



City of Chico
NOTICE OF CANCELLATION
of
January 7, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the January 6, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, January 21, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: December 31, 2015

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

CM Orme

ACM Constantin

PSD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers



City of Chico
NOTICE OF CANCELLATION
of
January 21, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the January 21, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, February 4, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: January 14, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads



City of Chico
NOTICE OF CANCELLATION
of
February 4, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the February 4, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, February 18, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: January 28, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR ADJOURNED MEETING OF
February 18, 2016**

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Dale Bennett

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Brendan Vieg, Principal Planner
 Jake Morley, Associate Planner
 Mike Sawley, Associate Planner
 Matt Johnson, Senior Development Engineer
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

Chair Scott called the meeting to order at 6:31 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Several commissioners acknowledged visiting the project sites recently or in the past.

3. CONSENT AGENDA

3.1 Minutes for Approval

Minutes – Regular Meeting of February 21, 2013

Minutes – Regular Meeting of March 21, 2013

Minutes – Regular Meeting of April 4, 2013

Minutes – Regular Meeting of May 2, 2013

Minutes – Regular Meeting of June 6, 2013

Minutes – Regular Meeting of July 18, 2013

Minutes – Regular Meeting of August 21, 2014

Minutes – Regular Meeting of November 2, 2014

Minutes – Regular Meeting of August 6, 2015

Minutes – Regular Meeting of September 17, 2015

Minutes – Regular Meeting of December 17, 2015

Motion by Commissioner Evan to approve the minutes as presented, seconded by Commissioner Worley. The minutes were approved 6-0.

4. PUBLIC HEARING ITEMS

4.1 Vesting Tentative Parcel Map PM 16-01 (Austin-Farson) 20, 30, 80, and 90 Jillian Lane; APNs 007-570-035 and -036 – A request to subdivide two parcels into four parcels. Each of the existing parcels contain two duplex structures with an intervening private street easement (Jillian Lane). The proposal would divide each of the parcels down the center of the private street such that each lot contains one duplex. No construction is proposed. The site is zoned R2-AOB2 (Medium Density Residential within Airport Overflight Zone B2) and designated Medium Density Residential by the General Plan. This project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Associate Planner Sawley provided a project overview.

Chair Scott opened the public hearing at 6:36 PM

Mr. Gilbert addressed the Commission representing the applicant. He stated the project was straightforward and Mr. Sawley presented all of the pertinent information.

No other members of the public addressed the Commission regarding this issue.

Chair Scott closed the public hearing at 6:38 PM.

Commissioner Howlett moved that the Planning Commission adopt Resolution No. 16-01 approving the parcel map based on the required findings and subject to the conditions contained therein. Commissioner Rensink seconded the motion, which passed (6-0).

Commissioner Evans Recused himself from item 4.2 due to a conflict of interest.

4.2 Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06 and Architectural Review 15-17 (Chico Scrap Metal) APNs 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017 A proposed rezone (text amendment), architectural review and development agreement for a 2.02 developed site in use by Chico Scrap Metal. The proposal includes 1) amendments to Title 19 of the Chico Municipal Code and the Chapman/Mulberry Neighborhood Plan removing amortization language, requiring amortization of Chico Scrap Metal use, 2) on-site improvements, including, but not limited to, new fencing along E. 20th and E.16th Street, customer and employee parking

lots, landscaping, façade remodels to existing structures, and lighting, 3) a Development Agreement which would govern operational standards and provide a timing mechanism for completion of proposed improvements. Parcels 005-422-009, 005-422-013, 005-422-017 and 005-450-030 are designated Neighborhood Commercial on the General Plan diagram and are located in the CN-PD-SD6 Neighborhood Commercial-Planned Development-Special Design Considerations 6 Overlay zoning district. Parcel 005-450-014 is designated Low Density Residential on the General Plan diagram and is located in the R1-SD6 Low Density Residential-Special Design Considerations 6 Overlay zoning district.

Associate Planner Morley provided a project overview.

Commissioner Worley asked for additional background information with regards to the non-conforming use status, amortization, and extensions granted.

Associate Planner Morley explained that in 2004 the Chapman Mulberry Neighborhood Plan was adopted which led to rezoning the property on which Chico Scrap Metal was operating. The rezone made the operations of Chico Scrap Metal a non-conforming use. The Neighborhood Plan included amortization language. He also stated that there had been two extensions on the timeline for amortization.

Commissioner Worley asked what had changed to prompt the applicant's request to discontinue the amortization.

Associate Planner Morley stated that the Neighborhood Plan suggested that the City would assist with Chico Scrap Metal's relocation, however, there are no resources to provide that assistance.

Community Development Director Wolfe also stated that amendments to the General Plan or a Neighborhood Plans may occur at any time.

Commissioner Howlett inquired when the residential housing was built, particularly the Habitat for Humanity houses.

Associate Planner Morley stated the houses were built approximately 4 years ago.

Chair Scott inquired if there was ever an agreement with the applicant to amortize.

Principal Planner Vieg stated there was never an agreement with the applicant. There was only the ordinance that was enacted by City Council that included the amortization of the

current use of the property. It also included the intent of the City and the County to assist the applicant in the relocation of the business.

Commissioner Howlett inquired if the County has offered any assistance with the relocation.

Principal Planner Vieg stated that neither the County nor the City has offered assistance with the relocation.

Community Development Director Wolfe added that City staff and the applicant have discussed possible sites for relocation.

Chair Scott asked for clarification on amortization in general and what would be the typical reasons for an amortization and if there are any examples of amortization in Chico.

Community Development Director Wolfe stated that typically an amortization would be utilized when there was a concern with nuisance factors. He stated that this particular amortization was added to hasten the redevelopment of the site with a specific type of land use that the City Council and Board of Supervisors at the time felt would be better for the neighborhood. The desired use was a mixed use neighborhood commercial area with a small store and laundry mat. Director Wolfe acknowledged it is very extraordinary for a city to amortize the use of a property. In his 30 years of planning this is the first one he has seen. Usually amortization is utilized to affect a physical change in the environment. For example, sometimes cities have amortization requirements when there is a change in a sign code. The existing signs would be allowed to remain until a certain date. He has never seen it utilized with a land use.

Commissioner Worley asked if there were other land uses in the City's ordinance that were amortized.

Principal Planner Vieg explained that the Chapman Mulberry Neighborhood Plan attempts to address areas in the County and the City. He stated that the original amortization language started with the County. The County enacted amortization to address specific uses that were well within the residential areas of the neighborhood and were clearly incompatible. Once that idea was introduced, the City decided it would be reasonable to utilize it for Chico Scrap Metal. When you look at a map of the area these uses were in the middle of the single family home areas. Chico Scrap Metal is located on a major corridor and in a light industrial area, so the situation was slightly different.

Chair Scott inquired about the lot that is fenced off and directly to the west of Chico Scrap Metal.

Associate Planner Morley stated that those lots are currently under contract with Habitat for Humanity for single family homes.

Commissioner Worley inquired when the last testing for contaminants was conducted.

Associate Planner Morley stated that the full toxicology study was concluded in 2012.

Commissioner Howlett inquired if the site was still listed on the Cortese list.

Associate Planner Morley stated that it is still listed, but once the Removal Action Work plan has been approved by the California Department of Toxic Substances Control, it will be removed from the list. There are multiple permits that the applicant operates under, and testing/monitoring are conducted on a regular basis.

Chair Scott opened the public hearing at 6:53 PM

Addressing the Commission in the following order were:

Kim Scott, the applicant, stated she had been working very diligently with staff to find a way for Chico Scrap Metal to stay in business.

Chair Scott asked why she hadn't started the process to relocate when the Chapman Mulberry Neighborhood Plan was first adopted.

Ms. Scott stated that her father was previously running the business. In 2009 she became aware of the ordinance and started working with Community Development Director Wolfe. This is the second time Chico Scrap Metal has been moved. The City enacted eminent domain 20 years ago and moved them to the current location. She believes it is a good fit in an industrial area.

In 2011 Chico Scrap Metal tried to find new locations and were then told there would be no financial assistance from the City. They found several locations but they were not financially feasible.

Ms. Scott stated that they were responsible business owners and active in the community. She said they host field trips to encourage recycling, and routinely give back to the community.

Angela Casler addressed the Commission in favor of the project. She stated that recycling is a very important part of sustainability and the City of Chico is very good at finding solutions and she believes one can be found that will be beneficial to all concerned.

Bud Caldwell, owner of Northgate Express, stated that Chico Scrap Metal is a wonderful neighbor, good business owners and good community member. He feels Chico Scrap provides good services and we need to keep businesses in our community.

Sharon Fritsel spoke in favor of the project. She stated that she was a long-time resident and she can remember when Chico Scrap Metal was the only recycler in town. Ms. Fritsel believes they do a great job of keeping trash out of our community and provide a valuable service.

Robyn DiFalco, representing the Butte Environmental Council, spoke in opposition of the project. She supports the services Chico Scrap Metal provides but dislikes the location. She is in favor of following the Neighborhood Plan. She believes Chico Scrap is creating toxins and believes it is only still there because it is in a low income neighborhood. She feels Chico Scrap Metal needs to be "held accountable".

Chris Nelson, a retired health nurse, spoke in opposition of the project. She believes there are high levels of lead in the air. She wants Chico Scrap Metal to move. She is concerned about airborne pollutants.

Laurel Heath spoke in opposition of the project. Ms. Heath stated her main concern was the proximity to the Chapman Elementary School.

Mary Redding addressed the Commission in favor of the project. She stated that she has been a long time resident of Chico. She has known the Scott family for a long time. She doesn't agree with the Chapman Mulberry Neighborhood Plan. She stated that she feels the design was not well thought out and had very little insight. Ms. Redding pointed out that the original site for Chico Scrap Metal was taken by the City by eminent domain and this site was chosen by the City. She doesn't believe they should have to move again. She stated that Chico Scrap Metal provides a valuable service to the community.

Adrienne Edwards, a neighbor, addressed the Commission in opposition to the project. She stated she lives one block away. She doesn't like Chico Scrap Metal bundling scrap metal. She believes the previous site was contaminated with heavy metals in the soil. Ms. Edwards stated that if we allow Chico Scrap Metal to continue to operate they will continue

to pollute the site. She is also concerned by the proposed remodel and the lack of new fencing on E. 16th Street.

Grace Marvin spoke in opposition of the project. She wants Chico Scrap Metal to move their operation. She was discouraged by the previous extension to the amortization and doesn't believe they should stay.

Karl Ory spoke in opposition of the project. He stated he was on the City Council when Chico Scrap Metal was moved the first time. Mr. Ory stated there was clean up from the containments left at the previous sight. He doesn't believe it would be appropriate to allow Chico Scrap Metal to operate any further as a non-conforming use.

Dr. Mark Stemen spoke in opposition of the project. He stated there were six businesses in the Chapman/Mulberry Neighborhood that were also required to move. He doesn't feel it is fair to allow Chico Scrap Metal to stay when the others moved.

Dan Everhart addressed the Commission in opposition of the project. He believes recycling is a great service but doesn't want it in his neighborhood.

Jon Luvaas addressed the Commission in opposition of the project. He stated he believed the matter was settled 10 years ago. He wants Chico Scrap Metal moved out of the neighborhood and wants more retail services in the area for economic development on E. 20th Street. He stated that the City of Chico assisted Habitat for Humanity in building houses in the neighborhood with the expectation of Chico Scrap Metal moving. He believes it would be an injustice to allow them to stay.

Victoria Birdseye spoke in opposition to the project. She expressed concerns regarding pollution and the proximity to Chapman Elementary School and other youth centers. She believes the site is ugly and unacceptable across from Sierra Nevada Brewery which she considers a destination.

Danielle Mootz spoke in favor of the project. She stated she felt it is unfair to force Chico Scrap Metal to move again. She stated that information opponents were utilizing was outdated. Ms. Mootz stated Chico Scrap Metal follows all of the industry standards for recycling and handling possible hazardous materials. They follow "best practices" and are monitored on a regular basis. She stated that Chico Scrap Metal provides a valuable service of recycling scrap metal. She asked if they are no longer in business, where is that metal going to go.

Dr. Alvin Greenberg spoke on behalf of the applicant. He is an independent contractor that is currently employed by Chico Scrap Metal. He is a Health and Safety Laws & Standards consultant. Dr. Greenberg stated that the only chemicals of concern that were found on the site were found to not be above “background” levels. He stated that you can find these chemicals in all areas of the community, their presence does not mean the site is contaminated and the levels are not a risk. There is no significant risk to any offsite location and on site they have proposed a geotechnical layer as an additional preventative measure.

Bart Simmons spoke on behalf of the applicant. He is an independent chemical consultant. He is currently employed by Chico Scrap Metal. Mr. Simmons reviewed all of the testing done at the Chico Scrap Metal site and the surrounding area. Mr. Simmons clarified the toxins found above acceptable residential levels were only found in a couple of areas on the Chico Scrap Metal site. There were no offsite levels above acceptable residential levels. He stated that Chico Scrap Metal utilizes “Best Practices” to reduce dust and there has been no evidence of water contamination.

Commissioner Howlett asked how “offsite” tests were conducted, what the radius of the testing was, and during which season it occurred. Mr. Simmons stated Chico Scrap Metal hired an outside laboratory to conduct all the testing. The laboratory uses energy dispersive X-ray fluorescence technology (ED-XRF) to measure levels. The samples were taken as far out as Chapman Elementary, and samples were taken throughout the year. He stated that metals in the soil remain and do not move with the seasons. He also stated the removal action work plan (RAW) testing was concluded in 2012.

Chair Scott asked how frequently other businesses test for pollutants. Mr. Simmons stated it is usually only one time. He also stated that only a small amount of contamination was found onsite. These levels were well within the industrial standards but above the residential acceptable levels. Mr. Simmons also pointed out that the areas that were found to be above residential levels were only in small areas on the property. Mr. Simmons stated that the proposed geotechnical layer is a voluntary additional safeguard, and not required.

Commissioner Scott asked about the clean-up of the site contaminants on-site and what the process would be. Mr. Simmons stated that would depend on who is determined to be responsible for the clean-up.

Therese Cannata, Counsel for Chico Scrap Metal, addressed the Commission on behalf of her client. Ms. Cannata stated there had been robust and extensive testing from 2007 –

2012. She stated the Department of Toxic Substances Control determined when the testing was conducted. The area has consistently tested below commercial levels on-site. The proposed containment system consists of a liner, rocks and cement. She stated it is a completely enclosed system. There is currently no concern of contamination, however, they want to “over protect.” The proposed liner is the “industry preferred” containment and provides an extra level of protection. Ms. Cannata addressed some of the questions brought up during public comment. She pointed out that the Development Agreement provides significant oversight over operations. Ms. Cannata went on to say that there has been no airborne pollutants found in the testing, but they do employ “Best Practices” to reduce any airborne nuisance. Ms. Cannata stated the Department of Toxic Substances Control is still reviewing the removal action work plan (RAW.)

Kim Scott addressed the Commission in the rebuttal phase of the public hearing. She stated that she has walked the neighborhood, talked to community members and the majority of the neighbors within a 500 foot radius support Chico Scrap Metal. She stated she has raised her children at the site and hosted field trips there, she would never put children in danger. Ms. Scott stated they are law abiding community business owners who are just trying to stay in business.

Chair Scott asked about the timeline for the business remodel provided in the Development Agreement. She wanted to know if there are penalties if they are not completed on time. Ms. Scott stated there are financial penalties if the remodel is not completed in the timeline proposed. She stated that they had recently missed a deadline due to her mistake and they had paid that penalty. She stated they had every intention to complete this project prior to the Development Agreement’s deadline.

Chair Scott closed the public hearing at 8:05 PM

Commission recessed at 8:05 PM for a short break. The meeting reconvened at 8:16 PM and all members were present except Commissioner Bennett and Commissioner Evans.

Chair Scott inquired if staff had received any communications from Habitat for Humanity. Associate Planner Morley explained that Habitat for Humanity, Chico Unified School District, and Sierra Nevada Brewery had all been notified regarding the hearing and staff had not received any letters, email or calls regarding the project. He said he had a conversation with a representative from Habitat for Humanity regarding a different project and Chico Scrap Metal was not mentioned. Associate Planner Morley went on to describe the notification process.

Associate Planner Morley explained that the current property was the site of an auto dismantler in the 1960s and a scrap yard in the 1970s. At the time that Chico Scrap Metal relocated there it was an industrial zone and no use permit was required. He also stated that within the Development Agreement, in Sections 3.3 and 3.4 there are restrictions, conditions, and limitations as to the operations and type of products that could be accepted and processed.

Commissioner Worley inquired if the City had been involved in the moving process during the previous relocation.

Principal Planner Vieg explained that the City had been involved in the initial move and at that time it was “the outskirts of town”. They were moved to an area that was zoned industrial. The issue arose when the City initiated the Chapman Mulberry Neighborhood Plan. The City Council at that time had a different vision for that area and wanted to create a “new” neighborhood center with a small market and localized services such as a laundry mat and such. Normally, when zoning is changed an existing use is considered a “legal non-conforming” use. The City Council at the time of the Neighborhood Plan adoption opted to proceed with an amortization ordinance to phase out the existing scrap metal use. Without the amortization ordinance the current use would be a legal non-conforming use.

Commissioner Howlett stated that the situation is complicated and communication seems to be an issue. He finds it difficult to go against the adopted plans and has a hard time supporting legalizing a non-conforming use when the community vision seems to be different.

Commissioner Rensink stated he is not convinced there is any significant pollutants or danger to the neighborhood. He stated it is a clash of two good goals- recycling vs. good planning. He said it is a shame that there will be losers on one side. Chico Scrap Metal moved to this location 21 years ago. Twelve years ago they knew this move was coming. They have been given 2 extensions, totaling 8 years to move. He is not in support of allowing them to stay.

Commissioner Worley stated she agrees with what Commissioner Rensink said. There was a lot of work and community input into the Chapman Mulberry Neighborhood Plan. She believes it is a worthy goal to recycle, but believes the community involvement should count for something. She did not see any findings in the General Plan to support Chico Scrap Metal remaining in the current location. She also noted the proposal did not seem consistent with goal LU-3 of the General Plan, therefore, she can't support it.

Commissioner Scott asked for clarification regarding the recommendation to pass the Development Agreement and if there were any plans to revise the General Plan.

Principal Planner Vieg stated if the amortization language is removed from the Neighborhood Plan and the Municipal Code, there is no reason to amend the General Plan.

Commissioner Howlett moved that the Planning Commission direct staff to draft a resolution recommending that the City Council does not approve Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06, or Architectural Review 15-17. Commissioner Rensink second the motion which passed 3-2-1-1 (Arregui & Scott opposed, Evans recused, Bennett absent)

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 Planning Update

Community Development Director Wolfe stated the next meeting will be March 17, 2016.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 8:42 PM to the **Adjourned Regular Meeting of Thursday, March 17, 2016.**

Date Approved



Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
March 3, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the March 3, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, March 17, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: February 23, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR ADJOURNED MEETING OF
March 17, 2016**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Cynthia Arregui
Dale Bennett
Bob Evans
Ken Rensink
Margaret Worley

Commissioners Absent: Toni Scott, Chair
John Howlett, Vice Chair

Staff Members Present: Mark Wolfe, AICP, Community Development Director
Jake Morley, Associate Planner
Matt Johnson, Senior Development Engineer
Andrew Jared, Assistant City Attorney
Stina Cooley, Administrative Assistant

1. ROLL CALL

Community Development Director Wolfe stated that the Chair and Vice Chair were absent so he requested consensus on the selection of a Chair for the Meeting. Commissioner Evans was selected unanimously. Acting Chair Evans called the meeting to order at 6:30 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

All commissioners acknowledged visiting the project sites and Commissioner Bennett spoke with Associate Planner Morley prior to the meeting for clarification on the information provided in the staff report.

3. CONSENT AGENDA

None

4. PUBLIC HEARING ITEMS

4.1 Modifications to Approved Wildwood Estates Subdivision Map (S/PDP 05-15) – A request to modify a previously approved subdivision map. The request includes: 1) modification to a condition of approval requesting a meandering pedestrian path; 2) addition of a single family lot on Cactus Avenue; and 3) changes to Phase III, IV and V, including a reduction in lots and a change in subdivision layout. The project site is designated Low Density Residential on the General Plan diagram and located in the R1-

AOC (Single Family Residential with Airport Compatibility Zone C Overlay) zoning district. The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15162 (Previous Environmental Review).

Associate Planner Morley provided a project overview.

Senior Development Engineer Johnson clarified that there are currently no plans to extend Cactus Avenue through to Eaton Road. He also stated that the extension of Eaton Road to East Avenue is developer driven so he has no estimate on the completion date.

Acting Chair Evans opened the public hearing at 6:36 PM

Addressing the Commission in the following order were:

Steve Honeycutt, the applicant, provided information regarding the proposal and the reasoning behind the requested changes. Mr. Honeycutt stated that the proposed changes would result in an overall lower project density.

Addressing the Commission in opposition were; Steve Mosher, a resident on Rusty Lane, Mark Hook, a resident on Cactus Avenue, Pat Teegarten, a resident on Rusty Lane, Jim Ketchum a resident on Cactus Avenue, Janet Ferguson, a neighbor, and Liz Mosher, a resident on Rusty Lane.

Mr. Honeycutt, the applicant, addressed concerns raised during public comment. He stated the two story homes were all limited to Phase 5 from Levi to Eaton Road. The proposed changes reduce the number of two story homes. The proposed modification to Cactus Avenue would result in the addition of one additional lot and the project would still fall well within the Low Density Residential range with all lots remaining above 10,000 square feet. The goal of the modifications is to develop low to medium price range housing.

No other members of the public addressed the Commission regarding this issue.

Acting Chair Evans closed the public hearing at 7:08 PM.

Discussion continued with the Commissioners.

Sr. Development Engineer Johnson clarified the original map had two bike paths and the Planning Commission had conditioned the bike paths to be straight. When the Subdivision

Map was considered by the City Council, the Council added a third bike path on lot E. That is the reason it is not pictured on the map. He imparted that the proposed bike path needed to be modified to accommodate Americans with Disabilities Act requirements. The slope was too steep without meandering.

Commissioner Rensink moved that the Planning Commission adopt Resolution No. 16-03 a Modification of Phase IV and V of the Wildwood Estates and Planned Development Permit (S/PDP 05-15), based on the required findings and subject to the conditions contained therein. Commissioner Worley seconded the motion, which passed (4-1-2 Arregui opposed, Scott & Howlett absent).

Planning Commission Recessed at 7:23 PM

Meeting reconvened at 7:28 PM

4.2 Tentative Subdivision Map S 15-02 (Domicile Homes) Vacant Lot South of 2444 Floral, APN 015-430-119 – A request to allow the subdivision of 1.31 acre site to create 8 single family residential lots. The project site is designated Low Density Residential on the General Plan diagram and located in the R1-AOC (Single Family Residential with Airport Compatibility Zone C Overlay) zoning district. The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (In-Fill Development Projects).

Associate Planner Morley provided a project overview.

Senior Development Engineer Johnson clarified data found in the traffic study and pointed out that road improvements would be required on both sides of the road for this project. He also clarified the designation of Floral Avenue as an arterial route in the General Plan. Senior Development Engineer Johnson stated that a subdivision that had been planned on the north end of Floral Avenue cannot be built due to environmental concerns, therefore, the number of cars on Floral is less than originally assumed.

Acting Chair Evans opened the public hearing at 7:40 PM

Addressing the Commission in the following order were:

Chuck Tatreau, representing the applicant, addressed questions regarding the number of trees that will be removed.

Joan Ferrick, Floral Avenue Resident, brought up concerns regarding lot size and accessibility.

No other members of the public addressed the Commission regarding this item.

Acting Chair Evans closed the public hearing at 7:45 PM.

Commissioner Bennett moved that the Planning Commission adopt Resolution 16-02, approving the Domicile Homes Tentative Subdivision Map (S 15-02), based on the required findings and subject to the conditions contained therein. Commissioner Rensink seconded the motion which passed (5-0-2 Scott & Howlett Absent).

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 Planning Update

Community Development Director Wolfe stated that the agendas are filling up and he anticipates two meetings in April.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:47 PM to the **Regular Meeting of Thursday, April 7, 2016.**

May 5, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR ADJOURNED MEETING OF
April 7, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Cynthia Arregui
 John Howlett, Vice Chair

Staff Members Present: Brendan Vieg, Principal Planner
 Jake Morley, Associate Planner
 Mike Sawley, Associate Planner
 Matt Johnson, Senior Development Engineer
 Noel Tapia, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Commissioner Worley stated she had visited the sites. Commissioner Bennett stated he had spoken with staff for clarification on the information provided in the staff report for item 5.1. Commissioner Rensink disclosed he had spoken with Associate Planner Sawley, Mark Stamen, and Dave Kelley regarding item 5.1.

3. CONSENT AGENDA

February 18, 2016 Minutes

Commissioner Worley moved to Approve the minutes, Commissioner Rensink seconded the motion which passed (5-0-2, Arregui & Howlett Absent)

4. PUBLIC HEARING ITEMS

4.1 Reconsideration of Use Permit 13-04 and Conditional Noise Permit (California Water Service Co.) 515 Olive Street; APN 004-186-001 – A proposed new domestic water well and associated structures at an existing Cal Water site located at the southeasterly corner of East 5th Street and Olive Street. The proposal includes a request for a conditional noise permit to authorize overnight construction operations for one night. The site is designated Low Density Residential on the General Plan diagram and is located in an R1 (Low Density Residential) zoning district.

Associate Planner Mike Sawley provided a project overview.

Staff responded to questions from Commissioners regarding the increase in sound decibels, the material used to produce the proposed sound wall and additional measures to reduce construction noise and operational noise levels. Associate Planner Sawley also stated that the Redwood tree on the project site was still proposed to be preserved.

Chair Scott opened the public hearing at 6:40 PM

Luis Zamudio from California Water Service Company addressed the Commission regarding the application. He stated that the noise created by the drilling equipment is unique to drilling. The drill utilizes gravity, weight and a circular motion to drill. There won't be pounding mechanisms or jack hammers used to drill the well.

No other members of the public addressed the Commission regarding this issue.

Chair Scott closed the public hearing at 6:42 PM.

Discussion continued with the Commissioners.

Commissioner Evans moved that the Planning Commission adopt Resolution No. 16-05, adopting the revised mitigated negative declaration and approving Use Permit 13-04 and a conditional noise permit for the project, based on the findings and subject to the conditions of approval contained therein. Commissioner Worley seconded the motion, which passed (5-0-2) (Arregui & Howlett absent).

5. REGULAR AGENDA

5.1 Chico Scrap Metal (Development Agreement 15-01, Architectural Review 15-17, Rezone 15-06) - 878 East 20th Street; APNs 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017-On February 18, 2016, the Planning Commission

held a public hearing and voted 3-2 (Commissioner Bennett absent, Commissioner Evans recused), to direct planning staff to draft a resolution recommending that the City Council deny the Chico Scrap Metal (CSM) project. Such a resolution has been prepared is ready for adoption.

Associate Planner Morley provided a summary of the resolution prepared by staff.

Commissioner Bennett stated that he wanted the record to reflect that although he had been absent, he had reviewed the recording from the previous meeting, reviewed all the reports and public comments from the previous meeting, and had spoken with staff regarding item 5.1.

Commissioner Evans stated that in the previous meeting he had mistakenly recused himself from the discussion and vote due to a perceived conflict of interest. Upon further investigation it was discovered that it was not a conflict and he was eligible to participate and vote. He also stated that he had reviewed the recording from the previous meeting, and reviewed all the staff reports and public comments

The City Attorney stated that he had reviewed both circumstances and that he agreed that both Commissioners were eligible to participate and vote on Item 5.1.

Chair Scott opened the item for public comment at 6:46 PM.

Kim Scott, the applicant, stated they appreciate the comments from all the community members even though they disagree with many of them who seem to want to shut down their family business for no rational reason. She stated they are safe and have proven it. Ms. Scott went on to say that their business provides a valuable service in an area that is currently designated a “recycling zone” and that Chico Scrap Metal was instrumental in helping the City of Chico meet their recycling percentage goal of 75% recycling of waste materials. Ms. Scott stated Chico Scrap Metal provides jobs and if permitted to stay under the Development Agreement they will have a new look for a modern Chico community. Ms. Scott said that her father and family business are part of the history of this Chico community, but also a part of the future. Her father is 83 now and has been in this business for 40 years, they are in their 4th generation. She stated they really are part of this community. She addressed her final comment to those that believe there is a legal mandate to close down Chico Scrap Metal. She stated that the current zoning anticipated that the city would help Chico scrap Metal move. She went on to say the economy has changed and we have all felt those economic pressures. Ms. Scott pointed out that Chico Scrap Metal and the Planning staff worked together to come up with a way to solve the problem in a way that was fair to everyone. She believes the Development Agreement is good of

for the city and good for Chico Scrap Metal. Ms. Scott urged the Commission to reconsider their resolution.

Commissioner Rensink asked Ms. Scott if she was aware of any payments made to Chico Scrap Metal by the City for financial assistance in the previous move.

Ms. Scott stated that she has found record of two payments made to Chico Scrap Metal from the City of Chico during that time frame. She said the first payment was for the property taken by eminent domain. The second payment she cannot find documentation as to the reason for the payment.

Ron Angle, a long-time resident of Chapman neighborhood, spoke in opposition to Chico Scrap Metal remaining at their current location. He stated the Work Training Recycling center could take many of the items recycled at the Chico Scrap Metal and it would benefit a good cause. Mr. Angle stated that it is his belief that much of the scrap metal recycled is the result of thefts from neighborhood yards.

Jeff Lerche, a long-time resident of Chapman neighbor, stated that he was an original member of the Chapman Mulberry group. Mr. Lerche stated that Chico Scrap Metal is a very important resource, many of the other recycling centers have shut down. Mr. Lerche stated he had worked at the Work Training Center and they are overwhelmed by the number of customers, especially on the weekends. He stated there are only two places in Chico to recycle scrap metal and it doesn't make any sense to force one to move. Mr. Lerche asked the Commission to consider all that Chico Scrap Metal has contributed to the city and done for the community.

Dr. Mark Stemen thanked the Commissioner for their vote to uphold the Neighborhood Plan in February. Dr. Stemen stated that he specifically appreciates that the Neighborhood Plan represents hundreds of hours put in by hundreds of people during years of agonizing meetings. He went on to state that the plan, with its requirement to amortize Chico Scrap Metal was upheld by two different City Councils. Dr. Stemen believes to change the plan now after 10 years, for one business would be undemocratic and a slap in the face to all the people who put forth the effort. Dr. Stemen thanked the Commission for supporting good planning and the planning process.

Mike Trolinder a Chapman Town resident, was part of the original team that worked on the Chapman Mulberry Neighborhood Plan. He stated that something is not quite right with what is going on now. He stated that at the time the plan was being developed, it was understood that the City would help finance the move of Chico Scrap Metal and no one wanted the business shut down. Mr. Trolinder believes that if anyone involved in the process at the time knew that Chico Scrap Metal would be forced to shut down they would

not have supported the plan. Mr. Trolinder stated that everyone keeps talking about how important the Neighborhood Plan is, he believes if the plan is the focus then perhaps we need to re-evaluate the Neighborhood Plan because it was not the intention of the neighborhood plan to close down Chico Scrap Metal. Mr. Trolinder stated that he is not sure how to fix it. He stated there are a lot of opinions and valid concerns but somehow we need to fix this. Mr. Trolinder stated that he is a retail business location specialist. It is his opinion that if Chico Scrap Metal is required to move off the common path of travel they will lose at least 40% of their business. Mr. Trolinder stated there is no Return on Investment for purchasing a piece of property and preparing it for a scrap metal yard and relocating. He stated that in his opinion a vote to support the amortization would put Chico Scrap Metal out of business. Mr. Trolinder stated that Chico Scrap Metal is not a pet project, it is a business. He stated that if the City can't follow through with the full proposal the City needs to do what is right. If the City is unable to help pay for the move then the city needs to work out a way for them to stay.

Grace Marvin, a Chico resident, stated that she was grateful for the resolution before the Commission and happy that the Commission voted to uphold the General Plan. Ms. Marvin stated that she didn't want Chico Scrap Metal to close, just to move.

Robyn DiFalco, a Chico resident, thanked the Commission for their vote in February to reject the proposal. She urged the Commission to support the resolution. Ms. DiFalco believes the resolution represents the General Plan and Neighborhood Plan.

Dan Everhart, a resident, asked the Commission how many of them would choose to have a scrap yard in their neighborhood. Mr. Everhart stated that he believes Chico Scrap serves a valuable function in the community. He believes it would be of value to for them to move. Mr. Everhart stated he believes the city owns enough property, they could just give Chico Scrap Metal a piece of land and help them move.

No other members of the public wished to address the Commission regarding this topic.

Chair Scott closed the public comment period at 7:02 PM

Commissioner Worley moved that the Planning Commission adopt Resolution No. 15-11, recommending that the City Council deny the project and not approve Architectural Review 15-1, Rezone 15-06, and Development Agreement 15-01 based upon the findings herein. Commissioner Rensink seconded the motion.

Discussion continued with the Commissioners.

Commissioner Evans stated that he believed there were many valid points on both sides of the issue. He agreed that the General Plan and Neighborhood Plan are both valid arguments. Commissioner Evans went on to say that the thought of the City forcing a business to move after they have agreed that it should be located where it is, and then deciding without any compensation that they need to move again, is very regrettable. He stated that Chico Scrap Metal has been at this location and providing services for many years and through no fault of their own they are being asked to move, because of a city decision. Commissioner Evans stated he believes if the city makes the decision to move a good business, through no fault of their own, the city should help compensate that move.

Commissioner Rensink stated that this is a tough decision, Chico Scrap Metal is a fine and worthy business to have in the community and recycling is a good thing. He stated that in the time that Kim Scott has been operating the business they have worked with staff to try and remain at this location. He stated that the genesis of this conflict started prior to when Kim Scott took over the operations of Chico Scrap Metal. Commissioner Rensink provided an in-depth overview of the timeline from the first relocation to the present day situation. Commissioner Rensink stated that while Chico Scrap Metal did remove contaminated soil from the property not long after their move, he believes that Chico Scrap Metal was not the source of the contamination but rather a previous owner. He stated he doesn't believe Chico Scrap Metal presents any significant health risk and the owners should not be maligned. Commissioner Rensink stated that in 2004 the City Council adopted the Chapman Mulberry Plan which included the amortization of Chico Scrap Metal and several other non-conforming uses in the neighborhood. He stated that part of that plan is in the Chico Municipal Code today stating that all non-conforming uses need to cease operations or move by December 31, 2011. Commissioner Rensink continued with his overview stating that in 2008 the City Council began moving forward with the revitalization and the Neighborhood Plan by supporting and allowing Habitat for Humanity to build homes in the area. Commissioner Rensink stated that in 2011 the Planning Commission and the City Council passed the 2030 General Plan, which included a long term vision for the land that was not consistent with the operations of Chico Scrap Metal. Commissioner Rensink stated that in 2011 Chico Scrap Metal requested and were granted an extension until December 31, 2014. Commissioner Rensink stated that when the city first took over Chico Scrap Metal's site in 1983, they should have used better foresight when considering the growth of Chico and suggested that Chico Scrap Metal move to a location further from the center of town. Commissioner Rensink stated that it had been many years since the Chapman Mulberry Neighborhood Plan was adopted. Commissioner Rensink stated that in the training the he and several other Commissioners recently attended, he learned that consistency with the General Plan must be considered when evaluating projects. He believes the focus when evaluating any project needs to be 1) if the project supports the General Plan and long term view is kept in mind, 2) If the project meets current zoning and is permitted under existing conditions, 3; developer of the project has paid all the fees and followed all the procedures, and 4) the project presents no land use conflicts or adverse impacts either environmental or land use

compatibility and if there are can they be mitigated. Commissioner Rensink stated that he believes in this case the Commission needs to support the completion of the amortization process rather than altering the Chapman Mulberry Neighborhood Plan and General Plan especially given the building of homes in the area by Habitat for Humanity. Commissioner Rensink stated that regardless of how we got to this point, Chico Scrap Metal is not the only entity that has based their decisions and made financial commitments based on policies and zoning ordinances that have been in affect for the last decade. Commissioner Rensink stated that he believes the lesser of two evils is for Chico Scrap Metal to move. He also stated that given the nature of how this has all happened he would be in favor of the City providing assistance financially in the relocation.

Commissioner Bennett read directly from the staff report attachment K an excerpt from the Chico City Municipal Code Section 19.52.070 (special Design Considerations Overlay Zones-SD-6 Chapman/Mulberry Plan), “Relocation of Chico Scrap Metal Yard- the City and County shall cooperatively take the necessary steps to relocate the Chico Scrap Metal Yard to a more appropriate location-Time Frame-Ongoing.”

Chair Scott stated that she will not support the motion for approval of the resolution. She also stated that if the resolution is passed she has some amendments she would like to see. Chair Scott thanked Commissioner Rensink for his overview of the history of the project. She stated that as Planning Commissioners they have a lot of tools that can be utilized to achieve a desired result. Chair Scott stated that she believes that amortization is one of the harshest tools that could be used especially in a situation such as Chico Scrap Metal. She stated that she did not want to disrespect the democratic process that has been followed to get to this point. Normally when amortization is utilized it is due to a severe health and safety risk, or there is something so compelling that the use needs to be out of that area immediately. Chair Scott stated she does not believe that amortization was used properly in this situation. Chair Scott stated that it is hard for her because she respects the community, the process and the people who were involved in the process. She stated that she believes it is important for the community to be involved and to voice their opinions and respects the effort the community has put forth. Chair Scott stated that even though she has found Chico Scrap Metal to be annoying and disrespectful during this process, that doesn’t mean we can shut them down. She believes to use a tool such as amortization in a situation such as this is scary for all businesses in Chico.

Chair Scott called for the vote on the motion to approve resolution 15-11.

Commissioner Worley requested clarification regarding the action before the Commission. She verified that the Commission was supposed to limit their action to the resolution and the findings from the previous meeting. She stated that their instructions were that this is not a re-hearing of the application, and while the public has the right to comment on all items on the agenda, the action before the commission is limited to whether the findings in the resolution recommending

that the City Council not approve the project reflect the direction from the Commission at the February 18, 2016 meeting. Commissioner Worley stated that she believes the resolution does reflection the direction to staff. She stated that the Commission voted to deny the project and were told that it needed to come back in the form of another resolution. She stated she is concerned that the commission is re-arguing the case when the action should be whether the resolution reflects the direction to staff.

Principal Planner Vieg verified that the action before the Commission is the resolution and the findings, however, each Commissioner is allowed to vote how they see fit.

Chair Scott stated that she does not agree with the findings in the resolution. She stated that there are projects that come before the Commission that are not consistent with the General Plan, and that is part of being on the Planning Commission. She stated that in the past the Commission has stated these are the areas that go against the General Plan and here are the things that we have conditioned to mitigate those things. Chair Scott stated that she does not believe the findings are strong enough to deny the project and she doesn't agree with many of the findings. She does not believe there should be any language in the resolution that states the City will be involved in the relocation.

Assistant City Attorney Tapia stated that Commissioner Worley was correct, the action before the Commission was strictly limited to the resolution and whether the findings reflect the actions of the Commission at their meeting on February 18, 2016. He went on to state there are 4 possible avenues the Commission can take: 1) Pass the resolution, 2) Continue the item to the next Planning Commission meeting and provide direction to staff to modify the findings to be more consistent with findings from February 18, 2016 meeting, 3) Take no action, in which case the item would move forward to the City Council without any recommendation from the Planning Commission; 4) Deny the resolution and provide direction to staff. He stated that it is not an opportunity to re-evaluate the application.

Commissioner Worley asked Assistant City Attorney Tapia if the Commission could choose to amend the resolution during the meeting. Commissioner Worley stated she felt the process has gone on a long time and she would like to see it come to a conclusion and not postpone it any longer.

Chair Scott called for a vote on the motion to approve resolution 15-11. Motion failed (2-3-2-Rensink & Worley in favor; Bennett, Evans and Scott opposed; Arregui & Howlett absent).

Principal Planner Vieg clarified that since one of the possible actions has been eliminated, the Commission should now proceed with one of the remaining options; edit the resolution, continue the resolution and give direction to staff, or take no action and allow the application to proceed to

the City Council without a recommendation from the Planning Commission. He also stated that all that has transpired in the previous meeting and the current meeting would be included in the staff report.

Commissioner Worley expressed her concern that the item move forward without any more delays.

Chair Scott stated that she felt it was unfortunate for the public policy process when all of the Commission members are not present. She stated she understood that there were circumstances that prevented all Commissioners from being present but she stated that it doesn't feel like they are serving the Public good very well when they are not making the decisions as a complete Commission.

Commissioner Rensink also stated that two members were absent or recused from the vote in the first meeting and this meeting, those two are now present and two different Commissioners are now absent. He stated that makes it hard to be consistent.

Commissioner Rensink then asked if any of the Commissioners would suggest revisions to make the resolution acceptable.

Chair Scott reviewed the amendments that were propose and stated that she believed it would change the nature of the resolution and not provide strong enough findings to support the resolution.

Commissioner Rensink suggested the Planning Commission continue the item to the next meeting with the hope there would be a full Commission attendance.

Commissioner Worley stated that full attendance was not guaranteed and she believes the application needs to move forward.

Commissioner Bennett clarified that the resolution is only a recommendation from the Planning Commission and the City Council decision could be totally different than the recommendation.

Commissioner Bennett stated that the Planning Commission was at an impasse and he believes the only option is to send the application to the City Council without a recommendation from the Planning Commission.

The Commissioners expressed dissatisfaction with the situation, however, all agreed that was the best option to move the application forward.

- 5.2 **Pre-acquisition Review and General Plan Consistency Finding Pursuant to Public Resources Code Section 21151.2 for the Shasta Elementary School Expansion Project (Proposed Property Purchase of 193 Leora Court; APN 006-220-008)** - The Chico Unified School District is requesting pre-acquisition review and a general plan consistency finding prior to acquiring land for the expansion of the Shasta Elementary School pursuant to Public Resources Code Section 21151.2. The review for consistency with the General Plan and appropriateness of the site for use by the District is statutorily exempt from CEQA pursuant to Section 15262.

Principal Planner Brendan Vieg provided an overview of the item.

Commissioner Evans asked for clarification regarding CEQA and Zoning.

Principal Planner Vieg stated that the CEQA would be performed prior to building. He also stated that once the property is purchased by the School District it would become State Jurisdiction and no longer under the jurisdiction of the City.

Chair Scott opened up the item for Public Comment at 7:54 PM.

Julie Kistle representing the Chico Unified School District addressed the Commission with an overview of the planned use for the property. She stated that they have started the Environmental review process.

There were no other speakers for this item.

Chair Scott Closed the Public Comment period at 7:56 PM

Commissioner Evans Moved that the Planning Commission approve the letter drafted by staff and direct staff to send the letter to the Chico Unified School District stating that the proposed school site acquisition at 193 Leora Court by the Chico Unified School District is appropriate and consistent with community planning documents, including the Chico General Plan and the Northwest Chico Specific Plan. Motion was seconded by Commissioner Rensink and passed (5-0-2, Arregui & Howlett absent).

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 Planning Update

None.

8. ADJOURNMENT

There being no further business from the Commission, the meeting adjourned at 7:58 PM to the **Regular Adjourned Meeting of Thursday, April 21, 2016.**

May 5, 2016

Date Approved

Mark Wolfe

Mark Wolfe, AICP

Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
April 21, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the April 21, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, May 5, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: April 14, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
May 5, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None

Staff Members Present: Brendan Vieg, Principal Planner
 Mike Sawley, AICP, Associate Planner
 Matt Johnson, Senior Development Engineer
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

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

2. **EX PARTE COMMUNICATION**
 Several Commissioners stated they had driven by the Estates at Lindo Channel project site.

3. **CONSENT AGENDA**

 March 17, 2016 Minutes

 April 7, 2016 Minutes

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

4. PUBLIC HEARING ITEMS

4.1 S/PDP 15-04, GPA 15-04, and RZ 15-03 (Estates at Lindo Channel) A request that the Planning Commission forward a recommendation of approval to the City Council for final consideration of a General Plan Amendment, Rezone, Subdivision and Planned Development Permit, including final architectural design. This project has been reviewed by the Architectural Review and Historic Preservation Board which recommended approval of the project subject to conditions. A Mitigated Negative Declaration (MND) has been prepared for the project pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Mike Sawley provided a project overview.

Staff responded to questions regarding the number of trees to be preserved, the length and width of the road into the cul-de-sac, fire access, relocation of the mailboxes, side yard setbacks with regards to ADA access, decreases in density associated with the rezone, and flood and fire potential. Staff also provided examples of other areas with similar situations.

Senior Development Engineer Matt Johnson provided an overview of traffic issues and concerns in the area. Mr. Johnson stated that a full traffic study is only conducted when a project is estimated to produce 75 or more peak hour trips. This project will create significantly less than 75. He pointed out that the neighborhood meetings brought to light some of the traffic issues in the general area and the Public Works Department has experienced similar issues in other areas around town and they are working on addressing those issues. Mr. Johnson stated that while a bike path had been suggested in the area, the streets are not wide enough to have the bike path in addition to street parking.

Chair Scott opened the public hearing at 7:13 PM

Wes Gilbert, project engineer, addressed the Commission for the applicant. Mr. Gilbert thanked the Commission for their time and consideration of the project. He stated that the conditions of approval in the staff report were acceptable to the developer. Mr. Gilbert clarified that the side set-backs would be 3 feet on one side and 4 feet on the other side specifically to address accessibility issues. Mr. Gilbert addressed concerns regarding the flood plain. He stated that the Lindo Channel is a controlled flow area and there is a maximum flow that is allowed downstream and the overflow is diverted. Mr. Gilbert stated that the houses at the end of the cul-de-sac are the only houses that are close to the flood plain. He stated that they are not in the flood plain but will be built 2 feet above the required elevation as a precautionary measure. Mr. Gilbert stated that a lot of care had been taken in making the project density compatible with adjacent neighborhoods. Mr.

Gilbert addressed concerns regarding the trees to be preserved. He stated it is a balancing act between the necessary improvements and grading requirements. He stated that a significant number of the trees are non-natives. Mr. Gilbert stated the reason the proposed project includes a rezone from R2 to R1 is to keep the homes single story. He said to meet the density requirements for R2, they would need to build up and they wanted to honor the neighbor requests to keep the buildings single story.

Brian Firth, Landscape Architect for the project, addressed concerns regarding tree preservation and mitigation of tree removal. He stated that he had proposed native plant species due to the proximity to the channel. Mr. Firth also stated that there is no lawn in the landscape plan, which meets AB 1881 standards.

Pete Hollingsworth, Martha Wilson, William Funke, Martha Gore, Anita Fitzgerald, David Kelsey, Lee Wadsworth, Kelly Crocket, and Karen Goodwin, residents from the surrounding neighborhood, addressed the Commission with concerns regarding the proposed subdivision. Many stated they were in favor of the mailbox relocation and the low level "dark sky" lighting. There were many concerns expressed regarding the traffic impacts in the area and existing traffic issues. The neighbors also expressed concern regarding the fire lane and access to the channel. A suggestion was made to relocate the fire lane to the east side of the cul-de-sac rather than the west side. There was also a request for clarification on the rear yard set-back exception.

Mr. Gilbert stated that the west side was selected for the fire lane due to the slope of the grade, but the applicant was open to relocating it the east side if feasible.

Chair Scott closed the public hearing at 7:52 PM.

Associate Planner Sawley clarified that in a small lot subdivision the rear set-backs must be a minimum of 10 ft., if the design includes a larger front porch. The project meets the size standard for the front porch and is proposing 10 ft. set-backs for all the yards. There are two lots (19 & 20) that do not meet the porch requirement and therefore an exemption is requested for those two lots. Associate Planner Sawley also clarified the necessity for the fire access road. He stated that the maps were sent for review to the Fire Marshall and two comments were received, the need for the additional sprinkler system and the request for the fire access road due to concerns of fire in the channel.

Discussion continued with the Commissioners.

Senior Development Engineer Johnson stated that the Public Works Department is reviewing traffic issues all over the city and they are addressing traffic concerns in neighborhoods a section at a time.

Commissioner Rensink moved that the Planning Commission adopt Resolution No. 16-06, recommending that the City Council adopt the mitigated negative declaration and approve the General Plan amendment, rezone, Subdivision and Planned Development Permit for the Estates at Lindo Channel project, subject to the attached conditions and that a Condition be added which would read #21 "Relocate the fire access road to the easterly side of the cul-de-sac, if determined to be feasible by the Fire Department." Commissioner Bennett seconded the motion. Commissioner Scott requested a friendly amendment to modify Condition # 18 to specify a minimum of 20 trees be retained. The amendment was accepted.

Discussion continued with Commissioners.

Chair Scott called for the vote. The motion passed (5-2-0, Howlett & Worley opposed).

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Principal Planner Vieg reported that Community Development Director Wolfe is currently working on the 2016/2017 budget proposal and is requesting an increase in the allocation for training funds for staff and commissioners. The Cal APA conference is in October and it may be an opportunity for the Commissioners and staff to attend.

Chair Scott asked for clarification regarding the process of selection of a new chair and the Bi-Annual Work Plan. Principal Planner Vieg stated that the request for a work plan generally comes from the City Council and there has not been a request

at this time. He added that he would review the process for the selection of a new chair and report back to the Commission.

Commissioner Evans requested an update on the Sustainability Task Force Work Plan and their accomplishments in the past year. Principal Planner Vieg stated the Sustainability Task Force had prepared and presented an update to the City Council recently and he would request the Sustainability Task Force present the update to the Planning Commissioner as well.

Principal Planner Vieg reported that there were no items scheduled for May 19, 2016 so the meeting would be canceled.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 8:13 PM to the **Regular Meeting of Thursday, June 2, 2016.**

June 16, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
May 19, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the May 19, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, June 2, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: May 12, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
June 16, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None

Staff Members Present: Mark Wolfe, AICP Community Development Director
 Brendan Vieg, Principal Planner
 Mike Sawley, AICP, Associate Planner
 Matt Johnson, Senior Development Engineer
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Commissioner Worley stated she had driven by the Meriam project site.

3. CONSENT AGENDA

3.1 Approval of Minutes

May 5, 2016 Minutes

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

4. PUBLIC HEARING ITEMS

4.1 S/PDP 09-01, Amended Vesting Tentative Subdivision Map (Meriam Park) a proposed amendment to a previously-approved vesting tentative subdivision map to divide approximately 78 acres of the 270-acre Meriam Park site into 72 lots that would subsequently be developed in compliance with the City’s form-based “Traditional Neighborhood Development” (or TND) code. In addition to development lots, the amended map would consolidate five open space lots into one public park site, reconfigure interior street alignments, and modify several street designs. Currently undeveloped, the site is located adjacent to the north side of East 20th Street, south of Little Chico Creek, west of Bruce Road, and east of Bedford Drive. An Environmental Impact Report (EIR) for the Meriam Park Master Plan was certified on June 19, 2007. The EIR included several mitigation measures that have been and will continue to be applied to subsequent discretionary approvals. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is necessary, as there have been no substantial changes to the project which would require revisions of the EIR, no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which would require major revisions of the EIR, and no new information of substantial importance has become available which would require revisions to the certified EIR.

Associate Planner Mike Sawley provided a project overview.

Staff responded to questions regarding previous approval of the map, subsequent modifications, and the housing affordability component that was part of the project previously.

Chair Scott opened the public hearing at 6:46 PM

Jim Stevens, NorthStar Engineering addressed the Commission and introduced Dan Gonzales to speak on behalf of the applicant.

Mr. Gonzales requested permission to provide the Commission with an informational audio/visual presentation lasting approximately 15 minutes.

Chair Scott granted the request.

Mr. Gonzales provided background on the project and the evolution of the vision and goals for Meriam Park which lead to the request for modifications of the map. Mr. Gonzales presented a slide show with conceptual designs for the entire project and the Traditional

Neighborhood Development model. Mr. Gonzales described the various “districts” within the project and stated the overall theme will be health and wellness. Mr. Gonzales explained the reasoning behind the requests for a variance from setbacks in various areas and the combination of open space areas into one central area. Mr. Gonzales stated that following approval they hope to begin construction in the Fall.

Mr. Gonzales and Mr. Stevens answered questions from the Commission and discussion continued regarding the set-backs.

***Chair Scott called for a recess at 7:25 PM
The meeting resumed with all Commissioners present at 7:29 PM.***

Commissioner Bennett stated that he had just become aware of a conflict of interest involving the project and recused himself.

Chair Scott called for public comment. No additional members of the public requested to speak.

Chair Scott closed the public hearing at 7:30 PM.

Discussion continued with the Commission. Commissioner Worley requested clarification on the additional requests and information provided by the applicant at the meeting.

Principal Planner Vieg stated that the Traditional Neighborhood Development standards are fairly recent and because of the slowdown in building in recent years there hasn't been any projects utilizing this standard so there may be a few adjustments necessary.

Community Development Director Wolfe stated that the project would still be going through the architectural review process and the set-backs could be approved at that time. If the Commission chose to pass the resolution as written, the additional requests could be considered in the architectural review process without the need to return to the Planning Commission.

Commissioners requested clarification from the applicant regarding design, consolidated open space and the design along Little Chico Creek.

Chair Scott Re-opened the public hearing at 7:40 PM

Mr. Gonzales stated the applicant simply wanted flexibility in the plan, the design was still developing. He stated the set-backs on East 20th Street were more vital for their project. Mr. Gonzales also addressed questions regarding the consolidation of open space. He stated that the is to build an amphitheater in the park and that required an acre of land to build the design they desired. He also stated that there are “social” space designed throughout the project. Mr. Gonzales stated that while the park standard will be met, the social spaces will far exceed the standard.

Chair Scott Closed the public hearing at 7:43 PM.

Commissioner Evans moved that the Planning Commission adopt Resolution No. 16-07, approving the amended tentative subdivision map, subject to the attached conditions. The conditions were modified by adding the applicant proposed conditions #1, #2 and #3 to condition #9 on the resolution.

The motion was seconded by Commissioner Rensink and passed (6-0-1, Bennett recused).

Chair Scott called for a brief recess at 7:45 PM.

The meeting resumed at 7:48 PM with all Commissioners present.

5. **REGULAR AGENDA**

5.1 **Selection of new alternate for Architectural Review and Historic Preservation Board**

Community Development Director Wolfe presented the item.

Director Wolfe stated that a member of the Architectural Review and Historic Preservation Board had resigned because he had moved out of the City limits. Director Wolfe stated that the City Clerk’s office indicated they intend to wait until the normal recruitment time to fill the vacancy. He stated that while Commissioner Bennett is currently serving as the alternate, his spouse is also serving on the Board. Director Wolfe stated that since the alternate will be serving in a more significant capacity, the Commission should appoint a new alternate member to avoid any appearance of impropriety. Commissioner Bennett stated that he agreed with Director Wolfe.

Director Wolfe briefly clarified the role of the alternate and stated the most critical time would be when a quorum is needed.

Chair Scott nominated Commissioner Rensink, Commissioner Worley seconded the nomination. Commissioner Rensink was voted the new alternate member for the Architectural Review and Historic Preservation Board (7-0-0).

5.2 Sustainability Task Force Update

Principal Planner Vieg introduced Dr. Mark Stemen the Chairman of the Sustainability Task Force to give the presentation. Dr. Stemen reported that the task force was beginning to see progress in meeting the goals and targets for the energy code. Dr. Stemen stated that the new building codes are moving forward and working. He stated that the task force now needs to focus on retrofitting the existing housing inventory rather than focus on the new housing market.

Principal Planner Vieg provided information regarding the new Civic Spark Program through AmeriCorps. The program is focused on climate change issues. He stated once project will be to collaborate with community agencies to create a community challenge.

Commissioner Evans stated he was happy with the work that the Sustainability Task Force was doing. He stated that as a sub Committee of the Planning Commission; he believes the Sustainability Task Force should provide updates and/or communication to the Planning Commission prior to reporting to the City Council.

Principal Planner Vieg stated that in the past the reports provided to the City Council had been a written memo. He agreed that any future communications should go through Planning Commission prior to presenting to the City Council.

6. BUSINESS FROM THE FLOOR

Dr. Mark Stemen addressed the Commission regarding his concerns with the Chico Scrap Metal project that will be coming before the Planning Commission in the near future.

7. REPORTS & COMMUNICATIONS

7.1 Planning Update

Community Development Director Wolfe informed the Commission that Associate Planner Morley left the City to move into the private sector. Director Wolfe stated

staff is currently dividing his projects and the status of agenda items for the July 7, 2016 meeting is unsure at this time. Director Wolfe reported that Associate Planner Mike Sawley has passed the exam to become a member of the American Institute of Certified Planners and has earned the right to add AICP behind his name. Director Wolfe also reported that the Draft Environmental Impact Report for the Wal-Mart expansion will be posted for the 45 review and comment period on June 17, 2016. Director Wolfe also stated that due to a clerical error the Chico Scrap Metal item will start the review and approval process from the beginning, starting with a 30 day review and comment process.

Commissioner Evans inquired about the General Plan review.

Principal Planner Vieg stated that the process is a large undertaking but they are making good progress. He stated that he hopes to have the first review in October.

Community Development Director Wolfe stated that the review of the Habitat Conservation Plan has taken a substantial amount of time and review by Principal Planner Vieg and that is why more progress has not been made on the General Plan review.

Commissioners Bennett, Evans, and Rensink all stated that they would be out of town on July 7, 2016 and unable to attend the meeting.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 8:19 PM to the **Regular Meeting of Thursday, July 7, 2016.**

July 11, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
June 2, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the June 2, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, June 16, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: May 26, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
July 7, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Dale Bennett
 Ken Rensink

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Brendan Vieg, Principal Planner
 Mike Sawley, AICP, Associate Planner
 Matt Johnson, Senior Development Engineer
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Commissioners Worley & Arregui stated they had driven by the project site. Commissioner Arregui stated she had spoken with staff regarding Item 4.1.

3. CONSENT AGENDA

3.1 Approval of Minutes

June 16, 2016 Minutes

Chair Scott requested to amend page 3 of the minutes so that the statement “Commissioners requested clarification from the applicant regarding design, consolidated open space and the design along Little Chico Creek” be placed prior to “Chair Scott Re-opened the public hearing at 7:40 PM”. There were no objections.

Commissioner Worley moved to approve the minutes as amended, Commissioner Evans seconded the motion, which passed (5-0-2; Bennett & Rensink Absent)

4. PUBLIC HEARING ITEMS

4.1 Use Permit 16-02 (Scott) – 968 East Avenue, APN 015-230-031 – A request to operate a cardroom with 7 game tables located within an 800 square foot area of an existing nightclub/sports bar (“Quackers”). The request includes authorization for 24-hour business operation within 300-feet of a residential zoning district. The site is designated Regional Commercial on the General Plan diagram and in the CR-AOB2 (Regional Commercial-Aircraft Operations B2) overlay zoning district. This project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Senior Planner Bob Summerville provided a project overview.

Staff responded to Commission questions regarding the project’s proximity to a school, design of the proposed fence, lighting, security, and alcohol sales. Mr. Summerville stated that the cardroom would be subject to a rigorous annual review by the California Gaming Commission which includes issues related to security, operations, and safety.

Chair Scott opened the public hearing at 6:41 PM.

John Scott, the applicant, addressed the Commission. Mr. Scott stated that he appreciated the hard work of the staff to bring the project to this point.

Mr. Scott responded to questions from Commissioners regarding the project’s request for 24-hour operation, security, and frequency of tournaments. Mr. Scott stated that he did not intend to operate 24 hours on a daily basis, but that it provides a safe guard in the event that a game must continue. It is not appropriate to simply shut a poker game down. He stated that this situation is anticipated mainly during tournaments.

Robert Mowry, Owner of “Quackers”, addressed the Commission. Mr. Mowry stated he has planned many upgrades to the building. He will also be increasing his hours of operation in the bar and food service areas. Mr. Mowry stated that the plan is to increase the lighting in the parking lot, and the proposed fence between the project site and the school is 217 feet long. Mr. Mowry stated that there is a proposed smoking area behind the building so it will not be visible to the school. Mr. Mowry stated that while food & beverage service would continue while the card room was open, all alcohol sales must adhere to the ABC licensing laws and no alcohol can be sold after 2 AM.

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

Commissioner Evans moved that the Planning Commission adopt Resolution 16-08, approving Use Permit 16-02 (Scott), based on the required findings and subject to the conditions contained therein. The motion was seconded by Commissioner Worley.

Commission discussion continued. Chair Scott stated she was concerned about the project's 24-hour operation. She requested examples of other businesses that had approval for 24-hour operations. Senior Planner Summerville stated there were several fast food restaurants and pharmacies that are currently open 24 hours.

Commissioner Evans stated that the application is for a Conditional Use Permit, if any issues arise during the operation, the conditions can be reviewed at that time. Commissioner Evans called for the question.

Chair Scott called for a vote. The motion passed (3-2-2; Arregui & Scott opposed; Bennett & Rensink absent)

5. REGULAR AGENDA

5.1 Consideration of a Public Hearing to receive comments on the Draft Environmental Impact Report (DEIR) for the Wal-Mart Expansion Project -

The Planning Commission will consider whether or not there shall be a Public Hearing to receive comments on the Draft EIR and, if so, in what forum such a Public Hearing will be conducted.

Community Development Director Wolfe presented the item. Director Wolfe stated that the Wal-Mart Expansion Draft Environmental Impact Report (DEIR) is currently in the public review and comment process. As the deciding body for the project, the Planning Commission must decide: 1) if a public hearing will be held to hear public comment on the adequacy of the EIR; and 2) if a hearing is held, will the Planning Commission preside over the hearing or if staff will facilitate the hearing.

Staff responded to questions regarding the DEIR and the public review process.

Chair Scott opened the meeting to public comment at 7:10 PM. No members of the public wished to address the Planning Commission. Chair Scott closed the public comment period.

Commissioner Worley moved the Planning Commission conduct a public hearing to receive comments on the adequacy of the Draft Environmental Impact Report at its

regularly scheduled July 21, 2016 meeting. Commissioner Howlett seconded the motion, which passed (5-0-2; Bennett & Rensink absent).

6. **BUSINESS FROM THE FLOOR**

None

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe stated that there were no other items on the agenda for the July 21, 2016 meeting, therefore, the public hearing for the draft Environmental Impact Report for the Wal-Mart Expansion project will be the only item.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:13 PM to the **Adjourned Regular Meeting of Thursday, July 21, 2016.**

7/21/16
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
July 21, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None

Staff Members Present: Brendan Vieg, Principal Planner
Mike Sawley, AICP, Associate Planner
Matt Johnson, Senior Development Engineer
Andrew Jared, Assistant City Attorney
Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

None

3. CONSENT AGENDA

3.1 Approval of Minutes

July 7, 2016 Minutes

Commissioner Worley moved to approve the minutes, Commissioner Bennett seconded the motion, which passed (7-0)

4. PUBLIC HEARING ITEMS

4.1 Receive Comments on the Draft Environmental Impact Report (EIR) for the Wal-Mart Expansion Project - The Planning Commission will hold a Public Hearing to receive comments on the Draft EIR prepared for the Chico Wal-Mart Expansion Project (State Clearinghouse # 2015102017). The scope of this hearing is limited to the adequacy of the

Draft EIR, and not the merits of the project. At the hearing, anyone may comment on the adequacy of the Draft EIR, orally and/or in written form.

Associate Planner Mike Sawley provided an overview and introduced Grant Gruber, the representative for First Carbon Solutions the company contracted to prepare the Environmental Impact Report.

Chair Scott opened the public hearing at 6:32 PM.

Mr. Gruber provided an overview of the EIR and pointed out items of significance. Comments were then taken from the floor. The following is a list of names of persons that provided comments regarding the EIR: Ben Perle, Leonard Gundert, Michael Reilley, Chris Nelson, Loretta Torres, Seth Derish, Bill Helmer, Tom Nickell, Dave Kelley, Kathy Faith, Dan Everhart, and Grant Parks. ***For a complete accounting of all comments please see the attached transcript.***

Chair Scott closed the public hearing at 7:43 PM.

5. **REGULAR AGENDA**

None

6. **BUSINESS FROM THE FLOOR**

None

7. **REPORTS & COMMUNICATIONS**


7.1 **Planning Update**

None

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:36 PM to the **Adjourned Regular Meeting of Thursday, August 4, 2016.**

8/4/16
Date Approved


Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

0000

1

2

3

4

5

6

7

---o0o---

8

CHICO PLANNING COMMISSION

9

REGULAR MEETING AGENDA

10

11

Thursday, July 21st, 2016

12

6:30 p.m.

13

---o0o---

14

15

16

17

18

19

20

21

22

23 Reported By:

Jillian Sumner

24 CSR License No.: 13619

25 Job No.:10025692

0000

1 Thursday, July 21st, 2016, Chico, California

2 ---o0o---

3

4 MS. SCOTT: Good evening and welcome to the
5 Planning Commission. It's Thursday, July 21st, and we'll
6 start with role call.

7 (Whereupon role call was taken.)

8 MS. SCOTT: We'll move on to Item No. 2, ex parte
9 communication. And we'll start to my right.

10 (Whereupon there was none.)

11 MS. SCOTT: Thank you.

12 Item No. 3, consent agenda, there's one item, and
13 that's the approval of the minutes for July 7th. So I'll
14 entertain a motion or discussion.

15 MS. WORLEY: I'll move approval.

16 MR. EVANS: Second.

17 MS. SCOTT: All in favor?

18 COLLECTIVELY: I.

19 MS. SCOTT: Any opposed?

20 That motion is 7-0.

21 Item No. 4, public hearing items, receive
22 comments on their behalf, the Environmental Impact Report
23 for the Wal-Mart Expansion Project.

24 I will turn it over to Associate Planner,
25 Mike Sawley.

0000

1 MR. SAWLEY: Thank you, Madam Chair.

2 And good evening, Planning Commission.

3 We're gathered here tonight to discuss comments
4 from the public on the Draft Environmental Impact Report
5 associated with the Chico Wal-Mart Expansion Project.

6 The Draft Environmental Impact Report, DEIR, was
7 prepared by FirstCarbon Solutions. The city contracted
8 with FirstCarbon Solutions to prepare the Environmental
9 Impact Report draft and the final.

10 And so right now I will turn it over to
11 Grant Gruber, who is a representative of FirstCarbon
12 Solutions to give us information on the project.

13 MR. GRUBER: Thank you, Mike.

14 Good evening, Chair Members of the Planning
15 Commission. My name is Grant Gruber, from FirstCarbon
16 Solutions, and we are actually contracted to the city of
17 Chico.

18 So the project side is roughly 27 acres, located
19 at 2044 Forest Avenue. That contains an existing
20 approximately 131,000 square-foot Wal-Mart store, parking
21 areas, and undeveloped land. It is serviced by driveways
22 on Forest Avenue, three driveways on Baney Lane, and one
23 service driveway on Business Lane, designated for regional
24 commercial use by both the General Plan and the Zoning
25 Ordinance.

0000

1 This is an aerial image of the project site.
2 State Highway 99 is associated at the western boundary of
3 the site, some commercial to the north, and Wittmeier Auto
4 Center to the south, and some additional commercial uses
5 to the west of State 99.

6 So the project consists of building three
7 distinct items. The first is the expansion of the
8 Wal-Mart store. The store would be expanded by 66,500
9 square feet. So a total of 197,802 square feet. Within
10 the store will be 55,730 square feet of grocery sales and
11 support.

12 Along the Forest Avenue frontage will be a fuel
13 station with eight pumps and a 1,500 square foot
14 convenience market.

15 In the southwestern portion of the site there
16 will be two out parcels of future unspecified commercial
17 use. And these two out parcels have a combined total of
18 52,000 square feet. And right now we're calling it retail
19 or restaurant.

20 In addition to the new buildings, the three
21 Baney Lane driveways would be modified to essentially
22 allow right-out turning movements. So left-out movements
23 would be prohibited. The idea here is to direct traffic
24 towards Forest Avenue and away from Business Lane.

25 Additionally, Wittmeier Drive is an existing

0000

1 cul-de-sac, and a new driveway connection would be
2 constructed to connect to the cul-de-sac to provide full
3 access.

4 Finally, there's an existing bicycle path --
5 bicycle pedestrian path that goes through the center of
6 the site and that would be relocated to the perimeter of
7 the site.

8 And the site plan here helps illustrate various
9 components in expansion occurring the south side of the
10 Wal-Mart. The fuel station would be located along
11 Forest Avenue, the two out parcels and the southern
12 portion of the site.

13 So the California Environmental Quality Act,
14 CEQA, is a law that applies to projects that require a
15 discretionary approval by a state or local governmental
16 agency. And so within CEQA there are various (inaudible).
17 And the Environmental Impact Report is the highest level
18 of CEQA. So in this case, the city of Chico is lead
19 agency for the Chico Wal-Mart Expansion Project.

20 The CEQA process began last fall with the notice
21 of preparation issued on October 6, 2015. In this very
22 room on October 15th a scoping meeting was held. And then
23 on November 6, 2015 the NOP review period closed.

24 The Draft EIR of this document was released on
25 June 17th, 2016. Tonight's Draft EIR comment session and

0001

1 Draft EIR review period closes August 1st. And then after
2 that they'll be some public meetings on the project.

3 So, again, this is the Draft EIR. It consists of
4 the project description, which provides a summary of
5 project characteristics, objectives, and approvals. In
6 addition, the EIR picked 12 topics in detail. Some
7 examples are air quality, biological resources, noise,
8 public services, transportation, and urban decay.

9 The document also considered three alternatives
10 to the project. Gives decision-makers an idea of what
11 would happen if the project did not advance.

12 So we have a no-project alternative, a
13 Wal-Mart-expansion-only alternative, and finally a reduced
14 density alternative, which considered reducing project use
15 by 25 percent.

16 This document has evaluated cumulative effects of
17 the proposed project. And that's defined as proposed
18 project, what's past, present and recently foreseeable
19 projects.

20 And finally, the document is supported by
21 technical tendencies, varying from traffic study, to air
22 quality and noise modeling data, to the varying case
23 studies, to the geo-technical report and whatnot.

24 So this highlights some key conclusions of the
25 document. With the implementation of mitigation, all air

0002

1 quality and greenhouse gas impacts can be mitigated to a
2 level less than significant.

3 (Inaudible.)

4 Additionally, we found that the project is
5 consistent with the General Plan and zoning.

6 Additionally, we found the project would be
7 served by adequate public services and utilities. There
8 would also be no increase in noise levels at the nearest
9 residential receptors, specifically the residences on the
10 east side of Forest Avenue.

11 And finally, the economic consultant finds
12 adequate demand available in the market area for all the
13 market sales without causing closure of competing outlets.

14 The document identified one significant
15 unavoidable impact, and that is associated with traffic on
16 State Route 99 between the State Route 32 Junction and
17 East 20th Street. And this is in southbound direction.

18 And we did identify a mediation measure before
19 that, which would be payment of the traffic impact fees
20 that can be applied to funding improvements. However,
21 this requires cooperating from other agencies,
22 specifically Caltrans and other legal principals that
23 under California Groundwater Quality Act, we have to
24 conclude significant and unavoidable.

25 And again, this is really an issue of the fact

0003

1 that the State Route 99 segment would operate under
2 unacceptable levels under the without-project condition.
3 In other words, even if the project would not advance,
4 this impact would still occur.

5 So because the project adds new trips to the
6 segments, it exacerbates this preexisting condition and
7 issue. So because there is a significant unavoidable
8 impact, the decision-makers would be required to adopt the
9 statements of other considerations if they choose to
10 approve the project.

11 So to highlight some key mitigation measures
12 identified in the EIR, and the first one applies to air
13 quality. We have a Transportation Demand Management
14 Program as a requirement that I did here is review of
15 single-occupant vehicle trips.

16 We have identified a number of different ways
17 that can be done. We have everything from improving
18 connectivity within the site for pedestrians, to offering
19 ride-sharing for employees, providing information about
20 trip reduction, transit, various things to advise folks of
21 alternatives to single-occupant vehicle.

22 The second one is enhancement of the existing
23 eTrans bus stop on Forest Avenue. The idea here is to
24 have shelter, seating, transit information, make it more
25 appealing to folks riding public transit.

0004

1 Pre-construction surveys for protected plants and
2 wildlife species, which is mainly for the undeveloped
3 area, and then storm water pollution prevention measures
4 during both construction and operations. And then to
5 mitigate impacts at the intersection of East 20th and
6 Forest Avenue.

7 (Inaudible) can provide funds to the city for
8 improvements of that intersection. And specifically those
9 improvements would be re-striping the Forest Avenue
10 approach so that an existing through lane would be
11 re-striped to provide a through left-turn lane. So the
12 idea is to provide additional left-turn storage or passing
13 for vehicles turning on East 20th Street.

14 In conjunction with that, the signal timing at
15 that intersection would be changed from the existing
16 80 phase to split phase on the Forest Avenue approach to
17 allow that type of turning movement to occur.

18 And lastly, Wittmeier Drive, we've identified
19 some options to enhance safety on that street.
20 Specifically, conflicts between traffic associated with
21 the proposed project and Wittmeier Auto Center operations.

22 So the Draft EIR review period will close on
23 August 1st. And after that -- well, we will assemble all
24 the comments, and then we will begin the process of
25 preparing the responses to those comments.

0005

1 Once that process is complete, those comments
2 would be compiled in a document called the final EIR. And
3 those responses will be made publicly available at least
4 ten days prior to the first public hearing, at which the
5 project will be considered for approval.

6 And then at that meeting, the final EIR will be
7 submitted to the Planning Commission for consideration and
8 certification.

9 So in a few minutes the floor will be opened up
10 for public comment.

11 And first thing -- and some folks have already
12 done that. All individuals who are interested in speaking
13 tonight are asked to fill out a speaker card so we can
14 keep track of those who spoke. And also, we encourage
15 anyone who speaks tonight to also submit written comments.

16 And finally, the purpose of this meeting is to
17 talk about the conclusions and the analysis in the Draft
18 EIR. The project merits will be discussed at later
19 meetings.

20 And with that, I'll turn it over to Mike Sawley.

21 MR. SAWLEY: I guess I could just flash light on
22 the insight and repeat some of the things Grant just said.

23 First, to clarify and make sure everybody
24 understands, tonight we're focussed on getting comments on
25 the Environmental Impact Report, not necessarily comments

0006

1 on the project. We will have public hearings in the
2 future to discuss the merits of the project. Comments
3 like "I like it" or "I don't like it," those will be
4 properly placed at a future public hearing, not
5 necessarily tonight where we're focused on EIR comments.

6 We have sheets in the back that are prepared, so
7 you can fill them out and submit comments at your leisure.

8 And I just want to remind everybody that if you
9 don't get comments in tonight, we still have until
10 August 1 to. So there's a couple weeks left.

11 With that, we'll turn back over to
12 Planning Commissioner to begin the public hearing.

13 MS. SCOTT: Great. Thank you.

14 Madam chair?

15 MS. SCOTT: Yes.

16 MR. EVANS: And I don't have a PowerPoint slide
17 on this, but just to remind the Commission that tonight's
18 meeting is not for comment, but the Commission is to hear
19 the comments that others are making.

20 And your analysis and comments can be taken at a
21 later meeting after all of the comments from the public
22 come in in written form or tonight taken down by the
23 stenographer and responded to in written form by the
24 consultant at a later date.

25 MS. SCOTT: Great. Thank you.

0007

1 UNIDENTIFIED SPEAKER: And then to the public and
2 to the Commission, for the benefit of the stenographer, if
3 you could please speak clearly and probably spell your
4 last name while you're speaking, that helps create a very
5 clear record for the project.

6 Thank you.

7 MS. SCOTT: So just to reiterate one more time
8 before we open the public hearing, this is a really unique
9 opportunity that we have. And I am very thankful for the
10 staff, that they presented an opportunity to hold a public
11 hearing.

12 If you see on other projects that we have that
13 might not have such an impact to the community or so much
14 community input that is needed, comments are simply
15 submitted to the city via written. So this is a really
16 unique opportunity that we have to solicit comments and
17 hear from you directly.

18 With that comes a level of responsibility on
19 behalf of the Commission and everybody here. So if there
20 are comments that do get off subject or talk about the
21 merits of the project as a whole, do not reflect what is
22 in the document, I'm going to have to ask you to sit down
23 or to reframe your comments so that we're really getting
24 the feedback that we need from the community to present a
25 solid and really strong final EIR.

0008

1 We definitely want to hear from you and want to
2 be able to answer your questions. We will not be doing
3 that in the public hearing. So please don't direct any
4 questions to the Commission or staff during the public
5 hearing.

6 Mike Sawley here responds to every e-mail, every
7 phone call, and is happy to talk to you after the meeting
8 or during the break. And we have great project
9 consultants to lead or direct any comments or questions
10 outside the public hearing. So within the public hearing,
11 please direct your comments to the Draft EIR.

12 We have a list, which is great. So I ask that if
13 you're able and willing to stand up and line up maybe two
14 people deep so that we can move through the public
15 hearing. And we will be using the stoplight just as a
16 guidance of where we're at. I'm not sure if you can see
17 that, but I'll keep tallies. So I'll let you know if
18 you're getting a little off track with your time.

19 MR. EVANS: As people come up to the mic and talk
20 about specific subjects in the EIR, I'd like to follow. I
21 have no idea how to get there. Is there any way we can
22 get page 3-3-4 or something like that so we can go to it?
23 Is there any way we can do that?

24 MR. SAWLEY: I'm not sure what you're asking.

25 MR. EVANS: Well, if somebody wants to come up

0009

1 and make a specific comment on air quality, disagreeing
2 with what's in here, I'd like to be able to turn to the
3 paragraph they're referencing and read it for myself and
4 highlight it so I can look at it.

5 MR. VIEG: More than likely, as part of the final
6 EIR, there's a comment that says "I disagree with
7 something." The final will say and will reference you to
8 that page. So I don't know -- we're in realtime tonight.
9 I don't know how we would stop.

10 MR. EVANS: Fair enough. Just thought I'd ask.

11 MS. SCOTT: If you do want to speak and you
12 didn't get a speaker card in, feel free to bring it up. I
13 do want to stop that at -- maybe when we get down to the
14 last speaker, I'll do a last call, and then we'll wrap it
15 up.

16 So we have one more.

17 We'll start with the first speaker, which I think
18 was Mr. Perle.

19 MR. PERLE: Thank you. And thank you very much
20 for allowing me to speak this evening.

21 My name is Ben Perle, P-e-r-l-e. I'm the
22 Vice President of Operations for the Oxford Suites, which
23 is one of the businesses that operates on Business Lane.

24 We want to make some comments that are addressed,
25 and some key points that we outlined in a written document

0010

1 you should have received this afternoon. And that can be
2 provided to you. And just highlight some of the things
3 that we feel are inadequate in the EIR.

4 The first one is the noise measurements. We
5 don't feel they were properly measured or properly
6 executed. In the report, the EIR does not provide the
7 necessary documentation regarding the number of trucks
8 currently using the Business Lane, nor the time of day
9 this traffic was measured. As you can imagine, being a
10 hotel, that's a pretty significant omission.

11 Additionally, it's critical for us when Wal-Mart
12 is asking to increase the traffic from 8:00 p.m. to
13 8:00 a.m., possibly double that traffic, as you know,
14 hotels sell a good night's sleep. We feel adding traffic
15 like this could be very impactful [sic].

16 Secondly, the noise measurements that were
17 provided in the EIR were done on one single day in
18 January. Not exactly the peak time of operations for any
19 business in Chico.

20 It was also done without prior authorization of
21 Oxford Suites Corporate Office. The measurement mics were
22 put on our property without ever being asked, and were
23 said to be put there for one day.

24 Another point we wanted to highlight was the EIR
25 does not address the fact that Wal-Mart is proposing to

0011

1 continue to use and actually increase the use of private
2 roads. In some of the comments made we spoke about
3 Wittmeier and Forest, but never the fact that both
4 Baney Lane and Business Lane are private roads, never
5 intended to have traffic.

6 And I think the city knows this very well,
7 because they know this wasn't built by city specs, because
8 it was built by the developer.

9 Currently nothing in the long-term maintenance
10 plan is in place. And, again, Wal-Mart is asking private
11 businesses to really foot the bill for long-term
12 maintenance of those roadways.

13 And we're not the only ones on that road. Both
14 Baney and Business Lane were constructed to service
15 businesses along those roads, like I said. And those
16 18-wheelers and double axles, all those vehicles that now
17 come down there were not what that road was built for.

18 We feel that the adverse impacts are not being
19 addressed in the EIR, and that no mitigation plan is being
20 proposed by Wal-Mart.

21 Lastly and probably most importantly, we don't
22 understand why the truck delivery routing that is proposed
23 is not more focused on the southwest side of Wal-Mart's
24 property by Wittmeier and Forest where Wal-Mart is already
25 going to do significant improvements to the intersection,

0012

1 and where routing will solely impact their property as
2 opposed to adjacent property owners.

3 We feel they have an opportunity to assign it
4 correctly and not use a private two-lane road that
5 accommodates pedestrians, bikers, as well as the
6 possibility of eliminating the traffic that currently
7 turns into the Toys R Us private parking to get back onto
8 the main artery. I'm sure you're all aware of that.

9 Thank you very much.

10 MS. SCOTT: Thank you very much.

11 Mr. Keyser, and then Mr. Gundert will be next.

12 No?

13 We'll move on to Leonard Gundert.

14 MR. GUNDERT: You want me to spell my name?

15 MS. SCOTT: I think we have it. Yeah.

16 MR. GUNDERT: Thanks for letting me speak.

17 I'm just a citizen of Chico. I road my bike over
18 to -- what is it -- Wittmeier Lane, the street in between
19 there, a couple days ago just to kind of check it out.
20 And the first thing that struck me was there were cars
21 parked almost in every conceivable spot up and down that
22 lane. And I don't know if they were from Wittmeier
23 employees or extra overflow stock.

24 But that was something that struck me. And
25 that's something to consider. Where are those cars going

0013

1 to go if that changes in some way, ya know, if there's
2 another exit or entrance put in there?

3 But what I really wanted to raise some
4 questions -- I don't really have as many comments as I
5 have questions. And if the details are in the EIR and I
6 missed them, I apologize.

7 But when I found out about the grocery pick-up
8 feature, that people will be able to order groceries and
9 pharmacy items online evidently, and then drive their car
10 up and have it brought out -- I assume brought out to the
11 car and loaded into the car. And I thought, "Wow. What a
12 great convenience." And then I thought, "Well, wait a
13 minute. What about all the idling cars?" Particularly if
14 it really takes off and is a success. It seems to me that
15 it would be hard to mitigate the idling car problem
16 with -- I don't know how many lanes there are.

17 But that's something I think needs to be looked
18 at. Maybe it already has been, but I want to make sure it
19 gets looked at because you can go on and do lots of
20 research on idling and CO2 emissions.

21 There's the -- the EPA has a program where
22 they're trying to encourage school districts to get their
23 school busses not to idle because of the CO2 emissions.

24 With the Chico Target for 2020, the Chico City
25 Target for reducing CO2 emissions, that Final Action Plan,

0014

1 or whatever it's called, I thought that probably wouldn't
2 be a good idea to have dozens of idling cars waiting for
3 their groceries to be brought out to their cars. But
4 maybe they got that all figured out. I don't know.

5 And there's been studies showing that CO2
6 emissions are worse if you let your car idle for more than
7 ten seconds as opposed to turning it off. And of course I
8 can't see people turning their cars on and off constantly
9 while they advance in line to wait to have their groceries
10 brought out to their car or their pharmacy items.

11 The other thing that I thought was interesting in
12 part of the EIR was the construction emissions impact was
13 not really featured in there. I think the way I read it
14 was that all of the CO2 emissions and environmental
15 impacts on the construction itself were spread out
16 over -- I think a 20-year period or something like that.

17 Anyway, it was -- I don't know what the correct
18 word is -- energized -- or spread out over a period of
19 time. And I thought that was odd to do it that way,
20 because the impact would not be spread out over that
21 period of time. It would be during the construction, and
22 who knows how long that would be.

23 So I think that the construction emissions impact
24 needs to be looked at a little bit from a different angle
25 for the extreme impact that it really could have.

0015

1 Other interesting parts of the EIR, the nearest
2 single-family homes are as near as 330 feet east of the
3 project site. The nearest school is Butte College Chico
4 Center, it's 1,100 feet to the south. And then you have
5 Chapman Elementary School less than 2,000 feet to the
6 northwest.

7 And I think it's worth asking, would you send
8 your child there to those schools or to Chapman School
9 knowing that air quality would be affected in such a way,
10 not only from construction, but from the idling?

11 And that's all I have. Thank you.

12 MS. SCOTT: Michael Riley and then Chris Nelson.

13 MR. RILEY: Good evening, counsel.

14 My first recommendation would be on the
15 Forest Avenue frontage, that they provide a complete bus
16 pullout, so the local bus system will get completely out
17 of the way of traffic, which would then help prevent
18 traffic buildup behind them, and your air quality, if you
19 worry about that. They've got to give up a couple of
20 spaces for parking inside the parking lot for that.

21 Now, I really do support the project. I would
22 like to see a stronger accounting for what we've lost, if
23 it's been done, nine years ago or eight years ago. The
24 property taxes that we've lost every year; the school
25 taxes that were being paid; the building taxes that were

0016

1 being paid; the park fees that were being paid. So we've
2 lost over the last six, seven years, because this project
3 was not put through originally, and where are the benefits
4 with this one coming from? What tax benefits will the
5 schools benefit each and every year? Plus on top of the
6 school fees they're getting for the construction, the park
7 fees for all the construction, the roadway fees on the
8 construction, and then the annual revenue.

9 I've got to tell you, when I was on United Ways
10 Board for roughly 20 years, Wal-Mart, their employees, who
11 everybody says we're under paid, were some of the most
12 giving members of our community. Giving from every one of
13 their paychecks, be it a dime, be it a quarter, be it a
14 dollar. When there's an emergency and we needed funding,
15 Wal-Mart managers would come forward and provide us what
16 we needed for the community.

17 So again, I see additional employees being
18 employed by Wal-Mart that the community can benefit even
19 further from this.

20 Thank you.

21 MS. SCOTT: Thank you.

22 Chris Nelson, then Loreta Torres.

23 MS. NELSON: Good evening. I don't see the
24 timer. Is it up there somewhere?

25 MS. SCOTT: I'm not sure it's working, but I'll

0017

1 let you know when --

2 MS. NELSON: Okay.

3 So I didn't have -- the Draft EIR is, you know,
4 very long. Some of the things it seemed to me is that
5 this EIR, No. 1, is inconsistent, inadequate and
6 inaccurate. I know that Carbon Solutions is a trade
7 organizations for Wal-Mart. They do all of their EIRs.
8 And therefore they kind of have a cookie-cutter approach.
9 But there are inconsistencies in there that are very
10 important.

11 And, also, before I say that, in case I forget, I
12 want to make sure all of you review the 2008 comments in
13 the last EIR. Because some of the things, like the man
14 said, I can remember him saying the same thing the last
15 time this came up about how great Wal-Mart is and his big
16 yahoo for Wal-Mart.

17 So anyway, I hope you'll review all of that
18 please.

19 Anyway, what I wanted to say is that in terms of
20 traffic, I was glad the man from Oxford Suites got up.
21 Because I was trying to figure out in my own mind how
22 traffic would be routed through the Toys R Us. It's the
23 most ridiculous and ineffective way to route traffic. And
24 it's already in place, and there's no plan to change it
25 from the looks of things.

0018

1 So anyway, they make it look as if it's all
2 acceptable as it is. They give it like Bs and Cs. And,
3 actually, I would say, you know, from having driven it
4 over the years living in Chico, it's so inadequate as it
5 is now. I just can't imagine how they came up with their
6 traffic surveys. And as he said, it was done over a very
7 short period of time.

8 But they say -- so they're supposed to pay their
9 fair share on this.

10 "Paying fair-share fees would partially mitigate
11 the impact, but the impact would remain potentially
12 significant and unavoidable because the timing of physical
13 intersection improvements cannot be guaranteed to occur
14 prior to the future traffic volumes that would cause the
15 intersection to operate at an unacceptable level of
16 service."

17 So this is vague; it's alarming. And how much
18 are we willing to put up with so they can have these huge
19 profits?

20 And the other part of that is that I'm very
21 concerned about the future. I'm very concerned about our
22 Climate Action Plan here in Chico. I think to be good
23 stewards of this earth, we have to cut back on fossil fuel
24 use. We don't want to have all these extra fuel stations.

25 They state in there, "Moreover, as demonstrated

0019

1 in the analysis, new market area demand for gasoline sales
2 will more than exceed the anticipated Wal-Mart fuel
3 station gasoline sales. Thus, any potential for sales
4 diversions throughout the market area will be more than
5 offset by additional new demand generated by the time the
6 project achieves its first full year of operations."

7 So what about our carbon action plan, you know?
8 Where are you submitting that in? Where's the mitigation
9 on all the -- the speaker before me talked about his
10 concerns about idling cars. And there's all these extra
11 cars. You know, they don't talk about buying solar or
12 buying diesel pumps, or anything like that. This is
13 business as usual for the (inaudible.) It's very, very
14 alarming.

15 Lastly, I want to talk about retail. They say
16 that the local retail can absorb a 3 percent cut.
17 However, then in another place on page 64 of the -- I
18 forget what it's called. For the section on the appendix
19 it says:

20 "Alternatively, if no offset is considered for
21 market fluctuations, the effect on grocery store vacancy
22 could equate to 43,500 square feet of space, which is more
23 consistent with the size of a full-service grocery store.
24 For the sake of preparing a conservative analysis, it is
25 assumed that about 60,100 to 80,500 square-feet of retail

0020

1 space could experience closures in Chico as a result of
2 the cumulative projects."

3 After they talked on and on and on about there
4 wouldn't be an affect on retail, then they state this. So
5 I really feel that it's, you know, poorly done. And it's
6 very difficult to follow because it's huge.

7 And you just have to watch out for what you're
8 getting into, because in the -- there is a -- I sent you
9 today this "Why Local Matters" thing. And it's about how
10 local businesses often always, in fact, through all the
11 studies that they've done, they give a greater share of
12 every dollar to the local economy, they create local
13 (inaudible), they invest in their employees, they're there
14 during economic downturns, they bring higher income growth
15 and lower levels of poverty. It's just generally better
16 for local uses.

17 So I hope that you won't approve this Wal-Mart.

18 Thanks.

19 MS. SCOTT: Thank you.

20 Torres?

21 MS. TORRES: Now, for several years in a row I
22 have sat in front of Wal-Mart to register people to vote
23 and given them information. And as they went by, one out
24 of every three persons using Wal-Mart told me, "No, we
25 don't live in the city. We're coming out from Tehama and

0021

1 north."

2 They didn't live in Butte County. So I'm
3 thinking in terms of Wal-Mart's impact, and their revenue
4 to our state, which we all know needs the revenue. They
5 have lunch when they come to town. They don't just come
6 to buy groceries at Wal-Mart, they buy gas, and of course
7 they can buy gas wherever they want and find it cheapest.
8 And they buy other items.

9 A Wal-Mart that is bigger will attract more
10 revenue in my opinion. And we, again, need revenue.

11 There are plans in the pipeline to build 400
12 homes within two miles east of the Wal-Mart parking.
13 Those occupants, some from low income housing, which are
14 included in those plans, will be also needing additional
15 places to buy their food at lower prices.

16 MS. SCOTT: Ms. Torres, can I --

17 MS. TORRES: Okay. Now I'm going to get to
18 the --

19 MS. SCOTT: Okay. Thank you.

20 MS. TORRES: I had this all planned. Excuse me.
21 I didn't realize we were going to be passed around here.

22 I did read the EIR, by the way. And improvements
23 must be carefully planned. And I agree that you are
24 watching this very carefully, but I have seen over the
25 last few years all of the planning that has already gone

0022

1 into this, all the discussions that have gone into this,
2 and the improvements and back and forth, trying to find
3 mitigation for the traffic offsets.

4 And I believe these traffic offsets will be
5 improvements, at least to the south side where there's
6 nothing but a barren field of weeds.

7 Chico is growing, and growth is excellent. I
8 hope you will approve this plan and send it on to the city
9 counsel.

10 Thank you.

11 MS. SCOTT: Thank you.

12 First, I think I heard from Ms. Torres on the
13 impact to urban decay and those being positive.

14 MR. DERISH: Hi, my name is Seth Derish, and
15 thank you for having me tonight.

16 I'm on the Board of Directors of the Butte
17 Environmental Counsel, but I'm not here officially for the
18 Board, because we haven't taken a position yet for the
19 Wal-Mart plan.

20 The proposed Wal-Mart Super Center, first of all,
21 has thousands of new daily vehicle trips to an already
22 congested traffic road, making for unnecessary traffic
23 gridlock. This will become much more hazardous for
24 bicycle riders in the area.

25 According to the Draft EIR for the project, it

0023

1 was proposed that 2 percent of the strip mall will
2 contribute two trips to the segment between 99 and 32, and
3 East 20th Street. So that will operate at unacceptable
4 levels. And even feasible mitigation measures that
5 Wal-Mart may propose lessen the severity of impacts would
6 be significant and unavoidable.

7 The very minimal part-time jobs that the Wal-Mart
8 expansion would arguably create will be offset by the
9 significant net job losses and sales tax revenues lost
10 that the other community will face when Wal-Mart puts out
11 other grocers, and several of our "mom and pop" stores out
12 of business, because they can't compete with Wal-Mart's
13 low employee wages and tax-subsidized benefits, and
14 cheap-bulk foreign goods.

15 Published reports indicate that Wal-Mart's low
16 wages have full-time employees seeking public assistance.
17 These people are working physical, often difficult jobs.
18 They receive 2.66 billion in government health each year,
19 including one billion in health care assistance. That
20 works up to about \$5,815 per worker or \$420,000 per store.
21 These were from studies from 2013.

22 We know the impact this store has on the already
23 over-burdened homeless assistance program in Butte County.
24 We already have five full-service grocery stores near the
25 proposed new center, and several small grocery and

0024

1 convenient stores. We need to know what the low-quality
2 full-service grocery store has done for our small
3 community.

4 In regards to solar power, I did not see any
5 plans for the solar power in the EIR. Although Wal-Mart
6 states in their own corporate documents that they are
7 committed to making a real difference by working to create
8 economic opportunity enhancements, sustainability of
9 operations, as well as assistance with operating in
10 strange and local communities.

11 Finally, in terms of the economic impact issue,
12 the consultant conducted the bare minimal urban decay
13 study required, and did not account for the cumulative
14 impact for the proposed super center of clientele on all
15 the grocery and similar retail stores in the area.

16 The fact that Food Maxx will likely close if this
17 project is approved in October is not made now. We should
18 ask a more comprehensive impact study be conducted that
19 takes into account a very real negative impact the project
20 would have on several existing local businesses and jobs.

21 Thank you.

22 MS. SCOTT: Thank you.

23 Bill Helmer?

24 MR. HELMER: My name is Bill Helmer. And thank
25 you for the opportunity to speak at this public hearing.

0025

1 One thing that I noticed that was missing from
2 the Draft EIR, which it absolutely should be in there, is
3 some background of the past projects. Because this is
4 another iteration of a previous project, or the projects
5 going back to 2002.

6 The Draft EIR in 2006 listed, at that time, what
7 was previous. From 2002 there was a lawsuit, there was a
8 whole history of what went on. And this project is an
9 expansion of Wal-Mart; the previous one was an expansion
10 of Wal-Mart. A fuel station, the past 2009 was a fuel
11 station; this one is a fuel station. And then two parcels
12 with retail or restaurant space in 2009; this one, the
13 same thing.

14 So essentially it's another iteration of the same
15 project. And yet when you read the EIR, there's
16 absolutely no reference to what went on before. And I
17 think it's very important to know that history.

18 And that's why I wanted to make -- actually not
19 discussion, but to request that all the past documents,
20 the relevant documents on all these proposals of Wal-Mart
21 be placed in an electronic form on the Planning Service
22 Web site so people can have this referenced.

23 Can that be done?

24 MS. SCOTT: The Planning Staff can't answer your
25 question right now, but we'll record it in the public

0026

1 hearing, and then you can ask them afterwards or we can
2 address it in the final comments for final EIR.

3 So there can't be dialogue right now, but we'll
4 certainly address your question.

5 MR. HELMER: Okay. Yeah, it has to be before.

6 I'm not used to this, because where I came from
7 in Inyo County, all the public hearings before the
8 Planning Commission, always there was interaction with
9 staff.

10 MS. SCOTT: And this is new for us too, and just
11 because it's a special public hearing just to receive
12 comments on this. So any other public hearing, our city
13 and staff are willing and very readably able to answer
14 questions. But just the unique on this --

15 MR. HELMER: Okay.

16 Just a clarification there, these were for Draft
17 Environmental Impact Reports before Planning Commissions
18 for Inyo County. Staff would clarify -- they would
19 clarify positions, so that you could clarify, "Well,
20 what's this? And what does this mean?" So you can make
21 more coherent comments.

22 So I actually like that, because just saying it
23 would be nice to have a public hearing to say, "Yeah, I
24 think we can do that." But hopefully I could call you
25 tomorrow to see if that was placed on the Web site.

0027

1 MR. SAWLEY: Yes, I have a stack of cards in the
2 back. And anyone can grab one and contact me at any time.

3 MR. HELMER: Okay. That's great.

4 I wanted the Planning Commission to know that,
5 too, to have that past history, it's really important.
6 I'm a little disingenuous just to see this, because if
7 there's no history, it really means a lot.

8 And one of the points where it really means a lot
9 is actually according to CEQA. CEQA Guideline Section
10 15123.2, which is something that should be in the
11 summary -- it's areas of controversy -- under areas of
12 controversy. It should be in the summary.

13 And I quote, areas of the controversy -- this is
14 what shall be in the EIR, Draft EIR -- areas of
15 controversy known for the lead agency, including issues
16 raised by agencies and the public.

17 Now, as everyone knows, the past proposals for
18 Wal-Mart were very controversial. So rather than just
19 kind of boiler plate what's in a CEQA Guideline's
20 checklist, the obvious area of controversy is expansion of
21 Wal-Mart itself. So that's where it really needs to be
22 addressed as an area of controversy in that summary. So
23 that's something I would like to see.

24 And also there's a number of impacts, I think,
25 that -- just to shorten it here -- the traffic impacts

0028

1 seem to be a little bit glossed over. I'd like to see
2 more details of exactly what's going to happen to
3 East 20th Street, Forest Avenue, the intersections, and of
4 course the huge problem with Business Lane and Baney Lane.
5 They really haven't been dealt with in this Draft EIR.

6 As the person from Oxford Suites stated, there's
7 real problems with those private roads. And yet if you're
8 coming off 99 going south into Wal-Mart, that's what you
9 take to get there.

10 And so if you have this expansion -- and it's
11 also nearly 16,000 square feet more than the 2009
12 expansion. So we're talking a larger project, not a
13 smaller project. Because the retail section goes from
14 5,000 in 2009 to 52,000. Even though the Wal-Mart itself
15 is reduced, the two retail restaurant proposals have been
16 expanded.

17 And so a lot of that is just not dealt with. And
18 also I'd like to see -- there doesn't seem to be any
19 improvement from the proposals in 2009 to now. Like, what
20 have they done to try to make it better, this project?
21 And it doesn't seem to me -- a previous commenter stated
22 about solar. The Chico Climate Action Plan recommends
23 solar, and yet -- solar in parking lots. That was not
24 done, even though that's recommended.

25 So there were lots of things that could have been

0029

1 done and that weren't.

2 And just lastly, I would like to see in the
3 alternatives a reasonable alternative that has an --
4 besides the no-project alternative -- that has some
5 alternative that has all impacts reduced to a less than
6 significant level.

7 The alternatives, besides no-project alternative,
8 that are now, all have unavoidable significant impacts.
9 It seems to me it's reasonable to have an alternative
10 reduced to less than significant.

11 And that could possibly be the retail restaurant
12 expansion without the expansion of Wal-Mart or the gas
13 station, and it still meets a retail objective. But
14 something in there to give the public a chance, "Well,
15 maybe we can deal with this that won't have all these
16 traffic impacts and impacts to air and greenhouse gas
17 emissions, and we can have an alternative that's less than
18 significant."

19 So thank you very much.

20 MS. SCOTT: Thank you, Mr. Helmer.

21 Mr. Nickell?

22 MR. NICKELL: It's great to see you.

23 MS. SCOTT: You too. It's weird to see you on
24 this side.

25 MR. NICKELL: I apologize for my voice, it will

0030

1 come in and out. It's from surgeries. So if you start
2 laughing, I don't care. It doesn't hurt my feelings.

3 My name is Tom Nickell, N-i-c-k-e-l-l. I'm a
4 former City Counsel member and Vice Mayor of the city of
5 Chico, and I was on the City Counsel on the first Wal-Mart
6 project.

7 Right, Brendan and Mike?

8 MR. SAWLEY: Affirmative.

9 MR. NICKELL: No, I love you guys. You guys are
10 awesome.

11 This new project on the EIR really hasn't changed
12 anything in terms of what I saw back when I was on
13 counsel, to be honest with you.

14 The fact is is that there's no really economic
15 study done. We did an economic study with Dr. Gallow from
16 Chico State. And the problem is when they were talking
17 about not affecting jobs in the community and everyone is
18 physically responsible, etc., at that point in time what I
19 did -- and because the report originally said 150 new
20 jobs, minimum wage jobs.

21 At the final vote -- I was the swing vote -- that
22 the final report that I was given and the counsel was
23 given, was they said 75. And when I confronted the
24 Wal-Mart representative, I said, "So how many jobs are we
25 going to have?" She says 150. So I raised the report

0031

1 during the meeting and I said, "Well, the final report
2 that you're telling us is only 75."

3 What I did, because I was retired from the
4 California Highway Patrol, is I went to Food Maxx, Costco,
5 all those places, and the fact is is that the project
6 would eliminate 268 jobs, well-paying jobs. These are
7 people buying houses, buying cars, buying appliances,
8 sending their kids to private schools, whatever. This was
9 not a minimum wage.

10 I actually interviewed three people who worked at
11 Wal-Mart, and they said, "We make minimum wage. We don't
12 get raises unless we're management." And the fact is I'm
13 looking at a system where during my ten-year on the city
14 counsel, we were in a recession, the worst recession in
15 the United States --

16 MS. SCOTT: Tom, the city attorney is going to
17 come after me if I don't ask you to focus on the Draft EIR
18 comments.

19 MR. NICKELL: Okay. Sorry.

20 MS. SCOTT: So let's focus on the urban decay and
21 the number of jobs and salary on that. So comment more on
22 that. And let's continue if you have anything else on the
23 Draft EIR.

24 MR. NICKELL: Well, the Draft EIR, you talked
25 about traffic mitigation, 25 years on the Highway Patrol,

0032

1 Caltrans has not had the money to make any improvements on
2 SR-99. They have no money. The last money they had was
3 on the East First Avenue three-lane improvement. The next
4 project that they're going to have is going to be SR-99
5 and 149 to bring another three lanes up to Highway 70.

6 The fact is is that there's no mitigations
7 whatsoever on 20th Street, all the way to Skyway or
8 whatever, and it's going to cost millions of dollars. The
9 city does not have the money to do that project. We're
10 talking years. We're talking at least ten years.

11 And I'm talking about the Draft EIR. And the
12 fact is you're going to have big-rigs that are going to
13 sit idle, running their compressors to keep their food
14 cold all night long.

15 So the gentleman at the Oxford Suites made a
16 great point; they're going to sit there and idle. And I
17 don't know if you guys have ever sat there and listened to
18 a compressor from a big-rig, after 25 years it's very
19 noisy.

20 And the fact is is that in the EIR, the economic
21 study, and I'll bring this forward, is that from your
22 protege, Jennifer Cline, they talk about EIR finds
23 Wal-Mart expansion likely won't harm the economy. Well,
24 "likely" means it might happen or it might not, or
25 anything like this.

0033

1 So anyway, to get that done and being in the
2 highway patrol is that there's no money. There's no money
3 for these mitigation impacts on the 99 or anything on
4 Park Avenue, 20th Street or anything in this city. There
5 is no money, no plans, no nothing. And the fact is
6 they're going to make expansion that is going to make more
7 congestion which is already there.

8 Bob, you awake? I got to give you a hard time.
9 I love you so much.

10 But the fact is you're going to have people
11 idling their cars, gas stations, etc. There's no
12 mitigations whatsoever, and the fact is -- I'm going to
13 stop rambling, because you guys have bigger --

14 And by the way, B tag (phonetic) has no money to
15 put a transit center in there. Because when I was on the
16 city council, we were looking at more like Skyway and
17 Bruce Road to get, because it was easier for them to
18 access the Paradise area, which was the main reflection.

19 And thank you very much for your time. It's
20 always great.

21 MS. SCOTT: Thank you. I hope you come back and
22 visit us.

23 MR. NICKELL: Oh, I will. I apologize for my
24 voice. But, you know, with surgeries.

25 MS. SCOTT: Mr. Kelley and then Ms. Faith.

0034

1 MR. KELLEY: Good evening, commissioners. I'm
2 Dave Kelley.

3 I took an eight-year run on the Planning
4 Commission, and it was a lot of fun, and I was a Chair
5 during the Wal-Mart hearing, what, 10, 12 years ago. I
6 was expecting a packed house tonight.

7 And during the time I was on the Planning
8 Commission, there were two nights of testimony until 11
9 o'clock or midnight, and then two nights of deliberation.
10 And there was a lot of controversy as some people said in
11 here.

12 And I think the world has changed a lot between
13 then and now. Back then they called them activists and
14 nowadays they call them haters. I think there's a lot of
15 people that hate Wal-Mart that use this to get their
16 agenda across. Well, that's not really -- your
17 jurisdiction here is land use; purely land use. That goes
18 on to city counsel. I have moral considerations for
19 Wal-Mart.

20 I think if you look next to -- the lot next to
21 Wal-Mart, if there was a Dollar General store going in and
22 a Buffalo Wild Wings, this place would be empty. It's
23 just retail. That land has always been designed for
24 retail. People are always going to drive there. They're
25 going to drive there now.

0035

1 If you look at the 2030 General Plan that I was
2 involved with the whole time, I was here for four years,
3 they assumed an increase growth rate at 2 percent
4 population each year. Now, Chico is never going to grow
5 at that rate. It's more like one-and-one-quarter percent.

6 So all this growth coming, whether it is
7 Buffalo Wild Wings, Dollar General, Wal-Mart, have already
8 been factored into the town. You would have to take into
9 account traffic, climate control and climate change,
10 things like that. But this really isn't rocket science.
11 This is land use. It's people buying retail.

12 So I'm hoping to make sure you stay focused on
13 the land-use factor and not wrapped up in the moral
14 reasons one way or the other. That's city council's
15 priority or prerogative.

16 Thank you.

17 MS. SCOTT: Did you have a specific comment in
18 there on the EIR, Mr. Kelley? No? Okay.

19 Kathy Faith then Dan Everhart and Grant Parks.

20 And anyone who is coming in late, I just want to
21 remind you, we are only taking comments on the Draft EIR.
22 So any comments on the merits of the project, we ask you
23 to save those for a future hearings.

24 MS. FAITH: Faith, like "keep the faith."

25 I did not read this document, but I have been

0036

1 here through the history the people were talking about
2 that some of you seem to have been through.

3 And I don't have a specific comment, but as
4 I'm -- I'm a little concerned. You're city staff. I'm a
5 little concerned that it seems like you're already on
6 board. I guess you're supposed to present this, but I'm
7 confused by that. Because when I was listening, it just
8 seemed like -- I don't know. We'll just leave that up for
9 grabs.

10 But I'm a little concerned. But I'm hoping that
11 you're really taking things in that people are saying,
12 because it is important.

13 But my concern is in general the nature of how
14 Wal-Mart has done this EIR. Because in listening to what
15 people are saying -- again, I didn't read it -- but it
16 seems that it's not just disingenuous, it's duplicative.
17 And I would like you to go into that as much as possible
18 to see where things are.

19 MS. SCOTT: Thank you.

20 Mr. Everhart?

21 While we're getting that, why don't we have
22 Mr. Parks join us.

23 MR. PARKS: Ladies and gentlemen, my name is
24 Grant Parks.

25 In regards to the Draft EIR document, we're

0037

1 trying to make the Wal-Mart 55,000 feet bigger, bringing
2 it to a total of about 197,000 feet. That's almost
3 33 percent bigger. Unless the growth for the goods and
4 products that Wal-Mart sells, it's very likely that it
5 will impact local businesses. So please consider that in
6 your revision.

7 Recently a Wal-Mart expansion was made in
8 Red Bluff, California. Now, when it's a Wal-Mart
9 expansion, they didn't just make it like in addition to a
10 house where they put new stuff onto the existing building;
11 they built a whole new Wal-Mart. So now when you drive
12 down the street, there's an empty Wal-Mart next to a fully
13 functioning huge Wal-Mart.

14 It seems redundant. And I would hope that the
15 extra parcels of land that are purchased, that that does
16 not happen if this plan does go through. So please revise
17 that on your revision of the EIR.

18 And lastly, public transit in Chico isn't used
19 very often. Residents of Chico rarely use it. Students
20 who you would think would use it more to get to
21 Butte College campuses and as well as the adjacent
22 apartments in the proximity do not use it either.

23 So I do not believe that creating a new fancy bus
24 stop near the Wal-Mart and near the school is going to
25 increase the overall public transit in the county.

0038

1 Thank you very much, and please consider my
2 thoughts when doing the EIR revision.

3 MS. SCOTT: Thank you.

4 And Mr. Everhart?

5 MR. EVERHART: We rely on business labor, the
6 grow process, manufacturing necessities. Most luxuries,
7 because of the economy, are provided by centralized
8 production, and made possible by inexpensive fuel, which
9 allows long-distance transportation to be more lucrative
10 than local alternatives.

11 Extracting, burning and buying cheap, dirty, fuel
12 requires more centralized production for our environmental
13 segregation, which includes heating up our climate.

14 I'm curious about the carbon impact of shipping
15 more jobs to China, shipping more goods from China to
16 Chico. Apparently the EIR points out that they expect
17 added fuel demand as they go -- as the expansion goes into
18 place. So I'm curious how much of that is people driving
19 from even farther, as Ms. Torres said, to Chico in order
20 to buy stuff at Wal-Mart.

21 And besides the fact of the locals, if you're
22 pointing to where the carbon offsets are that are
23 offsetting the extra carb, which will be used by these
24 other impacts, I'd appreciate it.

25 Thank you.

0039

1 MS. SCOTT: Thank you.

2 And I think that is it. Do we have any more?

3 No.

4 Okay. So with that I will close the public
5 hearing.

6 I just want to say thank you to everybody. I
7 really appreciate you coming down and giving your
8 testimony tonight.

9 Just as a reminder, if you could also send in
10 your written comments. Mr. Sawley has those business
11 cards in the back. So those have his e-mail address on
12 there and phone number.

13 But we're still accepting comments until
14 August 1st, and really do want to have a strong final EIR.
15 So any specific comments you can give to that, I
16 appreciate.

17 Thank you for going through this document and
18 really caring how Chico looks in the future.

19 So with that, I'll bring it back to the
20 Commission and we'll go to Item 5, regular agenda; there's
21 none.

22 Item 6 is business from the floor. Members of
23 the public may address the Commission at this time on any
24 matter not already listed on the agenda. You can't talk
25 about the Draft EIR. With comments being limited to three

0040

1 minutes. The Commission cannot take any action at this
2 meeting under this section of the agenda.

3 Is there any business from the floor? No? Okay.

4 Item 7, reports and communications, and Item 7.1
5 is a planning update.

6 MR. VIEG: I have nothing planned.

7 MS. SCOTT: Great. We'll move to Item 8;
8 adjournment.

9 Thank you.

10 (Whereupon the meeting adjourned at 7:36 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0041

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss
COUNTY OF SACRAMENTO)

I, JILLIAN M. SUMNER, a Certified Shorthand Reporter, licensed by the state of California and empowered to administer oaths and affirmations pursuant to Section 2093 (b) of the Code of Civil Procedure, do hereby certify:

That the witness was present at the time and place herein set forth and was by me sworn to testify as to the truth;

The said proceedings were recorded stenographically by me and were thereafter transcribed under my direction via computer-assisted transcription;

That the foregoing transcript is a true record of the proceedings which then and there took place;

That I am a disinterested person to said action.

IN WITNESS WHEREOF, I have subscribed my name on July 27, 2016.

JILLIAN M. SUMNER
Certified Shorthand Reporter No. 13619

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

August 4, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None

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

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

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

3. CONSENT AGENDA

3.1 Approval of Minutes

July 21, 2016 Minutes

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

4. **PUBLIC HEARING ITEMS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Scott called for a motion.

Discussion continued with the Commission.

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

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

Commissioner Worley seconded the motion. Discussion continued.

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

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

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

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

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

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

5. **REGULAR AGENDA**

None

6. **BUSINESS FROM THE FLOOR**

None

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

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

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

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

8. **ADJOURNMENT**

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

8/27/16
Date Approved



Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
August 18, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the August 18, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, September 1, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: August 11, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF

September 1, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Cynthia Arregui

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

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

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

3. CONSENT AGENDA

None.

4. PUBLIC HEARING ITEMS

4.1 Development Agreement 15-01, Rezone/Neighborhood Plan Amendment 15-06 and Architectural Review 15-17 (Chico Scrap Metal) APN 005-450-014, 005-450-030, 005-422-009, 005-422-013 and 005-422-017- A proposed rezone (Municipal Code text amendment), architectural review, and development agreement for a 2.02 developed site containing Chico Scrap Metal. The proposal includes: 1) Text amendments to Title 19 of the Chico Municipal Code and the Chapman/Mulberry Neighborhood plan removing the amortization language, 2) On-site improvements, including, but not limited to, few fence along E. 20th and E.16th Street, customer and employee parking lots, landscaping, façade remodel to existing structures and lighting, 3) Development agreement which would govern

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

Community Development Director Mark Wolfe provided the staff report.

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

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

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

Chair Scott opened the public hearing at 6:55 PM

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

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

Noel Tapia, Assistant City Attorney, clarified that the Development Agreement could be terminated in three ways: 1) voluntarily (both parties agree to terminate it); 2) through Municipal Code Chapter 19.14, if it is declared a nuisance; or, 3) if there is a specific violation of any of the

conditions in the Development Agreement. Mr. Tapia stated that it could not be terminated simply because the City no longer wanted that land use on the property.

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

Chair Scott reconvened the meeting at 8:00 PM

Discussion continued among the Commissioners.

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

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

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

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

5. REGULAR AGENDA

None

6. BUSINESS FROM THE FLOOR

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

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

7. REPORTS & COMMUNICATIONS


7.1 Planning Update

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

8. **ADJOURNMENT**

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

October 6, 2016
Date Approved



Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
September 15, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the September 15, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, October 6, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: September 8, 2016

Distribution:

Post: Council Chambers

Post: Website

Via Email

Commissioners

City Council

City Manager Orme

ACM Constantin

CDD Wolfe

ACA Jared

SDE Johnson

Agenda E-Subscribers

Department Heads

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

October 6, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None.

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

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Several Commissioners stated they had driven by the site, some had discussed the project with staff and Chair Scott stated she had an email exchange with a private citizen.

3. CONSENT AGENDA

Commissioner Worley moved to approve the minutes from August 4, 2016 and September 1, 2016, Commissioner Rensink seconded the motion, which passed, 7-0.

4. PUBLIC HEARING ITEMS

4.1 Chico Walmart Expansion Project (PM 15-02, AR 15-16, UP 15-10 and UP 15-12) 2044 Forest Avenue, AP Nos. 002-370-055, 002-370-057 and 002-170-004

A proposed parcel map, design review and use permits that would facilitate the following development: (1) expansion of the existing Walmart store by up to 66,500 square feet; (2) development of an eight-pump fuel station (16 vehicle fueling

positions) with a 1,500-square-foot kiosk; and (3) creation of two out-parcels with a combined development potential of 52,000 square feet of commercial uses (retail or restaurant). Following the land division, the Walmart store/fuel station parcel (Parcel 1) would total 21.88 acres, Parcel 2 would be 2.63 acres, and Parcel 3 would be 2.57 acres. The parcel map includes relocation of several public utility and public access easements and associated improvements (sanitary sewer, storm drainage, water, utilities, and public bicycle path). The site is designated Regional Commercial on the General Plan Land Use Diagram and is located within the CR (Regional Commercial) zoning district. The site is also located within Regional Center Opportunity Site #10 (East 20th Street), as established by the General Plan. In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared by the City to consider potential impacts associated with implementation of the project, and to provide mitigation measures that would reduce impacts to less than significant levels. The Draft EIR (State Clearinghouse Number 2015102017) was released for a 45-day public review period beginning on June 17, 2016 and ending on August 1, 2016. During the review period a public meeting was held to receive oral comments on the adequacy of the Draft EIR. A Final EIR was released on September 9, 2016, which included all comments received during the public review period, City responses to issues raised regarding adequacy of the Draft EIR, and minor edits to the Draft EIR.

Associate Planner Sawley provided the staff report. Grant Gruber, the City's Environmental Impact Report consultant from FirstCarbon Solutions provided an overview of the Environmental Impact Report prepared for the project.

Commissioner Bennett complimented Associate Planner Sawley and staff on the completeness and level of detail in the report and thanked them for their hard work to bring the project before the Commission.

Commissioners asked for clarification regarding mitigation measures, urban decay, and tree surveys/inventory and replacement. Commissioners also inquired about the placement of power lines and why it was considered "infeasible" to put them underground. Associate Planner Sawley explained that they are high voltage lines that have special requirements to place them underground, which makes that task cost prohibitive.

Commissioners asked for clarification regarding the City's jurisdiction over Business Lane and Baney Lane. Associate Planner Sawley stated that those streets are both private and that the Planning Commission and City do not have jurisdiction over those streets. Assistant City Attorney Tapia clarified that the Commission cannot require mitigation to address issues on private property

not entitled in the project. Those issues would need to be negotiated by the private parties involved.

Associate Planner Sawley clarified that for the purpose of the environmental review, the traffic study assumes full build out of the General Plan Diagram by 2035.

Commissioners inquired if Cal Trans had any plans to improve Highway 99 through Chico. Public Works Engineering Director Brendan Ottoboni stated that those types of projects fall under the City's development fees to help mitigate impacts. These will be City projects on Cal Trans facilities.

Commissioners asked for further clarification regarding traffic mitigations at the East 20th Street and Forest Avenue intersection and air quality mitigations on-site and off-site. Staff stated that the short term mitigation will address traffic now but long term there are capital improvement projects slated for that area.

Commissioner Scott verified that architectural review was part of the approval process.

Chair Scott opened the public hearing at 7:25 PM.

The public comments began with Amelia McLear and Tiffany Wilson presenting and answering questions from the Commission on behalf of the applicant. Commissioners inquired about the drive thru personal shopper service that is proposed with the project. They also inquired about the late amendment to the map that would direct truck traffic to Wittmeier lane for unloading, and the number of truck deliveries expected with the expansion. Commissioners inquired about the number of employees and the ratio of part-time to full-time employees.

Chair Scott called for a recess at 7:50 PM.

Chair Scott reconvened the meeting at 8:00 PM

The following members of the public addressed the Commission: Joan Gulla, Wyatt Barris, Janice Revilak, Maureen Welch, John Revilak, Marjorie Williams, Lisa Roehling, Kim Turner, Katie Simmons, Dan Everhart, Robin Cook, Tom Nickell, Seth Derish, Ben Perle, Aaron McKinney, Roger Beadle, Martin Schwabe, Woody Elliot, Russ Erickson, Shane Mortensen, Mah Love, Blake, Coreen Curtis, Mercedes Macias, Tanya Cranmer, Angela Casler, and Alex Merritt.

Public comments included support for the project and the opportunities the expansion would bring to the area. Public comments in opposition of the project included concerns for the increase in traffic, air quality, possible loss of jobs, parking lot trees, and general discontent with Walmart as a company.

Chair Scott closed the public hearing at 9:10 PM.

Discussion continued among the Commissioners regarding the proposed land use entitlements and environmental impacts.

Commissioner Evans moved that the Planning Commission adopt Resolution No. 16-11, certifying the adequacy of the Final EIR. Commissioner Bennett seconded the motion which passed 5-2 (Howlett & Worley opposed).

Commissioner Evans moved that the Planning Commission adopt Resolution No. 16-12, making certain findings regarding environmental effects and mitigation measures, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring Program. Commissioner Bennett seconded the motion which passed 5-2 (Howlett & Worley opposed).

Commissioner Evans moved that the Planning Commission adopt Resolution No. 16-13, conditionally approving the revised Parcel Map 15-02, Use Permit 15-10, Use Permit 15-12, and Site Design and Architectural Review 15-16. Commissioner Rensink seconded the motion which passed 5-2 (Howlett & Worley opposed).

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**


7.1 **Planning Update**

Principal Planner Vieg stated staff has been working on the 5-Year General Plan Review. He hopes to have the report out and available for community review in mid-November so there is adequate time for review. The target date is December 15th for the 5-Year Review to come before the Planning Commission. Principal Planner Vieg stated that the report will include recommended changes to Title 19, General Plan rezones, and General Plan text amendments. The report will also contain the Sustainability Indicators Report. He expressed his goal is to have the proposed changes in a format that is easy to review and understand.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 9:51 PM to the **Regular Meeting of Thursday, November 3, 2016.**

10/27/16
Date Approved


Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF

October 20, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None.

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Matt Johnson, Senior Development Engineer
 Mark Corcoran, AICP, Senior Planner
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Several Commissioners stated they had driven by the site. Commissioners Arregui, Howlett, and Evans stated they had spoken with staff regarding the project. Commissioner Bennett stated he is familiar with the project because he sat on the Architectural Review and Historic Preservation Board as the alternate member when this project was presented for architectural review.

3. CONSENT AGENDA

Commissioner Evans moved to approve the minutes from October 6, 2016, Commissioner Rensink seconded the motion, which passed 7-0.

4. PUBLIC HEARING ITEMS

- 4.1 Lava Ridge Apartments (PDP 16-01 and AR 15-34) A Proposed Planned Development Permit and Architectural Review of a multi-family residential complex on an undeveloped 4.97 acre site located approximately 1,200 feet easterly of the intersection of Highway 32 and Bruce Road, APN 018-600-078** –. The residential

complex will include 98 dwelling units contained within eight three story multi-unit residential buildings and one two story multi-unit residential building. The residential complex will also include a single story community center with an adjacent park and swimming pool, a dog park, and all necessary and required site improvements. The site is designated Medium Density Residential on the General Plan Land Use Diagram and is located within the R2-SD2-FDSD (Medium Density Residential with Special Design Consideration Zone 2 and Foothill Development Standards) zoning and overlay zoning district. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposal is within the scope of a previously certified Environmental Impact Report for the Oak Valley project (SCH# 1998032048), and no further environmental review is necessary.

Senior Planner Corcoran provided the staff report.

Commissioner Rensink inquired about the water tank that was approved and required for fire suppression in that area. Community Development Director Wolfe stated that the building permits have been pulled for the water storage tank but staff is unaware of the estimated completion date. He further clarified that the certificate of occupancy would not be granted until the water tank was in place and functioning.

Chair Scott opened the public hearing at 6:40 PM.

Pat Laughlin, the applicant, addressed the Commission and described the project. He stated that after the architectural review, they decided to incorporate all of the suggested conditions into their design. He stated that he appreciated the Board's input and felt it made the project better. Mr. Laughlin responded to questions from the Commission regarding landscaping, soil preparation, green areas, and a recently added kids pool.

Commissioner Bennett inquired about Mr. Laughlin's experience with the Architectural Review and Historic Preservation Board and if he felt the process was useful. Mr. Laughlin stated that he found the process helpful. He like the suggested conditions the Board had made and incorporated them into his project. He stated he found the Board to be knowledgeable and helpful, and believed it improved his project.

Jay Lowe, Garret Laughlin, and Mauricio Morales all addressed the Commission on behalf of the applicant and answered questions regarding the project.

Jay Lowe, NorthStar Engineering stated that the water storage tank is currently under construction. The grading is complete and will take approximately 4-6 months to finish. He also addressed questions regarding water supply and general questions about the challenges of working with the volcanic cap.

Chair Scott closed the public hearing at 6:52 PM.

Discussion continued among the Commissioners regarding the proposed land use entitlements.

Commissioner Howlett inquired about the affordable housing goals and if they would apply to this project. Community Development Director Wolfe clarified that the City's role in affordable housing has changed and it would not affect this project.

Senior Planner Mark Corcoran stated that there was an error in the staff report and that the height of the buildings is not to exceed 35 feet, not 34 feet as stated in the report. He also clarified that all of the buildings are 3 stories not a mix of 2 and 3 stories as previously reported.

Chair Scott Re-opened the public hearing at 6:56 PM.

The applicant responded to questions regarding ADA units, and compliance. He stated that all of the walkways are compliant, all of the ground floor units are either ADA accessible or adaptable, and 5% of the units are ADA accessible.

Chair Scott Closed the public hearing at 6:57 PM.

Commissioner Worley moved that the Planning Commission adopt Resolution No 16-14, approving the Lava Ridge Apartments Planned Development Permit (PDP 16-01), subject to the conditions of approval contained therein.

Commissioner Rensink seconded the motion which passed 7-0.

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe informed the Commission that the City Council passed the Chico Scrap Metal Project. He clarified that the 5-year General Plan review and Sustainability Report is estimated to be presented to the Commission on December 15, 2016.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:00 PM to the **Regular Meeting of Thursday, November 3, 2016.**

Oct 27, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

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

November 3, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None.

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Brendan Ottoboni, Public Workers Director, Engineering
 Brendan Vieg, Principal Planner
 Matt Johnson, Senior Development Engineer
 Mark Corcoran, AICP, Senior Planner
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Several Commissioners stated they had driven by the site.

3. CONSENT AGENDA

Commissioner Evans moved to approve the minutes from October 20, 2016, Commissioner Worley seconded the motion, which passed 7-0.

4. PUBLIC HEARING ITEMS

- 4.1 Montecito Place Map Modification (S 06-05), Montecito Place Subdivision, Located South of Nord Highway and West of Esplanade (APN 006-690-011 and 006-690-012)-Due to a noticing error this item was not heard at this meeting. The item will be re-noticed and heard at a later date.**

4.2 Schill Subdivision Map Modification (S 06-02), Schill Subdivision, a proposed modification of approved Vesting Tentative Subdivision Map S 06-02, Located South of Nord Highway and West of Esplande (APN 006-840-006)

Senior Planner Corcoran provided the staff report. He stated there were errors in the resolution that was sent out with the agenda packet and presented the revised resolution.

Chair Scott opened the public hearing at 6:38 PM.

Bill Webb, the applicant, addressed the Commission. He explained the modification and reasoning behind the request.

Commissioner Rensink inquired if any of the bicycle groups had been notified or provided comments regarding this modification process. Principal Planner Vieg stated that staff had not specifically notified any of the groups but the modification is consistent with the update of the City's Bike Master Plan.

Chair Scott closed the public hearing at 6.41 PM.

Commissioner Bennett moved that the Planning Commission adopt Resolution No. 16-20, approving the modifications to approved vesting tentative subdivision map S 06-02, subject to the attached conditions. Commissioner Rensink seconded the motion which passed 7-0.

4.3 Creekside Landing Subdivision Map Modification (S 03-03), A proposed modification to approved Vesting Tentative Subdivision Map S 03-03, Undeveloped units 3 and 4 of the Creekside Landing Subdivision, Located South of Nord Highway and East of Mud Creek (APN 006-690-061)

Senior Planner Corcoran provided the staff report.

Staff responded to questions regarding the orientation of the houses and why they were originally oriented towards Nord Highway and the type of fence proposed for the yards that would be abutting Nord Highway.

Chair Scott opened the public hearing at 6:47 PM.

Jim Mann, the applicant, addressed the Commission regarding the modification. Mr. Mann provided additional diagrams and pictures of the proposed yard fence facing Nord Highway, stating the fence was substantial in size.

Chair Scott closed the public hearing at 6:52 PM.

Commissioner Rensink moved that the Planning Commission adopt Resolution No. 16-19, approving the modifications to approved vesting tentative subdivision map S 03-03, subject to the attached conditions. Commissioner Evans seconded the motion which passed 7-0.

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe stated that there is a significant amount of development occurring throughout the city. In 2016 permits have been issued for 350 homes and currently there are 1000 units in the approval process. This is a significant increase over previous years. Director Wolfe explained that staff is making a concerted effort to keep projects moving forward.

Commissioners Scott & Evans provided brief reports regarding the American Planning Association Conference they attended in Pasadena.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:06 PM to the **Regular Meeting of Thursday, November 17, 2016.**

Nov. 16, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary

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

November 17, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: Cynthia Arregui

Staff Members Present:

Mark Wolfe, AICP, Community Development Director
Matt Johnson, Senior Development Engineer
Chris Constantin, Assistant City Manager
Andrew Jared, Assistant City Attorney
Kelly Murphy, Assistant Planner
Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Several Commissioners stated they had driven by the sites. Commissioner Bennett stated he had spoken with staff regarding item 4.2.

3. CONSENT AGENDA

No Items.

4. PUBLIC HEARING ITEMS

- 4.1 Montecito Place Map Modification (S 06-05), Montecito Place Subdivision, A proposed modification to a small lot Vesting Tentative Subdivision Map S 06-05 Located South of Nord Highway and West of Esplanade (APN 006-690-011 and 006-690-012).**

Community Development Director Wolfe provided the staff report.

Chair Scott opened the public hearing at 6:34 PM.

Jim Mann, the applicant, provided additional information to the Commission regarding the project modification.

Janine Rood, Chico Velo, & Chico Bicyclists, addressed the Commission in favor of the map modification. Ms. Rood shared with the Commission her concerns regarding the small connectors that can cause safety issues.

Chair Scott closed the public hearing at 6:42 PM.

Discussion continued with Commissioners.

Chair Scott re-opened the public hearing at 6:44 PM.

Jim Mann clarified the class II bike lane designation and location.

Senior Development Engineer Matt Johnson discussed the bike lane system throughout the North West Chico Specific Plan area and addressed questions regarding the bike lanes.

Chair Scott closed the public hearing at 6:47 PM.

Commissioner Worley moved that the Planning Commission adopt Resolution No. 16-21, approving the modifications to approved small lot vesting tentative subdivision map S 06-05, subject to the attached conditions. Commissioner Rensink Seconded the motion which passed 6-0-1 (Arregui absent).

4.2 PDP 16-04, AR 16-22 (SCSH Chico) The Urban Apartments A proposed 36 unit apartment complex on a 0.81-acre site located at 1033 W. 5th Street & 1046 W. 6th Street, APN 004-202- 007 and 004-202-018.

Assistant Planner Kelly Murphy presented the staff report and answered questions from Commissioners.

Chair Scott opened the public hearing at 6:57 PM.

The applicant, Andrew Clark, addressed the Commission with additional information on the project. Mr. Clark provided clarification regarding details of the project. Mr. Clark addressed concerns regarding the rooftop patios.

Graham Hutton, Brooke Haydon, Patricia Ysern, and Dennis VanDyke addressed the Commission and expressed general support for the project but expressed concerns regarding parking and public safety in the area. Ms. Haydon presented a petition expressing concerns about parking and public safety as well as requesting information regarding construction timelines and guidelines.

Jim Stevens, NorthStar, addressed the Commission on behalf of the applicant. Mr. Stevens provided additional information regarding parking for the project and other details about the site plan.

Fire Marshal Rick Doane answered questions from the Commissioners regarding measurements for fire safety & suppression. The Fire Marshal stated that the applicant was very responsive to their concerns and upgraded the fire suppression system to the highest level of protection. Fire Marshal Doane stated multi-family residential properties are inspected annually. He stated these inspections will help ensure that all of the fire safety concerns continue to be addressed.

Chair Scott closed the public hearing at 7:33 PM.

Commissioner Evans moved that the Planning Commission adopt Resolution No 16-18, approving the Urban Apartments Planned Development Permit (PDP 16-04), subject to the conditions of approval contained therein. Commissioner Rensink seconded the motion which passed 6-0-1 (Arregui absent).

5. **REGULAR AGENDA**
None.

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

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe reminded the Commission that the General Plan Five Year Review will be presented on December 15, 2016. The Commissioners were provided a binder with the staff report and supporting documents to review prior to the public hearing. Community Development Director Wolfe stated that the meeting on December 1, 2016 is cancelled.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:48 PM to the **Regular Meeting of Thursday, December 15, 2016.**

Nov. 16, 2016
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary



City of Chico
NOTICE OF CANCELLATION
of
December 1, 2016
Planning Commission Meeting

NOTICE IS HEREBY GIVEN that the December 1, 2016 regular adjourned meeting of the Planning Commission of the City of Chico is cancelled.

The Planning Commission will meet on Thursday, December 15, 2016 for a regular meeting at 6:30 p.m. in the City Council Chamber located at 421 Main Street.

By: Stina Cooley, Administrative Assistant
Dated: November 23, 2016

Distribution:

Post: Front Counter
Post: Council Chambers
Post: Website

Via Email

Commissioners
Internal Distribution List
External Distribution List
Agenda E-Subscribers

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

December 15, 2016

Municipal Center
421 Main Street
Council Chambers

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

Commissioners Absent: None

Staff Members Present:

Mark Wolfe, AICP, Community Development Director
Brendan Vieg, Principal Planner
Matt Johnson, Senior Development Engineer
Mike Sawley, AICP, Associate Planner
Andrew Jared, Assistant City Attorney
Kelly Murphy, Assistant Planner
Stina Cooley, Administrative Assistant

1. ROLL CALL

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

2. EX PARTE COMMUNICATION

Several Commissioners stated they had driven by the site. Commissioners Scott and Rensink stated they had spoken with concerned citizens regarding item 4.2.

3. CONSENT AGENDA

Commissioner Evans moved to approve the minutes from November 3, 2016 and November 17, 2016, Commissioner Worley seconded the motion, which passed 7-0.

4. PUBLIC HEARING ITEMS

4.1 Vesting Tentative Parcel Map PM 16-03 (AA Land and Cattle Co., LLC) 392 E. 8th Avenue (APN 003-393-008 located at the northwest corner of East 8th Avenue at Spruce Avenue)

Associate Planner Sawley provided the staff report and addressed questions from the Commission.

Senior Development Engineer Johnson provided information regarding the street improvement projects that would take place in the immediate area and the methods that would be used to address the water drainage issues.

Chair Scott opened the public hearing at 6:42 PM.

Project Engineer Wes Gilbert addressed the Commission on behalf of the applicant. He stated that the applicant agreed with the staff report and the proposed conditions of approval. Mr. Gilbert stated that he believes the required leech trenches will remedy the run off issues in the neighborhood.

Michael Reilley addressed the Commission in favor of the project.

Chair Scott closed the public hearing at 6:47 PM.

Commissioner Worley moved that the Planning Commission adopt Resolution No. 16-22, approving the parcel map, subject to the attached conditions. Commissioner Rensink seconded the motion which passed 7-0.

4.2 Chico 2030 General Plan Five-Year Review

Principal Planner Vieg provided the staff report and a summary of items within the Five Year Review report and subsequent resolutions. Associate Planner Sawley presented a report on the proposed Title 19 amendments. Principal Planner Vieg concluded the presentation with a suggestion on how to proceed with the discussion and public hearing.

Chair Scott opened the public hearing regarding the Five Year Review and Sustainability Indicators Report at 7:43 PM.

Jim Stevens, Mark Stemen, Ian McLean, Matt Galloway, Chris Giampaoli, and Mike Campos addressed the Commission. Public comment included concerns regarding the speed of the review process, request for a workshop to discuss the proposed Title 19 Text amendments, concerns regarding the General Plan and the legalization of marijuana, the Safety section of the General Plan, availability of developable land, and the proposed rezone of Pomona Avenue.

Chair Scott closed the public hearing at 7:52 PM.

Staff addressed questions from the Commission. Discussion continued with Commissioners.

Commissioner Howlett moved that the Planning Commission accept the 2030 General Plan Five Year Review (Attachment A) and the Sustainability Indicators Report (Attachment B) and forward them to the City Council. Commissioner Worley seconded the motion which passed 7-0.

Chair Scott called for a recess at 8:14 PM.

Chair Scott called the meeting back to order at 8:26 PM.

Staff addressed Commission questions regarding the proposed General Plan text amendments and proposed rezones.

Chair Scott opened the public hearing for attachments C & D, (General Plan Text Amendments and the proposed land use designation amendments/rezones of various properties) at 8:40 PM

Mike Campos, Chris Giampaoli, and Patricia Ysern addressed the Commission with concerns regarding the proposed Pomona Avenue rezone, as well as and language in the Land Use Element regarding the Special Planning requiring the provision of affordable housing.

Chair Scott closed the public hearing at 8:51 PM.

Principal Planner Vieg addressed the concerns submitted by the Chico Chamber with regards to the General Plan text amendments and proposed rezones. He further clarified the provision of additional proposed text amendments for the-Safety Element and an Errata for a General Plan text amendment for the Land Use Element.

Discussion continued with the Commissioners.

Chair Scott moved that the Planning Commission adopt Resolution No. 16-15 recommending City Council approval of text amendments to the Chico 2030 General Plan with the following additions:

1. ***Table LU-2: Land Use Designations and Development Standards.*** Under the Minimum Dwelling Units/Acre column for the Neighborhood Commercial land use designation, change the Minimum Allowed Density from ***6.0 DU/AC to 0.0 DU/AC.***
2. ***Policy LU-6.2 Action LU-6.2.1 (SPA Planning Requirements).*** For Bullet point # 3, ***strike the word “Include,” and replace it with “consider opportunities for”***, so that it reads-

- *Consider opportunities for the provision of housing units affordable to very low, low, and/or moderate income households within the SPA.*
- 3. *Add the following goal, policy and action to the Safety Element to be consistent with the requirements of State laws.*

Goal S-9: Protect the community for risk posed by climate change.

Policy S-9.1 (Climate Adaptation and Resiliency) – Promote public safety through the development of climate adaptation and resiliency strategies to reduce risks associated with climate change.

Action S-9.1.1 (Climate Change Adaptation) – Update the Safety Element or the City’s Local Hazard Mitigation Plan to include climate adaptation and resiliency strategies consistent with Senate Bill 370, including preparation of: 1) a vulnerability assessment that identifies community risks associated with climate change; 2) a set of adaptation and resilience goals, policies, and objectives for the protection of the community; and 3) implementation measures to avoid or minimize climate change impacts.

Commissioner Evans seconded the motion which passed 7-0.

Chair Scott moved that the Planning Commission adopt Resolution No. 16-16 recommending City Council approval of GPA/Rezone 16-03, which would amend land use designations and rezone various properties within the City. Commissioner Evans seconded the motion which passed 6-1 (Rensink Opposed).

Commission provided direction to staff to meet with developers to discuss concerns regarding the Title 19 text amendments and then hold a public workshop to provide a forum for open dialogue and community input.

5. **REGULAR AGENDA**

None.

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe shared that Senior Planner Summerville had left the City and that Mike Sawley will be moving into the Senior Planner

position. Director Wolfe stated he will be providing an update on the housing projects that have been approved in 2016.

Commissioner Rensink stated that this may be his last meeting as his term has expired. He stated he has enjoyed working with the current Commission and staff and thanks them.

Commissioner Worley stated this will be her last meeting and thanked the staff and fellow Commissioners for their hard work.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 9:20 PM to the **Regular Meeting of Thursday, January 5, 2017.**

2/9/17
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary