confirmed that the property currently has a non-conforming use. He asked for a condition that a more permeable fence be built to allow those not on the premises to view the creek. Mr. Giordanengo stated that he would not object to such a condition if it does not impact the security of the property. He confirmed with Chair Monfort that for such a condition the permeable fence would be only in the rear of the property, not on the street or along the property line of the building next door.

John Merz, 178 Terrace Drive, asked that the hearing be continued as the plat being reviewed by the Commission has not been made available to the public. He expressed concern regarding the 25 foot setback and the riparian habitat. He added that the possibility of invasive ground covers being planted needs to be addressed.

Planning Director Milam noted that the applicant's site plan was included in the staff report.

Commissioner Belmonte asked why a copy of the amended plat is required if applicant's site plan is adequate for staff purposes. Planning Director Milam explained that since the amended plat was shown to the Commission, it will impact the Commission's decision and thus is evidence on the discussion.

COMMISSIONER WRIGHT MOVED APPROVAL OF USE PERMIT NO. 96-22 (GIORDANENGO/MARKS), WITH THE AMENDMENT THAT THE FENCE ALONG THE CREEK BE OPEN AND PERMEABLE. COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

- 5. Title 19 Land Use Regulation Amendment (City of Chico)** - An amendment to Title 19 (land Use Regulations) adding specific uses to particular zones inadvertently deleted from the list of permitted uses and uses requiring a use permit during the General Plan and Interim Zoning adoption process. This project has been determined to be Exempt from environmental review pursuant to Section 15061 (b)(3), General Rule, of CEQA. The proposed amendments are as follows:

Include "Theaters" as a permitted use in the C-1, Restricted Commercial and C-2 , General Commercial Districts.

Include "Medical Clinics/Laboratories" as a use permitted with a use permit in the R-P, Residential Professional and C-O, Commercial Office Districts.

Include "Personal Services" as a permitted use in the C-1, Restricted Commercial and C-2, General Commercial Districts. These uses include" Beauty and barber shops, clothing rental, dry cleaning pick-up businesses, small scale dry cleaners without pick-up and delivery services, laundromats (self-service laundries), tanning salons, psychic readers, therapeutic (non-sexual) massage services, body piercing, tattooing, electrolysis, diet

centers, watch and shoe repair shops, photo processing and camera shops, karate studios, commercial printing and reproduction businesses.”

Include Bars and Cocktail Lounges as a permitted uses in the CVS, Commercial Visitor Services District, C-1 Restricted Commercial District, C-2, General Commercial District and with a use permit in the N-C, Neighborhood Commercial District.

Include “Business and Professional Offices” as a use permitted with a use permit in the C-1, Restricted Commercial District and C-2, General Commercial District.

Sr. Planner Hayes reviewed the staff report. He noted that with the adoption of the General Plan, zoning must be consistent with the General Plan, with each district standing on its own uses. He added that most of these uses are uses which were permitted in the old zoning code and were inadvertently left out of the revision.

Chair Monfort confirmed that any controversial use will be still subject to a use permit.

The public hearing was opened at 8:10 p.m. There was no comment.

COMMISSIONER CARTER MOVED TO RECOMMEND COUNCIL APPROVAL OF THE RESOLUTION, SUBJECT TO THE FINDINGS AS SET FORTH IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

The Commission was in recess from 8:10 p.m. through 8:20 p.m.

6. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 111 lots for single family residential development with an average lot size of 5,600 square feet on property pre-zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessor’s Parcel No. 060-020-147 and 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). This item was continued from the meeting of July 15, 1996.

Planning Director Milam presented the staff report. He reviewed a map displaying the circulation pattern and public facilities for the entire area of the City, as requested at the prior Commission hearing on this topic. He noted that the revised subdivision plan reduces the number of lots to 111, with the addition of a linear park and slightly larger lots. He added that a raptor study is included in the conditions, to allow for protection should a raptor nest be found before construction begins. An older survey did not show any nests on the site.

Planning Director Milam pointed out that the staff report contains a checklist determining General Plan consistency. In compliance with the policy that there be connectivity into the adjacent neighborhoods, access will be provided to the North, South and East. He noted that the connectivity to the South will be to the Greenfield Subdivision via Sierra Springs Drive, which has not yet been developed, though the subdivision map has been recorded. He stated that the cumulative contribution to air quality degradation is addressed in the General Plan environmental impact report, and with regard to project specific impacts, this project is below the established threshold. Also, the applicant has volunteered several other air quality mitigation measures which are indicated in the staff report. He explained that the storm drainage standard mitigation measures that there be no net increase in peak flow runoff will be followed through the use of

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infiltration pipes, and possible onsite retention facilities on Lots 43 and 44. He also noted that the applicant will be responsible for the street improvements section of the future extension of Eaton Road which cuts across a portion of the subdivision.

Planning Director Milam reviewed that a tree preservation program is required to be approved by staff showing the which trees will need to be removed for various improvements to be made, and which are to be saved, including a row of trees to be along the future Eaton Road. He noted that the applicant would like to let the remainder of the trees to be saved to based on the eventual selected houseplan.

Chair Monfort verified that Walnutshire is a private street and there is no possibility of bicycle access on that bridge, and no east/west crossing of the SUDAD ditch in that area. He expressed concern that the only way to provide access for children who will attend the future school on Henshaw Avenue would be along the SUDAD ditch or going out to the Esplanade.

Commissioner Carter expressed concern that the preferred alternative for the Eaton Road extension may leave a section of property to the north of this site landlocked. Planning Director Milam stated that the proposed alignment would create a 5.5 acre parcel with no direct access to Eaton Road, though there are several options available to avoid having the property being landlocked including the possibility of cooperation between property owners resulting in access being provided through this development.

Commissioner Carter stated that the connectivity to the north is not to a neighborhood, but rather to a future thoroughfare. He inquired if there are long range plans for signalization at the intersection of Eaton Road and Road B. Director of Public Works Ross replied that there will be likely signalization at some point in the future. He explained that the extension of Eaton Road is currently is the design phase, and details remain to be worked out with both the County and CalTrans. He noted that the signalization facilities are covered in the street facility fees.

Chair Monfort inquired if the design of the entryway into the subdivision has been addressed. Planning Director Milam replied that there is a condition that there be an entry treatment at the entrance from Eaton Road which must be completed and approved prior to the recordation of the map.

Chair Monfort introduced Planning Director Milam.

The public hearing was opened at 8:45 p.m.

Bill Dinsmore, Rolls, Anderson and Rolls, project engineer, explained that this project did not create the 5.5 acre property to the north, rather it was created by the alignment of Eaton Road. He added that to get to that site from this project site would require a bridge over the SUDAD ditch, and it may be easier to take traffic to the north.

Commissioner Carter inquired if the intent is to phase development from the south, and what the anticipated duration is. Mr. Dinsmore replied that development will be required to stay away from the proposed Eaton Road to allow for its design. He added that he did not know what the anticipated build-out is.

Rory Rottschalk, 609 Walnutshire Lane, reviewed the letter he wrote which was distributed to the Commission at this meeting. He presented photographs showing trees on the site and a streetscape of a subdivision by the same developer. He stated his belief that this proposal is against the spirit of the General Plan and quoted several sections of the General Plan which he felt this proposal does not meet. He stressed the importance of trees and expressed concern that the decision on what trees will remain is to be completed after the Commission approves the project. He expressed dislike for repetitive house plans without much variety.

Chair Monfort noted the importance of housing affordability.

Mr. Rottschalk noted that there is general language in the staff report suggesting that this project is similar to those in adjacent areas. He compared average lot sizes in both this project and the adjacent subdivisions. He expressed concern that this proposal will have a negative impact on property values in the area, as well as a lack of transition between communities. He stressed that this project will be used as an example on future proposals if the General Plan guidelines for the creation of neighborhoods are not observed.

Commissioner Carter inquired if a meeting took place between the developer and the neighbors, as recommended during a continuance at the prior hearing on the topic. Mr. Rottschalk stated that he and another neighbor, Chris Marx, had met with Mr. Fogarty, the developer, though he understood that Mr. Fogarty had not met with any other neighbors. He added that it was made clear that they were not speaking for the entire neighborhood. He stated that the meeting discussion focused on density, though other issues were also addressed. At Commissioner Belmonte's request, Mr. Rottschalk summarized that Mr. Fogarty's attitude at the meeting was positive, but he was not able to address the concerns raised and maximize density.

Tom Fogarty, 1023 Neptune Drive, Yuba City, confirmed that he did meet with Rory Rottschalk and Chris Marx, though the conversation surrounded density issues and design concerns were not raised. He pointed out that the site is zoned R-1, which can be developed to seven units per acre, while this proposal is 5.1 units per acre. He stated his belief that questions of density should have been addressed during or prior to annexation to the City. He stressed that the property owners have the right to develop the property. He explained that as many trees will remain onsite as possible, though it will be dependent on a lot by lot basis on which house plan is utilized. He reviewed the five house designs which are proposed for this project, two of which have recessed or rear garages. He noted that additional trees and landscaping will be planted. He added that the redesigned project layout has larger lots are toward the Walnutshire subdivision in order to reduce noise and other impacts. He presented a handout containing the design of the linear parkway, which will be shaded according to the Urban Forester's guidelines.

Commissioner Wright inquired what funding mechanism will be used to maintain the linear parkway. Mr. Fogarty replied that the area will be part of a maintenance district.

Chair Monfort inquired if any of the homes would be pre-built, or there would be any mechanism to provide a proportional mix of the house plans. Mr. Fogarty replied he will only be pre-building the model homes, at the most one of each plan. Each customer will choose the lot and the house plan to be used on the lot. He noted that the house plans which will be used are priced similarly, which will help encourage a mix. He added that there will be a variety of elevations and front yard setbacks used.

Mr. Fogarty reviewed the mitigation measures, and stated that he is confident that storm drainage created by this development is effectively dealt with. He stated his belief that this project has made a sincere effort to meet the guidelines of the General Plan.

Chair Monfort verified that a row of walnut trees will remain along the Eaton Road extension and inquired if it would be possible to retain a row of walnut trees along the SUDAD ditch. Mr. Fogarty stated that it would be possible to save a row of trees along the ditch. He clarified that only portions of the site are covered by walnut trees.

Commissioner Carter inquired what long term build-out is anticipated and if there was any consideration to an east/west linear parkway. Mr. Fogarty responded that build-out is expected in three to five years, building from the south and west, with the north side left for last to allow for finalization of the Eaton Road

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alignment. He added that in order to have a landscaped parkway through the entire project, it would have resulted in the loss of two lots.

Commissioner Studebaker inquired on the length of the meeting with Mr. Rottschalk and Mr. Marx, and expressed concern that there was not communication with the rest of the neighborhood. Mr. Fogarty stated that the meeting which was held lasted approximately 45 minutes. He indicated that a number of letters of concern from the neighborhood had been provided to staff and the Commission on the day of the meeting. He suggested that if the information had been made available earlier, he may have been able to address those concerns.

Commissioner Studebaker inquired if Mr. Fogarty believed that Mr. Rottschalk and Mr. Marx were as individuals or representing the neighborhood. Mr. Fogarty replied that he believed the meeting was addressing the concerns of the entire neighborhood.

Commissioner Belmonte expressed concern that a meeting was not held between the applicant and the neighborhood. He explained that a mechanism for such a meeting is being worked on by the Commission through the implementation of neighborhood planning. He stated that the applicant cannot make the determination that what he is proposing meets the needs of the neighborhood if he does not meet with them, though he had indicated a willingness to do so at the last Commission meeting on the proposal. He stressed that the applicant does need to work with the neighborhood, and the neighbors count on the City to make the decisions with their concerns in mind. He inquired if Mr. Fogarty had contacted other individuals in the neighborhood to meet with them. Mr. Fogarty replied that he had not.

Jim Mann, 55 Independence Circle, Suite 101, project consultant, stated that they had made a decision to meet with Mr. Rottschalk and Mr. Marx, as they are both known to them and have worked with them in the past. He stated that it was understood that Mr. Rottschalk and Mr. Marx were not supportive of density of the project, though it is zoned as residential. He noted that they did change the openings of the subdivision onto the Walnutshire subdivision and added the linear park. He indicated that they are willing to remove the bridge, though they have spoken to the County regarding using the bridge for bicycle access. He stressed that he feels that this project does comply with General Plan.

Commissioner Belmonte reviewed that comments were made at the last hearing by some of those neighbors who had attended County meetings on the development in the area of an extended period of time. He stated that a neighborhood meeting would have been an opportunity to explain the project to those neighbors and bring them into the process.

The Commission was in recess from 9:45 p.m. through 9:55 p.m.

Mr. Rottschalk reviewed that he had stated that he was not speaking for the neighborhood at the meeting which was held with Mr. Fogarty. He added that the perception that the neighborhood would only accept one acre parcels is not true.

Robert Jackson, 3544 Bay Avenue, reviewed the letter he sent to Commissioner Carter which was distributed to the entire Commission at this meeting. He noted his concern regarding the lack of a neighborhood meeting. He stated his belief that the applicant was directed at the conclusion of the last public hearing, to hold a neighborhood meeting. He indicated that the neighborhood group met twice, making a good faith effort to be well organized and prepared. He noted no contact was made by Mr. Fogarty. He expressed concern that there has not been discussion on the linear park or the filtration system. He noted that the existing homes in the area are on wells, which would be impacted by such a filtration system. He questioned if this project is in the spirit of the General Plan, especially with the stated

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effort to sell the houses without regard to streetscapes or how it is laid out. He stated that the neighbors are trying to protect the quality of the neighborhood. He displayed a collection of feathers and noted that there are wild pheasants and raptors on the site.

Commissioner Studebaker clarified that Commissioner Carter had moved to deny the project. He added that Commissioner Belmonte had made the motion for a continuance, an amendment to which directed neighborhood meetings.

Commissioner Dietle inquired if the neighborhood group contacted Mr. Fogarty. Mr. Jackson replied that he had thought the directive was that the developer contact the neighborhood, and so they did not contact the developer.

Commissioner Studebaker asked for staff feedback on why the meetings did not take place. Planning Director Milam reviewed the comment from the draft Commission minutes of July 15, 1996.

Chris Marx stated that he had indicated at the meeting with Mr. Fogarty that he only was speaking for himself, not the neighborhood. He reviewed his letter provided to the Commission at this meeting. He expressed concern with the proposed density in respect to compatibility with the adjacent neighborhoods. He stated that it is impossible to transition higher densities against rural development. He noted that the result of the meetings with the County over the years was to allow development up to approximately four units per acre. He indicated that the County maintains the SUDAD ditch, and expressed concern over the future of that maintenance with City controlled development adjacent. He stated that it is his understanding that the County does not want a bicycle path along the ditch, and though it does not appear on the map, the language is still in the Subdivision Report making such a path possible.

Loretta Damron, 610 Walnutshire Lane, stated that although she is not opposed to the site being developed, she would have liked Mr. Fogarty to address the issues brought forward at the previous public hearings. She stated that she is relieved that the stormwater drainage will not be into the SUDAD ditch. She added that she is concerned that the stormwater will then be pumped into the groundwater, and thus into neighborhood wells. She stressed that it is important to address, prior to approval, what impact the filtration system will have on well water. She reviewed the current property values in the area, which she felt averaged around \$180,000 and compared it to the proposed project which states that the homes will cost \$100,000 to \$120,000, thus reducing property values in the adjacent area. She displayed a listing of 158 homes of low to median income available on Chico area market today. She suggested that with an adjustment of lot sizes and house sizes, the value of homes in the project would not impact current values in the area, as well as increasing developer profit. She added that she is concerned with the capacity of the schools in the area. She questioned the environmental document's statement that there will be 0.43 students per household. She stated that the Henshaw Avenue school will not be built for 7 to 10 years. She noted that in her discussions with the County, she was advised that the County would like detention ponds onsite and no bicycle path along the SUDAD ditch. She noted that Dr. Kendall, the owner of the site, is an elderly gentleman, and would want this to be a nice family area in the aesthetics of Chico.

Lindy Robinson, 632 Walnutshire Lane, stated that the gate and bridge are private property, and are not to be included in this project. He added that the gate will be replaced by a permanent fence.

John Merz, a previous speaker, noted that the Background section of the staff report refers to three phases of the proposed development, which are not clearly marked and established. He questioned if there is qualified wetlands trained staff able to complete a review or was it accomplished through a site review based on various maps. He expressed concern that the necessary bicycle pedestrian path and storm drain easement has not been acquired, nor has the alignment of Eaton Road been determined. He indicated concern that there was no analysis prepared regarding air quality/traffic impacts specifically

regarding the differences between the General Plan thresholds and the Butte County Air Quality Control District (BCAQCD) thresholds; nor were there comments regarding threshold, mitigation and impacts from the BCAQCD indicated. He added that he is also concerned that there was no discussion on mass transit.

Mr. Merz indicated concern that no analysis on the capacities or history has been presented regarding the SUDAD ditch; thus, it is difficult to determine that there will be no impact on peak flows. He stressed that the Subdivision Report notes that "the original assumptions for SUDAD showed that this site should remain agricultural." He pointed out that there is a error in a condition in the Subdivision Report in Item 3.c "The street shall may be crowned." He noted other discrepancies within the Subdivision Report, including that the proposed street section on the tentative map is disapproved following the description of what is acceptable. He asked for clarification if the maintenance district will be required prior to finalization of the map.

Regarding the environmental mitigations, Mr. Merz suggested that wording be changed for the surveys required in Mitigation No. 2 (Item B.3) from "...surveys should be..." to "...surveys shall be...". He noted that the agricultural mitigation fee will be discussed in-depth at the Council level on September 10, 1996. He stated his belief that use of this mitigation should be postponed until the Council adopted regulations are in place, or clear direction of which is provided. He indicated that the last paragraph of the mitigation is a reversion clause and suggested it be removed. He also noted that the cumulative impacts from this project does include other future projects, which are apparent in the area, affecting traffic, stormwater and schools. He suggested that there should be discussions between the City and the school district on the infrastructure of the schools in order to anticipate need.

Mr. Merz asked that the Commission take a proactive stance. He stated that it is his belief that this project is premature, and more information is needed before any approvals are given. He suggested that Mr. Fogarty should have an opportunity to meet with the neighbors. He expressed concern with the idea that backyards and linear parks are interpreted as open space, and used instead of a small neighborhood park which allows for neighborhood focus as well as recreation. He also suggested that a buffer zone be created along the SUDAD ditch.

Richard Harriman, 643 Flume Street, individual and board member of Golden State Wildlife Federation and Valley Advocates, expressed appreciation for Mr. Fogarty's willingness to work with him, and staff for preparing the Best Practices Manual. He stated that his primary concern with this proposal is that the drainage plan, tree preservation plan and raptor survey will not be reviewed by the public. He suggested a continuance of this hearing to allow review of a proposed drainage plan; or, if the proposal is approved, provide for a 15-day public review period and a method to appeal any decisions regarding the drainage plan. He stated that he appreciated the agricultural mitigation and noted he will be presenting additional material to the Council on the matter. He added that a neighborhood meeting has not been held and, if needed, staff could organize such a meeting.

Mr. Harriman pointed out changes in staff's analysis on traffic threshold, as the traffic analysis for the Shastan Homes development recently heard by the Commission had indicated a different threshold. He handed out copies of the analysis section from the staff report for Shastan Homes By The Lake. Regarding the air quality mitigation fee, he stated that he and Mr. Fogarty have discussed a mitigation fee and Mr. Fogarty has agreed to contribute \$5,000. He noted that a \$5,000 fee would be approximately \$45.50 per dwelling unit. He suggested the fee be charged on a per dwelling unit basis at the close of escrow, thus taking the money from the consumer not from the developer. He stated that a \$200 per dwelling unit fee would be more advantageous, resulting in a \$6.8 million trust fund to be established over the life of the General Plan. He also suggested that the project could be denied with the finding that there are adverse health impacts and that the environmental impact report for the General Plan found significant unavoidable impact on air quality. He noted that the environmental impact report for the Northwest Chico

Annexation also found a significant air quality impact, though it was not adopted. He added that the proposed resolution lists findings which do not comply with the Subdivision Map Act on the basis of impacts to air quality.

John Gillander, 4328 Kathy, stated that this project is within one-half mile of a proposed neighborhood park and a neighborhood commercial core. He noted that the reduced density results in less air pollution. He added that this project cannot be excluded from future cumulative air quality impacts. He stated his belief that a nexus between the payment and the cumulative impacts is necessary before requiring a fee for air quality impacts. He read from the Supreme Court decision on Dolan v. California Coastal Community, 1987. He noted that there are already mitigations in place to help eliminate air pollutants. He stressed that the City's Best Practices Manual does not contain this mitigation. He stated that if the applicant wishes to contribute to an air quality mitigation trust fund on his own it is acceptable, but once it becomes a condition it is no longer voluntary.

The public hearing was closed at 11:05 p.m.

Commissioner Carter stated that he has a number of questions to be addressed and suggested a continuance due to the late hour. He suggested that Mr. Fogarty could also use the extended time to meet with neighbors.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO THE NEXT MEETING, SEPTEMBER 23, 1996, TO ALLOW FOR COMMISSION DISCUSSION, LEAVING THE PUBLIC HEARING CLOSED UNLESS NEW INFORMATION WARRANTS NEW TESTIMONY. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Wright stated that he would prefer to stay and resolve this issue. Commissioner Dietle agreed.

THE MOTION WAS APPROVED 5-2 (COMMISSIONER WRIGHT AND COMMISSIONER DIETLE OPPOSING).

Planning Director Milam reviewed that the motion is for a continuance for two weeks, to the Adjourned Regular Meeting of September 23, 1996. Chair Monfort added that the public hearing will only be on any new information which will be presented.

CORRESPONDENCE

7. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

Commissioner Studebaker stated that a neighborhood meeting was held on Thursday, September 5, 1996, which was beneficial, with a number of neighbors and property owners present. He noted that representatives from the Jesus Center have agreed to hand out flyers explaining their operations to those in the immediate neighborhood and to publish the flyer in the University paper.

BUSINESS FROM THE FLOOR

John Gillander stated that some people do come to Commission meetings in order to postpone decisions, at the expense of the applicants. He expressed his displeasure at the previous continuance.

Chair Monfort noted the late hour and stressed the Commission's need to make sure adequate review is provided.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:15 p.m. to the Adjourned Regular Meeting of September 23, 1996.

September 23, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF SEPTEMBER 23, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Planning Director Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Wright stated that he had received a telephone call from the applicant on Item Nos. 7 and 8. He noted that he told the applicant that the Commission may have questions relating to traffic and parking. He added that he will be abstaining from Item No. 3 as the applicant is a client.

Chair Monfort stated that he had spoken in reference to Item No. 6 with Jim Mann and Tom Fogarty, who had repeated what they had stated in the previous meeting and provided assurances that they are meeting with the neighborhood.

CONSENT AGENDA

1. Minutes of Regular Meeting of July 1, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of September 9, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Studebaker removed this item from the Consent Agenda.

3. **Use Permit No. 96-24 (Starnes)** - A request to allow an automotive repair business in the front suite of an existing warehouse building located at 8 Seville Court, Assessor's Parcel No. 039-430-111, in an M-1 Limited Manufacturing zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of CEQA.

Requested Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

4. **Use Permit No. 96-25 (Jessee)** - A request to allow the expansion of a non-conforming use, specifically manufacturing in a commercial land use district. The expansion includes the use of a temporary mobile office, converting an existing single family residence into an office, using an adjacent parcel for storage, and moving existing 7 foot high barbed wire fencing, along with new matching fencing, to enclose the new storage area. The project is located at 1627 Nord Avenue, in a N-C Neighborhood Commercial land use district and has been determined to be Categorically Exempt from environmental review pursuant to sections 15301 (a) Existing Facilities of the California Environmental Quality Act (CEQA).

Requested Action: Approve the use permit subject to the findings and conditions as listed in the staff report.

Commissioner Carter stated that he would be abstaining from Item No. 4 as he performs legal work for the applicant.

COMMISSIONER BELMONTE MOVED APPROVAL OF THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM NO. 2. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH

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WAS APPROVED 7-0 WITH COMMISSIONER WRIGHT ABSTAINING ON ITEM 3 AND COMMISSIONER CARTER ABSTAINING ON ITEM 4.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes of Regular Meeting of September 9, 1996.

Commissioner Studebaker stated that he recalled testimony given by Jim Mann regarding development in the area which was not reflected in the minutes. Planning Director Milam can review notes to see if missed something.

Commissioner Studebaker clarified that he does not have a problems with approving the minutes as is, but wished to reserve the right to ask Mr. Mann that question. Planning Director Milam stated that the Commission did close the public hearing . He indicated his belief that the Commission could ask specific questions of individuals without reopening the hearing.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE MINUTES OF SEPTEMBER 9, 1996. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

5. **Use Permit No. 96-20 (Kincade/Modern Building)** - A proposal to construct and operate a 20,370 square foot law school on an approximately three acre site located at the corner of Ridgewood and Ceres Avenues, Assessor's Parcel No. 048-390-014/021, in an R-P Residential/Professional Office zoning district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Dietle stated that she would be abstaining from this item as her firm has a proposal for the funding on this project.

Planning Director Milam reviewed the staff report. He noted that in response to concerns expressed by the Butte Environmental Council, staff did, with the applicants approval, conduct a site review with the director of the Council. He added that the Airport Land Use Commission (ALUC) only meets once per month, and the deadline was missed for their review. He noted that ALUC staff had agreed to recommend approval of this project with the knowledge that this is an infill project, though the written communication received from them at 4:30 P.M. this afternoon contained a finding that the project site is in a flight corridor and is inconsistent with the current Airport Environs Plan. He indicated that the General Plan designates this area for office and commercial use. Staff does recommend approval of the Use Permit with an added condition requiring ALUC approval. He added that this project has been approved by the Architectural Review Board.

City Attorney Boehm stated that the Public Utility Code does require consistency with the General Plan and the Airport Environs Plan, thus if ALUC does not give that approval, the project must go before the Council on appeal. He explained that the technical reading of the regulation is that ALUC approval is required prior to Commission discussion.

Chair Monfort inquired if the discussion could be continued until the ALUC decision has been reached. Planning Director Milam explained that the utility from which the applicant is purchasing the property has a policy to only allow one extension of the escrow, which has already been used. The escrow expires on September 30, 1996 and cannot be extended.

Commissioner Wright inquired if a draft of the General Plan was distributed to ALUC. Planning Director Milam replied that a draft of the General Plan was distributed to ALUC and other interested agencies.

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Chair Monfort noted that the comment which was received was from the ALUC staff, not from the ALUC board members. It is not known how ALUC would vote on such a matter.

Commissioner Belmonte verified with City Attorney Boehm that the Commission technically should not consider this item until it has been approved by ALUC. He stated that the Commission may not have a choice but to continue this item until after an ALUC has been reached.

The public hearing was opened at 7:47 P.M.

John Gillander, 4843 Kathy Lane, inquired if it is public policy to use the executive director of the Butte Environmental Council to determine wetlands. Planning Director Milam stated that it is not policy, it was a simple solution and nothing showing the site to have wetlands was found.

Steve Gonzalves, Nichols, Melberg and Rossetto, 434 Broadway, architect on the project, asked the Commission that, if they would not approve this request outright at this meeting, provide approval with the condition of ALUC approval. He stated that the applicant is aware that the request might be rejected by ALUC, but would request a Commission decision at this time.

Commissioner Carter expressed concern with the request for approval with ALUC approval as a condition. He indicated that the layout on the site is contrary to principles in the General Plan. Mr. Gonzalves stated that he had several conversations with staff regarding the parking location. He explained that as this facility has three separate uses, the court, law school and private law practice, each requires separate points of entry. He indicated that if the building is moved closer to the street on two sides, it would reduced the available points of entry. He noted that in mitigating the building location, they are proposing an increased landscape buffer. He explained that there are safety concerns for the law school staff and students exiting the building at night, which is the prime class time, as there might be a risk if the parking is screened from the street, limiting the field of vision. He added that the existing character of the professional neighborhood provides for front-loaded parking.

Chair Monfort inquired if there has been any accommodation for non-auto traffic. Mr. Gonzalves replied that in terms of providing access from public transportation, he would be willing to work with staff to promote public transportation, though the location may not be on night time bus routes. He indicated his belief that there will be little pedestrian traffic as it is in a generally professional and commercial area with limited residential areas.

Commissioner Crotts asked if bicycle racks were provided for. Mr. Gonzalves stated that open racks would be provided, though its design and exact number of stalls has yet to be determined. The main users of bicycles will be the students, and bicycle traffic after dark is not as common. For the courtroom functions and the private law practice, given the location, bicycle transportation, while an option, will not be used by the majority of those using the facility.

Commissioner Carter inquired if the law school grew and went to daytime operation, would a new use permit be required. Planning Director Milam replied that a new permit would only be required if the first one was conditioned to prohibit daytime use.

Commissioner Carter verified with Mr. Gonzalves that there are no pedestrian pathways to the building except where cars enter and suggested one be proposed as a way of meeting some of General Plan requirements for pedestrian orientation similar to one approved for a recent project before the Commission. Mr. Gonzalves stated that he could research such a possibility, though the walkway would have to cross over a paved vehicle traffic area. Commissioner Carter noted that another project has used a different treatment on the pavement to separate the walkway. Chair Monfort added that a pedestrian treatment could help people locate the courtroom and law offices.

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Commissioner Carter verified that the proposal will meet the 50 percent shading requirement. Planning Director Milam added that the landscaping and building plans have been approved by the ARB.

Commissioner Belmonte suggested that these remarks are more appropriate for a workshop. He added that as a decision has not been made yet by ALUC, it should be considered by ALUC first as it is a direct concern for public safety. He stated that fact finding should be confined to a workshop.

Mr. Gonzalves stated that the entire area is largely developed and it is a infill project, and asked the Commission not to deny the use based on that concern. Commissioner Belmonte stated that it is a legal requirement that ALUC approval be granted first. Mr. Gonzalves stated that the applicant would like a preliminary reading from the Commission. He asked if the Commission would consider a pedestrian delineation as a compromise.

City Attorney Boehm stated that the Commission could consider a motion of intent establishing conditions, including a reliance on ALUC approval; thus the Commission would provide the applicant a means to extend the escrow, if possible.

COMMISSIONER CARTER MOVED TO APPROVE A MOTION OF INTENT WITH THE CONDITION THAT PEDESTRIAN ACCESS AND TREATMENT THROUGH THE PARKING LOT BE PROVIDED BOTH TO RIDGEWOOD AND CERES AVENUE.

Commissioner Crotts asked what signage would be placed for the different uses. Mr. Gonzalves replied that there will some modest signage which was discussed with the ARB, including signs at the three main entrances and some directional signage on the grounds.

Pat Kincade stated that it was unfortunate that staff missed the ALUC deadline by one day. He stated that the property is being purchased from Pacific Bell, with the escrow being regulated by the Public Utilities Commission (PUC), who is requiring that Pacific Bell exit the contract on this escrow if it can be completed by the 30th of this month. He asked if the Commission would be willing to meet with ALUC prior to the deadline.

City Attorney Boehm noted that the Commission cannot compel ALUC to call a special meeting. Mr. Kincade asked that, if ALUC will meet at his request, the Commission meet again to approve the permit.

The public hearing was closed at 8:15 p.m.

COMMISSIONER BELMONTE MADE A MOTION OF INTENT TO APPROVE THE USE PERMIT SUBJECT TO APPROVAL BY ALUC AND FINAL COMMISSION APPROVAL WOULD BE PROVIDED AT AN EMERGENCY MEETING TO BE HELD FOLLOWING ALUC APPROVAL.

Commissioner Wright stated that he would support both motions.

Commissioner Belmonte asked that his motion be made as an amendment to Commissioner Carter's motion of intent, and that the Commission adjourn to September 30 or to a time to be determined with the conditions previously stated. Commissioner Carter stated that he would accept the amendment if it were to adjourn to September 30, request the use of emergency powers, and direct Planning staff to communicate with ALUC the Commissions' concerns regarding this matter and request an earlier ALUC meeting.

Commissioner Studebaker inquired what would happen if ALUC refused to meet.

Planning Director Milam reviewed that it is the Commission's intent to continue this item to September 30, contingent on ALUC using its emergency powers. If ALUC does not meet, continue this item to October 21, following the regularly scheduled ALUC meeting. Commissioner Carter added that the motion also is a motion of intent to approve the project, conditioned on ALUC approval.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER DIETLE ABSTAINING).

- 6. Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 111 lots for single family residential development with an average lot size of 5,600 square feet on property zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessor's Parcel No. 060-020-147 and 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). This item was continued from the meetings of July 1, July 15, and September 9, 1996.

Planning Director Milam reviewed the memorandum from the Department of Public Works (DPW) amending the subdivision report conditions which was distributed to the Commission at this meeting. He reviewed the public comments made at the last meeting. He noted that bicycle access will be provided to schools in the future by including the provision for bicycle access as further south along the SUDAD ditch there is already an area designated for a bicycle path. He stated that staff would work with the County on the future of the bicycle path as the County staff has expressed concern for the safety of those riding along the ditch.

Chair Monfort verified that if the bicycle path along the ditch is not developed there will not be access to Shasta Avenue, the nearest east/west corridor. Planning Director Milam acknowledged that children would have to ride out of the subdivision in order to get to the school.

Planning Director Milam stated that the DPW position on the landlocked triangular parcel to the north of the site is that if the parcel can not be accessed by some other means, it is likely that access off of Eaton would be allowed. Commissioner Carter verified that it will be the County who will determine what limited access will be allowed off of Eaton Road.

Planning Director Milam reviewed that the preservation of walnut trees is covered by the tree preservation condition in the revised resolution and will be preserved along the Eaton Road extension and where feasible on individual lots. He noted that the issue of repetitive house plans is addressed by the applicant with five house plans and different elevations. He informed the Commission that the maintenance district for the adjacent Webb Subdivision was disbanded following annexation to the City, thus language has been added to the subdivision report requirement regarding landscape maintenance.

Commissioner Carter asked if landscaping and lighting districts would be required instead of a maintenance district. City Attorney Boehm replied that maintenance districts are the districts established by the City. Planning Director Milam added that the district would cover the maintenance for the landscaping, the linear parkway, bikeway, and other facilities.

Planning Director Milam stated that he had been informed that the neighborhood meeting was held and had resolved very little. Commissioner Studebaker stated that he had asked staff if the Commissioners could attend the meeting and was told that the City Attorney had concerns regarding the Brown Act. City Attorney Boehm explained that Commissioners attendance at neighborhood meetings would have to be agendaized if it is attended by a quorum; as a subdivision map is a quasi-judicial act, the evidence regarding a subdivision map should be presented in a public hearing, if there is taking of evidence outside of a hearing then the Commission could potentially deny due process rights. Commissioner Belmonte

then asked if it would be possible to ask specific questions of those who were in attendance. City Attorney Boehm replied that in order to do so would require the Commission to reopen hearing and allow all sides to speak.

Commissioner Belmonte explained that one of the reasons to request a neighborhood meeting was include the neighbors who were involved for so long in the County development process, and were not part of the process within the City. He added that the Commission will not know the benefit of what might have taken place without discussing those concerns with those who were present.

Commissioner Belmonte stated that the Commission had requested that information be provided regarding development in the surrounding areas. He noted that a school and park were mentioned, but no further information was provided. Planning Director Milam reviewed the colored drawing included in the packet showing the development in the area. He added that there is a 30 acre park site further up the Esplanade which has recently been purchased by CARD.

Planning Director Milam reviewed the public comments received at the previous hearing. He stated that, regarding the effect of underground disposal of storm drainage runoff through filtration, the Subdivision Report requires the installation of underground facilities to meet the requirements of the Butte County Health Department, which are similar to those used for septic systems and wells and requires a 100 foot separation between the system and any wells. He responded to comments regarding an inadequate amount of school space for children in this development, reminding the Commission that State law determines the amount which can be charged for school mitigation fees. He added that the bridge and gate on the SUDAD ditch are private, though SUDAD does use that gate for maintenance access. This development does not propose access to the bridge.

In reviewing comments made by Mr. John Merz, Planning Director Milam stated that the map does indicate three phases; there is not a condition as to which phase will be developed first, though conditions are placed which require development of public facilities. Regarding the ability of staff to determine wetlands, this site has agricultural soils and has been used for horticulture practices it is assumed wetlands would not prevail. He reviewed the raptor mitigation measure.

Regarding concerns expressed regarding air quality impacts, he stated that the cumulative air quality impacts have been addressed through the General Plan Environmental Impact Report, and the site specific impacts do not give rise to more significant impacts that what have already been addressed. As for the submitted copy from a prior subdivision report where a different standard threshold was used, this project did use the standards from the General Plan Implementation Program and in the Best Practices Manual. He noted that staff is in the process of refining the allowable thresholds with the Butte County Air Quality Control District (BCAQCD). He added that the applicant has agreed to an air quality mitigation fee and other mitigation such as the installation of gas line, gas water heaters and electric car plugs.

Commissioner Carter asked what the reasoning was for the use of different thresholds for the Shastan Development. Planning Director Milam explained that the thresholds used for the other project were based on older information provided by the BCAQCD. Staff will be using one threshold, as listed in the mitigation program, in the future.

Planning Director Milam stated that the proponents have agreed to install a bus stop, or set aside land for it, as part of this project. He noted that this area is not currently part of the City's mass transit system and there are currently no plans to include it in the future. He added that the Commission can ask the applicant to reserve a site for up to five years. Capacity of the SUDAD ditch should not be affected by this proposal, according to Mitigation Measure No. 4 which provides that there will be no net increase in peak flows from storm drainage. He reviewed the storm drainage system, underground drainage and detention ponds which are to be built if needed.

Planning Director Milam stated that there is an agricultural mitigation fee as a condition, and noted that there has been some objection to a two-year reversion clause; if the Council does not determine that there will be some use for the fee, it be given back to the applicant.

Commissioner Belmonte inquired how it was determined that an agricultural fee should be a requirement, as no precedent has been set, and a \$5000 fee was imposed without prior Commission discussion. Planning Director Milam explained that General Plan Policy OS-I-46 requires an ordinance to be established to mitigate loss of agricultural land, and there is a CEQA requirement to mitigate on significant losses of agricultural land. In order to adopt a negative declaration, the loss of agricultural land must be mitigated as part of this project. City Attorney Boehm added that the issue was resolved prior to coming before the Commission as the requirement emanates from the General Plan and CEQA. In order to comply with CEQA with a negative declaration, the developer has to enter into a mitigation agreement to address the environmental effect.

Commissioner Belmonte stressed that there is a need for the public to be aware of which body is imposing the fees and how the fees will be used. Planning Director Milam noted that the air mitigation fee was voluntary by the developer in agreeing to a proposal from an opponent and is not a condition by the staff.

Commissioner Studebaker inquired if the agricultural mitigation was voluntary. Planning Director Milam replied that it was not voluntary, though the applicant did sign the mitigation agreement. He added that this fee will be bridging a gap between adoption of General Plan and full implementation of that plan.

Planning Director Milam continued to respond to the comments made at the previous hearing. He stated that it was requested that a 15 day public review period be granted for the drainage improvement plan, raptor survey, and the tree preservation plans. While public review is not generally used after approval of the tentative map, City Attorney Boehm has suggested that any person that requests information from the files can purchase a copy and can request to be notified of City receipt of the plan. He noted that if individuals disagree with staff action there is a general appeal right where decisions can be appealed directly to Council. An air quality mitigation fee of \$200 per house, payable at escrow, was suggested to replace the overall \$5,000 fee which was agreed on between the applicant and Mr. Harriman. City Attorney Boehm stated that there is provision in CEQA that exempts development projects from environmental review if they are consistent with a General Plan which had a environmental impact report prepared for it. The project is exempt from environmental review if there are no impacts unique to the project. The General Plan Environmental Impact Report significantly address air pollution impacts at Plan build-out and found that those impacts could not be fully mitigated and Council adopted a statement of overriding considerations.

Chair Monfort inquired if those overriding considerations preclude mitigation. City Attorney Boehm replied that it does preclude mitigation beyond what is in the General Plan environmental impact report.

Planning Director Milam stated that there is not a nexus for the air quality impacts; the monetary charges are voluntary and thus avoids the nexus test.

The Commission was in recess from 9:05 p.m. - 9:20 p.m.

Commissioner Carter asked how staff determines if the project is consistent with General Plan. Planning Director Milam stated that staff used a section of Best Practices Manual called Project Compliance, which lists policies in the General Plan, (located in the back of the staff report). If there is a policy which is not

complied with it would be pointed out, as well as any other specific implications. He noted that this is the first project this format was applied to a specific project.

Commissioner Carter expressed concerns regarding the compliance of this project with the General Plan. He listed several policies he felt it does not comply with and were not reviewed in the staff report, particularly policies included in the Community Design Element. He questioned if staff reviewed all the General Plan policies, and if a percentage was established suggesting this project met a majority of the policies. He asked if a checklist of General Plan policies was needed.

Planning Director Milam reviewed the analysis contained in the staff report, noting that this is the first effort to use this format for a project. Commissioner Carter noted that the format does not address sections of the General Plan which address new residential design. Planning Director Milam agreed that General Plan compliance can be articulated more cleanly and more readably. He suggested that the Commission have a workshop on preparation of staff reports procedurally and for content.

Commissioner Carter stated that the guiding policies for new neighborhoods are not addressed, with only two mentioned from that chapter of the General Plan and expressed concern that the compliance review discussion concluded without discussing all elements of the Plan. Planning Director Milam stated that he felt staff did address those adequately to determine consistency. He added that once Commission concerns are known, staff can focus on those in future staff reports.

Commissioner Carter stated that members of the neighborhood had submitted to staff a letter indicating the outcome of the neighborhood meeting with the applicant and their continuing concerns. He noted that while the public hearing was closed, he asked that the letter be provided to the Commission. Planning Director Milam explained that the DPW memorandum was completed in response to public comment, while the letters are a form of public testimony, which was closed. Planning Director Milam stated that he could review the four letters which were received by staff from concerned neighbors and the public. City Attorney Boehm cautioned that if the letters are received by the Commission, the proper procedure will be to reopen the hearing and allow the letters to be responded to.

Commissioner Belmonte asked if the motion to continue discussion had included a statement that the Commission would be willing to accept written testimony would have been acceptable. City Attorney Boehm replied that if, at the time of the close of the hearing those opposing the content of the communication would have equal opportunity to augment the record, it would have been acceptable. He added that the Commission can reopen the hearing to accept those comments and allow the public to respond to those comments.

Commissioner Dietle inquired what determines if the communication contains new information. Planning Director Milam stated that three of the letters contain concerns which have already been discussed, and one cites two legal cases. City Attorney Boehm stated that neither case is applicable to this project. Commissioner Carter asked if the letter from Mr. Rottchalk summarized concerns which were previously stated. Planning Director Milam replied that the letter which was signed by various neighbors reiterates things which were said in the public hearing.

Commissioner Carter inquired if the amendments to the Subdivision Report constituted new information. Planning Director Milam stated that the information is not new, just clean up.

Commissioner Studebaker stated that he has concerns regarding the neighborhood meeting and its results.

Commissioner Belmonte stated that there is reasonable concern to not delay the process, but there is also a concern that all the facts be obtained.

Chair Monfort stated that the neighborhood meeting was held, and if it had resulted in a solution, the Commission and staff would have been aware of it. Planning Director Milam noted that staff did receive a letter from Walnutshire Lane residents summarizing the neighborhood meeting, and all information which was discussed was presented in the public hearing.

Commissioner Belmonte expressed displeasure in not receiving the correspondence.

Commissioner Studebaker inquired if the specific question he wished to ask of Mr. Mann could be asked as it has to do with what was said at the last meeting. City Attorney Boehm replied that the Commission can open the public hearing to receiving that comment, and confine the hearing to issues raised in that discussion, but not other information.

A member of the public noted that to reopen the hearing would require a motion and should also include clarification by others.

COMMISSIONER STUDEBAKER MOVED TO REOPEN THE PUBLIC HEARING FOR THE PURPOSES OF ASKING A SPECIFIC QUESTION OF MR. MANN. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH FAILED 2-5. (COMMISSIONERS CARTER, CROTTS, MONFORT, DIETLE, AND WRIGHT IN OPPOSITION.)

COMMISSIONER CARTER MOVED TO DENY THE TENTATIVE VESTING SUBDIVISION MAP S-96-5 ON THE BASIS THAT CONSISTENCY WITH THE GENERAL PLAN HAS NOT BEEN MADE. COMMISSIONER CROTTS SECONDED THE MOTION.

Planning Director Milam stated that if the Commission approves a Motion of Intent on the denial, staff can bring back a formal resolution articulating the inconsistency.

Commissioner Carter stated that the inconsistency relates to the Community Design, Land Use and Transportation Elements of the General Plan, specifically with the chapters of those elements which deal with new residential neighborhoods. He stressed that the staff analysis only reviewed 2 of the 19 policies in the Community Design Element, and the project does not meet the other 17. He reviewed the General Plan policies in the Community Design Element directed at development of new neighborhoods, as well as the Land Use, and Transportation Element policies which mirror those. He noted that density is not the only requirement for consistency with the General Plan, though the General Plan requires that density be compatible with adjacent neighborhoods.

Commissioner Dietle inquired how a project could meet every policy in the General Plan. Commissioner Carter stated that many of the General Plan policies reviewed in the staff report did not apply to ~~have to deal with~~ the project proposed. He suggested that there be some requirements to meet a higher percentage of compliance with the Plan.

Chair Monfort stated that he will vote against the motion because, even though there are better ways to accomplish this development, some effort has been made to comply with the Community Design Element. He stated that he has eight additional conditions he would like to impose on the project which could improve the General Plan consistency if approved.

Commissioner Wright stated that he too will not support motion, noting that the General Plan is general and it is impossible to meet all requirements with one project.

Commissioner Carter stated that any project applicant is not meant to meet every policy in the General Plan, rather a majority of those policies applicable to that project. In this project, policies applicable to new

residential neighborhoods are not met to a substantial degree. He noted that the staff report is lacking in regards to General Plan consistency.

THE VOTE ON THE MOTION TO DENY S-96-5 FAILED ON A VOTE OF 2-5 (COMMISSIONERS STUDEBAKER, BELMONTE, MONFORT, DIETLE AND WRIGHT DISSENTING).

Commissioner Belmonte stated that while many areas of the proposal have been lacking, effort has been made to make information available and to include the public in the process. He stated that this is not the best project, rather it is an acceptable project.

COMMISSIONER BELMONTE MOVED TO APPROVE TENTATIVE VESTING SUBDIVISION MAPS-96-5 (EATON VILLAGE) WITH CONDITIONS TO BE ADDED BY CHAIR MONFORT.

Chair Monfort added the following conditions to the motion: 1.) If the project is phased, Final Maps shall only be recorded in phases from Phase 1, the southern portion, to Phase 3, the northern portion. Phase 3 shall not be built until Eaton Road alignment has been determined; 2.) At least two adjoining minimum size lots in Phase 3 will be developed and maintained as a green play field, and will be maintained by the appropriate maintenance district. This area can be developed and maintained as a storm drainage retention basin; 3.) Pedestrian and bicycle connectivity will be preserved to the five acre parcel to the north unless and until alternative access is provided; 4.) Bus shelter or bus stop will be shown on the improved plans at the project entrance to Eaton Road and built or bonded for unless the City does not request its construction in the next five years. At the end of that time period the security will be released if construction has not been requested.; 5.) A 12 foot wide pedestrian and bike connectivity will be provided among the three cul-de-sacs on the west side; 6.) When lots and house models are sold, buyers will be informed of adjacent house choices made by all prior purchasers; 7.) The tree preservation condition as specified in the modified subdivision report; 8.) When the reports on raptors, and the storm drainage and tree preservation plans are finalized, they be made available to the public for review.

City Attorney Boehm noted that the Commission should adopt a Motion of Intent in order to allow staff to revise the resolution to reflect the numerous conditions.

Commissioner Studebaker suggested that some transition be required in the north with reduced densities. Chair Monfort stated that the two green field lots will reduce the density.

Commissioner Belmonte inquired if there was a way to word the condition regarding housing mix in order to provide a mix of housing values. Commissioner Crofts noted that the larger housing design equates to more value of the house. Chair Monfort indicated that recessed garages will have a higher square footage, but not a higher cost as testified by the developer. He added that some Community Design Element policies can be met by the five housing designs, different elevations and different color choices, if the market follows; if the market is such that everyone purchases a lower priced house and recessed garage models cost more, then the policies would not be met.

Commissioner Belmonte stated that the conditions suggested by Chair Monfort will help address most of the concerns. He accepted those conditions as part of the motion. He also amended the motion to be a Motion of Intent to Approve Tentative Vesting Subdivision Map S-96-5.

Commissioner Carter stated that he will vote against the motion as he believes that no General Plan consistency finding can be made. He noted that the intersection of this project and Eaton Road remains to be determined, with the final road to be built at a future point. Planning Director Milam indicated that the connection from the property boundary to the existing Eaton Road will be a temporary road design with the future roadway will be built to the future road section. The developer is required to build or bond for it completion before the final map is recorded.

Commissioner Carter inquired if there will be signalization at that intersection and what will fund the installation of the signal. City Attorney Boehm stated that the signal will be funded through a transportation fee which is charged at the time of building permit issuance. Planning Director Milam reviewed the minutes from the previous hearing quoting the comments made by Director of Public Works Ross regarding that signalization.

Commissioner Carter stated that in public hearings regarding Bidwell Ranch it was determined there was some nexus to require that signalization be installed in conjunction with continuing development. He stressed that if the signal becomes part of the Capital Improvement Plan, it may take several years to provide for a signal at that intersection.

Commissioner Carter questioned if the storm water detention mitigation, as subject to Butte County Health Department regulation, will have any monitoring to ensure that no infiltration of wells takes place. Planning Director Milam stated that he is not aware of any monitoring, though infiltration would be unlikely to happen based on the practices on many single lot homes which have both a well and a septic system on a lot, which has more of an impact than storm water drainage.

COMMISSIONER WRIGHT SECONDED THE MOTION.

City Attorney Boehm verified that the motion was modified to be a Motion of Intent to adopt a resolution approving the subdivision.

Commissioner Studebaker stated that he would vote for the project based on the conditions set forth. He stressed that this project is a missed opportunity to accomplish something good. He asked that in the future the staff review of the Land Use and Community Design Elements take a new approach.

Commissioner Crotts stated that she was in agreement with Commissioner Studebaker and added her desire to see a checklist to review new development.

Chair Monfort stated that the proposal is minimally acceptable. Commissioner Carter stated that Chico needs better than minimally acceptable.

The Vote on the motion was 6-1 (Commissioner Carter opposing).

The Commission was in recess from 10:30 p.m. - 10:40 p.m.

7. General Plan Amendment and Rezone GPA/RZ-96-4(Coen) - Proposed General Plan Amendment and Rezone to change the land use and zoning designations from Low Density Residential and R-1, Single Family Residential to Community Commercial and C-1, Restricted Commercial on property located at 2185 Esplanade (Miller Mansion), Assessors Parcel No. 006-120-003. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Milam reviewed the staff report, noting that this rezone does not reflect any action with the use permit item following this item. Though the applicant would like to have a bed and breakfast at the location, more of a commercial enterprise is desired, which would require a rezone and General Plan amendment.

The public hearing was opened at 10:40 p.m.

Mike Coen, owner of the property, stated that long range plans would include wedding receptions on the property, which requires the rezone.

Howard Slater, 3731 Morehead Drive, stated that he is in support of both this item and the following use permit. He noted that he was 10 years old during the reconstruction of the property. He stressed that many in the community have viewed the Miller Mansion as a landmark in the community, and these two items on the agenda help it remain as a landmark. He indicated his belief that it is appropriate to allow the types of functions desired.

Bill Hubbard, 2025 Spruce Avenue, stated that he disagrees with the Initial Study which indicates that the property is not considered to be a historical structure. He stated that the residence represents the history of the community. He noted that this is an opportunity not to see that the residential property be used for residential purposes, it is a means to maintain a recent historical structure.

The public hearing was closed at 10:45 p.m.

COMMISSIONER CARTER MOVED APPROVAL OF GENERAL PLAN AMENDMENT AND REZONE GPA/RZ-96-4(COEN) SUBJECT TO THE CONDITIONS AND FINDINGS LISTED IN THE STAFF REPORT. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 7-0.

8. **Use Permit UP-96-16 (Coen)** - Use permit to allow a bed and breakfast with four guest rooms and a second dwelling of approximately 2000 square feet on property located at 2185 Esplanade, AP# 006-120-003, in an R-1, Single Family Residential District (or other appropriate zone as amended). This project has been determined to be Exempt from environmental review (Existing Facilities), pursuant to the California Environmental Quality Act (CEQA), Section 15301.

Chair Monfort asked if, given the type of business much of the focus for the events which will bring in business are downtown, could a sidewalk be installed along the property line to bridge.

Mr. Coen, a previous speaker, stated that he has requested that a sidewalk be installed in the area in the past and would support that again. He added that they would like in the future to build and live in a structure at the rear of the property.

Commissioner Belmonte inquired who would pay for a sidewalk if it conditioned on the use permit. Planning Director Milam replied that the City does not have any obligation to install the sidewalk, but applicant can install it, under the guidance of DPW, if instructed by the Commission.

Chair Monfort inquired if the condition could be amended to install a sidewalk without a gutter. Planning Director Milam stated that DPW may require some type of drainage facility in that area. Chair Monfort stated that grading in the area is unusual and may inhibit such a facility. Planning Director Milam noted that a gutter may not be required as long as there be drainage facilities. Chair Monfort stated that he does not want major infrastructure improvements, and would like the installation of a sidewalk to be viable for the applicant.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF USE PERMIT UP-96-16 (COEN), SUBJECT TO THE CONDITIONS AND FINDINGS LISTED IN THE STAFF REPORT, WITH THE ADDED CONDITION THAT A SIDEWALK BE INSTALLED ALONG THE ESPLANADE. COMMISSIONER CROTTS SECONDED THE MOTION.

The public hearing was reopened at 10:50 p.m.

Dave Upton, 2770 Eaton Road #58, stated that by designating for zoning for the site as commercial does not protect the use of the building. He asked if there should be setbacks or further condition of approval to protect the building.

Commissioner Wright noted that to change the building within a commercial zone would require approval by the ARB and would provide review of the function of the building.

City Attorney Boehm noted that the 2,000 square foot building at the rear of the property may require public improvements.

Commissioner Carter noted that there are regulations regarding setbacks.

Mr. Coen asked that the sidewalk be contingent on the structure on the back being built.

Chair Monfort suggested that the sidewalk be installed from the south driveway to the bridge before the additional structure is built and along the rest of the property after the building is built.

COMMISSIONER STUDEBAKER AMENDED THE CONDITION ON THE MOTION SO THAT THE SIDEWALK BE INSTALLED FROM THE SOUTH DRIVEWAY TO THE BRIDGE BEFORE THE ADDITIONAL STRUCTURE IS BUILT AND ALONG THE REST OF THE PROPERTY AFTER. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

CORRESPONDENCE

9. **Memorandum from Assistant Planner Claudia Sigona**, dated September 12, 1996, regarding the Neighborhood Meeting to discuss Use Permit No. 96-8 (Jesus Provides Our Daily Bread) at 346 Cherry Street (Newman Center).

BUSINESS FROM THE FLOOR

Commissioner Studebaker thanked the Commissioners for their assistance with the field trip to Teichert Ponds on September 21, 1996.

Chair Monfort asked Planning Director Milam to set a date for a workshop proposed early regarding staff reports. Planning Director Milam stated that the workshop would cover content, format, and timing of early review of General Plan consistency. The Commission discussed possible dates and agreed on holding a workshop at 6:00 p.m. on October 7, 1996. Commissioner Wright noted that he will not be able to attend.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 p.m. to the Regular Meeting of October 7, 1996, or if necessary, September 30, 1996 at 7:30 p.m.

October 21, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
SPECIAL MEETING OF SEPTEMBER 30, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

REGULAR AGENDA

1. **Use Permit No. 96-20 (Kincade/Modern Building)** - A proposal to construct and operate a 20,370 square foot law school on an approximately three acre site located at the corner of Ridgewood and Ceres Avenues, Assessor's Parcel No. 048-390-014/021, in an R-P Residential/Professional Office zoning district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). This item was continued from the meeting of September 23, 1996.

Planning Director Milam reviewed that the public hearing held September 23, 1996, adding conditions for pedestrian walkway and Airport Land Use Commission (ALUC) approval. He noted that while an attempt was made to schedule a ALUC special meeting, it could not be organized within the applicants time constraints. He stated that staff discovered through research that the City Council has adopted a statement of overriding consideration over ALUC. He explained that the CEQA regulation reads that where an adopted General Plan or specific plan which was referred to the local airport land use commission, it is not a requirement to refer projects to the airport land use commission if the project is consistent with that general or specific plan. He noted that ALUC had provided a written response to the General Plan which stated that the General Plan is contrary to the adopted Airport Environs Plan, adopted in 1978. The Council then adopted a statement of overriding consideration. He reviewed the referral process for projects, and the fact that the project site is approximately one mile away from the end of a runway. He noted that there is an avigation easement over the site, placed when the parcel was created through subdivision. Planning Director Milam also noted that Commissioner Dietle had indicated during the September 23, 1996 meeting that she would be abstaining from this item due to business conflicts.

Chair Monfort reviewed current development in the area. Planning Director Milam added that had been taken on an aerial tour of the area by Bob Hennigan, a member of ALUC and a pilot with CDF, to review the flight patterns, specifically for the CDF fire bombers. He noted that the area of Mr. Hennigan's concern is more to the north and the west of this site.

Commissioner Studebaker asked if the development of the properties surrounding the subject site were reviewed by ALUC. Chair Monfort replied that when the Mormon Church was approved, the Council overrode the Commission's and ALUC's concerns regarding the proximity to the airport. Planning Director Milam explained that staff had been under the assumption that by sending Requests for Comments to County staff, it would be circulated to the appropriate County board or commission. Staff now has been trained by the City's Risk Manager, who also sits on ALUC, and is now aware of what should be submitted to ALUC for review.

Chair Monfort verified that this property is surrounded by existing development. Commission Crotts inquired how far development will go toward the airport. Planning Director Milam reviewed the development along Eaton Road.

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Commissioner Studebaker expressed concern that ALUC has not made a recommendation of approval, and asked that the Commission be provided with the history of ALUC recommendations for the area.

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

Fred Gerst, Airport Land Use Commission chairperson, stated that the ALUC had objected that they were not consulted when the Mormon Church was approved by the City, after which he was under the impression that there was a mutual agreement that proposals for development in the area would be brought to ALUC. He noted that the only proposal he could recall reviewing at ALUC was Foothill Park No. 8, which was denied by both ALUC and the Commission. He stated that he was disappointed that ALUC did not review this application, even after an attempt was made to organize a special meeting. He added that the ALUC considers more than zoning when approving a project, and requires a specific plan with building footprints.

Commissioner Belmonte asked Mr. Gerst, based on his experience, what ALUC's position would be on the project. Mr. Gerst replied that the ALUC is typically critical of development aligned with the runway which will have a large concentration of people. He noted that he cannot speak for the whole board, and that he has not reviewed the material on the proposal.

Commissioner Belmonte confirmed that Mr. Gerst, as a member of ALUC, has not seen other referrals for projects in the area.

Mr. Gerst stated that the Commission will have to make specific findings to override the authority of ALUC according to the Public Utility Code. Planning Director Milam replied that the Council did make the necessary findings for an override in the adoption of the General Plan.

Steve Gonzalves, Nichols, Melberg and Rossetto, representing the applicant, reviewed a revised site plan showing the pedestrian walkways which were included in the conditions contained in the Motion of Intent to approve the project. He noted that there is pedestrian access to a point on Ceres which will most likely be the access point for a bus stop.

Chair Monfort asked, when designing this project, was the sites dominance coming from Eaton road considered. Mr. Gonzales stated that when they design a project, they consider the site, the proposed use, and other unique aspects of the project, along with the proposed budget. He reviewed the three uses for the proposed building, the court, law school and private law office, each desire a separate entrance. Security also a major consideration when designing parking areas and its proximity to the entrances.

The public hearing was closed at 8:00 p.m.

COMMISSIONER WRIGHT MOVED APPROVAL OF USE PERMIT NO. 96-20 (KINCADE/MODERN BUILDING) WITH THE FINDINGS IN THE STAFF REPORT. CHAIR MONFORT SECONDED THE MOTION.

Commissioner Carter proposed an amendment to the motion that the findings include the language from the Resolution adopting the General Plan and the override of the ALUC requirement, based on the specific findings necessary under the Public Utility Code. Assistant City Attorney Barker explained that the new findings listed in staff report and the Resolution contain the necessary language. Commission Carter withdraw his amendment.

THE MOTION WAS APPROVED 5-1-1 (COMMISSIONER STUDEBAKER OPPOSED, AND COMMISSIONER DIETLE ABSTAINING).

Commissioner Belmonte questioned the process staff is using in gathering information. He reviewed that City Attorney Boehm had signed the Resolution containing the override, though he had advised the Commission to wait for ALUC approval. He stated that the Commission should have received a memorandum from City Attorney Boehm addressing his concerns. He noted that the Commission had requested information on a recent project which he felt was not as forthcoming, and the Commission repeated hearing this project because adequate information was not provided. Since staff reports are based on the process of gathering information, if that information is faulty, then it is possible that the recommendation is faulty. He asked that staff and the Commission conduct a workshop to review the process used by staff.

Chair Monfort pointed out that such a workshop is scheduled for 6:00 p.m. the following Monday, October 7, 1996.

Planning Director Milam noted that he has been ensuring that staff receives more training, and revising the procedures when dealing with airport issues.

Commissioner Belmonte noted his surprised that no projects in the area have been referred to ALUC as public safety is a concern and the Commission would have benefited from their input. He asked that Community Development Assistant Clif Sellers and City Attorney Boehm be invited to attend the workshop.

Commissioner Studebaker stated that he agreed with Commissioner Belmonte's concerns. He added that the lack of ALUC opinion could set a negative precedent.

Commissioner Carter suggested the Commission postpone further discussion at the scheduled workshop. He added that he would not like to see the City and ALUC not working cooperatively.

Assistant City Attorney Barker explained that the Public Utility Code overriding considerations are not an area of the law which the Attorney's Office generally works with and an attempt was made to err on the side of caution.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 p.m. to the Regular Meeting of October 7, 1996.

October 21, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF OCTOBER 7, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 6:00 P.M. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker. Commissioner Michael Wright was absent. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Planning Director Ken Milam, Senior Planner Tom Hayes, Senior Planner Stacey Jolliffe, Associate Planner Claudia Sigona, Assistant Planner Jay Hanson and Administrative Secretary Karen Kracht.

Workshop

1. Workshop to discuss project compliance with General Plan policies, formatting of staff reports, environmental review and the process of private project review.

Planning Director Milam explained that this workshop was called to review how staff determines General Plan consistency, the thoroughness of staff reports and the environmental review process. He noted that City Attorney Boehm was present to address new statutes associated with the environmental review process. He asked the Commission to list any other issues to be addressed.

Commissioner Studebaker asked that staff provide additional information, including what public safety and other agencies are involved in the process.

Commissioner Belmonte stated that there should be a mechanism to work with neighborhoods, neighborhood groups or councils, and then have staff provide the feedback from any meetings that may have taken place with the developer and the neighborhood representatives.

Chair Monfort stated that there should be discussion regarding the orientation for new Commission members.

Commissioner Belmonte stated that he would be interested to know how some mitigation fees have been established, and how those fees compare to other jurisdictions. Chair Monfort noted that the establishment of mitigation fees are a Council matter, but information regarding the fees could be included in the orientation for new commissioners. He added that while project proponents use cost of fees for an argument, it is not a land use issue.

Planning Director Milam stated that the Commission had requested this workshop mainly to review the process of determining General Plan consistency, and noted that recently staff had used a reporting process which was not successful. Staff has prepared a list of all the General Plan policies, and used that to prepare a list for each type of development in a way which could be used for projects, which could be used and attached to each staff report. He stressed that the checklist is a draft document and does need to be refined. He presented an exercise comprised of sections from that document using an example of a subdivision map entitled "No Name Subdivision."

Commissioner Carter stated that he would like to review the process staff uses to determine General Plan compliance. He indicated his belief that the draft document is a good process for staff to go through when making a recommendation on a project and suggested that it could be used as an attachment to the Initial Study in making the determination of General Plan consistency, and as a basis for the staff reports narrative.

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Chair Monfort noted that there are unresolved issues and competing policies within the General Plan, on which the Commission could provide some guidance for staff. One of the unresolved issues is the definition of a neighborhood; is it a subdivision or the area surrounding it?

The Commission discussed the concept of neighborhoods and neighborhood planning. Commissioner Belmonte noted that the Commission has established a neighborhood subcommittee which has been working at determining a definition for a neighborhood and how that neighborhood would be brought into the development process. He added that bringing the people in the neighborhood into the process is key to the implementation of the General Plan.

Commissioner Belmonte inquired if there was a means of establishing General Plan compliance priorities. Sr. Planner Hayes stated that the General Plan does not set up development standards, nor does it place policies in any prioritized order; rather, each is equally balanced. City Attorney Boehm stated that General Plan consistency, as a whole, is a requirement of the law.

Commissioner Studebaker asked what staff used as the current process when determining consistency. Planning Director Milam replied that staff now reviews the General Plan and determines in their minds which polices apply. He noted that staff does not have time to read all policies on all projects. Sr. Planner Hayes indicated that staff takes into consideration the integration of the project into other features in the large range area, including ensuring that components in a large physical area have connectiveness. He added that until the Commission defines the neighborhood boundaries, staff has to consider what is the larger area in proximity to the site.

Commissioner Carter stated that the planning principles of building, lot, street, subdivision, neighborhood, city are the building blocks which should be used when considering a development. Commissioner Belmonte stated that the reports need to contain a broader view, which could be accomplished by using those building blocks. Sr. Planner Hayes suggested that the eight general principles at the beginning of the General Plan may provide a frame for policy discussion.

Commissioner Belmonte stated his belief that the more people become involved in the development process, the more people become educated in the General Plan and active in the process.

Barbara Vlamis, Butte Environmental Council, stated that there is going to have to be a mechanism to educate the public to the larger picture and the many balancing factors within the General Plan.

Rory Rottschalk, 609 Walnutshire, stated that he was impressed with the process and with the General Plan, noting that many of his concerns on a recent project were addressed within the General Plan. He added that a meeting with the developer of a recent project was unproductive as it came late in the process, and the developer was not willing to make adjustments.

Bill Brouhard, 3100 Cohasset Road, stated that land development does not define a neighborhood. He suggested that the process could be reviewed in the context of how a developer could better prepare his proposal. He noted that by providing the incentive to work with the neighbors and participate in workshops, for most applicants it will be a natural part of encouraging good development. He expressed concern with the possibility of inventing another process and not showing its probable success by example.

John Gillander, 4328 Kathy Lane, expressed concern that the surrounding area features are not being discussed with current projects.

Loretta Damron, 610 Walnutshire, suggested that process be modified so that the developer must show how the project meets the guidelines of the General Plan. Planning Director Milam stated that staff has discussed such a process and currently suggests to developers that they sketch a subdivision with some

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concept planning which could be discussed before meeting with staff. Commissioner Studebaker expressed concern that there may be some questions of interpretation if the developer establishes the General Plan compatibility.

Commissioner Belmonte stated that while the workshops requested by some developers have been successful, the process could be refined to include more neighborhood input. He stressed that the Neighborhood Subcommittee has been working with ways for neighborhood groups to interface with staff, then for staff to provide the comments and information from each of the groups to the Commission.

Chair Monfort stated that Commission workshops held early in the process is a good way to get the public's input and involvement. He inquired if the Development Review Committee (DRC) is still an operating function. Planning Director Milam replied that while DRC is currently functioning, it is not structured in such a way to be meaningful for this process.

Commissioner Studebaker requested that displays be on the left of the dais in the Council Chambers to allow him better access.

City Attorney Boehm stated that the General Plan Environmental Impact Report (EIR) is coming under more and more attack. He suggested that staff make better use of the existing exemptions. He explained that projects are exempt from additional environmental review where a project is consistent with the General Plan and there is no new information or impacts particular to the project. Environmental review should focus only on those impacts unique to the project and those not discussed in the General Plan EIR. He added that cumulative impacts would be exempted.

Chair Monfort inquired if new techniques, when discovered, would be added to the mitigations. City Attorney Boehm stated that such techniques could be noted in findings for a specific project.

Due to time constraints, Planning Director Milam suggested the Commission continue this discussion to a later date. The Commission concurred.

At 7:30 p.m. the Commission adjourned to the Regular Meeting.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 p.m. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort and Jonathan Studebaker. Commissioner Michael Wright was absent. Staff present were Assistant City Attorney Lori Barker, Planning Director Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

2. Schedule a special meeting to continue consideration of Bidwell Ranch on November 14, 1996. The Traffic report and aircraft operation conflict evaluation will be provided in advance of the meeting.

This item was removed from the Consent Agenda for later discussion.

3. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 111 lots for single family residential development with an average lot size of average lot size 5,600 square feet on property pre-zoned R-1, Low Density

Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessor's Parcel No. 060-020-147 and 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Carter removed this item from the Consent Agenda.

ITEMS REMOVED FROM THE CONSENT AGENDA

3. Tentative Vesting Subdivision Map S-96-5 (Eaton Village)

Commissioner Carter removed this item from the Consent Agenda in order to register his vote against the project separate from the other item on the Consent Agenda. He reviewed the proposed resolution, and suggested that the second sentence in Item L., regarding a maintenance district, should also be put in under Item O. so that it will be likewise maintained. He inquired if the project was going to be phased. Planning Director Milam explained that regardless of whether the project will be phased or not, there will be no development of the subdivision on the north end until the Eaton Road alignment has been determined.

He suggested that an additional condition regarding signalization of the intersection at Eaton Road be added. He asked that the Commission consider the situation at California Park Road and Bruce Road. He noted that the public facilities will be to the north of Eaton Road on the Esplanade. He added that the condition could be worded so that the developer reimbursed by those who may develop in the same area. Chair Monfort stated that he had understood that the signal would be part of the capital improvement program. Planning Director Milam noted that Director of Public Works EC Ross had indicated that it would be part of the Capital Improvement Program. Commissioner Carter expressed concern that if left to the Capital Improvement Program, with its annually reviewed priorities, it may not get installed until long after it is needed.

Planning Director Milam stated that concerning Item N. of the resolution, the requirement for a bus stop, the developer has asked if it could be built regardless of when it will be used. He added that the City's Transit Engineers do not believe that there will be mass transit to the area in the future. He recommended that the requirement be dropped, or that the site be reserved for future use but not require the improvement.

Chair Monfort questioned the suggestion that a major arterial would not have mass transit. Planning Director Milam stated that it may be a future agenda topic to discuss the transit routes with the Department of Public Works. Commissioner Carter stated that the language in the resolution, as it stands, addresses the concerns, as it is requiring an in-lieu fee or a bond, and if the City does not want it built within five years, then the fee will be returned. Chair Monfort stated his belief that the requirement should remain as there may be bus service in the area in the future.

Chair Monfort reviewed the consensus to copy the last sentence of Item L. to Item O. so both facilities will be maintained. There was not a consensus regarding the signalization.

COMMISSIONER DIETLE MOVED APPROVAL OF TENTATIVE VESTING SUBDIVISION MAP S-96-5 (EATON VILLAGE), WITH THE ADDITION TO ITEM O. IN THE RESOLUTION AS DISCUSSED. CHAIR MONFORT SECONDED THE MOTION.

Rory Rottschalk inquired if there will be a public hearing on this item. He stated that he would like to address the additional conditions which were added by the Commission.

Chair Monfort explained that the public hearing was closed at a previous meeting, and it is not usual to reopen the public hearing after conditions are placed on a proposal by the Commission.

Assistant City Attorney Barker advised that the Commission could chose by a majority vote to reopen the hearing, but it would have to be re-noticed to do so.

Commissioner Studebaker inquired if the public could remove an item from the Consent Agenda. Assistant City Attorney Barker explained that removing an item from the Consent Agenda does not serve to automatically reopen the public hearing.

Mr. Rottschalk stated that the added conditions were significant in the discussion of the project.

COMMISSIONER STUDEBAKER MOVED TO REOPEN THE PUBLIC HEARING. COMMISSIONER BELMONTE SECONDED THE MOTION.

Commissioner Carter reviewed the language in the description of the Consent Agenda. Assistant City Attorney Barker stated that the language is generic, and under the Brown Act members of the public can be heard on any subject. But where there is a noticed public hearing, once the hearing is closed, it is not necessary to reopen the public hearing. She added that because of the nature of the decision, the public hearing would have to be re-noticed.

Commissioner Dietle cautioned the Commission on reopening the hearing. She noted there have been four hearings, with much public input. After closing the hearing, there was extensive Commission discussion which resulted in a Motion of Intent to Approve the project subject to additional conditions meant to address many of the concerns raised. She suggested reopening the hearing could result in an endless looping process.

Commissioner Carter stated that the Commission has discussed this project at length, but the language in the agenda is confusing. He indicated he was not convinced that reopening the public hearing would result in any changes. He noted that due to confusion, the Commission should allow the additional hearing.

Mr. Rottschalk stated he has concerns with two of the conditions, and would like the opportunity to present the information.

Mr. Fogarty stated that it was his understanding that the due process has been served in the hearing process.

THE MOTION WAS APPROVED 4 -2 (CHAIR MONFORT AND COMMISSIONER DIETLE OPPOSING).

John Gillander stated that the Commission had met prior to this meeting for a workshop at which this project was mentioned. He added that while the discussion may not have influenced this decision, it was a violation of the Brown Act and may have affected the decision in some way.

Chair Monfort replied that when the project was mentioned as an example, the Commission was advised not to discuss it again.

The Commission was in recess from 8:05 p.m. to 8:20 p.m.

PLANNING COMMISSION

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2. Schedule a special meeting to continue consideration of Bidwell Ranch on November 14, 1996. The Traffic report and aircraft operation conflict evaluation will be provided in advance of the meeting.

The Commission discussed possible dates for the meeting.

COMMISSIONER CARTER MOVED TO SCHEDULE A SPECIAL MEETING REGARDING BIDWELL RANCH FOR NOVEMBER 4, 1996 TO BE NOTICED AND AGENDIZED FOR PUBLIC HEARING AND COMMISSION ACTION. COMMISSIONER DIETLE SECONDED THE MOTION.

Commissioner Studebaker stated that he would like to receive the information as soon as it is available to allow time for review. Planning Director Milam noted that an administrative draft has been reviewed by staff and should be available within two weeks.

4. **Use Permit No. 96-27 (Butte County Alcohol, Drug and Mental Health)** - a request to allow Butte County Alcohol, Drug and Mental Health counseling offices at the following locations: 492 Rio Lindo Avenue; 564 Rio Lindo Avenue, Suites 103, 206 and 207; 584 Rio Lindo Avenue, Suites 1 through 5; and 586 Rio Lindo Avenue, Suite C. (Assessor's Parcel Nos. 006-260-007, 006-260-010 and 006-260-013.) All locations are within a C-O Commercial Office land use district. This project has been determined to be Categorical Exempt from environmental review pursuant to Sections 15301(a) Existing Facilities of the California Environmental Quality Act (CEQA).

Planning Director Milam reviewed the staff report, noting that Butte County has been operating at most of these locations for five years without the knowledge that a use permit was required. In that time no complaints have been received regarding the operation.

Chair Monfort noted that there is a General Plan policy in favor of shared parking, which is applicable when approving this permit. He inquired why this use is not a permitted use in the new development code. Planning Director Milam noted that the new development code has not been adopted, and thus is not applicable.

The public hearing was opened at 8:30 p.m. to which no comment was received.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 96-27 (BUTTE COUNTY ALCOHOL, DRUG AND MENTAL HEALTH) SUBJECT TO THE FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

5. **Parcel Map P-96-4 (TCB Real Estate)** - Parcel map to allow reversion to acreage of 10 lots into 2 parcels on property located at Philadelphia Square, AP# 006-210-096 through 105, in an R-P, Residential Professional District. This project has been determined to be Exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305.

Planning Director Milam reviewed the staff report and noted that further research has determined that this proposal is not a reversion to acreage; rather it is a merger and re-subdivision. In making the findings, he explained that there are no public easements necessary to serve the public which will be lost. Also, he stated that the Commission should make a finding that the affected property owner, the applicant, is aware of and consents to the merger. He noted that the other three findings also need to be modified with an approval for a tentative parcel map.

Commissioner Carter stated that he was uncomfortable with voting on a resolution which has not been presented to the Commission.

COMMISSIONER CARTER MOVED TO ADOPT A MOTION OF INTENT TO APPROVE PARCEL MAP 96-4 WITH THE AMENDMENTS THAT STAFF HAS REVIEWED, SUBJECT TO THE EXACT WORDING BEING APPROVED BY THE COMMISSION. COMMISSIONER BELMONTE SECONDED THE MOTION.

The public hearing was opened at 8:35 p.m.

Rick Rodriguez, Northstar Engineering, 20 Declaration Drive, representing the applicant, stated that they would not object to this item being continued in order for staff to provide the Commission with the appropriate language.

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David Luptin, 2778 Eaton Road, stated that he believed that this is a tentative parcel map which was approved, and now is being requested for reversion. He also indicated that he felt this map is not exempt from CEQA without a specific project proposal.

Chair Monfort noted that the applicant is not requesting a zoning change.

Assistant City Attorney Barker explained that under the Map Act there are three ways to accomplish the applicant's desire. A reversion cannot be completed as it is not the entire original map. Another option is to merge the five parcels on the west and five on the east, which would leave the public utility easements in place which will not be used. The preferred option is a merger and resubdivision. The end result being two lots instead of ten. She noted that the CEQA exemption referred to was with regard to reversion to acreage, which will be reviewed for compliance to CEQA following the change to merger and re-subdivision. She added that while the resolution did address a parcel map, the staff report addressed reversion to acreage.

The public hearing was closed at 8:40 p.m.

Commissioner Carter verified with Assistant City Attorney Barker that a continuance was more desirable than a Motion of Intent.

Commissioner Carter withdrew the Motion of Intent to Approve Parcel Map 96-4.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO OCTOBER 21, 1996.
COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

6. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.
7. **Discussion Draft of the Land Use and Development Regulations (Title 19)**, transmitted by memorandum to the City Council by Contract Senior Planner Pam Figge, dated September 27, 1996.

Planning Director Milam noted that the Council could not agree on a date for a joint meeting on the subject prior to December. He added that the Council had suggested holding the meeting after the November election.

Chair Monfort noted that copies of the Discussion Draft are available for loan or purchase at the libraries and from the Planning Division. He suggested that staff and the Commission use the draft regulations when reviewing new projects as a means to understanding the document.

BUSINESS FROM THE FLOOR

Planning Director Milam stated that the City is allowed four General Plan Amendments per year, of which several have already been approved this year. He noted that it is staff's intent to bring each requested amendment to the Commission separately, but to group the amendments together for the Council at the end of the year.

John Gillander, a previous speaker, stated that it should be the responsibility of the Commission to explain density requirements to the public. He indicated his belief that the public do not understand the density

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requirements, and interpret the requested density as the developer being greedy. He noted that often the developer does not have a choice with the project's density.

Mr. Gillander stated that he felt Commissioner Carter displayed a lack of ethics regarding Eaton Village. He pointed out instances such as his provision of an alternative design of the subdivision map, and Commissioner Carter's assertion at the last meeting on the subject where it was stated that the staff report was lacking. He indicated that complaints regarding the staff report should have been addressed at the first meeting on the subject. He added that he had concerns regarding the Commission discussion at the workshop held at this meeting on another subject, where discussions naming the Eaton Village Subdivision may have influenced the Commission's decision later in the meeting, and the applicant of the project had not been notified.

Commissioner Carter noted that at the first meeting on the item, he had stated his objection to the project on the basis that it did not comply with the General Plan. He also noted that he had moved to deny the project at the second meeting on the subject on the basis it did not comply with the General Plan. He suggested that Mr. Gillander review the minutes of the specific Commission meetings as he had repeatedly listed his concerns with the project.

Mr. Gillander again stated that he felt that Commissioner Carter's objections should have been listed in the staff report. He stated that he does plan to petition the District Attorney regarding Brown Act violations, obtain copies of the minutes, and petition the Council, when the next Council is seated, to ask that Commissioner Carter be removed from the Commission.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 p.m. to the Adjourned Regular Meeting of October 21, 1996.

November 18, 1996

Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF OCTOBER 21, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Belmonte stated that he had received a telephone call from Tom Fogarty, the applicant for the Eaton Village proposal, asking if he had any new questions to be addressed at this meeting. He noted that he also received a call from Rory Rottschalk, to which he explained that the public meeting is the place for comments to be received by the Commission.

Commissioner Crotts stated that she received a telephone call from Terry Tiffany, who voiced concerns regarding schools and traffic. She added that she instructed the caller to address such comments to the Commission.

All the Commissioners noted that they had received a letter from Mr. Avooske, at their home addresses, expressing concerns regarding schools and density.

Commissioner Studebaker indicated that he had received a telephone call from Mr. Rottschalk asking for a workshop on the Eaton Village proposal. He added that Mark Francis and John Gillander had telephoned him separately to express their support for this proposal.

CONSENT AGENDA

1. Minutes of Adjourned Regular Meeting of August 19, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of September 23, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Carter removed this item from the Consent Agenda.

3. Minutes of Special Meeting of September 30, 1996.

Requested Action: Approve with any corrections/revisions required.

4. **Rezone RZ-96-6 (City of Chico)** - Proposed Rezone to change the zoning designation from R-1, Single Family Residential to R-2, Medium Density Residential for property located on San Antonio Drive, Assessors Parcel No. 042-450-068 through 088 and 010.

Requested Action: Recommend Council approval subject to the findings as listed in the staff report.

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5. Request from staff to schedule a workshop to continue discussion of the staff report preparation, environmental compliance and General Plan consistency.

Requested Action: Schedule a workshop for November 4, 1996 at 6:00 p.m. in Conference Room 1.

COMMISSIONER CARTER MOVED APPROVAL OF ITEMS 1, 3, 4 AND 5. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes of Adjourned Regular Meeting of September 23, 1996.

Commissioner Carter stated that he had removed this item from the Consent Agenda in order to clarify a change on Page 9, 3rd paragraph. Commissioner Carter stated the sentence, "Commissioner Carter stated that many of the General Plan policies reviewed in the staff report have to deal with the project proposed;" should read "Commissioner Carter stated that many of the General Plan policies reviewed in the staff report did not apply to the project proposed."

COMMISSIONER CARTER MOVED APPROVAL OF THE MINUTES FROM ADJOURNED REGULAR MEETING OF SEPTEMBER 23, 1996, WITH THE ABOVE MODIFICATION. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

6. **Parcel Map P-96-4 (TCB Real Estate)** - Parcel map to allow reversion to acreage of 10 lots into 2 parcels on property located at Philadelphia Square, A.P. No. 006-210-096 through 105, in an R-P, Residential Professional District. This project has been determined to be Exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15305. This item was continued from October 7, 1996.

Planning Director Milam reviewed the changes to the resolution which were verbally reviewed at the last meeting. Chair Monfort noted it was a technical question whether this was a reversion to acreage or a merger and resubdivision.

The public hearing was opened at 8:38 p.m.

Rick Rodriguez, NorthStar Engineering, 20 Declaration Drive, representing the applicant, verified the original application met the requirement for this parcel map.

Chair Monfort inquired if the future plans for this parcel would include a rezone. Mr. Rider replied that a rezone was not planned at this time.

Dave Lupton, 2770 Eaton Road, expressed concern that this may be a piece-meal request which should not come before the project as a whole.

The public hearing was closed at 8:41 p.m.

COMMISSIONER WRIGHT MOVED APPROVAL OF PARCEL MAP P-96-4 (TCB REAL ESTATE). COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

7. **Tentative Vesting Subdivision Map S-96-5 (Eaton Village)** - Proposed subdivision and development of 21.8 acres to create 111 lots for single family residential development with an average lot size of 5,600 square feet on property pre-zoned R-1, Low Density Residential, located on the south side of Eaton Road Extension approximately 1,300 feet west of The Esplanade, Assessor's Parcel No. 060-020-147 and 180. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). This item was continued from the meetings of July 1, July 15, September 9, September 23, and October 7, 1996.

Chair Monfort reviewed that a motion have been made and seconded to approve the project, but the motion had not been voted on. He noted the reason given for approving a motion to reopen the public hearing was the confusion regarding the introductory language for the agenda. The language had indicated that anyone from the Commission or the public could remove an item from the Consent Agenda to address the issue. That language has been changed for future agendas. He added that the only aspect of the proposal which has changed from the previous public hearings was the eight conditions the Commission placed on the project following the receipt of public comments.

Assistant City Attorney Barker noted that the Commission received a letter in their packets from Mr. Gillander stating he felt there was a Brown Act violation at the Commission's last meeting. In his letter, he asked the Commission to correct this violation by making a decision to vote on the Eaton Village subdivision without re-opening the public hearing. Staff does not feel there was a Brown Act violation, but if there was, the cure was to re-open the public hearing to allow comments from both sides of the issue. Assistant City Attorney Barker reviewed the steps to be taken by a member of the public who feels that there has been a Brown Act violation. These steps are as follows: 1) Ask the Commission to correct the perceived violation; 2) If no corrective action is taken, file an action in court to declare the decision made in violation of the Brown Act void.

Chair Monfort verified that the Commission could, without determining a Brown Act violation occurred, correct any possibility of the situation by re-opening the public hearing, which the Commission had already agreed to. Assistant City Attorney Barker explained that the Commission could decide that there was not a violation, but by re-opening the public hearing would cure any violation which may have occurred. She added that the Commission should make a determination on how they will respond to the accusations by adopting a motion acknowledging receipt of the letter to correct the action, and acknowledge that if there was a violation, re-opening the public hearing will resolve it.

CHAIR MONFORT MOVED THAT THE COMMISSION, IN VIEW OF THE FACT THAT THERE HAS BEEN AN ALLEGATION THAT THERE WERE BROWN ACT VIOLATIONS, THOUGH THE COMMISSION DOES NOT FEEL THERE WAS A VIOLATION, WILL RESPOND TO CURE THE SITUATION BY OPENING THE PUBLIC HEARING. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

Commissioner Belmonte inquired if the Commission could confine the hearing to the eight added conditions. Assistant City Attorney Barker replied that while the Commission could ask the public to confine their comments to the eight conditions, such a request may not address any violations to the Brown Act which may have occurred and the likelihood of the comments remaining restricted to those conditions would be difficult.

Commissioner Dietle expressed concern regarding re-opening the public hearing following the Commission establishing the added conditions.

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

Tom Fogarty, 1023 Neptune Drive, Yuba City, the applicant, stated he had been informed that a petition was circulated, whereby those gathering the signatures verbally provided erroneous information regarding the size of the lots and the homes, and that the project was to be low income housing. He noted that as the neighbors have voiced concerns regarding property values, he spoke with two appraisers who expressed that this project will not have any devaluing affect on the adjacent parcels. In addressing comments regarding compliance with the General Plan, he reviewed a list he prepared regarding the project's compliance which had been distributed to the Commission. He stated that he felt that this list provided evidence of project compliance with the General Plan. He stressed concessions he had made with the proposal in response to neighbors' concerns; reducing the density to 5 units per acre, from 118 to 109 lots, and the addition of a 90 to 95 foot buffer in the rear of the subdivision toward those residences across the SUDAD ditch. He stated that staff has recommended approval, the Commission approved a Motion of Intent to approve the project and asked the Commission to follow through on that motion and approve the project.

Rory Rottschalk, 609 Walnutshire Lane, reviewed the information he had submitted which had been distributed to the Commission prior to this meeting, including a petition against the proposal, a review of the original staff report and a review of General Plan compliance. He stated he felt the original staff report incorrectly provided the impression that this project would fit in with the surrounding neighborhood. He noted he had requested, during the last week, that a Commission workshop with the developer and the neighbors be held to review this project's compliance with the General Plan and to find a way to make this project acceptable for everyone.

Commissioner Studebaker explained that the Commission had hoped a meeting between the neighbors and Mr. Fogarty would have accomplished the same objective as a workshop would, and that some agreement would be reached. Mr. Rottschalk responded that nothing was accomplished with the neighborhood meeting. He added that after the Commission workshop on October 7th, which many neighbors attended, the neighbors agreed that a workshop regarding this application may provide a meaningful dialog.

The Commission was in recess from 8:10 p.m. to 8:15 p.m.

Loretta Damron, 610 Walnutshire Lane, reviewed the handout previously reviewed by Mr. Rottschalk, and specifically the proposed modifications made to a copy of the original map, noting that they entitled the map "Preferred Buffer Zone Option." She indicated that when canvassing for the petition, she never referred to the homes for those with low income; rather, that they were lower value homes. She stated that General Plan Implementation T-I-45 states that every new development should have 2 access points for every 10 acres, which is difficult to achieve in this project because of the SUDAD ditch. She added that one of those access points leads into the Webb subdivision, increasing traffic through that subdivision where there have already been numerous complaints regarding traffic and speeding. In addressing the condition regarding the park in the corner of the subdivision, she stated the General Plan calls for a centrally located community park, which this will not be. She expressed concern that a park located by the SUDAD ditch would be difficult to police. She added that she felt that there are concerns regarding a bike path which have not been addressed, specifically that it is the County's staff's opinion that there should never be a canal and bicycle path together. She noted that if budgeting allows, the County, at some future point, would close the canal and pave the area for a bike path.

Chris Marx, 620 Walnutshire Lane, addressed the section of Mr. Rottschalk's handout regarding the General Plan compliance with new residential development. He suggested that while the Commission addressed the housing layout diversity is to be accomplished by the home buyers, he suggested that it may become an economic concern with rear garages being more expensive, and diversity will not be

achieved. He noted that Commissioners in favor of the Motion of Intent had indicated that the proposal was not what they wanted, and may be mediocre. He read the General Plan policy regarding protecting the urban forest and stated that this development will not be preserving enough of the walnut orchard. He added that this development does not address policies meant to preserve what Chico has for special offerings, including trees.

Bill Dinsmore, Rolls, Anderson and Rolls, 115 Yellowstone Drive, project engineer, stated that the first 40 lots will exit out to Eaton Road. He suggested that there will be traffic from the Webb subdivision going through Eaton Village to the signalized intersection onto Eaton Road. He added that his contacts with the County had indicated that they would be willing to consider the bicycle path easement.

Commissioner Carter asked what signalization Mr. Dinsmore was referring to. Mr. Dinsmore replied that there will be a signal initially at Esplanade and Eaton Road. He added that he has spoken with Director of Public Works Ross who verified that street facility funds will pay for a signal to be installed when it is needed at the Eaton Road intersection with this development.

Frank Conden, 3652 Bay Avenue, stated that he had concerns regarding the bicycle and pedestrian path. He relayed a situation during a business trip to Phoenix where he was advised not to run along the drainage channel as there were crime problems.

Chair Monfort noted that the City of Seattle had addressed security concerns regarding bicycle paths and found that vandalism and other crime rates stayed the same while it raised the property values along the paths. Mr. Conden stated that it is his belief that where there are drainage channels there are problems.

Will Bastian, 3201 Carlsbad Court, expressed concerns regarding traffic through the Webb subdivision which he noted has increased as a result of development on Yellowstone Drive.

Rory Rottschalk, a previous speaker, asked the Commission to review the "Preferred Buffer Zone Option" as mentioned earlier by Ms. Damron. He indicated they felt the optional map provides for interesting development with a diverse character, and is more responsive to the community around it.

Planning Director Milam noted that two separate reviews of this project's compliance with the General Plan, one from the neighbors and another by Mr. Fogarty. He stated that staff feels this project does comply enough with the General Plan to be approved. He noted that Mr. Rottschalk pointed out that the original staff report was not accurate, which was also mentioned at prior meetings. Regarding neighborhood compatibility, Planning Director Milam indicated that staff is looking at compatibilities with neighborhoods around the development, and noted that there is a buffer between the proposed development and the Walnutshire development, which does have larger parcels. He stated that while the policing of the green open area may be difficult, with the proposed location, it will provide the dual purpose of a storm drainage retention pond.

Planning Director Milam stated that staff did receive written comments from the County, which the Commission has received, listing their concerns regarding a bicycle path along the drainage canal. He indicated that a development near Shasta Avenue has a similar dedicated bicycle path easement, which would connect into this one at some point in the future. He noted that staff is forward looking to approving access points to that path, which, in the meantime will be fenced and unused until that issue is resolved.

Chair Monfort stated that the General Plan requires pedestrian access; in this case, in order to have access to the future school on Henshaw, the safest way would be to have that access go through to Walnutshire, which is a private road. Since that cannot be accomplished, staff is recommending reserving a path for future use. He stressed that the only change in this project since the previous public

hearings is the eight conditions the Commission placed on the project in an attempt to force more compatibility with the General Plan and the neighborhood.

Planning Director Milam commented that while the protection and enhancement of the urban forest is encouraged by the General Plan, this site is a walnut orchard of which several of the trees will be preserved even though the English walnut tree is not a highly valued landscaping tree.

Chair Monfort inquired if the Commission could apply a mitigation similar to that regarding a 2:1 ratio of tree removal for oak trees. Planning Director Milam replied that there is not a similar mitigation for walnut trees, though the developer does propose to plant three trees per lot, one street tree and two others.

Commissioner Carter asked for staff's recommendation regarding compatibility within the area when at the edge of the City. Planning Director Milam responded that the General Plan encourages the highest feasible density. He added that it may not be practical to only consider very large lots when nearing the boundaries of the sphere of influence.

Mr. Marx stated that he had spoken with Butte County Director of Public Works Mike Crumps, who indicated that the County was not aware of any plans for a bicycle path along the SUDAD ditch. He verified that a fax from Mr. Crumps was received by staff and the Commission regarding the path. Mr. Marx added that he was disturbed that those who do not live within 300 feet of the property were not provided with personal notification. Chair Monfort replied that it is a general policy to require notification of those within 300 feet of a project site and that the notice be published in the newspaper.

John Merz, 178 Terrace Drive, suggested that the language in the Resolution for Item K, be changed to reflect that this project shall be phased. He expressed confusion, regarding Item M., and suggested that the Commission and the public would benefit from access to more complete plat maps. He added that a reference or legal description should be provided for the lots along the bicycle path. In terms of the bicycle path, he noted that the County approved an easement for a bicycle path along the ditch near Shasta Avenue. He stressed that the County Planning Department should have responded with any concerns regarding the path and that the information should be provided to the Commission.

Commissioner Studebaker suggested that the word "if" be changed to "when" for Item K. in the Resolution.

Ms. Damron, a previous speaker, expressed concern that the General Plan map represents a small portion in the existing urban area, not the land that lands situated outside the City limits; and to have that area not be considered by staff is letting the people of Chico down. She added that while safety is a main concern for requiring a bicycle path, such a path would not be safe along the ditch.

Commissioner Carter noted that while this will be the first that the Council or Commission have encountered compatibility problems along the fringe of the City, an official policy regarding that compatibility delineation has not been adopted.

Robert Jackson, 3455 Bay Avenue, stated that this development will set a standard for developers on future projects. He noted that there are several issues of concern between the neighbors within Butte County and those within the City. He stated that it is his belief that a higher standard of performance is expected in the City.

Butte County Supervisor Jane Dolan apologized for the County not being involved with this project to date. She stated that she felt there are compatibility problems and a number of intergovernmental issues which needed to be addressed prior to Commission action on this item. She noted that the project site is close to the greenline, pointing out that there have been discussions in the past regarding providing for lower

densities near the greenline. She stressed that a bicycle path along the SUDAD ditch is not desirable as the ditch is an open regional stormwater drainage ditch, resulting in a number of issues associated with it, particularly with regard to safety issues. She stated that the Board of Supervisors' policy with the future of the ditch remains unresolved. She indicated that Eaton Road is a high priority project in order to meet the circulation needs within the City and County areas and is a joint project to be a major regional arterial with limited access points. She stressed that the alignment of Eaton Road has not yet been determined and may not allow access from this project. She expressed concern that the proposed development may not be compatible with the adjoining neighborhoods as discussed by Ms. Damron.

Commissioner Studebaker expressed concern that it appears the City and County have not been working together effectively. Supervisor Dolan stated that the County is partially to blame.

Chair Monfort suggested that discussions regarding the alignment of Eaton Road may continue for some time. Supervisor Dolan stated that Butte County Association of Governments (BCAG) has funding and has drafted a tentative map for the extension. She indicated that the connection of this subdivision to Eaton Road is contrary to the County plans for Eaton Road.

Chair Monfort reviewed that Director of Public Works EC Ross previously reported to the Commission that this proposal would have access to Eaton Road, and as such, the DPW Subdivision Report specifies both temporary and permanent access to Eaton Road to be built by this development. Supervisor Dolan stated that the County intends to develop Eaton Road without several connections. She suggested that the County and City representatives meet to discuss this proposal if necessary.

Planning Director Milam stated that it is the position of staff to enhance County/City relations. He expressed his appreciation for Supervisor Dolan's input and guidance.

The Commission was in recess from 9:10 p.m. - 9:25 p.m.

Mr. Dinsmore, a previous speaker, stated that the existing Eaton Road ran along the northerly access to this site prior to the recordation of the Webb subdivision. He added that Butte County staff has also indicated that there will be circulation to Eaton Road. He indicated the major traffic pattern through the subdivision would lead out to Eaton Road. He also noted the traffic pattern for the Webb subdivision is likely to use the same route through this project out to Eaton Road. As far as the SUDAD ditch, he testified the recorded map for the subdivision along Shasta Avenue does dedicate a bicycle path along the ditch and was approved by the Butte County Board of Supervisors.

Mr. Fogarty, a previous speaker, reviewed the five house plans. He indicated that three of the plans were used in Huntington Village, while the two plans with rear or recessed garages were not. He stated that it is his belief that this was the only project which had been presented to the Commission with the garage to the rear since the General Plan was adopted, though it was his experience consumers preferred garages on the street. In terms of bicycle circulation, safety and the connectivity between neighborhoods, he indicated this project does make connections everywhere except to the west across the SUDAD ditch. He suggested that if the neighbors were concerned for the safety of the children, they would consent to open up Walnutshire and allowing children to cross the ditch to get to the Class 2 bike path along Bay Avenue. He indicated that the neighbors have represented themselves as wanting to be part of the neighborhood, but they are not offering to be neighbors.

The public hearing was closed at 9:30 p.m.

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Chair Monfort reminded the Commission there was a motion on the floor to approve the resolution with the eight conditions. He added the Commission had expressed doubts regarding compatibility which they had tried to address through the conditions.

Chair Monfort stated that he agreed with Mr. Fogarty regarding the bicycle path, that the safest way would be to go across the footpath bridge over the ditch and down Walnutshire. Without the use of the bridge and Walnutshire, there are few options in providing safe bicycle and pedestrian passage to the future school. He added that the last minute surprise from the County is a problem in a long line of problems, though the Commission is not in a position to declare a building moratorium near Eaton Road, or until more schools are built. If the Council chooses to establish a moratorium on building, it is their place.

Commissioner Dietle stated that the Commission passed a Motion of Intent to approve this project and later voted to hear public discussion regarding the additional conditions placed by the Commission. There has not been any discussion at this meeting regarding those conditions. She asked the Commission to continue on their original intent to approve this project.

Commissioner Belmonte stated that he was not comfortable with how information was presented and provided to the Commission. He expressed concern with the time frames in which the proponent had to wait until the day of the meeting to be able to address those concerns. He suggested that neighborhood meetings would help the involved property owners address concerns and become involved prior to a project coming before the Commission.

Commissioner Carter restated his position that this project does not comply with the General Plan. He stated that several projects have come before the Commission in a workshop atmosphere since the implementation of the General Plan, which works to produce projects which comply as close to the General Plan as possible. When the future of Chico is at stake, the length of time for meetings should not be an issue. He noted that at this hearing, the Commission heard this project might be premature and may not make good planning sense, with the project engineer stating the main access would be Eaton Road to the Esplanade and a Butte County Supervisor stating Eaton Road would be a major regional arterial without connections. He stated that the overwhelming evidence is that this project is not a good project, is not consistent with General Plan and has safety concerns. As such it should not be approved.

Commissioner Crotts stated that even though the Commission had several meetings concerning this project, new information had come to light. She suggested that there may be a problem with the fact-gathering process for projects, particularly those along the edge of the City. She added that the Commission is holding workshops regarding establishing General Plan consistency which may lead to future projects not having the same difficulty.

Commissioner Stuebaker stated that Supervisor Dolan expressed valid concerns, many of which were not within the ability of the Planning Commission to control and may actually take several years to deal with. He noted this project first came to the Commission in July, and staff did provide the neighbors with notification. He stated that it is his belief that there should have been a Commission workshop on this project early on in the process. He expressed displeasure that the neighborhood meeting was not successful.

CHAIR MONFORT CALLED FOR A VOTE ON THE MOTION MADE BY COMMISSIONER DIETLE AT THE MEETING ON OCTOBER 7, 1996. THE MOTION READ "COMMISSIONER DIETLE MOVED APPROVAL OF TENTATIVE VESTING SUBDIVISION MAP S-96-5 (EATON VILLAGE), WITH THE ADDITION TO ITEM O. IN THE RESOLUTION AS DISCUSSED. CHAIR MONFORT SECONDED THE MOTION." THE MOTION WAS APPROVED 4-3 (COMMISSIONERS BELMONTE, CROTTS AND CARTER OPPOSING).

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- A. Reschedule a special meeting to continue consideration of Bidwell Ranch** on November 18, 1996. The traffic report and aircraft operation conflict evaluation will be provided in advance of the meeting. On October 7, 1996 the Commission voted to hold the meeting November 4, 1996. To allow adequate time to review the material, staff is requesting the meeting instead be held November 18.

Chair Monfort asked if the discussion would be only regarding the traffic and airport safety reports. Planning Director Milam stated that the discussion can be noticed for however the Commission desired to hear the project. Chair Monfort suggested the meeting be restricted to discussion on the two new pieces of information, with a final decision to be made at a later date. The Commission concurred, and directed the hearing be held at 7:30 p.m. on November 18, 1996.

- B. Schedule a public workshop** on October 29, 1996, at 7:00 p.m., for introduction and public review of the Discussion Draft Land Use and Development Regulations.

Planning Director Milam stated that the intent of the workshop is to introduce the draft of the new development code. He noted that the consultants will be present to review the major changes which have been made.

Commissioner Carter remarked that the new code, if adopted, will create zones and design standards for drive through facilities. He noted that at the workshop the Commission held on the future of drive through facilities, the Commission had directed staff to consider what zones would be appropriate and what the design criteria should be for them. He suggested the workshop be noticed to those concerned with drive-through facilities.

CORRESPONDENCE

- 8. Memorandum from Community Development Director Tony Baptiste**, dated October 11, 1996, regarding Fraternity/Sorority Overlay Zone.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:55 p.m. to the Regular Meeting of November 4, 1996.

November 18, 1996
Date Approved

Ken Milam
Planning Director

**PLANNING COMMISSION
MEETING OF NOVEMBER 4, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 6:00 P.M. in Conference Room 1 of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Planning Director Ken Milam, Senior Planner Tom Hayes, Senior Planner Stacey Jolliffe, Associate Planner Ed Palmeri, Assistant Planner Jay Hanson, Planning Technician Brad Pierce and Administrative Secretary Karen Kracht.

WORKSHOPS

1. Workshop to discuss project compliance with General Plan policies, formatting of staff reports, environmental review and the process of private project review. This item is continued from October 7, 1996.

Planning Director Milam reviewed the previous workshop held discussing General Plan consistency. He also introduced a compliance check format and analysis sample provided by Commissioner Carter. He noted that though the format was prepared by a developer for a future project, it has not been submitted to staff for review on that project.

Commissioner Belmonte stated that he appreciated the form's design, and suggested that the Commission invite individuals outside of staff who have dealt with the issues and can help provide direction. Commissioner Studebaker agreed.

Commissioner Carter explained that the sample format provides a gradation, which will allow for cross referencing any General Plan policy which may be inconsistent with another policy. He reviewed that City Attorney Boehm had stated that if a project does not meet a particular policy of the General Plan it must be denied. He added that staff, applicants and Commission should all agree on a format for General Plan review.

Commissioner Wright verified that staff does consult with the applicants regarding a project's General Plan compliance.

Discussion ensued regarding the number of levels of compliance and concluded that there should be four levels, including a "not applicable" category. Planning Director Milam explained that staff would prepare a standard form for each major type of development, and thus narrow the focus of the compliance to those policies related to a particular type of development.

Commissioner Carter stated that it would be appropriate for the checklists to be tailored through workshops with specific developers and individuals. He noted that in projects where there have been workshops, it was instructive to both the applicant and the Commission.

Planning Director Milam suggested that another workshop meeting be scheduled in December, at 6:00 p.m. before a regular meeting. He added that notification can be sent to organizations such as Building Industry Association, Butte Environmental Council, Butte County Association of Governments, and those developers currently on the Active Development List. Commissioner Belmonte stated that developers from more recent projects, such as Mr. Fogarty, should also be noticed.

Commissioner Carter asked how this checklist could be related to the consistency review in the Initial Study, and suggested that it could be included as an attachment. Planning Director Milam replied that the Initial Study format may be revised to include the checklist, which is intended to prove General Plan consistency. Sr. Planner Jolliffe stated that the primary purpose of the General Plan section of the Initial

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Study is to highlight the major areas of consistency or inconsistency with the General Plan, within the Initial Study which focuses on environmental issues.

Commissioner Belmonte suggested that staff reports should include a summary of any workshops held regarding the item, an overview of the broad section of the area and input for other affected agencies. Chair Monfort noted that the staff report packets would remain in the current format with the addition of the General Plan consistency form. Planning Director Milam added that there will be a more expanded discussion of the consistency.

Chair Monfort expressed concern with clerical staff levels with the need to produce alternative forms. Planning Director Milam replied that the standard forms will be specific to the type of development rather than the project, and thus few standard forms will be necessary.

Sr. Planner Hayes suggested that the staff report consistency review be approached as a qualitative analysis of the eight major principles of the General Plan. Commissioner Carter added that the discussion relate to how the project meets the major principles of the General Plan.

Chair Monfort stated that the checklist is appropriate for staff to work with the developer, and not the Commission. He added that the staff report section should be used to draw attention to information unique to the project.

Commissioner Carter stated that an area for discussion at the next workshop would be to review the area of General Plan consistency looking inwards toward the City rather than looking outward beyond the urban limits. Sr. Planner Hayes stated that the General Plan designates each area for land use within the sphere of influence; as such, it is a policy decision on which direction to look for compatibility.

Planning Director Milam stated that another area of discussion is how to deal with language such as 'encourage'. He reviewed that the General Plan Task Force and the Planning Commission had included stronger language, such as 'shall', in their recommendations regarding the Plan, which was changed to 'encourage' in the final approved version. He expressed concern that such policies could be interpreted in two ways - that it is not always required (which becomes a benefit to both the developer and the City), or that it is a strong suggestion to be followed whenever possible.

Chair Monfort expressed concern that a developer may minimally meet General Plan consistency if the project meets all the 'have to' policies and none of the encouraged policies, thus the applicant may feel that a more positive response from the Commission would be received if the project was to meet some of the encouraged policies.

Commissioner Dietle stated that it is up to the Commission to encourage implementation of all General Plan policies. Sr. Planner Hayes explained that the 'encourage' language was a means of providing more flexibility. He noted that through implementation of some of the policies, others are being made more firm. Commissioner Carter presented the example of drive-through facilities, which is addressed through the Development Code for zoning and design standards. He stressed that the General Plan was meant to be flexible.

Commissioner Studebaker questioned how much staff can encourage or discourage items while meeting with an applicant. Sr. Planner Hayes replied that the policies which are to be "encouraged" provide staff the opportunity to work with the developer, while the policies implemented through the Land Use and Development Code do not provide similar flexibility.

Chair Monfort asked that the discussion be continued to the next workshop. Planning Director Milam stated that examples of policies to be discussed will also be included for the next workshop.

A. Workshop to discuss land use for the area at the southeast corner of Lassen Avenue and Cohasset Road, Executive Park. The General Plan designated the area as Office.

Assoc. Planner Palmeri reviewed the location of the subject site. He noted that the General Plan has indicated the land use of Office and Professional Office, which has been upheld throughout the General Plan update process, as well as updates of other land use guiding documents. He stated that the primary runway at the Chico Municipal Airport (CMA) leads planes to travel directly over this site. He indicated that the applicants would like to place a residential care facility at this site. He added that staff is looking for direction on this application. He introduced Jeff DuFour, who is representing the applicant.

Chair Monfort questioned if this type of use would be compatible with the draft zoning regulations when they are adopted. Assoc. Planner Palmeri replied that R-P Residential-Professional does allow for this type of use with a use permit. Sr. Planner Hayes stated that, historically, the NC Neighborhood Commercial designation within the Executive Park was provided so that it would be used for offices as there was no Office designation at that time. If it was to be zoned with the designations now used, it would have been zoned OC Office Commercial.

Jeff Kraus, Spectrum Real Estate Group, also representing the applicant, said he had been told, when the project was being reviewed by the Development Review Committee, that the zoning allowed the use with a use permit. He reviewed proximity of other congregate care facilities. He noted that there are other professional offices in the area which are community or health oriented.

Chair Monfort questioned how many patients could be cared for at the proposed facility. Mr. Kraus replied that there will be 70 apartment units, 16 of which will be dedicated to Alzheimer's patients. In addition, there will be 10 to 15 staff members present at all times. He added that the site is also on bus routes.

Chair Monfort noted that there are no residential properties in the area. He expressed concerns regarding the traffic on Cohasset Road potentially impacting the patients, particularly the safety of the Alzheimer's patients. Mr. Kraus stated that the project has the support of the businesses in the area. He noted that they control similar facilities in other areas which are located on major streets. He stated that they want to be in a visible part of the community. He indicated that the Alzheimer's patients will be locked in at all times.

Commissioner Carter verified that the applicant was aware of the conflicts between the City and the Airport Land Use Committee (ALUC). Mr. Kraus stated that while they are aware of the conflict, they feel that the site is in a fairly dense area, and it not located in a crash zone.

Jeff Dufour, Drake Dufour Realty, stated that the applicant reviewed several sites in the area, but concentrated on this site. He stressed that RP Residential Professional zoning does allow this type of use with a use permit. He indicated that the applicant proceeded with the application following review by the Development Review Committee and felt that any conflict with the ALUC had been resolved. He indicated that City Attorney Boehm had expressed that potential conflicts with the ALUC were resolved given the entitlements that Executive Park has.

Commissioner Carter reviewed that this is a workshop intended to discuss this project in general, and to provide staff with direction on this project. He noted that ALUC is considering a lawsuit against the City for a different project in the area.

Mr. Kraus noted that there is a Hospice located nearby. He added that noise is not a concern as it would be mitigated by the building's design. Assoc. Planner Palmeri stated that the noise level in the area is approximately 60 to 65 CNEL.

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Assoc. Planner Palmeri stated that the direction needed by staff to determine if the RP Residential Professional designation is appropriate for this site.

Commissioner Dietle stated that this site is outside the airport clear zone, with infrastructure which has been in place for some time. As such, the zoning is appropriate for this application.

Commissioner Belmonte stated that staff should take care of the ALUC issues prior to review by the Commission.

Chair Monfort reminded the Commission that the issues to be discussed at this meeting are land use issues. Assistant City Attorney Barker stated that the purpose of the workshop is to determine the compatibility of the specific application to the immediate area. She advised that the applicant should pursue the use permit if the Commission wishes to discuss specifics of the use.

Mr. Kraus stated that they believe it is a compatible use.

The Commission adjourned the Workshops at 7:35 p.m. to begin the Regular Meeting.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:40 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Ken Milam, Associate Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

2. **Use Permit No. 96-28 (Omni 2 Regional Foundation)** - A request to authorize an interim use permit to operate an amusement park on 5.65 acres including provision of live music and/or live entertainment on occasion, with proposed hours of operation 11:00 a.m. to 10:00 p.m. Sunday-Thursday, and 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays, located at 2275 Elm Street, Assessor's Parcel No. 005-490-035, with vehicle access provided from the west terminus of E. 23rd Street (south side of Costco Foods) via Whitman Avenue. The existing gravel roadway will be improved to minimum City of Chico standards for width and all-weather surfacing (double-chip seal) with 150 off-street parking spaces proposed for the temporary operation, consisting of 52 spaces on the existing 5.65 acres and 98 spaces proposed along the aforementioned access road. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Requested Action: Staff is recommending that the Commission continue this item indefinitely.

Assoc. Planner Palmeri indicated that staff has been meeting with the applicant. He stated that new information was submitted to staff for consideration the afternoon of this meeting. He stated that staff is recommending a continuance in order to review the information and its relevance to this project.

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

A gentleman identifying himself as the vice president of Omni II, stated that they do agree to provide new information for a public hearing anticipated to be heard in December, 1996.

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

COMMISSIONER DIETLE MOVED TO CONTINUE THIS ITEM INDEFINITELY. COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED 7-0.

REGULAR AGENDA

2. **Appointment of a member of the Commission** to the Farmland Mitigation Ordinance Committee.

Commissioner Belmonte stated that he would be willing to accept the appointment.

Commissioner Studebaker nominated Commissioner Belmonte. Commissioner Wright seconded the nomination. There be no further nominations; Chair Monfort called for a vote. Commissioner Belmonte was appointed on a vote of 6-0-1 (Commissioner Belmonte abstained).

CORRESPONDENCE

3. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:49 p.m. to the Special Workshop Meeting of November 12, 1996.

January 13, 1997
Date Approved

Tom Hayes
Acting Planning Director

**PLANNING COMMISSION
MEETING OF NOVEMBER 12, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:00 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Senior Planner Tom Hayes, Consulting Senior Planner Pam Figge and Administrative Secretary Karen Kracht.

WORKSHOP

- 1. A public workshop regarding the "Discussion Draft" of the Land Use and Development Regulations (Title 19 of the Chico Municipal Code) commonly referred to as the "Zoning Ordinance". The proposed Land Use and Development Regulations are a component of the implementation program for the Chico General Plan.**

The purpose of the workshop is to formally introduce the document at a public forum. The consultant team which prepared the draft and members of the City Planning staff will make a presentation on the format and content of the document and explain the proposed changes from the existing regulations. A schedule for additional workshops to receive public comment to the Discussion Draft will also be discussed.

Consulting Sr. Planner Figge presented the Discussion Draft of the Land Use and Development Regulations (DDLUDR), and reviewed the purpose for this meeting which was to formally introduce the document. She added that the Commission should consider setting other workshop meetings to review the document in sections. She provided an overview of the proposed regulations. She noted that in June 1995 the Council determined that a Discussion Draft would be produced for public review, and Commission and Council discussion prior to public hearings being held. She introduced the consultant team consisting of Paul Crawford, Ron Pflugrath and Bruce Jacobson.

Paul Crawford, Crawford, Multari and Starr, stated that the principal goal of the document is to implement the General Plan, guided by General Plan policies. He stated that the document is laid out to follow the organization of the Municipal Code; in the order of title, definitions, administrative aspects, zoning districts and allowed uses, site planning and general development standards. He noted that Articles 4 and 5, the zoning information, is the section which will be most used. He indicated that the document integrates design guidelines within the zoning regulations. He added that the sections which relate to design guidelines are advisory and will be adopted by resolution, rather than by the ordinance.

Mr. Crawford reviewed that the zoning districts included in the DDLUDR are different from those which are currently used. He explained that this was done to reflect the General Plan and the significant changes made therein. Consulting Sr. Planner Figge reviewed an overhead displaying the General Plan designations, current zoning districts and the proposed zoning districts. She also reviewed the proposed overlay districts, which can contain specific design criteria for specific uses.

Commissioner Studebaker inquired if the overlay districts contain the student social organization overlay zone. Consulting Sr. Planner Figge stated that it does not at this time, but the document can be amended to include that district once the district is adopted by the Commission and Council.

Mr. Crawford reviewed the intent of the layout within the DDLUDR. He stated that once the zoning for a parcel is determined, then allowable uses for the site can be determined by using Article 4 by using a series of tables which show allowed uses and standards for development for those uses. Article 5 contains general standards for development and other standards for specific situations such as

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landscaping, signs and foothill development. The tables in Article 4 will refer the reader to the area within Article 5 if there are special standards which apply to the use. He added that for each of the classes of districts, there are design guidelines for the allowed uses.

Consulting Sr. Planner Figge stressed that this is a discussion draft, which will be reviewed by Council, Commission and the public through any number of public workshops. She added that the basic approach to the document was to provide illustrations and explanations to ensure that it be user friendly.

Chair Monfort stated that while there are parts of the DDLUDR which are user friendly, the entire process is unclear. He inquired how someone in the public could find the zoning of their parcel. Consulting Sr. Planner Figge stated that staff uses the Assessor's Parcel Books to find specific zoning for each parcel. The zoning ordinance sets forth the standards and regulations for the uses on the parcels. Furthermore, staff will review the process to those inquiring at the public counter. She noted that there are professionals in the area who frequently work with the City and have purchased their own copies of the Code. Sr. Planner Hayes added that there are two levels of users at the public counter; the professional in the community who know how to use the Code, and those who do not want to know a lot of the document, they only want help to work through a situation with their property, like where they may place a fence.

Mr. Crawford indicated that the final version of the document will have a comprehensive index. Chair Monfort suggested that a flow chart of progression be included.

Commissioner Carter noted that during a previous Commission workshop, regarding General Plan compliance, a qualitative analysis was discussed. The DDLUDR contains a quantitative analysis; thus, if a project were to meet every requirement in the Code, discretion would be needed. Sr. Planner Hayes replied that this Code does provide, to the extent possible, a clear standard and guidelines to which the objectives of the General Plan are implemented.

Consulting Sr. Planner Figge stated that the DDLUDR is not a guideline for discretionary decision making, the General Plan is the policy guide for to make the decisions. Mr. Crawford added that those uses which are purely quantitative are those which are permitted uses, not those which require Commission approval.

Consulting Sr. Planner Figge reviewed the memorandum, dated November 8, 1996, included in the Commission's packets, which listed major revisions from the current Code. She noted that the DDLUDR provides that decisions regarding all use permits, except for planned development use permits, will be made by a zoning administrator, allowing the Commission to focus on more complex planning, such as neighborhood planning, specific plans and subdivisions. She indicated that instead of conditional zoning, the staff will use appropriate processes such as environmental review and mitigation to make sure a project is compatible.

Commissioner Monfort questioned the size of the document. Consulting Sr. Planner Figge responded that, given the size of the General Plan, the length is somewhat attributable to the complexity of uses in the General Plan and the additional graphics and matrixes. Mr. Crawford added that factors which contribute to the size include the number of zoning districts and the incorporation of the design guidelines.

Commissioner Carter stated that he would prefer that there be an introduction within the document. Mr. Crawford indicated that he would have a "user's guide" produced prior to next workshop.

Consulting Sr. Planner Figge noted that from the time staff received the document, two staff members, one in the Planning Division and one in the Building Division, have been hypothetically using the DDLUDR on day to day project reviews. She suggested that the Commission and/or Council hold workshops on different sections. She noted that due to the recent Council election, the Council has declined to hold a workshop on this matter until the new Council members are seated. She added that during the General

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Plan update, the Council was very involved in the process. At this time, Council has not determined their preferred process for this document. She noted that the Commission can make a recommendation to the Council on how to proceed.

Discussion ensued on what order to review the articles. Consulting Sr. Planner Figge stated that she would prepare staff reports on pertinent items within each section to be reviewed, setting forth options for each discussion.

Chair Monfort suggested that a substantial amount of time could be spent discussing the position and purpose of the zoning administrator.

There was a consensus on making a recommendation to Council that independent Commission workshops be held. Chair Monfort asked for discussion on the content and time of the first workshop. It was agreed that, pending Council concurrence, the Commission would hold a workshop Tuesday, December 10, 1996, at 3:00 p.m. in Conference Room 1. Consulting Sr. Planner Figge stated that she would draft a memorandum to Council expressing the Commission's suggestion, which would be provided to the Commission for approval prior to being submitted to the Council.

Barbara Vlamis, Butte Environmental Council, inquired if public written comment should be submitted prior to the workshop. Consulting Sr. Planner Figge replied that the public is welcome to attend the workshop and comment, and/or provide written comments prior to the meeting. She added that the workshops will be noticed to those organizations and individuals who were involved in the General Plan revision and published in the newspapers.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m. to the Adjourned Regular Meeting of November 18, 1996.

March 3, 1997
Date Approved

Tom Hayes
Acting Planning Director

**PLANNING COMMISSION
MEETING OF NOVEMBER 18, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Community Development Assistant Cliff Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT AGENDA

1. Minutes of Regular Meeting of October 7, 1996.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of October 21, 1996.

Requested Action: Approve with any corrections/revisions required.

Commissioner Wright stated that he would abstain from Item 1. as he was absent from that meeting.

COMMISSIONER STUDEBAKER MOVED TO APPROVE THE MINUTES OF MEETINGS HELD OCTOBER 7 AND 21, 1996. COMMISSIONER DIETLE SECONDED THE MOTION WHICH WAS UNANIMOUSLY ADOPTED.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

3. **Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map -**
Discussion of the supplemental reports for the Bidwell Ranch Traffic Analysis and Airport Operations Conflict Study, prepared at the direction of the Planning Commission at the meeting of May 29, 1996. The project is located on a 750-acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. Public testimony regarding the supplemental reports will be heard. Planning Commission action on the proposed map, and possible additional public hearings, will be scheduled for a subsequent meeting.

Chair Monfort noted that the airport analysis was not received in time for distribution, review and discussion; thus, it will be considered at a subsequent meeting. He added that discussion at this meeting will focus on the traffic analysis.

Comm. Development Asst. Sellers reviewed the staff report. He noted delays in the preparation of the airport analysis due to the current forest fire activity and involvement of aircraft operators at the airport. The report will be distributed to interested agencies and the public when it is received. He indicated that although the Commission has considered the Bidwell Ranch project at five different meetings throughout this year, the last meeting was continued, with the project proponent's agreement, to allow for supplemental traffic analysis and an airport operations conflict study. This meeting is to discuss the traffic analysis.

He reviewed the scope of work for the supplemental traffic analysis. He noted that the Draft Environmental Impact Report (DEIR) included an analysis of traffic, which was to be confirmed by the additional analysis. He also reviewed the street improvements scheduled for the next five years as part of the City's Capital Improvement Program, as well as other recommended street facility improvements. He added that staff recommendations include the requirement that the initial phases of development provide access to East Avenue and to provide a safe route for children to access area schools. He then introduced Steve Weinberger, W-Trans, a registered Civil and Traffic Engineer retained to complete the additional traffic analysis.

Steve Weinberger, W-Trans, summarized the traffic report. He compared the previous analysis and the current report, noting that the reports used different methodology in evaluating the operating conditions, or level of service, for intersections potentially affected by the project. He noted that the environmental impact report used methodologies which are now approximately 10 years old. The supplemental report used the latest methodology to estimate the average delay per vehicle at an intersection and translating to level of services. He indicated that he had observed traffic conditions at each modeled intersection, and confirmed that the numbers used are accurate. He also reviewed the City's traffic model, its components, and the independent traffic model which was run for the purposes of this analysis. He summarized the recommendations contained in the report, including the finding that interim conditions had not been analyzed, which may help to determine the number of units which could be built without impact the current traffic system and improvements.

Comm. Development Asst. Sellers noted that the improvements contained in the future buildout assumptions include improvements which are not part of the street facility fee projects as listed in the draft Capital Improvement Program (CIP). Most of these unfunded improvements are on SHR 99 or its interchanges.

Chair Monfort noted that the analysis stated that the Level of Service (LOS) projects from the W-Trans model, rather than environmental impact report method, were higher but within the margin allowed. Mr. Weinberger explained that while the existing conditions and traffic volumes were the same as those in the DEIR, the volumes were verified as appropriate and obtained while schools were in session. He added that the different methodologies provided the deviations in LOS.

Chair Monfort reviewed the standard methods for estimating vehicle miles/trips with Mr. Weinberger, who explained that as the vehicle miles per household gradually raises, the standard procedures for traffic studies are based on current standards, and do not project higher rates.

Commissioner Carter verified that recommendations for signalization were based on traffic improvements and LOS's, not proximity of schools and the number of pedestrians or bicyclists. He asked Mr. Weinberger to review any recommendations on priorities for improvements and expressed concern with the intersection of Centennial and Chico Canyon Road as it will be affected by the proposed signalization of the Vallombrosa/Manzanita intersection.

Mr. Weinberger stated that the Eaton Road extension was the most important improvement for serving the project and general area, though other improvements will have an effect. He added that the traffic model was not reviewed for the Centennial intersection as the study area was similar to that used for the DEIR. He noted that traffic signals provide gaps in traffic flows and may spread traffic out to improve intersections which currently experience delay.

Commissioner Wright verified that the traffic model predicts that without improvements the Vallombrosa/Manzanita Avenue intersection will fail regardless of this project. He asked for an explanation of what improvements will be made at project buildout.

Mr. Weinberger verified again that the buildout scenario included all street facility fee and General Plan street improvements. After discussing the matter with staff, a 10-year projection was not prepared due to the speculative nature of land use development patterns, growth rates and priority of street improvements. The buildout model run relied on the same land uses set forth in the General Plan. Comm. Development Asst. Sellers indicated that the model for buildout could be run without any street improvements included, but the likely outcome would be failure of all modeled intersections and links.

Chair Monfort noted that the materials provided with the staff report include the current priority list for street improvement projects, in 5-year increments. With the exception of the extension of Eaton Road between Floral Avenue and Manzanita Avenue, most of the improvements recommended by the traffic analysis are programmed for the next five years. An interim scenario traffic analysis could assist in determining if the priorities for street improvements accurately reflected what would be needed to facilitate growth in the area, and if not, Council could adjust the priorities for different projects. Chair Monfort questioned how priorities would be addressed in an interim scenario analysis. Mr. Weinberger replied that he could determine which street projects were committed through funding and include these in the street facilities for the interim scenario, and omit those with less certainty.

Commissioner Carter suggested running the interim scenario both with and without the programmed improvements, providing both the importance of the improvements and a benchmark for valuing the improvements.

Comm. Development Asst. Sellers summarized Commissioner Carter's concerns with the operation of the Manzanita Avenue/Centennial Avenue intersection after widening to four lanes and signalization of the Vallombrosa Avenue/Manzanita Avenue intersection. Commissioner Carter emphasized his concerns for park users attempting to cross at this location and creation of a problem similar to that on East Avenue at the Pillsbury Road and bike path intersections.

Commissioner Crotts pointed out that the equestrian trail passes under the bridge and asked if the trail would continue to be under the bridge with widening or accommodated as a surface crossing.

Commissioner Belmonte continued to express his on-going concern that the assumptions which form the basis of the traffic analysis are not correct. He doesn't believe that the supplemental traffic work answered Commission concerns because it relied on the same assumptions as the DEIR study, did not report current conditions and failed to identify traffic volume thresholds at which improvements would initially be necessary. Comm. Development Asst. Sellers reiterated that the assumptions rely on adopted City policy and programs. Street facility fees are in place and sufficient to fund programmed improvements in the capital projects list. Other improvements are required by the General Plan, and to delete these improvements would require amendment of the plan with the accompanying environmental review, public hearing, consideration of alternatives and Council review. The interim scenario could be used to estimate volumes of traffic that could be added to current intersections before improvements are required to maintain LOS standards.

Commissioner Belmonte identified his concern that since funding for traffic improvements was a budget matter considered by the City Council, funds could be diverted to projects other than traffic improvements. Therefore, assumptions for the supplemental study and DEIR were invalid. Mr. Weinberger responded that only the traffic count data from the DEIR was used in the supplemental study. All other analysis parameters were the result of discussion with City staff and review of the General Plan and CIP. He reminded the Commission that the focus of the supplemental traffic analysis was validation of the DEIR conclusions.

Mr. Weinberger and Comm. Development Asst. Sellers asked the Commission for clarification of what they would like to see in an interim scenario analysis. Commissioner Belmonte stated that a model run

at buildout without improvements would identify key intersections needing improvement and the timing for such improvements. Comm. Development Asst. Sellers responded that the more likely outcome would be failure at all intersections with no identification of critical components or sequence of failure. He also pointed out that the General Plan establishes LOS D as the minimum acceptable standard in most cases. LOS C would serve as the indicator that improvements needed to be programmed.

Chair Monfort reviewed prior Commission concerns with the DEIR traffic study and conclusions, which have been addressed by the supplemental analysis. Commissioner Belmonte continued to state his position that the assumptions used in the model were flawed because they could not be guaranteed. Chair Monfort again pointed out that the assumptions being questioned are the same as those forming the basis of the modeling analysis. He also noted that while the City Council determines the CIP, the Commission can make recommendations for projects needed to accommodate growth. The DEIR and supplemental analysis both clearly show that if the project is built and programmed improvements are not constructed, there will be major intersection failures. Commissioner Belmonte stated his need to see an analysis with current conditions and a determination of what traffic improvements are required. It was noted that Table 1 and the recommendation section of the supplemental traffic analysis present this information.

The Commission was in recess from 8:40 p.m. to 8:55 p.m.

Chair Monfort opened the public hearing and asked that the comments be restricted to the traffic report.

Vince Phelan, 3010 North Avenue, expressed concern with the traffic counts used, as the counts were conducted during a vacation period and schools were not in session. Mr. Weinberger explained that the July intersection reviews were conducted as a function of the timing of the report, though ideally they would have been conducted in the fall. He added that the traffic counts used in the supplemental analysis were the same as those used in the DEIR, which were conducted during school times.

Brandon Gomez, 353 Idyllwild Circle, expressed concern that the traffic estimates are not realistic as the proposed development will add approximately 14,000 cars on the already congested East Avenue. He added that the highway system through Chico is already impacted. He suggested that crime may increase in Bidwell Park with the addition of an underpass at the Manzanita Bridge. He also expressed concerns that the project residents will impact current City services.

Amy Lafferty, 3 Hillary Lane, expressed concerns with impacts to Bidwell Park, as sections of the Park are closed to vehicle traffic, but foot and bike traffic also impact the uses in the Park. She stated that the project's concentration of human population will impact the beauty of the Park. She noted her objection to additional traffic and traffic signals affect on the environment.

Carl Johnson, 1850 Vallombrosa, handed out copies of page 8-12 of the DEIR (Summary of LOS Figures) and compared it to the figures from Table 1 of the supplemental report. He suggested that the new information has demonstrated that at buildout the project will result in levels of service below the General Plan recommended LOS C. He stated that traffic is creating an infrastructure problem. He noted that one assumption not reviewed is the impact of the project on schools and recreational activities.

Faye Johnson, 1850 Vallombrosa, stated that the DEIR had listed several intersections at LOS A; the new report is more credible, with the data verified, as it states that there will be many intersections with an LOS C. She asked if the funding for the signal at the intersection of Vallombrosa and Manzanita Avenues will

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be funded though Bidwell Ranch, and expressed concern that the signal will bring the intersection to LOS B without the construction of Bidwell Ranch, and LOS C with it. Comm. Development Asst. Sellers clarified that the funding for the signal is to be installed by Bidwell Ranch as a mitigation, with reimbursement for costs beyond their proportionate share.

Walter Cook, 42 Northwood Commons, expressed concern with the traffic at the intersection of Vallombrosa and Manzanita, which will worsen in time even without this project. He added that provisions have to be made for bicycle and pedestrian access to Bidwell Park.

Dave Ross, Stop Bidwell Ranch, P.O. Box 1626, reviewed the comments submitted in writing, which were distributed to the Commission prior to the meeting. He pointed out that the W-Trans analysis states that the traffic problems which are already severe will be even worse than previously projected at various intersections. He expressed concern that the traffic model assumptions are based on the concept that money will be spent on street facility improvements, not all of which are controlled by the City of Chico, such as the widening of SHR 99 which is controlled by CalTrans. He reviewed the recommendations listed in the handout.

Neil Farrell, 2602 Navarro, stated that the progression of this project assumes that the applicant will get out of bankruptcy and development will be completed. He expressed concern with the traffic model including the widening of the highways through Chico as there have not been any firm commitment from the State of California to widen the freeways. He suggested that the residents of the affected streets should be notified of any capital improvements prior to adoption of the CIP by the City Council. He noted that he would be opposed to additional signalization on East Avenue.

Marge Fredenburg, 2848 Marigold Avenue, stated that she agreed with most of the concerns which have been stated at this meeting. She added that public transportation to this project should also be addressed.

Jerry Olio, 2595 Cactus Avenue, stated that traffic in the area is currently unacceptable, and will be increased by this project.

Bridget Power, 1817 Palm Avenue, stated that in economic terms, this project is progress, but not in terms of quality of life and air quality. She stressed the importance of maintaining the beauty of Bidwell Park.

Kelly Meagher, 337 Main Street, expressed concern that there is not a map display for the traffic analysis. He summarized that most residents have stated that they feel the current LOS in the project area is unacceptable, and more residences will make it worse.

The Commission was in recess from 9:50 p.m. - 10:00 p.m.

Bill Brouhard, project manager for Bidwell Ranch, stressed that the proposed project does comply with the General Plan. He emphasized that the traffic analysis contained in the DEIR and the supplemental traffic analysis agree that, with planned improvements, all intersections will operate at acceptable levels of service after project development. He stressed that the project will pay for the direct impacts and its fair share of cumulative impacts. He asked that the Commission schedule a subsequent meeting to review the airport study and act on this proposal.

The public hearing was closed at 10:05 p.m.

Chair Monfort asked for a time line for the preparation of an interim buildout scenario study. Comm. Development Asst. Sellers replied that as the traffic model has already been established, an interim build-out scenario, without some of the programmed road improvements, could be prepared within a month. He explained that the interim study would include a comparative analysis of alternatives such as maintaining existing roads without improvements, with Priority 1 and 2 items listed in the CIP, and with the Eaton Road extension completed. He noted that some of the concerns regarding the CIP are based on concerns for completion of improvements in advance of development.

Chair Monfort suggested that the Commission consider making recommendations to the Council on the CIP regardless of this project's future.

The Commission discussed possible meeting dates to review the airport environs study. It was determined that the meeting will be held on December 9, 1996 at 7:00 p.m. in the Council Chambers. Mr. Weinberger noted that the time frame may not permit an interim traffic analysis to be completed in time for a thorough review, but it would be provided shortly before the meeting with detailed explanation of interim scenarios and conclusions at the meeting.

CORRESPONDENCE

4. Letter dated November 12, 1996 from City Manager Tom Lando to Marlin Beckwith, program manager for CalTrans Aeronautics Program, in response to a letter dated October 18, 1996.
5. Letter from Dave Ross, Campaign Coordinator for Stop Bidwell Ranch, dated November 11, 1996.
6. Memorandum to the City Council from the Planning Commission, drafted by Contract Senior Planner Pam Figge, dated November 13, 1996, Workshop Process and Schedule for the Discussion Draft of the Land Use and Development Regulations.

BUSINESS FROM THE FLOOR

Commissioner Studebaker inquired on the status of the Neighborhood Planning Subcommittee. Comm. Development Asst. Sellers stated that Sr. Planner Hayes has been temporarily diverted to another project and will renew work with the Subcommittee shortly.

Bob Hennigan, Butte County Airport Land Use Commission member, stated that he would like to open a dialog between the Planning Commission and the Airport Land Use Commission (ALUC). He stressed that planning for the airport is in the public interest. He stated that while the Planning Commission is focused on the local area and issues, ALUC is interested in the importance of the Chico Municipal Airport (CMA) which extends for a 100 mile radius. He reviewed the history of airport land use planning law. He expressed concern that the City of Chico has made a policy decision out of public view, in which the Commission and Council decisions override ALUC concerns. He stated that there are events now in motion which will have the affect of limiting the size of the CMA and unless the City changes that policy now and plans for the continuation of the CMA, State and Federal funding for airports will be reduced. He noted that restrictions on operations at the CMA will impact the University, local medical community and industrial growth. He presented each Commission with the CalTrans Airport Land Use Planning Handbook, as well as other materials and information regarding the CMA. He stated that he would like to see public discussion regarding airport land use planning and that future planning be based on a mission statement.

Chair Monfort asked if there is a joint meeting between the Council and ALUC scheduled. Mr. Hennigan replied that a joint meeting is not currently scheduled, but is in the planning stages.

Commissioner Studebaker stated that he appreciates the ALUC Commissioner's work, and will look forward to a continuing dialog with the ALUC.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:35 p.m. to the Regular Meeting of December 2, 1996.

March 3, 1997
Date Approved

Tom Hayes
Acting Planning Director

**PLANNING COMMISSION
MEETING OF DECEMBER 2, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Senior Planner Tom Hayes, Associate Planner Ed Palmeri and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

Sr. Planner Hayes explained Planning Director Milam is on medical leave; as such, he would serve as the Acting Planning Director. He introduced Ed Palmeri, Associate Planner who is working on a temporary basis for the department.

CONSENT AGENDA

1. **UP 94-35 (Scott) Modification** - A request to modify an existing use permit for Priscilla's Gym located at 110 Orange Avenue, Assessor's Parcel No. 004-033-003. The proposed modifications include reducing both the facility's size and the required number of parking spaces. This project has been determined to be Categorical Exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Commissioner Wright moved to approve Use Permit No. 94-35 (Scott) subject to the findings and conditions of approval as listed in the staff report. Commissioner Carter seconded the motion which was unanimously approved.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

2. **General Plan Amendment and Rezone No. 96-3 (Aspire Homes)** - A proposed general plan amendment and rezone from Medium-High Density Residential (14.1 - 22 units per acre) and R-3 Medium-High Density Residential to Medium Density Residential (7.1 - 14 units per acre) and R-2 Medium Density for 4.64 acres located on the north side of Appaloosa Street, approximately 175 feet west of Notre Dame Boulevard, Assessor's Parcel No. 002-190-026. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Assoc. Planner Palmeri reviewed the staff report, providing a historical review of the zoning in the area. He noted that the parcel had been identified for high density, consistent with General Plan policies and goals, in a mixed-use neighborhood area. He indicated that the proposed rezoning would result in a loss of approximately 37 units. He pointed out that the Initial Study had identified wetlands on the site, for which a mitigation measure was inadvertently omitted and now is distributed to the Commission for review. This mitigation measure amounts to a mitigation fee of \$4,091. Staff is recommending that the Commission recommend to Council that the request be denied as the current zoning and designation meet the transportation needs, mixed neighborhood use and housing needs, which are all General Plan policies, and to change the designation would be inconsistent with the General Plan. He added that if the Commission found that the proposal had merit, then a Motion of Intent should be adopted in order to allow a resolution to be drafted.

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Commissioner Studebaker verified that the project site is served by the Chico Area Transit System (CATS).

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

Tony Symmes, 205 Parkview Drive, representing the applicant, stated that the proposed downzone and development would result in a proportional amount of bedrooms. He noted that the neighboring development has approximately 60 units, mostly 2 bedrooms equating to 120 bedrooms. This proposal would allow 35 single family lots, developed into 3 bedroom homes, equaling 105 bedrooms. He stressed that single family homes tend to have multiple residents per bedroom. He suggested that it may result in housing for more people in a single-family project rather than multi-family dwellings. He stated that the property had been designated R-3 for 30 years and not developed as multi-family development because the market has been down. In describing the site, Mr. Symmes indicated that the property is in a redevelopment area and will increase in value. He stated that the project does meet various areas of the General Plan, including Community Design goals (modified street designs, rear/recessed garages and traffic circles). He stated that the single family homes in the project would help the City meet affordability goals as they would result in payments of \$650 to \$700 per month with the use of loans available for those with low to moderate incomes. He also expressed concerns regarding the wetland mitigation measures.

Commissioner Wright asked what the target price for the single family homes would be. Mr. Symmes replied that the homes would cost an estimated \$90,000 to \$120,000. He stressed they would not be asking for City funds, though the buyers may use the City's Mortgage Subsidy Program.

Chair Monfort questioned that because the General Plan policy at issue was the goal for higher densities near traffic corridors, would a higher number of bedrooms in single family homes be a factor. Assoc. Planner Palmeri responded that the factor was the housing type as there was a need for a wide range of affordable housing types, both with single-family and multi-family residences. He noted that while the market may currently be better for single family, over a period of years, the needs vary for a variety of reasons. He stressed that this site is better suited for multi-family needs.

Mr. Symmes stated that many of the purchasers of his homes have lower income jobs in the vicinity, and the number of people housed would be the same as a multi-family development.

Chair Monfort asked why the applicant would not build R-3. Mr. Symmes responded that the market does not currently support R-3 building, and he does not build R-3 developments. He noted that it may be 15 to 20 years before the site would be needed and built as R-3. He stated that the reasons for R-3 site development are also valid for an affordable R-2 site.

Mr. Symmes addressed issues with the Initial Study, namely, the wetlands determination. He stated that a depression which collects water during the rainy season was identified as wetlands. He noted that the depression was man-made, created several years ago and is now full of trash. He added that clearances have been provided from the Army Corp of Engineers for the site. He indicated that the site does not contain meadowfoam, fairy shrimp or any other vernal pool resource. He also noted that he is opposed to the Swainson's Hawk mitigation because the project is infill. He indicated that the site was Phase 5 of the Parkway Village Subdivision, not Phase 4 as indicated in the staff report.

Pat Kelly, 900 E. 19th Street, stated that it was his opinion that the site does have a wetland area on it, terming it a small lake. He noted that on June 1, 1996, he observed water fowl on the site, and had not noticed any trash. He stressed that there had been grading along the bank for which a City permit was obtained after grading was completed. He added that while the Army Corps of Engineers may have provided clearances, he had not been informed that there had been any environmental documents reviewed previously on the site.

The public hearing was closed at 8:00 p.m.

COMMISSIONER CARTER MOVED TO RECOMMEND COUNCIL DENIAL OF GENERAL PLAN AMENDMENT AND REZONE NO. 96-3 (ASPIRE HOMES), AND MAKE THE FINDINGS AS LISTED IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Wright reviewed the arguments Mr. Symmes made stating that density for an R-2 single-family development may be equivalent to R-3. He noted that he was in favor of providing affordable housing with access to transit. He stated that the housing proposed was needed in the community.

Chair Monfort stated that the General Plan addressed land use needs over a long period of time. Commissioner Wright stated that the argument for the need of R-3 housing was that there is not affordable housing available for lower income families.

Chair Monfort stated that the staff report discussed housing types, not densities, that is owner-occupied compared with rental property. He noted that R-3 is not typically owner-occupied.

Assoc. Planner Palmeri stated that it would be difficult to find another site with the qualities desired for optimal R-3 development, including location, traffic impacts and the impact on overall neighborhood. He added that the General Plan had identified housing needs over a long period of time, which was meant to provide for the necessary housing surplus.

Commissioner Studebaker stated that proximity to a transit corridor was necessary for multi-family residential, particularly for those residents involved with the University.

THE MOTION WAS APPROVED 6-1 (COMMISSIONER WRIGHT OPPOSING).

3. **General Plan Amendment and Rezone GPA/RZ-96-5(Hays)** - Proposed General Plan Amendment and Rezone to change the land use and zoning designations from Office and R-P, Residential-Professional/Business Office to Mixed Use Neighborhood Core and N-C, Neighborhood Commercial for 3.30 acres located at 2508 Floral Avenue, Assessor's Parcel No. 048-034-069. An environmental assessment was completed and indicated that significant land use, traffic, air quality and noise impacts could occur as a result of approval of this project. In light of these impacts, completion of final environmental review documents was postponed pending Commission and Council discussion regarding the merits of the proposed amendments.

Commissioner Dietle stated that she would be abstaining as she has business with the applicant.

Sr. Planner Hayes reviewed the staff report, noting that the property is currently being annexed to the City. The uses currently allowed on the site would be professional office uses and residential development with a use permit. He stressed that the County went through a specific plan process for the area, which concluded that the area should be designated for office and residential. He reviewed the other commercial designations in the general area. He stated that the staff recommendation is that additional commercial zoning is inconsistent with the General Plan goals, particularly as there are three neighborhood centers in the general area, and to deny the request on the basis of the land use planning history for East Avenue, the traffic and safety issues on East Avenue, and concern that this may set a precedent for approval of commercial zoning along East Avenue rather than the current office and residential uses. He noted that an additional letter was received by the Commission at this meeting.

Chair Monfort noted that the traffic studies for Bidwell Ranch and Foothill Park East projects assume that the zoning and land uses on East Avenue would remain the same, and expressed concern regarding the

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resulting impacts on those proposals should the zoning change along East Avenue. Sr. Planner Hayes stated that staff did not complete an environmental review on this proposal. If it is determined by the Commission that there is merit to the proposal, the review would then be completed.

Commissioner Belmonte stated that the Bidwell Ranch traffic study was based on the assumptions of road improvements made along East Avenue and other corridors. He inquired if the recommended improvements would change the use of this site. Sr. Planner Hayes replied that such impacts would have to be considered. He stated that staff is concerned that redesignation of this corridor would set a negative precedent and it would be necessary to consider traffic impacts of further commercial zoning along the East Avenue corridor.

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

Dan Hays, 10 Seville Court, representing the applicant, described Floral Avenue as a main north/south arterial, which will have a median north of East Avenue. He noted that the site is approximately 2.5 acres in size after the anticipated future easements are removed. It is currently zoned R-P Residential-Professional/Business district zoning, and is a portion of the 44.80 acres designated for Office use east of Cohasset Road along East Avenue. He suggested that if developed as Office, the area would have more parking per acre than neighborhood commercial. He stressed his opinion that the General Plan is meant to be general. He suggested that this site could be viewed as a neighborhood core as it is on a major arterial and will be bicycle and pedestrian oriented. He reviewed a handout he prepared for the Commission, distributed at the meeting, which presents a proposed plot plan and residential units above the 1500 square foot building. He listed several businesses that have indicated that they would consider relocating to the center if it is built. He quoted from the summary of the General Plan regarding community design and stressed the General Plan Community Design element. He suggested that if this site were built as a neighborhood core, it would reduce trips, or length of trips, and would increase pedestrian use. He indicated his belief that the overriding considerations listed in the General Plan stress neighborhood cores and pedestrian access, and asked that the Commission recommend to Council that those considerations outweigh zoning regulations.

Gene Nichols, stated that he owns acreage to the East of the site. He emphasized that each person has his/her own beliefs. The purpose of the Commission is to consider the impact of the use on adjacent property owners. He noted that when the East Avenue Marketplace center was built, the grading affected the drainage in the area, causing problems with flooding. He suggested that the East Avenue Marketplace should have been built on Floral Avenue, which would have mitigated the objections of the school district and the church. He noted that he was not for or against the proposal. He asked that the Commission consider the environmental impact on the existing neighborhood.

Mr. Hays stated that there is an elevational depiction for display.

The public hearing was closed at 8:50 p.m.

COMMISSIONER CARTER MOVED TO RECOMMEND TO THE COUNCIL THAT THE GENERAL PLAN AMENDMENT AND REZONE NO. 96-5 (HAYS) BE DENIED BASED ON THE FINDING THAT THE PROPOSAL IS INCONSISTENT WITH THE GENERAL PLAN AS DETAILED IN THE STAFF REPORT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED ON A VOTE OF 6-0-1 (COMMISSIONER DIETLE ABSTAINING).

The Commission was in recess from 8:50 p.m. - 9:00 p.m.

4. **RZ 96-7 (Vietti)/Use Permit UP 96-31 (Vietti/Martin)** - A request to rezone an 18,000 square foot parcel located at 1601 The Esplanade, Assessor's Parcel No. 003-022-006, from R-P Residential-Professional Office to C-O Commercial Office to facilitate the conversion of an existing 900 square foot office space into a coffee house/cafe (accompanying Use Permit 96-31). This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Commissioner Wright stated that he would be abstaining on this item as applicant is a client.

Sr. Planner Hayes reviewed that this request is for a zone change from RP Residential-Professional to C-O Commercial Office, which is consistent with the General Plan Office designation for the Esplanade area, and thus does not require a General Plan amendment. He explained that the major difference between the two types of zoning is that CO Commercial-Office permits a certain number of commercial uses which are associated with office uses. He noted that a use permit is required for the proposed use and asked that the Commission consider both requests separately. He added that staff does recommend approval of both the rezone and use permit.

Chair Monfort asked if additional parking is required. Sr. Planner Hayes replied that parking is a proposed condition for the use permit, with four spaces marked for coffee shop/cafe use. He stated that the standard used to determine parking for this type of use is one parking space for every four fixed seats.

The public hearing was opened at 9:05 p.m. to which there was no comment.

COMMISSIONER BELMONTE MOVED TO APPROVE REZONE 96-7 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSTAINING).

COMMISSIONER BELMONTE MOVED TO APPROVE USE PERMIT 96-31 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSTAINING).

CORRESPONDENCE

3. **Jesus Provides Our Daily Bread**, update report from Katy Thoma, Executive Director.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:10 p.m. to the Adjourned Regular Meeting of December 9, 1996.

January 13, 1997

Date Approved

Tom Hayes
Acting Planning Director

**PLANNING COMMISSION
MEETING OF DECEMBER 9, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:00 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Public Works Director E.C. Ross, Community Development Director Tony Baptiste, Acting Planning Director Tom Hayes, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION

Chair Monfort noted that he had received a number of telephone calls regarding the item on this agenda, to which he urged the callers to be here tonight and repeat what they had to say.

Commissioner Belmonte stated that he had also received a number of telephone calls. He added that he had met with Community Development Assistant Clif Sellers and project proponent Bill Brouhard to discuss the process.

Commissioner Studebaker indicated that he had also received a number of telephone calls, and had urged the callers to come to this meeting. He added that he had received a letter from David Ross of the Stop Bidwell Ranch Committee.

REGULAR AGENDA

1. **Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map** - Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, Supplemental Traffic Analysis, Aircraft Operations Impact and Conflicts Study, a draft Development Agreement and Final Environmental Impact Report. The Commission will provide a recommendation regarding certification of the Final Environmental Impact Report, Specific Plan and Development Agreement adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. This item was continued from March 21, April 22, May 9, May 29 and November 18, 1996.

Acting Planning Director Hayes explained that Sr. Planner Jolliffe will be filling in for Comm. Development Asst. Sellers on this item as he is on a medical leave.

Sr. Planner Jolliffe reviewed the staff report and the objectives of the meeting.

Steve Weinberger, W-Trans, presented the updated traffic analysis, with the interim alternatives requested by the Planning Commission. He explained the three alternatives each with a 10-year horizon, 50 percent buildout of the project, and city-wide buildout. The first option was a 10 year buildout with the existing infrastructure network. The second option added the extension of Eaton Road to the project. The third alternative added the widening of the Manzanita Avenue/Bruce Road corridor to the existing network. All three alternatives assumed that State Highway Route 99 (SHR 99) would remain a four-lane highway. He reviewed the findings and recommendations contained in the report and the supplemental information which was distributed to the Commission. Mr. Weinberger explained that the analysis had determined that the extension of Eaton Road would

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better relieve the projected traffic conditions along East Avenue, and that the extension of Eaton Road, along with the widening of the Manzanita Avenue/Bruce Road corridor would provide the most positive impact. Without these improvements and with the addition of the project, East Avenue may deteriorate to an unacceptable level within 9 years. He indicated that the extension of Mariposa and Marigold Avenues may not be necessary to serve the project.

Commissioner Carter verified that the recommendations are based on level of service (LOS), not other factors.

Commissioner Wright asked if the analysis without the project assumed that the same number of homes will be built elsewhere in the City. Mr. Weinberger stated that the analysis assumed buildout of the General Plan, without the homes in this project.

Chair Monfort suggested that Condition P in the staff report, in light of the consultant's recommendations, should eliminate the alternatives. Mr. Weinberger agreed that if the extension of Eaton Road was completed only to Floral Avenue, the East Avenue corridor would still have severe impacts.

Director of Public Works Ross compared the subdivision report with the interim traffic analysis, and summarized the traffic improvements required of the project. He noted that it will be also necessary for the developer to install a temporary intersection at the corner of Wildwood and East Avenues, which will be reconstructed with the permanent design once traffic reaches 2,000 average daily vehicle trips per day.

Commissioner Carter asked what effect 2,000 ADT would have on the permanent improvements. Director of Public Works Ross explained that 2,000 ADT equates to about 250 residences. He added that the temporary intersection of Wildwood has been designed, though the intersection will be rebuilt two to three times throughout General Plan buildout, eventually resulting in a 4-lane intersection.

Chair Monfort verified with Director of Public Works Ross that Condition R in the staff recommendations, the emergency road access through the buffer area, would be paid for by the developer.

Director of Public Works Ross reviewed other alternatives suggested in the interim supplemental traffic analysis including the extension of Eaton Road to Marigold Avenue. He indicated that staff is recommending that signalization be installed at the intersection of Eaton Road at Road A at 3,000 ADT. He pointed out several improvements in the Capital Improvement Program (CIP) for that area of the City which would be most impacted by the development. He explained that each initial subdivider of a project has the obligation to build the section of roadway in front of their project and to contribute to the street facility fees, which pay for construction of the CIP. It is also possible that a development can have an improvement as a condition of approval, thus the developer must build the improvement and be partially reimbursed by development fees as other development in the area occurs.

Commissioner Carter stated that the CIP list included in the Commission's packets listed a variety of improvements which will cost a total of approximately \$15 million and expressed concern that the CIP priority projects are reexamined by Council annually and cannot be mandated. Director of Public Works Ross stated that during the budget process, staff provides a priority list to Council for review as development occurs and there is the need to reprioritize.

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Commissioner Carter inquired what effect a signal at the intersection of Vallombrosa and Manzanita Avenues will have on the intersection of Centennial and Manzanita Avenues. Director of Public Works Ross stated that staff is concerned with the interaction of those intersections, and it will be studied prior to a signal being installed.

Commissioner Carter reviewed the intersections on 20th Street at Franklin and C Streets (the intersections are timed to work together), and asked if a similar signal system could be used. Director of Public Works Ross stated that Centennial and Vallombrosa Avenues at Manzanita Avenue could function as two separate, interconnected signals, but that the intersections are too far apart to function as one intersection.

Commissioner Belmonte asked if the funds budgeted for the CIP could be used for repairing existing roadways if this project is not built. Director of Public Works Ross replied that the CIP cannot be used for maintenance. It is to be used for additional capacity, 4-lane roadways and other necessary facilities. Sr. Planner Jolliffe noted that the supplemental traffic analysis reviewed improvements based on the future with and without the project; the planned improvements included in the CIP would be required even without the project.

Commissioner Carter inquired when a signal will be installed at the Bruce Road/California Park Drive intersection and if that signal was required as a condition placed on the California Park subdivision. Director of Public Works Ross indicated that the signal will be installed within the next year, as an easement has been acquired for that intersection. The signal was not a condition of approval, and thus, funding was not available from the California Park developer and had to be found in the City's budget.

Sr. Planner Jolliffe introduced Jack Freytag, Charles Salter Associates, who prepared the Airport Operations Impact and Conflicts Study.

Mr. Freytag stated that the issue of concern for the study is the current firefighting conditions at the Chico Municipal Airport (CMA), which require special conditions for flight due to the weight of the loaded planes used for firefighting. Noise and safety are also addressed in the report. He explained that the CalTrans Noise and Safety Guidelines and the Butte County Airport Land Use Commission (ALUC) draft policy manual were used as references for the report. He reviewed the recommendations from the study. He indicated that there are limited alternative departure routes available for the aircraft, other than the standard noise abatement departure route, due to terrain, and difficulty banking laden fire aircraft. He explained that the recommended flight corridor should keep most aircraft away from the proposed development, as the majority of the corridor is over open space areas.

Chair Monfort noted that the firefighting flights are concentrated to three months, not spread out over the year. Mr. Freytag compared the noise of the flights to road construction, noting that 90db is maximum level allowed by OSHA for noise at work.

Mr. Freytag indicated that California is the only state that has safety guidelines for aircraft zones; this project, being more than two miles from the airport, is outside that zone. He quoted a study by the National Transportation and Safety Board, which states there are 8 people on the ground killed annually throughout the United States in aircraft accidents. He noted that a fire aircraft can dump its entire load within 1 second if there is an emergency. Such an emergency has only occurred once in 15 years. He stated that CalTrans' information on the fire retardant shows that it is not hazardous and can be washed off within 8 hours. Other safety hazards, such as high aircraft traffic and nighttime operations, do not affect this project. He reviewed the conclusions and recommendations as listed in the aircraft conflicts study.

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Commissioner Studebaker asked Mr. Freytag to review his qualifications. Mr. Freytag stated that he is a professional mechanical engineer, specializing in acoustical work for the last 20 years and acoustic studies for airports for 10 years. He indicated that this is his fourth crash hazards study. He noted that he is a pilot and completed his graduate work at Stanford in aero-acoustics. He explained that his familiarity with the CalTrans handbook is long lived as he was a commentor and reviewer of the handbook when it was published.

Commissioner Studebaker asked Community Development Director Baptiste who chose Charles Salter Associates to prepare this study. Community Development Director Baptiste replied that Community Development Assistant Clif Sellers was the contract administrator and had confidence in the experience and expertise of the company.

Commissioner Studebaker asked what fire retardant is made of and what happens when it is dropped on a human. Mr. Freytag stated that fire retardant is a fertilizer based material, made out of nitrates. Commissioner Wright stated that while working for the California Department of Forestry (CDF) as a firefighter, he had the retardant dropped on him many times. He stated that it does wash off and is not toxic.

Commissioner Studebaker questioned if the use of the CMA for fire protection aviation would be in jeopardy with this development. Mr. Freytag explained that with use of disclosures and mitigations, operations at the CMA should be able to remain the same.

Commissioner Studebaker expressed concern with the weight of the fire retardant substance. Commissioner Wright stated that the retardant is heavier than water, roughly 10 to 12 pounds per gallon.

Commissioner Belmonte inquired if the best possible emergency situation would mean dropping the retardant within the open space corridor and verified that the open space corridor is the safest flight corridor for the aircraft. He also asked what area would provide the safest route to maneuver for the aircraft in the event of an emergency in order to return to the airport. Mr. Freytag stated that the open space corridor does provide the safest route. In the event of an emergency, the plane could drop its load immediately; flying capabilities would increase dramatically without the weight of the retardant, and the plane would be well beyond this project before attempting to make a turn back to the airport.

Commissioner Belmonte noted that generally pilot concerns may be for the crew's safety, not the safety of those on the ground. He added that there is the potential of risk, and the Commission must recognize all possibilities.

Commissioner Carter inquired if Mr. Freytag would recommend that there should be any development within the 1,000 foot corridor. Mr. Freytag stated that CalTrans Standards indicate such an area should not have any high-density development, but there are no restrictions on the density of residential proposed

Commissioner Wright questioned what the decibel level of an emergency helicopter is. Mr. Freytag replied that a helicopter emits roughly 80db, which is not quite as loud as the firefighting aircraft, but the aircraft noise will not last for the same length of time.

Commissioner Studebaker inquired if Mr. Freytag interviewed any pilots for the study. Mr. Freytag responded that he spoke with representatives from CDF and Aero Union, both of which fly the fire tankers.

Chair Monfort asked if the pilots interviewed found the suggested flight path plausible. Mr. Freytag stated that they prefer to stay with the flight path currently used, which is the preferred alternative.

Commissioner Carter noted that the Commission has received comments on the Aircraft Operations Impacts and Conflicts Study from Bob Hennigan.

The Commission was in recess from 8:30 p.m. through 8:40 p.m.

Chair Monfort opened the public hearing, asking that comments be restricted to the supplemental traffic analysis and airport conflicts study.

Shelly Jenson, 11 Noyo Court, stated that it is difficult to predict if the function of the airport would be affected by the proposed development. She stressed that airplanes do crash near airports. She used Denver as an example of an airport which was closed due to complaints regardless of the requirements of disclosure with home sales. She stated that public perception does make a difference and asked that the Commission vote against the project in order to save the future of the airport.

Bob Hennigan, 5130 Anita Road, stated that he is not present in official capacity for ALUC; rather he is representing his own concerns. He stated that he is a pilot for CDF. He reviewed the handout provided to the Commission. He indicated that the City cannot expect those moving into this project to be less tolerant than those who have moved into other areas. He reviewed discussions held at the Butte County Airport Land Use Commission (ALUC) meeting of June 19, 1996, expressing concern that airport compatibility has not come up in the Draft Environmental Impact Report for Bidwell Ranch (DEIR). He noted that there has been a long series of letters between City Manager Lando and CalTrans regarding the Bidwell Ranch proposal.

Mr. Hennigan criticized the Airport Operations Impact and Conflicts Study noting several concerns. He stated that noise is a concern. In one 4-day period in 1996, there was an average of 60 flights of day, each producing more than 100db at an elevation of 400 feet. He indicated that the retardant has been known to flatten sheds, but not code-built homes. He questioned the study's conclusion which indicates that six houses per acre would be acceptable in the departure corridor, and suggested that there be a 1,000-foot wide open space corridor, to be protected by strong language. He also suggested that the terms of the disclosure be specific, including signed statements, and that there be a course of public information and signs to warn people of the overflight zone. He expressed concern that people will move into the project without realizing they are in an air tanker route.

Commissioner Carter verified that Mr. Hennigan was not in agreement with the staff recommendations for low density in overflight corridor and to possibly include signage for the overflight area. Mr. Hennigan stated that there are numerous nonresidential uses which could be placed in the corridor and not be affected by aircraft operations. He stated that the signs for the overflight area would notify people that they are entering an overflight area, which is not as self-evident as other situations, such as a railroad right-of-way. He added people's perception of the airport is important and that they need to make informed choices about where to buy a home or live.

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Commissioner Studebaker asked if Mr. Hennigan felt that the CMA could lose firefighting aircraft compatibility with development of this project. Mr. Hennigan stated that the cumulative effect of development in the area may result in many people complaining about the noise from aircraft, organizing and eventually closing the airport. He noted that the City has conducted a contemporary noise study which suggests restricting activities at the airport from 10:00 p.m. to 7:00 a.m. As of yet, those hours have not been enforced, but community support, or lack thereof, could affect the use of the airport.

Commissioner Studebaker asked if Mr. Hennigan was concerned with the qualifications of the person who did the study, and if so, who would he recommend to do such a study. Mr. Hennigan stated that he felt the study was intended to justify a conclusion that had already been reached by City staff. He noted that the City had asked CalTrans for a recommendation on a consultant; the City did not use anyone on that list.

Chair Monfort reviewed the ALUC recommendations which are for both this project and Foothill Park East. Mr. Hennigan stated that he is indifferent to this project itself, but rather is defending the air corridor. He stated that anyone who resides along that corridor should be educated to the noise and safety hazards from the aircraft. An avigation easement is an agreement by the property owners that they understand they are moving into an overflight area and they will not be bothered by the overflight of aircraft. The concern is that such easements are not binding in court.

Commissioner Belmonte inquired how many projects can be built before there is a loss of activities at the airport. Mr. Hennigan stated that this project is the last large piece to the south, though there are still vacant lots in the Eaton Road area. He referred to other projects in the area which have been approved, or are scheduled to be considered by the Commission. He stated that he felt there was inadequate public notice regarding Council's overriding considerations of ALUC recommendations during adoption of the City's General Plan.

Commissioner Belmonte stated that overriding considerations are issues which are not adopted by this Commission. The Council and City Manager are the ones to resolve those issues with the ALUC.

Chair Monfort reviewed ALUC's comments regarding this project as acceptable with the conditions recommended. He urged Mr. Hennigan to take the general problem of airport land use planning to the City Council. Mr. Hennigan stated that he felt that this site places the Commission in a position of doing land use planning for the airport.

Commissioner Studebaker asked if it is common to place a condition on a project to require enhanced disclosure as part of property title. He also inquired if other cities have provided educational materials or posted signs for overflight areas. Mr. Hennigan replied that avigation easements are common. State law requires disclosure of any defect or condition affecting the property. An avigation easement removes any doubt that this is a condition that must be disclosed. He added that many cities have viewing areas of airports and signs along the edge of clear zones. He noted that he has not seen one for an overflight zone but to do so would be progressive. He indicated that the County has accepted similar mitigations for County Service Area (CSA) 87, though they have declined to install the signs.

Billie Crosby, 1378 Vallombrosa, stated that the aircraft concerns should be addressed. She expressed concerns regarding traffic. She stated that the widening of the main arterials in the area will cause the reduction of area property values. She urged the Commission to not approve this project.

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Vince Phelan, 3010 North Avenue, expressed concern that Butte County staff has indicated that the fire retardant used would have devastating affects if it were dumped at a low altitude. He suggested that the supplemental traffic analysis was based on inaccurate data as the traffic counts were conducted during summer months when the schools were not in session.

Robert Katz, 1325 Nord Avenue, stated that higher traffic volumes, especially along East Avenue and Cohasset Road, will result with the additional development. He expressed concern with traffic congestion and air pollution issues. He added that the proposed name, Bidwell Ranch, would be exploiting the name of John Bidwell.

Ingeborg Johanneson, 2359 Dayton Road, asked how much the developer will be required to contribute to street facilities fees to build the necessary improvements listed in the City's Capital Improvement Program. Director of Public Works Ross explained that the developer fees pay for increased street capacities for all the City. Currently, the fee established is approximately \$1600 per house to be developed, equaling approximately \$2.4 million for this project. The remainder of the improvements will be funded by all new development throughout the City.

Commissioner Carter asked what the total estimated cost for the CIP was and what are the funding sources. Director of Public Works Ross stated that the total estimated cost identified in the 20-year plan is approximately \$55 million, which will be funded from various sources including development fees, gas tax, participating projects in the County, and redevelopment funds. He noted that this is a draft proposal for the CIP which will be presented to Council within the next few months.

Commissioner Belmonte asked where the funding comes from to build new roads. Director of Public Works Ross explained that a developer has an obligation to develop the roadways in front of a particular development. If the developer were required to extend the road past the development frontage, the developer would be reimbursed by the City from development fees for the portion of the roadway benefitting other projects or the overall city. Only the roads considered directly related to the project are built at the project's expense.

Amy Lafferty, 3 Hillary Lane, expressed concerns with traffic and its impact on Bidwell Park. She stated that the project does not offer positive effects on Chico and she is opposed to the development on the edge of Bidwell Park as it is devastating to the Park and its wildlife.

Brannon Gomez, 353 Idyllwild Circle, reviewed the locations of the proposed roads. He expressed concern that the proposed development will create overflowing traffic for an area which is already congested. He suggested that the site should not have been zoned residential. He indicated that Bidwell Park is an asset of Chico which will be impacted by this development.

Neil Farrell, 2602 Navarro, stated that he felt the DEIR passed over the airport issues. He reviewed the 1,000 foot overflight corridor and suggested that pilots will not be concerned with staying inside that corridor. He stated that currently the firefighting air tankers fly over his home at a low altitude.

Elizabeth Deveraux, 296 Honey Run Road, expressed concerns with the impacts on air quality this project may create and inquired if an air quality analysis had been conducted. Sr. Planner Jolliffe replied that there was an air quality section in both the draft and final environmental impact reports. The Bidwell Ranch Final Environmental Impact Report (FEIR) findings were confirmed by the supplemental traffic analysis.

Ms. Deveraux stated that the Chico area is currently an air quality nonattainment area, for which the State and Federal government will become more stringent. Those penalties should be considered with the development of this project as well as the health and quality of life of all other City residents.

Chair Monfort noted that the DEIR did predict the amount of pollutants which will be emitted as a result of this project.

Commissioner Carter reviewed that there are 29 potentially significant environmental effects of this project, 23 of which can be mitigated and 6 which cannot. One of those six unmitigatable impacts is air quality. Sr. Planner Jolliffe clarified that three of the requested overriding considerations deal with air quality.

Walter Cook, 42 Northwood Commons, questioned the validity of the airport conflicts study. He expressed concern that the study did not have statistics of airplane accidents, specifically firefighting aircraft, occurring in the vicinity of airports, how many people were killed or injured, and how much property was destroyed. The study had noted that firefighting aircraft are atypical, but did not display the risk factors. He indicated that in the last 15 years there have been increasing restrictions on airport operations in general. Because of residential development, firefighting aircraft are now restricted to turning to the right over the project site. He expressed concern that future development will result in a nonviable or closed airport.

The Commission was in recess from 10:00 p.m. through 10:15 p.m.

Richard Redmond, 1750 Citrus Avenue, expressed concern with an overpass through Bidwell Park, affecting the wildlife in the Park. He added that if Manzanita Avenue becomes a 4-lane road, it will affect movement through Upper and Lower Park.

Belva Dean, 2759 Mariposa Avenue, stated that she is happy with having all Chico parks alcohol-free. She suggested that the City pay the applicant, Crocker Development, only what they have invested in the property, thus protecting the diversion channel and wetlands. Since plants use carbon dioxide and carbon monoxide, leaving the site natural will only help the air quality. She stated that she is opposed to Bidwell Ranch.

Geri Benedict, 6093 Timber Ridge Drive, Magalia, stated that she has not heard anything positive about the Chico Municipal Airport. She noted that the Butte County Board of Supervisors are trying to bring industry into Butte County to provide a solid tax base; the CMA is needed for industry. She stated that she is concerned that the fire safety provided by the CMA remain intact.

Melissa Horman, 429 Flume Street, expressed concern with building larger roads to solve traffic problems.

Roland McNutt, 1432 Laurel Street, expressed concern with commercial air service to Chico. He noted that increased population will cause more flights, larger planes, larger runways, and eventually a new airport. He asked the Commission to deny this proposal.

Carl Johnson, 1850 Vallombrosa, asked if there were any recalculations in the amended traffic study. He noted that during the last three months the U.S. Air Force and the U.S. Coast Guard have been using CMA for training. Mr. Weinberger replied that the results are new scenarios with no new conditions.

Patty Kester, 2550 Marigold Avenue, expressed concern that Marigold Avenue, which is now a rural street, could become a thoroughfare with the development.

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Les Guerton, 795 Caprice Way, stated that the roads proposed to link to Eaton Road will impact the ecosystem of the vernal pools in the area. He noted that fire tankers generally fly over where Bidwell Ranch is and are struggling already. The planes will impact the homes under them.

Gloria Bettencourt, 1366 Vallombrosa Avenue, expressed concerns with the extension of Eaton Road, splitting the park with a 4-lane road, and the number of overriding concerns. She stressed the importance of the protecting existing neighborhoods within the General Plan with Manzanita Avenue being the natural boundary to the City. She stated that she felt no reason to make Manzanita Avenue a 4-lane road. She indicated that to preserve the environment is important, while moving traffic is not a prime consideration.

Lee Power, 1817 Palm Avenue, stated that her main concern is the traffic going into Bidwell Park. She indicated that she does not want a traffic light at the intersection of Manzanita and Wildwood Avenues.

Clive Fairchild, 903 Sarah Avenue, stated that the money to be spent for improvements is still tax money, regardless of the source of the taxes. He stated that he is opposed to Bidwell Ranch.

The public hearing was closed at 10:35 p.m.

Sr. Planner Jolliffe reviewed the actions before the Commission for this project and the staff recommendations. She explained that the Planning Commission would make a recommendation on whether to certify the FEIR and make findings of overriding consideration to be acted on by the Council. She listed the significant overriding environmental effects requiring overriding consideration, which include air quality, cumulative and project specific noise levels, and viewshed. The second consideration before the Planning Commission is whether to recommend the adoption of the Specific Plan and Development Agreement. Subsequent to Council action on the Specific Plan and Development Agreement, the Vesting Tentative Subdivision Map will be brought back before the Commission, subject to the conditions of the Specific Plan and Development Agreement.

Chair Monfort inquired if the Commission should recommend any conditions for the Specific Plan and Development Agreement at this time. Sr. Planner Jolliffe reviewed the draft resolution prepared by staff, which includes an abbreviated mitigation measure from the FEIR and overriding consideration, and the conditions of approval on the Development Agreement, Tentative Map and Specific Plan.

Commissioner Belmonte asked City Attorney Boehm to review the legal implications of a Commission vote on this project. City Attorney Boehm stated that the Commission is in the position of making recommendations to the Council. The Council relies on the Commission to advise them on the planning of this project while leaving the legal and budgetary concerns for Council discussion. In regard to a regulatory taking in the Chapter 11 bankruptcy proceedings, the developer can file suit against the City for violation of due process or regulatory taking, which would be expensive for all parties and could result in an adverse judgement against the City. There are many legal issues to be addressed. He noted that another area of concern is that the Northeast Chico Sewer Assessment District now has three delinquencies which may not be paid, this property being one of them. This could eventually result in the assessment district going into default unless the City picks up the difference, possibly affecting the credit worthiness of the City. He stressed that while these are serious concerns, the Council is primarily looking for the Commission's recommendations for the planning issues involved in this project.

Commissioner Carter stated that since the hearing was opened for discussion of the supplemental traffic analysis and airport conflicts study, the hearing should be reopened for general comments before consideration by the Commission.

Chair Monfort noted that staff has proposed 21 conditions on the project, in addition to the mitigations contained in the FEIR. He stated that he had several amendments to those 21 conditions, as well as to the Development Agreement, Specific Plan and FEIR. He added that he would also like to suggest that the Commission recommend to Council that the CIP be adopted such that the prescribed levels of service must be maintained with this project and others in the northeast Chico area, and that improvements must be made before the impacts of development are felt.

The Commission was in recess from 10:55 p.m. through 11:10 p.m.

The public hearing was reopened at 11:10 p.m.

Walter Cook, an earlier speaker, expressed concern that staff has prepared a recommendation and proposed resolution prior to tonight's hearing, thus their recommendation was made without concern for public input. He added that he felt there was not ample opportunity for public review of the recommendations. Chair Monfort explained that it is the usual procedure for staff to prepare a report based on the evidence and the Commission can reject or modify their recommendations based on public testimony and the evidence. Sr. Planner Jolliffe added the general procedure for staff is to make recommendations for review and comment at the public hearing; the majority of staff recommendations were contained in the staff report for the March 21, 1996 hearing. Chair Monfort noted that the recommendations were a compilation of several hearings and prior reports on the project, with the exception of three new conditions which were added in response to ALUC recommendations.

Sr. Planner Jolliffe read the recommended conditions. Chair Monfort stated that Condition R ("To provide emergency secondary access and a direct route to Bidwell Park, install the bicycle/pedestrian path suitable as a secondary access from the east end of Wildwood Avenue across the Bidwell Park buffer. The path route shall avoid impacts to resources. Lighting along this path shall not be required.") should be amended to occur with initial development. Assistant City Attorney Barker added that there are additional conditions in Section 3 of the Resolution in light of the Development Agreement which make this modification.

Mr. Cook stated that the reports discussed earlier at this meeting amount to additional amendments to the FEIR, to which there was not been enough time for public review and comment.

Ron Manual, 657 Vallombrosa, stated that he felt that the consultants heard at this meeting may have been presenting a biased view. He noted that the supplemental traffic analysis used the language "a reasonable amount of time to wait at an intersection," which is a subjective statement and does not address the noise impacts on the adjacent neighborhood. He expressed concern with the projected cost of capital improvements made necessary by this project. He stated that the City needs to be accountable for the impacts the project may have on the community.

Dave Ross, Stop Bidwell Ranch, 482 E. 2nd Avenue, reviewed the previously submitted written comments regarding traffic. He stressed that there is a comment in the FEIR stating the project will have no significant traffic impacts. He stated that the FEIR does not adequately address traffic and

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aircraft impacts and should be rejected. He urged the Commission to deny the project as it will cause an increase in traffic, degrade Bidwell Park, and is essentially not good for Chico.

Kelly Meager, 337 Main Street, stated that the delays in this project were created by the developers who are bankrupt. He indicated that the voters had determined in 1988 that this was a bad project, and he felt it still is. He stated that he felt the mitigation measures are inadequate and unachievable. He expressed concerns with the developer's bankruptcy status and questioned if the responsibilities for the mitigations will be up to the bankruptcy court. He suggested that there will be voter referendum on this project if it is approved by the Council.

Neil Farrell, a previous speaker, agreed with Mr. Meager that this item would go to a referendum because people do not want it.

Les Guerton, previous speaker, expressed concern that the project site could be subject to flooding and the development will result in an increase of peak flows further down the waterways. He inquired how staff can recommend approval on a project if so many people are against it.

Bill Brouhard, project manager, stated that when the General Plan was adopted in 1994, it had to comply with a legal requirement that all prescribed land uses have an adequate circulation system, providing internal consistency. As a part of that internal consistency, the City has established a road system and a means to pay for the necessary improvements as part of the CIP. The improvements needed by the project cumulatively are confused with the improvements required by the General Plan. Based on its transportation policies, it is the City's responsibility to see that improvements are installed in a timely manner; it is the applicant's responsibility to pay fees to fund those improvements. He noted that the public participated in the creation and adoption of the General Plan, only to ignore it when considering Bidwell Ranch. He urged the Commission and the public to read the General Plan. The General Plan established land uses and population for the area, not the applicant. The General Plan established a circulation system and method to pay for it. He stated that Bidwell Ranch meets or exceeds the goals and objectives of the General Plan. He indicated that the applicant would like to reserve comment on any conditions placed on the project until the project is before the Council. He urged the Commission to make a determination on the project at this meeting and if it meant recommending denial of the project.

Roland McNutt, previous speaker, stated that the various studies and plans prepared for this project measure the quantity of life not the quality of life. He indicated his belief that those involved in the construction business will benefit from this project, while the general population will not. He noted that there are a number of communities which have voted to restrict or eliminate growth.

Carl Johnson, previous speaker, stated that there have been a significant group of people who have addressed the Commission objecting to the development at numerous hearings. Traffic is a current problem which is caused by insufficient traffic planning and will be increased by this project. He noted that the aircraft report also shows that there is a problem. He asked that the Commission amend the General Plan to save airport and protect the site.

Norleen Manwill, 657 Vallombrosa Lane, stated that she is opposed to this project. She questioned how many significant, nonmitigatable impacts a project can have before it would not be allowed to move forward. Chair Monfort explained that when the Council approved the FEIR for the General Plan there were a number of impacts identified which were not mitigatable to a level of insignificance and were subject to statements of overriding consideration. Sr. Planner Jolliffe added that the California Environmental Quality Act (CEQA) does not mandate denial of a project because of nonmitigatable impacts, but findings need to be made that the benefits outweigh the environmental costs.

Les Guerton, a previous speaker, stated that he had thought the General Plan diagram map shows that the area is zoned for one house per 40 acres during the hearings on the adoption of General Plan.

John Ost, 1255 E. Lindo Avenue, questioned the figures used in the FEIR, page 12-9, regarding the hydrology of Lindo Channel at the Sycamore Creek diversion channel. He suggested that Chapter 12 of the FEIR be referred to the Department of Water Resources.

Steve Centerwall, Jones and Stokes Associates, the consultant for the Environmental Impact Report, stated that the document was sent to the Department of Water Resources. He explained that the model was run in 1994, based numbers on information provided by the Army Corps of Engineers.

Sr. Planner Jolliffe noted that much of the site is impervious and has high runoff.

Mr. Ost stated that while there may be low percolation in the existing surfaces, there will be even less once the surface is covered. He indicated that the statement in the FEIR that only 12 cubic feet per second would be coming off the site is inaccurate as compared to other sources.

Sr. Planner Jolliffe cautioned against extrapolating figures from other sources FEIR due to the specific site characteristics.

Mr. Ost reviewed the flow predictions with Director of Public Works Ross. Mr. Ost noted that the City does not have a storm water management master plan and is preceding on a project-by-project basis. Director of Public Works Ross noted that the City recently has received information from the Federal Emergency Management Agency (FEMA) which indicates that Comanche Creek and Chico Creek are the only waterways in Chico which are concerns.

Les Guerton stated that he has pictures regarding the flood stages of Sycamore Creek.

Steve Centerwall, read the comment in the FEIR which addresses that issue. He noted that the Specific Plan also contains measures to restrict the peak flows.

Mr. Ost noted that the FEIR does state that there will not be detention ponds. He quoted several flow levels for various creekways within the area. He asked that the Commission learn from past errors of the City and reject the FEIR.

Sr. Planner Jolliffe stated that there is not a capacity problem in Sycamore Creek. Even though there is a high level of runoff from the site as it currently exists, runoff can be handled through the existing system of arroyos and Best Management Practices.

Richard Redmond, a previous speaker, stated that this area was approved for development by the General Plan Task Force by a narrow margin. He expressed concern that it was never suggested to the General Plan Task Force that the airport could close because of this development. Such a closure would be devastating to the local economy. He stated that such information would have changed the vote by the Task Force, and this project would not be before the Commission.

The Commission was in recess from 12:25 a.m. through 12:35 a.m.

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Les Guerton, a previous speaker, stated that he took pictures on every waterway in Chico during past flood events visually displaying the limited capacities.

The public hearing was closed at 12:37 a.m.

COMMISSIONER STUDEBAKER MOVED TO CLOSE THE PUBLIC HEARING AND CONTINUE THE COMMISSION DISCUSSION TO THE DECEMBER 16, 1996 COMMISSION MEETING.

City Attorney Boehm verified that the continued meeting would be exclusively for Commission discussion and decision.

Acting Planning Director Hayes noted that the meeting is an Adjourned Regular meeting of the Commission, with other items; if so directed, this project would be the first item on the Regular Agenda.

COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Dietle stated that she would vote against the motion as the Commission has received much public comment and should reach a decision on the project.

Commissioner Carter stated that while he does appreciate the desire for closure, this project is large and has many ramifications. He cautioned against a hasty action and suggested that if the public hearing is closed, and the agenda indicates such, Commission discussion and action could be taken in a timely manner.

City Attorney Boehm noted the need to bring closure to this discussion.

Commissioner Dietle stated that a Commission delay for another week will also delay Council action.

Commissioner Studebaker stated that a delay of one week will not make a dramatic difference given the amount of time the Commission has dedicated to the matter.

Commissioner Dietle asked that the motion be modified to clarify on the agenda that the public hearing has been closed.

THE MOTION WAS APPROVED 4-3 (COMMISSIONERS DIETLE, WRIGHT AND CHAIR MONFORT OPPOSING).

Sr. Planner Jolliffe noted that the traffic consultant cannot attend the December 16 meeting and asked that the Commission provide any questions they may have to staff.

Chair Monfort asked Mr. Weinberger to review his recommendation in relation to the extension of Eaton Avenue to Marigold.

City Attorney Boehm cautioned against new information being discussed as the public hearing has been closed.

CORRESPONDENCE

- 2. Memorandum** from Consulting Senior Planner Pam Figge regarding the cancellation of the scheduled December 10, 1996, Planning Commission workshop on the Discussion Draft

Land Use and Development Regulations. The Council will schedule joint workshops with the Commission at a later date.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:45 a.m. to the Adjourned Regular Meeting of December 16, 1996.

April 7, 1997
Date Approved

Tom Hayes
Acting Planning Director

**PLANNING COMMISSION
MEETING OF DECEMBER 16, 1996**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Jolene Dietle, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Assistant City Attorney Lori Barker, Community Development Director Tony Baptiste, Acting Planning Director Tom Hayes, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Studebaker stated that he had received a message from Katie Thoma regarding the use permit for the Jesus Center. He also noted that he was approached before the meeting by Vince Phalen expressing concern with the access point to the Bidwell Ranch project on the agenda.

Chair Monfort stated that he had also received a telephone call from Katie Thoma. Commissioners Belmonte, Crotts, Dietle and Wright stated that they had received similar telephone calls.

CONSENT AGENDA

1. **UP 96-32 (NB Construction)** - A request to allow an orthodontic/general dentistry office in an existing building located at 2444 Cohasset Road, Assessor=s Parcel No. 048-090-080. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Requested Action: Approve the Use Permit subject to findings and conditions listed in the staff report.

Commissioner Wright moved to approve item No. 1 on the Consent Agenda. Commissioner Crotts seconded the motion which was unanimously approved.

REGULAR AGENDA

2. **Bidwell Ranch Specific Plan, Development Agreement and Tentative Subdivision Map** - Consideration of the Bidwell Ranch Specific Plan, subject to implementation of recommended mitigation measures and conditions, the Bidwell Ranch Tentative Subdivision Map, Supplemental Traffic Analysis, Aircraft Operations Impact and Conflicts Study, a draft Development Agreement and Final Environmental Impact Report. The Commission will provide a recommendation regarding certification of the Final Environmental Impact Report, specific plan and development agreement adoption to the City Council. The property is located on a 750 acre site north of the Wildwood Avenue crossing of the Sycamore Creek Diversion Channel. This item was continued from March 21, April 22, May 9, May 29, November 18, and December 9, 1996. **The Commission received public testimony at several meetings and has closed the public hearing.** This meeting will be held for Commission consideration of their recommendations to the City Council.

COMMISSIONER DIETLE MOVED TO RECOMMEND COUNCIL APPROVAL OF THE BIDWELL RANCH SPECIFIC PLAN AND TENTATIVE SUBDIVISION MAP WITH THE RECOMMENDED CONDITIONS OF APPROVAL, WITH THE FOLLOWING CHANGES: CONDITION H., DELETE LANGUAGE "POSSIBLY INCLUDING SIGNAGE"; AND CONDITION M., ELIMINATE THE OPTION

OF EXTENDING EATON ROAD ONLY TO MARIGOLD AVENUE AND MARIGOLD TO EAST AVENUE.

Commissioner Dietle stated that she would accept amendments to the motion with individual votes on each amendment.

COMMISSIONER WRIGHT SECONDED THE MOTION.

Chair Monfort agreed with changes to Condition M., noting that the traffic consultant had expressed that the extension of Eaton Road to Floral Avenue would provide the most traffic relief.

CHAIR MONFORT MOVED TO AMEND CONDITION K. TO REQUIRE FIRST PHASE CONSTRUCTION OF THE PERMANENT INTERSECTION. COMMISSIONER CARTER SECONDED THE AMENDMENT TO THE MOTION.

Commissioner Carter suggested that there be clear consensus on each condition as the votes on the resolution will be based on the acceptance of the conditions. He added that reviewing each of the conditions individually could determine Commission consensus.

Commissioner Carter noted that Condition E. allows for less dense development within the air corridor, while public testimony recommended no development in that area. Based on testimony, he suggested the condition end after the word open space, allowing no development in that area.

City Attorney Boehm suggested there be a motion on each separate condition.

Chair Monfort noted that there is a motion on the floor, which has been seconded, on the proposed amendment to Condition K.

THE MOTION ACCEPTING THE AMENDMENT TO CONDITION K. WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Commissioner Wright questioned how many lots would be affected by closing off the air corridor to development. Commissioner Carter stated that there is a 3-acre parcel within Parcel 11 which is affected by the air corridor. Sr. Planner Jolliffe confirmed this.

Commissioner Carter reviewed public testimony regarding the turning radius of the air tankers and asked if that radius would be met in the overflight corridor. Sr. Planner Jolliffe reviewed the flight path as recommended by the Aircraft Operations and Conflicts Study.

Commissioner Carter suggested further amendment to Condition E. to reflect that the overflight corridor be consistent with the turning radii as demonstrated by Mr. Bob Hennigan.

Commissioner Wright expressed concern with basing a condition on public testimony, as opposed to a professional consultant.

COMMISSIONER CARTER MOVED THAT CONDITION E. REFLECT THAT THE OVERFLIGHT CORRIDOR BE CONSISTENT WITH THE TURNING CAPABILITIES OF TANKER AIRCRAFT AS DESIGNATED BY THE CALIFORNIA DEPARTMENT OF FORESTRY. CHAIR MONFORT SECONDED THE MOTION.

Commissioner Studebaker expressed concerns regarding the preparation of the aircraft operations

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study by Mr. Freytag. He stated that he does not feel confident with the safety section of that study. He indicated that he will vote against this amendment and the project based on those concerns.

THE MOTION ON CONDITION E. WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Chair Monfort reviewed the Butte County Airport Land Use Commission (ALUC) recommendations for this project.

City Attorney Boehm explained that enhanced disclosure will be required as a recorded document which is part of the initial sale process for each lot in the subdivision.

COMMISSIONER CARTER MOVED TO AMEND CONDITION G. TO READ "REQUIRE ENHANCED DISCLOSURE, INCLUDING, WITHOUT LIMITATION, DISCLOSURE ON THE PUBLIC REPORT, AS PART OF THE TITLE TO PROPERTY IDENTIFYING SPECIFIC CHARACTERISTICS OF OVERFLIGHT SUCH AS TYPE OF AIRCRAFT, FREQUENCY OF FLIGHTS, NOISE AND ALTITUDE." COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Commissioner Studebaker questioned Condition H. as there is no definition of what the informational program entails.

Commissioner Carter suggested that signage denoting the limits of the air corridor would put persons on notice that they were in the air corridor.

Commissioner Dietle suggested that the condition is unnecessary as there will be enhanced disclosure ensuring that property purchasers will know of the overflight corridor.

Commissioner Belmonte replied that the overflight corridor will be open space, accessible to the public who should be warned of the corridor.

Commissioner Wright stated that if the overflight corridor is a public safety issue, such signs should already be in place. Commissioner Belmonte responded that the project site currently does not have much public access; the signs would inform the public at large of safety factors they may not be aware of.

Commissioner Dietle stated that the same argument would hold true for a number of neighborhoods within the City. She requested that there be a separate vote on the condition.

Commissioner Crofts stated that the recommendation was made by ALUC and, as such, the Commission should honor that.

COMMISSIONER CROTTS MOVED TO AMEND CONDITION H., REMOVING THE WORD "POSSIBLY." COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS NOT APPROVED BY A VOTE OF 3-4 (COMMISSIONERS BELMONTE, DIETLE, STUDEBAKER AND WRIGHT OPPOSED).

City Attorney Boehm suggested the Commission adopt an amending motion on Condition H. at this time, as the motion to approve the project, which is still on the floor, changed the language in that condition.

COMMISSIONER CARTER MOVED TO LEAVE THE CONDITION AS STATED IN THE STAFF REPORT. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS NOT APPROVED BY A VOTE OF 2-5 (COMMISSIONERS BELMONTE, CROTTS, DIETLE, STUDEBAKER AND WRIGHT OPPOSED).

Commissioner Carter noted that Condition E. restricts development within the air corridor. He verified with Sr. Planner Jolliffe that Condition I. would affect the area adjacent to the corridor.

Commissioner Carter noted that the staff report states that the first phase of intersection improvements at Manzanita and Wildwood would be constructed during the initial development. Chair Monfort verified that the intersection construction would coincide with the construction of the first house. City Attorney Boehm state that the development agreement would specify the timing of construction of improvements relative to housing being built. Commissioner Dietle clarified that language of the condition reads that the first phase of the permanent intersection improvements including signals would occur at the intersection of Eaton, East, Manzanita and Wildwood Avenues.

Commissioner Carter verified that Condition L. is no longer necessary as it is included in Exhibit C to the Development Agreement.

COMMISSIONER CARTER MOVED TO DELETE CONDITION L. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Chair Monfort noted that Condition M. was modified as part of the original motion, which is still on the floor.

Commissioner Carter reviewed the traffic consultant=s testimony regarding the negative effects of extending Eaton Road westerly only to Floral Avenue. He expressed concerns with the traffic pattern at Eaton Road and the access road, and with traffic levels at that intersection. He suggested that a signal be required at the intersection of Eaton Road with the access road. He added that the signal at the Vallombrosa/Manzanita Avenue intersection will create a problem with the Manzanita/Centennial Avenue intersection. While the City's engineering staff have stated that they are looking into it, the Commission could direct them to examine the signalization of Manzanita/Centennial similar to the signal on 20th street at Franklin and C Streets, where the tripping of one signal will allow the corresponding trigger for the following intersection. He expressed concern that traffic on Manzanita will occur at faster speeds once a signal is installed, creating a constant flow at Centennial Avenue. He stated that the City should not wait for a serious accident to occur showing a need for a cooperative signal at the intersection of Manzanita/Centennial Avenue. He indicated that there are concerns with widening the bridge and the crossing to a 4-lane road through Bidwell Park.

Chair Monfort suggested that Condition M. be separated into two parts: The first being the extension of Eaton Road to Floral Avenue and the signalization of the Eaton Road/access road. The second being the signalization of at the intersections of Vallombrosa/Manzanita and Manzanita Avenue/Centennial Avenues.

Commissioner Belmonte inquired if the improvements in Condition M. are specific to the project, or whether they are part of the Capital Improvement Program (CIP). He stated that if the improvements are directly related to the project, the project should pay for these improvements. Chair Monfort replied that these conditions are tied to this project, but not to the CIP. Director of

Public Works Ross stated that the signal at the intersection of Eaton Road/access road is specific to this project, while the signal at Manzanita/Vallombrosa Avenues is part of the CIP.

Commissioner Carter noted that in the past the Commission has required a developer to front the cost of some off site improvements which are impacted by the project, subject to reimbursement by other development. City Attorney Boehm stated that the Commission can recommend to Council the addition of the Manzanita/Centennial Avenue signal to the CIP.

Commissioner Belmonte suggested that if the Commission address items to the CIP through recommendations and Conditions of Approval, then the Commission is also voting on the CIP. Commissioner Carter stated that both the traffic report and consultant who prepared the report had stated that there will be a degradation of services at the Vallombrosa / Manzanita intersection at the build-out of this development.

Commissioner Carter stated that it is staff's recommendation that these improvements are a direct result of this project, for which a portion of the cost could be reimbursed to the developer for subsequent cumulative impacts. He inquired if Condition M. would have to be modified to ensure that the improvement would be subject to reimbursement. Director of Public Works Ross replied that the City routinely reimburses projects for any non-project specific improvement if a request is made for reimbursement. Reimbursements are made when and if development activity occurs within a set timeframe specified in the reimbursement agreement.

Commissioner Belmonte stated that at the last meeting it was discussed that if the project is not built, then there will be no improvements needed along that corridor; this project should then be held responsible for the cost of those improvements. He quoted from the supplemental traffic analysis; "Without the project, traffic conditions on the East Avenue corridor will remain within acceptable levels." He stated that any improvements in the area should be the responsibility of the developer until such time as traffic levels provide for reimbursement. Senior Planner Jolliffe noted that this conclusion references existing, not future, roadway conditions in the traffic analysis.

Commissioner Carter noted that there was a previous condition regarding the permanent signal at the intersection of the project. While the signals at Manzanita/Centennial and Manzanita/Vallombrosa are not project specific, the project will accelerate the need for the improvements. Commissioner Belmonte stated that the need for the improvements are specifically driven by the project.

Commissioner Carter noted that there have been amendments made thus far which have obligated the developer to construct improvements which are contained in the CIP, based on the project accelerating the need for the improvements. Commissioner Belmonte stated that as public monies pay for the CIP, if the CIP is relied on for improvements to be made, then public tax dollars will determine if this project is successful.

City Attorney Boehm stressed that the budget for the CIP is made up of development fees from throughout the City, redevelopment fees, and gas tax monies. Reimbursement for capital improvements are tied to development fees. If development does not occur and the fees do not come in, a developer does not get paid; if the developer is not fully reimbursed by the end of the term of the agreement, then he does not get reimbursed. He added that the amount of the street fees charged to developers are reviewed ever two years; staff examines the funding sources and adjusts fees accordingly. Staff is continually evaluating funding and capital projects to meet the needs of the community.

Commissioner Belmonte verified that if the Commission does require the developer to pay for the improvements, and as time goes by and thresholds for reimbursement are not met, the developer will end up paying the cost of the improvement. Commissioner Carter stated that the developer will pay for the improvements regardless of the CIP given the direct impact of the development on the transportation system; if other development occurs, the developer will be reimbursed.

Director of Public Works Ross noted that if the improvements are not conditions of approval, then the improvement cost would remain within the CIP and be paid for by the taxpayers.

COMMISSIONER CARTER MOVED TO MODIFY CONDITION M. TO PROVIDE THE CONSTRUCTION OF EATON ROAD WESTERLY TO FLORAL AVENUE, SIGNALIZATION AT THE INTERSECTION OF EATON ROAD/ACCESS ROAD, AND SIGNALIZATION OF MANZANITA/VALLOMBROSA AVENUES AND MANZANITA/CENTENNIAL AVENUES TO WORK IN A CONTINUOUS MANNER.

Commissioner Belmonte reiterated that any cost involved with improving the infrastructure necessary for this project should be paid for by the developer. He suggested a list be prepared displaying what infrastructure is to be built or modified, who is paying for each improvement, and how this project is to be mitigated.

Chair Monfort recalled that this analysis was presented, more or less, by the Director of Public Works at the December 9th meeting. Commissioner Carter inquired whether the developer would be required to construct the secondary access road. Sr. Planner Jolliffe indicated yes, and that the access road is described in Condition J. Commissioner Carter inquired if the signal for the access road should be added to Condition J.

Commissioner Dietle inquired if there are other access routes from Centennial Avenue. Commissioner Carter reviewed the current traffic flow through the area. Commissioner Crotts suggested that traffic coming from Centennial into the Upper Park would have to cross Manzanita Avenue. Commissioner Carter stated that the problem should be eliminated now rather than waiting for an accident to occur.

COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

CHAIR MONFORT MOVED TO AMEND CONDITION O. TO SPECIFY THAT THE EMERGENCY SECONDARY ACCESS ROUTE BE INSTALLED WITH THE INITIAL DEVELOPMENT. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Commissioner Carter expressed concern that there is not a bicycle route from East Avenue and Marigold Avenue to Bidwell Park. He noted that East Avenue from Marigold to Bidwell Park is a major arterial. He pointed out that many bicyclists may not be coming from the project site, but from Bidwell Park. He reviewed that Director of Public Works Ross had stated at a previous hearing that East Avenue and Manzanita Avenue are proposed to be 4-lane major arterials, with stripping on the roadway designating the bicycle path, though a good portion of the roadway east of Cactus Avenue is within the County.

City Attorney Boehm stressed that any condition must be to mitigate impacts reasonably created by the subdivision, not for those outside the project. Acting Planning Director Hayes noted that East Avenue is not part of the bicycle circulation system for Class 2 bicycle facilities. There will be

bicycle facilities along Manzanita Avenue to the intersection of Eaton Road/Manzanita Avenue/Wildwood Avenue, and a Class 1 bike path from the project site to Bidwell Park. He added that the Cactus Avenue area is a problem as it is designated for very low density residential.

The Commission was in recess from 8:45 p.m. through 9:00 p.m.

Chair Monfort read the conditions listed in the Resolution to the Development Agreement. He suggested that Section 3.03 be modified so that if the Chico Unified School District decides to build the school, the developer will not be reimbursed for the necessary improvements.

City Attorney Boehm stated that the condition is contained in the Settlement Agreement. He recommended that in order to avoid possible legal entanglements, the Commission leave the Development Agreement as it stands. He indicated that if the Commission desires to amend the Development Agreement, they should not modify conditions of the settlement agreement.

Chair Monfort withdrew the intended motion.

Assistant City Attorney Barker explained that Item D. is intended to cover the requirements of Proposition 218.

Chair Monfort pointed out a typographical error in Item F. "Lanowner" should be "Landowner."

Commissioner Carter noted that he had concerns regarding the Development Agreement. He had several questions: Will the bankruptcy court will have to approve the agreement? What means does the City have to ensure that the conditions of the agreement are met? Will the monetary obligations indicated in the Subdivision Agreement and Development Agreement will be covered by the Subdivision Agreement and be bonded with a performance bond? If the project is to be approved, will the dedications occur immediately?

City Attorney Boehm replied that while he has not consulted the bankruptcy attorney, it would be unusual for the Development Agreement to have to be approved by the court. He noted that the required improvements will be required to be bonded to 100 percent of the costs as part of the Subdivision Agreement; most of the conditions within the Development Agreement are not the type to be bonded. He added that some of the dedications will occur immediately, while some will occur with the recordation of the map. The Development Agreement will require the dedication of the park land and open space upon execution of development agreement.

Commissioner Carter inquired if there should be specific language in the Development Agreement relating to overriding considerations of unmitigatable environmental impacts, as failure to conform to the Development Agreement could be costly to both the landowner and the taxpayers. City Attorney Boehm recommended that the Commission look at this issue from the perspective of planners; the Council will look at specific language. He noted that there will be a more comprehensive resolution before the Council in relation to environmental mitigations as they are the body to take action on the Environmental Impact Report .

Chair Monfort stated that he had several amendments to the conditions on the Specific Plan.

CHAIR MONFORT MOVED TO AMEND SECTION 6 OF THE SPECIFIC PLAN, COMMUNITY DESIGN GUIDELINES, MENTION AS DESIRABLE OPTIONS DETACHED GARAGES THAT

SHARE WALLS AND DRIVEWAYS, AND OFFER THE OPTION OF OFF-SITE COMMON PARKING AREAS. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

CHAIR MONFORT MOVED TO AMEND SECTION 6.14 OF THE SPECIFIC PLAN, NC DESIGN GUIDELINES, TO REQUIRE THAT SOME RESIDENTIAL BE PROVIDED ABOVE COMMERCIAL UNITS. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS DENIED BY A VOTE OF 3-4 (COMMISSIONERS BELMONTE, CROTTS, DIETLE AND STUDEBAKER OPPOSED).

Chair Monfort explained that currently within the City second units are permitted on larger lots. He suggested that installing the plumbing and wiring during building would be cheaper than installing them at a later date. He noted that Laguna West requires all detached garages to be plumbed and wired to allow for a second unit.

Chair Monfort moved to require in the Specific Plan that detached garages be plumbed and wired to ease the ability to create a second unit.

Commissioner Wright expressed concern that the additional plumbing and wiring would add substantial cost to a home.

Acting Planning Director Hayes stated that the project's density limitation to 1500 units is within the Development Agreement. Chair Monfort noted that the Specific Plan encourages second units. Sr. Planner Jolliffe suggested that a provision requiring the plumbing and wiring of detached garages may discourage the use of detached garages, while the Community Design objectives encourages use of detached garages.

The motion was not seconded.

CHAIR MONFORT MOVED TO REQUIRE, IN SECTION 3.6 OF THE SPECIFIC PLAN, TRANSPORTATION SYSTEM MANAGEMENT, COVERED, SECURE BIKE PARKING AT BUS SHELTERS, PARTICULARLY IN THE NC NEIGHBORHOOD COMMERCIAL AREA. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Commissioner Carter stated that the Specific Plan and the Final Environmental Impact Report (FEIR) indicate that the visual impacts of the project cannot be mitigated. He inquired how street lighting is being addressed in the Specific Plan. Sr. Planner Jolliffe replied that general guidelines are provided in the Specific Plan for Low sodium street lighting to reduce glare. Future lighting Plans will be subject to additional staff review.

Chair Monfort inquired if there is enough design guidelines to mitigate placing commercial development next to residential with the requirement that the lighting be directed. Sr. Planner Jolliffe stated that there is a Condition of Approval in the FEIR to specify the type of lighting allowed.

Chair Monfort suggested that Section 3.6 of the Specific Plan, Transportation System Management, require that some parking be provided in the NC Neighborhood Commercial zone to function as a park-and-ride lot. Sr. Planner Jolliffe stated that such a condition had not been specifically required previously as it would result in an excess of parking in the NC Neighborhood Commercial zone. Chair Monfort removed the suggestion.

CHAIR MONFORT MOVED TO ADD TO SECTION 3.6 OF THE SPECIFIC PLAN, TRANSPORTATION SYSTEM MANAGEMENT, REQUIRE EFFECTIVE PLACEMENT OF KIOSKS ON WHICH ARE POSTED MAPS OF BIKE/PEDESTRIAN ROUTES TO LOCATIONS SUCH AS SCHOOLS, NEIGHBORHOOD COMMERCIAL AND WILDWOOD PARK. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Chair Monfort stated that he also had suggestions for changes to the FEIR, resulting from public comments made to the DEIR. His first suggestion was, in the Air Quality section, to require an on-site daycare through reserving space in the NC Neighborhood Commercial area for a daycare center. He explained that this may reduce vehicle trips. Commissioner Dietle stated that if there is a need for a commercial daycare center, it will be built as it is a market-driven enterprise. Commissioner Wright added that even if the space is reserved, it does not mean it will be used.

CHAIR MONFORT MOVED TO REQUIRE, IN THE FINAL ENVIRONMENTAL IMPACT REPORT SECTION REGARDING AIR QUALITY, THAT INFORMATION BE DISTRIBUTED TO RESIDENTS ON AIR POLLUTION AND TRANSPORTATION.

Commissioner Carter suggested that such information be included in the public disclosure report if permitted by pertinent regulations.

COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Chair Monfort noted that in a recently approved subdivision, the developer had agreed with a private party to install 220 volt outlets in all garages to allow for electric vehicles, as well as installation of natural gas outlets on all patio areas and in fireplaces. These elements will enhance the air quality mitigations.

CHAIR MONFORT MOVED TO REQUIRE IN THE FINAL ENVIRONMENTAL IMPACT REPORT THAT THE INSTALLATION OF 220 VOLT OUTLETS IN ALL GARAGES. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

CHAIR MONFORT MOVED TO REQUIRE IN THE FINAL ENVIRONMENTAL IMPACT REPORT THE INSTALLATION OF NATURAL GAS OUTLETS ON ALL PATIO AREAS AND IN FIREPLACES. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

CHAIR MONFORT MOVED TO ADD A MITIGATION MEASURE TO THE FINAL ENVIRONMENTAL IMPACT REPORT TO REQUIRE RECYCLING OF CONSTRUCTION WASTE TO THE EXTENT FEASIBLE. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

Chair Monfort suggested that as a mitigation, the developer be required to install traffic calming devices on Marigold and Ceanothus. He stated that this would mitigate the impact of the development on the connectors running north and south between Eaton Road and East Avenue. He reviewed that Director of Public Works Ross had stated that Marigold is proposed to be a 2-lane roadway with landscape median and bikeway; installing traffic calming devices may be difficult. Director of Public Works Ross also had noted that at area build out, subdivisions in the area will

provide connectivity with a grid pattern. Chair Monfort stressed that the additional traffic impacts to these roadways are identifiable impacts of the project.

Commissioner Carter questioned the general statement calling for traffic calming devices with no reference to quantity or type. Chair Monfort stated that he doesn't want to constrain the traffic engineers, but if no laterals are built, no traffic circles could be built. He noted that the supplemental traffic analysis stated that north/south improvement are not required in the early stages of development.

CHAIR MONFORT MOVED TO REQUIRE TRAFFIC CALMING DEVICES TO BE INSTALLED ON MARIGOLD AND CEANOTHUS WHEN THE IMPROVEMENTS TO THOSE ROADWAYS ARE CONSTRUCTED. COMMISSIONER CARTER SECONDED THE MOTION WHICH FAILED BY A VOTE OF 3-4 (COMMISSIONERS BELMONTE, DIETLE, STUDEBAKER AND WRIGHT).

Chair Monfort suggested that, in an attempt to help offset the unmitigatable air quality impacts, a fee be established for each parking space provided. He noted that a similar fee was established for another project; the fee was arrived at through negotiations between the developer and a private party and agreed to prior to Commission discussion. He suggested that such a condition could be placed on all development.

Commissioner Dietle expressed concerns that the proposed condition would be a tax which will be passed onto the home buyer. Chair Monfort agreed that it would be a development tax.

CHAIR MONFORT MOVED TO PLACE AN ADDITIONAL MITIGATION ON THE FINAL ENVIRONMENTAL IMPACT REPORT TO REQUIRE, UPON SALE OF EACH LIVING OR COMMERCIAL UNIT, A \$50 FEE BE PAID FOR EACH INTERNAL COMBUSTION VEHICLE PARKING PLACE PROVIDED FOR EACH UNIT TO A CITY ACCOUNT FOR USE TO OFFSET AIR QUALITY IMPACTS BY SUCH MEANS AS REFITTING CITY VEHICLES FOR NATURAL GAS OR MAKING CAPITAL IMPROVEMENTS TO THE ALTERNATIVE TRANSPORTATION SYSTEMS SUCH AS CATS AND THE BIKEWAY SYSTEM.

Commissioner Carter stated that this issue goes beyond just this project.

THE MOTION WAS NOT SECONDED.

Commissioner Belmonte stated his belief that any additional conditions placed on the project would be micro management, placing an unfair burden onto the public and developer without an opportunity to respond. He proposed that the Commission take the project as it was presented and on its own merits. He noted that the Commission has taken much time and effort to listen to public testimony on the project, during which he found it compelling that more than one General Plan Task Force member had expressed concerns that information, in particular the airport study, was not available to the General Plan Task Force when the close vote was given determining zoning of the land. The General Plan Task Force was not informed on what effect the development of this land could have on the airport. He criticized the amount of time it took to get responses to questions made on the studies, and that project infrastructure should be constructed up-front. He stressed that General Plan Implementation T-I-45 is specific to the number of access points to acres, to which this project does not conform. He expressed concern that there are six unmitigatable environmental impacts, to which there was a large amount of public testimony. He also noted that a member of the public brought forward numbers regarding hydrology which were in conflict to information provided in the FEIR. He indicated that this project has many impacts and liabilities on the City, including possible public cost for mitigating those impacts. He stated that he felt the project

is unhealthy for the community where it is located. He stated that he cannot support the project as it stands. He implored the Commission to be fair to the developer and to the community. He stated that he will vote against the project.

Commissioner Carter reviewed that the Commission had heard from a number of speakers that this is a good project in a bad location. He agreed that this project, if approved, will impact Chico. He suggested that Chico is not ready for this project yet. However, the Commission must uphold laws, Federal, State and City. The General Plan is the law within Chico pertinent to how the city grows. The community prepared the General Plan with the work of 41 Task Force members; the Plan was unanimously approved by the Commission and the Council. The General Plan expressly recognized and approved the development potential of the Bidwell Ranch site, and this project epitomizes many of the goals of the General Plan. He suggested that if the Commission and Council were to approve the project, any referendum brought by the voters should be for denial of the development and for approval of a bond to purchase the property. He noted that some of the conditions added on the project at this meeting placed many costs onto the developer to be reimbursed based on developer fees. He stressed that the Commission has to adhere to the law, and should approve the project based on its compliance to the General Plan. If it is determined that the General Plan is wrong, then it should be changed. That is not an available option before the Commission at this meeting. He urge the Commission to vote in favor of the motion as amended by the conditions endorsed.

Commissioner Studebaker stated that while he feels the project does have merit, he cannot accept the airport conflicts study. He explained that he would like another study completed, but that would not be in the time frame for this project. He stated that he would be concerned for safety of those in the development. For that reason, he could not vote for this project. He also expressed concerns that there will be 1500 units in the development, and should it pass, it will necessitate school facilities for those housing units. He stressed the need for a third high school. He stated that he would be forwarding a letter to Council further outlining his concerns and reasons for voting against this project.

Commissioner Carter noted that the developer will be paying substantially more in school impact fees than most developers do on other projects. Sr. Planner Jolliffe stated that the developer will be subject to the maximum amount of school fees allowable under the law. City Attorney Boehm added that the developer will also be dedicating property for a school site. Commissioner Studebaker stated that he would like to assure the future residents that there will be a place for their children to go to school after elementary school.

Commissioner Carter noted that a motion to approve the project was made by Commissioner Dietle, though there have been many amendments. He verified with Commissioner Dietle that the motion to approve the project does include the conditions as approved by vote earlier.

THE MOTION WAS APPROVED BY A VOTE OF 5-2 (COMMISSIONERS BELMONTE AND STUDEBAKER OPPOSED).

The Commission was in recess from 10:00 p.m. through 10:10 p.m.

Chair Monfort asked that a discussion be agendized for the next meeting regarding possible recommendations to Council for the CIP.

3. **Use Permit No. 96-08 (Jesus Provides Our Daily Bread)** - A request to allow a six month extension of the use permit which allowed operation of a food program for the underprivileged with two meals served daily (7:30 - 8:30 a.m. and 3:30 - 4:30 p.m.) At 346 Cherry Street, Assessor's Parcel No. 004-114-003 (The Newman Center) in an R-3 Medium-High Density Residential zoning district. The extension of time would allow the applicant additional time to secure a permanent location for the operation. This project is exempt from environmental review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

Chair Monfort reviewed that this would be an extension of the previous use permit with the same conditions. Acting Planning Director Hayes presented a brief staff report, noting that staff was unaware at the time of preparation of staff report of any complaints issued since the three-month review meeting. The Police Department nor the Code Enforcement Officer have received any complaints. He reviewed the communications provided to the Commission at the this meeting, one in opposition and one in support of the extension.

Commissioner Studebaker noted that the semester at California State University, Chico (CSUC), is about to end and may result in new residents moving into the area. He suggested that the application provide information to those students, and that one more neighborhood meeting be held in three months. Acting Planning Director Hayes suggested that flyers could be distributed at the start of the next semester.

Commissioner Carter noted the condition requiring meeting with neighbors monthly if requested.

The public hearing was opened at 10:20 p.m.

Katie Thoma, executive director of Jesus Provides Our Daily Bread, reviewed that a flyer was sent out after the Center received the use permit. It listed who they are, what they are doing, and contact telephone numbers. That flyer can be redistributed. She added that they would agree to another three-month meeting.

Chair Monfort noted that the monthly report shows that the Center is serving fewer people. Ms. Thoma explained that there are several factors lowering the amount of clients served, including the current location which is not available on Saturdays, families previously served live in the south Chico neighborhood, as well as strictly enforced rules, have resulted in some people not being allowed service due to not following those rules.

Commissioner Wright asked if Ms. Thoma felt that the organization can realistically meet the available time line for purchase and construction of a new facility. Ms. Thoma stated that she is hopeful and encouraged that they can meet that time line.

Commissioner Studebaker verified that the applicant would not be opposed to a three-month neighborhood meeting. He noted that he has seen the neighborhood patrols from the Center. Ms. Thoma added that they have begun to feel they are part of the neighborhood.

Ms. Thoma expressed appreciation for the churches and community at large helping finance the purchase and building of a new facility.

Lewis Everett, 2165-D Nord Avenue, stated that he had expressed opposition to the use at the time the use permit was initially approved. He confirmed that when the Center first began operation at

the current site, there were notices sent to residents. He indicated that since the program began at the current location, no problems have been encountered by the tenants of his several properties in the area. He stated that he is no longer opposed to the use.

The public hearing was closed at 10:30 p.m.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE EXTENSION OF USE PERMIT NO. 96-08 (JESUS PROVIDES OUR DAILY BREAD) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT, WITH TWO ADDITIONAL CONDITIONS; 1) THE APPLICANT POST NOTICE TO THE RESIDENTS IN THE AREA IN THE FORM OF A FLYER. 2) THE APPLICANT SET UP A NEIGHBORHOOD MEETING IN THREE MONTHS. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Carter questioned what would happen to the use if the applicant is in need of more time. Acting Planning Director Hayes explained that there is a condition which allows them to come forward in another six months, as the motion stands.

Commissioner Carter then asked what would happen if the additional six months passed and the applicant was still not in the new facility. Acting Planning Director Hayes stated that the City would have to disallow the use at the location without an extension. Assistant City Attorney Barker noted that the Municipal Code provides for a requested six-month extension.

Commissioner Carter suggested that the motion amend Condition 7. to strike the 6-month allowable extension to 3-month allowable extension. Commissioner Studebaker accepted the amendment.

Chair Monfort questioned the need for the condition as the Municipal Code allows any use permit that expires to request an extension. The time frames would put this group at a disadvantage. Commissioner Carter stated that as he recognizes the time constraints for acquisition and development of property, the condition would allow a margin of error.

Commissioner Studebaker suggested that Condition 7. state that the applicant may submit a written request for renewal or remove the condition. Acting Planning Director Hayes stated that the first sentence of the condition is necessary.

Commissioner Wright noted that the original intent of the language was to allow the neighborhood a time frame for the use. He stated that he would agree to wording for allowing another 3-month extension, which would allow the neighborhood to address any problems that may arise.

Commissioner Carter reviewed the motion which was amended to keep the stricken language as modified by replacing 6 months with 3 months.

THE MOTION WAS UNANIMOUSLY APPROVED.

CORRESPONDENCE

- 4. General Plan Annual Review** - The Planning Division staff has assembled a draft Annual Review of the General Plan. The City is undertaking the Annual Review of the General Plan in compliance with State Planning Law and local policy. Information presented in the Annual Review includes an analysis of development activity from 1992 to the present, an update of land availability, an assessment of the City's policies relative to housing affordability and an

evaluation of Plan implementation to date. The Commission should direct staff to make revisions to the report it determines appropriate and forward the report to the City Council.

Acting Planning Director Hayes introduced the General Plan Annual Report. He noted that the report summarizes the types of development activity which has occurred during the year, and the amendments which were made to the General Plan within the last year. Generally speaking, the major development activity is occurring in low density residential designations. The Regional Fair Share Housing Analysis, which establishes levels of affordable housing related to local need, shows that despite aggressive effort by the City, affordable housing for very low, low and moderate income units will not attain the slightly less than 2,000 units needed over the 5-years covered by the Housing Element. He noted that the affordable housing requirement is a difficult task, particularly as funds for subsidized housing continue to shrink.

In response to an inquiry by Chair Monfort regarding subsidies, Acting Planning Director Hayes stated that the Housing Element did acknowledge that the City cannot meet the goal without a substantial infusion of subsidized housing funds.

Chair Monfort noted that historically such housing was provided through small attached units and very high density housing. Acting Planning Director Hayes stated that most accessory and second unit housing is geared toward single individuals and retired couples, as it is not designed for family households.

Acting Planning Director Hayes stated that the last section in the Annual Report is the implementation of the General Plan. He noted that the Report goes through the major implementation tasks, providing the status and the funding level necessary. The Implementation Schedule, with new comments and status of each of the implementation items, has been attached to the Report. The Implementation section of the Report provides a list of work program items for joint discussions between the Commission and Council. This document, with any corrections recommended by the Commission, will be provided to both the Commission and Council.

Commissioner Carter verified that this is a working draft of the Annual Report.

Commissioner Belmonte complimented the format of the Report.

Commissioner Carter asked that the neighborhood planning process be moved up on the priorities list. Commissioner Studebaker concurred. Acting Planning Director Hayes stated that he would instruct staff to start working on that program.

Commissioner Wright asked that the table showing the General Plan Amendments be modified to include the cumulative acres lost to each zone since adoption of the Plan.

Commissioner Studebaker asked if the Council would be considering a sidewalk retrofit program in Spring. Acting Planning Director Hayes stated that the General Plan amendment to include a sidewalk retrofit program would be included in an upcoming set of General Plan amendments.

Chair Monfort reviewed the amount of vacant single family residential acreage available, and requested that the percentages be appropriately corrected.

BUSINESS FROM THE FLOOR

Commissioner Carter stated that as there were a number of modifications to conditions and additional conditions, he would like to see a draft of the Resolution recommending approval of the Bidwell Ranch project prior to it being sent on to the Council.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 p.m. to the Regular Meeting of January 6, 1997.

April 21, 1997
Date Approved

Tom Hayes
Acting Planning Director