



CITY OF CHICO MEMORANDUM

TO: Chair Goldstein and Members of the Planning Commission
DATE: November 4, 2020
FROM: Mike Sawley, AICP, Senior Planner
SUBJECT: Planning Commission Agenda Report Addendum for the Greenfield and Esplanade Apartments, Use Permit 20-02

The purpose of this addendum is to provide the Planning Commission with: 1) a revised draft site plan for the subject project (**Attachment I**), and 2) correspondence from a neighbor received this week after the Commission's packets had been distributed (**Attachment J**). These are each summarized below, followed by a brief staff response:

1. The revised draft site plan (**Attachment I**) shows the 5-foot City parkway strips contained within the right-of-way along Esplanade and Greenfield Drive, which were not shown on the previously provided site plan. The revised site plan replaces **Attachment D** of the Commission's Agenda Report. Adding the 5-foot parkways along these streets does result in physical changes to the plan along the Greenfield Drive frontage, now the 10-foot landscape buffer is a 5-foot landscape buffer behind the 5-foot parkway strip. However, along Esplanade, it shifts all of the improvements five feet westerly and reduces the landscape buffer along the rear property line from 15 feet to 10 feet. This shift reduces the apartment building's rear setback from 65 feet to 60 feet. The proposed 60-foot rear setback would still meet the City's objective standard of providing a minimum structural setback of 35 feet.
2. Two emails from Mr. Hurton, each with attached letters, are provided under **Attachment J**. The commenter includes many questions about the proposed project and planning process. This correspondence adds to Mr. Hurton's emails and letters provided to the Commission under **Attachment H** of the Agenda Report. The concerns raised are too numerous to address in this Addendum, however staff will be available at the meeting to respond to any inquiries from Commission Members derived from this correspondence.

In conclusion, staff continues to recommend adoption of the findings contained in Planning Commission Resolution 20-14, and approval of the project subject to the recommended conditions, with a change to Condition #1 to make specific reference to the "Revised" Plat to Accompany Use Permit 20-02.

Attachments

- I. Revised Site Plan, Plat to Accompany Use Permit 20-02
- J. Emails and Letters from Pat Hurton, 11/2/20 and 11/4/20

Mike Sawley

From: Patrick Hurton <patrick.hurton@gmail.com>
Sent: Monday, November 2, 2020 10:40 AM
To: Brendan Vieg; Mike Sawley; Dexter O'Connell; Alex Brown; Randall Stone; Ann Schwab; Karl Ory; Kasey Reynolds; Scott Huber; Mark Orme; Sean Morgan
Subject: Public Hearing
Attachments: Iteems for Nov 5 2020 Meeting.docx

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Brendan et al,

Attached please find my comments on the material received last Thursday or Friday.

As noted I have not been to complete a review of Resolution No. 20-14 for any comments I may have. I am trying complete my review before the public hearing and get comments at least by Thursday morning. Sopen of my VFW activities happen to be occurring this week and with such short notice it is not possible to rearrange some of them. I apologize if my comments are redundant with material already included in the "package". More time would have allowed me to review all my previous comments ets and present one complete package.

As stated I will attempt to present all my comments by Thursday morning.

I have asked for written clarification of an issue I presented to teh Planning Department last Friday. The issued is a perceived conflict of information presented int he Notice of Public Hearing mailed to me and teh instructions emailed to me by Mike Sawley, the Senior Planner. I have asked for step by step written direction on how to ensure i can participate in the public meeting and clarification of the method of communication. It appears that communication will only be by email(s) during the meeting. If this is true how will one pay attention to the verbal interchanges while trying to email comments?

I await a rreply.

Pat Hurton

Summary Questions

The following are my comments (so far) on the material received from the city. I again note the extreme short amount of time to carefully review and comment on in a few days, after two months of no comments, the material given to the public. I will now attempt to review the Resolution No. 20-14 and try to provide the city with comments/issues as soon as possible. I apologize for any redundancies or misunderstanding I have presented as I do have a personal life that happens, at this particular time, to involve many VFW items that are necessary to spend time on as I do not want to let my organization down nor do I want to not provide as many comments prior to the public meeting.

Why is this project being allowed to proceed?

It appears that a project is not covered under CMC section 19.44.020 and requires a use permit to allow it to continue. The project is completely different than any other project in the Amber Grove neighborhood area. The Memory Care facility at the southwest corner of Amber Grove Drive and the Esplanade and the professional office buildings on the northwest corner of Amber Grove Drive and the Esplanade are built in similar styles. They are single story buildings that blend with the adjacent single family dwellings. The professional office buildings built on the corners of western corners of Yellowstone Drive and the Esplanade are similar in style to those on Amber Grove Drive and are also compatible with the single-family dwellings in the entire Amber Grove neighborhood.

The proposed building is a major deviation to the established building practices in the neighborhood. It is neither a single-family dwelling nor a professional office building. The proposed architecture is totally incompatible with previous established practices and would be incompatible with the harmony of the buildings that are in existence from Shasta Drive to Eaton Road. The proposed architecture of the 3 or 4 story building is completely out of line with the neighborhood. If one the primary definitions of compatibility is "...capable of existing or living together in **harmony or "consistent; congruent with"**" then I wonder how the term could be used to describe a neighborhood that has existing single story family houses, a Montessori school that primarily operates 5 days a week and a commercial business that operates five days a week. The existing buildings and usage do not involve potential 24/7 operation. The proposed apartment project will almost certainly operate on a much more extended schedule and cause disruption significantly more frequently. A quiet (for the most part) neighborhood will now experience significantly more traffic, noise and parking issues than now exist. The proposed project probably will involve more safety issues. I notice that the developer has agreed to an eight-foot opaque fence on the western edge of the proposed construction. Was the developer asked to consider how light pollution caused by vehicles exiting the parking lot and turning left onto Greenfield Drive would be

addressed and more likely vehicles exiting the parking lot from the row of parking spaces adjacent to Greenfield Drive and having to turn right to enter the exit space would be addressed. Nothing like bright lights entering a bedroom just as someone is “trying to doze off”.

The second paragraph “...recommends that the Planning Commission approve”. I would like to know why the Planning Commission is being asked to approve a project that has not been subject to Architectural Review. Isn't it logical that all the steps of review be finished before asking for approval of anything? The architectural review is only one part of the entire process. If it were completed prior to seeking approval from the Planning Commission, then a complete package of “what went on” could be presented to the public. This would not “cut out” the Architectural Review nor eliminate its Public hearing. Under **Proposed Motion**: It says “.....subject to the recommended conditions”. The recommended conditions do not seem to include a provision to include any items that the Planning Commission or the Architectural Review may require because of the public hearings? The proposed motion seems ask for approval of items that have not been subject to public discussion not had a chance to gain approval. I would like clarification of this as it would seem the public would have a chance to see, in writing, answers to all its comments/concerns prior to approval of anything. Will the Planning Commission, and Architectural Committee, provide minutes of the public meeting and allow time for the public to review them prior to approval? It is usually informative to see, in writing, the results of discussion on any issues. Communication and a written record of facts are issues along way to approval of anything. Written denials, with the complete rationale for disapproval, of a suggestion are most important to informing the public and could possibly enhance the public's view of the process.

The second paragraph of the **BACKGROUND** section states, in part, “The development standards of the -COS overlay zone is designed to encouragean attractive streetscape....” As proposed the building will “stick out like a sore thumb” along the Esplanade, is not harmonious with established buildings on the Esplanade and the adjacent to single family dwellings in the Amber Grove neighborhood.

The 2nd paragraph under **DISCUSSION AND ANALYSIS** 2nd sentence states the properties nearby are a mixture of residential and commercial uses. It then goes on to describe parcels to the North and south and across the street to the east have a wide variety of dense residential and intense commercial and residential uses. I believe the lots to the east of the Esplanade are primarily occupied by two trailer parks and the lots directly across from Greenfield Drive are undeveloped. The Ray Morgan buildings are on the north west side of Greenfield Drive and the Esplanade Drive. Would the city please explain how the trailer parks and the Ray Morgan company fit the use of the words “intense commercial zonings”. The last sentence of the 2nd paragraph states “Given the mixed character to the North and South (please note that to the North is the Ray Morgan buildings and to the south is the Montessori School) how this constitutes mixed character off commercial and residential. To the West of the proposed

development are all single-family dwellings. How is the proposed apartment building (given the previous discussions) deemed to be compatible with either the Ray Morgan building the Montessori school or any single-family dwelling. It appears that there is a desire to describe this project as “fitting in very nicely” with the surrounding architecture and business. The building is neither compatible no complimentary to the existing pattern of development in the area. Please point out the nearest three/four story apartment building in the area.

The 3rd paragraph talks about adequate availability of “zoned for commercial and office uses” means. An ideal location for the next set of professional office buildings is the very lot on which the apartments are being proposed. They could be designed in the same fashion as those on Amber Grove Drive and Yellowstone Drive and a three/four story apartment building could easily be built, with less impact, on the southwest corner of Eaton Road and the Esplanade. I understand that a gas station/convenience store has been proposed for that corner. Why is the city, having a desire to place housing close to public transportation considering a gas station – dispensing fossil fuel/convenience store when it is promoting the use of public transportation and the state of California has indicated a desire to try and eliminate fossil fuel using vehicles. Seems the city is not completely in step with its own desires. I also notice that the paragraph does not mention the empty lots across the street from Greenfield Drive. They could satisfy the cities desire for a gas station and an apartment building. I thin the lots are around 12.0 acres and 6.0 acres. I might be incorrect but could not find out much about the lots.

Generalized Project Design

Please explain what “fairly responsive” means in the first sentence. It would be helpful to see what the city thinks is non-responsive.

The third sentence states “....the west stair to be locked and marked for emergency access only, in order to preserve the privacy of the neighbors...” Can the apartment occupiers access the roof by other means thereby allowing them to roam around? How does blocking one entry to the roof “reduce any potential noise impacts of rooftop users?” Will the use of the basketball court cause a noise impact on the adjacent neighbors? How does landscaping mediate the noise probably created on the basketball court? How does an eight-foot fence at the east end of the south building mediate the transition to the neighbors to the west of the proposed project? Isn't the Esplanade to the East of the proposed project?

General Plan Compatibility

How is the first three/four story apartment consistent with the existing Ray Morgan Building, the Montessori school, and the rest of the single-family homes in the Amber Grove neighborhood. Please where, in the surrounding land uses, is there a varied mix

of large-scale and small-scale residential developments and how a three/four story apartment building fits in. Please explain how a three/four story apartment building “emphasizes neighborhood compatibility and maintains neighborhood character? Given all the above comments the conclusion would seem not to apply. I cannot seem to find LU-4-2 on the city’s website but notice it is stated that it focuses directly on encouraging compatible infill development like this project. Please explain how this project is compatible with the proposed location.

Paragraph two talks about the need for adequate housing. There is a lot within one-half mile of the proposed location of this project. Putting this project on that lot would only displace a gas station that encourages the use of fossil fuel. There is also an existing gas station across Eaton Road and the Esplanade and denying the gas station when there are four *(including Thornton Chevron) already on the Esplanade between East Avenue and Highway 99. Recently it has come to light that the City of Chico is contemplating a large apartment complex near the Chico Airport. The lot proposed for the apartment building has been empty for the twenty years my wife and I have been in Chico. While there is a need for housing is there a need for housing in the wrong place? I don’t know what the city’s detail plans are but it would seem that a plan to increase housing and where to do that would require that the location of potential housing units would be mapped out and computability with the existing environment of neighborhood would be part of that plan. The plan probably should have included the lot at the corner of Eaton and the Esplanade and looked at where next professional office building could be built in a neighborhood and not be disruptive to the neighborhood.

Neighborhood Compatibility

Will all the comments received by the planning commission be addressed at the proposed public hearing? Will they be addressed individually, or will the answers be “the Parking specialists have reviewed the plan and said it’s OK? The fire specialists have reviewed the plan and its OK. I believe most persons make their comments in a sincere fashion and would appreciate a detailed why or why not answer.

What was the original layout of the rooftop amenity space and how was it changed to provide “ample buffering setbacks from the single-family residences Is an eight foot fence going to prevent parking lot lighting spillover to the adjacent neighbors? If the answer is it will be like that used in the Ray Morgan building, then some additional detail may be required. The Prior to the building of the 2nd Ray Morgan building the lighting was not adequately shielded. Even after several tweaks.

Objective Design and Development Standards

When did the COS Overlay come into existence and where can one find it? When I search for it on the City’s website it suggests I am looking for “cos overflowing”

Environmental Review

[This correspondence ends here.]

Mike Sawley

From: Patrick Hurton <patrick.hurton@gmail.com>
Sent: Wednesday, November 4, 2020 2:58 PM
To: Brendan Vieg; Dexter O'Connell; Mike Sawley; Alex Brown; Randall Stone; Ann Schwab; Karl Ory; Kasey Reynolds; Scott Huber; Mark Orme; Sean Morgan
Subject: Planning Commission Meeting 11/5/2020
Attachments: Items for Nov 5 Meeiting Part 2.docx

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City Council Members and City employees

I again apologize if these questions/concerns are redundant with previous issues/concerns I have previously submitted. I also apologize if the memo is not as clear and concise as it could be given time. In the limited amount of time I have had to review and research the documents provided by the city I did not have time to submit individual emails for each question/issue. It seemed that they would be easier to follow if my concerns were presented in a format that followed the material I was given. I have also submitted many, many additional issues or more details of concerns in previous emails. They have been provided to council members in the review package.

As previously mentioned, reviewing city rules, regulations, ordinances etc, understanding and thinking through questions and concerns takes time. The city has had two months to respond to many of the issues previously submitted. I have had less than six days to prepare. As also previously mentioned, I have had significant obligations to my VFW comrades. Balancing those obligations with trying to submit my concerns presented a challenge and probably resulted in some statements that may not be clear. I put together the previous question (submitted a couple of days ago) to try and maximize the time the City had to review them. Today (November 4) is the 1st time I have had to consolidate my thoughts, questions and concerns about the Resolution itself.

Again you are reviewing a project proposed for a lot that has been empty for the twenty years my wife and I have lived in Chico. That would suggest that the lot has been empty for time immemorial. What is the object of rushing into approvals. Allowing proper time for review and communication between the public and City officials, improves communication and understanding of issues and hopefully provides some satisfaction to the public. I see the time allotted on line is three hours. Does the City believe that all the questions/concerns submitted can be addressed, IN DETAIL. Are minutes taken for hearing. If they are how does the public get to review them and do they have a say in the approval of any minutes? When people communicate there is a potential for misunderstanding of an issued and answers. Review of

minutes provides all parties time to review all the items discussed and their disposition. Being able to do this, even if the answer is, "done by fiat" allows the public to correct mistakes or misunderstanding of what was discussed and/or decided.

I have asked this before but, being so busy the past four days, I may have overlooked any answer that may have been given. Will the meeting have interactive communication or will question during the meeting have to be submitted by email? If the answer is email I wonder how one can listen to a discussion and type an email at the same time? Trying to understand an ongoing conversation or ??? and trying to formulate a question is not the easiest thing to do. At least for me.

Pat Hurton

Questions regarding Resolution No. 20-14

The 3rd WHEREAS, contains the statement,approval of the project would not result in any significant effects relating to traffic, noise.....:

There are three or four exits from the Amber Grove neighborhood from/to the Esplanade. Greenfield Drive is, most likely, the least used one. It is in the middle of the complex and people going north or south on the Esplanade generally use either Amber Grove Drive or Yellowstone Drive. Noise is a subject term. Regarding traffic noise with the limited number of cars using Greenfield there is limited traffic noise. With the addition of apartment dwellers, that must enter and exit the proposed building, the number of cars on Greenfield Drive will most likely go up exponentially. More cars, more noise. Noise is major factor during the evening and at night when people are trying to relax or sleep. If the apartment dwellers use the top floor, during the daytime, to relax read etc. then there would probably be a minimum effect on noise in the neighborhood. If said apartment dwellers use the top floor to party after work, on the weekends or on holidays there would probably be a significant noise impact exactly when adjoining neighbors are trying to relax. Ambient noise is more noticeable outside of commute hours.

NOW, THEREFORE,

Paragraph 1A.

I am unable to get Chapter 19.24 to come up when I search the city's website. What does it say?

Paragraph 1B states.

“The proposed use would not be detrimental to the health, **safety** or welfare of persons residing or working in the neighborhood as the proposed residential use is consistent with the existing surrounding residential uses”.

Safety: How does the city compare getting into and leaving a drive way of a single family home with cars entering/leaving an apartment building that is located on a street that is fully occupied, at least 8 hours a day during business hours, with parked cars on either side of the adjacent street?

Does the city believe the safety of children playing on the streets of residential single family dwellings with children playing, possibly, in the street adjacent to the apartment complex that is street normally occupied by many, many cars that come. The apartment complex provides a playground that looks like it is about 60' by 60' (it is awfully hard to determine exact dimensions from the data provided). The portion of my front lawn that is to the left (as you exit my house) is about 54' x 40'. Watching the half-dozen children on the northern portion of Eagle Lake Drive makes it hard to imagine many, many more children riding "big wheels", tricycles or battery driven cars etc., containing themselves to a space that is slightly larger than my front lawn. The northern portion of Eagle Lake Drive has ten houses. The apartment complex has 60 units. How many children will want to play outside their apartment in the summer? How many can safely play in the proposed playground? I would guess no more than ten could safely ride "big" wheels, tricycles, or battery-operated cars. If one third of the apartments have kids of playing age, then the playground would need to accommodate about thirty kids. Where are kids going to play? Most likely none of the kids would be happy riding tricycles, "big wheels" or battery-operated cars in such a confined space. Despite warning from parents etc. kids are kids. The ones on the northern part of Eagle Lake Drive use most of the court to play. It is safe to play on Eagle Lake Court as current residents are fully aware of their presence and use caution when entering or leaving their driveways. If the children in the apartment complex get bored in the playground, they would probably transition to the parking lot and then maybe to the Greenfield Drive. If a child "gets going" on a tricycle, "big wheels or battery-operated car it is usually awfully hard to stop any one of those vehicles. This circumstance is a safety hazard. No matter how much a child is counselled a "child is a child". I watch the children from Eagle Lake Court overshoot the Court and wind up on Greenfield Drive many, many times. Fortunately, because there is limited traffic passing Eagle Lake Court most times of the day there has been no serious incidents. With the addition of children possibly running or riding out onto Greenfield Drive the possibility of an accident multiplies exponentially. An accident involving anyone (a less than attentive person getting in or out of a car parked on Greenfield Drive or a child) is a serious safety issue.

About the welfare of persons. A definition of the term welfare includes the good fortune, happiness, prosperity etc. of a person group” The proposed apartment complex will most certainly change the happiness and prosperity of the persons who are resident adjacent to the proposed building. I cannot find one of my neighbors who are happy with the proposed complex. My wife and I have 1st hand experience with happiness experienced by us after the 2nd Ray Morgan building was completed. Regarding prosperity we have firsthand experience regarding the value of our property (the 2nd Ray Morgan Building). An apartment building directly across the street from us will further lower our properties value. Making the general statement to satisfy a reader fails to take in consideration the actual circumstance of the people involved. Property values along Eagle Lake Court will be affected and as stated happiness is not something my neighbors are experiencing now nor will they if the project is built.

The closing sentence says “The proposed residential use is consistent with the existing surrounding residential uses of both single-family and multi-family character, and with surrounding commercial and institutional uses. Please explain what is meant by “multi-family character”. Is this an attempt to compare a single family dwelling to a multi-story apartment building? If so, how do they compare? If it means something else, please explain. Please explain what “surrounding commercial and institutional uses” means and what specific institutional uses surround the Amber Grove Neighborhood means. Please specifically explain what residential, multi-family and commercial and institutional uses are used to make the statements contained in paragraph 1B.

Paragraph 1C.

Please explain why the proposed apartment complex “would not be detrimental and/injurious to property and improvements in the neighborhood”. Please explain what “improvements to in the neighborhood” refers to. Please explain why the general welfare of the City is relevant to this project. If the proposal was asking to build a nuclear power plant, then the “the general welfare of the City” would be of great concern. This proposal is for a specific project in a specific location, shouldn’t the “general welfare” of the surrounding neighborhood be the concern?

Paragraph D.

In part the 2nd sentence states “Specifically, the Project is consistent with those that encourage compatible infill development” Please explain how this project is compatible with the Amber Grove neighborhood and its development given that the commercial building on both west corners of the Esplanade and Amber Grove Drive and the commercial buildings on the west corners of the Esplanade and Yellowstone Drive are all built in a style compatible with the Amber Grove neighborhood. The 2nd Ray Morgan building is not very compatible with the houses on Greenfield Drive or Eagle Lake Court, but (much to my, my wife and adjacent neighbors dismay) is fait accompli) still stands. As an aside, I have been seeking answers to my questions about how this got approved have been ignored. Educating its citizens should be a goal of the City. Maybe this will encourage someone to talk to me. It may improve my opinion of the City and its planning process.

The sentence continues with the statement “.... Maintaining neighborhood compatibility and context sensitive design.....” The subject of compatibility has been discussed previously in this and other memos. Again, please explain how a three- or four-story apartment building in a residential neighborhood is compatible? Please explain what context sensitive design means. How is a three/four story apartment complex context sensitive to a neighborhood of single-family dwellings? If the City is looking to potentially building “thousands of apartments in north Chico and around the Miriam Park area” how are 60 apartments built in a very controversial location going to materially affect the City’s housing needs? Keep in mind the lot has been empty for the twenty years my wife and I have lived in the City indicating that it probably has been vacant since the earth’s creation. Is the desire to disfigure a neighborhood when other locations are available more than the desire to put things in an appropriate place? If the proposed apartments are going to be rented “at market rates’ how does this meet the needs of a “wide range of renters” The need for “low cost” housing is continually discussed in various circumstances in the City. This project does not address those needs.

Paragraph E.

At the risk of sounding like a “broke record” I again ask how the proposed multi-family residential use will be consistent and compatible with existing adjacent commercial and nearby residential uses? How is a three/four story apartment building consistent with an office building, a Montessori school, and nearby single-family residences? I compatible means “a whale, a ship and an apple are compatible. I ask how? If I misunderstand the word compatible, then please explain. I also ask the same question about the use of the word consistent. Is an office building, a school and single-family dwelling consistent with a three/four story apartment complex? Please explain.