

**CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
August 1, 2019**

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Ken Rensink, Chair
Bryce Goldstein, Vice Chair
Lupita Arim-Law
Dennis Deromedi
Richard Ober
Toni Scott

Commissioners Absent: John Howlett

Staff Members Present: Brendan Ottoboni, Director of Public Work - Engineering
Bruce Ambo, AICP, Principal Planner
Matt Johnson, Senior Development Engineer
Bikram Kahlon, Senior Traffic Engineer
Andrew Jared, Assistant City Attorney
Stephanie Lawson, Administrative Assistant
Ashley Hamer, Administrative Assistant

1. CALL TO ORDER

Chair Rensink called the meeting to order at 6:00 pm.

- 1.1 Chair Rensink led the Pledge of Allegiance.
- 1.2 Commission members and staff were present as noted.

2. CONSENT AGENDA

- 2.1 *Commissioner Scott moved to approve the minutes from the July 17, 2019 meeting. Commissioner Arim-Law seconded the motion which passed 4-2-1 (Rensink and Deromedi abstain, Howlett absent).*

3. PUBLIC HEARING ITEMS

Public Hearing Guidelines

- 1. *Announcement of Ex Parte Communications*
- 2. *Staff report (up to 15 Minutes)*
- 3. *Commission discussion and/or questions of staff (10 minutes)*
- 4. *Open hearing for public input (generally no longer than 60 minutes, but as determined by the Commission):*
 - *Appellant/Applicant – 10 minutes*
 - *Additional Speakers – 45 minutes*
 - *Appellant/Applicant Rebuttal – 3 minutes, if granted*
- 5. *Close the hearing to the public*
- 6. *Commission discussion, motion and vote (20 minutes, or as determined by Commission)*

3.1 Appeal of the Community Development Director's Determination (OPDI 19-01) that Simplicity Village Be Classified as a Temporary Emergency Facility –

Pursuant to Section 19.02.020.A of the Municipal Code, the Community Development Director has determined that in light of the State's and City's Declaration of a Shelter Crisis, compounded by the significant influx of Camp Fire evacuees, that the proposed tiny home temporary emergency facilities use (Simplicity Village) on Notre Dame Blvd., south of Morrow Lane (APN# 040-030-028) represents an allowed temporary use as an "Emergency Facilities" use provided in Section 19.22.020.C of Chapter 19.22 (Temporary Uses) of the Chico Municipal Code.

In general, the appellant contends the Simplicity Village use as an Emergency Facility is inappropriate, that the OPDI's justifications based on the Shelter Crisis Declaration are indeterminant, and that the OPDI interpretation that the Emergency Facility is a "Use By Right" under the Municipal Code constitutes an abuse of discretion by a City Officer. The appellant believes the findings are not supported, and that there are procedural and/or factual errors in the Director's determination.

At the meeting, the Planning Commission will hold a public hearing to consider a report from staff on the appeal. **Questions regarding this project may be directed to Principal Planner Bruce Ambo at (530) 879-6801 or at bruce.ambo@chicoca.gov.**

Principal Planner Ambo began the staff report and PowerPoint presentation to the Commission.

Commissioner Arim-Law asked Chair Rensink if they should address any Ex Parte communication.

Ex Parte Communications for item 3.1

Commissioner Deromedi commented that the appellant John Ray is as friend and there is no economic interest, nor did he advise him on the property.

Vice Chair Goldstein has had members of the public approach her about the project. Goldstein also spoke briefly to Mayor Randall Stone regarding the project as well as Charles Withuhn from CHAT.

Commissioner Ober has received numerous emails on Simplicity Village as well as ono-one interactions with the public.

Commissioner Arim-Law has had multiple conversations with board members from CHAT and drove by the project site.

Chair Rensink then asked Principal Planner Ambo to continue with the staff report and PowerPoint presentation.

Chair Rensink opened the public hearing and invited the appellant to address the commissioners.

Robert Barry, the attorney for the appellants, presented to the Commission and answered questions.

Nancy Park, Member of the CHAT board of directors spoke against the appeal. Chair Rensink asked Ms. Park why did not pursue a Use Permit. Ms. Park could not answer the question.

Ron Smith, spoke in favor of the appeal citing by his understanding Simplicity Village will be a permanent structure.

Lynn Strang, affiliated with Payless Building Supply, spoke in favor of the appeal. She was concerned that early morning noise from the neighboring lumber yard would be a source of noise complaints for the residents of Simplicity Village.

Michele Cooper, HR Manager for Payless Building Supply, spoke in favor of the appeal.

Steven Christophel, Chief Operating Officer for Payless Building Supply, spoke in favor of the appeal.

Terri Petersen, a long-term Chico resident, spoke against the appeal.

Ron Aker, CHAT board member, spoke against the appeal.

Bill K, President of CHAT, spoke against the appeal.

Sherry Bloker, CHAT volunteer, spoke against the appeal.

Linda Biscoe, Chico resident, spoke against the appeal.

Benson, Chico resident, spoke against the appeal.

Nancy Wirtz, former resident of Paradise, spoke against the appeal.

Frank Solinsky, President of Payless Building Supply, spoke in favor of the appeal. Commissioner Arim-Law asked Solinsky if he was the owner of Payless Building Supply to which he replied he is the President.

Mike Trolinder, supported Simplicity Village but spoke in favor of the appeal.

Barbara Morris spoke against the appeal.

Roger Mathews, CHAT volunteer, spoke against the appeal.

Tom Provost, Chico resident, spoke against the appeal.

Bruce McLean, Chico resident spoke against the appeal.

Chris Nelson, SafeSpace volunteer and CHAT supporter, spoke against the appeal.

Sue Griffin, former Paradise resident, spoke against the appeal.

Michael Pollard, former Paradise resident, spoke against the appeal.

Robert Caldwell, Chico resident, spoke against the appeal.

Cheri Smith-Comfort, Chico resident, spoke against the appeal.

Lauren Kohler, Chico resident, spoke against the appeal.

Richard Roth, Chico resident, spoke against the appeal.

Breedlove, Chico resident, spoke against the appeal.

Camille Pendery, Chico resident, spoke against the appeal.

Nate Pendery, Chico resident, spoke against the appeal.

Austin Larsen, social work for Butte County, spoke against the appeal.

Addison Winslow, spoke against the appeal.

Anna Meehan, SafeSpace and CHAT volunteer, spoke against the appeal.

Angela McLaughlin, spoke against the appeal.

Erinn Bromley, volunteer with homeless youth, spoke against the appeal.

Mikaela Hengof was not present.

Lisa Currier, outreach volunteer in Chico, spoke against the appeal.

650 Manzanita was not present.

Susan Baldwin, CHAT property manager, spoke against the appeal.

Charles Withuhn, CHAT board member, addressed the question regarding a different use permit, stating they did not pursue a conditional use permit based on City staff recommendation. Commissioner Scott asked if he considered Simplicity Village a facility? Mr. Withuhn answered yes. Commissioner Scott also asked if the facility is providing emergency health and safety needs? Mr. Withuhn answered yes.

Robert Trausch, CHAT board member, spoke against the appeal.

Cheryl King, CHAT volunteer, spoke against the appeal.

Patrick Newman, member of Chico Friends On The Street, spoke against the appeal.

Mary Flynn, Chico resident, spoke against the appeal.

Addrienne Parker, downtown business owner, spoke against the appeal.

Sue Hilderbrand, Chico resident, spoke against the appeal.

Dave Garcia, spoke against the appeal.

Robert Barry, the attorney for the appellants, gave a rebuttal to the Commission and answered questions.

With no other members of the public wishing to address the Commission, Chair Rensink closed the public hearing.

Commissioner Ober moved that the Planning Commission adopt Resolution No. 19-12, denying the appeal and upholding the Community Development Director's determination that the proposed temporary Emergency Facility is a permitted use in the ML zoning district.

The motion was seconded by Commissioner Scott. (6-0-1) (Howlett absent).

Chair Rensink called a recess at 8:32 pm.

Chair Rensink called the meeting to order at 8:44 pm.

- 3.2 Trinity Park Vesting Tentative Subdivision Map (S 19-02): Downtown Parking In-Lieu Fee Benefit Area Boundary Realignment and Deletion of Obsolete Municipal Code Chapters** - The Planning Commission will consider recommendations to realign the Downtown Parking In-Lieu Benefit Area boundary and relocate the in-lieu boundary map from Chapter 19R into Chapter 19.70 (Parking and Loading Standards). Staff is also recommending the deletion of obsolete Municipal Code chapters that no longer serve a purpose, including Chapter 19R.45 (Impacted Parking Area) and Chapter 19R.66 (Foothill Design Criteria), which have been deleted or integrated into other sections as part of previous Code amendments.

The Planning Commission will provide a recommendation to the City Council regarding the proposed amendments that will be considered at a future City Council meeting. **Questions regarding this project may be directed to Principal Planner Bruce Ambo at (530) 879-6801 or bruce.ambo@chicoca.gov, or Bikram Kahlon, Senior Traffic Engineer at (530) 879-6940 or bikram.kahlon@chicoca.gov**

Principal Planner Ambo, Senior Traffic Engineer Kahlon, and Brendan Ottoboni, Public Works Director, presented the report and answered questions from the Commission.

Chair Rensink opened the public hearing up to the public and invited the applicant to present the project.

Jim Stevens, representative for the Graduate applicant, asked to include property and not project if the Planning Commission adopted resolution No. 19-13.

Garret Gilland, owner of The Graduate, addressed the commission to present the project and answer questions.

With no other members of the public wishing to address the Commission, Chair Rensink closed the public hearing.

Commissioner Arim-Law moved that Resolution No. 19-13 (Attachment A) be postponed to the next Planning Commission Meeting so that the Planning Commission could review the same information that was provided to the Internal Affairs Committee on the boundary realignment and their subsequent recommendation.

Commissioner Ober seconded the motion which passed 6-0-1 (Howlett absent).

4. REGULAR AGENDA

None.

5. BUSINESS FROM THE FLOOR

Mark Stemen shared that the Butte Environmental Council is stepping up to host the first CAP listening session on Tuesday, 8/27 from 6-8pm at the CARD Community Center at 545 Vallombrosa Ave.

6. REPORTS & COMMUNICATIONS

None.

7. **ADJOURNMENT**

There being no further business from the Commission, the meeting was adjourned at 10:05 pm to the Regular meeting of Thursday, August 15, 2019 at 6:00 pm.

Date Approved

Bruce Ambo, Principal Planner
Community Development Department /
Planning Commission Secretary