

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

**February 16, 2017**

Municipal Center  
421 Main Street  
Council Chambers

Commissioners Present:           Toni Scott, Chair  
  John Howlett, Vice Chair  
  Lupita Arim-Law  
  Cynthia Arregui  
  Dale Bennett  
  Bob Evans  
  Evan Tuchinsky

Commissioners Absent:           None

Staff Members Present:

Mark Wolfe, AICP, Community Development Director  
Matt Johnson, Senior Development Engineer  
Mike Sawley, 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 project sites. Commissioner Scott stated she had served as an alternate on the Architectural Review and Historic Preservation Board and as such had voted to send a recommendation of approval for item 4.1. Commissioner Arregui stated she had spoken with Mike Sawley regarding item 5.1.

**3.    CONSENT AGENDA**

*Commissioner Tuchinsky moved to approve the minutes from February 2, 2017, with amendments as noted. Commissioner Evans seconded the motion, which passed 7-0.*

**4.    PUBLIC HEARING ITEMS**

**4.1    The Crossroads Subdivision and Planned Development Permit S/PDP 16-0 (SCA Development) 2821 /Cactus Avenue; APN 016-120-036.**

Senior Planner Mike Sawley provided the staff report and noted staff was recommending approval with two additional conditions.

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

The applicant, Steve Honeycutt, addressed the Commission. He stated that he had been meeting with the neighbors and appreciated their input and patience with the process.

Marci Carras, a neighbor, stated that she appreciated the meetings and responsiveness that Mr. Honeycutt has put forth to address concerns. She expressed her concerns about the drainage in the area, possible storm water run-off, and proposed fencing on the property line. Ms. Carras also expressed her desire to ensure that all provisions of Municipal code 19.64 are followed.

***Chair Scott closed the public hearing at 6:46 PM.***

Senior Development Engineer Matt Johnson addressed the concerns regarding drainage. He stated that all of the grades and drainage will be check by the engineering department prior to building. Mr. Johnson stated that generally homes are graded to drain around the home to the front and into the storm drains.

***Chair Scott reopened the public hearing at 6:50 PM.***

Marci Carras stated that she would like to see the solid fence extended to Cactus Avenue.

***Chair Scott closed the public hearing at 6:51 PM.***

***Commissioner Evans moved to adopt Resolution No. 17-01, approving the Crossroads Subdivision and Planned Development Permit (PDP 16-02) subject to the conditions of approval contained therein and including conditions 18 and 19 provided to the Commission prior to the meeting. Commissioner Bennett seconded the motion which passed 7-0.***

**5. REGULAR AGENDA**

**5.1 Appeal of Setback Determination at 3 Summersky Commons (APN 018-060-029)**

Senior Planner Mike Sawley presented the staff report and addressed questions from the Commission.

***Chair Scott opened the public hearing at 7:08 PM.***

Mathew Henderson, legal counsel for the Appellant, addressed the Commission. Mr. Henderson requested more than the standard 3 minutes to address the Commission. Chair Scott granted the request.

Greg Peitz, Architect, addressed the Commission on behalf of the Appellant. Mr. Peitz stated that he consulted many experts and believed that due diligence had been done to determine the proper set-back. Mr. Peitz stated that it was his understanding that the final map was the document of record and that should be the “final word”. Mr. Peitz further stated that the building design was to stay under 20 feet in height and it is his opinion that it would not impede the viewshed.

Commissioner Tuchinsky inquired if there were logistical issues in executing the design at the setback determined by the Community Development Director.

Assistant City Attorney Andrew Jared cautioned the Commission to remain focused on the matter subject to the appeal, which involves the Community Development Director’s determination of the minimum rear yard setback for the subject site. Design and obstacles have no bearing on the appeal.

Mr. Henderson responded to questions from the Commission and concluded by stating that he believes the Final map with the Certificate of Correction is the document that should determine the setback.

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

Discussion continued with the Commission.

Commissioner Evans requested to hear Assistant City Attorney Jared share his interpretation of the situation. Mr. Jared stated that believes staff’s interpretation is accurate. Mr. Jared stated that the Certificate of Correction clearly states that the setbacks must conform to the declaration of the Covenants Conditions and Restrictions of the Pinnacles(CC&Rs).

Mr. Sawley stated that although the City doesn’t enforce CC & Rs, in this case the CC & Rs are specifically referenced in the Certificate of Correction, and do contain relevant information for this determination of required rear setback. Mr. Sawley stated that while the CC & Rs should have included the tentative map for clarification, it was clearly referenced in the CC & Rs as providing the basis for determination of setbacks.

***Commissioner Tuchinsky moved that the Planning Commission adopt Resolution No.***

*17-02, denying the appeal and upholding the Community Development Director's determination regarding the rear yard setback for Lot 54 of The Pinnacle-Phase 2 (3 Summersky Commons, APN 018-060-029). Commissioner Arim-Law seconded the motion which passed 7-0.*

6. **BUSINESS FROM THE FLOOR**

None.

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

None.

13. **ADJOURNMENT**

There being no further business from the Commission, the meeting was adjourned at 8:09 PM to the Regular meeting of Thursday, March 16, 2017.

*March 20, 2017*  
Date Approved

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