



City of Chico  
NOTICE OF CANCELLATION  
of  
January 1, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the January 1, 2009 regular meeting of the Planning Commission of the City of Chico has been canceled.

The Planning Commission will meet Thursday, January 15, 2009 for an adjourned regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

By: Karen Masterson, Administrative Assistant

Dated: December 23, 2008

**Distribution:**

Clerk & Council (8)  
City Manager  
PSD Peterson  
ACA Wilson  
SDE Johnson



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**NOTICE IS HEREBY GIVEN** that the January 15, 2009 adjourned regular meeting of the Planning Commission of the City of Chico has been canceled.

The Planning Commission will meet Thursday, February 5, 2009 for a regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

*Karen Masterson*

By: Karen Masterson, Administrative Assistant

Dated: January 8, 2009

**Distribution:**

Clerk & Council (8)  
City Manager  
PSD Peterson  
ACA Wilson  
SDE Johnson

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
FEBRUARY 5, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Mark Sorensen

Commissioners Absent: Susan Minasian

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Planning Services Director Peterson called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. ELECTION OF OFFICERS**

Planning Services Director Peterson opened nominations. Commissioner Kelley was nominated for the position of Chair. The nomination was seconded by Commissioner Luvaas.

*Commissioner Kelley was elected Chair by a vote of 6-0-1 (Minasian absent).*

Commissioner Brownell was nominated for the position of Vice Chair. The nomination was seconded by Commissioner Luvaas.

*Commissioner Brownell was elected Vice Chair by a vote of 6-0-1 (Minasian absent).*

**3. EX PARTE COMMUNICATION**

Vice Chair Brownell: Contacted Kasey Merrill (representative of Avenues Neighborhood Association) to be sure she was aware of tonight's meeting and agenda.

**4. CONSENT AGENDA**

- 4.1 Minutes** - Workshop of September 4, 2008  
**Minutes** - Regular Meeting of September 4, 2008  
**Minutes** - Adjourned Regular Meeting of September 11, 2008  
**Minutes** - Adjourned Regular Meeting of September 18, 2008  
**Minutes** - Regular Meeting of October 2, 2008  
**Minutes** - Regular Meeting of November 6, 2008

Requested Action: Approve the minutes, with corrections, if any

*It was motioned (Brownell) and seconded (Merz) to approve the Consent Agenda with one correction as follows: Minutes of the Regular Meeting of October 2, 2008, page 2, shall be corrected to reflect a “no” vote by Commissioner Minasian. Taking voting abstentions into account, as a result of absence(s) from the meetings in question, final voting on meeting minutes shall be recorded as follows:*

*Minutes of September 4, 2008 Workshop  
Approved by a vote of 4-0-1-2 (Minasian absent; Brownell, Sorensen abstained)*

*Minutes of September 4, 2008, September 11, 2008 and September 18, 2008  
Approved by a vote of 5-0-1-1 (Minasian absent; Sorensen abstained)*

*Minutes of October 2, 2008  
Approved by a vote of 4-0-1-2 (Minasian absent; Barrett, Sorensen abstained)*

*Minutes of November 6, 2008  
Approved by a vote of 5-0-1-1 (Minasian absent; Sorensen abstained)*

**5. PUBLIC HEARING ITEMS**

- 5.1 Code Amendment 08-02 (City of Chico) Amending Title 19 of the Chico Municipal Code related to Downtown Parking Standards** (Noticed 01-23-09) - A proposal to amend Title 19 of the Chico Municipal Code related to reductions and other modifications to parking standards generally affecting the downtown area. This project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. *Planning Staff recommends that the Planning Commission adopt Resolution No. 09-01, recommending that the City Council approve amendments to Title 19 of the Chico Municipal Code relating to parking requirements within the In-Lieu Parking Benefit Area.*

Planning Services Director Peterson presented the staff report. Chair Kelley opened the public hearing at 6:45 p.m. Addressing the Commission in the following order were:

- **John Anderson**, spoke in favor
- **Katrina Davis-Woodcox**, Downtown Chico Business Association, spoke in favor
- **Alan Chamberlain**, author of Walkable Downtown, spoke in favor
- **Debbie Villasenor**, expressed concerns
- **Ken Fleming**, hopes the reduction(s) will be tied to bicycle circulation improvements
- **Dave Murray**, downtown business owner, spoke in favor

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

*It was motioned (Brownell) and seconded (Barrett) that the Planning Commission adopt Resolution No. 09-01, recommending that the City Council approve amendments to Title 19 of the Chico Municipal Code (CMC) relating to parking requirements within the In-Lieu Parking Benefit Area, with the following modifications:*

1. *Eliminate all language changes (strikeouts and additions) recommended for CMC Section 19.70.040, Subsection G.*
2. *In CMC Section 19.70.040, Subsection H is amended to read: “The construction of parking spaces in a number greater than that required may be administratively approved by the Director only when a combination of additional landscaping, pedestrian/bicycle improvements, and/or pervious surfaces, **and/or measures to offset or decrease downtown traffic and/or carbon emissions** are provided at levels significantly above those required by this chapter...”*
3. *In CMC Section 19.70.040, Table 5-4.1D, Parking Requirements - Retail Trade in the In-Lieu Parking Benefit Area, vehicle spaces required shall be “1 space for each ~~400~~ **500** sq. ft. of gross floor area...” for the following land use types: Retail stores, Shopping centers, Gas stations, and Veterinary clinics and hospitals.*
4. *In CMC Section 19.70.050, Subsection 3, Findings for Reduction is amended to read: “...and that the area is served by sufficient bicycle facilities or public transit, or is characterized by mixed-use development, or has other features which encourage pedestrian access, **or if the area is served by adequate on-street parking**, and will not result in a parking deficiency.”*
5. *In CMC Section 19.70.060, Design and development standards for off-street parking, Subsection H.5 is amended to read: “This provision shall not apply where joint use parking and/or access are included as part of a subdivision approval ~~or if the site is included in an existing vehicle parking district.~~”*

*Motion passed by a vote of 6-0-1 (Minasian absent)*

\*\*\*\*\*  
The Planning Commission recessed at 8:00 p.m. and reconvened at 8:13 p.m. Commissioners and staff were present as noted.  
\*\*\*\*\*

**6. REGULAR AGENDA**

**6.1 Workshop Regarding Text Amendments to Title 19 of the Chico Municipal Code (City of Chico) A-ZON-19A** - A workshop to discuss proposed amendments to Title 19 of the Chico Municipal Code. The proposed amendments would: resolve minor inconsistencies in the Code; codify interpretations made by the Planning Services Director; clarify terms and definitions; correct typographic errors; make minor modifications to certain development standards; implement previous Council direction; and make other minor changes. The Commission will conduct a public hearing and make a recommendation to the City Council at a subsequent meeting. *Planning staff recommends that the Commission discuss each proposed code amendment and provide direction to staff, particularly for those items where there are several possible ways to address a problem in the code.*

Principal Planner Wolfe provided opening remarks and reviewed the suggested amendments individually. Chair Kelley opened the public hearing at 8:30 p.m. Addressing the Commission in the following order were:

- **John Anderson** - Commented on creekside setback and second dwelling unit (SDU) separation requirement
- **Nancy Ostrom** - Suggested a 5 foot setback for SDUs when on an alley
- **Kasey Merrill** - Commented on SDU issues; wants to retain the SD overlay
- **Ken Fleming** - Commented on SDU issues; expressed agreement with statements of speakers Ostrom and Merrill
- **Debbie Villasenor** - Commented on setbacks from alley; suggested a dedicated forum for discussion of creekside development due to complexity of the subject
- **Linda Hamilton** - Asked if there had been legal challenges to existing language regarding creekside dedication/setback
- **Mike Trolinder** - Asked a question regarding portable signs and the effect on downtown businesses

The Commission indicated its support on a number of proposed amendments with some minor modifications. Proposed amendments to code sections related to creekside dedication, fence height limits, portable signs and the separation and setback requirements for second dwelling units were set aside for more in-depth discussion at a future meeting.

*It was motioned (Luvaas) and seconded (Kelley) that this evening's Planning Commission meeting be continued until 10:00 p.m.*

*Motion passed by a vote of 6-0-1 (Minasian absent)*

*It was motioned (Luvaas) and seconded (Merz) to continue the Workshop regarding text amendments to Title 19 of the Chico Municipal Code, A-ZON-19A (City of Chico) to the Adjourned Regular Meeting of February 19, 2009.*

*Motion passed by a vote of 6-0-1 (Minasian absent)*

7. **BUSINESS FROM THE FLOOR** - None

8. **REPORTS & COMMUNICATIONS**

- 8.1 **Planning Update** - As a result of the expiration of Tom Hayes' seat on the Commission, a replacement is needed to fill a vacancy on the Design Guidelines Subcommittee. Commissioner Luvaas will fill this vacancy. As a result of Commissioner Kelley being elected Chair, Commissioner Merz will assume responsibility to serve as alternate to the Architectural Review Board, if needed. Planning Services Director Peterson reviewed a calendar of upcoming meetings and events.

Due to the late hour, the Commission dispensed with summary reports on activities of the General Plan Advisory Committee (GPAC) and Sustainability Task Force.

9. **ADJOURNMENT** - There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 10:02 p.m. to the Adjourned Regular Meeting of December 4, 2008 at 6:30 p.m.

March 19, 2009  
Date Approved

/s/  
Steve Peterson  
Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
FEBRUARY 19, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell (arrived 6:32 p.m.)  
Dave Kelley  
Jon Luvaas  
Mark Sorensen

Commissioners Absent: John Merz  
Susan Minasian

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Greg Redeker, Associate Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - None**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of July 17, 2008**

Requested Action: Approve the minutes, with corrections, if any

*It was motioned (Luvaas) and seconded (Barrett) to approve the Consent Agenda with one correction to the July 17, 2008 Minutes as follows: Page 4, Condition of Approval No. 5 is amended to read "...to conduct a preconstruction field survey in and adjacent to the project ~~are~~ for nesting raptors..."*

*Motion passed by a vote of 3-0-2-2*

*Ayes: Barrett, Kelley, Luvaas*

*Noes: None*

*Absent: Merz, Minasian*

*Abstain: Brownell, Sorensen*



4. **PUBLIC HEARING ITEMS** - There were no items for this agenda.

5. **REGULAR AGENDA**

5.1 **Workshop Regarding Text Amendments to Title 19 of the Chico Municipal Code; A-ZON-19A (City of Chico)** (*Noticed 01-23-09; Continued from 02-05-09*) A workshop to discuss proposed amendments to Title 19 of the Chico Municipal Code. The proposed amendments would: resolve minor inconsistencies in the Code; codify interpretations made by the Planning Services Director; clarify terms and definitions; correct typographic errors; make minor modifications to certain development standards; implement previous Council direction; and make other minor changes. The Commission will conduct a public hearing and make a recommendation to the City Council at a subsequent meeting. *Planning staff recommends that the Commission discuss each proposed code amendment and provide direction to staff.*

Principal Planner Mark Wolfe summarized the previous workshop held on February 5, 2009. Associate Planner Greg Redeker presented the staff report and reviewed the proposed code amendment sections that the Commission had set aside at the previous workshop pending additional information and/or review. The Commission then considered each proposed code amendment section, in order, either accepting the amendment as presented or suggesting language changes. In addition, the public was invited to provide comments as each item is addressed.

1. **Section 19.04.020 Definitions of specialized terms and phrases.**

A. **Alcoholic Beverage Establishment (land use).** - Accepted as presented by staff.

F. **Floor Area, Gross.** - Accepted as presented by staff with addition of "**For the purposes of Title 19**" at the beginning of the paragraph.

2. **Section 19.18.080 Expiration and extensions. [Architectural Review]** - Accepted as presented by staff.

3. **Section 19.28.100 Extension. [Planned Development Permits]** - Accepted as presented by staff.

4. **Section 19.30.050 Time limits and extensions. [All Entitlements]** - Accepted as presented by staff.

5. **Section 19.42.020 Residential zone land uses and permit requirements.** - There were no suggested modifications; however, Commissioner Brownell would like to revisit Footnote (6) to Table 4-2 at such time as second dwelling units are discussed.

6. **Section 19.60.030 Creekside development.** - Decision on whether to accept language as presented or modify same was deferred until later in the meeting.
7. **Section 19.60.060 Fencing and screening.** - Addressing the Commission in the following order were:
  - **Kasey Merrill**, representing CANA, expressed concerns regarding landscaping that may be overgrown, and therefore blocking the view permeable portion of the fence
  - **Debbie Villasenor**, Southwest Neighborhood Association, expressed concerns with increased fence height on alleys

Proposed changes to Section 19.60.060 were accepted as presented by staff with the addition of the a clarification that the one foot of 50% view permeable material be incorporated into the “**top**” of the fence design.

6. **Section 19.60.030 Creekside Development.** (Discussion deferred from earlier in the meeting). Addressing the Commission in the following order were:
  - **Debbie Villasenor**, Southwest Neighborhood Association, would like to see a comprehensive plan on the treatment of creeks so that the General Plan vision for creeks can occur
  - **Marvin Davidson**, recommended that clarification as to the definition of “top of bank” would be helpful

Proposed changes to Section 19.60.030 were accepted as presented by staff with the addition of “**easement**” as a third option in addition to setback or dedication.

8. **Section 19.70.060 Design and development standards for off-street parking.** - Accepted as presented by staff.
9. **Section 19.74.070 Prohibited signs.** - Accepted as presented by staff.
10. **Section 19.74.110 Standards for specific types of signs.** - Accepted as presented by staff.
11. **Section 19.74.115 Portable signs.** - Accepted staff’s recommendation to readopt per City Council direction, with the provision that this section shall be automatically repealed “**two years**” from its effective date.

**12. Section 19.76.020 Accessory uses and structures.** It was noted that issues of setbacks and separation to be discussed here will also affect/apply to **Section 19.76.130 Second Dwelling Units**. Addressing the Commission in the following order were:

- **Kasey Merrill**, representing CANA, opposed to living units directly on the alley
- **Betty Chin Nopel**, resident on West First Avenue, expressed concerns with parking and code enforcement issues
- **Marvin Davidson**, resident on West 4<sup>th</sup> Avenue, suggested collecting a fee from property owner(s) when they build a second dwelling unit to be used toward funding alley improvements

**Note:** Staff advised that Council had eliminated the alley fee (est. 2005).

- **Ken Fleming**, resident on East Sacramento, favors data collection as a means of identifying the issues; opposed with reducing the separation footage
- **Melinda Vasquez**, resident on East Sacramento, opposed to reducing the separation footage; concerned with additional traffic stress on alleys
- **Bob Aranguren**, resident on Legion Avenue, concerned with additional traffic in alleys and how alley maintenance can be funded
- **Ken Fleming**, stated that staff has not demonstrated that there is any real need to make a change
- **Kasey Merrill**, stated her understanding from an earlier conversation with Planning Services Director Peterson that nothing would change in the SD-4 Overlay Zoning District and asked for confirmation of same

Staff advised that there would be a change to some interpretation of the development standards; however, what will not change is the use permit requirement for proposed second dwelling units in the SD-4 Overlay Zoning District.

*It was motioned (Brownell) to move forward with a reduction in the 30 foot separation, with staff returning to the Commission with a figure that would allow them to continue and protect the neighborhoods. Chair Kelley suggested a friendly amendment to provide a specific footage and by way of straw poll (4-1, Brownell opposed) the figure of 10 feet was agreed upon. Commissioner Luvaas seconded the motion as amended.*

*Motion carried by a vote of 4-1-2 (Brownell opposed, Merz and Minasian absent)*

\*\*\*\*\*  
The Planning Commission recessed at 8:50 p.m. and reconvened at 9:00 p.m. Commissioners and staff were present as noted.  
\*\*\*\*\*

**12. Section 19.76.020 Accessory uses and structures/Section 19.76.130 Second Dwelling Units. (Continued)**

*It was motioned (Luvaas) and seconded (Brownell) that the rear setback requirement be set at a default of 5 feet and that staff will draft language regarding exceptions that may be allowed to the default rear setback of 5 feet.*

*Motion carried by a vote of 5-0 (Merz and Minasian absent)*

**13. Section 19.76.060 Large family day care homes.** - Accepted as presented by staff.

**14. Section 19.76.150 Small-lot subdivisions.** - Accepted as presented by staff.

**5.2 2007/2008 Commission Work Plan Status Report** - This is a status report on the Commission's Work Plan and transmittal to the City Council as required by the City's Policies and Procedures. *Planning staff recommends that the Planning Commission approve the Status Report and forward to the City Council.*

Planning Services Director Steve Peterson presented the Status Report. A few modifications were made to the Status Report after meeting with the Work Plan Subcommittee and are summarized as follows: 1) Item 2.c. Develop and enforce a mitigation tracking and monitoring program - Note that a fee is needed; 2) Item 2.g. Consider urban growth areas and boundaries as part of GP - Note that there will be policy discussion on the land use alternatives; and, 3) All references to "Design Guidelines" should reflect the year '09 and not '08.

*It was motioned (Brownell) and seconded (Luvaas) to accept the 2007/2008 Work Plan Status Report with the modifications as presented by Planning Services Director Peterson.*

*Motion carried by a vote of 5-0*

**6. BUSINESS FROM THE FLOOR** - None

**7. REPORTS AND COMMUNICATIONS**

- 7.1 Planning Update** - Planning Services Director Peterson reviewed a calendar of upcoming meetings and events and mentioned the Housing Element time line has been accelerated as it is due to the State in August.
- 7.2 General Plan Advisory Committee** - Chair Kelley reviewed highlights of the January 28, 2009 meeting of the GPAC.
- 7.3 Design Guidelines Subcommittee** - Chair Kelley provided an overview of the meeting of the Design Guidelines Subcommittee held on January 29, 2009 and mentioned that Senior Planner Bob Summerville would be making a presentation to the Commission in a few weeks.
- 7.4 Sustainability Task Force** - Commissioner Luvaas reported on the January and early February meetings of the Sustainability Task Force.
- 8. ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m. to the Regular Meeting of March 5, 2009 at 6:30 p.m.

April 16, 2009  
Date Approved

\_\_\_\_\_  
/s/  
Steve Peterson  
Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
MARCH 5, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
Susan Minasian  
Mark Sorensen

Commissioners Absent: John Merz

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Brendan Vieg, Principal Planner  
Bob Summerville, Senior Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

**Commissioner Sorensen:** Spoke with Butte Community Builders Association (BCBA) re: all agenda items.

**Commissioner Luvaas:** Spoke with Jason Bougie, BCBA, re: Design Guidelines.

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of December 18, 2008**

**Requested Action:** Approve the minutes, with corrections, if any.

*It was motioned (Minasian) and seconded (Brownell) to approve the Minutes of December 18, 2008 as presented.*

*Motion passed by a vote of 4-0-1-2 (Merz absent; Barrett, Sorensen abstained)*

4. **PUBLIC HEARING ITEMS** - There were no items for this agenda.

5. **REGULAR AGENDA**

5.1 **Chico 2030 General Plan Update - Project Status Report** - A summary of the status of the General Plan Update including project work completed to date, future opportunities for Council, Commission and public input, and an overview of the next phase in the Update process. *The Planning Services Director recommends that the Commission accept the report and direct any questions to staff.*

Principal Planner Brendan Vieg presented the staff report which was presented to Council at its meeting on March 3, 2009. Principal Planner Vieg reviewed the work of the General Plan Advisory Committee, the Downtown Committee and the Sustainability Task Force. At a joint meeting on March 17, 2009 the City Council and Planning Commission will discuss the Housing Element, then forward recommendations to State of California Housing and Community Development (HCD) for the initial two-month review. Joint meetings of Council and Commission are also scheduled on April 28, 2009 and May 13, 2009.

5.2 **Design Guidelines Manual - Project Status Report** - Preparation of a comprehensive Design Guidelines Manual is a priority in the work plans for both the Architectural Review Board (ARB) and Planning Commission. Staff is providing a status report on the project, three draft chapters, and a sample chapter prepared with graphics, photographs, and illustrations. This status report was provided to the ARB at its February 18, 2009 meeting. Comments from the ARB have been included in staff's report. *The Planning Services Director recommends that the Planning Commission accept the report and direct any questions to staff.*

Senior Planner Bob Summerville presented the staff report. Chair Kelley opened the meeting for public comment at 6:46 p.m. Addressing the Commission in the following order were:

- **Jason Bougie, Butte Community Builders**, expressed concern with respect to the guidelines' potential impact on single family residential design
- **Matt Gallaway, Russell, Gallaway Associates, Inc.**, concerned that guidelines may evolve into rules
- **Bill Webb, Webb Homes**, expressed concern with respect to potential impact on single family residential projects

There being no further speakers to address the Commission, Chair Kelley closed the public comment period at 7:57 p.m. A straw poll was taken to determine the Commission's support of having a representative of the local residential builders in the community meet with the Design Guidelines Subcommittee; all Commissioners in attendance were in favor.

\*\*\*\*\*  
The Planning Commission recessed at 8:00 p.m. and reconvened at 8:10 p.m. Commissioners and staff were present as noted.  
\*\*\*\*\*

**5.3 Discussion of 2009/2010 Planning Commission Work Plan** - The Planning Commission is required to prepare a two-year work plan and forward to the City Council for approval by June 2009. *Planning staff recommends that the Planning Commission discuss overall work plan priorities and brainstorm goals and projects for further development by the Work Plan Subcommittee.*

Planning Services Director Steve Peterson presented the staff report and suggested an overall discussion of the Commission’s work plan priorities. Staff will take that list of priorities, organize it, provide feedback as to staffing implications and make adjustments for items that will be addressed in the General Plan Update process. The Work Plan Subcommittee (Commissioners Brownell, Luvaas and Minasian) shared their thoughts; a key discussion point was the matter of monitoring mitigation measures and conditions of approval placed on projects during the entitlement process. It was agreed that feedback from tonight’s meeting would be taken back to the Subcommittee which will meet again to fine tune the draft 2009-2010 Work Plan.

**6. BUSINESS FROM THE FLOOR** - None

**7. REPORTS & COMMUNICATIONS**

**7.1 Planning Update** - Planning Services Director Peterson provided an overview of departmental activities and reviewed a calendar of upcoming meetings.

**7.2 General Plan Advisory Committee (GPAC)** - Chair Kelley provided a report on the February 25, 2009 meeting of the GPAC which focused on economic development, redevelopment and reuse of land alternatives, and the process for project review.

**7.3 Sustainability Task Force** - Commissioner Luvaas reported on the March 2, 2009 meeting of the Sustainability Task Force (STF). The STF continues to develop a list of recommended sustainability policies for the General Plan and hopes to complete a climate action plan by April.

**7.4 Communication(s)** - None





ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 17, 2009  
Minutes

- 1.1. CLOSED SESSION - 6:00 p.m.
- 1.2. REGULAR CITY COUNCIL MEETING
- 1.3. Call to Order - Mayor Schwab called the March 17, 2009 - Adjourned Regular Chico City Council meeting to order at 6:30 p.m. in the Council Chamber, 421 Main Street .
- 1.4. Flag Salute
- 1.5. Invocation — Pastor Jim Peck, Congregational Church of Chico, United Church of Christ
- 1.6. Roll Call  
  
Present: Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab  
Absent: Flynn
- 1.7. Closed Session Announcement - None
- 1.8. Proclamation — Proclaiming March 22 - 28, 2009 as Boys & Girls Club Week

2. CONSENT AGENDA

A motion was made by Gruendl and seconded by Nickell to approve Consent Agenda, as read, with Councilmember Wahl and Mayor Schwab disqualified on item 2.1.

The motion carried by the following vote:

- AYES: Nickell, Schwab, Walker, Gruendl, Wahl, Holcombe
- NOES: None
- ABSENT: Flynn

- 2.1. ORDINANCE NO. 2394 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING CERTAIN SECTIONS OF TITLE 19 OF THE CHICO MUNICIPAL CODE PERTAINING TO PARKING REQUIREMENTS WITHIN THE DOWNTOWN IN LIEU PARKING BENEFIT AREA - Final Reading and Adoption

Adopted - an ordinance which will reduce downtown parking requirements by 50% with specified parking maximums and other incentives. This ordinance was introduced by the Council at its meeting of 3/03/09. The Planning Services Director recommended adoption of the ordinance. Councilmember Wahl and Mayor Schwab were disqualified on this item.

Item 2.1. Staff Report

- 2.2. APPROVAL OF THE TRANSFER OF A RESTRICTED SOLID WASTE COLLECTOR PERMIT TO NORTHERN RECYCLING & WASTE SYSTEMS, LLC

Approved - the transfer of a restricted solid waste collector permit from Crowder

Rubbish Service to the new owners, Northern Recycling & Waste Services, LLC as provided by Section 5.16.070 of the Chico Municipal Code. Management Analyst Herman recommended approval of this permit transfer.

Item 2.2. Staff Report

2.3. APPROVAL OF MINUTES OF CITY COUNCIL MEETING

Approved - minutes of the City Council meeting held on 2/03/09.

Item 2.3. Staff Report

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ITEMS REMOVED FROM CONSENT - None

JOINT CITY COUNCIL/PLANNING COMMISSION MEETING - 6:45 p.m. in the Council Chamber

3. NOTICED PUBLIC HEARINGS

3.1. Planning Commission Roll Call

Commissioners Brownell, Luvaas, Merz, Minasian, Sorensen, and Chair Kelley were present. Commissioner Barrett was absent.

3.2. GENERAL PLAN UPDATE - DRAFT HOUSING ELEMENT

Based on State-mandated timelines, a new Housing Element must be adopted by the City and certified by the California Department of Housing and Community Development (HCD) by 8/30/09. Prior to adopting the Housing Element, the City must forward a public review draft of the document to HCD for a 60-day review period. The Housing Element is considered the primary policy document to guide the development, rehabilitation, and preservation of housing for all economic segments of the City's population. Informed by a comprehensive public outreach effort, a Draft Housing Element has been prepared. At this meeting, the Council and Commission conducted a public hearing, provided comments on the Draft Element, and gave direction to staff to forward the Draft Housing Element to HCD. No formal action was taken at the meeting to adopt the Housing Element. (Report - Brendan Vieg, Principal Planner and James Coles, Housing Manager)

Councilmember Wahl raised a point of order regarding Councilmember Holcombe's participation in the Homeless Task Force and as a signee of the letter from that group regarding comments about the Draft Housing Element. Councilmember Wahl felt that there was a conflict.

City Attorney Barker stated for the record that there was not a conflict of interest due to no financial interest being involved.

The Consultant provided an overview of the proposed Draft Housing Element.

1) Mayor Schwab opened the hearing on the Draft Housing Element for public input.

Addressing the Council on this item were Michael Reilley, Dave Ferrier, Emily Fisher,

Jason Bougie, Tom Tenorio, Nicole Bateman, Juanita Sumner, Mike Trolinder, Mike Jensen, and Debbie Villasenor.

Mayor Schwab closed the hearing to further public comment.

- 2) **Review the Draft Housing Element, direct revisions as appropriate, and authorize staff to submit the Draft Housing Element to the State Department of Housing and Community Development for review and comment.**

Item 3.2. Staff Report

Comments received from the Planning Commissioners and City Councilmembers that were discussion points are as follows:

1. Next staff report, would like to see the number of units produced that were the result of a density bonus. (Councilmember Gruendl)
2. For affordable projects at risk of converting to market rate, could staff work with the owners and provide a density bonus for a rehab, if this would help to keep the project affordable (Commissioner Brownell)
3. Consider increasing the TBRA time period (Councilmember Gruendl)
4. What is the cost of the housing element? (Councilmember Wahl)
5. Include new homeless count numbers when received (Councilmember Wahl)
6. Consider re-zone and re-use of underutilized commercial/industrial properties (Commissioner Minasian)
7. Could City-sponsored projects be required to install solar street lights? (Mayor Schwab)
8. Include street addresses in Table A-30 (Planning Commissioner Chair Kelley)
9. Address the FEMA Flood Zone issue (Vice Mayor Nickell)
10. Target the supply of 1-2 bedroom units, in response to changing demographics (Commissioner Luvaas)
11. Impact fees should be modified to incentivize infill, de-incentivize sprawl (Commissioner Luvaas)
12. Developers should be required to incorporate smaller square footage homes in their developments (Commissioner Luvaas)

The Council and Commission recessed at 8:10 p.m. for a ten minute break. The meeting was reconvened and all members were present. All Commissioners were present except for Commissioner Merz, who left the meeting and Commissioner Barrett who was absent from the meeting.

A motion was made by Holcombe and seconded by Gruendl to approve forwarding the Draft Housing Element with the following additions:

1) Replace Action H.2.5.2 as follows: The City will develop a Mixed income and Inclusionary Zoning program that is responsive to the local political and economic environment. The City will consider the following topics:

- Target specific future growth areas
- Minimum number of units threshold
- Feasible affordable set-aside requirements
- Alternatives to building on-site
- Type of effective incentives

- Recommend applicable best practices with focus on results

Responsible party: Housing & Neighborhood Services/Planning Services

Funding Source: LMIHF

Time Frame: Present an ordinance to the City Council for adoption by 2012.

2) Add Action H.2.5.4, as follows: At the time of entitlement applications, the City will negotiate with developers within newly developing Special Planning Areas (SPA) for the provision of affordable housing units within the SPA.

Responsible Party: Planning Services/Housing & Neighborhood Services

Funding Source: General Fund/LMIHF

Time Frame: 2009-2014

3) Add a new Action H.7.1.2 (existing action to be re-numbered to H.7.1.3) as follows: Explore financing options through State and Federal grants for the installation of energy-efficiency measures in all new residential projects.

Responsible Party: Planning Services/Housing & Neighborhood Services

Funding Source: General Fund

Time Frame: 2009-2014

4) Add Action H.3.3.4: Implement mechanisms that promote and facilitate mixed residential-commercial development along target strip commercial corridors served by transit. Such mechanisms should be directed to:

- Allow horizontal and vertical residential-commercial uses
- Enable separate ownership of ground-level commercial and above-ground residential uses
- Include development standards that act as an incentive for mixed use, including reduced off-site parking and open space standards
- To achieve a better balance of jobs and workforce housing, target appropriate mixed-use residential/commercial areas for a minimum ratio of residential to commercial
- Concentrate higher density housing near transit routes and shopping centers

The motion carried by the following vote:

AYES: Gruendl, Holcombe, Walker, Nickell, Schwab

NOES: Wahl

ABSENT: Flynn

4. **REGULAR AGENDA**

4.1. **ITEMS ADDED AFTER THE POSTING OF THE AGENDA - None**

5. **BUSINESS FROM THE FLOOR - None**

6. **Adjourned at 9:50 p.m. to April 7, 2009 at 6:00 p.m., in Conference Room 2 if a closed session is scheduled, followed by a regular meeting in the Council Chamber at 6:30 p.m.**

Date Approved: 4/21/09

  
Deborah R. Presson, City Clerk

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**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — March 17, 2009**  
**CLOSED SESSION - Chico Municipal Center, Conference Room #2, 421 Main Street**

1. CALL TO ORDER

1.1. Roll Call

Present: Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab

Absent: Flynn

1.2. Staff Present - City Manager Burkland, City Attorney Barker, Assistant City Manager Rucker, City Clerk Presson, Capital Project Services Director Varga, Senior Civil Engineer Vonderhaar

2. CLOSED SESSION MATTERS ANNOUNCEMENT OF IDENTIFICATION OF NEGOTIATORS, PROPERTIES AND PARTIES WITH WHOM NEGOTIATORS MAY NEGOTIATE IN REGARD TO A CLOSED SESSION ITEM, CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The City Council adjourned to closed session to discuss negotiations with the City's real property negotiator regarding the proposed acquisition:

Property Owner - California Newspaper Partnership  
Street Address - 400 E. Park Avenue Chico, CA 95928  
Assessor's Parcel No. - 005-500-030

The City's negotiator was City Manager David Burkland and the party with whom negotiations are proposed to be conducted is the property owner (or such persons designated as the owner's agent for the purpose of negotiations).

2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8)

Negotiator: David Burkland, City Manager

Under Negotiation: Price and terms of payment for proposed acquisition

Negotiating Parties: California Newspaper Partnership and/or its designated negotiator(s)

2.2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION:


The City Attorney reviewed the following case: Borge Development, Inc. v. City of Chico, et al., U.S. District Court, Eastern District, Case No. 2:06-CV-02228-JAM-GGH, pursuant to subdivision (a) of Government Code section 54956.9.

2.3. THREAT TO PUBLIC SERVICES OR FACILITIES: Consultation with: Assistant City Manager (Gov. Code Sec. 54957.) - This item was tabled and not heard.

3. Adjourned at 6:25 p.m. to a City Council meeting in the Council Chamber.

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Date Approved: 4/21/09

  
Deborah R. Presson, City Clerk

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
MARCH 19, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Commissioners Absent: Kathy Barrett

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Zach Thomas, Senior Planner  
Greg Redeker, Associate Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:32 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

In response to a question regarding disclosure of site visits under Ex Parte Communication, Assistant City Attorney Wilson stated that disclosure of a visit to property that is the subject of any agenda item is good practice and should be included in Ex Parte Communication.

**Brownell:** Drives by 4.2 (Pierce) site everyday; has seen 4.3 (Habitat for Humanity) site and attended a related 2003 Butte County workshop

**Kelley:** Site visits to 4.2 and 4.3

**Luvaas:** Has seen 4.3 site many times

**Merz:** Site visit to 4.3

**Minasian:** Site visit to 4.3

**Sorensen:** Site visit to 4.3



### 3. CONSENT AGENDA

#### 3.1 Minutes - Regular Meeting of February 5, 2009

Requested Action: Approve the minutes, with corrections, if any

*It was motioned (Luvaas) and seconded (Merz) to approve the Consent Agenda , as presented, without corrections.*

*Motion passed by a vote of 5-0-1-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Sorensen*

*Noes: None*

*Absent: Barrett*

*Abstain: Minasian*

### 4. PUBLIC HEARING ITEMS

#### 4.1 Text Amendments to Title 19 of the Chico Municipal Code - A-ZON-19A (City of Chico) (Noticed 03-07-09) A proposal to amend Title 19 of the Chico Municipal Code to: resolve minor inconsistencies in the Code, codify interpretations made by the Planning Services Director; clarify terms and definitions; correct typographic errors; make minor modifications to certain development standards; implement previous Council direction; and make other minor changes. The Commission will conduct a public hearing and make a recommendation to the City Council. The project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. *Staff recommends that the Planning Commission adopt Resolution No. 09-03, recommending City Council adoption of amendments to Title 19 of the Chico Municipal Code as set forth therein.*

Associate Planner Greg Redeker presented the staff report. Chair Kelley opened the public hearing at 6:55 p.m. Addressing the Commission in the following order were:

- **Melinda Vasquez**, expressed concerns with second dwelling unit (SDU) setback and separation
- **Kasey Merrill**, representing Chico Avenues Neighborhood Association (CANA), expressed agreement with previous speaker and concerns regarding alleys and ministerial allowances
- **Betty Nopel**, CANA board member, in favor of 5 foot setback and 30 foot separation for SDUs

There being no further speakers, the public hearing was closed at 7:15 p.m. Commissioner Merz suggested modifications to the proposed code amendments as follows:

- That approved planned development permit extensions may only be granted by the Planning Commission and that authority not be granted to the Zoning Administrator (Reference Exhibit I, Page 2, Sections 19.28.100 and 19.30.050).
- That Exhibit I, Page 7, Section 19.60.030 Creekside Development, Subsection E.1 be modified to read "...The City may also acquire **up to** an additional 75 feet for a total of a 100-foot-wide setback from top of bank..."
- That Exhibit II, Section 1 be modified to read "Establish a Capital Improvement Program and Nexus Study for creekside greenway acquisition and improvement to provide a dedicated funding source. ~~particularly for those development projects where there is insufficient nexus to require creekside greenway dedication.~~"
- That Exhibit II, Section 4 be modified to read "Amend the parking standards to limit the amount of parking which can occur within the front yards of single-family residential properties. ~~in those areas near the university.~~"

Commissioner Sorensen suggested an additional change to Commissioner Merz' third recommended modification (above) as follows:

- That Exhibit II, Section 1 be modified to read "~~Establish~~ **Review** the Capital Improvement Program and Nexus Study..."

*It was motioned (Luvaas) and seconded (Kelley) to accept pages 1 through 6 of Exhibit I. An amendment to the motion was made by Commissioner Merz to modify language in Section 19.30.050, Subsection D, last line, and also in Section 19.28.100 to provide that planned development permit extensions may only be granted by the Planning Commission.*

*Motion failed by a vote of 3-3-1  
Ayes: Brownell, Merz, Minasian  
Noes: Kelley, Luvaas, Sorensen  
Absent: Barrett*

*It was motioned (Luvaas) and seconded (Kelley) to accept pages 1 through 6 of Exhibit I with modifications to Sections 19.30.050 and 19.28.100, page 2, that the Zoning Administrator may grant a one-time extension of a planned development permit of up to two additional years and that any additional extensions of planned development permits may only be granted by the Planning Commission.*

*Motion passed by a vote of 4-2-1  
Ayes: Brownell, Kelley, Luvaas, Sorensen  
Noes: Merz, Minasian  
Absent: Barrett*

The Commission continued its review at page 7 of the proposed code amendments and proposed modifications as follows:

- That Exhibit I, Page 7, Section 19.60.030, Creekside Development, Subsection E.1 be modified to read "...The City may also acquire **up to** an additional 75 feet for a total of a 100-foot-wide setback from top of bank..." (Straw Poll Results: In Favor)
- That Exhibit I, Page 7, Section 19.60.060, Fencing and Screening, Subsection A.1.a.(2) and Subsection A.1.a.(3) be modified to read "...50% view permeable material is incorporated into the top **one foot** of the fence design." (Straw Poll Results: In Favor)
- That Exhibit I, Page 8, Section 19.70.060, Design and development standards for off-street parking, Subsection E.2 be modified to add the following language "**Active solar arrays may be used in part to meet the shading requirement if approved in conformance with Chapter 19.18 (Site Design and Architectural Review).**" (Straw Poll Results: In Favor)

The Commission continued its review at page 13 of the proposed code amendments. Commissioner Brownell opposes proposed language in Section 19.76.130, Second Dwelling Units, reducing building separation from 30 feet to 10 feet and also wants the rear yard setback on an alley to remain at 5 feet. In the absence of proposed modification language, Chair Kelley called for a straw poll vote on the following:

- That the language proposed by staff in Exhibit I, Section 19.76.130, Second Dwelling Units, Subsection C.4.a (Page 13) and Subsection C.4.b. (Page 14) be approved as presented in the staff report. (Straw Poll Results: In Favor)

*It was motioned (Brownell) and seconded (Minasian) that Exhibit I, Section 19.76.130, Second Dwelling Units, Subsection C.4.c., including sub-subsections (I) and (ii), be reduced to a single paragraph reading as follows: "The rear yard setback for a detached second dwelling unit is a minimum of 5 feet except where the second dwelling unit is adjacent to an alley and constitutes the second story on a garage which has less than a 5 foot setback, the rear yard setback for the second dwelling unit shall be the same as the existing setback for the garage."*

*Motion passed by a vote of 4-2-1  
Ayes: Brownell, Kelley, Merz, Minasian  
Noes: Luvaas, Sorensen  
Absent: Barrett*

*It was motioned (Brownell) and seconded (Sorensen) that the Planning Commission accept Exhibit II, Supplemental Recommendations, including the two suggestions provided earlier in the meeting as follows:*

*That Exhibit II, Section 1 be modified to read “~~Establish a Review the Capital Improvement Program and Nexus Study for creekside greenway acquisition and improvement to provide a dedicated funding source. particularly for those development projects where there is insufficient nexus to require creekside greenway dedication.~~”*

*That Exhibit II, Section 4 be modified to read “Amend the parking standards to limit the amount of parking which can occur within the front yards of single-family residential properties. ~~in those areas near the university.~~ The intent is to prevent front yards from becoming paved parking lots..”*

*Motion passed by a vote of 6-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: Barrett*

Commissioner Merz asked that Exhibit II, Supplementation Recommendations, Section 2 be modified to reflect that an alley inventory is needed.

*It was motioned (Merz) and seconded (Luvaas) that Exhibit II, Section 2 be amended to read as follows: “Provide adequate funding for alley maintenance and improvements, including consideration of an alley inventory and a separate fund for alley in-lieu fees to ensure that the revenue is used only for alley improvements.”*

*Motion passed by a vote of 6-0-1 (Barrett absent)*

*It was motioned (Brownell) and seconded (Sorensen) that the Planning Commission adopt Resolution 09-03, recommending City Council adoption of amendments to Title 19 of the Chico Municipal Code as set forth therein, and with the incorporation of all agreed upon modifications as identified by the Planning Commission.*

*Motion passed by a vote of 5-1-1*

*Ayes: Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: Brownell*

*Absent: Barrett*

\*\*\*\*\*  
The Planning Commission recessed at 8:30 p.m. and reconvened at 8:43 p.m. Commissioners and staff were present as noted.  
\*\*\*\*\*

- 4.2 Pierce General Plan Amendment & Rezoning (GPA/RZ 08-07) 1331 West 8<sup>th</sup> Avenue, APN 043-190-002** (*Noticed 03-07-09*) A proposal to change the General Plan designation of a .33-acre site from Manufacturing and Warehousing to Community Commercial, and to rezone the site from ML-Light Manufacturing to CC-Community Commercial. No development of the subject site is proposed in connection with this request. The Planning

Commission will conduct a public hearing and make a recommendation to the City Council. This project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. *Staff recommends that the Planning Commission adopt Resolution No. 09-02, recommending that the City Council approve the proposed General Plan Amendment and Rezone 08-07.*

Senior Planner Zach Thomas presented the staff report. Chair Kelley opened the public hearing at 8:45 p.m. Addressing the Commission was:

- **Debbie Pierce**, Applicant, spoke in favor

There being no further speakers, the public hearing was closed at 8:47 p.m.

*It was motioned (Merz) and seconded (Sorensen) that the Planning Commission adopt Resolution No. 09-02, recommending that the City Council approve the proposed General Plan Amendment and Rezone 08-07, as presented and without additional conditions of approval.*

*Motion passed by a vote of 6-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: Barrett*

- 4.3 Habitat for Humanity Subdivision & Planned Development Permit (S/PDP 08-02) APN 005-422-023** (*Noticed 03-07-09*) - A proposal to develop a 1.01-acre site located south of the intersection of 16th Street and D Street with 8 single-family residential units and one open space lot. The project site is designated Medium Density Residential (7.01 - 14 units per gross acre) on the General Plan diagram and is located within the R-2 Medium Density Residential zoning district with a PD-Planned Development overlay zone. The density of the proposed project is 8 units per acre, within the allowable range. This project has been determined to be exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (In-fill Development). *Staff recommends that the Commission adopt Resolution 09-04 approving Tentative Subdivision Map and Planned Development Permit 08-02.*

Senior Planner Zach Thomas presented the staff report. Chair Kelley opened the public hearing at 8:58 p.m. Addressing the Commission in the following order were:

- **Maria Snyder**, citizen, expressed concern with the number of units and displeasure with area improvements to-date
- **Dave Wallace**, Habitat for Humanity, spoke in favor of the project, provided background information on the project's history and answered various questions posed by the Commission
- **Ross Simmons**, Habitat for Humanity, spoke in favor of the project and answered questions posed by the Commission

Commissioner Minasian requested to hear from Maria Snyder again.

- **Maria Snyder**, citizen, stated that her family had sold the property to Habitat for Humanity. Improvements were to be made to telephone poles and she believes they intended on putting in sewer lines.

There being no further speakers to come before the Commission, the public hearing was closed at 10:00 p.m.

*It was motioned (Brownell) and seconded (Sorensen) that the Planning Commission adopt Resolution No. 09-04, approving Tentative Subdivision Map and Planned Development Permit 08-02, with additional conditions of approval as follows:*

- 1) A total of six (6) exterior elevation choices shall be provided for the two plans and design review shall be conducted by the City's Architectural Review Board.*
- 2) Future construction of garages shall be consistent with the existing homes in regards to the architecture, materials, and colors.*
- 3) Exhibit I, Condition No 1, shall be amended to read: "The creation and improvement of 8 lots for residential development and 1 lot for **landscape passive recreation/open space** is authorized in substantial..."*

*It was motioned (Luvaas) and seconded (Kelley) to reopen the public hearing at 10:13 p.m. to ask a question of the Applicant's representative.*

Addressing the Commission was:

- **Dave Wallace**, Habitat for Humanity, responded to Commissioner Merz' question regarding the Subdivision Report (maintenance, Lot A). Habitat worked with Dennis Beardsley and Denice Britton (3 site visits) and determined how best the maintenance district could fit (overlay) on the site.

*The Commission proceeded with a vote on the motion on the floor, including the 3 additional conditions of approval.*

*Motion passed by a vote of 5-1-1 (Merz opposed; Barrett absent)*

5. **REGULAR AGENDA** - There were no items for this agenda.
6. **BUSINESS FROM THE FLOOR** - None
7. **REPORTS AND COMMUNICATIONS**
  - 7.1 **Planning Update** - Planning Services Director Peterson reviewed a calendar of upcoming meetings and events. The 4/2 Regular meeting of the Commission will be cancelled. A “Back to Basics” Orientation refresher will be held at 4:30 p.m. on April 16, 2009, immediately preceding the adjourned regular meeting at 6:30 p.m.
  - 7.2 **Sustainability Task Force** - Commissioner Luvaas reported on the March 16, 2009 meeting of the Sustainability Task Force.
  - 7.3 **Communication(s)** - Chico Heritage Association’s Annual Meeting will be held on Sunday, March 29, 2009
8. **ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 10:28 p.m. to the orientation session on April 16, 2009 beginning at 4:30 p.m. .

May 21, 2009  
Date Approved

\_\_\_\_\_/s/  
Steve Peterson  
Planning Services Director



City of Chico  
NOTICE OF CANCELLATION  
of  
April 2, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the April 2, 2009 regular meeting of the Planning Commission of the City of Chico has been canceled.

The Planning Commission will meet Thursday, April 16, 2009 for a regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

*Karen Masterson*

By: Karen Masterson, Administrative Assistant

Dated: March 27, 2009

**Distribution:**

Clerk & Council (8)  
City Manager  
PSD Peterson  
ACA Wilson  
SDE Johnson



**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ORIENTATION SESSION OF  
APRIL 16, 2009**

Municipal Center  
421 Main Street  
Conference Room 1 - 4:30 p.m.

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas (arrived at 5:15pm)  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Debbie Presson, City Clerk  
Lynda Cameron, Administrative Analyst  
Greg Redeker, Associate Planner

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the orientation session to order at 4:40 p.m. Commissioners and staff were present as noted.

**2. BACK TO BASICS PRESENTATION BY THE CITY CLERK'S OFFICE**

City Clerk Debbie Presson reviewed the various responsibilities of board and commission members and provided an update on recent policy changes that apply to City advisory bodies as set forth in Administrative Procedure and Policy No. 10-1. An updated manual was distributed to all Commissioners with the exception of Mark Sorensen who received a current manual when he attended the mandatory all-day orientation for newly appointed members. In addition to reviewing City staff responsibilities, meeting protocol and timelines, the importance of developing a Work Plan was discussed.

**3. ADJOURNMENT - The orientation session was adjourned at 6:25 p.m. to the Adjourned Regular Meeting of the Planning Commission on April 16, 2009 beginning at 6:30 p.m.**

October 15, 2009  
Date Approved

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
APRIL 16, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Greg Redeker, Associate Planner

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:35 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - None**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of February 19, 2009**

Requested Action: Approve the minutes, with corrections, if any

*It was motioned (Luvaas) and seconded (Sorensen) to approve the Consent Agenda, as presented, without corrections.*

*Motion passed by a vote of 5-0-0-2*

*Ayes: Barrett, Brownell, Kelley, Luvaas, Sorensen*

*Noes: None*

*Absent: None*

*Abstain: Merz, Minasian*

**4. PUBLIC HEARING ITEMS - There were no items for this Agenda.**

**5. REGULAR AGENDA**

- 5.1 Development of the 2009-2010 Planning Commission Work Plan** - The Commission will review a draft of the Work Plan prepared by the Subcommittee and staff. The final Work Plan will be presented to the City Council in June for review and approval. *Staff recommends that the Planning Commission discuss priorities and projects for inclusion in the 2009-2010 final Work Plan.*

The Commission reviewed the April 9, 2009 draft of the 2009-2010 Work Plan and reached consensus on a number of revisions, primarily organizational in nature. Staff will make the requested changes and the Commission will consider approval of the final draft of their 2009-2010 Work Plan at a subsequent meeting. The Work Plan will then be forwarded to the City Council for review, approval and formal adoption.

- 6. BUSINESS FROM THE FLOOR** - None

**7. REPORTS AND COMMUNICATIONS**

- 7.1 Planning Update** - Planning Services Director Peterson provided an update on Department activities and reviewed a calendar of upcoming meetings and events.
- 7.2 Ad Hoc Downtown Committee** - Planning Services Director Peterson reported on the March 26, 2009 meeting of the Downtown Committee.
- 7.3 Design Guidelines Subcommittee** - Commissioners Kelley and Luvaas reported on the April 9, 2009 meeting of the Design Guidelines Subcommittee.
- 7.4 General Plan Advisory Committee** - Commissioner Kelley reported on the March 25, 2009 meeting of the General Plan Advisory Committee.
- 7.5 Sustainability Task Force** - Commissioner Luvaas reported on the April 6, 2009 meeting of the Sustainability Task Force.
- 7.6 Communication(s)** - None
- 8. ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m. to the May 7, 2009 Regular Meeting at 6:30 p.m.

October 15, 2009  
Date Approved

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Wolfe  
Interim Planning Services Director

ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — April 28, 2009  
Minutes

1.1. Flag Salute

1.2. Roll Call

Present: Flynn, Holcombe, Wahl, Walker, Nickell, Schwab

Absent: Gruendl

Planning Commission

Present: Barrett, Brownell, Luvaas, Merz, Sorensen, Kelly

Absent: Minasian

2. REGULAR AGENDA

2.1. Chico 2030 General Plan Update - Key Policy Direction.

The General Plan Update is now over halfway complete. This meeting focused on key land use and circulation policy issues for the 2030 General Plan Update that warrant early input and direction from the Planning Commission and City Council. This meeting was the first in a series of two meetings, with the subsequent meeting scheduled for Wednesday, May 13th, from 2 p.m. to 7 p.m. to discuss sustainability and economic development policies.

Council and Commission direction is critical to the Project Team in preparing draft Goals, Policies and Actions for the 2030 General Plan. At this work session, the Project Team presented seven policy issues by documenting how each relates to the 2030 Vision and previous Council direction, summarizing the public feedback received during recent meetings and workshops, and providing staff options and recommendations to address each issue. The topics discussed were infill, mixed use, agricultural buffers/transitions, complete streets, the inner ring transportation corridor, alternative level of service standards, and planned roadways to improve circulation. Following Council and Commission direction on the key policy issues, the Project Team will continue to work on the draft policy document, environmental analysis, and Public Facilities Finance Plan, including a fiscal analysis of the Preferred Land Use Alternative. (Report - Brendan Vieg, Principal Planner)

I. Project Update/Meeting Purpose

II. Land Use Policies

a. Infill Policy

1. Presentation/Initial Q&A

2. Public Comment

Bob Kromer, Bill Brouhard, Tammy Waller-Aviles and Bob Evans addressed the Council regarding infill.

3. Council/Commission Discussion and Direction

**The following policy direction was given to staff and the General Plan consultants:**

**Midpoint Density for Infill Within Opportunity Sites**

Facilitate infill development through active leadership and the provision of infrastructure and services to provide for future housing and jobs growth. Infill sites that are strategically located within designated Opportunity Sites shall be developed at or above the midpoint of the allowable density range or floor area ratio equivalent unless one or more of the following findings are made:

- *The proposed project does not include residential development because the land use designation does not require (but rather allows) residential development.*
- *Site considerations such as parcel size, configuration, landscape (e.g., protected trees) or existing protected resources make the density midpoint impossible or impractical to achieve.*
- *Utility or infrastructure constraints make the density midpoint impossible or impractical to achieve.*

**Neighborhood Classification and Planning**

Chico's community building blocks include four general categories of neighborhoods: traditional/historic neighborhoods, urban neighborhoods, suburban neighborhoods, and new neighborhoods. These neighborhood classifications share some common characteristics as well as some unique development patterns, attributes, and issues. The City recognizes the existence of individual neighborhoods with general boundaries and will continue to facilitate the development of neighborhood strategies in partnership with residents and property owners to develop support for infill development.

**Education about the Benefits of Infill vs. Sprawl**

Given the paradigm shift in this plan to a more sustainable development pattern with a smaller growth footprint, the City will underscore the benefits of infill vs. sprawl in the analysis, recommendations, and findings for future infill development projects and capital expenditures.

**Complete Neighborhoods/Enhancement**

Reinforce and enhance the character of existing residential neighborhoods and districts by promoting infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively (e.g., architectural design, circulation) to complete neighborhoods and surrounding areas. Positive contributions include, but are not limited to, uses that address missing neighborhood elements (e.g. neighborhood retail), architectural design quality, context sensitive site design, circulation improvements for pedestrians, bicycles, and vehicles, and reinvestment in local infrastructure and amenities.

**Residential Infill Projects**

Create residential infill criteria and guidelines to address project impacts and design compatibility with surrounding properties. Special consideration will be given to those issues unique to infill development (e.g., visual intrusion, massing within transition zone)

and illustrate compatibility between new and existing development. Residential infill projects that comply with the checklist will go through a streamlined Administrative Review process at the staff level. Projects that do not comply with the checklist will be subject to Discretionary Design Review.

- b. **Mixed-Use Policy**
  - 1. **Presentation/Initial Q&A**
  - 2. **Public Comment - None**
  - 3. **Council/Commission Discussion and Direction**

**The following policy direction was provided to staff and the General Plan consultants:**

**Non-Residential and Mixed Use Infill Projects**

Create infill criteria and guidelines for non-residential and mixed use projects to establish clear expectations about infill development form and function that is context sensitive. Prior to formal submittal of an infill project application, the applicant shall meet with City Staff (pre-proposal meeting) and interested parties in the respective neighborhood (neighborhood meeting) to hear issues and consider input. Once an infill development application is formally submitted, the City will appoint a staff liaison to expedite the project review process.

**Mandatory Ground Floor Use in DRMU**

Within the Downtown Retail Mixed Use (DRMU) land use designation, require ground floor retail or other active use.

**Special Mixed Use Provisions**

Encourage horizontal and/or vertical mixed use in areas with the Special Mixed Use, and Mixed Use Neighborhood Core land use designations. The Special Planning Areas (with the exception of the Bell-Muir SPA) will be encouraged to incorporate both vertical and horizontal mixed use components into the master planning of those new growth areas.

**Mixed Use Incentives**

Strengthen the City's commitment to use development incentives to encourage mixed use projects along major transit corridors, the inner-ring transit corridor loop, and major regional destinations (e.g., North Valley Plaza, Chico Mall). Incentives will include, but not be limited to, graduated density zoning to encourage voluntary land assembly for infill redevelopment, support for infrastructure upgrades in targeted areas, streamlined development processing or reduced (or deferred) development fees or standards (e.g., parking, setback, and landscaping requirements).

**Density Bonus for Mixed Use with Residential**

Provide density bonuses for mixed use projects that include a residential component.

**Mixed Use Neighborhood Core**

Allow for increased flexibility in the sizing of sites designated with the MUNC land use designation. New MUNC sites will generally be sized between 2 and 10 acres and will focus on the development of smaller commercial or mixed-use nodes that may also include a combination of office, public and residential uses.

The Council and Planning Commission recessed for a break at 3:15 p.m. and reconvened at 3:30 p.m. All members were present, except for Councilmember Flynn who had to leave for another meeting, Councilmember Gruendl and Commissioner Minasian who were absent from the meeting.

c. **Ag Buffer/Urban Edge Treatment Policy**

1. **Presentation/Initial Q&A**

2. **Public Comment**

Bob Kromer and Jason Bougie addressed the Council on this item.

3. **Council/Commission Discussion and Direction**

**The following policy direction was provided to staff and the General Plan consultants:**

**Ag Buffers and Edge Treatments**

Require buffering for new urban uses adjacent to agricultural uses. Design criteria for buffers are as follows:

- *Buffers shall consist of a minimum 100-foot-wide physical separation, including roadways and creeks;*
- *A double row of evergreen trees shall be planted at the urban/ag transition to provide a visual, noise, and air quality buffer; and*
- *Permitted uses within the buffer include landscaping, trails, community gardens, organic farming, and open space. Buffer zones should be credited to the proposed development as open space.*

III. **Transportation/Circulation Policies**

a. **Complete Streets Policy**

1. **Presentation/Initial Q&A**

2. **Public Comment**

Bob Kromer indicated that he likes the concept of complete streets but feels that bike locks and racks would need to be added. He also stated he wasn't sure who would be paying for these types of improvements.

Ken Fleming wasn't sure how he felt about complete streets and whether it was a good idea that all uses occur on all streets. He felt that there should be an emphasis on the bike trail that starts at Lindo Channel and the bike path that is located on Oleander. He did agree that the City should do all that it could in making the streets safer for cyclists.

Carlton Lowen, representing Sierra Nevada Brewery commented that for quite some time citizens have been meeting with staff, Council, and Commissions regarding the ability to efficiently move traffic. He also stated that the City should know its competition (Oroville and Redding) which both have enterprise zones which are attractive to businesses when looking to relocate.

Jason Bougie stated that because of the direction changes proposed for the new General Plan, developers will be going elsewhere to build. However, people will still be coming to Chico for services which will have an impact on the City's infrastructure without the benefit of any property tax revenue.

Councilmember Flynn rejoined the meeting at 4:35 p.m.

3. **Council/Commission Discussion and Direction**

**The following policy direction was provided to staff and the General Plan consultants:**

**New Streets as Complete Streets.** Consistent with their role and function, new streets shall be designed as complete streets. They shall accommodate all modes of travel including automobiles and parking, transit, commercial vehicles, bicycles, and pedestrians.

**Improve Existing Streets with Connectivity Goal**

Retrofitting existing streets to meet complete street guidelines shall be conducted on a case-by-case basis, with the goal to provide a connected network of bicycle and pedestrians facilities to efficiently and safely move people through the community.

b. **Inner Ring Transportation Corridor Policy**

1. **Presentation/Initial Q&A**

2. **Public Comment**

Joe Chiapella addressed the Council and Commission regarding the need to work with BCAG on developing bus routes to best address medical needs.

3. **Council/Commission Discussion and Direction**

**The following policy direction was provided to staff and the General Plan consultants:**

**Inner Ring Corridor**

**Direction to carry over the Inner Ring Corridor concept with refinements based on GPAC guidance and coordination between City, BCAG, and CSU, Chico regarding transit service for the inner ring corridor.**

c. **Alternative LOS Policy**

1. **Presentation/Initial Q & A**

2. **Public Comment**



Emily Alma, Robert Evans, Kirk Monfort, and Jolene Francis addressed the Council regarding this item.

3. **Council/Commission Discussion and Direction**

**Alternative Level of Service (LOS)**

Direction to explore alternative multi-modal approach for measuring traffic impacts. As such, any modifications to the existing LOS standards will be deferred until modeling and analysis are complete.

d. **Draft Circulation Plan and Connection Policies**

Councilmember Gruendl arrived at the meeting at 6:10 p.m.

1. **Presentation/Initial Q&A**

2. **Public Comment**

**Addressing the Council and Commission on this item were Jeff Cullin, Matt Galloway, Paul Lieberum, Jolene Francis, Bob Leckinger, Michael Pike, and Emily Alma.**

3. **Council/Commission Discussion and Direction**

**The following policy direction was provided to staff and the General Plan consultants:**

**Overall Connectivity**

Create a multi-modal system of roadways for the safe and efficient movement of people and goods consistent with the City's adopted Circulation Plan. Prioritize changes to the roadway system that improve access, connectivity and mobility to homes, jobs, and services throughout the City.

3. **ADJOURNMENT**

**The meeting adjourned at 6:57 p.m. to May 5, 2009 at 6:00 p.m., in conference Room 2 for closed session, followed by a regular meeting in the Council Chamber at 6:30 p.m.**

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Date Approved: 6/02/09 - DRP

  
Deborah R. Presson, City Clerk

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
MAY 7, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Mark Sorensen

Commissioners Absent: Kathy Barrett  
Susan Minasian

Staff Members Present: Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Jake Morley, Assistant Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

**Merz:** Received email from Francine Gair regarding three issues.

**3. CONSENT AGENDA - There were no items for this Agenda.**

**4. PUBLIC HEARING ITEMS - There were no items for this Agenda.**

**5. REGULAR AGENDA**

**5.1 Workshop on Tree and Landscape Amendments (City of Chico) - As part of the Planning Commission's City Council approved Work Plan, the Commission will hold a workshop to review potential amendments to Chico Municipal Code sections 16.66 (Tree Preservation), 19.68 (Landscape Standards), and 19.70 (Parking and Loading Standards). The Planning Commission will give direction to Planning Services staff. Staff will return to the Planning Commission at a future date with the proposed amendments for consideration in a public hearing and recommendation to the City Council. *Staff recommends that the Planning Commission conduct the workshop and provide direction on potential Code amendments relating to tree and landscape regulations and standards.***

Assistant Planner Morley presented the staff report. The three Municipal Code sections will be reviewed individually. The following parties addressed the Commission, throughout the course of the meeting, as each code section was discussed:

- **Francine Gair**, Ad Hoc Tree Preservation Committee member
- **Jason Bougie**, Butte Community Builders, representing the development community
- **Alan Gair**, citizen

After considerable discussion, the Commission began formalizing their recommendations. The Commission provided feedback on Section 19.66, Tree Preservation as follows:

**§16.66.020 Purpose and Intent.** Supported additional language "...and to provide for a healthy urban forest."

**§ 16.66.030 Applicability.** Supported reduction from half-acre to 10,000 square foot lots and applicability to developed properties, but only when boundary line modification, minor land division, parcel map, subdivision or variance are involved.

\*\*\*\*\*  
The Planning Commission recessed at 8:20 p.m. and reconvened at 8:35 p.m. Commissioners and staff were present as noted.  
\*\*\*\*\*

**§ 16.66.050 Definitions.** Supported definitions as recommended by Bidwell Park and Playground Commission (BPPC) with the following exceptions: "City Qualified Tree Service" rather than "City Qualified Arborist" in the Damage section; reduce from 24 inches to 18 inches when defining "tree." The Commission requested clarification of the definition of "Healthy Urban Forest." Opinions on the species specific list were varied.

**§ 16.66.095.A Tree Replacement, On-Site.** Favored a replacement ratio that would support replacement of lost tree canopy and recommended exempting orchard trees from the requirement.

**§ 16.66.095.B Tree Replacement, Off-Site.** Supported the proposed off-site replacement/in lieu fee requirement.

**§ Section 16.66.100 Protection of Trees During Construction.** Supported BPPC's recommendation to expand the list of projects subject to tree protection to include encroachment permits, subdivision maps and use permits.

**§ Section 16.66.110 Protection Plan Required Prior to Issuance of Permit.** Supported extending the duration of the permittee's obligation from the current one year obligation to three years. Did not support BPPC's recommendation that an arborist must inspect all tree protection plans.

**§ Section 16.66.150 Voluntary Heritage Tree Program.** Overall support for the program expressed; majority recommends removal of the following finding: “Removal of tree or group of trees is necessary to allow reasonable use of property.”

The Commission provided the following direction on Section 19.68, Landscape Standards:

- 1) That the list include other landscape professionals such as contractors, designers and architects that are not members of the American Society of Landscape Architects (ASLA);
- 2) As recommended by BPPC, higher priority should be given to parking lot shade trees over other types of landscaping;
- 3) Use the “one-third” species rule as a guideline for larger projects only; and,
- 4) Recommend that this section of the Chico Municipal Code be applicable to the Voluntary Heritage Tree Program.

The Commission provided the following direction on Section 19.70 Parking and Loading Standards, generally in favor of BPPC’s recommendations:

- 1) Support the method of shade calculation, that is, to depict shade canopies in full, three-quarter, half, and one-quarter canopies;
- 2) Support the use of shade calculation tables;
- 3) Support the concept of shade bonuses with a recommended bonus of 10 percent; and,
- 4) Support a parking lot specific tree list.

**6. BUSINESS FROM THE FLOOR - None**

**7. REPORTS AND COMMUNICATIONS**

**7.1 Planning Update** - Principal Planner Wolfe provided an update on Department activities and reviewed a calendar of upcoming meetings and events. The Commission requested an updated Active Development Map and tables.

**7.2 Sustainability Task Force** - Commissioner Luvaas reported on the April 20 and May 4, 2009 meetings of the Sustainability Task Force.

**7.3 Communication(s)** - None

**8. ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 10:02 p.m. to the May 21, 2009 Adjourned Regular Meeting at 6:30 p.m.

November 5, 2009  
Date Approved

\_\_\_\_\_  
/s/  
Mark Wolfe  
Interim Planning Services Director

**ADJOURNED REGULAR CHICO CITY COUNCIL MEETING — May 13, 2009**  
Minutes

1.1. **Flag Salute**

1.2. **Roll Call**

Present: Flynn, Gruendl, Holcombe, Wahl, Walker, Nickell, Schwab

Absent: None

Planning Commission Roll Call

Present: Barrett, Brownell, Luvaas, Merz, Minasian, Sorensen, Kelly

Absent: None

2. **REGULAR AGENDA**

- 2.1. **Chico 2030 General Plan Update - Key Policy Direction. This meeting focused on key Downtown, Economic Development and Sustainability policy issues for the 2030 General Plan Update that warrant early input and direction from the Planning Commission and City Council. Council and Commission direction is critical to the Project Team in preparing draft Goals, Policies and Actions for the 2030 General Plan. The Project Team presented the key policy issues by documenting how each relates to the 2030 Vision and previous Council direction, summarizing the public feedback received during recent meetings and workshops, and providing staff recommendations or options on each issue. Following Council and Commission direction, the Project Team will continue work on the draft policy document, environmental analysis, and Public Facilities Finance Plan. (Report - Brendan Vieg, Principal Planner)**

**Estimated Meeting Time: 2:00 p.m. to 7:00 p.m.**

I. **Project Update/Meeting Purpose**

II. **Downtown Policies**

The Council and Planning Commission provided direction to the consultants and staff regarding the proposed downtown policies. Specifically, the discussion was directed at whether a mandatory mixed use in the downtown area should be implemented. Councilmember Holcombe indicated that he was in favor of such a policy. Others felt that instead of mixed use becoming mandatory that incentives be defined that would encourage mixed use in this area. Should incentives be created, Councilmember Wahl wanted to know how the City was going to pay for them.

a. **South Downtown Policies**

1. **Presentation/Initial Q&A**

2. **Public Comment**

**Addressing the Council and Commission on this item were Bob Kromer and Katrina Davis-Woodcox.**

3. Council/Commission Discussion and Direction

Direction provided to staff and the consultants included:

South Downtown Vision - The long term vision for South Downtown is a higher density, multi-story, mixed use district, with parking on the interior of lots ringed with storefronts and architecture that is designed to complement the surrounding structures. South Downtown will complement and extend the pedestrian-oriented character of North Downtown. Commercial service and auto oriented uses will be carefully managed to minimize potential impacts on adjacent pedestrian oriented uses.

South Downtown Improvements - Prioritize the improvement of pedestrian facilities throughout South Downtown, including the extension of bulb outs and other improvements at intersections with Main and Broadway.

b. Downtown Circulation Policies

The Council and Commissioners discussed the advantages and disadvantages of narrowing streets and reducing travel lanes and noted that the loading issues for downtown businesses would have to be addressed prior to any action as such. They also expressed the need to slow down the traffic traveling through the downtown area so people could enjoy being out on the sidewalks and the possible need for the downtown businesses to form their own business improvement district. It was noted by both Engineering and Planning staff that the ideas that were being worked on at this time for the downtown area are being incorporated into the new General Plan and that the discussion being held reinforces what staff has already identified. Other questions that came up were regarding the smart meters and how soon staff would know if they would work and one Commissioner asked if the transit needs might better be addressed with a more centrally located transit center. Councilmember Gruendl noted that while the downtown area is set aside as one area, that we need to keep in mind that the downtown area should be more accurately reflected as "everyone's" neighborhood. One suggestion was to have the Downtown Committee continue on as a more official commission. Councilmember Flynn indicated that she felt that the formation of the committee had been effective in reaching out to the downtown businesses and other interested parties. As the sponsor of that committee, she also felt that it's effectiveness was due in part to the current structure and recommended that it be kept "as is."

1. Presentation/Initial Q&A

2. Public Comment

Bob Kromer and Katrina Davis-Woodcox addressed the Council and Commission regarding the proposed Downtown Circulation Policies.

3. Council/Commission Discussion and Direction

The Council and Commission provided staff and the consultants with the following direction:

**Pedestrian First** - Prioritize the pedestrian mode of travel within the Downtown by directing public investment in pedestrian facilities such as wide sidewalks, bulb-out corners, street furniture. This priority will serve as a guide for future decisions related to Downtown and will foster the continued transition of Downtown from its past as an auto-

oriented business district along SR 99 to the vital, walkable heart of the community.

**Reduce Vehicle Travel Lanes Downtown** - Giving consideration to north-south City circulation, continue to study options to reduce the number of travel lanes on Downtown streets in order to accommodate additional diagonal parking or an enhanced pedestrian environment (e.g., bicycle facilities, increased sidewalk width, street furniture) while recognizing the goods movement needs of downtown businesses.

**City as Facilitator for Downtown Success** - Increase the City's role as a liaison with the Downtown merchants, property owners, and the community at large in addressing current and future issues in the Downtown (e.g., safety, commercial deliveries, sidewalk cleanliness) through the dedication of staff resources.

**The Council and Commission recessed at 3:15 p.m. for a fifteen minute break. The meeting was reconvened and all members were present.**

III. **Economic Development Policies**

a. **Shovel Ready Policies**

The Council and Commission discussed the specifics of a shovel ready site and what that actually means in terms of implementation. It was noted that in order for a policy like this to work, the County would definitely need to be a partner especially when considering the edges of the community. Councilmember Nickell asked if the fairgrounds could be added in as a potential site for a convention center. Others asked if historical buildings and creekside greenways should also be included. It was discussed at length about the City's surplus inventory list of properties and whether or not the City should actively seek out new opportunities in order to foster development. General discussion centered around the need to provide an easier process for businesses wanting to locate to Chico or existing businesses to expand and the need for the City to help with the streamlining of the permit process and possible certification of shovel ready sites.

1. **Presentation/Initial Q&A**

2. **Public Comment**

**Addressing the Council on this item was Bob Kromer.**

3. **Council/Commission Discussion and Direction**

**The Council and Commission provided the following direction regarding shovel ready sites to staff and the consultants:**

**Target Public Infrastructure to Priority Areas/Industries - Phase and prioritize investment in public infrastructure to existing infill areas and planned new growth areas that have the highest potential to retain and add jobs and attract new private investment based on factors/criteria such as access, location, synergy, etc. Priority should be given to industries and businesses that provide high-quality good-paying jobs, and that contribute to the City's economic base.**

**Certify Shovel Ready Sites - Work with landowners of undeveloped or underdeveloped land to solicit, certify and market shovel ready sites. This would involve determination of landowner willingness to sell or ready sites for different types of business development, providing assistance in organizing/assembling**

multiple properties under different ownership into larger parcels or coordinated project areas to maximize business opportunities, and pro-actively marketing those shovel ready sites.

Fast Track Project Entitlement and Permitting for Key Opportunities - Support the development of a streamlined project review and permit process for key economic development projects. Explore options to establish an interdisciplinary staff team, or Quick Response Team for key business opportunities.

Identify Surplus Sites Owned by the City - Continue to inventory and evaluate City and other publicly owned lands to identify their potential for sale or a use other than municipal operations or safety services and make them shovel ready through the provision of infrastructure and completion of environmental review (e.g., areas adjacent to the airport).

Foster Strategic Partnerships - Partner with SCU, Chico, Butte College, businesses and private developers to create opportunities for public-private partnerships to create shovel ready sites throughout the community (e.g., new faculty or student housing opportunities with private developers).

b. Infill, Reuse and Redevelopment Incentive Policies

1. Presentation/Initial Q&A

Council and Commission discussed the policies pertaining to Infill, Reuse and Redevelopment Incentives.

Councilmember Holcombe stressed the need to live within our means by maintaining and protecting our existing roadways. Commissioners suggested an incentive toolbox that would allow the level of fees to coincide with the core infill areas being developed which wouldn't just apply to developers. Other items discussed were landbanking, research into an industrial park preferred land use, a suggestion to re-look at the Estes property as a reserve, and the need for clarification on how a neighborhood plan comes into play when a project comes forward in that area. Staff indicated that the General Plan would always trump a neighborhood plan which is a visionary document not a policy.

2. Public Comment

Jason Bougie and Bob Kromer addressed the Council on this item.

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Industrial Preserve - Identify areas where manufacturing and light industrial uses will be retained and expanded with minimum potential for compatibility issues. These areas would include, but not be limited to, the Southwest Industrial Region and the Chico Municipal Airport areas. Address potential compatibility issues by creating land use regulations that limit expansion of incompatible uses surrounding these industrial preserve areas.

Reuse/Redevelopment - Facilitate reuse and redevelopment through land banking and land assembly assistance, parking reductions and other development



incentives.

Maintain and Upgrade Existing Infrastructure - Create a focused public investment strategy to promote infill and redevelopment by improving antiquated infrastructure. Update the Capital Improvement Program to prioritize regular maintenance and upgrading of existing infrastructure, including the commitment of public dollars.

Modify Fee Structure for Reuse and Redevelopment - Establish a development fee program which provides credits for existing uses and reduces fees to serve infill and redevelopment in developed areas of the City.

Create an Incentive Toolbox - Develop an incentive program that supports business investment at infill locations. Incentives may include the following: (1) fee waivers or deferrals (e.g., hookup fees); (2) fee credits or discounts (e.g., permit fees); (3) agency sponsorship of assistance grants or loans; (4) property assembly assistance; (5) flexible development standards; and (6) car management strategies for mixed use projects.

The Council and Commission recessed at 4:45 p.m. for a 15 minute break. The meeting was reconvened and all members were present.

#### IV. Sustainability Policies

The Council and Commission discussed the proposed sustainability policies. The Council acknowledged the tremendous efforts of the Sustainability Task Force which was formed after the signing of the Mayor's Climate Action Agreement. Because of the efforts of this committee, and including partnerships with many other agencies and community members, Chico is becoming known for its "Chico Method" and sets the standards used in other communities. It was suggested by Commissioners that the policies in the new General Plan should build in mid-term adjustments. Review of the policies with the approved projects should occur throughout the life of the plan in order to adapt to additional changes that might need to be implemented based on indicators and new policies developed at the state and federal levels.

##### a. Whole Systems Approach Policy

1. Presentation/Initial Q&A
2. Public Comment - None
3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Whole Systems Approach to Sustainability - Establish and implement a Whole Systems Approach for General Plan policies, subsequent decision making and implementation intended to equally evaluate the City's economic system, environmental system, and social system. Details of the approach include: (1) graphic tools to identify sustainability policies throughout all Elements of the General Plan; (2) Sustainability Element houses policies to organize, direct, and balance the City's efforts toward sustainability; (3) use of indicators and targets (e.g., jobs to housing ratios greater than 1 to 1) for each major topic area within the Sustainability Element, limited to a maximum of five measurements for each; (4)

focused sustainability assessment using broad indicators and targets performed as part of the General Plan Annual Report and individual project review; and (5) establish programs to implement greenhouse gas emission reduction actions as set forth by the City's Greenhouse Gas Emissions Inventory and Climate Action Plan.

b. Green Government Policies

The Council and Commission discussed green "government" policies. Concerns were expressed about the water issues and how to make sure that this issue is addressed in the General Plan. It was noted by Mayor Schwab that the City needs to be a leader in promoting green policies and others indicated that partnerships regarding this issue with the University and Butte College should be cultivated.

1. Presentation/Initial Q&A

2. Public Comment - None

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Green City Vehicles - New fleet vehicles and landscaping equipment will use renewable fuels and/or hybrid energy when available.

Green Purchasing Program - Create an environmentally preferable purchasing program, which requires consideration of environmental factors such as energy efficiency, resource conservation, waste minimization, recycled content, packaging, durability, reusability and toxicity when selecting vendors and products for its operations.

Waste Reduction Plan - Develop a Waste Reduction Plan for local operations, with a goal of zero waste produced by municipal government.

Green Building for City Facilities - Utilize a high standard of green building when constructing new municipal facilities and infill projects utilizing City funds.

Partnerships for Sustainability - Establish programs to work with other local agencies and utilities, including the County, school districts, and energy, water, and air quality management districts to improve coordination in achieving shared sustainability goals.

c. Green Development Policies

1. Presentation/Initial Q&A

The Council and Commission discussed the policies pertaining to "green development." Councilmember Walker wanted to know how would we know if a policy was voluntary or mandatory and what criteria would be used to determine the difference. Mayor Schwab indicated that the State was aggressively addressing this issue and was becoming stricter in this area. It was noted that it was critical to have indicators in order to see if the City was meeting its goals. Councilmember Nickell felt that the City should help provide the developers with assistance such as incentives to meet their sustainability building codes. Councilmember Gruendl and

Councilmember Holcombe both indicated that they felt it should be a mix of mandatory policies and incentives. Further discussion centered on the development of an incentive check list which would aid in predicability for the developers.

2. Public Comment

Michael Reilley addressed the Council regarding this item.

3. Council/Commission Discussion and Direction

The Council and Commission provided the following direction to staff and the consultants:

Incentive and Manadatory Based Strategy - This strategy would create the same goals as the first but would take a stonger stance through the use of a "hybrid" policy approach using a combination of incentivized and mandatory provisions. This approach would involve a combination of mandatory and incentivized code requirements and would make aspects of a green development a standard part of the building plan check process. Different requirements would be applied to residential and commercial development. The local green development standards would be updated to respond to State laws when deemed appropriate and necessary. Policies would be included to create incentive programs for any green development standards that the City chooses not to mandate and to provide educational materials and advice on green development to applicants for building and development permits.

Closing and Next Steps

3. ADJOURNMENT

Adjourned at 6:30 p.m. to May 19, 2009 at 6:00 p.m., in Conference Room 2 for closed session, followed by an adjourned regular meeting in the Council Chamber at 6:30 p.m.

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Date Approved: 6/16/09 - DRP

*Deborah R. Presson*

Deborah R. Presson, City Clerk

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**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
MAY 21, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian (arrived at 6:36 p.m.)  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Roger Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - None**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of March 19, 2009  
Requested Action: Approve the minutes, with corrections, if any**

*It was motioned (Merz) and seconded (Luvaas) to approve the Consent Agenda, with one correction, as follows:*

*Paragraph 4, Page 3 is amended to read as follows: "...Review ~~α~~ **the** Capital Improvement Program and Nexus Study..."*

*Motion passed by a vote of 5-0-1-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Sorensen*

*Noes: None*

*Absent: Minasian*

*Abstain: Barrett*

**4. PUBLIC HEARING ITEMS** - There were no items for this Agenda.

Let the record show that Commissioner Minasian arrived at 6:36 p.m.

**5. REGULAR AGENDA**

**5.1 Development of the 2009-2010 Planning Commission Work Plan** - The Commission will approve the Work Plan that will be presented to the City Council for review and approval at its meeting of June 2, 2009. *Staff recommends that the Planning Commission approve the 2009-2010 Work Plan and forward to City Council.*

Planning Services Director Peterson presented the staff report. The current draft of the 2009-2010 Work Plan reflects revisions as a result of the workshop held on May 7, 2009. Planning Services Director Peterson also noted that staff will be recommending elimination and/or reduction of items not mandated by Council, state or local law. The final Plan will be presented to City Council on June 2, 2009.

*It was motioned (Brownell) and seconded (Barrett) to approve the 2009-2010 Work Plan with the following modifications:*

- 1. Step 3, Page 3, Combine first list (completed priorities) and second list (incomplete priorities) into a single list. Eliminate numbering of the items.*
- 2. Step 3, Page 3, all Planning Commission priorities (not yet completed) should also be listed on Page 11, including previous Council priorities and new Commission items.*
- 3. Step 3, Page 3, Delete all items that are not followed by a Council priority number “(#)” and also delete any labeled as “NEW”:  
Mitigation monitoring program fees  
Green Building, energy efficiency, and infrastructure standards  
Citywide creekside access master plan, nexus study, and funding  
Public improvement standards  
Special Meetings*
- 4. In Step 3, Page 3, Planning Staff Work Priorities, eliminate numbering of the items.*

*Motion passed by a vote of 7-0*

**6. BUSINESS FROM THE FLOOR** - None

**7. REPORTS AND COMMUNICATIONS**

**7.1 Planning Update** - Planning Services Director Peterson provided an update on Department activities and reviewed a calendar of upcoming meetings and events. An Active Development Map (updated on May 10, 2009) was provided by hand-out together with the accompanying commercial and residential tables.

**7.2 Sustainability Task Force** - Commissioner Luvaas reported on the May 18, 2009 meeting of the Sustainability Task Force.

**7.3 Design Guidelines Subcommittee** - Commissioner Kelley reported on the May 19, 2009 meeting of the Design Guidelines Subcommittee.

**7.4 Communication(s)** - None

**8. ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 7:15 p.m. to the Regular Meeting of June 4, 2009.

November 5, 2009  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director



City of Chico  
NOTICE OF CANCELLATION  
of  
June 4, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the June 4, 2009 regular meeting of the Planning Commission of the City of Chico has been cancelled.

The Planning Commission will meet Thursday, June 18, 2009 for a regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

By: Karen Masterson, Administrative Assistant

Dated: May 28, 2009

**Distribution:**

Clerk & Council (8)  
City Manager  
PSD Peterson  
ACA Wilson  
SDE Johnson

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
JUNE 18, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Denice Britton, Urban Forest Manager  
Mike Sawley, Associate Planner  
Jake Morley, Assistant Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

**Luvaas:** Tree Action group and Bill Knudsen  
**Merz:** Tree Action group including Karen Laslo  
**Minasian:** E-Mail from Tree Action group  
**Sorensen:** Tony Symmes; Meriam Park site visit

**3. CONSENT AGENDA**

**3.1 Minutes - Regular Meeting of March 5, 2009**

**Requested Action:** Approve the minutes, with corrections, if any

*It was motioned (Brownell) and seconded (Sorensen) to approve the Consent Agenda, with three corrections, as follows:*



*Page 1, Section 2, Ex Parte Communication for Commissioner Sorensen: Delete reference to DCBA (Downtown Chico Business Association) and replace with: BCBA (Butte Community Builders Association).*

*Page 2, Section 5.2, Paragraph 1, Line 4, Delete “charter” and replace with “chapter”*

*Page 2, Section 5.2, Paragraph 4, Line 3, is amended to read: “...of having a representative of **the local residential** builders in the community meet with the...”*

*Motion passed by a vote of 6-0-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: None*

*Abstain: Barrett*

4. **PUBLIC HEARING ITEMS** - Public Hearing Item 4.2 (Meriam Park DA 05-02) will be heard prior to Public Hearing Item 4.1 (Text Amendments to CMC). Commissioner Barrett will abstain from participation in discussion/action of Item 4.2 (Meriam Park DA 05-02).
- 4.2 **Amendment of Development Agreement, DA 05-02 (Meriam Park, LLC)** (*Noticed 06-06-09*) - A proposal to amend the Development Agreement (DA 05-02) between the City of Chico and Meriam Park, LLC. The proposed amendments pertain to the phasing of certain public improvements identified in the Agreement as being associated with specific stages of development in the Meriam Park project. The proposed amendments would result in no physical changes in the environment, and are within the scope of the certified Final Environmental Impact Report (FEIR) for Meriam Park. The Meriam Park project site is an approximately 271-acre infill site in southeast Chico located north of East 20<sup>th</sup> Street, south of State Highway 32, west of Bruce Road, and east of Bedford Drive (APNs various). *The Planning Director recommends that the Planning Commission hold a public hearing and adopt Resolution No. 09-05, recommending that the City Council approve the amendment to Development Agreement 05-02 between the City of Chico and Meriam Park, LLC based on the findings contained therein.*

Associate Planner Mike Sawley presented the staff report which included a power point presentation. Chair Kelley opened the public hearing at 6:37 p.m. Addressing the Commission was:

- **Tom DiGiovanni, New Urban Builders**, provided further explanation of amendment requested and responded to questions from the Commission related to project phasing

There being no further speakers to address the Commission, Chair Kelley closed the public hearing at 6:40 p.m.

*It was motioned (Brownell) and seconded (Luvaas) to adopt Resolution 09-05, recommending that the City Council approve the amendment to Development Agreement 05-02 between the City of Chico and Meriam Park, LLC, based on the findings contained therein, and with one language addition as follows:*

*Amendment No. 3 (on Page 3 of the Staff Report) is modified to read: “ii. A traffic signal at E. 20<sup>th</sup> Street and Notre Dame Boulevard shall be installed no later than upon the addition of 150 **PM** peak hour trips generated from the Project to East 20<sup>th</sup> Street.”*

*Motion passed by a vote of 6-0-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: None*

*Abstain: Barrett*

- 4.1 Text Amendments to Title 19 and Title 16 of the Chico Municipal Code - A-ZON-19A (City of Chico)** (Noticed 06-06-09) - A public hearing to discuss proposed amendments to Title 19 and Title 16 of the Chico Municipal Code. The proposed amendments would: modify the requirements for landscaping plans; create a parking lot shade tree list; create a Voluntary Heritage Tree program; create a tree replacement program; and, make other minor changes. The Commission will conduct a public hearing and make a recommendation to the City Council. The project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. *Staff recommends that the Planning Commission adopt Resolution 09-06, recommending City Council adoption of amendments to Title 19 and Title 16 of the Chico Municipal Code.*

Assistant Planner Jake Morley presented the staff report and beginning with Attachment A, reviewed the items one by one, providing staff rationale for same. Assistant Planner Morley, Principal Planner Wolfe, and Urban Forest Manager Britton responded to questions by the Commission. Chair Kelley opened the public hearing at 7:03 p.m. Addressing the Commission in the following order were:

- **Francine Gair**, member of Tree Action Committee, expressed three concerns: 1) support all 12" diameter trees in ordinance; 2) supports including ornamentals; and, 3) would like to find a way to protect trees saved in development. Ms. Gair referred to a survey; the Commission requested a copy.
- **Alan Gair**, citizen, stressed importance of the issue and supports a more environmentally conscious approach
- **Darrell Vanella**, citizen, expressed concern regarding almond (trees) being exempt

There being no further speakers to address the Commission, Chair Kelley closed the public hearing at 7:17 p.m. Discussion of the proposed text amendments followed, with the Commission providing direction with respect to suggested language changes, additions and/or deletions.

\*\*\*\*\*

The Planning Commission recessed at 8:05 p.m. and reconvened at 8:15 p.m. Commissioners and staff were present as noted.

\*\*\*\*\*

*It was motioned (Brownell) and seconded (Barrett) that the Planning Commission adopt Resolution No. 09-06, recommending City Council adoption of amendments to Title 16 and Title 19 of the Chico Municipal Code, with the following modifications:*

**Title 16 - Chapter 16.66 - Tree Preservation Regulations**

**Section 16.66.02 Purpose and Intent.** *The first sentence is amended to read as follows: “The propagation, maintenance, and preservation of trees enhances the scenic beauty, increases property values, encourages quality development, prevents soil erosion, counteracts pollution in the air, **absorbs carbon dioxide to help reduce urban impacts on global climate**, and helps to maintain the climatic balance within the City.”*

**Section 16.66.030 Applicability.** *Staff’s recommended language is amended to read as follows: “**Except as provided elsewhere in the Code**, this chapter applies to all **undeveloped** private property within the City which is greater than 10,000 square feet in area **and requires development entitlement**.”*

**Section 16.66.040 Exemptions.** *Staff’s recommended language for a new section “C. Trees of the following species...” is amended to correct the spelling of **Black Locust**, in this section and where referenced elsewhere.*

**Section 16.66.050 Definitions.**

**Subsection B.** *Staff’s recommended definition of “City-Qualified Tree Services” shall be used; that is, “**A tree service company which has received permit approval from the general services director or urban forest manager**.”*

**Subsection I.1., I.2., and I.3. (Healthy Urban Forest defined)** *This subsection shall be deleted in its entirety. As a result, Subsections J through O shall be relabeled as I through N.*

**Subsection N.2. (now M.2.)** *Tree species and size tables shall be modified as follows: **Move California bay** from the 12-inch DBH or greater table to the 6-inch DBH or greater table. In the 6-inch DBH or greater table **delete Grape myrtle** and **add Pacific dogwood**.*

Section 16.66.095 Tree Replacement.

Subsection A. (On-site) The last sentence of this subsection is amended to read as follows: “Dead or failing trees shall be replaced, **or an in-lieu fee paid**, prior to expiration of the three year period, or sooner, as may be determined by the director or their designee.”

Subsection B. (Off-site) This subsection is amended to read as follows: “In the event that onsite replacement **of removed** trees is infeasible or undesirable as determined by the director, an in-lieu fee, as established in the City of Chico fee schedule, shall be paid by the permittee.”

Subsection D. (Exception) This subsection is deleted in its entirety (fruit and nut tree species need not be listed here as a result of adding them to Section 16.66.040, Exemptions).

Section 16.66.150 Voluntary Heritage Tree Program.

Subsection A.3. “**The tree is one of the large trees in Chico**,” is deleted in its entirety.

Subsections A.4. and A.5. are renumbered to A.3. and A.4 accordingly.

The first sentence of the last paragraph in Subsection A., “**The Urban Forest Manager shall appraise each Heritage Tree and shall note it in the resolution.**” is deleted in its entirety.

Subsection C. (Emergency exemption) This subsection is amended to read: “Neither a permit nor a fee is required for removal of a tree that presents an immediate hazard to life or property as determined by the city manager, police chief, fire chief **and or** the urban forest manager.”

Title 19 - Chapter 19.68 - Landscaping Standards.

Section 19.68.030 Landscape Plan Requirements

Subsection B. (Final Landscape Package) Add a sentence at the end of this paragraph as follows: “**Landscape plans shall be prepared only by those authorized by the State of California to prepare such plans.**”

Section 19.68.040 Landscape Installation Requirements.

Subsection C. (Landscape Requirements for Facade Remodel) The last sentence of this paragraph is amended to read as follows: “When parking lot shading does not meet City standards, planting of parking lot shade trees **should shall generally** take precedence over other types of landscape improvements, **if feasible.**”

Section 19.68.050 Landscape Standards.

Subsection B.5. This new subsection to be added is amended to read as follows: “...construction of 25 or more new parking stalls, parking lot shade tree landscaping **should shall** be provided by a mix of tree species, with no single species....”

**Title 19 - Chapter 19.70 - Parking and Loading Standards**

**Section 19.70.090 Design and development standards for off-street parking Subsection E.2. (Area of Shading Required)** *The third sentence of this subsection is amended to read as follows: “On sites with compacted or poor soils and/or drainage, additional installation measures such as, but not limited to, soil amendments and over excavation of planting areas **may shall** be required to ensure that the shading standard can be reached.”*

*Motion passed by a vote of 6-1*

*Ayes: Barrett, Brownell, Kelley, Luvaas, Merz, Minasian,*

*Noes: Sorensen*

5. **REGULAR AGENDA** - There were no items for this Agenda.
6. **BUSINESS FROM THE FLOOR** - Citizen Alan Gair expressed several comments: asked that something be placed on a future agenda regarding the sphere of influence; what about protection of trees already in developments; and, how are our parks performing, possible suggestions included an impartial audit or calibration of our parks.
7. **REPORTS AND COMMUNICATIONS**
  - 7.1 **Planning Update** - Planning Services Director Peterson provided an update on Department activities, including City Council’s recent adoption/approval of the Commission’s Work Plan, and reviewed a calendar of upcoming meetings and events.
  - 7.2 **Sustainability Task Force** - Commissioner Luvaas reported on the June 1, 2009 meeting of the Sustainability Task Force. (The June 15, 2009 meeting was cancelled.)
  - 7.3 **Design Guidelines Subcommittee** - Commissioner Kelley reported on the June 18, 2009 meeting of the Design Guidelines Subcommittee.
  - 7.4 **Communication(s)** - None
8. **ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 9:40 p.m. to the regular meeting of July 2, 2009.

December 17, 2009  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
JULY 2, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian (arrived at 6:34 p.m.)  
Mark Sorensen

Commissioners Absent: Mary Brownell

Staff Members Present: Steve Peterson, Planning Services Director  
Roger Wilson, Assistant City Attorney  
Sherry Morgado, Housing & Neighborhood Services Director  
James Coles, Housing Manager  
Brendan Vieg, Principal Planner  
Karen Masterson, Administrative Assistant

Consultant Present Jennifer Gastelum, PMC

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION** - No ex parte communication was reported.

**3. CONSENT AGENDA** - There were no items for this Agenda.

**4. PUBLIC HEARING ITEMS**

**4.1 Revised 2009 Housing Element** (*Noticed 05-30-09*) - The Housing Element is one of seven state-mandated elements of the General Plan, and requires that jurisdictions plan for the housing needs of all economic segments of the community. Informed by a comprehensive public outreach effort, a draft Housing Element has been prepared. The draft Housing Element contains an assessment of housing needs, an inventory of resources and constraints relevant to the meeting of these needs, and a five-year program of actions the City intends to implement or is implementing to meet identified housing needs.

At a joint Council/Commission meeting on March 17, 2009, staff presented the draft 2009 Housing Element, received direction for revisions, and was given authorization to submit the Element to the State Department of Housing and Community Development (HCD) for

review and comment. On May 26, 2009, HCD notified the City that the Element needed specific revisions in order to fully comply with statutory requirements. Staff coordinated revisions to the Element with HCD and received acknowledgment that the revised Housing Element would comply with State Law upon adoption by the City and final review by HCD.

Pursuant to the California Environmental Quality Act, an Initial Study was prepared for the draft Housing Element, which concluded that the proposed project could not have a significant effect on the environment and that a negative declaration should be prepared. The Planning Commission will conduct a public hearing and provide a recommendation to the City Council on adoption of the negative declaration and the revised 2009 Housing Element. ***Staff recommends that the Planning Commission adopt a resolution recommending the City Council adopt the negative declaration and the revised 2009 Housing Element.***

Principal Planner Brendan Vieg introduced PMC consultant Jennifer Gastelum and turned the presentation over to her. Ms. Gastelum last met with the group on March 17, 2009.

\*\*\*\*\*

Let the record show that Commissioner Minasian arrived at 6:34 p.m.

\*\*\*\*\*

Ms. Gastelum reviewed items that were incorporated since the last version of the document. She reiterated that the document is currently in a “compliance” state and if changes are made, it would need to go back to HCD for a 60-day review. Ms. Gastelum responded to a few questions by the Commission.

Chair Kelley opened the public hearing at 6:43 p.m. There being no speakers to address the Commission, Chair Kelley closed the public hearing at 6:43 p.m. The Commission reviewed the draft Housing Element, asked questions of staff and offered possible text modifications.

***It was motioned (Luvaas) and seconded (Minasian) that the Planning Commission adopt a resolution recommending the City Council adopt the negative declaration and the revised 2009 Housing Element with amendments thereto as follows:***

***Page 7-19, (Mixed-Income Program) (Action H.2.5.2), The first sentence is modified to read as follows: “The City ~~plans to explore~~ will implement a Mixed-Income or Inclusionary Zoning ~~options~~ program that ~~are~~ is responsive to the local political and economic environment.” In this same section, delete the last sentence: “~~These issues, as well as additional public input, will inform staff’s presentation of options to the City Council.~~”***

***Goal H.2 Section (Provide housing that is affordable...) is amended as follows:***

***Page 7-22, Action H.2.1.1, Clarify “time frame” language as follows: “Adopt zoning code revisions ~~in 2011~~ subsequent to adoption of the Updated General Plan ~~in 2011.~~”***

*Page 7-23, Action H.2.1.2, Clarify “time frame” language as follows: “Revise zoning code **concurrent subsequent to with** the General Plan Update, to be adopted in 2011.”*

*Page 7-24, Action H.2.5.2, The second sentence is modified to read: “The City will consider **at least** the following topics.” The first bullet point item, “**Target specific future growth areas**” is deleted.*

*Page 7-25, Action H.2.5.4, The first sentence is modified to read: “...the City will negotiate with developers within newly developing Special Planning Areas (SPAs) **for to assure** the provision of affordable housing units...”*

*Goal H.3 Section (Promote the construction of a range...) is amended as follows:*

*Page 7-27, Policy H.3.3 is amended to read: “Promote a mix of dwelling types and sizes **that discourage and avoid** the formation of new residential areas having a uniform housing type and size throughout.”*

*Page 7-28, Action H.3.3.4, The first sentence is modified to read: “Implement mechanisms that promote and facilitate mixed residential-commercial development along **target strip** commercial corridors served by transit...” In this same section, the fifth bullet point item is modified to read: “Concentrate higher density housing near transit routes, **and** shopping centers, **and** downtown.” Add a new, sixth bullet point as follows: “**Facilitate development of a mixed-use demonstration project.**”*

*Page 7-29, Add a new action (H.3.5.2) that “**promotes the development of one-and two-bedroom apartments to better serve the needs of small households**” with final language to be crafted by staff.*

*Page 7-29, Action H.3.6.1, Modify this paragraph to read: “Provide for infrastructure and service demands, including sanitary sewers, storm drainage, street **and alley** improvements, **transit facilities**, utilities, schools, and park facilities, generated by residential development as development occurs.”*

*Goal H.7 Section (Encourage energy efficient resources...) is amended as follows:*

*Page 7-36, Action H.7.1.1, Delete the third sentence : “~~The City shall also review its land use regulations...which promote and/or require energy conservation planning as a factor in project approval~~” from this Action and make it a separate Action (H.7.1.2) with modified language as follows: “The City shall also review its land use regulations and subdivision ordinance and*



*where appropriate add provisions which promote and/or require energy conservation planning **and renewable energy systems** as **a factors** in project approval.”*

*Page 7-37, Action H.7.1.2 is renumbered to Action H.7.1.3 and modified to read: “Explore financing options **through including** State and Federal grants, **low interest loans, etc.**, for the installation of energy-efficiency measures **and renewable energy systems** in all new **and existing** residential projects.”*

*Page 7-37, Action H.7.1.3 (re: green building design) is renumbered to Action H.7.1.4.*

*Motion passed by a vote of 6-0-1*

*Ayes: Barrett, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: Brownell*

5. **REGULAR AGENDA** - There were no items for this Agenda.
6. **BUSINESS FROM THE FLOOR** - There was no business from the floor.
7. **REPORTS AND COMMUNICATIONS**
  - 7.1 **Planning Update** - Planning Services Director Peterson provided an update on Department activities, outlined the proposed procedure for the upcoming Wal-Mart public hearing, and reviewed a calendar of future meetings and events.
  - 7.2 **Ad Hoc Downtown Committee** - Commissioner Merz reported on the June 24, 2009 meeting of the Ad Hoc Downtown Committee meeting.
  - 7.3 **Communication(s)** - None
8. **ADJOURNMENT** - There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m. to the adjourned regular meeting of July 16, 2009.

December 17, 2009  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
JULY 16, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Fritz McKinley, Director, Building & Development Services  
Zach Thomas, Senior Planner  
Karen Masterson, Administrative Assistant

Consultants Present: Amy Herman, CBRE  
Paul Miller, Omni Means  
Mark Teague, PMC  
Steve Weinberger, W-Trans

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

**Barrett:** Tonight's information packet includes comments from an ex-employee, those were her personal comments, not opinion of my organization; spoke with Nina Widlund

**Sorensen:** On Chico Cares email list for a number of years and have visited their website; on the Board of Chico Chamber of Commerce for about eight years; attended a conference on May 5 where Lon Hatamiya presented his study, which is part of the record; on June 29 met with four Wal-Mart proponents for about 20 minutes; had a short conversation with Nina Widlund re: her concerns with camping on the site

**Brownell:** None reported

**Kelley:** Received one email today; had a conversation with Nina Widlund; attended a convention in Monterey on March 23, 2006 and sat in on a seminar by Michael Cook of Turlock, where an ordinance was effected that limited the non-taxable portion of stores over 100,000 square feet to five percent of their product line; I subsequently phoned Mr. Cook to ask about their concept; recently went to a Super Target, with groceries, in Southern California; have a CostCo membership

**Luvaas:** Two phone calls from Nina Widlund; talked with many people over the years; attended at least one conference where big box retail was discussed and one that had to do with environmental review; spoke with economist Dr. David Gallo about points in his report; spoke with Heather Schlaff; spoke with someone regarding energy efficiency measures being implemented by Wal-Mart in some areas; received email from Virginia Meyer regarding analysis of institute of traffic engineers; received a call from Brett Jolley, representing CARE (Chico Advocates for a Responsible Environment), regarding EIR concerns

**Minasian:** Spoke with Nina Widlund

**Merz:** Spoke with Nina Widlund; have talked with Heather Schlaff several times over the years; receive CARE's newsletter, received email from Seth Godfrey of Think Local Chico

**3. CONSENT AGENDA**

There were no items for this Agenda.

**4. PUBLIC HEARING ITEMS**

- 4.1 Wal-Mart Parcel Map and Expansion Project, PM 03-17, AR 07-26 (PACLAND)**  
*(Noticed 07-06-09) - A Parcel Map (PM 03-17) and Site Design and Architectural Review (AR 07-26) to reconfigure two parcels and allow an approximate 82,500 square foot expansion of the existing 125,889 square foot Wal-Mart store at 2044 Forest Avenue (APN's 002-370-055, 002-370-057, and 002-170-004). The proposed project includes an expanded parking lot and other improvements relating to the expansion. The site is designated Community Commercial (CC) and Commercial Services (CS) on the General Plan diagram and is located in a CC Community Commercial zoning district. An Environmental Impact Report (EIR), State Clearinghouse #2004012077 was prepared for this project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends that the Planning Commission: 1) adopt Resolution No. 09-08, certifying the adequacy of the Final EIR; 2) adopt Resolution No. 09-09 adopting Findings Regarding Environmental Effect, the Statement of Overriding Considerations and the Mitigation Monitoring Program; and 3) adopt Resolution No. 09-10, approving Parcel Map PM 03-17 and Site Design and Architectural Review AR 07-26.***

Planning Services Director Steve Peterson provided introductory remarks. Chair Kelley reviewed public speaker procedure and use of speaker cards for the hearing. After introducing members of the project team (staff and consultants), Senior Planner Zach Thomas presented the staff report.

Economic Development/Redevelopment Manager Martha Westcoat-Andes provided a brief presentation, addressing the economic perspective and shared the City Council's consideration of economic development.

Senior Planner Zach Thomas explained the environmental review process in general, then specifically the Environmental Impact Report (EIR) for the proposed Wal-Mart expansion.

Amy Herman of CBRE, who conducted the urban decay study, addressed the Commission. It was noted the study was re-examined due to the change in status of the economy.

Paul Miller of Omni Means addressed the Commission, providing background and information related to preparation of the traffic analysis report.

Steve Weinberger of W-Trans reiterated Mr. Miller's comments, then spoke about the needs for Baney Lane, recommending restricted left turn movements from Baney in order to relieve usage of Business Lane.

Building and Development Services Director Fritz McKinley addressed the Commission, advising which streets/intersections are part of the nexus program.

Steve Weinberger of W-Trans provided simulations for the Commission, beginning with existing conditions and including simulations for the years 2010 and 2020.

Senior Planner Zach Thomas explained the basic principles of a statement of overriding considerations and why it is proposed for this project. Revised exhibits (maps) provided to the Commission were reviewed. Additional questions were answered related to Business Lane, Baney Lane, timing of improvements on E. 20<sup>th</sup> Street, whether or not there were legal time frames for mitigation measures, the basis for trip generation data, history of City code enforcement related to overnight camping observed in the existing Wal-Mart parking lot, and clarification of square footage of the building and outdoor garden center.

\*\*\*\*\*  
The Planning Commission recessed at 8:02 p.m. and reconvened at 8:16 p.m. Let the record show that Commissioner Minasian left the meeting at 8:02 p.m. and will watch the balance of the evening's proceedings on cable television from her home. All other staff, Commissioners and consultants were present as previously noted.  
\*\*\*\*\*

A question/answer period continued, primarily related to economic development, with Economic Development/Redevelopment Manager Martha Westcoat-Andes providing clarification as needed.

Chair Kelley announced that a three-minute rule will be in effect for the public hearing and asked that speakers acknowledge agreement with previous speakers rather than duplicate their testimony.

Assistant City Attorney Roger Wilson reviewed the actions before the Commission and advised that their decisions are final, unless appealed to the City Council.

Chair Kelley opened the public hearing at 8:37 p.m. Addressing the Commission in the following order were:

- **Mike Neer**, civil engineer with PACLAND, representing the Applicant, spoke in favor
- **Virginia Tran**, design architect with WPTC, representing the Applicant, spoke in favor
- **Angela Stoner**, Public Affairs Manager, Wal-Mart Northern California, spoke in favor

The Commission asked questions of the Applicant which were responded to by members of the Applicant's project team. Time was then afforded to representatives of the CARE group who addressed the Commission as follows:

- **Heather Schlaff**, representing CARE, spoke in opposition
- **Dr. David Gallo**, CSUC, representing CARE, spoke in opposition
- **Brett Jolley**, land use attorney from Stockton, representing CARE, spoke in opposition

The Commission asked additional questions of staff in response to concerns raised by the representatives of CARE. The general public was invited to address the Commission and were called in the order that speaker cards were submitted to the Clerk of the Commission.

- **Tamara Yates**, spoke in opposition
- **Nina Widlund**, spoke in opposition
- **Mitch Cox**, spoke in opposition
- **Ron Sherman**, spoke in opposition
- **Jolene Francis**, spoke in favor

*At 10:00 p.m., it was motioned (Luvaas) and seconded (Sorensen) that the Commission extend the meeting until 11:00 p.m.*

*Motion carried by a vote of 6-0-1 (Minasian)*

\*\*\*\*\*  
The Planning Commission recessed at 10:02 p.m. and reconvened at 10:20 p.m. Commissioners (with the exception of Commissioner Minasian) and staff were present as previously noted.  
\*\*\*\*\*

Public testimony resumed. Addressing the Commission in the following order were:

- **Leonard Gundert**, spoke in opposition
- **Lynne Bellante**, spoke in opposition
- **Jan Reale**, spoke in favor
- **Kristine Chenevey**, spoke in favor
- **Sara Randall**, spoke in favor
- **Kim Turner**, spoke in favor
- **Beth Hori**, spoke in favor
- **Vincent Ornelas**, spoke in opposition
- **Kellen Thompson**, spoke in favor
- **B.T. Chapman**, spoke in opposition
- **Allison Ivie**, spoke in opposition
- **Mary Lou Kuehne**, spoke in favor
- **Ilean Powert**, spoke in favor
- **Marilyn Porter**, spoke in favor
- **Terrie LuAllen**, spoke in favor
- **Lloyd Heidinger**, spoke in favor
- **Bob Vanella**, spoke in favor
- **Wayne Devoll**, spoke in favor
- **Emily Alma**, spoke in opposition

At 11:00 p.m., the Commission briefly discussed extension of the meeting for an additional one-half hour.

*It was motioned (Luvvas) and seconded (Sorensen) that the meeting be continued to Thursday, July 23, 2009 at 6:30 p.m. with the public testimony portion of the hearing remaining open.*

*Motion carried by a vote of 6-0-1 (Minasian absent)*

The Commission requested that staff research the following items and provide hard copies, where applicable, in preparation for the July 23, 2009 meeting:

1. Provide the zoning district information for the CostCo property;
2. Ask Wal-Mart for a list of suppliers that would be serving their Chico store;
3. Provide approval/construction status on other Wal-Mart locations regionally (e.g. Paradise, Oroville, Willows);

4. Explore the maintenance issues with respect to Business and Baney Lanes.
  5. Determine if there are suppliers and/or wholesalers in a position to supply a Wal-Mart Supercenter (in order to keep local farmers in business);
  6. Provide a copy of the cross-section for the E. 20<sup>th</sup> Street expansion; and,
  7. Wal-Mart is to provide a material/color board for the Commission's review.
5. **REGULAR AGENDA** - There were no items for this Agenda.
6. **BUSINESS FROM THE FLOOR** - This Agenda item was not addressed.
7. **REPORTS AND COMMUNICATIONS** - This Agenda items was not addressed.
8. **ADJOURNMENT**

Chair Kelley adjourned the meeting at 11:10 p.m. to Thursday, July 23, 2009 at 6:30 p.m.

August 20, 2009  
Date Approved

\_\_\_\_\_/s/\_\_\_\_\_  
Steve Peterson  
Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
JULY 23, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian (arrived at 8:40 p.m.)  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Fritz McKinley, Director, Building & Development Services  
Zach Thomas, Senior Planner  
Karen Masterson, Administrative Assistant

Consultants Present: Amy Herman, CBRE  
Paul Miller, Omni Means  
Mark Teague, PMC  
Steve Weinberger, W-Trans

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:33 p.m. Commissioners, staff, and consultants were present as noted.

**2. EX PARTE COMMUNICATION**

**Barrett:** Spoke to the managers of Winco Foods and Food Maxx

**Sorensen:** Received a variety of email, but all are included in the handout from staff

**Brownell:** None reported

**Kelley:** Received seven email messages, will provide copies for the record

**Luvaas:** Received many email messages, likely the same ones received by the other Commissioners; also received a call from Heather Schlaff re: correspondence from Brett Jolley, the attorney representing CARE

**Merz:** Received email messages from Kate and Josh Bartholomew, Roger Beadle, Travis Craig, Mike McLaughlin and Heather Schlaff



**3. CONSENT AGENDA**

There were no items for this Agenda.

**4. PUBLIC HEARING ITEMS**

- 4.1 Wal-Mart Parcel Map and Expansion Project, PM 03-17, AR 07-26 (PACLAND)**  
*(Noticed 07-06-09; Continued from 07-16-09; Public Testimony Remains Open) - A Parcel Map (PM 03-17) and Site Design and Architectural Review (AR 07-26) to reconfigure two parcels and allow an approximate 82,500 square foot expansion of the existing 125,889 square foot Wal-Mart store at 2044 Forest Avenue (APN's 002-370-055, 002-370-057, and 002-170-004). The proposed project includes an expanded parking lot and other improvements relating to the expansion. The site is designated Community Commercial (CC) and Commercial Services (CS) on the General Plan diagram and is located in a CC Community Commercial zoning district. An Environmental Impact Report (EIR), State Clearinghouse #2004012077 was prepared for this project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends that the Planning Commission: 1) adopt Resolution No. 09-08, certifying the adequacy of the Final EIR; 2) adopt Resolution No. 09-09 adopting Findings Regarding Environmental Effect, the Statement of Overriding Considerations and the Mitigation Monitoring Program; and 3) adopt Resolution No. 09-10, approving Parcel Map PM 03-17 and Site Design and Architectural Review AR 07-26.***

Chair Kelley announced that public testimony was continued from July 16, 2009 and stated that the same speaker protocol would be followed; that is, speakers will have three minutes each. Addressing the Commission in the following order were:

- **Loene Gauer**, spoke in favor
- **Bengt Berg**, spoke in favor
- **Staci Sasselli**, spoke in favor
- **Scott Douglass**, spoke in favor
- **Alan Gair**, spoke in opposition
- **Brooke Stephens**, spoke in favor
- **Beverly Robertson**, spoke in opposition
- **Bill Story**, spoke in favor
- **Wanda J. Story**, spoke in favor
- **Dave Hale**, spoke in favor
- **Joanne Adams**, spoke in opposition
- **Meagan Fischer**, spoke in opposition
- **Bob Linscheid**, CEPCO, spoke in favor
- **Kylie Zimmerman**, Kirshner Wildlife Foundation, spoke in favor
- **Frank Marinello**, CEPCO, spoke in favor
- **Bruce Balgooyen**, spoke in opposition
- **Regina Simpson**, spoke in opposition

- **Nancy Park**, spoke in opposition
- **Sherri Quammen**, spoke in opposition
- **Cordell Smith**, spoke in favor
- **David Lammerman**, neutral
- **Steve Schuman**, spoke in opposition
- **Tim Slaton**, Food Maxx, spoke in opposition
- **Mike Nicholaus**, spoke in favor
- **Kevin Kirk**, spoke in favor
- **Roz Stelk**, Oxford Suites, concerned with private street issues
- **Mark Herrera**, spoke in opposition
- **Bo Scott**, spoke in favor
- **Victoria Burke**, spoke in favor
- **Don Turnbough**, spoke in favor
- **Karen Petterson**, spoke in favor
- **Harold Gilbert**, spoke in favor
- **John Montgomery**, spoke in favor
- **Corrina Hale**, spoke in favor
- **Jessica Rios**, neutral
- **Virginia Maier**, spoke in opposition
- **Elizabeth Devereaux**, spoke in opposition
- **Mayra Fairbanks**, spoke in favor
- **Kelly Meagher**, spoke in opposition
- **Mark Stemen**, spoke in opposition

At the request of Chair Kelley, speaker Tim Slaton, Manager of Food Maxx, was asked to return to the podium.

- **Tim Slaton**, Food Maxx, responded to questions from Chair Kelley

Commissioner Merz asked that speaker Virginia Maier provide a copy of the report she referenced for incorporation into the public record.

\*\*\*\*\*

The Planning Commission recessed at 8:25 p.m. Let the record show that Commissioner Minasian arrived at 8:40 p.m. The Planning Commission reconvened at 8:42 p.m. Commissioners, staff and consultants were present as noted.

\*\*\*\*\*

Public testimony resumed. Addressing the Commission in the following order were:

- **Eva Hallvik**, spoke in opposition
- **Barbara Hinshaw**, spoke in favor

There being no further members of the public to address the Commission, time was given to allow for the Applicant's rebuttal. Addressing the Commission were:

- **Miriam Montesinos**, Attorney, with Sheppard Mullins, responded to arguments regarding General Plan consistency, urban decay, significant environmental impacts, and the issue of future maintenance of the private road Business Lane.
- **Angela Stoner**, Public Affairs Manager, asserted Wal-Mart's commitment to low prices, energy efficient stores, charitable donations to the community, contribution to sales tax revenue and the benefit of a renovated store with redesigned architecture and landscaping.

The Commission asked Ms. Stoner numerous questions. At the conclusion of this dialogue, Chair Kelley closed the public hearing at 9:18 p.m.

Senior Planner Zach Thomas provided a recap of the July 16, 2009 meeting and, one by one, addressed the Commission's requests for information from that meeting that had not already been addressed by the Applicant. The Commission asked additional questions of City staff and consultants.

Due to the late hour, the Commission discussed continuation of this agenda item. Planning Services Director Peterson requested the item be continued to the next regular meeting of the Commission on August 6, 2009. Commissioner Minasian stated she would be unable to attend the August 6 meeting. Commissioner Luvaas asked that the item be continued to a special meeting on July 30, 2009, if the Council Chamber was available for use on that date. Chair Kelley called for a recess to allow Administrative Assistant Masterson to check the room reservation calendar.

\*\*\*\*\*

The Planning Commission recessed at 10:15 p.m. and reconvened at 10:22 p.m. Commissioners, staff and consultants were present as noted.

\*\*\*\*\*

Administrative Assistant Masterson confirmed availability of the Council Chambers for the next Thursday, July 30, 2009. Staff asked for consideration of turnaround time for follow-up items and the Commission agreed to submit any requests in a timely fashion.

***It was motioned (Luvaas) and seconded (Minasian) to continue Agenda Item 4.1, Wal-Mart Parcel Map and Expansion Project, PM 03-17, AR 07-26 (PACLAND) to Thursday, July 30, 2009.***

***Motion carried by a vote of 7-0***

Commissioner Minasian thanked Senior Planner Thomas for providing copies of the Statements of Overriding Considerations (SOCs) for Costco, Enloe and Meriam Park and suggested other Commissioners receive copies as well. Commissioner Merz asked for more information regarding Baney and Business Lanes.

5. **REGULAR AGENDA** - There were no items for this Agenda.

6. **BUSINESS FROM THE FLOOR** - There was no business from the floor.

7. **REPORTS AND COMMUNICATIONS**

7.1 **Planning Update** - Planning Services Director Peterson announced he would be retiring from City service at the end of August. Principal Planner Mark Wolfe will serve as Interim Planning Services Director.

7.2 **Design Guidelines Subcommittee** - Chair Kelley provided an update of this group's activities and indicated its work should be completed in the near future.

7.3 **Sustainability Task Force** - Commissioner Luvaas reported on the July meetings of the task force. Planning Services Director Peterson mentioned that the City was applying for a grant (from stimulus funds) that could assist in funding some of the plan.

7.4 **Communication(s)** - Commissioner Merz mentioned the communication received at the last meeting regarding Tuscan Village and asked staff for a brief report. Principal Planner Wolfe responded.

8. **ADJOURNMENT**

Chair Kelley adjourned the meeting at 10:45 p.m. to Thursday, July 30, 2009 at 6:30 p.m.

September 3, 2009  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
JULY 30, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Fritz McKinley, Director, Building & Development Services  
Matt Johnson, Senior Development Engineer  
Martha Westcoat-Andes, Economic Dev/Redevelopment Manager  
Zach Thomas, Senior Planner  
Karen Masterson, Administrative Assistant

Consultants Present: Mark Teague, PMC  
Steve Weinberger, W-Trans

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners, staff, and consultants were present as noted.

**2. EX PARTE COMMUNICATION**

**Barrett:** None

**Sorensen:** None

**Brownell:** None

**Kelley:** Received email, but no direct communication

**Minasian:** Spoke with Brett Jolley, attorney representing Chico Advocates for a Responsible Environment (CARE)

**Luvaas:** Spoke with Heather Hacking (Chico ER) and Heather Schlaff (CARE) who mentioned that some of the public speakers were employees from Wal-Mart's Redding Distribution Center

**Merz:** Spoke with Jackie and Len Gundert (citizens opposed to expansion)

**3. CONSENT AGENDA - There were no items for this Agenda.**

#### **4. PUBLIC HEARING ITEMS**

- 4.1 Wal-Mart Parcel Map and Expansion Project, PM 03-17, AR 07-26 (PACLAND)**  
*(Noticed 07-06-09; Meeting 07-16-09; Meeting 07-23-09, Continued to 07-30-09, Public Hearing Closed) - A Parcel Map (PM 03-17) and Site Design and Architectural Review (AR 07-26) to reconfigure two parcels and allow an approximate 82,500 square foot expansion of the existing 125,889 square foot Wal-Mart store at 2044 Forest Avenue (APN's 002-370-055, 002-370-057, and 002-170-004). The proposed project includes an expanded parking lot and other improvements relating to the expansion. The site is designated Community Commercial (CC) and Commercial Services (CS) on the General Plan diagram and is located in a CC Community Commercial zoning district. An Environmental Impact Report (EIR), State Clearinghouse #2004012077 was prepared for this project, pursuant to the California Environmental Quality Act (CEQA). **Staff recommends that the Planning Commission: 1) adopt Resolution No. 09-08, certifying the adequacy of the Final EIR; 2) adopt Resolution No. 09-09 adopting Findings Regarding Environmental Effect, the Statement of Overriding Considerations and the Mitigation Monitoring Program; and 3) adopt Resolution No. 09-10, approving Parcel Map PM 03-17 and Site Design and Architectural Review AR 07-26.***

Senior Planner Zach Thomas provided a brief summary of the two prior meetings on this agenda item and reviewed the follow-up information provided by staff in the agenda packet. Two handouts were provided to the Commission at the meeting; 1) public comments received since the July 30, 2009 meeting which the Commission is not obligated to consider as they were received after closure of the public hearing; and, 2) written communication from Commissioner Luvaas which had been previously distributed via e-mail.

Assistant City Attorney (ACA) Roger Wilson summarized the actions before the Commission and asked that the Commission consider the items in the order they are presented. The Commission was reminded that their action would not be considered as a recommendation to the City Council, but would, in fact be their final action on the matter. ACA Wilson then spoke to the issue of maintenance of Business and Baney Lanes and directed the Commission's attention to a letter from the Applicant which set forth the understanding between the parties. ACA Wilson concurs with the statements in the letter and is not aware of any documents that show otherwise.

Commissioner Minasian asked ACA Wilson for his view on allegations of a possible Brown Act violation that appeared in the July 30, 2009 edition of the Chico Enterprise-Record (E-R) as a result of Commissioner Luvaas presenting a draft resolution for the Commissioner's consideration to City staff on July 28, 2009 which was subsequently distributed to the full Commission on July 29, 2009. ACA Wilson does not consider this a violation of the Brown Act because distributing a draft does not constitute a majority of the Commission reaching consensus outside of a public meeting setting. Commissioner Minasian expressed her views with respect to the E-R Editorial Board's use and placement of the information.

*It was motioned (Minasian) and seconded (Brownell) that the Planning Commission find that the final Environmental Impact Report (EIR) is not adequate and therefore, deny adoption of Resolution 09-08 which would have certified the adequacy of the EIR. Commissioner Minasian stated her reasons were many, but primarily because there is no assurance that the contemplated mitigation measures related to traffic will be implemented.*

*Input from members of the Commission, to support the inadequacy of the EIR, was provided in the form of amendments to the motion, as follows:*

- 1. Business Lane/Baney Lane Issue: Traffic impacts were analyzed for safety issues only; analysis of these private streets is inadequate.*
- 2. Air Pollution Impacts: This project would create impacts beyond those assumed in Butte County's air quality attainment plan.*
- 3. Public Health Impacts: Cited two Associated Press reports (to be placed in the record) that link prenatal/in utero exposure to poor air quality to genetic changes and/or abnormal brain development.*
- 4. Energy Impacts: The EIR does not discuss the widely respected view that worldwide oil production has peaked and is now declining. There are ways this project could have reduced energy use that were not considered in the EIR or evaluated for feasibility.*
- 5. Climate Impacts: The EIR does not mention that the City has its own greenhouse gas emission reduction goals; only statewide goals were mentioned.*
- 6. Blight/Other Economic Impacts: Chico is saturated with grocery stores. Buying would be shifted from existing stores to the expanded Wal-Mart.*
- 7. Traffic Analysis: Highway 32 should have been included in the analysis.*
- 8. 2007 Visioning Survey: 50% of respondents felt the creation of high-paying jobs was important, while 3% did not. Only 9% felt it was extremely important to have more retail and 16% felt it was not important at all. The majority of respondents indicated they purchase their groceries in Chico; this speaks to the adequacy of the current number of grocery stores.*

9. *2008 Citywide Greenhouse Gas Emissions Survey: This survey listed the greenhouse gas emissions that should be measured which, in addition to CO<sub>2</sub>, included four other serious greenhouse gas emissions. This EIR only measured CO<sub>2</sub>.*

*Motion carried by a vote of 5-2*

*Ayes: Barrett, Brownell, Luvaas, Merz, Minasian*

*Noes: Kelley, Sorensen*

*It was motioned (Merz) and seconded (Luvaas) to deny adoption of Resolution 09-09, therefore not adopting Findings Regarding Environmental Effect, the Statement of Overriding Considerations and the Mitigation Monitoring Program. Commissioner Luvaas asked for the record to note that the Mitigation Monitoring Program is not adequate due to lack of a program and funding for same.*

*Motion carried by a vote of 5-2*

*Ayes: Barrett, Brownell, Luvaas, Merz, Minasian*

*Noes: Kelley, Sorensen*

*It was motioned (Merz) and seconded (Minasian) to deny adoption of Resolution 09-10, therefore not approving Parcel Map PM 03-17 and Site Design and Architectural Review AR 07-26.*

*Motion carried by a vote of 5-2*

*Ayes: Barrett, Brownell, Luvaas, Merz, Minasian*

*Noes: Kelley, Sorensen*

It was noted that the Commission's action is considered "Intent to Deny" and that staff would draft a new resolution (for denial) based on the Commission's findings. The new resolution would be presented to the Commission for action at its August 20, 2009 meeting.

5. **REGULAR AGENDA** - There were no items for this Agenda.
6. **BUSINESS FROM THE FLOOR** - There was no business from the floor.
7. **REPORTS AND COMMUNICATIONS**
- 7.1 **Planning Update** - Planning Services Director Peterson provided an update on departmental activities.
- 7.2 **Design Guidelines Subcommittee** - Chair Kelley provided a summary of the Subcommittee's meeting of July 29, 2009.



**7.3**    **Communication(s)** - There were no items to discuss.

**8.**    **ADJOURNMENT**

There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 7:43 p.m. to the Adjourned Regular Meeting of August 20, 2009 at 6:30 p.m.

September 3, 2009  
Date Approved

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Wolfe  
Interim Planning Services Director



City of Chico  
NOTICE OF CANCELLATION  
of  
August 6, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the August 6, 2009 regular meeting of the Planning Commission of the City of Chico has been cancelled.

The Planning Commission will meet Thursday, August 20, 2009 for an adjourned regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

*Karen J. Masterson*

By: Karen Masterson, Administrative Assistant

Dated: July 31, 2009

**Distribution:**

Clerk & Council (8)  
City Manager  
PSD Peterson  
ACA Wilson  
SDE Johnson

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
AUGUST 20, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Steve Peterson, Planning Services Director  
Mark Wolfe, Principal Planner  
Roger S. Wilson, Assistant City Attorney  
Fritz McKinley, Director, Building & Development Services  
Matt Johnson, Senior Development Engineer  
Zach Thomas, Senior Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Prior to calling of the roll, Chair Kelley took a few minutes to recognize retiring Planning Services Director Steve Peterson on his accomplishments and wish him well in his future endeavors. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - No ex parte communication was reported.**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of July 16, 2009**

*It was motioned (Luvaas) and seconded (Merz) to approve the minutes of the July 16, 2009 meeting with one correction as follows:*

*Page 6 of 6, Item 4 is amended to read as follows: "4. Explore the **legal maintenance** issues with respect to Business Lane and Baney Lanes. (~~Note: Assistant City Attorney Roger Wilson stated that the City has no control over this dispute. It is between private parties, dating back to the 1990's, and is not an issue the City can resolve.~~)*

*Motion carried by a vote of 7-0*

**3.2 Resolution: Adoption of Resolution 09-11 Denying Certification of the Environmental Impact Report for the Wal-Mart Parcel Map and Expansion Project, Denying Adoption of a Statement of Overriding Considerations, and Denying Tentative Parcel Map 03-17 and Architectural Review 07-26 (PACLAND)**

*Commissioner Luvaas requested that Item 3.2 be pulled from the Consent Agenda. The item will be heard immediately (prior to Public Hearing Agenda) under Regular Agenda.*

**5. REGULAR AGENDA**

**5.1 Resolution: Adoption of Resolution 09-11 Denying Certification of the Environmental Impact Report for the Wal-Mart Parcel Map and Expansion Project, Denying Adoption of a Statement of Overriding Considerations, and Denying Tentative Parcel Map 03-17 and Architectural Review 07-26 (PACLAND)**

*It was motioned (Luvaas) and seconded (Minasian) to adopt Resolution 09-11, denying certification of the Environmental Impact Report for the Wal-Mart Parcel Map and Expansion Project, denying adoption of a Statement of Overriding Considerations, and denying Tentative Parcel Map 03-17 and Architectural Review 07-26 (PACLAND), with modifications to Resolution 09-11 as follows:*

*Page 2, Paragraph 3 is amended to read: "...the City prepared a Final EIR... and to **fully** address **all** potential effects..."*

*Page 3, after Line 14, insert a new paragraph to address the requirement to adopt a Statement of Overriding Considerations to reads as follows: "**WHEREAS, the Planning Commission has concluded that, because the EIR identifies significant and unavoidable adverse effects on the environment, a Statement of Overriding Considerations would be required for approval of the Project, and the Commission has further concluded that such a statement cannot be adopted; and**"*

*Page 3, Section 1.D. is amended as follows: "...Pursuant to Section 15090 of the CEQA Guidelines, the Planning Commission finds **the EIR has not been completed in compliance with CEQA and does not reflect the independent judgment of the Planning Commission. The Commission finds that it cannot certify the EIR because...**"*

*Page 4, Section E. is amended to create two subsections from existing language and add a third subsection as follows: "...Specifically: **1. Levels of service...identified in the EIR; 2. The Project's traffic...in the EIR; and, 3. The EIR fails to address traffic hazards to bicycles and pedestrians and***

*feasible mitigation measures for the intersection crossing at a widened six-lane 20<sup>th</sup> Street and Forest Avenue.”*

*Page 6, Section 1.F.6. is amended to delete subsections c., d., and e. as follows: “~~c. Additional miles traveled by new Wal-Mart employees commuting to the store from other communities. d. Regional, statewide, and international air pollution from shipments of merchandise from distant national and international destinations. e. Domestic Chinese and international air pollution from increased manufacturing of Wal-Mart products in China, which relies primarily on coal-fired electricity for production, and the additional resultant air pollution drifting to California from such production.~~”*

*Page 8, Section 1.G.1. is amended as follows: “...several existing stores prolonging existing decay and blight and potentially creating new long-term urban decay and blight.”*

*Page 9, Section 1.G.4. is amended as follows: “...strong and resilient. The report was not included in the EIR or circulated for public review and comment. The report also fails to identify, discuss, or evaluate...”*

*Page 9, Section 1.G.6. is amended as follows: “...eliminating existing jobs and shopping choices, with significant...”*

*Page 9, Section 1.G.7. is amended as follows: “...vicinity and downtown. Such vacancies and deterioration are not identified in the EIR or considered in determining the Project’s environmental setting baseline. The Gallo...”*

*Page 10, after Section 1.G.7., add a new subsection 8. to read as follows: “According to recent statistically accurate polling done by the City for the General Plan update, Chico residents purchase nearly 100% of groceries in Chico. According to the EIR, Chico grocery stores are “underperforming” relative to western regional median sales per foot. The Commission concludes from this and other evidence in the record that local grocery needs are met by existing markets, that existing stores have underutilized capacity for more sales, and that there is no evidence of significant “leakage” of grocery sales to other communities. Wal-Mart superstores with groceries exist or are planned in Willows, Oroville, Paradise, Marysville, Yuba City, Red Bluff and Anderson. From this and the whole of the record, the Commission concludes that additional discount grocers in Chico are not likely to capture grocery sales, revenue, or taxes from other communities. The Project’s additional discount grocery sales would need to capture sales from existing Chico discount grocers.”*

*Page 10, Section 1.G.8. is renumbered to Section 1.G.9.*

*Page 12, Section 1.H.6.a. is amended as follows: "...adverse effects on GHG emissions **in Chico.**" (Internal correction renumbers this Section to 1.I.1.)*

*Page 12, Section 1.H.6.b. is amended as follows: "The City of Chico **on September 2, 2008,** adopted..." (Internal correction renumbers this Section to 1.I.2.)*

*Page 13, before Section 2, add a new category "I" (renumbered J. due to above), and related subsections, regarding land use planning impacts as follows:*

*"J. The Commission further finds that the EIR fails to adequately evaluate the Project's consistency with City land use policy, as required by CEQA, in that:*

- 1. The uses proposed by the Project are not allowed in the Commercial Services land use designation applicable to the expansion parcel.
  - a. The General Plan Land Use Element designates the parcel with the existing Wal-Mart store for Community Commercial (CC) uses, but designates the separate expansion parcel for Commercial Service (CS) uses. The CC parcel's designation allows a wide variety of "retail stores," such as this store. But, except for auto and fuel sales, it allows none of the more intensive types of retail uses allowed in CS areas. The CS designation, conversely, is intended for uses "not permitted in other areas" and lists a very narrow range of entirely different retail types: autos, building materials, nurseries, and agricultural equipment rentals. All other "retail uses are excluded." The CS designation of the expansion parcel prohibits the types of use proposed for the Project.*
  - b. To allow the proposed retail uses on this CS parcel would require the City to find that the phrase "retail uses are excluded" is inconsistent with the remaining Commercial Services language and therefore ignore it. This would be to acknowledge an internal inconsistency in the General Plan, which is prohibited by California law and would jeopardize the legality of the entire General Plan. The Commission declines to make such a finding.**

- c. Rather than ignore the phrase “retail uses are excluded,” the Commission finds that the General Plan’s intent is to provide for distinctly different uses on the two parcels in question, which excludes the proposed use on the expansion parcel.*
  - d. If the City has previously allowed similar retail uses on other CS-designated parcels since adoption of this General Plan, the dates, circumstances, products, and General Plan consistency of any such approvals are not in the record. Any prior approvals inconsistent with the General Plan would, in any event, not justify a further inconsistent project approval.*
- 2. The first guiding policy of the General Plan’s Economic Development Element (ED-G-1) requires a “balanced land use program that provides opportunities for commercial...development, dispersed throughout the community...” Land Use Element policies LU-I-17 and LU-I-24 require the City to “provide local shopping centers that many residents can reach on foot or bicycle” and to “distribute shopping centers” “away from existing major shopping centers” to minimize traffic, air pollution, energy use, and other development impacts.*
  - 3. The EIR failed to evaluate consistency with policies to disperse commercial development “throughout the community,” “away from existing major shopping centers,” “that many residents can reach on foot or bicycle” in that the Project would further concentrate discount groceries in the far southeast corner of town, distant from the vast majority of Chico residents, necessitating auto travel for nearly all discount grocery shopping.*
  - 4. The Project would add to an already saturated grocery market, threaten neighborhood grocery stores, and create additional obstacles to locating future discount and non-discount grocery stores throughout the community.”*

Administrative Assistant Masterson read back through the requested modifications to Resolution 09-11. The Commission briefly discussed formalizing a memorandum to Council to provide additional comments. Commissioner Sorensen read from a handout he prepared which contradicted the findings in Resolution 09-11 and stated he would be voting against the motion. Commissioner Kelley made the following statement for the record: *“I am in the minority on the Commission, I know that, and I think this sets a dangerous course of action, that implements a lot of double-standards and will have unknown impacts and consequences*

*on both past projects, because it will make a lot of them non-conforming uses if this were to be adopted, and impacts on future projects we don't even have yet, so I think it's just a very dangerous course of action."*

***A roll call vote was taken. Motion carried 5-2.  
Ayes: Barrett, Brownell, Luvaas, Merz, Minasian  
Noes: Kelley, Sorensen***

\*\*\*\*\*  
The Planning Commission recessed at 7:58 p.m. and reconvened at 8:10 p.m. Commissioners, staff and consultants were present as noted.  
\*\*\*\*\*

The Commission chose not to prepare a comment memorandum to City Council.

- 4. **PUBLIC HEARING ITEMS** - There were no items for this Agenda.
- 5. **REGULAR AGENDA** - There were no additional items for this Agenda.
- 6. **BUSINESS FROM THE FLOOR** - There was no business from the floor.
- 7. **REPORTS AND COMMUNICATIONS**
  - 7.1 **Planning Update** - Principal Planner Wolfe reviewed the upcoming meeting calendar with the Commission.
  - 7.2 **Sustainability Task Force** - Commissioner Luvaas provided a summary of the Task Force's recent activities.
- 8. **ADJOURNMENT**

There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 8:26 p.m. to the Regular Meeting of September 3, 2009 at 6:30 p.m. in Conference Room 1.

September 17, 2009  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director



**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
SEPTEMBER 3, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Dave Kelley  
John Merz  
Susan Minasian (arrived at 6:35 p.m.)  
Mark Sorensen

Commissioners Absent: Mary Brownell  
Jon Luvaas

Staff Members Present: Mark Wolfe, Interim Planning Services Director  
Roger Wilson, Assistant City Attorney  
Bob Summerville, Senior Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - No ex parte communication was reported.**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of July 23, 2009**

**Minutes - Adjourned Regular Meeting of July 30, 2009**

**Requested Action: Approve the minutes, with corrections, if any.**

*It was motioned (Merz) and seconded (Sorensen) to approve the Consent Agenda, as presented, without corrections.*

*Motion passed by a vote of 4-0-3*

*Ayes: Barrett, Kelley, Merz, Sorensen*

*Noes: None*

*Absent: Brownell, Luvaas, Minasian*

**4. PUBLIC HEARING ITEMS**

There are no items for this Agenda.

\*\*\*\*\*  
Let the record show that Commissioner Minasian arrived at 6:35 p.m.  
\*\*\*\*\*

**5. REGULAR AGENDA**

**5.1 Workshop: An Informational Overview of the City’s Historic Preservation Program** (*Courtesy Notice Published 08-22-09*) - An Historic Preservation Program is identified on the Planning Commission’s 2009-2010 Work Plan as a Planning staff work priority. The purpose of the informational overview is to provide the Planning Commission with a background and status on this work plan item and to discuss the Commission’s role in its future implementation.

Senior Planner Bob Summerville presented the staff report, advising that based on a recommendation by the Internal Affairs Committee, the City Council directed staff to proceed with an Historic Preservation Program (HPP). The five steps of the HPP were reviewed: 1) Adopting the existing Historic Resources Inventory; 2) Updating the Inventory based on overlay zoning districts and eligibility criteria; 3) Adopting a Cultural Resources/Historic Preservation Element as part of the 2030 General Plan; 4) Creating an Historic Preservation Board; and, 5) Preparing a draft historic preservation ordinance for Council consideration. Senior Planner Summerville then answered Commission questions.

Chair Kelley opened the floor to speakers from the public. Addressing the Commission in the following order were:

- **Mike Magliari, CSUC**, spoke in favor
- **Lucy Sperlin, Chico Heritage Association**, spoke in favor

Following additional comments from the Commission, staff and public speakers, the Workshop was concluded.

**6. BUSINESS FROM THE FLOOR - None**

**7. REPORTS AND COMMUNICATIONS**

**7.1 Planning Update** - Interim Planning Services Director Wolfe spoke to the next steps in the Historic Preservation Program. Senior Planner Summerville stated that staff hopes to bring a draft ordinance forward in early November, which would then go to Council in the form of a recommendation. The Cultural Resources element will not be done until the 2030 General Plan is adopted. A calendar of upcoming meetings and events was reviewed.

**7.2 Design Guidelines Subcommittee** - Chair Kelley summarized the Subcommittee’s meeting of August 26, 2009. The group worked on organizational layout of the manual, did some word smithing and reviewed many photographs.

**8.    ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 7:40 p.m. to the Adjourned Regular Meeting of September 17, 2009 at 6:30 p.m.

February 4, 2010  
Date Approved

\_\_\_\_\_  
/s/  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
SEPTEMBER 17, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Commissioners Absent: Kathy Barrett

Staff Members Present: Mark Wolfe, Interim Planning Services Director  
Roger Wilson, Assistant City Attorney  
Matt Johnson, Senior Development Engineer  
Mike Sawley, Associate Planner  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION**

Commissioner Sorensen visited the Waterland Apartments and Neighborhood Church project sites.

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular Meeting of August 20, 2009**

**Requested Action:** Approve the minutes, with corrections, if any.

*It was motioned (Brownell) and seconded (Luvaas) to approve the Consent Agenda, as presented, without corrections.*

*Motion passed by a vote of 6-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: Barrett*

#### **4. PUBLIC HEARING ITEMS**

- 4.1 Waterland Apartments Rezone (RZ 08-06) and Boundary Line Modification (BLM 08-11); 327 Normal Avenue, 330 West 4<sup>th</sup> Street, and 350 Salem Street (APNs 004-131-007, -008, -009, and -011)** (Noticed 09-05-09) - A proposal to rezone certain properties from “Downtown Commercial” to “Downtown Residential.” The project also includes a boundary line modification to consolidate existing parking facilities and to merge a vacant corner parcel with the Waterland apartment building. No development or other physical changes to the environment are proposed. The project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), because it can be seen with certainty that no significant effect on the environment will result from changing zoning district boundaries and modifying property lines to be consistent with existing land uses. The site is designated Downtown on the General Plan diagram and zoned RD Downtown Residential and CD Downtown Commercial. *Planning staff recommends that the Planning Commission adopt Resolution No. 09-13, recommending that the City Council approve the Waterland Apartments rezone and boundary line modification (RZ 08-06 and BLM 08-11)*

Mike Sawley presented the staff report. Chair Kelley opened the public hearing at 6:38 p.m. Addressing the Commission was:

- **Wayne Cook**, representing the Applicant, spoke in favor

There being no further speakers to address the Commission, the public hearing was closed at 6:42 p.m.

*It was motioned (Brownell) and seconded (Sorensen) that the Planning Commission adopt Resolution No. 09-13, recommending that the City Council approve the Waterland Apartments rezone and boundary line modification (RZ 08-06 and BLM 08-11), based on the findings and subject to the conditions of approval contained therein.*

*Motion passed by a vote of 6-0-1*

*Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen*

*Noes: None*

*Absent: Barrett*

- 4.2 Neighborhood Church Parcel Map (PM 05-12) 2801 Notre Dame Boulevard (APNs 040-030-036, -064, and -065)** (Noticed 08-15-09) - The applicant proposes to subdivide a 34-acre site into two parcels and one remainder parcel. Proposed Parcel 1 would be approximately 14 acres and encompass the existing church, private school, and the segment of Comanche Creek that traverses the project site. Parcel 2 would be approximately five acres fronting onto Cramer Lane. The balance of the site, generally located along Highway

99 and containing the parking area, would be remaining lands totaling approximately 15 acres. No development or other physical changes to the environment are proposed. The majority of the site is zoned RS-20 (Suburban Residential, 20,000 square foot minimum lot size), with the Comanche Creek greenway zoned Primary Open Space (OS1). An initial study for environmental review was prepared for the project. Based upon the information within the initial study, the Planning Services Department is recommending that a negative declaration be adopted for the project pursuant to the California Environmental Quality Act (CEQA). A negative declaration is a determination that a project will not have a significant impact on the environment. A 30-day public review period was conducted on the proposed negative declaration (Monday, August 17, 2009 through Wednesday, September 16, 2009). ***Planning staff recommends that the Planning Commission adopt Resolution No. 09-12, approving the Neighborhood Church Parcel Map (PM 05-12), based on the findings contained therein and subject to the recommended conditions of approval.***

Associate Planner Mike Sawley presented the staff report. Chair Kelley opened the public hearing at 6:53 p.m. Addressing the Commission was:

- **Dale Penne**, representing the Applicant, spoke in favor

There being no further speakers to address the Commission, the public hearing was closed at 7:24 p.m.

***It was motioned (Minasian) and seconded (Sorensen) that the Planning Commission adopt Resolution No. 09-12, approving the Neighborhood Church Parcel Map (PM 05-12), based on the findings contained therein and subject to the recommended conditions of approval.***

***Motion passed by a vote of 6-0-1***

***Ayes: Brownell, Kelley, Luvaas, Merz, Minasian, Sorensen***

***Noes: None***

***Absent: Barrett***

## **5. REGULAR AGENDA**

There were no items for this Agenda.

## **6. BUSINESS FROM THE FLOOR** - None

## **7. REPORTS AND COMMUNICATIONS**

- 7.1 Planning Update** - Interim Planning Services Director Wolfe provided an update on Department activity and reviewed a calendar of upcoming meetings and events. The Design Guidelines workshop, tentatively scheduled for October 1, 2009, is not ready to go forward; therefore, the October 1, 2009 meeting of the Commission will be cancelled.

**8. ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 7:28 p.m. to the Adjourned Regular Meeting of October 15, 2009.

February 4, 2010  
Date Approved

\_\_\_\_\_/s/  
Mark Wolfe  
Interim Planning Services Director



City of Chico  
NOTICE OF CANCELLATION  
of  
October 1, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the October 1, 2009 regular meeting of the Planning Commission of the City of Chico has been cancelled.

The Planning Commission will meet Thursday, October 15, 2009 for an adjourned regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

By: Karen Masterson, Administrative Assistant

Dated: September 18, 2009

**Distribution:**

Clerk & Council (8)  
City Manager  
IPSD Wolfe  
ACA Wilson  
SDE Johnson



**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
OCTOBER 15, 2009**

Municipal Center  
421 Main Street  
Conference Room 1

Commissioners Present:	Kathy Barrett Mary Brownell Dave Kelley Susan Minasian Mark Sorensen
Commissioners Absent:	Jon Luvaas John Merz
Architectural Review Board Members Present:	Mike Borzage Marci Goulart Ken Husby
Architectural Review Board Members Absent:	Nick Ambrosia
Staff Members Present:	Mark Wolfe, Interim Planning Director Roger Wilson, Assistant City Attorney Amie McAlister, Development Engineer Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners, Architectural Review Board Members and staff were present as noted.

**2. EX PARTE COMMUNICATION**

No ex parte communication was reported

**3. CONSENT AGENDA**

**3.1 Minutes - Orientation Session of April 16, 2009**

**Minutes - Adjourned Regular Meeting of April 16, 2009**

**Requested Action: Approve the minutes, with corrections, if any.**

*It was motioned (Brownell) and seconded (Sorensen) to approve the Consent Agenda, as presented, without corrections.*

*Motion passed by a vote of 5-0-2  
Ayes: Barrett, Brownell, Kelley, Minasian, Sorensen  
Noes: None  
Absent: Luvaas, Merz*

**4. PUBLIC HEARING ITEMS**

There were no items for this Agenda.

**5. REGULAR AGENDA**

- 5.1 Draft Design Guideline Manual Workshop** (*Noticed 10-03-09*) - A joint workshop of the Planning Commission (PC) and Architectural Review Board (ARB) to review the Draft Design Guidelines Manual. This is a project on the adopted Work Plans of both the PC and the ARB. A primary purpose of the Design Guidelines Manual is to consolidate and adapt existing design policy and guidelines into a single, user-friendly document for use by City officials, staff, and the general public. The purpose of the workshop is to gain a common understanding between the PC and ARB about the use of the Manual in reviewing project designs. The PC will review the Manual at a subsequent public hearing and forward a recommendation to the City Council for its adoption. *Planing staff recommends that the Planning Commission and Architectural Review Board review and provide comments on the Draft Design Guidelines Manual. No formal action will be taken at this meeting.*

PC Chair Kelley and ARB Chair Goulart provided opening remarks. Senior Planner Bob Summerville presented the staff report and thanked the Design Guidelines Subcommittee for their hard work on this project over the last 18 months. A consultant in the Manual's development, Greg Melton, was in attendance and available for questions if needed.

Chair Kelley opened the floor for public comment at 6:53 p.m. With no speakers wishing to address the PC or ARB, the workshop was closed to public comment at 6:53 p.m.

Members of the PC and ARB asked several clarification questions of staff and provided specific feedback such as noting a few photos that they prefer be swapped out. Overall consensus was that the new Design Guidelines Manual will be a great tool in assisting all parties involved in the development process. Senior Planner Summerville indicated the Manual, once in its finalized state, will go back before the Planning Commission at a future meeting. At that time, the Commission will act on a recommendation to Council for final adoption of the document.

**6. BUSINESS FROM THE FLOOR - None**

**7. REPORTS & COMMUNICATIONS**

**7.1 Planning Update** - In response to an earlier request of the Commission, Interim Planning Services Director Wolfe reviewed a handout providing a status update on various projects. Recent appeals to City Council were briefly discussed, specifically Walmart, Vector Control and the Garner Ranch Pumpkin Patch. A calendar of upcoming meetings and events was reviewed.

**8. ADJOURNMENT** - There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 8:02 p.m. to the Regular Meeting of November 5, 2009 at 6:30 p.m. in the Council Chambers.

February 4, 2010  
Date Approved

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Wolfe  
Interim Planning Services Director

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING OF  
NOVEMBER 5, 2009**

Municipal Center  
421 Main Street  
Conference Room 1

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
John Merz  
Susan Minasian  
Mark Sorensen

Staff Members Present: Brendan Vieg, Principal Planner  
Bob Summerville, Senior Planner  
Roger Wilson, Assistant City Attorney  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - None**

**3. CONSENT AGENDA**

- 3.1 Minutes** - Regular meeting of May 7, 2009  
**Minutes** - Adjourned Regular Meeting of May 21, 2009  
**Requested Action:** Approve the minutes, with corrections, if any.

*It was motioned (Brownell) and seconded (Sorensen) to approve the Consent Agenda, as presented, without corrections. Taking voting abstentions into account, as a result of absence(s) from the meetings in question, approval of the minutes shall be recorded as follows:*

*Minutes of May 7, 2009  
Approved by a vote of 5-0-0-2 (Barrett, Minasian abstained)*

*Minutes of May 21, 2009  
Approved by an unanimous vote of 7-0*

**4. PUBLIC HEARING ITEMS**

- 4.1 Draft City of Chico Design Guidelines Manual** (Noticed 10-24-09) - The Planning Commission will consider a staff recommendation to adopt a Design Guidelines Manual that

has been developed during approximately the past 18 months by Planning Services staff, the Design Guidelines Subcommittee, and the City's graphic consultant at ten public meetings. The Design Guidelines Manual consolidates and adapts existing design policy and guidelines into a single, user-friendly document for use by City officials, staff, and the general public. The Planning Commission will conduct a public hearing and make a recommendation to the City Council. The project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. ***Planning staff recommends that the Planning Commission adopt Resolution No. 09-14, recommending City Council adoption of the City of Chico Design Guidelines Manual.***

Senior Planner Bob Summerville presented the staff report and stated that changes recommended as a result of the October 15, 2009 joint meeting between the Planning Commission and Architectural Review Board were incorporated into the final draft. Chair Kelley opened the public hearing at 6:45 p.m. There being no speakers wishing to address the Commission, the public hearing was closed at 6:45 p.m.

***It was motioned (Luvaas) and seconded (Sorensen) that the Planning Commission adopt Resolution 09-14, recommending City Council adoption of the City of Chico Design Guidelines Manual.***

***Motion passed by an unanimous vote of 7-0***

5. **REGULAR AGENDA** - There were no items for this Agenda.
6. **BUSINESS FROM THE FLOOR** - None
7. **REPORTS & COMMUNICATIONS**
  - 7.1 **Planning Update** - A handout calendar of upcoming meetings/events was reviewed. It is likely that the November 17, 2009 Planning Commission meeting will be cancelled. Principal Planner Brendan Vieg provided a brief status on the Chico 2030 General Plan Update.
  - 7.2 **Sustainability Task Force** - Commissioner Luvaas provided a summary report of the November 2, 2009 meeting of the Sustainability Task Force.
8. **ADJOURNMENT** - There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 7:00 p.m. to the Regular Meeting of December 3, 2009.

April 1, 2010  
Approved

\_\_\_\_\_  
/s/  
Karen Masterson  
Administrative Assistant



City of Chico  
NOTICE OF CANCELLATION  
of  
November 19, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the November 19, 2009 adjourned regular meeting of the Planning Commission of the City of Chico has been cancelled.

The Planning Commission will meet Thursday, December 3, 2009 for a regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

By: Karen Masterson, Administrative Assistant

Dated: November 12, 2009

**Distribution:**

Planning Commission (7)  
Clerk & Council (8)  
City Manager  
IPSD Wolfe  
ACA Wilson  
SDE Johnson  
Post at Council Chambers  
Post to Website



City of Chico  
NOTICE OF CANCELLATION  
of  
December 3, 2009  
Planning Commission Meeting

**NOTICE IS HEREBY GIVEN** that the December 3, 2009 adjourned regular meeting of the Planning Commission of the City of Chico has been cancelled.

The Planning Commission will meet Thursday, December 17, 2009 for a regular meeting in the City Council Chambers, Chico Municipal Center, 421 Main Street.

By: Karen Masterson, Administrative Assistant

Dated: November 24, 2009

**Distribution:**

Planning Commission (7)  
Clerk & Council (8)  
City Manager  
IPSD Wolfe  
ACA Wilson  
SDE Johnson  
Post at Council Chambers  
Post to Website

**CITY OF CHICO PLANNING COMMISSION  
MINUTES OF THE ADJOURNED REGULAR MEETING OF  
DECEMBER 17, 2009**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present: Kathy Barrett  
Mary Brownell  
Dave Kelley  
Jon Luvaas  
Susan Minasian  
Mark Sorensen

Commissioners Absent: John Merz

Staff Members Present: Mark Wolfe, Interim Planning Services Director  
Matt Johnson, Senior Development Engineer  
Roger Wilson, Assistant City Attorney  
Karen Masterson, Administrative Assistant

**1. CALL TO ORDER AND ROLL CALL**

Chair Kelley called the meeting to order at 6:30 p.m. Commissioners and staff were present as noted.

**2. EX PARTE COMMUNICATION - None**

**3. CONSENT AGENDA**

**3.1 Minutes - Adjourned Regular meeting of June 18, 2009**

**Minutes** - Regular Meeting of July 2, 2009

**Requested Action:** Approve the minutes, with corrections, if any.

*It was motioned (Brownell) and seconded (Sorensen) to approve the Consent Agenda, with one correction as follows:*

*In the minutes of June 18, 2009, Page 3, Section 4.1, in the first line, change "Title 18" to read "Title 19."*

*Approved by a vote of 6-0-1 (Merz absent)*



4. **PUBLIC HEARING ITEMS** - There were no items for the Public Hearing Agenda.

5. **REGULAR AGENDA**

5.1 **2009-2010 Planning Commission Work Plan Implementation - Item 5.a.** - The Planning Commission's adopted Work Plan calls for the Commission to conduct a workshop on ensuring the efficiency and effectiveness of its meetings in the Fall of 2009. **(Staff Report: City Clerk Debbie Presson and Interim Planning Services Director Mark Wolfe)**

City Clerk Presson was unable to attend the workshop. Interim Planning Services Director Wolfe provided opening remarks. Topics discussed at the workshop included: 1) establishing a list of standard conditions (and a subcommittee to work on same); 2) reducing the number of Commission meetings to one per month during this economic downturn; 3) contacting staff prior to meetings with project questions or concerns; 4) mitigation monitoring and lack of funding for it; 5) the difference between mitigation and conditions of approval; 6) enforcement of conditions of approval; and 7) suggestions for bringing meeting discussions back on track when they stray from topic or become excessive in length. The Commission asked Assistant City Attorney Wilson to report back, via memorandum, regarding enforceability of conditions.

6. **BUSINESS FROM THE FLOOR** - None

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update** - A handout calendar of upcoming meetings/events was reviewed. The Adjourned Regular Meeting of January 21, 2010 is cancelled.

7.2 **Sustainability Task Force** - Commissioner Luvaas provided a summary report of the December 7, 2009 meeting of the Sustainability Task Force.

8. **ADJOURNMENT** - There being no further business to come before the Commission, Chair Kelley adjourned the meeting at 8:04 p.m. to the Regular Meeting of February 4, 2010.

May 6, 2010  
Approved

\_\_\_\_\_  
/s/  
Karen Masterson  
Administrative Assistant