

CHICO PLANNING COMMISSION
Minutes of Adjourned Regular Meeting of January 9, 1995

ROLL CALL

The meeting was called to order at 7:34 p.m. in the Council Chamber of the Chico Municipal Center. Commissioners present: Brenda Crotts, Celia McAdam, Scott Gruendl, Mike Wright, Kirk Monfort and Chair Gary Short. Staff present were: Planning Director Clif Sellers, Director of Public Works E. C. Ross, Senior Planner Stacey Jolliffe and Administrative Secretary Helen D. Smith.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioners McAdam and Crotts indicated they received a phone call from Jay Zelner recommending a work shop to discuss the Cellular One tower.

Commissioner Monfort and Chair Short each received a telephone call from Carl Leverenz regarding the sound wall for the North Valley Children's Services. Concern was expressed for the fence requirement along the east and south property lines.

Commissioner Gruendl reported a conversation with an acquaintance regarding item two, at which time he indicated he could not discuss the matter.

CONSENT CALENDAR

1. **Minutes of Adjourned Regular Meeting of December 19, 1995.**

Requested Action: Approve with any corrections/revisions required.

2. **Use/Variance No. 94-4 (Matthews)** - A request to allow 25% encroachments into the 15' rear yard setbacks for two new single family homes located at 1128 and 1130 Dayton Road (Walnut Street), Assessor's Parcel (A.P.) Nos. 004-510-035 and 040; and a variance to the 20' front yard setback for the proposed home at 1128, rezoned R-1 Single Family Residential and pending annexation. This project is Categorically Exempt from environmental review pursuant to section 15303(a) New Construction of CEQA.

Requested Action: Approve the request subject to the findings and recommended conditions of approval.

3. **Use Permit No. 94-43 (North Valley Children's Services)** - A request to allow an emergency shelter to house up to 36 children placed by protective services, on .722 acre located on the south side of W. East Avenue, 410 feet west of Alamo Avenue, A.P. No. 042-070-162, currently located in the County and rezoned R-2 Medium Density Residential. A Negative Declaration of Environmental Impact is proposed pursuant to CEQA.

Requested Action: Approve the request subject to the use permit findings and recommended conditions of approval.

4. **Use Permit No. 94-45 (C.A.R.D.)** - A request to expand the Chico Area Recreation and Park District facilities by adding an 890 square foot office to the existing building located at 545 Vallombrosa Avenue, A.P. No. 003-240-020, in a P-Q Public Quasi-Public zoning district. This project is Categorically Exempt from environmental review pursuant to

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section 15301(e) Existing Facilities, Additions to.

Requested Action: Approve the request subject to the use permit findings and recommended conditions of approval.

5. **Parker Manor Homes Subdivision/Planned Development Use Permit No. 94-33** - A request to allow a subdivision and planned development which would create 25 single family residential lots on 4.56 acres with lot sizes ranging from 4,362-8,775 square feet, and an average lot size of 5,695 square feet, on property identified as 2369 Ceanothus Avenue and 1377 East Avenue, A.P. Nos. 048-201-023 and 030 respectively, zoned R-1 Single Family Residential and PD/R-1 Planned Development Single Family Residential, respectively (Holdgraffer/Hays). A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to CEQA.

Requested Action: Continue this item to the Planning Commission meeting of January 23, 1994.

In order to provide better clarification, Commissioner Crotts requested an amendment to Item 1, Minutes of Adjourned Regular Meeting of December 19, 1995, Page 3, last paragraph, fourth line from bottom: "...be effective. Commissioner Crotts ~~asked if~~ added that members from the community..."

COMMISSIONER MCADAM MOVED TO APPROVE ITEMS 1 (AS AMENDED), 2, 4 AND 5 ON THE CONSENT CALENDAR. THE MOTION WAS SECONDED BY COMMISSIONER MONFORT AND PASSED UNANIMOUSLY (6-0) WITH COMMISSIONER WRIGHT ABSTAINING FROM ITEM 4 DUE TO CONFLICT OF INTEREST.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Use Permit No. 94-43 (North Valley Children's Services)** - A request to allow an emergency shelter to house up to 36 children placed by protective services, on .722 acre located on the south side of W. East Avenue, 410 feet west of Alamo Avenue, A.P. No. 042-070-162, currently located in the County and prezoned R-2 Medium Density Residential. A Negative Declaration of Environmental Impact is proposed pursuant to CEQA.

Planning Director Sellers provided a brief overview of the staff report, describing the proposed facility, site location and surrounding land uses. This property is zoned County R-4, and will require City sewer. Pursuant to City Council directions, connection to the sewer is subject to a public hearing for a use permit and incorporating conditions of the permit into the agreement to provide sewer service for the project. Concerns include noise, lights, trash collection and interior traffic circulation. A solid 6 foot high sound wall is recommended along the southerly property line and along the east and west property lines adjacent to the outdoor activity areas. The project should be designed to save as many healthy, mature walnut trees on site, as possible. Staff recommended approval, subject to making the necessary findings and recommended conditions of approval.

Public hearing opened at 7:38 p.m.

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Lea Ellen Chinchay, 1434 East Avenue, Chico, speaking on behalf of owners of two adjoining lots, expressed concerns for the intent to use the back of the adjacent properties as the main entrance, explaining that this would create traffic impacts and create a safety hazard, making a dangerous situation for neighborhood children playing in the area. She noted wholehearted objection to this project on that basis.

Carol Collier, P.O. Box 7146, Chico, applicant, said this is a needed family service. She clarified the design for access, and had no objection to staff adding conditions requiring direct access to East Avenue.

David Wills, 1245 Leah Court, Oroville, reported that he has had experience with facilities pulling kids away from loving families. He strongly stated that people have the right to access any road in America, as citizens of the United States.

Lea Ellen Chinchay again stated concern that access is intended for the back of the property.

Chair Short clarified that an added condition will require ingress/egress off East Avenue.

Public hearing was closed at 7:50 p.m.

COMMISSIONER MCADAM MOVED TO APPROVE USE PERMIT NO. 94-43 (NORTH VALLEY CHILDREN) MAKING THE REQUIRED FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN THE STAFF REPORT; WITH THE MODIFICATION THAT INGRESS/EGRESS BE FROM EAST AVENUE, A 135 FOOT SOUND WALL BE PROVIDED ONLY ALONG THE SOUTH PROPERTY LINE, AND LANDSCAPING ADDED TO THE WALL. THE MOTION WAS SECONDED BY COMMISSIONER CROTTS AND PASSED UNANIMOUSLY (6-0).

REGULAR AGENDA

6. **Heritage Oak Vesting Tentative Subdivision Map/Planned Development Use Permit No. 94-40 - (formerly Williams Subdivision)** - A request to allow a subdivision and planned development which would create 43 lots for single family residential development on 7.9 acres with an average lot size of 5,000 square feet and a minimum lot size of 4,500 square feet, including a 100 foot wide creekside greenway on the south side of Little Chico Creek on property located on the north side of Springfield Drive, approximately 150 feet east of Christopher Alan Lane, A.P. No. 002-110-089, zoned R-1 Single Family Residential land use district (Epick, Inc./williams). A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers summarized the staff report, noting that previous consideration was given on December 5, 1994, at which time the Commission approved the conceptual development plan subject to provision of building footprints and minor site modifications. In response, the applicant has recessed the garages on all lots and provided a wider north bound driving land adjacent to the large tree preservation planter. Curb and gutter is proposed adjacent to the oak tree. It was also recommended that the applicant demonstrate three parking spaces per lot. The lots are narrow and it is requested that this

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recommendation be modified to maximize parking along the street. Staff recommended approving the final development plan subject to the required findings and recommended conditions of approval; and approving the subdivision map by adopting the Planning Commission Resolution No. 95-01.

Chair Short requested clarification to the Resolution, Page 3, Items 7, 8 and 9, as modifications to the Subdivision Design Criteria and Improvement Standards. Planning Director Sellers responded, noting that Item 9 addresses the parkway location and street modification on Road A.

Public hearing opened at 7:59 p.m.

Bill Dinsmore, representing the applicant, reported that trees (i.e., on Lots 42 and 43) are alanthus and rotted oak, and slated for removal. He explained that these trees are not recommended for saving by the Urban Forester, although they are trying to save some trees that were not recommended for preservation. The bike path behind the large oak tree on Road A was eliminated, as Public Works requested the street be widened to 30 feet and classified for bike access. He noted concerns: 1) Four on-street parking spaces on Road B, requesting these be moved adjacent to Lot 18; 2) On Page 9 of Subdivision Report (tree preservation) -- he met with the Urban Forester, referring in Exhibit C (...20' from trees). He noted that they will only be 15 feet from trees to sidewalk and requested a modification to conditions to approve this.

Planning Director Sellers advised that temporary access previously discussed is acceptable to the adjacent property owners.

Commissioner Monfort questioned whether the CC&R's stipulated watering? Mr. Dinsmore answered, "Yes" and pointed out that everything is being done to save trees.

John Merz, 175 Rose Avenue, discussed the Negative Declaration of Environmental Impact Report, noting concerns, including: 1) Street designs on Lots B and C - are they relative to future development; 2) Page 5, regarding changes to soil, sand, etc., and requirement for revegetation of stream banks -- who is monitoring and how is it going to be paid for? What type of monitoring checklist exists, who is doing it, when is it being done, etc.?.; 3) All trees of 6" should be preserved and not removed without approval -- concern with 2 to 1 ratio to replace mature trees. He requested 5 to 1 (or 10 to 1) and five years be required to make sure trees remain; 4) Page 8, Hydrological Factors, 2. Changes in percolation, runoff or drainage patterns including ground water supply and recharge in the watershed -- Mr. Merz noted that the Sacramento River is at capacity and should require no net increase; 5) Mitigation C-2, B -- Felt this inadequate and suggested a peak flow analysis; 6) Page 10, C-4 regarding the Final Map being based on Best Management Practices (BMPs) -- What does this entail? Concern with good faith comment and felt this should be brought back to the Planning Commission for review. No alternative was mentioned to use Teichert Pond for a catch basin. Where is the proof for disposing storm water? He felt that more information is needed, noting that we are having impacts on our groundwater; 7) Page 11, #D, third paragraph, typo: 40 single family residences should be changed to 43; 8) Page 16, 10., glare impacts relative to riparian corridor is a concern, but cannot tell that wildlife is addressed in this. A

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comparatively larger amount of light should be considered--street lights are not mentioned; 9) Would like to know more about school service factors and increased demand on over-crowded schools. He addressed the bond issue in March and questioned the amount of the fees. Concerns were summarized to include design features, and storm water and where it should be going.

Chair Short commended Mr. Merz on his well thought-out presentation and suggested that comments be submitted in writing to assure that they be addressed in a more detailed letter rather than just a few minutes at the meeting.

Fran Shelton, 3100 Cohasset Road, representing the developer, feels they have done a good job, noting that this is an aesthetically nice project. She requested the Commission approve the use permit.

David Wills, 1245 Leah Court, Oroville, stressed that we do have a problem with homeless people, and complained that contractors should be providing homes for people who need them.

When the speaker refused to address the agenda item being discussed, a short recess was called (8:19 p.m.). The meeting resumed at 8:27 p.m.

Bill Dinsmore, discussed concerns expressed by Mr. Merz regarding monitoring, etc., and had no problem with monitoring of revegetation. Storm water will be done properly, noting that it is good to get the water in the creek. However, Teichert Pond was not considered as a possibility.

Director of Public Works Ross informed that Teichert Pond is privately owned. The BMPs considered during plan review noted no impact on flows; however, this will be reviewed.

Commissioner Monfort noted that the General Plan allows permeable driveways, etc. Mr. Dinsmore advised that this option was being considered.

Public hearing closed at 8:33 p.m.

Planning Director Sellers responding to concerns, reported on the dead end street at property line and development of property to the west. There are no plans at this time to eliminate the cul-de-sac along the creek (R-1 parcels could occur). The adjacent property owner was contacted about access and did not see a problem with future implementation. Monitoring and maintenance will extend beyond the two year development period. Tree removal and replanting of 2 to 1 ratio is for less desirable trees. The major trees on site are being preserved. The 2 to 1 is minimum in-kind replacement in public domains. With regards to glare and affect on riparian habitat, a 100 foot greenway was required to pull back development and provide a buffer. Schools are a difficult issue because fees are restrained by State law. State law only allows \$1.72 per square foot to be charged. For the actual mitigation, monitoring staff will develop a check list form.

Commissioner Monfort asked if the Planning Department keeps a checklist, and suggested that random checks (inspections) be done. A contractor could be hired to periodically check and review storm water infiltration, etc.

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Public Works Director Ross pointed out that the owners receive the benefit in that each district is monitored and staff assigned to make sure it can be done. There are currently 47 districts, and the number is growing and monitored as appropriate.

Commissioner Gruendl compared street lights to City standards, addressing light along Road B to insure type and glare concerns are mitigated. Public Works Director Ross responded that lights are only on the residential side of the street and will be reviewed for light patterns to reduce glare.

COMMISSIONER MONFORT MOVED TO APPROVE THE HERITAGE OAK SUBDIVISION/PLANNED DEVELOPMENT USE PERMIT NO. 94-40 (EPICK, INC.) SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL SET FORTH IN THE STAFF REPORT; AND APPROVAL OF THE SUBDIVISION MAP BY ADOPTING THE ATTACHED PLANNING COMMISSION RESOLUTION, WITH THE ADDED CONDITIONS INCLUDING AMENDING LIGHTING TO MEET CITY STANDARDS FOR REDUCED GLARE; (PAGE 4 AND 5) TO REFLECT IN THE BMPs AN ALTERNATIVE DRIVEWAY DESIGN BE ALLOWED AND CONDITION A NUMBER OF LOTS TO HAVE PAVING STONE FOR STORM WATER RUN-OFF. THE MOTION WAS SECONDED BY COMMISSIONER CROTTS AND PASSED UNANIMOUSLY (6-0).

7. Hegan Partnership Tentative Subdivision Map (Hegan Partnership) - A request to subdivide 36.5 acres into 40 lots for light industrial, manufacturing and related uses including a proposed underground storm water infiltration system, with lot sizes ranging from 0.3 to 7.9 acres, located on the north side of Hegan Lane between Huss Drive on the east side and the Southern Pacific Railroad right-of-way on the west side, A.P. Nos. 039-060-125 & 126, in an M-1 Limited Manufacturing zoning district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to CEQA.

Planning Director Sellers reviewed the staff report, describing the site location and surrounding land uses. The City is preparing a traffic study for the entire southwest Chico area to determine improvements necessary to provide both adequate capacity and circulation for full development of the area. It is possible that Otterson Drive will be extended across Comanche Creek to connect with Meyers Street and/or Park Avenue. The intersection at Midway/Hegan Lane is scheduled for signalization in the next two years. To minimize conflicts with adjacent uses, direct access will be limited to two existing driveways, a new private street providing internal access and Huss Drive. A 20 foot wide landscape buffer along Hegan Lane will be required by new development. Storm drainage impacts will be avoided by use of on-site treatment and infiltration. The subdivider also proposes to provide centralized services to support the small businesses within the project. The Negative Declaration was reviewed, including Item K -- if the parking lot is not reconstructed, the shade trees along the south property line are to be replaced. The Public Works Report recommended that a bike path be along the Southern Pacific Railroad. Staff requested an alternative alignment be considered and work with the Railroad to put in a bike path with the last phase of construction. It was noted that the Department of Fish and Game had submitted a letter addressing potential impacts to Swainson's Hawk forage, and this issue had not yet been addressed. Staff recommended a motion of intent to approve in order to resolve issues.

Commissioner Monfort questioned the extent of improvements in front of the

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existing building adjacent to the proposed development. Staff responded that improvements would be to the top of grade, if the bike path is extended along the track. The widening would require an additional 8 to 12 feet for public improvement.

Public hearing opened at 9:12 p.m.

Ken Bensel, 768 Skyway, Chico, stated that trucks cannot come out of the old Matthews plant without breaking the south edge of payment on Hegan Lane. Concern was expressed regarding traffic flows. If these things happen, with no access to this property except to Hegan Lane, impacts will occur. He would like to push for an entrance off Meyers, Otterson, etc, noting vehicular traffic and size of rigs coming out, requiring a 70 foot turning radius, etc. He requested the Commission consider the traffic flow problem.

Mel Munsinger, 710 Bruce Lane, Chico, expressed concern and recommended an extension of Otterson Drive to the north be made a condition of approval.

John Merz, complained that it is not clear what is being recommended and felt it needs to be in writing. He commented on the staff report, Page 3, Paragraph 4, regarding linking traffic improvement with Phase I and II. Based on the history of this area, there is a need for a circulation system that works. The analysis level is incorrect. The industrial development needs to generate funds to make the necessary improvements. He requested 1) continue this item until an updated document can be addressed; 2) regarding Butte County Air Pollution Control's memo from Gina Facca, top of second page, change should to shall. Of the 14 recommendations, what are being recommended?; 3) Need clarification of phasing; 4) Letter dated January 3, 1995, from Fish & Game, stating that the City of Chico Initial Study is inadequate because it did not identify and provide mitigation for project impacts on sensitive species. Open space habitat is significant. Has any survey been done?

Howard Slater, 3731 Morehead, Chico, proponent of this project, is trying to create an industrial incubator space, with mini-storage or office use, which can grow into larger spaces (100 to 2,000 feet). The idea is to provide individuals a chance to own their own business. The first phase emphasis is on small industrial uses. Substantial time was spent with staff and an agreement was made on most issues, but one (the bike path), feeling this a logistics problem. He requested the Commission move toward approving this project, noting that unresolved issues will be brought back for consideration. The bike path won't happen until Phase 3 (trying to hook up with something usable), and it could end up being a bike path to nowhere.

Mark Adams, NorthStar Engineering, 20 Declaration Drive, Chico, explained that the entire east side of Huss Drive has been fully developed with sidewalk and gutter. He felt it would be inconsistent to require parkways along the west side. He discussed the pedestrian/bicycle access within the development, indicating that they tried looking ahead to create a pedestrian atmosphere. A sidewalk is proposed to tie in to Phase I. The phasing is to offset traffic development. Intersection improvements will go out to bid in March with completion scheduled no later than 90 days (July). The traffic study indicates that improvements are necessary. The letter from Fish & Game relating to issues involving the Swainson's hawk and northern harrier does not indicate that these

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species have been seen on this site. They are working with Fish & Game to resolve these issues. He asked for approval of the project with the condition that these issues be worked out with staff.

Commissioner McAdam discussed existing traffic impacts in the area. Mr. Adams responded that they are specifically addressing the intersection at Midway and Hegan Lane. He felt the Traffic Analysis could include every street in Chico. Traffic impact fees will be paid to mitigate cumulative problems.

Public Works Director Ross clarified that specific projects were not modeled from the General Plan. The southwest report is going to City Council to look at alternatives for the southwest area. It will include Otterson Drive and Meyers Street connection. This is not site specific and will address circulation in these areas. The E. Park Avenue corridor traffic impacts will be addressed by the fees.

Doug Guillon, 3100 Cohasset Road, Chico, only received the report today and has not had a chance to look at it in detail. He indicated that signalization will be in place before this is developed. Concern was expressed with storm drainage, sewer, and vegetation. He asked if this subdivision will be reimbursing the developer at Oaks Business Park for infrastructure. He was directed to pursue the matter with staff. He also asked if Hegan Lane improvement would be required. Director of Public Works Ross confirmed a 1½ inch overlay of Hegan Lane to the railroad tracks.

Public hearing closed at 9:44 p.m.

Pros and cons for the on-site drainage system were discussed. Staff reported that Public Works is obtaining peak flow information and using that as management for best quality. The bicycle access should be provided.

Commissioner McAdam expressed concerns for habitat, traffic in the southwest area (Otterson/Meyers) and discussed the need for more research. She preferred to continue rather than approve the motion of intent.

COMMISSIONER MCADAM MOVED TO CONTINUE CONSIDERATION OF TENTATIVE SUBDIVISION MAP - HEGAN BUSINESS PARK - HEGAN LANE (HEGAN PARTNERSHIP). COMMISSIONER MONFORT SECONDED AND THE MOTION FAILED (3-3), ~~WITH MCADAM AND GRUENDL~~ CROTTS, WRIGHT AND SHORT DISSENTING.

COMMISSIONER WRIGHT MADE A MOTION OF INTENT TO APPROVE TENTATIVE SUBDIVISION MAP - HEGAN BUSINESS PARK - HEGAN LANE (HEGAN PARTNERSHIP). THE MOTION WAS SECONDED BY COMMISSIONER CROTTS AND PASSED (4-2).

Commissioner Monfort expressed concerns with the minimum singular vehicle trips and questioned the proposed mitigation measures addressing the bus stop, suggesting that the Business Park include a day care, restaurant, etc.

Commissioner Gruendl noted concern with the abrupt transition from improvements on Hegan Lane and railroad to greenline.

The meeting recessed at 9:55 p.m. and resumed at 10:02 p.m.

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8. Valley Oaks Village Tentative Subdivision Map/Planned Development Use Permit No. 94-28 (Orcutt) - A proposal to develop a 28 unit planned development on a 5.2 acre site located at 899 Forest Avenue and to subdivide the property in conformance with the development plan. The planned unit development is requested to vary from the minimum lot size and setback requirements within the R-1 zoning district as well as subdivision requirements. The subdivision will create 32 parcels corresponding to the 28 residences in the planned development, a parcel containing the common facilities and grounds for the planned development, and three parcels along the Forest Avenue frontage (one containing an existing single family residence and two vacant lots for single family residential use). A Mitigated Negative Declaration has been prepared for this project.

Senior Planner Jolliffe reviewed the staff report, describing the project site and surrounding land uses. The initial study concluded that any potential impacts resulting from this project could be mitigated to a level of less than significant. Payment of school mitigation fees and removal of an existing underground gasoline tank were included in the mitigation measures. Five other measures included: tree preservation, storm drainage Best Management Practices (BMPs), restrictions on parking of large recreational vehicles on-site, fire emergency access and pest eradication. Preliminary drainage plan for the project indicates that significant amounts of surface runoff will be detained on-site, utilizing retention and detention facilities which will look like typical landscape features. Forest Avenue is an arterial street and bike path, and Public Works felt conflicts would exist, thus recommending denial of direct access to the street by 3 new lots. Staff proposes that these lots gain alley-type access to back of lots. Applicant objects because this would restrict the salability of lots. Modifications would exist if the Commission plans to approve without alley access. A reconfiguration would be made if alley access is approved. The Architectural Review Board (ARB) would be required to approve the design. All recent development has limited access on Forest Avenue. Staff recommended adoption of the Mitigated Negative Declaration of Environmental Impact and approval of the Valley Oaks Village Vesting Tentative Subdivision Map and Final Planned Development Use Permit, making the required findings, including those necessary for modification of the City Design Criteria and Improvement Standards, and subject to the conditions of approval contained in Resolution No. 95-02 and the mitigation measures contained in the initial study.

Director of Public Works Ross pointed out that limiting access on Forest Avenue is an attempt to eliminate traffic problems. This is an arterial roadway. Only three or four lots exist on the east side of Forest Avenue. As they develop, the City is trying to eliminate driveways. He advised that the City Transportation Coordinator had recommended an improved bus stop facility with bench and cover at this location, in an effort to get buses off the roadway. Planning Director Sellers added that this is a major corridor to Bidwell Park.

Commissioner Gruendl felt the alley access would be consistent with the General Plan, and that houses should be oriented to Forest Avenue.

Senior Planner Jolliffe advised that alley access would require tandem parking. The ARB found this project compatible with surrounding homes, with single family attached units, using a nice mediterranean style and tile roof. It would be

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appropriate to approve architectural designs by the Commission as part of the Planned Development.

Public hearing opened at 10:21 p.m.

Jay Goldberg, 1020 Poppy Street, Chico, applicant and expect to live in this project, extended compliments to staff. He expressed concerns, including access on Forest Avenue, noting that in developing this project, he was told this would create some problems. The southern lots along Forest Avenue were redesigned to share parking and access. Forcing cars to go into the project interior would be violating the integrity of the design. The concept is not to have a parking lot, with asphalt replacing natural areas--the southern side of the site was planned for a wildlife area. There are presently two bus stops on Forest Avenue, 60 and 1,000 feet to the south. The bus stop now is located centrally to our property. We would be willing to work with staff and neighbors to install a cover and benches at the existing site.

Mike Byrd, Project Engineer, Rolls, Anderson & Rolls, 965 Fir Street, indicated that three driveways exist just north of the project with the potential for more (roughly eight). He felt their request for a driveway to access lots is reasonable, noting that improvements for Forest Avenue are planned. He referred to Exhibit A, for road improvements on Forest Avenue requesting that only half of the street width be reconstructed.

Brent Thrans, 1826 Capitol Avenue, Sacramento, Landscape Architect, expressed concerns with the hammerhead design and with one-way roads, stating that the standard width for parallel parking should be 20 feet. In regards to making alley access in back of homes, to modify the design would make this infeasible, with the ARB's request to orient development inwardly.

Jon Luvaas, 190 E. Sacramento Avenue, Chico, future owner in this project, expressed concern that a large, 40 foot pecan tree would be lost if the bus stop is required at the proposed location. With regards to the extension of the sound wall, he felt the outer wall would be adequate and would be willing to work with the Murphy's to establish a sharing arrangement for the cost of the extension.

Terryl Murphy, 881 Forest Avenue, Chico, neighbor to the north, agreed with saving the pecan tree, noting that it would be a significant loss. She advised that the sound wall was requested because of the proposed location of an adjacent parking lot. Staff recommended a 135 foot wall, and there is 220 feet of shared property line (180 feet after the access). Valley Oaks Village proposed 100 feet. Her back yard is divided with garden area, approximately 50 feet, and would extend beyond the sound wall. She requested the fence be extended for the 135 feet, to end of fence, using a stucco frame filled with foam, per staff recommendation. She also indicated that they are willing to work with the developer, but felt they should pay for the fence beyond the 135 feet (an additional 10 feet). This would be a significant impact, involving visual (fence in middle of back yard), noise and privacy concerns.

Tim Murphy, 881 Forest Avenue, Chico, neighbor to the north, stated that they could pay for additional footage to assure their lifestyle (10 feet past the 135 foot). He expressed concern for an asphalt path from Forest Creek Estate, now in disrepair, and asked when City staff would repair potholes. He discussed

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Cedar Grove and wheel chair access. He expressed concern with the detention pond, asking to raise the grade in the area to direct storm water drainage to the parking lot and not his property.

Public hearing closed at 10:53 p.m.

Public Works Director Ross advised that the developer is responsible to make sure no peak overflows occur, noting that the Commission could make this a condition to design for storms and look at what excess water damage could occur as a safety factor. Senior Planner Jolliffe informed that the applicant did agree to direct flow away.

Commissioner McAdam questioned staff regarding the school fees. Planning Director Sellers responded that mitigation agreement determined higher fees would be required.

COMMISSIONER MCADAM MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REPORT AND APPROVE OF THE VALLEY OAKS VILLAGE VESTING TENTATIVE SUBDIVISION MAP AND FINAL PLANNED DEVELOPMENT USE PERMIT, MAKING THE REQUIRED FINDINGS, INCLUDING THOSE NECESSARY FOR MODIFICATION OF THE CITY DESIGN CRITERIA AND IMPROVEMENT STANDARDS, AND SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION NO. 95-02 AND THE MITIGATION MEASURES CONTAINED IN THE INITIAL STUDY, AND SUBJECT TO STAFF RECOMMENDATIONS AND CONDITIONS OF APPROVAL, INCLUDING PROVIDE TWO DRIVEWAYS WITH HAMMERHEAD TURNAROUNDS, THE SOUTH FENCE SHALL BE A 135 FOOT SOUND WALL, AND BUS STOP TO REMAIN AT EXISTING SITE AND IMPROVED. ARCHITECTURAL REVIEW WILL BE DONE AT STAFF LEVEL. THE MOTION WAS SECONDED BY COMMISSIONER CROTTS AND PASSED (5-0) WITH COMMISSIONER WRIGHT ABSTAINING.

9. Use/Variance No. 94-39 (MSA Cellular) - A request to allow a 115+/- foot tall cellular antenna tower with up to 12 cellular antennas and two microwave dishes with unmanned electronic equipment to be housed in an adjacent building within a mini-storage facility located at 65 Heritage Lane, A.P. No. 007-270-022, in a C-1 Restricted Commercial land use district. Besides use permit authorization for the proposed facility, the project requires modification of a previously approved variance which allowed the mini-storage buildings and paved access to be located within the required 25 foot landscaped freeway setback area. Approval of that variance was conditioned to provide three densely landscaped planters at the west ends of the buildings to shield the view of the mini-storage from the Highway 99 viewshed corridor. The tower would displace some of this required landscaping, as it is proposed to be installed in the landscape planter located at the west end of the center building, approximately 35 feet east of the State Highway 99 right-of-way.

Senior Planner Jolliffe provided a brief overview of the staff report, recommending denial due to aesthetic concerns and potential detrimental impact on the Highway 99 viewshed corridor; and due to the lack of evidence to support a basis for making the required variance an use permit findings.

Public hearing opened at 11:12 p.m.

Michael Shoaff, Cellular One, 10030 Goethe Road, Sacramento, provided a brief

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history of cellular phones. He reported that the Chico area is in high demand, noting that Bidwell Park acts as a buffer to frequencies. They came to the City in July and were told by Planning Staff to find a suitable location. Don Smail, Economics Development, said to look along the freeways. When this location was found, staff indicated it was too close to the freeway, and then an alternate site was found. Mr. Schoaff pointed out the need for this location and displayed a map depicting the site location. The tower would be 30 feet away from the freeway, set back in a landscaped area (working around existing vegetation). The pictures showed a 100 foot crane used during a signal test, and indicated the view from passing cars. A tower, emergency generator and fuel tank would be stored on site, to furnish a self sustaining emergency telecommunication service. The alternative site is in the County and it is preferred to stay away from residential areas. He offered to answer questions.

Commissioner Gruendl asked what color the tower would be. Mr. Shoaff answered that it would be similar to an existing tower in Sacramento, a light blue/grayish-- some places have dark blue and some gray (Bay Area).

Commissioner McAdam asked whether this would go to the Architectural Review Board. Staff responded that it could, but not normally.

John Carvey, 65 Heritage Lane, Chico, owner of proposed site, indicated that if you were going southbound on the freeway, you would look to the left and approximately thirteen 15 foot tall trees exist at this location. No trees will be removed. This is a quarter mile from any resident. The Cohasset overpass has a 6 to 7 foot fence covered from the viewing point with climbing roses. The base will be covered. Trees will grow from there upwards alongside the tower, 10 foot elevated above the base. He felt it was important to install the antenna and asked the Commission to approve this request.

Public hearing closed 11:33 p.m.

Commissioner McAdam clarified that vegetation would not be removed. She asked if companies share facilities, or can we expect many towers in the future.

Senior Planner Jolliffe noted that this tower would be an encroachment to the existing building, and warned that the photos were taken a great distance from the site. She expressed the need for some criteria for viewer perspective.

Planning Director Sellers added that having the tower and keeping the landscaping will not change the variance. He suggested that when using the crane to determine site suitability, the Planning Commission should be contacted to get a correct view of the tower height.

Commissioner Gruendl expressed concern that other applications would be submitted and a basis would need to be established to allow these.

Chair Short questioned on what basis can we allow one and not another? He suggested height requirements and limitations for airport consideration.

Commissioner Monfort noted that this is not a new variance, but simply affirming the old variance. Planning Director Sellers advised that the Commission could determine the location of the tower will not affect the previous findings in the

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original variance. There was no correspondence in objection.

Public hearing reopened at 11:45 p.m.

Michael Shoaff indicated that it is possible to share the facility, noting a shared facility with the existing Sheriff's tower, which is currently approved for 180 feet. Although this tower under discussion is capable of handling the City's requirements, each microwave dish is three to four feet tall and two feet wide, and 12 cellular antennas are proposed. Too many across creates wind torque. The facility is proposed to share already with another company (we are at 65 feet and they are at 85 feet).

Public hearing closed at 11:49 p.m.

COMMISSIONER GRUENDL MOVED TO APPROVE USE/VARIANCE PERMIT NO. 94-39 (MSA CELLULAR) SUBJECT TO STAFF RECOMMENDATIONS, TO INCLUDE CONDITIONS TO ALLOW THE PRIVATE SERVICE TO CHICO CITIZENS, LANDSCAPING WILL NOT BE LESSENERED AND CAN ONLY BE MODIFIED DURING CONSTRUCTION--THEN REPLACED, AND THE COLOR WILL BE A SINGLE SOLID COLOR--A COMPATIBLE LIGHT BLUE/GREY. COMMISSIONER MCADAM SECONDED AND THE MOTION PASSED UNANIMOUSLY (6-0).

Chair Short expressed the need for a work shop within the next two months to discuss antenna towers and develop criteria. Mr. Shoaff indicated he would be wiling to attend.

BUSINESS FROM THE FLOOR

It was agreed that election of new officers would be postponed until after new appointments by City Council.

CORRESPONDENCE

None.

ADJOURNMENT

THERE BEING no further business, the meeting was adjourned at 11:55 p.m. to January 23, 1995, at 7:30 p.m.

Date Approved

Clif Sellers
Planning Director

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ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Gary Short, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Director of Public Works E.C. Ross, Planning Director Clif Sellers, Assistant Planner Jay Hanson and Sr. Typist Clerk Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Chairperson Short received communication from Mary Anne Houx regarding Use Permit Application No. 94-47 (Arroyo), as did Commissioners McAdam, Studebaker and Crotts.

CONSENT CALENDAR

1. Minutes of Regular Meeting of January 23, 1995.

ON A MOTION BY COMMISSIONER MONFORT, SECONDED BY COMMISSIONER McADAM, THE MINUTES WERE APPROVED WITH NO CORRECTIONS BY A VOTE OF 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None

REGULAR AGENDA

2. **Use Permit No. 94-47 (Arroyo)** - A request to allow acoustical (unamplified) live music, dancing and the serving of liquor in conjunction with a new Mexican-style restaurant located within 300 feet of a residential zoning district, at 738 Mangrove Avenue (formerly King's Table) within the Park Plaza Shopping Center, portion of Assessor's Parcel No. 003-280-040, in a C-1 Restricted Commercial zoning district. This project is Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Commissioners Wright stated that he would abstain because he owns property in the area. Commission Belmonte also said he would abstain due to property ownership.

The City of Chico Report dated February 1, 1995 regarding Use Permit No. 94-47 (Arroyo) for 738 and 740 Mangrove Avenue was presented by Planning Director Sellers. As specified in the report, staff recommends eight conditions for approval of the Use Permit.

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Chair Short opened the public hearing at 7:40 P.M.

Carlton Lowen spoke representing both the ownership and the applicant. He stated that the applicant lives in southern California and that he owns four similar family-style restaurants similar to the one he proposes to open in Chico. While he understands that the dancing portion is a concern, it will be on a limited basis, similar to that which is used at La Hacienda restaurant which is located in Gridley. He also noted that the music is to compliment the atmosphere. He stated that he has been in communication with the Walker Commons Senior Housing developer who has no objections to the project. The applicant supports the Staff recommendation of the 10 P.M. limit to dancing though he would like to have music after 10 P.M.

Commission Short asked about the organ music since an organ is amplified. Mr. Lowen responded that the music is meant as background, but as an organ is part of mariachi music, the requests the Commission allow the organ as an acoustical instrument. He stated that the applicant would agree to having the acoustical music ends at 10 P.M. City Attorney Boehm suggested limiting music to 10 P.M.

Commissioner Studebaker asked what the ratio of area designated for dancing was to eating area in the restaurant portion. Mr. Lowen answer that the dance floor would be approximately 10 feet by 10 feet. Applicant would like dancing to be a compliment to the atmosphere and would be willing to limit the dance area. Commissioner McAdam questioned the purpose of dancing if it is a family restaurant. Mr. Lowen responded that music and dancing is part of the atmosphere of the whole restaurant.

Commissioners Crotts and McAdam questioned the idea that after 10 P.M. with the music and dancing ending at 10 P.M., the establishment would then become a bar. Mr. Lowen agreed, but with food available.

Carol Lindshied, 821 Arbutus, expressed her concern regarding the 'family atmosphere' the music and drinking would create, as well as additional traffic and the indefinite nature of music.

Barbara Suttoff, 939 Arbutus, stated that she opposes this Use Permit due to the nightclub atmosphere which would be located near a residential neighborhood and a senior housing complex. She also is concerned that there would be an increase in traffic and noise in the area. She also noted that this could be a case of the 'Graduate Syndrome.'

Helen Kutz, 751 Arbutus, voiced concerns regarding the results increased traffic would have. She brought up a recent fire in the neighborhood with no police support directing traffic. She is concerned that this situation would have been worse had there been people driving in the area who had been drinking.

Garry Sanner, 580 Vallombrosa, expressed his support of the permit. He feels that the property manager for the shopping center is easy to work with and will not allow problems from the restaurant. Mr. Sanner believes that

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the similar restaurant operated by the applicant has been an asset to the community of Gridley.

Betty Jane Roth, 855 Filbert Avenue, objects to nightclub atmosphere. She asked for clarification of the proximity of Walker complex to the proposed restaurant. Planning Director Sellers responded that it is within 75-90 feet.

Franck Caro, 1910 Esplanade, stated that he runs a similar style restaurant. He feels it is a good idea but agrees that it could cause problems.

Mary Anne Houx, 680 Filbert Avenue, expressed her concern that the proposed restaurant is too close to the senior complex and could result in the 'Graduate Syndrome.' She mentioned the current traffic problems on Arbutus. Mrs. Houx feels that this type of music would result in the same type problems. She feels that the problems relating to bars should stay in the downtown area, not spread out near residential areas.

Ralph Turner, 297 10th Avenue, stated his support of the Use Permit. He believes that Mangrove Avenue is the main road in the area, thus the traffic should be going down Mangrove Avenue and would not cause more traffic than Kings Table did. He feels that the noise should not be the problem since the kitchen is in the back. He expressed that Chico needs to bring in new businesses, not discourage businesses. Mr. Turner suggested that the Commission could limit decibels not just amplified music.

Mr. Lowen returned to address the Commission with an answer to Commissioner Studebaker's question regarding the ratio of food to drinking. The Applicant feels that there would be a ratio of 65 percent food sales to 35 percent beverage sales, based on experience with his other restaurants. The Applicant also agrees to limit the dancing area 100 square feet.

Commissioner Monfort asked whether the shopping center people would be willing to cut off access to Palmetto. Planning Director Sellers answered that it is needed for emergency fire access, delivery trucks, and the like.

Mr. Lowen mentioned that the shopping center is well lit and that the ownership will enforce operations of the restaurant as to not endanger existing businesses. Commissioner Monfort asked that the conditions be less variable, and if 210 occupancy was fire code limit. Commissioner Crofts remarked that the Police Department memo states a high occupancy range of up to 885 maximum. Commissioner Studebaker asked if the music after 10 P.M. changed to background music rather than mariachi music. Mr. Lowen answered that it would.

Planning Director Sellers stated that the Police Department appears to take full square footage into consideration when estimating occupancy, which does not consider restrooms, storage rooms, kitchen space or exiting requirements.

Chair Short closed the public hearing at 8:20 P.M.

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Commissioner Monfort stated that the condition of a 10 feet by 10 feet foot dance floor should be added to the conditions of approval as well as a 215 occupancy level.

Commissioner McAdam express concern for the noise that may be generated after 10 P.M. within 50 feet of a senior housing complex, noting there could be a conflict similar to what happened with the Graduate. Commissioner Monfort suggested that the Commission set a condition regarding hours of operation. Chair Short stated that he could not approve the permit without restricting the hours of operation. Chair Short suggested the Commission put in a condition of approval regarding hours of operation ending at 11 P.M., with music ending at 10 P.M. He also suggested that the Commission specify a restriction for what type of music as well.

Commissioner Crofts vocalized her concern for doors opening toward the senior housing complex and residential neighborhood. Commission Monfort responded stating that the main doors to the business open toward Mangrove Avenue, with only the kitchen door opening toward the back of the building.

Commissioner Studebaker brought up the question of whether to limit the time period of the approval. Chair Short stated that while the Commission has put a year restriction on permits in the past, there is also the process for an administrative review. Planning Director Sellers explained the process for a administrative review which would include review of both the Building file, which would contain any code endorsement complaints on the address, and the Police Department records of responses to that address.

Commissioner McAdam questioned if the Commission could control the volume of the music. City Attorney Boehm explained the current noise ordinance in the Chico Municipal Code.

Commissioner Monfort questioned the condition of approval stating that all live music must be of the acoustical type and unamplified. He felt the condition should be reworded to read "All live music may not be amplified."

Commissioner Short restated the conditions that the dance floor may not exceed 10 feet by 10 feet, occupancy must not exceed 215, and the hours of operation be limited to closing at 11 P.M. with all music ceasing at 10 P.M.

COMMISSIONER MONFORT MOVED TO APPROVE USE PERMIT NO. 94-47 (ARROYO) SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDATIONS OF CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT WITH THE ADDED CONDITIONS OF (1)A MAXIMUM ONE HUNDRED FOOT DANCE FLOOR, (2)OCCUPANCY NOT TO EXCEED 215 PEOPLE, AND (3) HOURS OF OPERATION ENDING AT 11 P.M. WITH MUSIC ENDING AT 10 P.M. THE MOTION WAS SECONDED BY COMMISSIONER MCADAM. THE MOTION WAS APPROVED BY A VOTE 4-1 WITH COMMISSIONER CROTTS OPPOSING AND COMMISSIONERS BELMONTE AND WRIGHT ABSTAINING.

3. Parker Manor Homes Subdivision/Planned Development Use Permit No. 94-33 (Holdgraffer/Hayes) - A request to allow a subdivision and planned development which would create 25 single family residential lots on

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4.56 acres with lot sizes ranging from 4,362-8,775 square feet, and an average lot size of 5,695 square feet, on property identified as 2369 Ceanothus Avenue and 1377 East Avenue, Assessor's Parcel Nos. 048-201-023 and 030, respectively, zoned R-1 Single Family Residential and PD/R-1 Planned Development Single Family Residential, respectively. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

The City of Chico Report dated February 1, 1995 regarding Use Permit No. 94-33, and Parker Manor Homes Subdivision, was presented by Assistant Planner Jay Hanson. Applicant has revised the design to meet the Planning Commission concerns which were communicated at the preliminary hearing. Staff recommends approval subject to the required findings and recommended conditions of approval.

City Attorney Boehm noted that the Commission must make findings to deviate from the Design Criteria and Improvement Standards, for changes such as a cul-de-sac over 500' in length and the elimination of parkway. It is not sufficient for the reason to be consistency with the General Plan, the deviation must be made to be consistent with the General Plan.

Chair Short opened the public hearing at 8:48 P.M.

Mark Risso from A&Q Engineering spoke on behalf of the developers. He stated that this is considered an infill project, which is consistent with General Plan. He commented that Page 2 of resolution approving the final planned development and vesting tentative subdivision map for Parker Manor Homes Subdivision, mentions providing pedestrian access to East Avenue. He feels this was removed by the Commission during the preliminary hearing as it would not be safe for children using that pathway to enter onto East Avenue where there is not a stoplight or crosswalk and children may be tempted to dart across East Avenue.

Mr. Risso notes that on Director of Public Works Subdivision Report, Item Number 2.a.3., Storm Drainage Facility Construction, states "...connecting to the existing public storm drain system on the south side of East Avenue westerly of Lot 25." He would like to amend this section to read connection to existing system to be determined after analysis of the storm drain system. His preliminary report says that existing pipe can not support the expected storm drainage.

Mr. Risso pointed out that the Planning Commission required sidewalks on both sides of the private road. This has been complied with. Commissioner Monfort stated that at the preliminary hearing it was specified to use verticle curbs, map shows rolled curbs. Mr. Risso stated that this will be complied with.

The Applicant also commented on the plant selection for the parkway entrance. Plants are two varieties of pyracantha which will not be conducive to picnic areas, achieving the desired effect prohibiting gatherings on the entrance.

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Susan Proctor, 2415 Ceanothus, expressed her opposition to this subdivision. She feels that while consistent with General Plan in regards to density, this would not be beneficial to the area. It would have a negative effect on traffic with the exit within 200 feet of the exit for Pleasant Valley High School, which is supposed to be growing by 700 students in the next five years. She is concerned with the impact of 250 additional traffic trips in the area, which Staff reports this subdivision have. Also a concern is the additional parked cars from both the subdivision and the growth at the high school. Mrs. Proctor also asked the Commission if it has granted approval for the removal of two walnut trees on Lot 24.

Paul Norris, 2423 Ceanothus, communicated his opposition to this project. His concerns include the impacted parking in the area and drainage. During athletic events at the high school, particularly during football season, all available parking is used. Seventy-five additional vehicles in subdivision, on top of high school parking will cause a problem Mr. Norris feels. He believes that the drainage problem needs additional study for the surrounding neighborhood already has a drainage problem. He closed his comments by stating his belief that the proposed subdivision is inconsistent with the rest of the neighborhood.

C.M. Proctor, 2415 Ceanothus, stated his concerns regarding drainage. He has been pumping water out from under their house which borders the project on two sides. Development will create more drainage problems in an area which already has inadequate drainage he feels.

Shelia Englund, 1417 Keri Lane, discussed her concerns relating to the potential drainage problems. She mentioned a pond on the proposed subdivisions property which is home to geese, frogs and a pheasant. She feels the area is a potential wetland. She indicated that the Staff Report mentions Kimberly Lane but not Keri Lane, which is closer to the project. Ms. Englund stated that the density is not in relation to the adjacent neighborhood, and that the area already has flooding and traffic problems that she feel this project would add to. She also questioned the 15 foot setback in its relation to the corner lots in back of the cul-de-sac.

Mark Risso again addressed the Commission. He stated that the project will include the installation of the necessary drainage as well as completion of the sidewalk will help children in their walk to school.

Commissioner Monfort expressed his concern regarding the pool. Planning Director Sellers said the pool does not meet definition of wetlands, based on acreage and vegetation type.

Commissioner Belmonte discussed his concern pertaining to the storm drainage connection. According to Mr. Risso, A&Q Engineering reports show that East Avenue drain pipe is inadequate, that it will require an additional storm drain pipe under East Avenue to cover the drainage of the project. He stated that A&Q will be conducting a Storm Drainage Analysis. Also, Mr. Risso pointed out to the Commission that the pond area will be filled and that the Grading Plan shows that the proposed subdivision is lower than the adjacent property.

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Commissioner Monfort asked Mr. Risso about the walnut trees on Lot 24. Mr. Risso pointed out the Commission the developers will be putting in City Street Trees in accordance with Condition F. The developers will save trees if they can, but Mr. Risso thinks that the two walnut trees will not remain. Commissioner Crofts pointed out the condition that 'all existing trees to remain.'

Commissioner McAdam brought up concern for alternative garage settings. Mr. Risso stated that the density of project and lot widths will not allow for alternative garage setups.

Commissioner Crofts asked if there any patio covers which would now need variances. Mr. Risso answered that the developer will not be putting in any patios which would need variances.

Chair Short closed the public hearing at 9:14 P.M.

Chair Short reminded the Commission that there are Standards provided in the Chico Municipal Code, and that the Planning Commission can only approve modifications if they approve findings. Planning Director Sellers pointed out several finding which the Commission could make including environmental mitigation, low income housing, parcel size, and General Plan consistency. Findings to approve the project will be included in the Resolution prepared if the Commission adopts a motion of intent. He doesn't feel a finding can be made to eliminate parkways.

Chair Short asked Director of Public Works Ross to discuss the storm drainage. Director of Public Works Ross stated that the proposed subdivision's Storm Drain Master Plan must demonstrate that the project will not increase flow into the drainage system and it is also required to intercept existing drainage from the area.

Chair Short inquired about the traffic counts for the area. Director of Public Works Ross stated while he did not have the traffic count, a traffic signal for Ceanothus and East Avenue is planned and will be installed within the next nine months.

Planning Director Sellers stated that the Planning Commission can authorize tree removal in the motion to intent.

City Attorney Boehm stated since the Public Works Report states that the area will have a home owners association, the Motion of Intent must include a condition that the Home Owners CC&R's have a provision to allow the city to maintain facilities in the project and to recover the cost of maintaining those facilities.

Chair Short reminded the Commission that at the preliminary hearing, the pedestrian access to East Avenue was removed.

Commissioner McAdam questioned what effect the reduction of parkway strip would have on the density of project. Planning Director Sellers stated that

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they can not eliminate that parkway without findings, and that a small decrease in density would likely result if parkways are required.

Chair Short re-opened the public hearing 9:20 P.M.

Mr. Risso of A&Q Engineering stated that requiring the parkway strip will cut into the driveways, and result in people parking on the strip. They would have to eliminate Lots 1 and 2 if they can not make the change.

Public hearing closed 9:24 P.M.

Commissioner Monfort asked Planning Director Sellers if the project qualifies as low income housing. He responded that it does not count as Low cost housing as there is no program in place to guarantee the low cost housing. Commissioner McAdam stated if the Commission can't make finding in relation to affordable housing, then it must require the parkway strips.

COMMISSIONER MCADAM MOVED THAT THE PLANNING COMMISSION ADOPT A MOTION OF INTENT TO APPROVE PLANNED DEVELOPMENT USE PERMIT NO. 94-33 AND TENTATIVE VESTING SUBDIVISION MAP - PARK MANOR HOMES (HOLDGRAFER/HAYES) SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL SET FORTH IN STAFF REPORT, WITH THE ADDED CONDITIONS OF (1) THE FINDINGS FOR THE 500 FOOT CUL-DE-SAC; (2) PARKWAY STRIPS TO REMAIN; (3) REDUCTION OF DENSITY; (4) WALNUT TREES ON LOT 24 TO REMAIN PENDING THE RECOMMENDATION OF ARBORIST OR RECONFIGURE THE FOOTPRINT OF HOUSE TO ACCOMMODATE THE TREES; (5) HOME OWNER ASSOCIATION CC&R TO INCLUDE RECOMMENDATIONS OF THE CITY ATTORNEY; (6) REMOVING THE REQUIREMENT OF PEDESTRIAN ACCESS TO EAST AVENUE. THE MOTION WAS SECONDED BY COMMISSIONER MONFORT AND PASSED UNANIMOUSLY (7-0).

The meeting recessed at 9:30 P.M. and resumed at 9:43 P.M.

4. **Use Permit No. 94-48 (Chico Nut)** - To allow a modification of a pre-existing nonconforming use, by allowing construction of a truck scale on a 1.31 acre parcel on the west side of Oleander Avenue between E. 9th and E. 10th Avenues, Assessor's Parcel No. 003-351-005, which currently functions as a parking lot for employees and trucks associated with the existing Chico Nut processing plant. The subject site is located in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

The City of Chico Report regarding Use Permit No. 94-48 (Chico Nut) dated February 1, 1995, was presented and summarized by Planning Director Sellers. He stated that staff has recommended denial with the finding that the proposed use is not compatible with the existing neighborhood. Staff recommends a neighborhood meeting to attempt to solve the problems, and continue the hearing until the March 9, 1995 meeting.

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Chair Short opened the public hearing open 9:50 P.M.

Doug Youngdahl, president Chico Nut Company, reviewed the history of Chico Nut Company and the building it resides in. Chico Nut came into control of the processing plant in 1988, which was in disrepair after years of neglect. He also discussed the history of this permit, as they had applied for a building permit for the scale, which was granted, and then found that they needed a Use Permit due to the zoning of the parking lot area.

Mr. Youngdahl remarked that Chico Nut has made attempts to discuss this project with the neighbors. He also clarified that there is no loading pit in the plans, only a truck scale. The scale would go into a parking lot, of which 25 percent Of which is used for parking. The area currently serves as a staging area for the trucks, truck will park on the scale if the permit is approved. He feels this will not change current traffic or parking patterns.

Commissioner Monfort asked Mr. Youngdahl to discuss current traffic plan and number of trucks. As the almond processing season is August until December, Mr. Youngdahl claimed that eight trucks per day come to the plant during that time of year. Though the rest of the year he stated that there may be three to four trucks per day. Mr. Youngdahl agreed that Chico Nut will not offer scale use to the general public.

Mr. Youngdahl gave testimony that the parking lot is currently all gravel, and as there is inadequate drainage in the area to handle runoff if the whole lot was paved; therefore, Chico Nut only wants to pave actual area of scale. Mr. Youngdahl would like to have the staff recommendation regarding the installation of public improvements and provisions of an interim storm water runoff system deleted.

Commissioner Monfort suggested placing the scale in the operations yard. Mr. Youngdahl responded that it would conflict with current operations and the plans for future operations.

Mr. Youngdahl stated that the current truck patterns are from 7 A.M. through 7 P.M., though there are instances of later times. He stated that Chico Nut Company has not received any complaints regarding trucks, only complaints which have been relating to drainage and grading in the surrounding county area.

Commissioner Studebaker asked what the noise volume of scales would be. Mr Youngdahl responded by saying that since the scales will be located in the ground, and the controls operated remotely from the main building, there would be no noise.

Mr Youngdahl asked for changes in the recommended conditions of approval. He feels it would be unfeasible to limit hours of truck scale operation. He asked for the elimination of the recommendation to prepare and submit a noise attenuation plan, he feels it ignores the historical use of the site.

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Commissioner Belmonte inquired if the scale would have curbing, shed, or other structure which would be visible from the road. Mr. Youngdahl stated that the scale will have curbing which may be six inches above ground.

Paul Minasian, 1767 Filbert, attorney for Chico Nut Company, addressed the history of the Use Permit. He reiterated that the property has had a an industrial use for 50 years and is a legal pre-existing non-conforming use. The Building Division approved the building permit for the scale, after which Staff brought up the issues of the non-conforming use on the parking area which is zoned C-1, not M-1 as the rest of the property is zoned. City staff initiated the Use Permit.

Mr. Minasian also spoke about the importance of proposal to nut industry which is important to the area. Since their huller & sheller contractors are open 24 hours per day, he feels Chico Nut Company has to work the same hours during peak season to keep up with the perishable food product processing. He implored the Commission to eliminate that condition. He asked the Commission to eliminate the recommended conditions of approval regarding storm water disposal, since the scale disposes of runoff on site.

Steve Troester, 1936 Oleander, expressed his opposition to the Use Permit. He asked the Commission if industrial land uses are more important than the other land uses. He feels that if the permit were granted it would perpetuate the nonconforming use. He thinks there are viable alternatives to the scale location available on Chico Nut Company property. Mr. Troester also addressed the area drainage problems and feels Chico Nut Company should have to mitigate their related drainage. Current parking lot does not conform to current standards as it is not paved or well lit.

Mark LaMont, 277 E. 10th Avenue, does not favor the limitation of operating hours. He would like to keep the damage and noise caused by trucks limited to Chico Nut Company property.

Franck Caro, 1910 Esplanade, expressed his concern relating to the current traffic problems in the area. He feels the expansion of Chico Nut Company would cause more problems, which would have a negative impact to the area.

Richard Roper, Roper Associates, P.O. Box 885 Chico, addressed the drainage issue. He feels Chico Nut Company met the necessary drainage requirements to get the building permit.

Pete Peterson, Chico Nut Company owner, P.O. Box 3668 Chico, spoke regarding the infrastructure problems in the area, much of which is in the County. He also mentioned the limited traffic flows on the Esplanade where there are left turn lanes only at certain intersections. He also informed the Commission that the overhead wires limit truck mobility, and thus trucks cannot go directly into the processing plant area.

In addressing the storm drainage issue, Mr. Peterson said that City Redevelopment Plan calls for a master drain to go down the Esplanade. Currently the storm drainage ponds in front of the Chico Nut Company and

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Vanella Oil, then flows into Lindo Channel. He mentioned that Chico Nut Company is also working with City to get sewer lines in the area.

Chair Short closed the public hearing 10:30 P.M.

Planning Director Sellers stated that the public hearing testimony addresses many of the concerns identified in the Staff report.

Commissioner Crofts stated the belief that the truck scale would not impact neighborhood.

Commissioner McAdam would like to see neighborhood conflicts be resolved, and suggested that the representatives from Chico Nut Company meet with the neighbors to address these concerns.

Chair Short felt that the building of the truck scale does not go outside the bounds of the C-1 zoning. He noted that the scale will not mean an increase in truck traffic, and that similar uses are allowed in the zoning. He also noted the pavement over the truck scale would eliminate the dust currently caused by the gravel parking lot. Chair Short suggested that the Department of Public Works finding regarding storm drainage plan could be changed to cover the drainage from the scale, not for the whole lot. Also, the condition requiring a noise attenuation plan be deleted, as well as removing the requirement limiting the hours of truck scale operation. Chair Short requested a change in the condition requiring the applicant to submit a landscaping plan for the entire property. This plan would contain only a vegative screen along the truck scale, not the entire property line.

Commissioner Monfort encouraged Chico Nut Company to meet with the neighbors to open lines of communication. Chair Short feels that Chico Nut Company has communicated. Commissioner McAdam added her concern that discussions between the two parties should be pursued. Chair Short added the condition of approval to encourage a community meeting prior to construction of the scale.

CHAIR SHORT MOVED TO APPROVE USE PERMIT NO. 94-48 (CHICO NUT) SUBJECT TO THE FINDINGS THAT THE PROPOSED USE WOULD NOT RESULT IN ANY CHANGE TO THE EXISTING USE OF THE PROPERTY, THEREFORE IT WOULD NOT RESULT IN A DETRIMENT, AND THE SCALE WOULD PRODUCE SOME PAVING (TO REDUCE DUST) AND LANDSCAPING AS A BENEFIT, AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT, EXCEPT AS FOLLOWS: (1) REQUIRE CHICO NUT COMPANY TO MEET WITH ITS NEIGHBORS TO DISCUSS OPERATIONAL ISSUES, (2) REVISE CONDITION 3 TO REQUIRE AN INTERIM STORM DRAINAGE SOLUTION FOR THE SCALE AREA ONLY, (3) REVISE CONDITION 4 TO REQUIRE THE SUBMISSION OF A LANDSCAPE PLAN FOR THE TRUCK SCALE ONLY, (4) DELETE CONDITION 5 REQUIRING A NOISE ATTENUATION PLAN, AND (5) DELETE CONDITION 6 LIMITING HOURS OF OPERATION. THE MOTION WAS SECONDED BY COMMISSIONER WRIGHT. THE MOTION WAS APPROVED BY A VOTE 7-0.

5. Use Permit No. 94-49 (Canyon Oaks) - A request to allow a club house at Canyon Oaks Golf Course that includes a permanent pro-shop, a restaurant with liquor sales, and occasional outdoor activities and

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live music; and to allow a snack shack and restrooms at hole #8, located at 999 Yosemite Drive, Assessor's Parcel No. 011-003-097 and 119, in an OS-1 Primary Open Space land use district. The previously adopted Canyon Oaks Environmental Impact Report included this project.

City of Chico Report, dated February 1, 1995, regarding Use Permit No. 94-49, was presented by Assistant Planner Jay Hanson. Staff recommends approval of the Use Permit, subject to conditions listed in the report and the additional four recommended restrictions in the addendum.

Chair Short opened the public hearing open, 10:50 P.M.

Wes Gilbert, Gilbert Engineering, 55 Independence Circle, Suite 101, addressed the Commission representing Canyon Oaks. He indicated that the Applicant had no problems with conditions with the exception of Condition No. 15. The applicant is requesting sidewalk along the south side of California Park Drive not be required as there are no residential areas on that side of the street and people would not want to walk next to the driving range. Mr. Gilbert stated that the applicant would provide a fence in the area. Planning Director Sellers indicated that the Department of Public Works supports this change.

Mr. Gilbert also stated that 40 to 50 parking spaces will be added with the completion of the parking lot and clubhouse. Current plans include 119 spaces. He indicated that they still need to complete the parking analysis required in Condition No. 3.

Commissioner McAdam expressed her concern regarding Condition No. 9 and the Additional Condition No. 2 as each address noise and PA system issues, one relating to the golf course and the other relating to other outdoor activities. She suggested consolidating those two recommendations. Staff pointed out that one condition related to golf course activities and the other to non-golf course uses.

Jason Baker, 999 Yosemite Drive, a Canyon Oaks employee, spoke regarding the public address system. He feels that when the permanent clubhouse is finished they will not need the volume of the PA system as is needed at this time with the temporary clubhouse as the clubhouse will be closer to the tee. He stated that peak times are from one-half hour before sunup to one-half hour after sundown. One speaker is needed to reach the golfers. Mr. Gilbert then returned to the podium stating his belief that pagers would not be acceptable for the use of the golfers.

Beverly Hasse, 1360 Banning Park Drive, stated that the noise is not a concern. She compared Canyon Oaks noise levels to Butte Creek County Club which has live music. She feels Canyon Oaks will communicate with neighbors. The clubhouse has been planned for some time and the noise and parking can be controlled.

Brad Burgess, 453 Brookside Drive, does not want to see nightclub atmosphere at the clubhouse. He mentioned that Canyon Oaks has been uncooperative as

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a neighbor. He feels there is not a good buffer zone, as well as a poorly situated clubhouse.

Maureen Kirk, 396 Brookside Drive, said she can hear every announcement over the PA system and that music will be more a problem once the clubhouse is finished. Parking overflows onto Yosemite Drive now and she feels it will be worse as the golf club grows.

Chad Gower, 29 Alemedia Park Circle, said parking will be solved when it is organized by the stripes being put in the parking lot. Music and partying are not conducive to golf he feels. He does agree that the PA system can be a problem as he can hear it three blocks.

Shirley Kodad, 460 Brookside Drive, restated the noise concerns. PA system starts earlier than 7 A.M. in the summer she said, as well as starting landscaping noise before sunrise.

Helen Cope, 962 Yosemite Drive, feels that the Clubhouse is not a conforming land use as the surrounding area is residential, and the area around the golf course does not rely on the golf course for open space. Parking problems exist now with only five parking places for employees when the application states they have 15-20 employees. She also is concerned that the fire lanes markers have been moved. She mentioned the R-1 zoning in the area, which includes the proposed parking lot. She believes the sign for driving range area should be placed at the entry way not at the pro-shop.

Barbara Burgess, 453 Brookside Drive, stated her concerns that there many previous changes in ownership resulting in delays and other problems. She asked the Commission to postpone approving the use permit until the many issues are dealt with, including noise.

Kevin Butler, 935 W. 4th Avenue, expressed his opinion that granting use permits will result in the problems being solved. He stated that the new ownership has been supportive and will help solve the problems.

Rick Huffman, 421 Citrus Avenue, stated that improvements are being done to the course and equipment. He supports the use permit.

Kelly Downing, 1161 Forest Avenue, No. 55, stated that as the caterer at Canyon Oaks there would be no live music outdoors with the exception of a flutist at a wedding. She mentioned that since much of the parking lot is currently gravel it can't be re-striped until the permanent clubhouse is constructed.

Dorothy Kern, 938 Yosemite Drive, expressed her concerns regarding the landscaping in parking lot, noise and the traffic.

Wes Gilbert re-addressed the Commission with the comment that there will be landscaping in areas of the parking lots in conformance with City code.

Chair Short closed the public hearing 11:35 P.M.

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Commissioner Studebaker questioned the phrasing of Condition No. 9 in regards to 'exploring' idea of the pagers, stating that exploring needs to be defined. Chair Short suggested that the sentence read "Explore alternative announcement systems such as pagers or signboards which should be used if feasible." Commissioner Monfort added the additional change for Condition No. 9 to read "The use of loudspeakers, bullhorns and public address systems used in conjunction with regular golf course activities shall not be allowed."

Chair Short made sure Condition No. 3, the project landscaping, was subject to Architectural Review Board approval.

Commissioner Belmonte added that replacement of additional landscaping in lieu of the sidewalk on the south side of California Park changed Condition No. 15.

Commissioner Monfort stated the condition to proceed with the parking analysis and to provide the parking required.

Commissioner McAdam added to the Additional Condition No.4 pertaining to hours of operation, adding the limitation that hours of operation of restaurant and bar activity to conclude at 11 P.M.

COMMISSIONER MONFORT MOVED USE PERMIT NO. 94-49 (CANYON OAKS) BE APPROVED SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT AND THE ADDITIONAL RECOMMENDATIONS IN ADDENDUM, EXCEPT AS FOLLOWS: (1) CONDITION NO. 3 WILL READ "THE USE OF LOUDSPEAKERS, BULLHORNS AND PUBLIC ADDRESS SYSTEMS USED IN CONJUNCTION WITH REGULAR GOLF COURSE ACTIVITIES SHALL NOT BE ALLOWED. EXPLORE ALTERNATIVE ANNOUNCEMENT SYSTEMS SUCH AS PAGERS AND SIGNBOARDS, WHICH SHOULD BE USED IF FEASIBLE."; (2) ADDITIONAL LANDSCAPING IN LIEU OF THE SIDEWALK ON THE SOUTH SIDE OF CALIFORNIA PARK DRIVE; (3) PARKING ANALYSIS SHALL BE COMPLETED AND ANY ADDITIONAL PARKING REQUIRED SHALL BE PROVIDED; (4) HOURS OF RESTAURANT AND BAR ACTIVITY TO CONCLUDE AT 11 P.M. THE MOTION WAS SECONDED BY COMMISSIONER CROTTS, AND WAS APPROVED BY A VOTE 7-0.

BUSINESS FROM THE FLOOR

NONE

CORRESPONDENCE

Commissioner Studebaker would like to thank Senior Planner Pam Figge for sending the hearing draft of the Downtown Task Force Plan, noting that it would have helped if Planning Commission would have had the information in advance of the meeting. He also indicated that any new information would be appreciated.

Chair Short requested a work session with staff and the City Attorney to discuss variances and use permit differences. Planning Director Sellers

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suggested that it be schedule following the League of California Cities Conference.

Chair Short asked the standing of the street standards. Planning Director Sellers stated that the Public Works Department is preparing the standards for the City Council. He indicated that the Planning Commission will have a report in approximately six months.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:45 P.M. to the Adjourned Regular Meeting of February 13, 1995.

March 6, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
Minutes of Adjourned Regular Meeting of February 13, 1995

ROLL CALL

The meeting was called to order at 7:00 P.M. in the Council Chambers of the Chico Municipal Center by Chair Gary Short. Commissioners present were Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Michael Wright and Chair Gary Short. Commissioner Jonathan Studebaker was absent. Staff present were Planning Director Sellers and City Attorney Boehm. Steve Centerwall, project manager for Jones & Stokes Associates, Inc., who prepared the Bidwell Ranch Draft Environmental Impact Report, was also in attendance.

REGULAR AGENDA

Bidwell Ranch Specific Plan Draft Environmental Impact Report - A public hearing to receive comment on the Draft Environmental Impact Report (DEIR) for the Bidwell Ranch Specific Plan. The Bidwell Ranch Specific Plan proposes development of a 750 acre site in northeast Chico with up to 1500 residences, a small commercial area and public facilities, including parks and an elementary school. The plan also includes the preservation of approximately 415 acres of open space for Bidwell Park buffer, creekside greenways and resource protection.

Planning Director Sellers provided a brief description of the Bidwell Ranch Specific Plan project, including a review of the history of the project. He emphasized that the purpose of the hearing is to receive public comments on the Draft Environmental Impact Report (DEIR) prepared for the project. This hearing is not intended as a forum for debating the merits of the project. All comments submitted at the hearing will be incorporated into the Final Environmental Impact Report (FEIR), along with specific responses to each comment. Upon completion of the FEIR, hearings will be held before both the Planning Commission and City Council to consider the project and take action.

Planning Director Sellers also pointed out that the public and agency review period for the DEIR and supplement to address cultural resources commenced on October 31, 1994 and will end on March 3, 1995. Subsequent to the hearing written comments may be submitted to the Planning Division office through the March 3, 1995 closing of the DEIR review period.

The public hearing was opened.

Kelly Meagher, 1781 Honey Run Road, representing Friends of the Foothills, alleged that because of the settlement agreement, which resolved a lawsuit arising from a prior approval of the project, approval of this project is a "done deal." Further, the details were arrived at in closed session of the City Council and the public was denied input in the process.

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City Attorney Boehm responded that the agreement was appropriate and stood on its own merits. The agreement does not preclude public participation in consideration of this project.

Mr. Meagher, continued describing significant impacts on Bidwell Park, despite the projects reduced density and the establishment of buffers. Impacts will result from the projects proximity and noise. The viewshed from upper park will also be adversely affected. The proposed mitigation measures were criticized as lacking specificity and enforceability. He recommended that the mitigation measure to address cumulative impacts to transit services, a fee structure, be required. He indicated additional comments would be submitted in writing.

Billy Crosby, 1378 Vallombrosa Avenue, indicated that the DEIR identified significant increases in traffic levels on Vallombrosa Avenue and that these increases should be treated as significant impacts with mitigation measures and alternatives analyzed.

Tim Bosquet, 462 East 3rd Street, requested clarification of Commission's role in the approval of the specific plan, and the purpose of this hearing. Staff responded that this hearing is intended to provide the public an opportunity to verbally comment on the project's DEIR, in addition to the ability to submit written comments. Upon completion of the FEIR, additional hearings on the project will be scheduled before the Planning Commission with a recommendation provided to the City Council. The Council will then hold a hearing or hearings before taking final action.

Mr. Bosquet distributed a table indicating the significance of traffic increases identified in the DEIR. He also felt that there were deficiencies in the traffic analysis as several key intersections and streets, including Manzanita Avenue - Mariposa Avenue intersection, Hooker Oak Avenue, Mariposa Avenue and Manzanita Avenue.

Carl Johnson, 1850 Vallombrosa Avenue, reiterated the traffic concerns expressed by the previous speakers. He suggested that primary project access should utilize a bypass route connecting directly to State Highway Route 99, rather than passing through established neighborhoods.

Marge Fredenberg, 2848 Marigold Avenue, requested that the Environmental Impact Report address traffic volumes on Marigold Avenue between Eaton Road and East Avenue, and analyze other access routes. Page 8-6 fails to include Loma Vista, the church school on East Avenue, and numerous day care providers when discussing the affect of traffic on area schools. Further, because of the number of schools in the area, 3:00 P.M. traffic counts should be analyzed as a separate peak time in addition to the A.M. peak. She also questioned Figure 4-6 depicting adjacent industrial land. Finally, she stated that aircraft noise impacts should be addressed by the Environmental Impact Report and the relationship of aircraft approach routes and the proposed school site disclosed.

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Steve Hackney, 3 Royal Court, representing Butte County Planning Department, distributed copies of the comment letter which had been submitted to the City Planning Division office. He emphasized that the County was neutral on the project, but had serious concerns with the methodology used for the traffic analysis in the DEIR. The assumptions used for modeling were unclear from the document, and the cumulative impact analysis was inadequate because it fails to address the impacts of future projects anticipated in the area. The DEIR fails to analyze the safety impacts associated with the single point of access proposed for the project. He also indicated that assumptions of street widening and improvements were unrealistic. The mitigations proposed are not realistic and will not adequately reduce the significance of traffic impacts.

Nicole Lewis-Oritt, 339 West Francis Willard Drive, concurred with previous comments relating to the significance of impacts to Bidwell Park. She also requested discussion in the Environmental Impact Report of conflicts between the grazing use of adjacent parcels and urban uses. The conclusion on page 3-14 that water pollution impacts are insignificant is not supported by the information in the text. There is an inherent conflict between resource protection and urban development producing storm drain runoff.

Scott Greundl, 371 East 7th Street, stated that the Environmental Impact Report should include an analysis of project consistency with the adopted General Plan. Air quality impacts should be classified as significant and unavoidable. The General Plan should be used to establish thresholds of significant air quality impacts, and the project required to demonstrate that these thresholds will not be exceeded. Clustering and maximum building heights should be considered as mitigation measures for viewshed impacts. Consideration should also be given to requiring a greenbelt buffer around the City to limit urban expansion. Finally, impacts to existing residential areas should be summarized in a single section of the Environmental Impact Report.

Jim Griffith, Post Office Box 1418, indicated support for those comments relating to traffic impacts, particularly for Vallombrosa Avenue.

Barbara Vlamis, Butte Environmental Council, 116 West 2nd Street, addressed a variety of issues related to the project consistency with the General Plan. First, there is clearly no additional storm drainage capacity in area water courses for increased runoff. The General Plan Task Force accepted this area for a growth designation by a narrow margin after considerable discussion. She pointed out that the project site is covered by a "resource management" overlay designation. She urged that the Commission fully implement the General Plan policies with this project if it is to be approved.

Janet Ranch, 1380 Vallombrosa Avenue, urged the Commission to fully disclose and discuss traffic impacts, particularly on Vallombrosa Avenue. She requested that part of the analysis of traffic consider the affect that increased traffic levels would have on bicycle and pedestrian use and safety on Vallombrosa Avenue.

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Kelly Meagher returned to the podium and noted the absence of project support from the audience. He stated that the proposed Bidwell Ranch project is a bad idea and should be denied. He also expressed dissatisfaction with the hearing process, in particular the five minute time limit per speaker.

Bill Brouhard, Pennyroyal Drive, representing the project sponsors, indicated that the purpose of the hearing was to solicit comments on environmental issues, not to demonstrate support for the project. The project which is currently proposed reflects years of public participation and consideration of environmental constraints identified during prior review.

Tim Bosquet recapped the problems with the project and urged the Commission to consider the proposal based on its own merits, rather than through comparison with prior project proposals. The basic problem with Bidwell Ranch is that due to its size, it will have unacceptable impacts on Bidwell Park and traffic.

Andy Tumeselli, 1182 East 7th Street, stated that community growth is already adversely impacting Bidwell Park and this project, if built, will amplify those impacts.

Billy Crosby stated that air quality aspects of traffic increases should also be addressed, recalling that in the past articles had indicated that atmospheric conditions magnified air pollution.

Gloria Bettencourt, 1366 Vallombrosa Avenue, supported a traffic analysis that identified all impacts in northeast Chico and considered exclusive project access to Eaton Road westerly to the freeway.

The public hearing was closed at 8:15 P.M.

Commissioner McAdam stated that from a quick review of the DEIR, she had found that data on affordable housing was incorrect and that requirements for the inclusion of affordable housing in the project were vague. She offered to provide current housing data. She also identified several concerns with the traffic section. The base assumption need to be clearly identified and justified. The analysis focuses on intersections to determine traffic impacts; she recommended that analysis of critical links, including East Avenue, Vallombrosa Avenue and Manzanita Avenue, should be included.

Commissioner Belmonte was concerned that there were gaps in the information provided in the draft Environmental Impact Report, particularly in the traffic analysis. He supported limiting the project to levels which could be adequately handled by existing and likely improvements.

Commissioner Monfort emphasized that the project should be evaluated in terms of General Plan policy and thresholds to identify acceptable levels of project impact.

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BUSINESS FROM THE FLOOR

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 P.M. to the March 6, 1995 regular meeting.

April 3, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
Minutes of Adjourned Regular Meeting of March 6, 1995

ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Gary Short, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None

CONSENT CALENDAR

1. Minutes of Regular Meeting of February 6, 1995.

Requested Action: Approve with any corrections/revisions required.

2. Use Permit No. 95-01 (Valcarenghi) - A request to allow a retail florist and gift shop in a 3,426 square foot building with accessory outdoor sales area for a retail nursery on an approximately one acre site located at the northwest corner of Forest Avenue and Bar Triangle Street, Assessor's Parcel No. 002-230-021 in a C-1 Restricted Commercial land use district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: This application has been withdrawn. No action is required.

3. Parker Manor Homes Subdivision/Planned Development Use Permit No. 94-33 (Holdgraffer/Hayes) - A request to allow a subdivision and planned development which would create 25 single family residential lots on 4.56 acres with lot sizes ranging from 4,362-8,775 square feet, and an average lot size of 5,695 square feet, on property identified as 2369 Ceanothus Avenue and 1377 East Avenue, Assessor's Parcel Nos. 048-201-023 and 030, respectively, zoned R-1 Single Family Residential and PD/R-1 Planned Development Single Family Residential, respectively. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: Adopt the Planning Commission resolution approving the final development plan and subdivision.

Planning Director Sellers brought to the attention of the Planning Commission a letter from the Army Corps of Engineers, dated March 3, 1995, received by the Planning Division office on March 6, 1995. It states that

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a wetland delineation for the property needs to be submitted for Army Corp. of Engineers review. That agency is concerned with the possibility of endangered species in vernal pools on the property. Planning Director Sellers stated that as a result of the need for a wetland delineation, the Environmental Review previously completed may not be substantiated after the additional information is developed. He informed the Commission that this subject will be reagendized after the Corps completes the review and another hearing will then be held.

Chair Short requested that Item No. 3 (Parker Manor Homes Subdivision) be pulled.

COMMISSIONER MCADAM MOVED TO PASS CONSENT ITEMS 1 AND 2 WITH NO REVISIONS, AND WAS SECONDED BY COMMISSIONER WRIGHT. THE MOTION PASSED WITH A VOTE OF 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Parker Manor Homes Subdivision/Planned Development Use Permit No. 94-33 (Holdgraffer/Hayes).

City Attorney Boehm advised the Commission that only comments regarding the wetlands delineation or the Army Corp of Engineers should be allowed as this item was not agendized as a hearing, the applicant was not in attendance to present his position, and the item will have a new hearing when the review is complete. Chair Short agreed, and stated that the Planning Commission would hear only comments regarding the Army Corp of Engineers' letter or the wetlands delineation.

The public hearing was opened at 7:35 P.M.

Carol Levensaler, 1492 Keri Lane, approached the Commission requesting to be allowed to present new material. Chair Short stated that the Commission would discuss new material at a later point.

Sheila Englund, 1474 Keri Lane, expressed her opinion that the Army Corp letter is relevant.

Attorney Boehm reiterated that the matter was agendized to adopt a resolution which now needed to be tabled until Army Corp. of Engineers' review was complete. In order to be fair to all parties, there would be a subsequent noticed hearing when the additional information was available, allowing all parties equal opportunity to respond.

Planning Director Sellers stated that the material which the speakers want to submit relates to the letter from the Army Corp of Engineers, and those matters should be addressed at the hearing which will be scheduled upon completion of the Corp's review. This would allow the applicant to address the material as well as have more detailed and verified data.

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Chair Short suggested to the public that their materials be submitted to Planning Division office for presentation to the Commission at the hearing.

Carol Levensaler stated that public opinion should be heard as well as the City's views. Chair Short explained that a hearing will be held at another date and all parties are free to submit information prior to or at that hearing.

The public hearing was closed at 7:48 P.M.

COMMISSIONER MONFORT MOVED TO TABLE THE ITEM PENDING REVIEW BY THE ARMY CORP OF ENGINEERS. THE MOTION WAS SECONDED BY COMMISSIONER MCADAM. THE MOTIONED CARRIED BY A VOTE OF 7-0.

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REGULAR AGENDA

4. Use Permit No. 95-02 (Help-U-Scape) - A request to allow a retail plant nursery on a temporary basis (one year) on 1.2 acres located on the south side of Mission Ranch Boulevard, approximately 100 feet west of the Esplanade, portion of Assessor's Parcel Nos. 006-150-088 & 103 in a C-1 Restricted Commercial zoning district. This project has been determined to be Categorical Exempt pursuant to Section 15304(e) Minor Alterations to Land of the California Environmental Quality Act (CEQA).

Planning Director Sellers summarized the Staff Report. He explained that the request is for a temporary use permit for one year. The applicant is required to move as the City has acquired the property the business is currently located on, and needs time improve the new permanent location. Staff recommends the Commission approve the Use Permit with the required Findings and Conditions of Approval as set forth in the report.

Commissioner McAdam asked Planning Director Sellers if the applicant intended to have the nursery open daily and what kind of fencing they intended. Planning Director Sellers responded that the nursery does intend to operate daily and the fencing would most likely be chain-link, though the nature of the plant nursery business would provide a more aesthetic appearance.

Commissioner Monfort inquired as to the reason for the approval of a one year use permit. The reason, Planning Director Sellers, stated was that the applicant asked for the one year permit, and that the Conditions of Approval are based on this temporary use.

Chair Short opened the public hearing at 7:50 P.M.

Lawrence Robinson, 122 McDonald Avenue, agreed with the staff recommendations for the five foot landscaping barrier along the south property line. He stated that his only concern is noise resulting from equipment and heavy machinery, which he felt the applicant may wish to use prior to the normal business hours. He asked that the Commission limit the hours which the machinery be allowed to operate. Mr. Robinson also inquired as to the parking locations in reference to existing residential areas.

Planning Director Sellers stated that the Conditions of Approval would require that the employee parking be the only parking allowed adjacent to the residential uses to the south.

Commissioner Studebaker inquired if Mr. Robinson felt, as a resident of the area, that the residents would be impacted by the operation of the nursery seven days a week. Mr. Robinson responded that he has no problem with the business being open seven days, though he would prefer a day off.

Chair Short closed the public hearing at 7:55 P.M.

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COMMISSIONER MCADAM MOVED TO APPROVE USE PERMIT NO. 95-2 (HELP-U-SCAPE) SUBJECT TO THE REQUIRED FINDINGS AND RECOMMENDATIONS OF CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT WITH THE ADDED CONDITION THAT NO HEAVY EQUIPMENT SHALL BE OPERATED OUTSIDE OF THE STANDARD BUSINESS HOURS OF 8:00 A.M. - 5:00 P.M. COMMISSIONER BELMONTE SECONDED THE MOTION. THE MOTION WAS APPROVED BY A VOTE OF 7-0.

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5. General Plan Amendment No. 94-5 and Prezone No. 94-9 (Moran) - A request to prezone 2.5 acres currently zoned County R-P Residential/Professional-Business Office to Community Commercial and amend the General Plan land use designation from Offices to Community Commercial for property located at the northwest corner of East and Marigold Avenues, Assessor's Parcel No. 048-062-006. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to CEQA.

Planning Director Sellers reviewed the City of Chico Report regarding the proposed General Plan Amendment and prezone. He mentioned that the applicant has appeared before the City Council in the past with the same request and was advised that the property was not appropriate for commercial use based on the intent of the General Plan. Planning Director Sellers' recommendation is to deny the request as it is inconsistent with the General Plan and incompatible with the surrounding land use.

Chair Short opened the public hearing at 8:00 P.M.

Larry Featherston, 3100 Cohasset Road, Ingram & Shelton Realtors, informed the Commission that he had two clients interested in the parcel which would require the zone change. One of these clients is a karate studio and the other is a restaurant. He stated that he had talked to the neighbors and others who had encouraged his company to request the change. He recommended Planning Commission approval of the prezone.

Sandy Moran, 1053 Woodland Avenue, the applicant, addressed the Planning Commission stating that she has had inquiries regarding potential uses for the property. She expressed that this prezone/ General Plan Amendment would allow uses of the property which could provide students from Pleasant Valley High School somewhere to go that is close to the high school and not far down East Avenue.

Pat Shaw, Sierra Cascade Girl Scouts, 2555 Marigold, asked that the area remained zoned as is. She brought up that the Safeway shopping area was already zoned commercial, and feels that the commercial area does not need to expand. She stated that the change in the traffic pattern can have an ill effect on the already busy street. Ms. Shaw is also concerned that the prezone could result in an increase in loitering, which could decrease the value and uses of adjacent property.

Bill Nichols, 6 Renee Circle, spoke regarding the zoning east of Ceres Avenue. He reminded the Commission that Butte County had concurred with the City's position to minimize commercial development along East Avenue. The basis for that agreement was that the Safeway shopping center was an adequate amount of commercial development for the area. Mr. Nichols informed the Commission that vacancies are still available in the Safeway center, including buildings which were in the initial plans for the area that remain unbuilt. He feels there is adequate space for businesses in the area without spreading the commercial development down East Avenue.

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Chair Short closed the public hearing at 8:07 P.M.

Commissioner McAdam stated her belief that the General Plan Amendment and prezone should be denied based on the following reasons; The City Council and Planning Commissions have already heard testimony regarding this amendment and have turned it down, existing space is still available at the Safeway shopping center, and to approve this prezone would encourage a row of commercial businesses rather than the compact zone already existing in the General Plan.

COMMISSIONER MCADAM MOVED TO DENY GENERAL PLAN AMENDMENT NO. 94-5 AND PREZONE NO. 94-9 (MORAN) BASED ON PREVIOUS REQUESTS FOR THE GENERAL PLAN AMENDMENT BEING DENIED BY THE CITY COUNCIL, THAT EXISTING SPACE REMAINS AVAILABLE AT THE SAFEWAY SHOPPING CENTER, AND THAT THE PLANNING COMMISSION DOES NOT WANT TO ENCOURAGE A ROW OF COMMERCIAL BUSINESSES ON EAST AVENUE WHICH WOULD BE INCONSISTENT WITH THE GENERAL PLAN. COMMISSIONER CROTTS SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF 7-0.

BUSINESS FROM THE FLOOR

None

CORRESPONDENCE

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:12 P.M. to the Adjourned Regular Meeting of March 20, 1995

March 20, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
Minutes of Adjourned Regular Meeting of March 20, 1995

ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Gary Short, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner McAdam indicated that she received a telephone call from Ray Schoenfeld regarding the Orr subdivision. Commissioner McAdam suggested that he put his concerns in a letter, which the Commission has now received.

CONSENT CALENDAR

1. Minutes of Regular Meeting of March 6, 1995.

Requested Action: Approve with any corrections/revisions required.

2. **Prezone No. 154/Ellene Avenue Estates Subdivision (Carver)** - A request to modify a conditional zoning agreement which applies to 6.19 acres zoned R-1 Single Family Residential (conditional) and located on the east side of North Avenue at Ellene Avenue, Assessor's Parcel No. 048-130-005 and 048-140-011. The requested modification would remove a condition that the minimum lot size be 10,000 square feet. Current R-1 zoning permits minimum lot sizes of 5,000 square feet for interior lots and 7,000 square feet for corner lots. The approved subdivision consisted of 18 single family residential lots with a minimum lot size of 10,000 square feet. The applicant is now proposing 22 lots ranging in size from approximately 6,500 square feet to approximately 11,000 square feet. A Mitigated Negative Declaration of Environmental Impact was previously adopted for this project pursuant to CEQA.

Requested Action: Recommend City Council approval of the proposed modifications.

This item was pulled per staff request.

3. **Amendment to Section 19.26.120 Yards and setbacks - Creekside setbacks of the Chico Municipal Code** - A proposal to limit the percentage of creekside open space that can be used to meet the overall required landscaped open space for a lot. This project is

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exempt from environmental review pursuant to section 15061(b)(3)
General Rule of CEQA.

Requested Action: Recommend City Council adoption of the
amendments.

This item was pulled for public comment.

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4. Galaxy Subdivision (aka Orr Subdivision) and Planned Development Use Permit No. 94-46 (Orr) - A request to allow a 29 lot single family residential subdivision and planned development on 4.99 acres with an average lot size of 5,050 square feet and a minimum lot size of 4,500 square feet, on property located on the north side of Henshaw Avenue, approximately 750 feet west of the Esplanade, Assessor's Parcel No. 006-370-008, in a R-1 Single Family Residential zoning district.

A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: Adopt the Planning Commission Resolution conditionally approving the final development plan and tentative subdivision map - Galaxy Subdivision.

This item was pulled per staff request.

5. Use Permit No. 94-25 (Lassen Pacific Development) - Preliminary review of a request to allow a planned development of 53 single family residences on 7.95 acres with lot sizes averaging 4,500 square feet, on property located at the southwest corner of Mission Ranch Boulevard and Montecito Avenue, Assessor's Parcel No. 006-150-099, in a PD/R-2 Planned Development Medium Density Residential land use district. A Mitigated Negative Declaration of Environmental Impact was previously adopted for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: At the request of the applicant, continue this matter to the meeting of April 17, 1995.

COMMISSIONER MCADAM MOVED APPROVAL OF CONSENT CALENDAR ITEMS NUMBER ONE WITH NO CHANGES AND TO CONTINUE ITEM NUMBER FIVE TO THE APRIL 17, 1995 ADJOURNED REGULAR MEETING. COMMISSIONER MONFORT SECONDED THE MOTION. THE MOTION PASSED WITH A VOTE OF 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Prezone No. 154/Ellene Avenue Estates Subdivision (Carver)

Planning Director Sellers reviewed the staff report, which included the history of the project. When the tentative subdivision map was approved, it met conditions of a zoning agreement required by the City Council, which included a maximum of 18 lots and a minimum lot size of 10,000 square feet. The applicant is requesting the addition of four lots for a maximum of 22 lots and to remove the 10,000 square foot lot restriction. The result would be 3.8 units per acre. The proposal would meet General Plan standards, and would help further the goals of the General Plan for

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utilizing in-fill sites. If the Commission recommends Council approval, and the Council approves the modification to allow a maximum of 22 lots, the applicant would then have to submit a modified subdivision map for approval. Planning Director Sellers reminded the Commission that this item has been referred by the Council.

The public hearing was opened at 7:40 P.M.

Jim Stevens, NorthStar Engineering, addressed the Commission, representing the applicant. He asked for the Commission to recommend Council approval of modifications. He stated that the site requires new sewer and storm drain mains to be installed to handle the needs of new development. The applicant feels the number of lots allowed currently does not make putting in the mains economically viable, the additional lots would help defray this expense. He stated that the proposal will conform to current zoning and General Plan policies, and provide in-fill development which is encouraged by the General Plan.

Marilyn Warrens, 2190 North Avenue, summarized the history of the subdivision from 1989-1990, starting with the initial proposal which was then under the jurisdiction of Butte County. It was denied by County, then the property was annexed to the City. The neighborhood organization, of which she is part, asked that 14 lots be approved rather than the 26 lot the applicant asked for. The City Council approved 18 lots. The neighborhood organization accepted that. Ms. Warrens expressed concerns on the increase in traffic on North Avenue that could be the result of additional lots in the subdivision. She would prefer the land be given to Bidwell Jr. High School. She pleaded for the Commission to approve a subdivision map with fewer lots, or to deny the request.

Dirk Ewing, 2187 North Avenue, expressed his fear that additional lots in the proposed subdivision would bring land prices down in the area. If the new sewer main is closer, he may annex to the City. Mr. Ewing expressed his belief that additional lots in the subdivision would be raping the land. He is angry that issue has returned to the Planning Commission and City Council.

John Molin, 16 Highland Circle, reported that there is abandoned well on property which is not capped, as well as old barns, concrete remains from a swimming pool, and needs weed abatement. He would like the owners of the property to be directed to do immediate cleanup on the property. Mr. Molin stated that he doesn't care if they build or not on the property.

Dirk Ewing returned to the podium. He addressed audience, asked those were in opposition to the modification to stand. Approximately 15 people stood up.

Joseph Best, 2158 North Avenue, stated that he does not believe the applicants assertion that project, as it stands in the original agreement,

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is not economically viable. As a real estate broker, he thinks that the property could be sold quickly within existing restrictions.

The public hearing was closed at 8:10 P.M.

Planning Director Sellers restated the staff's position that 6,500 square foot minimum lot size is recommended.

Chair Short, inquired what the process would be if the Commission recommended approval of the amendment, and who was notified of the request for amendment. Planning Director Sellers responded that notices were sent by mail to all property owners within 300 feet of the proposed subdivision, as well as the notice published in the Chico Enterprise Record. If the Commission recommends approval to City Council, and they in turn approve the modification, a new map will have to be submitted for approval. Both Council consideration and a modified map would require additional noticed hearings.

Commissioner McAdam asked the applicant what has changed since the original approval. Mr. Stevens responded there have been no changes.

Commissioner Wright indicated that he had no objection to recommending approval of a minimum of 9,000 square foot lots, other than that he would stay with original conditions. Chair Short stated that either the Commission should grant what was asked for, or stay with the original conditions. Chair Short suggested that the Commission set up criteria for a change.

Commissioner Monfort stated that the General Plan consistency is important. He suggested that Haven Lane be extended to Ellene, thus dividing the traffic between North Avenue and Ceres Avenue, which may help the overall traffic flow. He pointed out to the Commission that there was not much visible density toward the existing neighborhood with only one lot on North Avenue. He didn't feel the changes would impact the existing neighborhood.

Chair Short inquired of Director of Public Works Ross if Haven Lane could be extended. Director of Public Works Ross replied it could be done if Haven Lane is a public street. He reminded the Commission that since the property owners along Haven Lane had not been notified that extension of that street would be discussed at this meeting, the item would have to be reagendaized and those owners notified.

Commissioner Belmonte expressed his belief that the increase in traffic would impact the neighborhood and the children going to the schools in the area. He felt that Haven Lane is not prepared to accept the traffic. He does not see data to support the change.

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Commissioner McAdam agreed that extending Haven Lane would be a viable option and benefit the neighborhood. She encouraged the applicant to return with a proposal to do so.

Commissioner Monfort reminded the Commission that the applicant does not have to come back before the Commission with a change unless the Council approves the modifications to the agreement resulting in the applicant submitting a modified subdivision map. He felt the Commission should recommend approval of the modifications which could result in the applicant returning to the Commission for approval of a map which could show any changes the Commission may desire.

City Attorney Boehm stated that the Commission can recommend to the City Council that Haven Lane be connected through as part of the recommendation of approval of the modifications.

Commissioner Monfort moved to recommend modification. There was no second.

Commissioner Belmonte asked for clarification if the Commission could ask the applicant to come back with the change to extend Haven Lane. City Attorney Boehm stated that the Commission could only require changes to the map if a modified application was submitted. Commissioner Belmonte recommended that the Commission consider a modified map, if submitted, to ensure General Plan conformance and compliance with Commission direction.

COMMISSIONER MCADAM MOVED TO RECOMMEND CITY COUNCIL DENIAL OF A MODIFICATION TO PREZONE NO. 154/ELLENE AVENUE ESTATES SUBDIVISION (CARVER). COMMISSION CROTTS SECONDED THE MOTION. THE MOTION CARRIED WITH A VOTE OF 6-1, WITH COMMISSIONER MONFORT DISSENTING.

3. Amendment to Section 19.26.120 Yards and setbacks - Creekside setbacks of the Chico Municipal Code

Planning Director Sellers reviewed the staff report. He indicated that there were two aspects which needed to be addressed; the amount of creekside setback which can be part of the open space requirement for parcel development and the amount of open space which can be met by the creekside setback. He is concerned by the possibility, as the Municipal Code reads presently, there can be cases where most or all of open space required is in the creekside setback. He stated that this ordinance is meant as an interim solution, to protect the greenways, while the land use regulations are being re-written to reflect the new General Plan.

Commissioner Monfort inquired if there is there a need for an interim ordinance as he only remembered one case which this would apply to. Planning Director Sellers responded that currently the Planning Commission would have to go by old rules. It could be approximately nine months until the new land use regulations were ready for discussions with

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both the City Council and the Planning Commission, and up to one year before the regulations are in place. Planning Director Sellers reiterated the need for this ordinance.

The public hearing was opened at 8:15 P.M.

Mark Radabaugh, P.O. Box 3294, reviewed the letter he had written to the Planning Commission which had been distributed before this meeting. His major issue with the proposed ordinance is that no apparent analysis of General Plan was given in drafting the ordinance, in fact he believes that the proposed ordinance may be in conflict with the General Plan. He would like the interim ordinance to reference the General Plan. He feels the City should have a proactive policy for working with developers along the creekway. Mr. Radabaugh does not believe that a 25 foot setback achieves the purpose of a creekside setback, that a 300 foot setback would be more effective. He requests a continuance to allow Planning Division staff to look at General Plan issues associated with this ordinance. He asked the Planning Commission to direct staff to address the General Plan in the interim ordinance.

Commissioner Monfort stated that the City Council clearly rejected a 300 foot creekside setback during the General Plan discussions. Mr. Radabaugh answered that he felt 50 to 100 feet is more what is needed.

The public hearing was closed at 8:26 P.M.

Commissioner Studebaker asked how staff arrive at the figures. Planning Director Sellers responded that they were the recommendation of staff. The current Chico Municipal Code contains provisions that if the property is determined as 'undevelopable' under current regulations the Planning Commission can look at the setbacks considering the circumstances of the particular property.

Commissioner Monfort stated that he would like there to be some type of interim ordinance, and asked when a new draft could be prepared. Planning Director Sellers responded that staff could have another draft ordinance prepared in mid April.

Mr. Radabaugh readdressed the Commission stating that he would be willing to work with staff on the ordinance.

Chair Short stated that a more complex document would take much staff and Commission time, thus costing City resources. He asked the Commission not to continue this item, but to approve the ordinance since it is meant as an interim solution and the General Plan implementation would be the long term solution.

Commissioner Studebaker questioned Planning Director Sellers as to how long the interim ordinance would be in place. Planning Director Sellers responded that it would be superseded when the new document is adopted,

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and since a consultant has been hired to draft the regulations, it would be nine month to a year before they would be voted on.

COMMISSIONER MONFORT MOVED FOR A CONTINUANCE OF AMENDMENT TO SECTION 19.26.120 YARDS AND SETBACKS - CREEKSIDE SETBACKS OF THE CHICO MUNICIPAL CODE TO BE RETURNED TO THE COMMISSION IN ONE MONTH. COMMISSIONER MCADAM SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF 6-1, WITH CHAIR SHORT IN DISSENT.

4. Galaxy Subdivision (aka Orr Subdivision) and Planned Development Use Permit No. 94-46 (Orr)

Planning Director Sellers reviewed the staff report. He stated that the resolution conditionally approving the subdivision contains a provision that twenty percent of the lots would be made available to low income households. The environmental review resulted in five mitigations which would be required. The map includes a street which is narrower than the subdivision design criteria and improvement standards requires, thus the Commission must make findings to allow the reduction in street width. The findings must show that the cost savings will allow the applicant to provide homes for low income households. Staff recommends adoption of the resolution. Planning Director Sellers also referred to a letter from Ray Schoenfeld, Chairman of the Cussick Area Neighborhood Council, received by the Planning Division on March 20, 1995, and distributed to the Commission as an addendum for this meeting, which expresses concerns with timeliness of the staff report, setbacks, and the lots fronting Henshaw Avenue.

The public hearing was opened at 8:40.

Jim Stevens, NorthStar Engineering, addressed the Commission representing the applicant. He stated that the modifications of street standards would allow them to offer 20 percent of the subdivision lots for low income housing as set forth in the resolution. Reducing the parkway strip to six feet and the minimum street standard would give them the economic benefit, allowing the third tier of lots.

Commissioner McAdam asked about front yard setback changes. Planning Director Sellers responded that the planned development zonings allows for the changes.

Commissioner Monfort inquired why the applicant did not choose to have the street private or to have zero lot lines. Mr. Stevens responded that it would create the burden of a homeowners association which can eliminate the entry level market. Mr. Stevens also mentioned that the General Plan encourages narrow right of ways. He stated that zero lot lines does not work when you get to the end lot unless that lot has either a common wall or street frontage. Commissioner Monfort asked the applicant to look at other street layouts which would allow for a zero lot line.

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Commissioner Studebaker asked how the applicant planned to accomplish the 20 percent requirement for low income housing. Mr. Stevens responded that either they would build them themselves and sell to low income households or sell the lots to a builder who builds homes for low income households. The requirement that the homes be sold only to low income households would be part of the sale agreement over a 30 year period.

City Attorney Boehm stated that the City has a monitoring program for low & moderate housing through the City Housing Office.

The public hearing was closed at 8:55 p.m.

Commissioner McAdam stated that she was happy to see low income housing.

COMMISSIONER MCADAM MOVED APPROVAL OF GALAXY SUBDIVISION (AKA ORR SUBDIVISION) AND PLANNED DEVELOPMENT USE PERMIT NO. 94-46 (ORR), SUBJECT TO THE FINDINGS AND CONDITIONS IN THE STAFF REPORT AND ADOPT RESOLUTION NO. 95-05 WITH COMMISSIONER STUDEBAKER SECONDING. THE MOTION PASSED UNANIMOUSLY.

The Planning Commission took a break from 8:55 - 9:05 P.M.

REGULAR AGENDA

6. **Administrative Use Permit No. 95-02 (March/Station)** - An appeal of a Planning Director approval of a use permit to allow fencing in excess of three feet in height (six foot high fence proposed) within a portion of the twenty (20) foot front yard setback area at 25 Lakewood Way, Assessor's Parcel No. 048-262-003, in a R-1 Single Family Residential zoning district. This project is Categorically Exempt from environmental review pursuant to section 15303(e) New Construction of the California Environmental Quality Act (CEQA).

Planning Director Sellers summarized the staff report for the Commission. He indicated that other than the proposed fence, the property is in compliance with the zoning for the area. The applicant wishes to put in fence which would connect with an existing six foot high fence from adjacent property, encroaching in a portion of the front yard. The Administrative Use Permit was conditionally approved by Planning Director Sellers, since which six letters have been submitted in opposition to the use permit and requesting Commission consideration. The concerns expressed by those in opposition include the chance of graffiti, an unaesthetic appearance of a fence, and the setting a of a precedence. The applicant indicated that landscaping will be put in front of the fence, which would reduce the possibility of graffiti and make the fence more aesthetic. Planning staff recommends the Commission approve the use permit subject to the required findings and conditions of approval as set forth in the staff report.

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Commissioner Studebaker inquired if there has been other graffiti in the area. Planning Director Sellers replied that there hasn't been any reported in that area.

The public hearing was opened at 9:15 P.M.

Michael Station, 25 Lakewood Way, the applicant, informed the Commission that the January storms blew down the fence for the side yard of the home he has owned for 18 months. The former fence was behind the setback. In the process of replacing the fence, he wished to extend the sideyard into the setback, thus he applied for permit. He indicated that at that time no neighbors expressed concern as they put in some of the fence posts. Once he had been made aware of the concerns, he wrote a letter to the neighbors explaining the reasons for the fence and invited them to discuss the fence with him. Mr. Station presented photos and an artistic rendering of what they intend to do with the fence and what was there in the past. He feels they acted in good faith.

Taran March, 25 Lakewood Way, expressed that she concurred with Michael Station's testimony.

Steven Mormann, 26 Lakewood Way, voiced opposition to the fence construction. He indicated that the fence would block the view from his kitchen and front door, though some of the view is now blocked by the current 6 foot fence. He feels that the fence would not give an 'open inviting look' to the area. Mr. Mormann questioned the enforcement of the conditions of approval saying that the responsibility to report a problem would fall to those who did not want the fence there in the first place. He also asked for clarification in the definition of a side yard and front yard. He felt that the fence was already out of compliance with the conditions.

Harvey Major, 24 Lakewood Way, described the neighborhood as unique, as it is open and friendly. He felt part of that was a result of no more than three foot high fences in the front yards. Mr. Major expressed his opinion that this fence is not in the spirit of the law, and he is concerned that this will set a precedent. He also described the fence as the potential cause of conflicts by changing the neighborhood's atmosphere. Due to the nature of Mr. Major's discussion of the conflicts, Chair Short reminded Mr. Major that comments needed to be relating to Title 19.

Ray Horn, 22 Lakewood Way, expressed his opinion that a three foot fence would give them the same amount of privacy.

Harvey Major, readdressed the Commission stating that the measurement of fence is now 45 feet in length, 22 feet in depth rather than the 36 feet by 19 feet indicated on the plat enclosed in the staff report.

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Michael Station spoke again to the Commission indicating that plats show the proposed dimensions and changes had to be made due to the concrete footings near the house. The fence is as close as it could get to the house. Other changes from the proposal as originally submitted include the posts one foot in from the corner of the house, and the gate 10 feet towards the street.

Commissioner Studebaker asked Mr. Station why he wanted the fence. Mr. Station replied that the fence would provide privacy, incorporating the whole sideyard area into the private use area. He informed the Commission that his is the only triangle shaped lot in the neighborhood, with very little backyard. He also indicated that the area in question is the only area on the lot that has dense shade.

Commissioner Belmonte inquired if shrubbery would eventually provide the same privacy. Mr. Station indicated he didn't feel landscaping would provide the level of privacy they wish. He stated that the proposed fence would have shrubs as part of the landscaping on the outside of the fence.

The public hearing was closed at 9:45 P.M.

Commissioner Studebaker asked if the conditions could be enforced. Planning Director Sellers responded that the Planning Division would tickle file the Use Permit to be reviewed for compliance in one to two years. He also indicated that in the future, even if the lot is under new ownership, the conditions still remain and the Commission could revoke the use permit if conditions are not met.

COMMISSIONER MCADAM MOVED APPROVAL OF ADMINISTRATIVE USE PERMIT NO. 95-2 SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT. COMMISSIONER MONFORT SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF 5-2 WITH CHAIR SHORT AND COMMISSIONER BELMONTE DISSENTING.

7. Use Permit No. 95-04 (Reager) - Preliminary review of a planned development of 20 detached, two-story single family residences on 2.1 acres located at the southeast corner of Ricky Court and E. 20th Street, Assessor's Parcel Nos. 005-440-011 and 005-550-031, designated Medium Density Residential in the Chico General Plan and located in a R-2 Medium Density Residential zoning district. The planned development would allow variations in the minimum lot size and building setbacks; however, overall density will be consistent with the zoning and General Plan designations which allow between 7.1 and 14 units per acre. Subsequent to approval of the planned development, a tentative subdivision map will be processed to create 20 separate parcels (2,500 - 3,000 square feet in size) and common open space including a mini-park to serve the project. An initial

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study for environmental review is being prepared pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report for the proposed project which would have a density of 9.5 units per acre used for low and moderate income housing. There are five mitigation measures from environmental review, and six recommended conditions of approval, five in the report and one additional in the memo given to Commission. Department of Public Works concerns are also attached to the report. A subdivision map will be submitted to the Commission for approval at a later date. Staff recommends approval of the conceptual plan subject to the conditions of approval.

The public hearing was opened at 9:50 P.m.

Joe Acquistapace, 3912 Esplanade, architect for project, informed the Commission that he was in attendance to answer any questions they may have.

Commissioner Studebaker inquired if there would be handicapped accessible homes for low income. Mr. Acquistapace responded that there would not necessarily be handicapped accessible housing, but they are working through the City housing program.

Commissioner Monfort asked if there would be a homeowners association and if the project could still provide low income housing. Mr. Acquistapace responded yes there would be a homeowners association, and they still can afford to offer low income housing.

Skip Reager, 5 Anna Court, project applicant, addressed the Commission stating that he was available for questions also.

Planning Director Sellers, stated that a suggestion had been received in the Planning Division office from Ken Gross, Sierra Nevada Brewery, to require a letter of acknowledgment that neighborhood will be in proximity to industrial uses be included as part of the sales agreement. He noted that staff did not support the suggestion, but would review it further prior to final Commission action on the project.

COMMISSIONER MONFORT MOVE APPROVAL OF USE PERMIT NO. 95-04 (REAGER) SUBJECT TO THE REQUIRED FINDINGS AND CONDITIONS OF APPROVAL AS SET FORTH IN THE STAFF REPORT WITH THE ADDITION OF THE CONDITION INCLUDED IN THE ADDENDUM MEMORANDUM, THAT THE TWO DRIVEWAYS SHOWN OFF E. 21ST STREET SHOULD BE COMBINED INTO A SINGLE ACCESS DRIVE, AND DIRECT THE APPLICANT TO SUBMIT A SUBDIVISION MAP FOR APPROVAL. COMMISSION CROTTS SECONDED THE MOTION. THE MOTION CARRIED WITH A UNANIMOUS VOTE OR 7-0.

BUSINESS FROM THE FLOOR

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None.

CORRESPONDENCE

8. Letter from League of Women Voters of Butte County regarding observer program.

Chair Short welcomed Dorothy Jackson who will be attending future Planning Commission meetings as an observer representing Butte County League of Women Voters.

OTHER BUSINESS

9. Set meeting of Social Organization Subcommittee to consider additional input from public and other City Departments, and formulate final recommendations.

Planning Director Sellers, stated that the Social Organization Subcommittee, members Commissioner Monfort, Commission Crofts & Scott Gruendl, former Commissioner, need to have the final meeting with code enforcement and police to establish the recommendations. The meeting will be scheduled for a subsequent Monday.

10. Set meeting for April 10 or 24, 1995 Planning Commission meeting to discuss Bidwell Ranch.

Planning Director Sellers, stated that Staff is not ready to set the meeting date. The next meeting will be the public hearing. Chair Short stated that a workshop will not be a benefit to the Commission at this time. Planning Director Sellers responded that he will contact Bill Brouard to give a brief summary of the previous workshop, in order to inform the Commissioners who were not on the board at the time. Commissioner McAdam inquired when the Final Environmental Impact Report would be ready. Planning Director Sellers said it would be approximately the 10-15th of April.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 P.M. to the Regular Meeting of April 3, 1995.

April 3, 1995
Date Approved as Corrected

Clif Sellers
Planning Director

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ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Gary Short, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Planning Director Clif Sellers, Senior Planner Stacey Jolliffe and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. Minutes of Regular Meeting of February 13, 1994.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Regular Meeting of March 20, 1995.

Requested Action: Approve with any corrections/revisions required.

Removed from the Consent Agenda by Commissioner Studebaker.

3. **Use Permit No. 9507** (Beebe) - A request to exceed the 15 foot height limit for accessory units in order to construct a two-story building of approximately 20 feet with garage and storage on the first floor and a bedroom/bath on the second floor, located at 1926 Salem Street, Assessor's parcel number 05-261-19, in a RD-1 zoning district. This project has been determined to be categorically exempt pursuant to Section 15303, "New Construction or Conversion of Small Structures," of CEQA.

Requested Action: Approve the request subject to the required findings and recommended conditions of approval.

COMMISSIONER MCADAM MOVED APPROVAL OF CONSENT ITEM NUMBERS 1 AND 3, SECONDED BY COMMISSIONER MONFORT. THE MOTION WAS APPROVED 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes of Regular Meeting of March 20, 1995.

Requested Action: Approve with any corrections/revisions required.

Commissioner Studebaker asked for a correction on Page 8, after he asked the applicant on their plans to accomplish the 20 percent requirement, Commissioner Studebaker would like to add the following: "City Attorney Boehm stated that the City has a monitoring program for low & moderate housing through the City Housing Office."

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 20, 1995. COMMISSIONER MONFORT SECONDED THE MOTION. THE MINUTES WERE APPROVED BY A VOTE OF 7-0.

REGULAR AGENDA

4. **Environmental Review Guidelines** (City of Chico) - The Planning Commission will consider whether to

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recommend changes to and/or approval of Draft Environmental Review Guidelines (ERGs) for inclusion in the City's Municipal Code. The purpose of the ERG's is to establish a procedural framework for implementation of the California Environmental Quality Act (CEQA) and related environmental regulations within the incorporated City of Chico area. This action has been determined to be categorically exempt pursuant to Section 15308, "Actions by Regulatory Agencies for the Protection of the Environment," of CEQA.

Sr. Planner Jolliffe reviewed the staff report. She stated that the proposed guidelines closely resemble the State CEQA requirements. She noted new procedures included in the guidelines which formalizes procedures already used by the Planning Division. She clarified that certified Environmental Impact Reports or adopted Negative Declarations do not approve the project, they ensure that the Commission has adequate information to make a decision.

Commissioner Monfort inquired on the ability of the Commission to turn down a project on the basis of the Environmental Impact Report, must the Commission first accept the Environmental Impact Report to turn down a project? Sr. Planner Jolliffe stated that the Commission can deny a project on the basis of environmental impacts. City Attorney Boehm added that the Commission can deny project just on the basis of information provided in the Environmental Impact Report.

Sr. Planner Jolliffe added that the primary reason for these guidelines is to verify that the Planning Division is following the directions of Council, Commission and CEQA, and to inform the public of how that compliance is achieved.

The public hearing was opened at 7:40 p.m. There being no comment, the hearing was closed.

Commissioner Studebaker asked City Attorney Boehm to explain why this information is being moved to Title 1 from Title 19, as it is regarding land use. City Attorney Boehm responded that while it was in Title 19R, it was being moved due to the fact that CEQA requirements are not just for land use, but apply to any city project which could impact the environment. He added that Title 1 is a procedural title with standards which effect a wide variety of actions by the City.

COMMISSIONER MCADAM MOVED TO RECOMMEND CITY COUNCIL APPROVAL OF THE ORDINANCE REPEALING CHAPTER 19R.04 OF TITLE 19 ENTITLED "ENVIRONMENTAL REVIEW GUIDELINES " AND ADOPTING CHAPTER 1.40 OF TITLE 1 ENTITLED "GENERAL PROVISIONS." THE MOTION WAS SECONDED BY COMMISSIONER BELMONTE, AND WAS APPROVED 7-0.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 7:44 P.M. to the Adjourned Regular Meeting of April 17, 1995.

CHICO PLANNING COMMISSION
ADJOURNED MEETING OF April 17, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Gary Short, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Chair Short noted that he received a package regarding Mission Ranch which was sent to all Commissioners including an invitation to tour the site from the applicant. Chair Short indicated that he went to tour the site. Commissioners Belmonte, Monfort and Wright also stated they had gone to the site.

CONSENT CALENDAR

1. Minutes of Regular Meeting of April 3, 1994.

Requested Action: Approve with any corrections/revisions required.

2. **Use Permit No. 95-06 (MSA Cellular/Cellular One)** - A request to install and operate a cellular communications facility including a free standing, 160 foot tall tower with up to 15 microwave dishes and up to 12 antennas, and an equipment shelter with an emergency generator and a fuel tank; and to allow exceedence of the 65 foot height restriction, behind 375 E. Park Avenue, Assessor's Parcel No. 005-500-019, in an M-1 Limited Manufacturing zoning district. This project has been determined to be Exempt from environmental review pursuant to section 15061 (b)(3) General Rule of the California Environmental Quality Act (CEQA).

Requested Action: Approve the request subject to the required findings and recommended conditions of approval.

3. **Amendment to Section 19.26.120 Yards and setbacks - Creekside setbacks of the Chico Municipal Code** - A proposal to limit the percentage of creekside open space that can be used to meet the overall required landscaped open space for a lot. This project is exempt from environmental review pursuant to section 15061(b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of the amendments.

Item Nos. 2 and 3 were removed for further discussion.

COMMISSIONER MCADAM MOTIONED TO APPROVE CONSENT CALENDAR ITEM NO. 1, WITH COMMISSION CROTTS SECONDING. THE MOTION WAS UNANIMOUSLY APPROVED.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **Use Permit No. 95-06 (MSA Cellular/Cellular One)** - A request to install and operate a cellular

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communications facility including a free standing, 160 foot tall tower with up to 15 microwave dishes and up to 12 antennas, and an equipment shelter with an emergency generator and a fuel tank; and to allow exceedence of the 65 foot height restriction, behind 375 E. Park Avenue, Assessor's Parcel No. 005-500-019, in an M-1 Limited Manufacturing zoning district. This project has been determined to be Exempt from environmental review pursuant to section 15061 (b)(3) General Rule of the California Environmental Quality Act (CEQA).

Requested Action: Approve the request subject to the required findings and recommended conditions of approval.

Commissioner McAdam indicated that this would be the second tower to be located in Chico. She noted that it is located 700 feet from the Butte County Sheriff's communications tower. She inquired if there will be a policy developed for the City regarding cellular towers.

Planning Director Sellers indicated that since the Sphere of Influence has areas under the jurisdiction of both Butte County and City, any policy should be developed in coordination with Butte County. He stated that currently there is another tower proposed in south Chico where the applicant is working with Butte County. He warned the Commission that five times the number of towers currently needed in the Chico area may be needed in the future as technology advances. Planning Director Sellers also indicated that the FCC may be developing standards for communication towers, which largely or totally preempt local control.

Commissioner McAdam stated that some sort of policy is needed before the need for the towers becomes acute. Planning Director Sellers stated that a work session would be set with County representatives involved.

The public hearing was opened at 7:40 P.M., to which there were no comments.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 95-06 (MSA CELLULAR/CELLULAR ONE). COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED 7-0.

3. **Amendment to Section 19.26.120 Yards and setbacks - Creekside setbacks of the Chico Municipal Code** - A proposal to limit the percentage of creekside open space that can be used to meet the overall required landscaped open space for a lot. This project is exempt from environmental review pursuant to section 15061(b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of the amendments.

Planning Director Sellers stated that staff had met with Mark Radabaugh to review the proposals regarding creekside setbacks. As a result of that meeting, a ordinance has been developed. Additional comments from Mr. Radabaugh were received by the Planning Division this date, and given to the Commission prior to the start of this meeting. Planning Director Sellers indicated that Staff suggested recommending approval of this ordinance to Council with the additions noted in Mr. Radabaugh's letter.

The public hearing was opened at 7:40 P.M., to which there were no comments.

COMMISSIONER MONFORT MOVED PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE AMENDMENT TO SECTION 19.26.120 YARDS AND SETBACKS - CREEKSIDE SETBACKS, OF THE CHICO MUNICIPAL CODE. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

REGULAR AGENDA

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4. **Use Permit No. 94-25 (Lassen Pacific Development)** - Preliminary review of a request to allow a planned development of 53 single family residences on 7.95 acres with lot sizes averaging 4,500 square feet, on property located at the southwest corner of Mission Ranch Boulevard and Montecito Avenue, Assessor's Parcel No. 006-150-099, in a PD/R-2 Planned Development Medium Density Residential land use district. A Mitigated Negative Declaration of Environmental Impact was previously adopted which addressed the project site pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report, including a history of the project. That history included Mission Ranch Phase A which was developed under a similar concept as the proposed Phase B. He noted that the proposed Phase B is smaller than Phase A. He indicated that the project density is considered in-fill and is in accordance with the General Plan. Planning Director Sellers also reviewed the staff's concerns which included the General Plan discouraging walled and fenced courtyards. Another concern was that the General Plan encourages single loaded streets along creeksides. Planning Director Sellers noted that while the applicant has improved the creekside greenway and has provided public access to those greenways, the proposed Phase B would have homes which back onto the greenway. He added that the original subdivision in the parcel map and Master Plan had an exterior street design which does reflect the current phase project.

The public hearing was opened at 7:58 P.M.

David Briggs, Lassen Pacific Development, the applicant, presented the project to the Commission. He gave a history of the project from 1989-1993. He indicated that they had obtained approval of the Mission Ranch Master Plan through a process which included 15 public hearings. In 1993-94 houses were built in Phase A which have received support from the public. He noted that Phase B follows a policy plan similar to Phase A, with some changes to reflect General Plan policies. He added that the streets and other improvements are 70 percent complete including three acres of creekside.

Mr. Briggs advised the Commission that they have developed new house plans with garages in the rear. He indicated that there were several options available to help vary the landscape with staggered homes with some close to sidewalks and some back farther, varying landscape patterns and driveway treatments and low walls in the front yards.

Commissioner Monfort indicated that he likes the high density and zero lot lines. However, he did express his feeling that the back wall is a waste of resource and limits the amenity of the creekside greenway when it can't be seen by those who live there.

Mr. Briggs answered that the back wall was a privacy issue to those interested in purchasing those homes. He indicated that the potential buyers need the sense of privacy with a back fence, particularly with the closeness of the lot lines. He added that small yard areas are created as usable space. He expressed that the current inhabitants of Phase A are a mixed community with some singles, small families, and 50 percent "emptynester's."

Commissioner Monfort asked Mr. Briggs if they had considered front loaded streets with the lots fronting the greenway. Mr. Briggs stated that they had considered front loaded streets but it would cost in density. He indicated that they were protective of the greenway and its resources and did not want a street against it. He also expressed a reluctance to reduce the density. He reminded the Commission that four years ago the Master Plan was developed and approved with the street plan set at that time.

Commissioner Monfort asked if the reasoning that went into the original design could be altered due to societal and greenway changes. Mr. Briggs stated that there is a continuity to the plans and the phases. He added that since each house has to be fit to the lots, with odd shaped lots the house plans would need to be changed.

Commission Crofts inquired about the front walls and courtyards asking if the walls will be lowered. Mr. Briggs responded that some front masonry walls could be built at a lower level. Another option he presented was to raise the foundation of the wall and to provide landscaping to reduce the visual impact.

Commissioner Belmonte asked if the masonry walls would be waist height. Mr Briggs answered that there would be

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a three feet high fence, though they were experimenting with different treatments. He added that the courtyards are an integral part to the project. He added that they were attempting to vary the look of the areas with varying window treatments with square and arches and changing the height level of the front fences. He indicated that a variety of things can get done to each house and still keep the continuity from the street scene, which he feels is very important. He suggested the Commissioners interview the neighbors, adding that Phase A was a people friendly place.

Commissioner McAdam stated that she was still unclear on the masonry wall. She inquired if, as on Mission Ranch Blvd. and Montecito Avenue, the entire perimeter would have masonry wall. Mr. Briggs responded that all the homes on the project perimeter would have the back masonry wall but those by the greenway which would have a wood fence.

Commissioner McAdam asked if the continuity would not be there without the walls, adding that the area could look like walled pods. Mr. Briggs indicated that houses backing up to the street have a serious privacy issue for the inhabitants. He added that throughout the history of this country people felt strongly about their homes and their space. He stated that people are willing to make a compromise with small living space as long as they have privacy. He noted that traffic patterns in the area will change as soon as Holly Avenue goes through. He added that they have planted ivy plants which will cover the wall, and fast growing trees to create a wall of trees in front of the walls.

Commissioner McAdam stated her feelings that Montecito Avenue will not get much traffic. She added that the wall splits the two phases in a marked manner. Mr. Briggs stated that the masonry wall is not an aesthetic choice, but a privacy choice.

Commissioner McAdam indicated her concern with the fortress type of feel with the masonry fence. She inquired why they chose not to have wood fencing. Mr. Briggs responded that wood fences do not last with the moisture in this area. He added that the noise delineation and feeling of security were also advantages of the masonry fencing.

Nancy Lueffler, 308 Mission Serra Terrace, addressed the Commission as a resident of the area. She stated that while she and her husband chose to have a wood fence now, she likes both. She indicated that they feel they are part of the greenway. She invited the Commission to a garden tour in the area to be held on May 9, 1995. She also invited them to tour her home. She referred to a comment Commissioner Monfort made regarding the look of openness in the models with lots of glass. Ms. Lueffler agreed that windows were important, and added that she enjoys her entry garden with two windows looking onto it. She stated that the masonry wall provides a definition to the garden. She indicated that security is important to her. Ms. Lueffler added that the main windows look onto the side yard and the back yard and that the yard sizes were ample. She stated that the sense of community in the area is wonderful. She also complimented the developers on the storm drainage system in the area.

The public hearing was closed at 8:38 P.M.

Planning Director Sellers reminded the Commission of the Planned Development two step process, indicating that this is a preliminary review of the proposal to which the Commission could make recommendations. He added that in anywhere from thirty days to five months the applicant will return to the Commission with the final design for consideration.

Chair Short asked that the Commission go through the staff report and then add any other recommendations. The Commission agreed.

Commissioner McAdam stated that the perimeter wall fencing gives the feel of walled city and she would like to see a wood fence between the two phases rather than a masonry fence. She added that she understands the need for additional privacy and noise delineation of the masonry fence on Holly Avenue and Mission Ranch Blvd., which will be highly traveled.

Chair Short indicated that the masonry walls are already on one side, in Phase A. He added that he has seen the area where the wall does become part of the yard. He stated that the maintenance factor of the fencing is important also.

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Commission Crotts agreed with Chair Short.

Commissioner McAdam asked that the applicant consider alternatives to the masonry wall. She added that she did not believe the Commission needed to use stronger language.

Commissioner Monfort reminded the Commission that walls are already in place in Phase A. He agreed with Mr. Briggs in respect to traffic flow changes. He asked that they consider a traffic circle to break up the flow.

Chair Short added that the applicant should consider traffic circles and other traffic slowing improvements will be Recommendation Number 5. He suggested the applicant discuss the traffic circles with Associate Civil Engineer Matt Thompson, who has information regarding traffic circles.

Chair Short stated that Recommendation No. 2 is to explore alternatives to reduce the prominence of garage doors and placing entries closer to the front setback.

Commissioner McAdam agreed that there should be recessed garages and orientation toward the front.

Commissioner Monfort inquired about the 20 foot setbacks. Planning Director Sellers responded if the setback were reduced the parking would extend into the sidewalk area. He added that the front yard setbacks have already been reduced with the exception of the garage/driveway area.

In response to the Commission's questions, Mr. Briggs addressed the Commission stating that six models have been developed of which two have garages in the back, two have garages in the front and two have them in the middle. He indicated that he felt confident that there will be a mix of those models used, producing a stagger effect.

Commissioner Belmonte stated that the design elements are nice, but asked the applicant how confident he was in the mix of housing plans chosen and what type of control they had on specific lots.

Mr. Briggs responded that the housing choices were market driven. He indicated that they had considered assigning house plans to lots, but they had concluded that it does not work in this area. They found that they can have input into plan choices by suggesting considerations for sun and lot configuration and the like. As they have had equal distribution of the house plans in the past, and 20 percent of the homes they build themselves and can choose what to do with those, he felt confident that there would be a mix of house plans chosen. He added that only one homeowner has opted to have a gate toward the bike path.

Regarding the singled loaded street facing the creekside greenway, Chair Short reminded the Commission that the Mission Ranch Master Plan was approved prior to General Plan. Commissioner Monfort added that it looks like it would not be possible given the density which was approved in the Master Plan and the commitment to sewer hookups. Chair Short ended the discussion stating that the staff report recommendation is acceptable.

Commissioner McAdam inquired on why vertical curbs were not suggested. Planning Director Sellers explained that vertical curbs were difficult since the locations of the driveways would not be known until the homes were built. The curbs would then have to be removed to create the driveway. Discussion ensued after which Commissioner McAdam removed her recommendation for vertical curbs stating that the homeowners association can deal with parking on the curbs if it becomes a problem.

Chair Short inquired if traffic circles were to be explored, which corners should have them? Commissioner Monfort responded that Montecito Avenue and Terra Blanche Drive should have traffic circles.

Planning Director Sellers stated that staff supports the recommendation for traffic circles and also would like to recommend the applicant look at a comprehensive traffic control scheme for the area. Commissioner Monfort asked if a traffic control scheme could retrofit the whole project eventually. Planning Director Sellers responded that it would be easier to do before all the homes were built.

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Commissioner Monfort recommended that pedestrian accesses to the creekside greenway be included.

Chair Short concluded the discussion by stating that the recommendations listed in the staff report and the recommendation to consider traffic circles be considered by the applicant prior to returning to the Commission for a final hearing.

BUSINESS FROM THE FLOOR

Vince Phelan, 3010 North Avenue, thanked the Commission for televising their sessions for those unable to attend the meetings. He inquired if the Planning Commission has input toward the City Council discussions regarding changes to the settlement agreement for Bidwell Ranch and when the Final Environmental Impact Report would be open to public hearing. Chair Short responded that the Commission does not have input at this time on the Council's discussions on the settlement agreement. Planning Director Sellers added that the contract for the Final EIR has been prepared. The EIR will be available approximately nine weeks after the City executes the contract. He indicated there will be a special meeting for the Bidwell Ranch Final EIR when it has been completed which will be published and noticed.

CORRESPONDENCE

5. Letter from Kirk Smith, Hawkins-Smith Management, Inc., requesting work session to discuss commercial designation and zoning north of East 20th Street, east of Forest Avenue.

Planning Director Sellers reviewed letter from Mr. Smith in regards to an office to commercial designation application with rezone. He indicated that if the Commission desires a work session, it will have to be noticed. As the Commission previously has indicated a desire to have a presentation regarding cellular towers, he suggested the work sessions be combined. Chair Short inquired if the work session can take place an hour before a regular Commission meeting. Planning Director Sellers stated that the work sessions will be scheduled for an hour prior to the meeting on May 1, 1995.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 9:20 P.M. to the Regular Meeting of May 1, 1995.

May 1, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
WORK SESSION AND
ADJOURNED REGULAR MEETING OF MAY 1, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

SPECIAL WORKSHOP MEETING 6:30 P.M. - 7:30 P.M.

1. **General Plan Amendment No. 94-4/Rezone No. 94-11 (Hawkins-Smith & Smith)** A workshop to discuss a proposal to amend the General Plan designation from Office to Community Commercial for a 14.29 acre site located on the north side of E. 20th Street, approximately 500 feet east of Forest Avenue, Assessor's Parcel No. 002-370-028; and rezone the subject site from C-O Commercial Office to C-1 Restricted Commercial to facilitate development of a shopping center. No action will be taken at this meeting.

Commissioners Monfort, Studebaker, Belmonte and Wrights, and staff members Senior Planner Hayes, Planning Director Sellers and Community Development Director Baptiste were in attendance for the work session to discuss the proposed General Plan amendment and rezone. Senior Planner Hayes made a brief presentation describing the history of the site, current land use designation and the proposed amendments for commercial use.

Kirk Smith, representing the applicant, introduced Gene Damschen and Gary Stokes, property owners, Mike Byrd, project engineer, Carl Rottschalk, landscape architect, Carlton Lowen, local marketing representative, Steve Smith, principal with Hawkins-Smith and Jeff Hart, traffic engineer.

Steve Smith briefly outlined the history of Hawkins-Smith. Kirk Smith presented information regarding commercial development trends in Chico, the need for additional commercial land in Southeast Chico and the suitability of the subject site.

Commissioner Monfort questioned the assumption that sales would continue to grow at historical rates. He maintained that such growth reflected a unique situation when Chico became the regional center. He also stated that the General Plan reflected balanced land use designations.

Kirk Smith reiterated that additional commercial tenants want to locate in the Chico market and suitable sites were not available to meet tenant criteria, particularly for location next to food markets. Carlton Lowen supported this position based on extensive local market experience.

In response to Commission questions, Jeff Hart identified two intersections which would be impacted by project development, but also noted mitigation would reduce significance of these impacts. There would be traffic congestion in the area at buildout with or without the project. He also pointed out that commercial development distributes traffic over the full day, rather than concentrating at peak hours as is the case with office uses.

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Senior Planner Hayes related that land use considerations should drive decisions, not opportunity or economics.

Commissioner Studebaker expressed concern with the commercial saturation in south Chico. Commission Belmonte supported commercial dispersion throughout the community, consistent with General Plan policies, and was particularly concerned with maintaining vitality of existing commercial areas, including North Valley Plaza.

Steve Smith urged the Commission to plan as appropriate for the community, but to do so in a manner which accommodates free enterprise.

ROLL CALL

The regular meeting was called to order at 7:42 P.M. by Vice Chair Monfort in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Kirk Monfort, Jonathan Studebaker and Michael Wright. Commissioners Gary Short, Brenda Crotts and Celia McAdam were absent. Staff present, City Attorney Bob Boehm, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None

CONSENT CALENDAR

2. Minutes of Regular Meeting of April 17, 1994.

Requested Action: Approve with any corrections/revisions required.

3. **Planned Development Use Permit No. 95-3 (Alta Calif. Broadcasting)** - Preliminary review of a planned development to allow residential uses on 11.7 acres zoned R-P Residential-Professional/Business Office, consisting of 48 single family residential lots and a 1.33 acre park site located on the west side of Bruce Road across from Picholine Way, Assessor's Parcel No. 002-180-004. This application is being processed in conjunction with a subdivision map and includes a request to modify the minimum lot width for some parcels. No final action will be taken at this meeting.

Requested Action: Approve the request preliminary plan subject to the staff findings and recommended conditions of approval.

Staff requested that this proposal be pulled for separate discussion.

COMMISSIONER STUDEBAKER MOVED TO APPROVE ITEM NO. 1, MINUTES FROM THE REGULAR MEETING OF APRIL 17, 1995. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 4-0

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Planned Development Use Permit No. 95-3 (Alta Calif. Broadcasting)

Planning Director Sellers reviewed the staff report, noting that the proposed project is consistent with the General Plan. He indicated that the biological resources on the site were reviewed by the Army Corps of Engineers and was cleared by the Corps for development. He stated that staff had made recommendations which have not yet been discussed with the applicant. These recommendations are regarding the proximity to the proposed development of Enloe Hospital with ambulance noise and traffic as well as the heliport and issues relating to the General Plan, specifically alley access, common driveways, and rear-loaded streets. Planning Director Sellers stated that further discussions with the applicant are needed regarding the recommendations. He indicated that this is the preliminary plan in this process and after review, the applicant will return with the final development plan.

Commissioner Monfort asked for a clarification that within 300 feet of creekbank requires a Planned Development. Planning Director Sellers responded that provision did not carry over with the new General Plan adoption.

Commissioner Monfort stated that there was value mentioned in General Plan regarding single-loaded streets along the greenways.

Planning Director Sellers stated that only the far eastern corner of the project is adjacent to the creek. He added that due to the direction of the creek, an intersection can not be located closer to the creek at Bruce Road which could provide for the single-loaded street along the south bank of Little Chico Creek.

Commissioner Monfort inquired about the Little Chico Creek Bike Path which would go through that area. Planning Director Sellers answered that Council will be meeting next week regarding the bike path and that discussion will include that small corner.

Commissioner Studebaker stated that a World War II bomb shelter will have to be removed to clear the property for this project. He asked it has historical significance. Planning Director Sellers indicated that the question of the historical significance will be answered as part of their final environmental review and approval.

The public hearing was opened at 8:00 P.M.

Bill Dinsmore, Rolls Anderson & Rolls, the project engineer, stated that he would like to ask for a continuance to allow for full Commission to review the plans and provide a response. He added that he would like to get the Commissions opinion on several items first.

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The first item of concern to Mr. Dinsmore is the recommendation for an alley. He stated that while he understands that the General Plan encourages alleys, he doesn't feel that an alley would be compatible with the surrounding area since the neighboring areas do not have alleys. He asked for the Commission's opinion regarding this.

Commissioner Monfort stated that it may be a desirable choice to have the alleys as it would leave more useable space.

Mr. Dinsmore responded that there would be a large amount of paving in the project. He added that he would like the Commission to discuss the alleys.

Mr. Dinsmore stated that he would like the City to allow the park fees to be credited for the park dedication. Planning Director Sellers responded that the City code requires these credits.

Stefan Ponek, 20 Alameda Park Circle, representing Altacal Broadcasting, stated that Altacal was not developers, but would develop as broadcasters. He noted that the communication towers have been at that location since the 1940's. He noted that they would like to utilize the property under current zoning. He stated that he was concerned with the cost of the alley plan and asked the Commission to try the alleys on a 'more seasoned developer.' He indicated that he would like to work with staff to develop a compromise.

John Merz, 175 Rose Avenue, responded that there were a number of potential impacts which may effect the design. Mr. Merz asked for a clarification in relation to the Enloe property, stating that there is a roadway, shown by a dotted line, which goes through an area which is a meadowfoam reserve.

Planning Director Sellers responded that the dotted line represents not a roadway, but an existing sanitary sewer easement.

Mr. Merz stated that there is a 200 foot planned development zone along the creek which poses concern with the proposed design of the project creating a landlocked area within the Enloe Property. He also expressed concerns regarding the traffic flow. He suggested that Road 'B' be extended to go north and to the west, which would parallel the creek, and the roadway would then provide a buffer zone. As for the bike path, he recommended it be placed on the south side of creek which would then hook up to Picholine. He also suggested a controlled intersection at Picholine and Bruce Roads. Mr. Merz asked the Commission to look at the bigger picture in the area rather than look at just this project. He added that there is still no environmental review to be considered as part of the design.

The public hearing was closed at 8:15 P.M.

Commissioner Wright asked if this project is covered by the Enloe Environmental Impact Report. Planning Director Sellers responded that the Environmental Impact Report did not specifically cover this site, though some of the topics in the EIR may have included this property. He added that the project, as a result of this review, may change and the environmental review would then be effected. It is normal for the environmental review to be prepared after preliminary review.

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Commissioner Belmonte stated that the inter-relationship between this site and the areas around it and the infrastructure in the area are important. He stated that it was difficult to make a determination without all the facts.

Commissioner Wright stated that he had lived near an alley and that he does not see the benefit in alleys. He noted that though the General Plan does encourage alleys, he doesn't want to mandate them. He indicated that this applicant does not have control over the Enloe property or any other neighboring property owners use of the lands, and that should be taken into consideration.

Commissioner Monfort stated that Road 'B' ending along the greenway would be a nice way to get a front-loaded street in this project without much of a handicap to the property owners.

Planning Director Sellers reminded the Commission that extension of Road 'B' would separate the park from the neighborhood, would increase the paving and may decrease the size of the park area or the lots.

Commissioner Monfort stated that there may be ways to cut down the street width which can be discussed by staff with the applicant.

Commissioner Belmonte expressed his concern that Picholine may turn into a major thoroughfare, and asked if changing the path of Road B would avoid that. Commissioner Monfort stated that narrower streets will help avoid Picholine becoming a thoroughfare.

Director of Public Works Ross stated that Picholine does connect to Potter Road which will become a major road.

Planning Director Sellers asked for direction from the Commission regarding alleys.

COMMISSIONER WRIGHT MADE A MOTION TO SUPPORT THE CONCEPT OF ALLEY DEVELOPMENT BUT NOT MANDATE THE ALLEYS. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH PASSED 4-0.

Commissioner Monfort stated that he would like to see a front-loaded street in this area, possibly by extending Road B.

COMMISSIONER BELMONTE MADE A MOTION DIRECTING STAFF TO INVESTIGATE THE POSSIBILITIES OF EXTENDING ROAD B, AND HAVING MORE FRONT-LOADED STREETS. COMMISSIONER WRIGHT SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

REGULAR AGENDA

4. **Administrative Use Permit No. 95-7 (McMurray)** - A request to allow a large family day care home serving up to 12 children, including those under age 10 who reside in the home, at 14 Tilden Lane, Assessor's Parcel No. 011-130-025, in an R-1 Single Family Residential zoning district.

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This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He stated that the Chico Municipal Code does not allow much discretion regarding day care homes, in fact it contains only three reasons a permit can be denied, parking, housing code, and loading areas. He noted that he had approved the application and provided notice. He stated there had been numerous requests for a hearing before the Commission. Commission considerations are also limited to parking, housing code and loading areas. There is no leeway outside of those requirements. He stated that staff recommends approval of this use permit as the applicant has a three car garage which allows for parking and loading areas, and will meet or has met the building code requirements.

City Attorney Boehm stated that the City is mandated by State law regarding the conditions on which a day care home use permit which can be denied.

Commissioner Monfort reminded the audience that State law restricts what the Planning Commission can do regarding this permit and asked those who wished to speak to address only those concerns.

The public hearing was opened at 8:30 P.M.

Jeani Mamin, 7 Tilden Lane, stated that she was representing four others in the neighborhood who were not able to attend. She indicated that her main concern was the proximity of the residence to California Park Lake, and the California Park homeowners are responsible if anything should happen to the children in the lake. She noted that there is no street parking in front of the house, as well as a small driveway. She added that they had formed a neighborhood watch and she does not want more cars on the street.

Pat McMurray, 14 Tilden Lane, the applicant, stated that they have not had any children unsupervised or outside of the fenced yard. She noted that she had a traffic report for the past week if the Commission wished to look at it.

Bruce Oliver, 12 Tilden Lane, stated that he has two children and has lived on a circle without traffic before. He noted that while the stated intentions are good, more than 12 children may be at the day care at one time. He added that he has seen children from the day care outside the fence walking around the circle. He indicated that his concern was for the safety of his family and the insurance for the homeowners association.

Denise McMurray, 14 Tilden Lane, stated that the children which were outside the fence were supervised and in a wagon taking a walk on the sidewalk. She added that they have no more than twelve children on any day at the day care.

Commissioner Studebaker inquired if the children are ever unsupervised. Ms. McMurray emphatically responded that the children are always supervised and not allowed to run wild.

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Commissioner Monfort inquired on the licensing requirements. Ms. McMurray responded that front yard play is not allowed, though supervised walks are allowed. She added that Community Care Licensing is the local licensing board.

Polly Enyart, 13 Tilden Lane, stated that she had looked into the McMurray's licensing and noted that they have had numerous complaints in the past, of which some were unfounded. She added that there is a fire hydrant located by the property and noted California Highway Patrol codes require 15 feet of no parking around it, which does not allow for parking in front of the day care.

Debbie Blu, 1223 Arcadian Avenue, stated that she had removed her children from another day care and opted for the attention given the children at this day care. She indicated that she has never seen more than two cars at the day care at the same time. She noted that the majority of the traffic in the area does not seem to be going to the applicants residence.

Commissioner Monfort asked Ms. Blu if she always can get into the driveway to park. Ms. Blu responded that she could.

Joanie Hamilton, 5 Tilden Lane, indicated that since she had three small children, she was concerned with the traffic on the street, though she noted that much of it was from another business on the street.

City Attorney Boehm asked the location and type of the other business on the street. Ms. Hamilton responded that the business was a food distributor at 4 Tilden Lane.

Colette McClung, 663 East 19th Street, stated that she was a neighbor of the applicants at their previous location. She stated that the children were always supervised, and the applicants are considerate to neighbors. She added that the parents always have been able to park in the driveway. She noted that parents are naturally more aware of children in the neighborhood as they are parents themselves.

Cynthia Lewis, 11 Tilden Lane, stated that traffic is a concern, though she is unable yet to tell the impact of the day care. She noted that she takes exception that the Commission says it is mandated by state law and can not do much. She stated that taxpayers make the laws and the laws should protect the taxpayers rights.

Cindy Trifflo, 14946 Meridian Meadow, stated that the McMurray day care teaches children respect. She added that the McMurray's have a right to upgrade their housing and not change their job.

Bill Sheridan, 973 Paseo Companeros, property owners of 14 Tilden Lane, stated that the applicant had met and exceeded every requirement. He added that the day care will enhance the neighborhood.

Jeani Mamin again addressed the Commission, stating her concerns regarding other rental property in the area which is owned by Mr. Sheridan and the unresponsiveness of Sheridan Real Estate to address problems.

The public hearing was closed at 9:50 P.M.

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Commissioner Studebaker stated the he has heard that people can not get work because of lack of childcare. He added that many people complain that there are to many people on welfare who are capable of working but don't due to lack of available childcare. He noted that there is a lack of quality care for children who have parents who do work. He indicated that as long as the home day care centers are run properly, the children have a place to go and the parents can work without worrying about their children.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF ADMINISTRATIVE USE PERMIT NO. 95-7 (MCMURRAY) TO WHICH COMMISSIONER WRIGHT SECONDED. THE USE PERMIT WAS APPROVED BY A 4-0 VOTE.

- 5 **Orchard Park Subdivision Vesting Tentative Map - S-94-10 (Shastan Co. Inc.)** - A request to allow a subdivision which would create 40 single family residential lots on 8.9 acres with lot sizes averaging 7,000 square feet on property located on the northwest corner of Alamo and East Avenue, Assessor's Parcel No. 042-070-076, rezoned R-1 Single Family Residential. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Monfort stated that the staff report was clear and does not need review. He noted that since the applicant is not present, a hearing would be held and the item would then be continued for 30 days.

The public hearing was opened at 9:03 P.M.

Robert Olsen, 24 Marydith Lane, a member of Cussick Neighborhood Council, referred to a letter reflecting the Neighborhood Council's five concerns. (He noted that while the letter was not in packet given to the Commission, a copy was provided to them.) He stated that the first concern listed was to ask for a continuance to further look at the proposed project, which was met by Commissioner Monfort's opening statement for this item. The second concern for the Cussick Neighborhood Council concerns the proposed retention of the older dwelling on the property. Mr. Olsen stated the house is out of keeping with the general nature of the surrounding developments and existing homes, and is concerned with the future possibility that the house will be an potential eyesore.

Commissioner Monfort asked Mr. Olsen if he wished the house removed. Mr. Olsen responded that he would like the house removed.

Mr. Olsen continued with the third item of concern with the proposed project, the project states that there will be a soundwall facing Alamo. He noted that there are currently five homes on Alamo which face the street toward the proposed soundwall. He stated his belief that the soundwall is inconsistent with the general pattern of the area. He remarked that he had read the staff report and did not find what type of the materials would be used in the proposed wall. He compared other projects in the City developed by the applicants to the current project and surrounding areas. Mr. Olsen agreed that Lot 40 may need a partial sound barrier as it faces East Avenue.

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As the fourth item of concern, Mr. Olsen suggested that the proposed homes that face Winding Way be reoriented to face Alamo. The fifth item noted by Mr. Olsen was that he liked the bike path connection, adding that it makes sense.

Commissioner Monfort reviewed the five concerns with Mr. Olsen; the continuance, the removal of the present dwelling, the soundwall, reorient the homes to face Alamo Avenue, and the positive response to the bike path.

Bob Star, 261 Alamo, stated his belief that the proposed project is not in harmony with the rest of the neighborhood. He indicated that he was concerned about soundwall which would be the view from the current homes on Alamo. He proposed to eliminate the soundwall and have homes face Alamo Avenue. He noted that the only other similar walls in the surrounding area are those facing East Avenue, which he agreed are needed.

Commissioner Monfort stated that there are also soundwalls on Henshaw Avenue.

Mr. Star remarked that the applicant had made an effort to retain the existing dwelling which reduces the lot size for the lots around it. He stated that Lots 19, 20, 22 & 23 could be made larger if the existing dwelling were removed.

Ray Schoenfeld, 2623 Cliffwood Place, inquired if it is the intention of the developer that the space between Alamo Avenue and the soundwall be maintained through a homeowners association. Planning Director Sellers responded that there would be a homeowners association. Mr. Schoenfeld suggested that that area be maintained by the homeowners association rather than City maintenance through the Work Training Center. He noted that the existing dwelling will be on an odd shaped lot, creating a lot inconsistent with others in the subdivision. He indicated that it would be better to have it treated like any other lot. He asked for the justification for the soundwall on Alamo Avenue, noting that it was not justified in staff report. He added that he understood the need for a soundwall on East Avenue, but not on Alamo Avenue, as Alamo Avenue will not have extensive traffic. He commented that the soundwall would adversely effect the neighbors across the street on Alamo Avenue.

Planning Director Sellers clarified that the landscaping between the wall or fence will be maintained through a City maintenance district.

Mr. Schoenfeld inquired why the City needed to set up that service, noting that if there would not be a wall, the fronting homeowner would maintain the area.

Planning Director Sellers stated that a homeowners association is only as good as the homeowners involved in it. He added that the City maintenance districts are setup so that those homeowners who benefit are those who pay for the service and a uniform level of maintenance is provided.

Mr. Schoenfeld replied that the maintenance district would not be necessary for Alamo Avenue, and that he would be against the soundwall until he is shown the necessity. He also expressed concern that the soundwall may create a safety question.

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John Merz, 175 Ross Avenue, stated that an extension of thirty days would allow for a notice of public hearing since the staff could not produce a copy of the notice. He then gave some background for the area. He noted that the General Plan expressed a desire to preserve prime agricultural land, and though the land for this project was an almond orchard it is rezoned as not prime agricultural land. The General Plan states that the value of those prime agricultural lands be transferred to areas outside the community. He stated that the Greenline can be broken and a mitigation mechanism should be added that allows soils to be protected somewhere in the community. He feels that mitigation should be somewhere in the environmental documents.

Mr. Merz added that 540 additional traffic trips would be created by this project. He noted that the eventual extension of Holly Avenue with a bridge may not reduce the traffic. He stated that the proposal was deficient in the way of traffic analysis and strongly suggested it be done before this project continues. He asserted that the staff report states that no new outfalls are necessary for the below ground leachfields, yet Mitigation #9 in the environmental document states that the project may cause the need for a new outfall. He added that Lot 40 is a logical place for on-site detention in the area.

The public hearing was closed at 9:35 P.M.

Commissioner Monfort stated that he had trouble reading the report and the map enclosed with the report is not consistent with the report or the lot numbers referenced by the public. He added that the Initial Study and report have different zoning mentioned and inquired which was correct.

Planning Director Sellers replied that some of the analysis was done on a previous version of the project which may have caused some of the inconsistencies.

COMMISSIONER STUDEBAKER MADE A MOTION TO CONTINUE ORCHARD PARK SUBDIVISION VESTING TENTATIVE MAP - S-94-10 (SHASTAN CO. INC.) TO THE FIRST MEETING IN JUNE, COMMISSIONER BELMONTE SECONDED THE MOTION. THE ITEM WAS CONTINUED BY A VOTE 4-0.

6. **Tentative Parcel Map P.M. 95-3 (Max and Janice McCaig)** - A request to allow a lot split which would create 3 residential lots on 0.82 acres with lot sizes ranging from .14 to .41 acres on property identified as 1602 Laburnum Avenue, Assessor's Parcel No. 003-403-009, rezoned R-2 Medium Density Residential. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Commissioner Monfort stated that this item will be Continued to the May 15, 1995 meeting.

BUSINESS FROM THE FLOOR

None

OTHER BUSINESS

7. Memo from the Assistant City Manager regarding a joint meeting with the Planning Commission and the City Council on June 1, 1995.

Planning Director Sellers stated that the Commission needed to give a list to the City Clerk of items to be discussed at the joint meeting with the City Council. He noted that as it stands the items to be discussed include the review of the General Plan Implementation Schedule and budget, resource conservation planning, and updating the zoning ordinance.

Commissioner Monfort inquired about the street standards revisions. Planning Director Sellers replied that there had been a work session with Council and staff will be putting the standards in final form to return it to the Commission.

Commissioner Monfort added that another item to be discussed inquiring how firm the Council wished to hold to the General Plan. Planning Director Sellers responded that it would be an appropriate topic to discuss with the Council.

Commissioner Monfort stated that the Planned Development on Bruce Road had zoning incompatible with the General Plan. Planning Director Sellers responded that is to be included in the zoning corrections to the General Plan.

Commissioner Monfort inquired if there was limit to suggest topics. Planning Director Sellers replied that there was a two day limit to suggest topics.

8. Information regarding cellular tower installations (Staff is arranging a work session to discuss this matter).

Planning Director Sellers stated that staff has been compiling information for the Commission which was provided and a work session would be scheduled at a later date.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 9:40 P.M. to the Adjourned Regular meeting on May 15, 1995.

May 15, 1995
Date Approved

Clif Sellers

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Planning Director

CHICO PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF May 15, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order at 7:35 P.M. in the Council Chambers of the Chico Municipal Center by Vice Chair Kirk Monfort. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Chair Short was absent. Staff present, City Attorney Bob Boehm, Planning Director Clif Sellers, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Vice Chair Monfort stated that he had received telephone call regarding Agenda Item No. 10, Tentative Parcel Map No. PM 95-3, from a neighbor who objected to the parcel map. Vice Chair Monfort suggested the caller attend the meeting.

CONSENT CALENDAR

1. Minutes of Regular Meeting of May 1, 1995.

Requested Action: Approve with any corrections/revisions required.

2. **Amendment to Chapter 19.26 of the Chico Municipal Code - DEVELOPMENT STANDARDS, GENERAL** which proposes to require fencing of the maximum allowable height along the side and rear property lines for development of two (2) or more residential units on a single parcel. This project is exempt from environmental review pursuant to section 15061 (b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of the draft ordinance amending Title 19 Land Use Regulation of the Chico Municipal Code.

3. **Amendment to Chapter 19.28 of the Chico Municipal Code - OFF-STREET PARKING AND LOADING REQUIREMENTS** which proposes that required off-street parking for residential uses within the C-C Central Commercial zoning district be determined by use permit. This project is exempt from environmental review pursuant to section 15061 (b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of the draft ordinance amending Title 19 Land Use Regulation of the Chico Municipal Code.

4. **Hegan Partnership Tentative Subdivision Map (Hegan Partnership)** - A request to subdivide 36.5 acres into 40 lots for light industrial, manufacturing and related uses including a proposed

underground storm water infiltration system, with lot sizes ranging from 0.3 to 7.9 acres, located on the north side of Hegan Lane between Huss Drive on the east side, and the Southern Pacific Railroad right-of-way on the west side, Assessor's Parcel No. 039-060-125 & 126, in an M-1 Limited Manufacturing zoning district. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Requested Action: Consistent with the Planning Commission Motion of Intent adopted on January 9, 1995, adopt the revised resolution approving the tentative subdivision map for Hegan Business Park, subject to the conditions set forth in the resolution.

5. **Whitehall Park Vesting Tentative Subdivision Map.** A request to subdivide 7.84 acres into 19 single-family residential lots, and a residual Lot "A" on property currently zoned AR (Agricultural Residential) under Butte County jurisdiction and designated Low Density Residential (7 units to the acre maximum density) in the City of Chico General Plan Land Use Map, located along the east and north sides of Centennial Avenue east of Bidwell Park and identified as Assessor's Parcel Nos. 011-010-063 and 116.

Requested Action: Continue to meeting of June 5, 1995.

Commissioner McAdam stated that she would be abstaining on Agenda Item No. 1, to which Commissioner Crofts also stated she would be abstaining.

COMMISSIONER MCADAM MADE A MOTION TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 5. THE MOTION WAS SECONDED BY COMMISSIONER WRIGHT AND WAS APPROVED 4-0, WITH TWO ABSTENTIONS ON ITEM 1, MINUTES OF MAY 1, 1995 ONLY.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

REGULAR AGENDA

6. **Various Minor Amendments to General Plan Land Use and Zoning Designations.** The minor amendments will correct errors, oversights and inconsistencies identified since the adoption of the plan and zoning, and will generally reflect existing land use. All amendments are addressed by the certified final EIR for the General Plan and urban area zoning adoption.

Sr. Planner Hayes reviewed the history and purpose of this item and that of Item No. 7. He stated that a number of property owners at the time of the General Plan adoption stated that they wished to have their property designated and zoned a different way. Council adopted the General Plan with the promise to

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review these requests at a later date. He indicated that those listed under Item No. 6 were errors in the General Plan or zoning which need to be cleaned up and/or reflected inconsistency with the zoning that was advertised for adoption.

Sr. Planner Hayes requested a continuance on the section regarding the Hooker Oak Avenue areas in order to be re-advertised to correct errors in the description. He stated that Council had asked for a rezone/prezone to reflect urban density in that area.

Sr. Planner Hayes reviewed the letters and various comments received by the Planning Division both on the telephone and in person.

For those in the audience who wish to speak on the item regarding the Avenues, Sr. Planner Hayes noted that at the time of the General Plan adoption and zoning, the area was zoned and prezoned R-2, which is consistent with Medium Density Residential. He added that R-2 zoning has existed in that area for a number of years both in the City's General Plan and Butte County's General Plan. He recommended the item be continued to coordinate with the County planning staff and conduct workshops with area residents.

Vice Chair Monfort inquired if an item later on the agenda would be effected by this continuance. Sr. Planner Hayes stated that the item complies with the standards of R-1 if the lot split is approved. Vice Chair Monfort clarified that there is an open question on what the density will be on those lots if this is continued.

Vice Chair Monfort asked that the public hearing would address Attachment A, which is a list of the errors, then the Commission will have a motion to approve the corrections, excluding Item Numbers 41 and 42 which will be continued.

The public hearing was opened at 7:56 P.M.

Joseph Brandt, 570 East Avenue, stated that he had lived on East Avenue for quite some time. He indicated that upgrading to a four lane road ruined the property value in that area, which as a result was then zoned CC by the County. He stated that property owners in the area, including himself, do not want to loose the added value of the CC zoning, as the houses on East Avenue are not worth anything on without it.

Winston Hill, 2520 Ramada Way, indicated that his property backs into the property at 1062 East Avenue. He noted that he was concerned that he did not received the public notice.

Sr. Planner Hayes explained that with the General Plan amendment in November the City notified all the property owners in the effected areas. He explained that this notification was sent only to the property owners as this is correcting errors, not making new changes.

Mr. Hill went on to say that in 1987 the property owners on Ramada Way approved a proposal to zone the area RP with certain conditions and R-1 until those conditions were met. He asked that this item be referred to a joint committee with the County, as most of the property is located within the county.

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Planning Director Sellers stated that the County had adopted a specific plan for East Avenue, which the City later adopted. He indicated that those conditions which Mr. Hill referred to are contained in the City's adopted specific plan and will remain in effect.

Bill Misskelley, 491 East 9th Street, addressed the Commission regarding the errors on East 8th and 9th Streets. He indicated that there were several multi family dwellings in the area. He stated that houses in the area are old and not in the best shape with rentals and multiple dwellings all around them. He indicated that the property in the area has been zoned R-3 for 20 or more years. He stated that to downzone this area to RD-1 Low Density Residential would be devaluing the property by quite a bit.

Sr. Planner Hayes stated that the General Plan had designated the area as Low Density Residential. He noted that there are older homes in the area which have converted to multiple units with small lots, He stated that if the Commission is interested in developing the area as higher residential, then a General Plan amendment would need to be done with notification to other residences in the area.

Mary McMillen, 1265 East 7th Street, concurred with Mr. Misskelley's statements.

Vice Chair Monfort asked that the Commission continue the items with controversy as there are no plats and the Commission has not looked at those sites.

Frank Olsen, 802 East 5th Avenue, addressed the Commission regarding the prezone for APN 003-480-073, Item No. 6. He submitted a map to the Commission which does show the area in question. He indicated that the lot has been zoned R-3 and if it is to be rezoned, he would prefer RP-1. He stated that there is an office complex across the street and apartments on two sides. He added that currently on the property there is one small house with an unattached garage which is used for a music repair shop. He indicated that he would like to develop an apartment complex or an office complex on the property.

Vice Chair Monfort indicated that he will continue this item also.

Mo West, 2500 California Park Drive, inquired if any of the items listed would affect California Park. Sr. Planner Hayes responded that none of the areas being addressed as errors were in California Park.

The public hearing was closed at 8:12 P.M.

Vice Chair Monfort stated that Item Numbers 6, 13, 41 and 42 would be continued.

COMMISSIONER BELMONTE MADE A MOTION OF INTENT TO APPROVE THE MINOR ZONING AMENDMENTS AND CLARIFICATIONS AS RECOMMENDED BY STAFF AND TO CONTINUE ITEMS 6, 13, 41 AND 42. COMMISSIONER MCADAM SECONDED THE MOTION.

Planning Director Sellers suggested the Commission wait to vote on the motion until after Agenda Item No. 7, to allow people to address their comments if they are not addressed in Agenda Item No. 7. This was in response to some confusion with the public as to the specific areas being discussed.

7. **Various Revisions to General Plan Land Use Designations and/or Zoning Designations, as requested by property owners.** At the time of adoption of the General Plan and zoning of the Chico Urban Area in November 1994, the City Council, at the request of property owners and staff, agreed to further consider the land use and zoning designation for numerous sites. The General Plan designation Land Use and Zoning for these identified sites was referred to the Planning Commission for review and recommendation.

Sr. Planner Hayes recommended that each item have a separate hearing with a Motion of Intent, thus allowing appropriate notification and environmental findings to be prepared. The Commission agreed.

95-2a Site: Northeast of the State Highway Route 32 - Yosemite Drive intersection (West/Foothill Group).

Sr. Planner Hayes reviewed the staff report on this section, including the three parcels effected. He noted that the parcel east of these properties, which extends to the 500kv transmission line should be included with this request. The Council desired this added property to remain primarily as open space but would permit very low density if the majority of the property would remain as open space.

The public hearing was opened at 8:18 P.M.

Greg Brown, P.O. Box 7670, general partner in the property ownership, addressed the Commission. He stated that the 5.5 acres parcel does front State Highway Route 32 and the Central Valley High Voltage lines. He indicated that there are two references in General Plan to the high voltage wires, which talks about restricting development near those wires but does not specify the required setback. He added that development of that area would not be feasible as two home builders require 300 foot setbacks from high voltage wires. Mr. Brown inquired if an apartment complex or condominiums for those with small children would be appropriate to have near those wires. He stated that it is anticipated that Potter Road will connect to State Highway Route 32 and would require a stop light. He asked the Commission to consider neighborhood commercial designation for the property.

Mo West, 2500 California Park Drive, stated that Yosemite Drive has been completed which carries a great deal of traffic toward the Canyon Oaks Golf Course. He stated that he has concerns for traffic on both Yosemite Drive and State Highway Route 32. He added that California Park is a Planned Development, has been planned for many years and requests the Commission leave it as it was. He stated that the new General Plan renders the property worthless, and would like the Commission to consider long range planning.

Cecil Bartolomei, 2645 Lakewest Drive, stated that he was concerned with the planned development for the area between Idylwild and State Highway Route 32. He indicated that it was his belief that good community planning requires that neighborhood shopping centers be limited to one mile apart and also limited in size. He added that the property in questions is less than one mile from commercial zoning on State Highway Route 32 and Bruce Road. He recommended Medium High Density Residential for property fronting on State Highway Route 32 and the rest to remain R-1. He expressed concern that the

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development planned for this area will effect the property value for those already living in the area. As for the property located under the 500kv transmission line, he stated that the concerns regarding the power lines have not been proven to be detrimental to humans. He suggested the City buy the land beneath for a park.

Marc Siegall, 287 Idylwild, stated that he does not believe that commercial zoning is needed. He asked the Commission to accept the staff recommendations or leaving it as the General Plan stands.

Sam Gromley, 2653 Lakewest Drive, stated that he agrees with previous speaker, to not rezone that area commercial. He also suggested that the area under power lines be a park. He stated that if the City can designate acres for a wildflower preserve then it can designate that area park land.

The public hearing was closed at 8:30 P.M.

COMMISSIONER MCADAM MOVED TO ADOPT A MOTION OF INTENT TO APPROVE REZONE/PREZONE 95-2A TO MEDIUM DENSITY RESIDENTIAL AND MEDIUM HIGH DENSITY RESIDENTIAL; R-2 MEDIUM DENSITY RESIDENTIAL AND R-3 MEDIUM HIGH DENSITY RESIDENTIAL. THE MOTION WAS SECONDED BY COMMISSIONER BELMONTE AND PASSED BY A VOTE OF 6-0.

95-2b Site: Northeast of the Skyway and Bruce Road intersection (Schmidbauer/Giampaoli/DuFour/Isom).

Vice Chair Monfort described the area and read the staff report.

The public hearing was opened at 8:37 P.M. to which there was no comment.

COMMISSION CROTTS MOVED TO ADOPT A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2B TO RETAIN THE EXISTING ZONING DESIGNATIONS. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2c Site: 2370, 2380, 2390 Notre Dame Boulevard and Adjacent Parcel to the west - A.P. Nos. 020-190-024 and 020-260-014,015, 016 (Colby).

Vice Chair Monfort describe area and reviewed the staff report and recommendations.

The public hearing was opened at 8:34 P.M.

Lee Colby, 72 Fairway Drive, owner of properties, protested the downzoning of the property. He also read a letter which was given to the Commission. He stated that the streets are wide in the area with

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properties to the east and west being commercial. He feels that to not zone the properties commercial destroys the value of the property.

Vice Chair Monfort confirmed that the property across Notre Dame Boulevard is currently R-3 and also R-2 on Bar Triangle.

Commissioner McAdam questioned staff on the zoning of the adjacent property. Sr. Planner Hayes stated that he believed that all those properties were zoned commercial. He noted that Lots 15 and 16 have errors listing them as R-3 zoning, which is inconsistent with the existing uses.

Vice Chair Monfort indicated that the property should have been listed as R-3 not C-1.

Steve Featherston, 3100 Cohasset Road, Ingram and Shelton Realty, indicated that the proposal is to restore the property to the zoning which was in place prior to the new General Plan adoption. He stated that to have the area zoned for residential would reduce the property values. He indicated that the commercial area to the south, across the street, sold for \$5 per square foot, and the type of zoning recommended by staff would be worth \$2 square foot and is not currently selling. He asked that the property be restored to the zoning which was in place prior to the new General Plan in order to retain the value of the land.

Vice Chair Monfort pointed out that land values can change.

Mr. Colby stated that he took exception to Vice Chair Monfort's statement; as he has never seen commercial properties sell for less than R-3 properties.

The public hearing was closed at 8:46 P.M.

Commissioner McAdam stated that while she is sympathetic to Mr. Colby's position, she believes that the R-3 would provide a transition between the commercial and residential areas.

COMMISSIONER MCADAM MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2C, PER STAFF RECOMMENDATIONS OF MEDIUM DENSITY, MEDIUM DENSITY RESIDENTIAL AND MEDIUM HIGH DENSITY RESIDENTIAL (NO CHANGE); R-2 MEDIUM DENSITY RESIDENTIAL AND R-3 MEDIUM HIGH DENSITY RESIDENTIAL. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Wright stated that while Notre Dame Boulevard has a high amount of traffic, he does not see a transition through more residential being developed. He noted that he would see a better transition through a small shopping center.

Commissioner McAdam replied that to put a small shopping center would create a small stripmall, which they were trying to get away from.

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Commissioner Wright added that the street traffic noises could result in a masonry wall being built around the residential area.

Vice Chair Monfort stated his concerns for the existing surrounding areas, which contain condominium units, apartments and commercial. He also mentioned that he is concerned about the transition, as people are already living in the area with adjacent commercial.

Commissioner Belmonte stated that more commercial is also proposed along Forest Avenue and zoning should maintain a break between commercial and the residential which already exists.

Commission Crofts reviewed the surrounding land use agreeing with the motion.

The vice chair called for a vote on the motion.

THE MOTION OF INTENT WAS APPROVED 5-1 WITH COMMISSIONER WRIGHT DISSENTING.

95-2d Site: 19.5 acres north of Humboldt Road west of Bruce Road (Pleasant Valley Assembly of God).

Planning Director Sellers reviewed the recommendations noting that the adjacent parcel to the north belongs to Mr. West and should be included in the discussion. Vice Chair Monfort verified that the parcel is adjacent to State Highway Route 32.

The public hearing was opened at 8:50 P.M.

Patrick Kelly, 900 E. 19th Street, inquired how the outcome of this zoning change would effect Pleasant Valley Assembly of God Church use of the property as it is already hampered by meadowfoam. Mr. Kelly added that a portion of the proposed changes is part of an old dump and considered toxic. He asked what the zoning can signify to that property as is it environmentally constrained.

Vice Chair Monfort reviewed the zoning as stated in the General Plan and the staff recommended changes.

Sr. Planner Hayes made a correction to staff recommendation indicating that the western five acres initially had been designated open space and should be a resource management overlay in a R-3 zone.

Mr. Kelly stated that the area had been graded except on Mr. West's property though it continues to have meadowfoam and wetlands. He inquired if this zoning would effect the ability to do more grading.

Sr. Planner Hayes responded that the resource management overlay does apply to any development on the site.

Vice Chair Monfort added that any development on the property would require an environmental review.

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Mr. Kelly stated that he is concerned with the future of the Pleasant Valley Church property.

Planning Director Sellers replied that they will remain in the same situation which is there now and the Church is asking for the property to be zoned as previously had been.

Gaylord Enns, 5 Niagara Way, representing Pleasant Valley Assembly of God, stated that they desired the area rezoned C-1 and R-3, anticipating development in the area. He noted that the zoning had been that way for 14 to 15 years and they have never requested a change. He stated that the commercial zoning is compatible with church uses. He stated that the R-3 zoning is required for their plan to have a place for senior housing, student internship and providing a halfway house. He stated that they have been through a long process and spent \$300,000 on the area to this point. Mr. Enns also stated that the Church has offered to sell seven acres to the City to be used as a preserve. He stated that the Church is no longer interested in maintaining the property as momentum has been lost, due to the harassment they have received and other difficulties. He stated they are mainly concerned now for the value of the property. He implored the Commission to restore the zoning to C-1 and R-3. He noted that there is a value difference between the zoning and it would impact long term investment.

Mr. Enns stated that the Church is interested in having high density housing developed on a section of the property in question. He stated that they were interested in 30 units per acre with up to 70 bedrooms. He asked for a clarification of Medium High Density zoning. Sr. Planner Hayes responded that Medium High Density is identical to R-3 zoning, with 22 units per acre and high density transit corridors. Planning Director Sellers added that Medium High Density would allow a maximum of approximately 65 bedrooms.

Vice Chair Monfort stated that westerly portion is proposed to have an R-3 designation with an Resource Management Overlay, and the only remaining contention is the office R-P zoning.

Sr. Planner Hayes stated that R-3 property can be developed in the R-P zoning, thus eliminating this point from contention. He added that there were 32 acres of commercial zoning at the Bruce Road / State Highway Route 32 intersection, which the Council agreed should be cut back. He noted that some Commercial zoning was cut out of all the properties in the area.

Mr. Enns stated that all the commercial zoning is now gone, and the Pleasant Valley Assembly of God is opposed to the commercial zoning being taken away.

Mo West, 2500 California Park Drive, gave a history of the City effort to put Bruce Road through from State Highway Route 32 to Humboldt Road. He indicated that the City had asked property owners to dedicate land to City in exchange for the Commercial zoning, to create the street pattern. He inquired if there was a traffic count for that area.

Staff indicated that they did not have the traffic count at the meeting.

Mr. West stated that all of California Park had been master planned, including this small portion on the south side of Highway 32. He indicated that the Commission had approved increasing the commercial zoning immediately to the north and west side, which he noted seemed inconsistent. He indicated that an

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oil company has been looking at his property for a mini-mart. He stated that it is his belief that the property in question is the best available corner for that type of business. He reiterated that the zoning on the property has a long history, and to devalue it would be inconsistent with previous planning. He stated that he strongly opposes the effort to down zone the property.

Vice Chair Monfort inquired if the street dedication for commercial use agreement was in an executed agreement. Mr. West stated that it was exchanged on an economic basis, not in written agreement as it was previously zoned C-1 and there was no indication that the zoning would be changed.

City Attorney Boehm stated that Mr. West had an expectancy that the zoning would not change and that nothing stating it would not change was in writing.

Commissioner McAdam inquired if the parcel in question belongs to the church or Mr. West. Mr. West clarified that the plat does contain a section of his property.

The public hearing was closed at 9:25 P.M.

Commissioner McAdam stated that it is reasonable to maintain the C-1 in that corner of the area in question, which would effect both Mr. West and Pleasant Valley Assembly of God Church. She added that R-3 in the westerly portion does not preclude there being sufficient housing density in that area.

COMMISSIONER MCADAM MADE A MOTION-OF-INTENT FOR GPA/REZONE 95-2D TO DESIGNATE THE PROPERTY COMMERCIAL, MEDIUM HIGH DENSITY RESIDENTIAL; c-1 RESTRICTED COMMERCIAL AND R-3 MEDIUM HIGH DENSITY RESIDENTIAL AS REQUESTED BY THE PROPERTY OWNERS WITH THE ADDITION THAT THE WESTERLY AND NORTHERLY PORTION OF THE PROPERTY ALSO BE SIMILARLY DESIGNATED WITH A RESOURCE MANAGEMENT OVERLAY. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

Vice Chair Monfort stated that the Commission would take a brief recess. He then read the section from the Agenda stating that the policy of the Planning Commission is to not take additional agenda items after 10:30 P.M. He asked the Commission to determine which items on the agenda it will not be able to consider within that time frame and continue consideration of those matters to a subsequent meeting. He noted that there was a staff recommendation on Rezone 95-2n that this section be continued. He stated that the remaining items would be continued to the next scheduled meeting of June 5, 1995.

Planning Director Sellers stated that there are time constraints on subdivisions and if the developer is present, they may request or agree to a continuance.

City Attorney Boehm added that the developer needs to agree to continue subdivision applications to the next meeting.

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Sandy Kalinowski, Agenda Item No. 8, agreed to continue Item No. 8, Canyon Ranch Addition Vesting Tentative Subdivision Map to the June 5th meeting.

Krad Davidian, Agenda Item No. 9, Preliminary Review of Matrix Manor Vesting Tentative Subdivision map S-94-14 and Planned Development Use Permit 95-5, stated that he would like to have the review at this meeting if possible. City Attorney Boehm noted that this item is a preliminary review and continuance is up to the discretion of the commission.

As for Agenda Item No. 10, Tentative Parcel Map No. PM 95-3 (McCaig), Vice Chair Monfort stated that it was staff's recommendation to hold neighborhood meetings to discuss area land use and zoning. He indicated that this item could be effected by the recommendation for Rezone/Prezone 95-2n which was developed after such meetings.

Max McCaig responded that he would agree to a continuance if the item would be scheduled early on the next agenda.

Vice Chair Monfort stated that the Commission will finish Item No. 7 following a 15 minute break. He added that Agenda Items 8 through 11, except Item 9, will be continued to the June 5, 1995 meeting.

Recess 9:32 - 9:47 P.M.

95-2e Site: 3.56 acres located east of The Esplanade and south of Shasta Avenue (Morgan).

Sr. Planner Hayes stated that the General Plan included policies to reduce the amount of commercial strips development. He noted that the property has access from Shasta Avenue which gives the opportunity to use the property for office space or residential use.

The public hearing was opened at 9:50 P.M.

Jack Morgan, 1524 Manchester, stated that he had purchased the property 10 years ago for commercial use. He indicated that the property has been through substantial devaluation as a result of the Regional Water Quality Control Board action requiring sewer connection. He stated that he felt the zoning was a result of an arbitrary decision. He presented the Commission with a letter and map depicting the area. He indicated that currently the property has a single family house on the front of the parcel. He noted that there are single family homes on two adjacent parcels, both of which are zoned commercial. He stated that he does not understand the reason for the R-P zoning when the property is surrounded by commercial property. He indicated that toward the south is a real estate office which is zoned commercial and will be left commercial. He added that there are other areas nearby which have been zoned R-P. He questioned the fairness of taking the property which he purchased as C-2 and substantially devaluing it to R-P. He stated that he was concerned with having a parcel which would have to be split rather than used

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for the purpose for which he purchased it. He indicated that he felt that this constitutes discriminatory zoning. He closed by saying that he would appreciate zoning the property back to C-1.

The public hearing was closed at 9:58 P.M.

Commissioner McAdam expressed mixed feelings on the front portion of the property being commercial due to the fear of creating strip commercial. She added that to zone all the property commercial would be incongruous with the other property on the block. She stated that she felt strongly the back portion of the property should be zoned R-2. She then questioned if the property contained one or more parcels. Staff responded that it is one parcel. Commissioner McAdam suggested a compromise for medium density residential zoning in the rear portion, as depicted on the staff recommendations and the portion fronting onto the Esplanade be zoned C-1.

COMMISSIONER MCADAM MOVED TO APPROVE A MOTION OF INTENT FOR GPA PREZONE 95-2E, MEDIUM DENSITY RESIDENTIAL IN THE REAR PORTION AS DEPICTED ON THE STAFF RECOMMENDATIONS AND FRONT PORTION OF THE PROPERTY TO BE ZONED C-1. COMMISSIONER WRIGHT SECONDED THE MOTION.

The public hearing was re-opened at 10:02 P.M.

Mr. Morgan addressed the Commission stating that all property in the area is currently on septic systems which have resulted in nitrate problems. He stated his concern that any more residential in the area would have the same nitrate problems.

The public hearing was closed at 10:03 P.M.

Commissioner Belmonte questioned where the border between the zoning on the property has been drawn. He stated that it would be more conducive to divide property farther back to where Lots 11 and 12 split (as depicted on the map). This would allowing access to the portion off Shasta Avenue to be zoned R-2, with commercial zoning on the Esplanade.

Commissioner Wright asked if extending the commercial zoning father back would be creating more common fence lines with problems of residences backing into commercial.

Vice Chair Monfort suggested that if Lot 12 is zoned commercial, the commercial/residential common fence would be against only a portion of Lot 16. Commissioner Belmonte agreed with this suggestion to change the zoning designation on Lot 12 to commercial.

Commissioner McAdam questioned if adding commercial area would make the area more viable since part of parcel does not front to the Esplanade.

Commissioner Belmonte stated that the use of land with commercial zoning would push the strip retail off the Esplanade.

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Sr. Planner Hayes suggested making the border further back, look at starting 300 feet off the Esplanade, take it across Parcel No. 16, which is also a large parcel, creating a commercial area. He added that the adjacent Parcel 16 is also vacant.

Commissioner McAdam clarified that her previous motion is west of the line would be C-1, and to the east would be R-2. Commissioner Belmonte suggested the designation of C-1 to end 300 feet off the Esplanade. Commissioner McAdam clarified that the motion would include Parcel 16.

COMMISSIONER MCADAM AMENDED THE MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2E TO REFLECT THAT THE C-1 ZONING DESIGNATION WOULD INCLUDE PARCELS 12 AND 16 WITHIN 300 FEET OF THE ESPLANADE WITH THE NORTHERN AND EASTERLY PORTIONS OF PARCEL 10 TO RETAIN R-2 ZONING. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 5-1 WITH VICE CHAIR MONFORT DISSENTING.

95-2f Site: West side of The Esplanade, 500 feet south of Eaton Road (Enloe, et al.).

Sr. Planner Hayes reviewed the request for the area which was zoned commercial. He suggested a comprise of C-O Commercial Office zoning to support the existing offices around.

The public hearing was opened at 10:12 P.M. to which there was no comment.

COMMISSION CROTTS MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE NO. 95-2F TO ADOPT STAFF RECOMMENDATIONS. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2g Site: 2545 Cactus Avenue (Meyers).

Sr. Planner Hayes stated that the County's zoning and the Specific Plan for the East Avenue area was more extensive than the City's. He added that Cactus Avenue had a rezone to R-1, Low Density Residential, a few years ago.

The public hearing was opened at 10:15 P.M. to which there was no comment.

COMMISSIONER MCADAM MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2G TO MAINTAIN THE EXISTING DESIGNATION OF LOW DENSITY RESIDENTIAL. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2h Site: Half block west of Locust Street between East 14th and 15th Streets.

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Sr. Planner Hayes stated that the property owner did not believe that residential use was appropriate for this area since the surrounding land use was commercial. He noted that staff concurred with this request.

The public hearing was opened at 10:16 P.M. to which there was no comment.

COMMISSIONER BELMONTE MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2H TO COMMUNITY COMMERCIAL AND C-1 RESTRICTED COMMERCIAL. COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2i Site: Half block west of Oleander Avenue, between East 7th and 8th Avenues (Boz, et al.).

Sr. Planner Hayes stated that when the area was prezoned Medium Density Residential, the property owner spoke to the Council requesting Commercial. In response the Council indicated the owners should return with the other requested changes and gave indications that R-P was acceptable. Sr. Planner Hayes reminded the Commission that existing office uses are to the south and north.

The public hearing was opened at 10:19 P.M.

Ann Bykert-Kauffman, 254 East 7th Avenue, presented a petition with 27 signatures which opposes Commercial zoning of this property. She stated that business activities in the area are minor. She added that the surrounding area may be prezoned R-2, but has been developed as R-1. She stated that since the Commission has a principle for having a buffer zone around R-1, Commercial in this location provide that buffer zone. She stated that R-P would be acceptable if it was done as well as has been done on the southern area of the block.

The public hearing was closed at 10:21 P.M.

COMMISSIONER MCADAM MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2I TO PREZONE R-P RESIDENTIAL PROFESSIONAL. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2j Site: Northeast corner at the Lakewest Drive and Bruce Road intersection (West).

Sr. Planner Hayes stated that the property owners would like to have a financial institution in the area. The proposed zoning would allow them to pursue a financial institution. He noted that the Residential Professional uses would be cleaned up in the zoning ordinance. He suggested that the Commission may wish to have conditional zoning.

Commissioner McAdam inquired if a financial institution was allowable with a Planned Development.

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Sr. Planner Hayes responded that a Planned Development/Commercial Office designation gives additional leeway.

Planning Director Sellers stated that with a planned development overlay, notices would need to be sent to the neighborhood and the Commission would have to approve how site would be developed.

Vice Chair Monfort inquired how the zoning could be conditioned.

Sr. Planner Hayes responded that conditions such as no drive-through could be placed on development. He added that a Planned Development may be a better solution.

The public hearing was opened at 10:25 P.M.

Steve Featherston, Ingram and Shelton Realtors, representing the owners of the property, stated that they have a Letter of Intent from a financial institution for the property. He indicated that they would accept a designation of neighborhood commercial, which could mean a use permit for whatever they would like to do. He added that they would like to see the definition of a Planned Development Overlay with Commercial Office zoning.

Commissioner Belmonte inquired with so many financial institution have drive-through service, would this one accept not providing that type of service.

Mr. Featherston stated that the area does not lend itself toward a drive-through. He reiterated that they would accept Planned Development Overlay with Commercial Office zoning.

Sam Gromley, 2653 Lakewest Drive, stated that the neighbors would not like the possibility of a fast food restaurant in the area, but believed a bank was appropriate.

Mr. Featherston stated that the property was previously zoned Neighborhood Commercial.

Planning Director Sellers responded that the property has been zoned Residential Professional since Lakewest Drive went through.

The public hearing was closed at 10:30 P.M.

COMMISSIONER MCADAM MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2J WITH PLANNED DEVELOPMENT/COMMERCIAL OFFICE ZONING. COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2k Site: North side of Dayton Road, between Deveney Avenue and the railroad (Campos, et al.).

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Sr. Planner Hayes stated that this area had been zoned R-1 and was predominately single family residential. An R-3 designation was requested by the property owner.

The public hearing was opened at 10:31 to which there was no comment.

Vice Chair Monfort stated that he had looked at property, and concurred that there is nothing but single family dwellings and consolidated properties.

COMMISSION CROTTS MOVED TO APPROVE A MOTION OF INTENT TO RETAIN THE EXISTING ZONING. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2l Site A: Block bounded by Humboldt Road, Willow Street, East 10th Street and Linden Street.

Site B: South side of Humboldt Road, between Willow Street and Aspen Street.

Sr. Planner Hayes stated that this item was primarily a clean-up measure and was not owner initiated. He indicated that the current use of the first area, north of Humboldt Road is medium and low density residential. For the second area, south of Humboldt Road, he noted that the City is actively acquiring public ownership of properties along Little Chico Creek for future greenway use. Rezoning the vacant land Community Commercial to Creekside Greenway and Neighborhood Commercial to Open Space would reflect this long term zoning.

The public hearing was opened at 10:35 to which there was no comment.

COMMISSIONER STUDEBAKER MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2L PER STAFF RECOMMENDATIONS. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2m Site: South side of Humboldt Road, between Mill Street and Pine Street.

Sr. Planner Hayes stated that the General Plan designation for the area was inconsistent with the current use due to a few apartment complexes and the number of single family residential. He stated that any development of that area would be difficult because of creekside setbacks. He also noted that there are two apartment four-plex complexes already in non-conforming use, located between Cypress and Poplar Streets.

Vice Chair Monfort asked that a plat map with the building footprints be provided to the Commission prior to final adoption of the rezone/prezone.

The public hearing was opened at 10:36 to which there was no comment.

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COMMISSION CROTTS MOVED TO APPROVE A MOTION OF INTENT FOR GPA REZONE/PREZONE 95-2M TO APPROVE LOW DENSITY RESIDENTIAL; R-1 SINGLE FAMILY RESIDENTIAL. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2n Site: Area generally bounded by Mangrove Avenue, East First Avenue, The Esplanade and Lindo Channel.

Vice Chair Monfort stated that the staff recommendation is that this item be continued until meetings with Butte County, as well as neighborhood meetings, can be held.

Mary Anne Houx, Butte County Supervisor, stated that the County agrees with the staff recommendation for meeting with the neighborhood.

COMMISSIONER STUDEBAKER MOVED TO APPROVE A MOTION OF INTENT TO CONTINUE THIS ITEM. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

95-2o Site: Area bounded by Lindo Channel, Manzanita Avenue, Vallombrosa Avenue and Juniper Street.

Sr. Planner Hayes asked for a continuance to re-prepare the description of the area based on the motion made by Councilmember McGinnis when this item went to Council as part of the General Plan.

Planning Director Sellers stated that the item would be re-noticed for the Public Hearing.

The public hearing was opened at 10:42 P.M. to which there was no comment.

Commissioner McAdam inquired if this motion to continue is part of the motion on Attachment A for Agenda Item No. 6. Sr. Planner Hayes responded that this was part of Items 41 and 42 of Attachment A and does not need a separate motion.

95-2p Site: South of West 16th Street and east of Diamond Match (Growden).

Sr. Planner Hayes stated that the southern portion of the property already has a warehouse, which creates an existing non-conforming use if it is not zoned M-1.

Planning Director Sellers stated that the area was designated manufacturing in the previous General Plan.

The public hearing was opened at 10:35 P.M.

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John Growden, 1796 Estates Way, stated that the changes made by the General Plan were quite drastic. He stated that he would like to have to an option to have commercial zoning facing 16th Street, and while the warehouse is toward the southern end he would like that to remain M-1. He indicated that he would like to wait for the zoning and see what will be developed on the adjacent Diamond Match property. He stated that he does not want the limitations of low density residential. He added that the mill on the Diamond Match property was built around the turn of the century thus the adjacent land was developed knowing the mill was located there. He stated that he may consider opening a feed store on a commercial section of the property.

Commissioner Belmonte asked if Mr. Growden was amending his request to have C-1 zoning on 16th Street and retain M-1 zoning on the other portions. Mr. Growden responded that yes, he did want to amend his request for C-1 designation on 16th Street, but indicated that he was open to options on the other parts of the property. He clarified that there is 260 feet of the property facing 16th Street.

Planning Director Sellers suggested the Commission take no action to allow staff to discuss a development plan and the future of the Diamond Match property with Mr. Growden.

Vice Chair Monfort indicated he supported taking no action at this meeting.

Luisa Garza, 129 West 16th Street, stated that Diamond Match is finishing up a toxic cleanup and she is waiting to hear the specific ideas for that property. She indicated that she has a foreboding on the future of the neighborhood, with the large truck access to the area. She stated that if Mr. Growden's property is rezoned to Light Manufacturing it may influence the future of the Diamond Match property. She requested that there be no changes to the current zoning. She added that there is already a feed store in the area.

Mr. Growden asked the Commission to leave the zoning as it is now subject to the possibility of a change.

Planning Director Sellers clarified that the proposed meeting with Mr. Growden would not wait for something to happen with the Diamond Match property, but would be to discuss the options first.

The public hearing was closed at 10:56 P.M.

Vice Chair Monfort directed staff to discuss the options for the property with Mr. Growden.

Various Minor Amendments to General Plan Land Use and Zoning Designations. The minor amendments will correct errors, oversights and inconsistencies identified since the adoption of the plan and zoning, and will generally reflect existing land use. All amendments are addressed by the certified final EIR for the General Plan and urban area zoning adoption.

Vice Chair Monfort stated that he supports all the proposed changes in Attachment A except for the continued Item Nos. 6, 13, 41 and 42. He asked if there were any more comments regarding Agenda Item No. 6, Minor Zoning Amendments and Clarifications.

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The public hearing was re-opened at 11:00 P.M.

Kathy Russo, 23 Roble Vista Court, asked Vice Chair Monfort to read Item Nos. 41 and 42 to see what parcels are included as she had noticed that two or three parcels were excluded. She added that the numbering system was confusing as the items were numbered on the Planning Commission Report while they were not numbered on the Public Hearing Notice.

Sr. Planner Hayes responded that all zoning is the same, but acknowledged that a few of the parcels were not specifically identified. The area was inclusive from Vallombrosa to Hooker Oak Avenue, including the existing Parkview Terrace. He added that he would be happy to have a numbered list both the Public Hearing Notice and on the Agenda to which Items 41 and 42 will be continued.

Vice Chair Monfort called for a vote the motion for Agenda Item No. 6, Minor Zoning Amendments and Clarifications.

COMMISSIONER BELMONTE RESTATED THE A MOTION OF INTENT TO APPROVE THE MINOR ZONING AMENDMENTS AND CLARIFICATIONS AND TO CONTINUE ITEMS 6, 13, 41 AND 42. COMMISSIONER MCADAM SECONDED THE MOTION. THE MOTION WAS APPROVED BY A VOTE OF 6-0.

8. **Canyon Ranch, Additional Vesting Tentative Subdivision Map (Kalinowski)**. A request to subdivide 14.76 ± acres into six (6) single-family residential lots on property currently zoned RS-1 and RS-2 Suburban Residential, one and two acres minimum parcel sizes and designated Very Low Residential Density on the City of Chico General Plan, located East of the terminus of Picholine Way and West of the terminus of Lazy "S" Lane and identified as Assessors Parcel Number 0101-050-110.

This item was continued to the June 5, 1995 meeting.

9. **Preliminary Review of Matrix Manor Vesting Tentative Subdivision Map S-94-14 and Planned Development Use Permit 95-5 (Davidian)** - A request to subdivide 2.3 acres into 14 single family residential lots on property currently zoned County A-R Agriculture Residential and prezoned R-1 Single Family Residential, located between West Lassen and Henshaw Avenues at Autumn Gold Drive (369 West Lassen Avenue) and identified as AP No. 006-360-008 and 010.

Planning Director Sellers stated that this is a preliminary review of a Planned Development use permit, which will come back before the Commission for a final hearing after review of the Commission's comments by the applicant. He reviewed the staff report, which indicated that the smaller lot size would require a Planned Development. He added that the applicant has submitted a siteplan with single family residences. Planning Director Sellers expressed his concerns regarding the use of a Planned Development which usually is to provide improved quality or to overcome site limitations. He stated that the purpose

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of this hearing was to allow the Commission to give feedback to the applicant, who would then come back to the Commission at a later date with a final development plan.

The public hearing was opened at 11:07 P.M.

Wes Gilbert, Gilbert Engineering, 55 Independence Circle, Suite 101, stated that although the lots can function with R-1 setbacks, they would like to reduce the setbacks in order to create some duplex type lots. He added that the provision for a bikeway to connect Lassen Avenue to Henshaw Avenue reduces lot width for two lots as a result. He indicated that with the new street standards, the street is four feet wider to include the greenway. He added that he hoped the Commission would give consideration that this project has been in the processes for six months, previous to the new General Plan standards.

Vice Chair Monfort inquired if the cul-de-sac measurements were curb to curb.

Mr. Gilbert stated that the measurements include a proposal to push the garages back, use zero lot lines and moving houses closer to the street. He added that zero lot lines create more usable space.

Commissioner McAdam inquired if the typical building footprints do not reflect what the developer would like to do.

Mr. Gilbert stated that the submitted footprints were conceptual and the intent is to reflect additional discussed design issues.

Vice Chair Monfort stated that he liked the use of zero lot lines and reduced setbacks.

Commissioner Crofts asked that the garages be pushed back and the houses moved forward.

Commissioner McAdam complimented the developer for a more creative than standard subdivision.

Vice Chair Monfort stated that the useable space is increased through zero lot lines and that he encourages their use.

Commissioner McAdam inquired on the housing affordability for this project.

Krad Davidian, 1364 Honey Run Road, stated that the homes would plan to sell for \$120,000 to \$150,000 and would be an average of 1400 square foot houses. He stated that there would be different elevations and house plans available, but would remain about the same size.

Mr. Gilbert stated that private streets add homeowners fees, and clustering the homes does not make them more affordable.

Mr. Davidian added that the lot with the home on Henshaw Avenue will be sold as a low income home.

Vice Chair Monfort stated that he appreciates the plan for a bike path.

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Commissioner McAdam stated that the testimony counteracts her objections to cul-de-sacs.

Mr. Davidian stated his believe that this project has been developed conducive to General Plan implementation.

Commissioner McAdam stated that higher density and infill are encouraged by the Commission.

Mr. Davidian stated that the sewer extension and the bikeway would be a benefit to the City.

Planning Director Sellers summarized the Commission's direction regarding the subdivision size and layout and that they would like to see the housing designs. He indicated that the Planning Division staff will continue to work with the developer.

10. **Tentative Parcel Map No. PM 95-3 (Max and Janice McCaig)** - A request to allow a lot split which would create three residential lots on 0.82 acres with lot sizes ranging from .14 to .41 acres on property identified as 1602 Laburnum Avenue, Assessor's Parcel No. 003-403-009, prezoned R-2 Medium Density Residential. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

This item was continued to the June 5, 1995 meeting.

11. **Use Permit No. UP-95-8 (Greg Peitz)** Request to allow a drive-through facility at the existing Fosters Freeze restaurant located at 900 Broadway in a C-1 Restricted Commercial District. This project is Categorically Exempt from environmental review pursuant to Section 15303 of the C.E.Q.A. Guidelines.

This item was continued to the June 5, 1995 meeting.

COMMISSIONER MCADAM MOVED TO CONTINUE ITEM NUMBERS 8, 10 AND 11 TO THE JUNE 5, 1995 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER STUDEBAKER AND WAS APPROVED 6-0.

BUSINESS FROM THE FLOOR

Kathy Russo addressed the Commission stating that since the proposed rezoning around Hooker Oak Avenue (Attachment A - Items 41 and 42 and Rezone No. 95-2n) was so confusing and misleading, she asked for a clarification of the difference between Agenda Items 6 and 7. Vice Chair Monfort stated that it was not meant to mislead as it was a clerical error and the items would be continued to allow for correction of that error and would be re-noticed to the public.

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Commissioner Studebaker stated that he had been approached by an individual who informed him that the Commission would have a public hearing regarding Greek housing. He asked for a clarification.

Planning Director Sellers stated that the Commission has been working for several years to develop standards which regulate housing for social organizations, providing social organizations to be an allowed use subject to those certain standards. He noted that the subcommittee of the Planning Commission consisted of Commissioners Monfort and Crotts. He stated that public hearings will be held when the University is in session. He indicated that the standards would be included in the new comprehensive zoning code changes being developed and would be in place in roughly one year.

Commissioner Studebaker added that he would like to thank staff and Sr. Planner Hayes, for facilitating his trip to the conference in Los Angeles.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 11:25 P.M. to a joint meeting with City Council on June 1st at 8 P.M.

June 19, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
MEETING OF JUNE 5, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Vice Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Chair Gary Short was absent. Staff present, City Attorney Bob Boehm, Director of Public Works E.C. Ross, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Studebaker stated that he had a conversation with Gary Simmons regarding Agenda Item No. 1, which was a general conversation regarding the history of Foster's Freeze restaurant.

CONSENT CALENDAR

1. **Use Permit No. UP-95-8 (Greg Peitz)** Request to allow a drive-through facility at the existing Fosters Freeze restaurant located at 900 Broadway in a C-1 Restricted Commercial District. This project is Categorically Exempt from environmental review pursuant to Section 15303 of the C.E.Q.A. Guidelines.

Requested Action: Approve the request with the required findings and conditions of approval recommended by staff.

2. **Use Permit No. 95-9 (Enloe Hospital)** - A modification of a previous use permit which restricted allowable signage to approximately 95 square feet. Sign regulations permit 1,069.5 and the applicant is requesting 295 square feet (28% of allowable) for a medical clinic and outpatient facility located on 3.17 acres at 888 Lakeside Village Commons, Assessor's Parcel No. 011-160-015, in an N-C Neighborhood Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Requested Action: Approve the request with the required findings and conditions of approval recommended by staff.

3. **Use Permit No. 95-10 (Bowling/KPPL etal)** - A request to exceed the 25 foot maximum height limitation for accessory structures in the R-P Residential-Professional/Business Office zoning district by replacing an existing antenna tower with a height of 80 feet from ground level with an antenna tower which is 20 feet higher (total height of 100 feet from ground level), at 1459

Humboldt Road, Assessor's Parcel No. 002-110-068. This project is Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of CEQA.

Requested Action: Approve the request with the required findings and conditions of approval recommended by staff.

4. **General Plan Amendment No. 95-1 and Prezone No. 95-1 (Johnson)** - A request to amend the General Plan designation from Low Density Residential and Office to Manufacturing/Warehousing and to prezone 1.5 acres from County A-R Agricultural Residential and City R-1 Single Family Residential to PD/M-1 Planned Development Limited Manufacturing to facilitate the development of a mini-storage complex with on-site caretaker residence (existing) on property located at 406 Panama Avenue, A. P. No. 006-160-034. A negative declaration of environmental impact is proposed for this project under the California Environmental Quality Act.

Requested Action: Continue to the June 19, 1995 meeting.

Item No. 1 was pulled off the Consent Calendar by Vice Chair Monfort.

COMMISSIONER MCADAM MOVED APPROVAL OF CONSENT ITEMS 2 THROUGH 4.
COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED BY A
VOTE OF 6-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. **Use Permit No. UP-95-8 (Greg Peitz)** Request to allow a drive-through facility at the existing Fosters Freeze restaurant located at 900 Broadway in a C-1 Restricted Commercial District. This project is Categorically Exempt from environmental review pursuant to Section 15303 of the C.E.Q.A. Guidelines.

Planning Director Sellers reviewed the staff report. He indicated that the Butte County Air Pollution Control District did not think the proposed drive-through would have a significant air quality impact. He added that staff recommendation is to approve the Use Permit with the required findings and conditions of approval.

Vice Chair Monfort inquired if the landscape provisions had to be approved by the Architectural Review Board. Planning Director Sellers responded that only the landscaping in the area around the turnaround required approval, which does not include the area near the creek.

Vice Chair Monfort then asked if the Commission could direct the Architectural Review Board to look at the area near the creek also. Planning Director Sellers stated that the conditions for this Use Permit need to be related to the use the permit, in this case a drive-through. Planning Director Sellers stated that the Commission can request that the creekside landscaping be improved.

Vice Chair Monfort stated that mitigation of air quality impacts can be done through landscaping.

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Planning Director Sellers noted a letter from Stephen Sayre, received by the Planning Commission at this meeting, which requests additional landscaping and creekside setback.

Vice Chair Monfort inquired if the current 25 foot setback applies to this property.

Planning Director Sellers stated that since it was a pre-existing business, the setback would apply only if they were expanding closer to the creek.

City Attorney Boehm stated that since the applicant was not expanding the area of the use but rather the nature of the use, it would be hard to have the requisite nexus in regard to creekside setback and landscaping.

Vice Chair Monfort stated that the plat shows parking facilities with picnic tables. He added that if the applicant moves the picnic tables it would expand the available parking.

City Attorney Boehm stated the use permit is only for a drive through and that is what needs to be addressed.

The public hearing was opened at 7:39 P.M.

The applicants, Dianna Herman, 1 Florence Lane, and Gregory Peitz, 2259 North Avenue, addressed the Commission.

Vice Chair Monfort inquired what they intended to do with the picnic tables.

Ms. Herman responded that the tables were in poor condition and had to be removed.

Vice Chair Monfort inquired if they were adverse to relocating the picnic table area toward the creek.

Ms. Herman responded that the initial request was to relocate the tables near the creek, but were told by staff that the tables would be in the setback and too close to creek itself.

Mr. Peitz added that the net amount of parking spaces would not be increased.

Ms. Herman stated that the property on the other side of creek is a glen owned by the same property owner and that they would love to expand with picnic tables in the creekside.

Commissioner McAdam inquired for differentiation between this type of proposal and the setback regulations, as all through Bidwell Park there are picnic tables near the creek.

Planning Director Sellers responded that structures cannot be located in the setback according to the Municipal Code. He added that cement slabs with picnic tables would not be against that code. He stated that Fish and Game may not have a concern as it is an existing business. He stated that staff would be willing to work with applicants.

Commissioner McAdam suggested a compromise, with landscaping and picnic tables near the creek.

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Commissioner Wright inquired on the required parking spaces needed.

Ms. Herman responded that with the proposed changes they will have 52 parking spaces. Mr. Peitz added that the 52 spaces are more than is required.

Vice Chair Monfort inquired if a condition could be added that would encourage the Architectural Review Board to require a developed picnic and landscape area in the creekside setback.

Ms. Herman stated that, according to Mr. Sayer's letter, they can only pull non-native plants. She stated that she was unsure of the amount of non-native plants in that area. She added that there are PG&E and Caltrans easements near the bridge which can not be developed.

Commissioner Belmonte inquired if the applicants had made allowances for trash receptacles. He stated that if there is no trash can upon leaving, customers may toss litter in the street.

Mr. Peitz stated that they had not considered placing a trash receptacle near the street.

Commissioner Belmonte stated that he was glad to see this permit as it will move traffic toward that side of town and bring the business into current economic times. He reiterated the need to provide a trash can which is close to the street and very obvious.

Ms. Herman stated that there are several transients living in the area, and she would like to have something done about their trash.

Commissioner Belmonte stated that this Commission can't help her with the transient population, but the applicant can provide trash receptacles which can help with additional trash.

Commissioner Studebaker inquired if there are specific traffic rules to govern a drive-through, since Broadway is used by many pedestrians.

Planning Director Sellers stated that there are not specific traffic rules, but by nature the tight turn to get into the drive-through slows traffic down.

Commissioner Studebaker inquired if the applicant plans on keeping walk-up window or keep the store open later.

Ms. Herman responded that they intended to keep the walk-up window and were not planning on expanding their hours.

The public hearing was closed at 7:50 P.M.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. UP-95-8 WITH REQUIRED FINDINGS AND STAFF RECOMMENDED CONDITIONS OF APPROVAL, WITH THE ADDITIONAL PROVISIONS TO HAVE THE ARCHITECTURAL REVIEW BOARD WORK WITH THE APPLICANT ON CREEKSIDE LANDSCAPING AND PICNIC TABLES AND TO

PROVIDE ADEQUATE TRASH RECEPTACLES ON SITE. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

REGULAR AGENDA

5. **Tentative Parcel Map No. PM 95-3 (Max and Janice McCaig)** - A request to allow a lot split which would create three residential lots on 0.82 acres with lot sizes ranging from .14 to .41 acres on property identified as 1602 Laburnum Avenue, Assessor's Parcel No. 003-403-009, rezoned R-2 Medium Density Residential. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report and noted this item was continued from the previous Commission meeting. He reviewed the R-2 zoning requirements as the area had been rezoned to R-2 as part of the General Plan in November, 1994. He stated that one parcel would contain the existing residence and the other two parcels would each have a duplex built. He added that the area is a residential neighborhood with many single family homes, but a multiple family dwelling directly across the street. He stated that the Subdivision Map Act limits the ability of the Commission to deny the map which must be based on the findings listed in the staff report.

Planning Director Sellers stated that staff recommends approval of the map by adopting the resolution included in the staff report. He noted that a significant number of public comments have been received by staff and forwarded to the Commission. He stated that at the last meeting the Commission agreed to have neighborhood meetings with the City and County regarding the zoning density.

Commissioner McAdam confirmed that the application is for the lot split only and the zoning issue is to be handled with the neighborhood meetings and possible public hearings.

City Attorney Boehm stated that the lot split is dependent on the zoning of the property at this time. He added that the lot split is consistent with the General Plan and the current zoning. He did caution that if the split is approved then it is assumed that the zoning would not be changed.

Commissioner McAdam inquired if this lot split is consistent with either single family or medium density.

City Attorney Boehm responded that it is consistent with either zoning but cautioned the Commission that this item needs to be considered with the current zoning not a potential change in the zoning.

Planning Director Sellers stated that the proposed corner lot would not meet the minimum standards for a R-1 zoning district, though it is the lot which already contains a single family residential. He clarified that under the R-1 zoning there is a 7,000 square foot minimum size for a corner lot.

Vice Chair Monfort inquired if the claim that this is consistent with the General Plan is confined to those parts of the General Plan which deal with land use.

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Planning Director Sellers stated that the General Plan issues also include those sections which deal with in-fill development, and the design characteristics are dependent on the Architectural Review Board process.

Vice Chair Monfort inquired if the Commission would have the opportunity to look at a subdivision map at a later date if the lot split is approved.

Planning Director Sellers stated that there would not be a subdivision map returned to the Commission as it would only be necessary if there is a proposal to further break the property down. He added that this item would not be seen again at the Planning Commission level but the Architectural Review Board will see this project.

Vice Chair Monfort inquired if the neighborhood consistency, as part of the General Plan, would be an issue to look at this item.

Planning Director Sellers replied that it would be an issue in deciding this lot split.

Commissioner Studebaker asked if this issue could be postponed until after the neighborhood meetings.

Planning Director Sellers explained that State law states that the Commission must act within 55 days after a completed map application is received. He stated that the Commission will want to convey that they are serious about the neighborhood meetings, but changing the zoning will require hearing and adoption of an Ordinance, and the City will have to work with the County. He added that the whole process will take some time.

Vice Chair Monfort stated that until those neighborhood standards and land use regulations are established, the Commission will not be able to determine if this lot split meets General Plan standards.

City Attorney Boehm replied the Commission will have to act on the basis of the General Plan as it stands now.

The public hearing was opened at 8:10 P.M.

Cal Bachman, 3012 The Esplanade, addressed the Commission representing the applicant. He stated that this project meets the criteria of the General Plan and the existing zoning. He stated that they were talking about three lots though the applicant can come before the Commission asking for more lot splits through the Subdivision Map Act. He stated that there were two duplexes planned with five total dwellings on the three lots.

Vice Chair Monfort inquired if the applicant would be adverse to there being a limit of five total dwellings as a condition of approval.

Mr. Bachman stated that one plan for a duplex has been turned into the Building Division for the property which fronts onto Laburnum. He noted that the second building plan has not been submitted at this time.

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Ed Holohan, 1636 Laburnum, stated that most of residents in the area built as R-1 and feel it is a R-1 zone. He indicated that there are mostly County residents in the area. He stated that the residents want to keep it R-1 rather than change zoning. He stated that he had purchased his property because it is in a R-1 zone and is adamantly opposed to any change in the area. He added that since it is an R-1 area, it is unsuitable for R-2 development. He stated that he does not feel the area residents had anything to do with the decision to make the area R-2. He asked the Commission to turn down this request.

Mary Anne Houx, Butte County Supervisor, stated that the neighborhood meeting to discuss the zoning is scheduled for July 13th. She stated that the citizens were acting in good faith and that this decision should wait until after that meeting. She added that the belief of the Council is the preservation of neighborhoods. She indicated that the area is an older neighborhood with several young people buying homes to revitalize the area. She stated that she had seen the plans, and as this is a County zone, the Commission should listen to the neighborhood.

Vice Chair Monfort stated that it would be possible to limit the number of dwellings on the site and thus the upper limits of the R-2 would not be used.

Supervisor Houx replied that it used to be that the neighborhoods considerations were a priority which may not be happening now.

Fred Atwood, 1636 1/2 Laburnum, stated that he lives at northeast corner of the proposed lot split and has lived there for 20 years. He noted that his property has a building which was built in 1935 as a woodworking shop and is still used as such. He asked the Commission to consider that noise with what may be developed next to his property.

Mr. Atwood stated that this is a young neighborhood with a lot of sweat equity. He stated that he has no problems with the development of single family residences. He indicated that there are 19 units across the street from the proposed development that already have problems with parking and other space problems. He quoted from a General Plan public notice which promoted parks and schools. He suggested the City buy the lot and create a park since there is none in the area. He indicated that he was concerned about the applicant's plans since the applicant has already taken seven trees out of the area and has stated that he was planning to build apartments.

C. Steffen Nelson, 1530 Oleander, stated that he lived on a 1.1 acre parcel which was zoned R-1. He indicated that at a General Plan meetings last summer he had spoken with Sr. Planner Hayes regarding the R-2 zoning in the area. He stated that he does not want to see what has happened in the Cedar area and others which have been zoned R-2 as there is no guarantee of what would be developed there. He restated the parking problems in the area. He indicated that density is a problem in the area already and that maintaining a pleasant neighborhood is the main concern.

Ann Bykert-Kauffman, 254 East 7th Avenue, stated that the entire Avenues area which is in the County is rezoned R-2, which she feels is frightening to the current residents. She indicated that other neighbors believe their decision will set a precedent and thus the neighborhood meetings would be a moot point.

Russ Picket, 1621 Spruce Avenue, stated that if this lot split is approved then the Commission will have to approve the duplexes. He indicated his feeling that duplexes would be inconsistent with the

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neighborhood. He stated that the current residents would lose the current quality of life if the duplexes were built. He stated that to approve this lot split would encourage people to sell out to development.

Philip Aldred, 1623 Spruce Avenue, stated that he had lived in area for eight years. He indicated that a walnut tree that had been removed by the applicant was behind a home of a local historian. He stated that the high integrity and value of the area would be disposed of by development of duplexes in the area. He indicated that the current area traffic problem is due to the apartments across the street from the proposed lot split, though single family homes would be acceptable.

Vice Chair Monfort inquired on the size of Mr. Aldred's property.

Mr. Aldred stated that his property was 60 feet across and had a very well built home.

Roger Brudro, 1540 Spruce, stated that he had purchased his home in the area because of R-1 zoning. He stated that he felt it would be putting the cart before the horse to approve this lot split since it is being considered before the neighborhood meetings. He stated that approval tonight would circumvent the emotions of the neighborhoods and the democratic process. He asked the Commission to defer this decision within the constraints of their regulations.

Vice Chair Monfort inquired if an alley access would allow a lot split.

Planning Director Sellers replied that it would generally allow a lot split though with only alley access there would be constraints on development imposed by the Fire Department, and storm drainage, as well as other constraints. He stated that the original proposal would have had four lots of which one would have alley access. He indicated that due to the expense of the alley access requirements this lot was dropped from the proposal.

Judy Holohan, 1636 Laburnum Avenue, stated that she had spoken to 93 people, of which 92 had signed the petition. She quoted the tree removal section of the environmental review and added that there is a large oak tree on property not listed on the plat. She indicated that the applicant would not be able to build a duplex on the property without removing the tree which is at a half way point along the proposed division line.

Vice Chair Monfort stated that Mr. Bachman may be able to address the Commission regarding that tree.

Jim Stainback, 1626 Spruce Avenue, stated that he had been a resident in the area for 23 years and agreed with everything the area residents have previously stated.

Jane Dolan, 1051 Aldar Court, stated that she was representing the residents of 1325 Spruce Avenue. She stated that she supported Supervisor Houx's comments pertaining to the retention of the character of the neighborhoods. She clarified that she is not representing the neighborhood, rather a relative who resides in the area.

Supervisor Dolan suggested that to approve this tentative parcel map would be contrary to General Plan as there is a consistent theme throughout the Plan to support the character of the neighborhoods and the desires of the residents. She asked the Commission not to spoil the City and County cooperation which has

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improved recently. She stated that in-fill does not mean to pack them in. She added that the mixed uses and densities already exist. She stated that the area is not physically suitable as there is no urban infrastructure. She added that to provide storm drainage on three pieces of property would damage the rest of the area.

Mr. Holohan approached the podium and asked those audience members who do not want to speak and supported his opinion to stand. Approximately 17 people stood up.

Mr. Nelson addressed the Commission again saying that he is a County building inspector. He stated that the importance of this issue brought out two County Supervisors and a number of residents. He expressed his appreciation to Mr. Holohan for bringing this matter to the attention of the residences.

Vice Chair Monfort asked Mr. Bachman to approach the podium.

Commissioner McAdam stated that there was testimony regarding a large tree that was not depicted on the map, and asked if the tree would limit the ability to develop the parcel..

Mr. Bachman replied that everything would be noted on the map for the final map after the survey was completed. Mr. Bachman noted that this is a tentative map, and the final survey is not completed until the map is approved.

Commissioner McAdam inquired if the Commission could make a condition for maintaining the trees listed on the parcel map.

Mr. Atwood addressed the Commission stating that of the original seven trees which already have been removed, two stumps still exist.

Ms. Holohan stated that the tree in question is 40 feet high and could not be overlooked. She stated that the five dots on the plat are oleander bushes which are located on her property.

The public hearing was closed at 9:49 P.M.

COMMISSIONER BELMONTE MADE A MOTION OF DENIAL ON TWO GROUNDS; THE PROPERTY IS UNSUITABLE FOR THIS TYPE OF DEVELOPMENT AND THAT THE DESIGN OF THE SUBDIVISION IS LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE.

City Attorney Boehm stated that the evidence that the City zoning is R-2 is relevant to this issue, not County zoning of R-1. He noted that there is currently an existing multi-family dwelling on the south side of the street, and others in the area. He stated that the neighborhood feels that the appropriate use of the area is single family residential. He suggested that if the motion is to deny then the finding for denial would be the volume of testimony that R-2 density is not compatible with the neighborhood. He suggested the Commission base the decision on the belief that the site is not suitable for that type of development based on those comments. He stated that the Commission must make one finding that is based on the evidence in the record.

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Vice Chair Monfort stated that a supplement to the motion is that it the proposed map is inconsistent with the General Plan, Land Use Guiding Policy No. 6, "Preserve the scale and character of established neighborhoods."

Commissioner Belmonte stated that he would accept the addition to the motion.

COMMISSIONER BELMONTE AMENDED THE MOTION FOR DENIAL TO FIND THE PROPOSED MAP IS INCONSISTENT WITH THE GENERAL PLAN, LAND USE GUIDING POLICY 6, "PRESERVE THE SCALE AND CHARACTER OF ESTABLISHED NEIGHBORHOODS," BASED ON THE EVIDENCE PRESENTED. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

6. **Canyon Ranch Addition Vesting Tentative Subdivision Map (Kalinowski)**. A request to subdivide 14.76 ± acres into six (6) single-family residential lots on property currently zoned RS-1 and RS-2 Suburban Residential, one and two acres minimum parcel sizes and designated Very Low Residential Density on the City of Chico General Plan, located East of the terminus of Picholine Way and West of the terminus of Lazy "S" Lane and identified as Assessors Parcel Number 011-050-110.

Sr. Planner Figge reviewed the staff report. She stated that in August, 1993, the Commission approved both this property and that of Wayne Myer as part of Canyon Ranch Subdivision, which was later denied by the Council. She added that an alternative access and design was suggested by the Council.

Sr. Planner Figge stated that the subdivision would have rural street standards with access off Lazy S Lane. She indicated that it is proposed for septic systems, curb, gutter and gravel sidewalk. She stated that the applicant has asked for a variance to the street light standards with the property owners to have a light at the end of each parcel near the driveway which will be operated and maintained by the individual property owners. She stated that the prior map was approved with street tree condition that the Urban Forester and residents agree on type of street tree, which would be on 100 foot centers. This was the same condition approved for the Canyon Ranch Subdivision. The Department of Public Works has recommended approval with the exception of the street lighting, which they ask to be included in the homeowners association.

Sr. Planner Figge stated that the General Plan policy limitations of urban density, below the 300 foot contour line where subdivision is located, use large lot zoning or acquiring property as a greenbelt, for property on or beyond the 300 foot contour. She noted that the Plan recommends environmental review, the project is recommended for a mitigated negative declaration of environmental impact. She noted that the project would be on septic though they will have public water service with California Water Service.

Vice Chair Monfort inquired if the water line would be suspended from bridge.

Director of Public Works Ross responded that the water line will be crossing on the dam, which can not be used during wet weather.

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Sr. Planner Figge reminded the Commission that specific findings must be made to deny the map which are noted in the staff report, and findings to approve the modifications, two of which are prepared in the staff report.

Commissioner Belmonte inquired if, when the water line is extended, would the water line serve for the rest of the Stilson Canyon residents.

Sr. Planner Figge responded the water line would not be extended beyond the subdivision, rather it would be up to the individual property owners to pay for the extension into the County.

Vice Chair Monfort verified that the area is already in a sewer assessment district which has not been in use. Sr. Planner Figge confirmed.

Commissioner McAdam inquired if the plan has crushed gravel on both sides of the cul-de-sac.

Sr. Planner Figge replied that it does call for crushed gravel on both sides, which is a correction to the staff report.

Vice Chair Monfort inquired why the homeowners association would be needed.

Sr. Planner Figge replied that the homeowners association is necessary for the lighting though Public works is not supporting the location and type of lights.

Commissioner Belmonte questioned the circulation factors as the bridge over Stilson Canyon is a fairly sharp turn on a small bridge. He stated that the added traffic would cause some problems.

Sr. Planner Figge stated that since the project has only 15 parcels (including the Meyers Subdivision), which relates to 150 trips per day, would not have the same impact as the original map which has 43 lots, which was analyzed and determined to not have a significant impact. She added that the City Fire Department has stated that the structural integrity of the bridge would be reliable.

Commissioner Belmonte stated that if a natural emergency occurs with traffic going out and emergency vehicles going in, the added traffic would create a problem.

Sr. Planner Figge replied that the density is low enough to accommodate the subdivision; however, there is no way to determine or control future growth in the County.

City Attorney Boehm stated that if the homeowners association is not listed in the Subdivision Report, he would strongly recommend it be included as a condition. The condition was later found on Page 6 of the Subdivision Report in Item 7, "Facility Maintenance."

Vice Chair Monfort inquired if the bridge is in the County and if not, will it be annexed.

Director of Public Works Ross responded that it is in the County. He added that as the Drake/Simmons property, which will be in the City, does not extend that far. He added that if, eventually, the bridge does need to be widened, it will become joint project between City and the County. Director of Public Works

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Ross stated that he does not see the City extending out farther or there being much more development in that area.

The public hearing was opened at 9:20 P.M. to which there was no comment.

COMMISSIONER MCADAM MOVED APPROVAL OF RESOLUTION 95-08, "RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHICO CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP CANYON RANCH, ADDITIONAL VESTING TENTATIVE SUBDIVISION MAP (KALINOWSKI)" MAKING THE REQUIRED FINDINGS, ADOPTION OF A MITIGATED NEGATIVE DECLARATION, AND THE RECOMMENDED OF CONDITIONS OF APPROVAL.

Sr. Planner Figge inquired if the motion includes granting the requested modifications. Commissioner McAdam replied affirmative.

COMMISSION CROTTS SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 4-1-1-0 (COMMISSIONER BELMONTE VOTED AGAINST APPROVAL AND COMMISSIONER STUDEBAKER ABSTAINED, CHAIR SHORT ABSENT).

Commissioner Studebaker stated that he abstained due to what he felt was a lack of information regarding traffic flow.

The Commission recessed from 9:20 P.M. to 9:35 P.M.

7. **Whitehall Park Vesting Tentative Subdivision Map.** A request to subdivide 7.84 acres into 19 single-family residential lots, and a residual Lot "A" on property currently zoned AR (Agricultural Residential) under Butte County jurisdiction and designated Low Density Residential (7 units to the acre maximum density) in the City of Chico General Plan Land Use Map, located along the east and north sides of Centennial Avenue southeast of Bidwell Park and identified as Assessor's Parcel Nos. 011-010-063 and 116.

Sr. Planner Figge reviewed the staff report and the proximity of the project to the Skinner parcel, Walnut Park Subdivision. She stated that an Environmental Impact Report was prepared for Walnut Park Subdivision with the same concerns and proximity as this proposal, thus much of the data in the document is applicable for this project. An initial study has been prepared for the project and a mitigated negative declaration of environmental impact is recommended. She noted that the area has had occurrences of flooding. She stated that there currently is an 18 percent variance in the grading.

Vice Chair Monfort inquired if there is special grading standards because of the slopes.

Sr. Planner Figge replied that the conditions and mitigations exceed those which would normally be required in a grading plan. In terms of street and storm drainage improvements, she added that the same mitigations would apply, though the Walnut Park Subdivision may be doing them first in which case the developer of this project would pay the appropriate fees through a reimbursement agreement.

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Vice Chair Monfort inquired if there was a condition that Walnut Park was to handle the outfall.

Sr. Planner Figge explained that the topography was different on the subject property than in the neighboring Walnut Park Subdivision. However both properties are part of a 95 acre watershed basin which experiences flooding in the southerly acreage (Shirley Park Subdivision). The project will help correct some of the existing problems which are occurring due to inadequate drainage facilities. Additionally, the project will also be beneficial for the water quality of Big Chico Creek since the horses that are kept in the general vicinity, including the subject property, have contributed to polluting the stormwater which enters the creek waters.

Vice Chair Monfort stated that when the subject property gets paved, there should be more runoff than there was previously, and suggested that the amount of runoff needs to be reduced.

Sr. Planner Figge stated that the project will not be able to impact the peak flow. In addressing the subdivision design, she added that the General Plan promotes through street subdivision design. However, the subject property is design-restricted due to the unusual configuration of the parcels and is an infill project.

Sr. Planner Figge reviewed the surrounding land use. She said there is a drainage easement which will have a bicycle/pedestrian path that would eventually connect to Bruce Road.

As for the variance request, Sr. Planner Figge stated that staff normally does not support this type of variance and there would need to be four different findings to accept the variance. However, she believed that there were valid grounds for approval of a variance for Parcels No. 7, 8 and 9. She stated that the County infill property has been designated for urban development by the City. The transitional lot size of 10,000 square feet with an odd shape parcel which needs a very long cul-de-sac, which require certain width. She stated that it is difficult to get that type of lot configuration and meet the Fire Department recommendation for an increased cul-de-sac bulb width.

Commissioner McAdam inquired about separating the variance from the map in the staff report and granting the variance from the map.

Sr. Planner Figge clarified that the map findings are separate from the modification of the subdivision improvement standards and are separate from the variance findings. Due to the lot configuration, the 500 foot minimum length, and the radius, the City staff recommends approval of the variances for Lot 7, 8 and 9.

Sr. Planner Figge made a correction to staff report that the storm drain outfall should read the first one-half inch of rain, rather than one inch of rain.

Sr. Planner Figge stated that staff recommends approval of the map, with the findings for variance, granting modifications of subdivision standards, and adopting the negative declaration with the 12 mitigations.

She noted that there were comments to the initial study during the 30 day comment period. The Reclamation Board noted that a permit would be necessary for work adjacent to Big Chico Creek. Sr.

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Planner Figge stated that the permit would be secured when the project is reviewed by the Regional Water Control Board. There were also comments from the Northeast Center of the California Historical Resources Information Center noting that 38 historic sites found within a one mile radius of the property. Staff agrees with the recommendations for a cultural survey. Staff has revised the mitigation in accordance with this recommendation. An additional comment also was received from Engineering Division recommending language changes. Sr. Planner Figge suggested that the Commission agree to those changes for archaeological survey and the language changes, though the applicant would also have to agree as he has signed and resign the initial study.

Vice Chair Monfort inquired if Walnut Park is completed first, would the applicant have to run the outfall through Walnut Park.

Sr. Planner Figge responded that they will have to use the same outfall since only one outfall is allowed in Big Chico Creek.

Director of Public Works Ross stated that in terms of storm water run-off each individual subdivision must stand by itself.

Commissioner McAdam inquired how the street lines up with access to Walnut Park.

Sr. Planner Figge stated that because frontage for the proposed subdivision is narrow and not across from the access street to Walnut Park Subdivision and the anticipated low traffic generation, alignment is not practical or necessary.

Director of Public Works Ross stated that there are 200 feet separating the two, which is sufficient.

Sr. Planner Figge noted that the planning consultant who prepared the Environmental Initial Study, Jeff Harvey, was in attendance at the meeting and was available to answer any questions.

The public hearing was opened at 9:50 P.M.

Mike Byrd, Rolls Anderson and Rolls, 965 Fir Street, addressed the Commission representing the applicant. He stated that they were in agreement with the conditions and the changes in the mitigated negative declaration. He stated that the Subdivision Report includes a traffic index value of 8, which he would like to discuss further with Public Works. He stated that the bike path could proceed as there is an existing ditch there, (Bidwell Ditch) which the Department of Public Works states will be piped for a stormdrain and the bike path would provide City access to that ditch for maintenance. He added that it would be a matter of time until the piping and the path are completed.

Vice Chair Monfort inquired if the width of the street was 60 foot street across gutter to gutter.

Mr. Byrd replied that it is the right-of-way width which is necessary for the parkway strip and sidewalk. The curb to curb width is 36 feet.

Vice Chair Monfort stated that potential storm drain problems would be mitigated by the least amount of paving. He questioned the need on street parking with the size of lots.

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Director of Public Works Ross stated that the street standards have been modified a minor amount under the Council's direction. He stated that he would agree to adjust the traffic index, if there is a need for it, per a conversation with Mr. Byrd. He noted that the percentage of truck traffic per total number of vehicles per road is the traffic index, and this type of project will not generate much truck traffic.

John Merz, 175 Rose Avenue, addressed the Commission stating that based on the environmental impacts detailed in the environmental initial study there were problems with this proposal. The first comment he had was regarding Lots 17 through 19, which involves steeper ground. He felt that this should not be developed from an open space standpoint and slope standards, erosion, earthquakes, etc, would effect homes on the lots.

Mr. Merz went on to address concerns on Page 10 of the Environmental Initial Study, regarding the removal of agricultural land use. He stated that there had been no analysis done regarding the effect on the walnut orchard across the street. He questioned the long term impact of taking potential agricultural land out of the community. He added that water and additional environmental analysis is needed.

Mr. Merz added that in regards to Page 30 of the Environmental Initial Study, which addresses annexation, the exclusion of Lot A would create an island, as there would be 19 lots annexed and leaving one parcel out of the annexation. He stated that the annexation should be for all the properties.

Mr. Merz stated that on Page 27 of the Environmental Initial Study, refers to payment in lieu of park fees. He stated that there is no statement to inhibit protest to maintenance district formation. He inquired if it was in the resolution. He suggested that this requirement needs to be clarified.

As for sanitary sewer and storm drainage, Mr. Merz stated that the systems designed for Walnut Park involve areas larger than Walnut Park. He questioned if is proper to have whichever is developed first install those services. He added that there is no mention made for a creation of a maintenance district and it is not clear what the boundaries are for storm drainage and sewer. He inquired if there is a need for a supplemental environmental impact report. He stated that there are more questions than answers and suggested the Commission send this back to staff for clarification.

Sr. Planner Figge stated that the slope was addressed in the initial study and building sites must be lower than top of the slope. She added that six percent is not a significant grade. She stated that the adjacent County subdivision has no mitigation and is building on top of the slope. She stated that the mitigation goes far beyond what is normally required.

Vice Chair Monfort stated that slopes became an issue with lots in upper California Park.

Sr. Planner Figge stated that the mitigation requires that the top of the slope has to be 20 feet away from the back property line which is the highest point. She added that the public review comment period closed on May 5.

Sr. Planner Figge responded to Mr. Merz's question regarding the sanitary sewer, that a temporary lift station is proposed. The master sewer plan has a main going down El Monte which will be built in the future.

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Jeffrey Harvey, Planning Consultant, 7969 Madison Avenue, No. 406, Citrus Heights, stated that the property has not been in agricultural use except as grazing land. He added that this property is not large enough to meet the definition of agricultural land and is therefore not economically viable. He stated that the previous environmental impact report for Walnut Park was in proximity and addressed the same watershed in which this property is located.

Vice Chair Monfort inquired if the land was considered as raw land or developed land.

Mr. Harvey stated that it was considered not fully developed. He added that the drain pipe was designed to handle peak runoff to the system.

Vice Chair Monfort inquired if they had tried to provide a mitigation to keep it under peak runoff.

Sr. Planner Figge responded that any project has to prove that it will not increase peak flows.

Mr. Harvey stated that the storm drainage plan would allow some development of adjacent land and it is prudent infrastructure planning by the City.

Vice Chair Monfort inquired if the storm water drainage plan for the Skinner project is adequate.

Director of Public Works Ross responded that it is adequate, though each additional development would be required to prove their own merits. He stated that a lift station will be a temporary facility.

Sr. Planner Figge then addressed Mr. Merz's concern regarding Lot A. She pointed out that the staff report states that Lot A is the applicant's property which faces Centennial adjacent to Bidwell Park. She added that this lot has rural improvements (stables), no curb, gutter, sidewalk and would be incongruous with the rest of the area if urban street improvements are installed. She stated that it would not be appropriate to annex now until the rest of the area on Centennial has been annexed. She added that the applicant is also going through the process for a Boundary Line Modification to separate the parcel from the proposed subdivision.

Director of Public Works Ross stated that he has recommended that a sewer lateral be placed near Lot 7 to connect with the applicant's property in case of future septic failure.

Vice Chair Monfort inquired if the City allows annexation without the public improvements.

Sr. Planner Figge stated that it is not required as part of an annexation, but with subdivision approval there would be full urban improvements.

In response to Mr. Merz' question, Director of Public Works Ross stated that a sewer lift station will be covered by a maintenance district.

Vice Chair Monfort inquired if there were separate districts for sewer and storm drain services. Director of Public Works Ross responded that they are separate districts.

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Commissioner McAdam inquired if there was a mechanism to prevent the protesting of a maintenance of a recreation district.

Director of Public Works Ross responded that a Waiver of Protest for maintenance of park lands is a standard provision required for all subdivisions and is in the resolution.

Pete Manarino, 89 Chico Canyon Road, inquired where the Bidwell Ditch begins or ends.

Mr. Harvey stated that the Ditch ends on the Skinner property which is southwest of this property, but he does not know where it begins.

Mr. Manarino stated that the Bidwell Ditch begins at the bottom of the slope to Chico Canyon Road going southwest.

Director of Public Works Ross affirmed Mr. Manarino's statement.

Mr. Manario inquired if it was set for an eventual pipeline and bikeway.

Sr. Planner Figge stated that the ditch from Bruce and Manzanita Avenue would eventually have a pipeline and a bikeway.

Mr. Manario stated that the septic and leach fields for his property and that of his neighbors are in the area of the ditch. He stated that he would protest the pipeline and bikeway as it would cut through his property. He stated that he would not allow public access through the middle of his property. He added that the bikeway would come out on the curve of Manzanita to Chico Canyon Road which would be dangerous to bicycles.

Mr. Manario stated that he was speaking for three of the neighbors who do not object to the subdivision other than the density as long as drainage is mitigated. He stated that the area currently allows horses and access to park. He asked that the Commission keep the one acre minimum lot size. He stated that the natural barrier for transition from urban to rural is Centennial Road. He added that it would be more favorable to have larger parcels. He stated that he agreed with Supervisor Dolan's previous comments that infill does not mean packing them in. He closed by saying that additional development will cause severe drainage problems in that basin.

Mr. Harvey stated that an existing 16 inch drainage pipeline crossing from this property to the Skinner property had to pond before entering the pipe. He stated that this was identified as one of the existing problems which will be mitigated by the new stormwater improvements. He added that there are lower and higher densities in the surrounding areas so this project was intended to be transitional.

The public hearing was closed at 10:35 P.M.

Commissioner McAdam stated that she was uncomfortable with the long cul-de-sac and the additional drainage to Big Chico Creek. She said that she finds it difficult to make findings that are required for this application.

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COMMISSIONER MCADAM MOVED DENIAL OF WHITEHALL PARK VESTING TENTATIVE SUBDIVISION MAP.

Sr. Planner Figge stated that the Commission needs to make findings for denial in compliance with the Subdivision Map Act.

COMMISSIONER MCADAM MOVED DENIAL OF WHITEHALL PARK VESTING TENTATIVE SUBDIVISION MAP AS THE SITE IS NOT PHYSICALLY SUITABLE FOR DEVELOPMENT BASED ON DRAINAGE AND STREET DESIGN. COMMISSIONER BELMONTE SECONDED THE MOTION.

Vice Chair Monfort stated that he does not see other way to develop the area without the use of the cul-de-sac.

Commissioner McAdam concurred that there are problems with the odd sized shape of the lot though there still will be drainage problems which will be added to with this development.

Commission Crofts stated that an analysis for storm drainage was done for the Skinner property. She stated that she recalled discussion that the drainage continues for a vast area with rural development. She stated that she does not recall discussion of further development.

Sr. Planner Figge stated that development currently in the area has substandard drainage improvements and this development will help that drainage. She stated that the conditions of approval and environmental mitigations. She stated that at the tentative map stage specific mitigations, drainage design and survey are not financially practical so the conditions are put in place to meet acceptable standards.

Commissioner Belmonte stated that all of those factors will need to be addressed regardless of the development. He defined a transition area as a meeting of different types of development to be fit together. He suggested that another exercise be done to accomplish this in a different way that is in more harmony with the existing area.

Sr. Planner Figge stated that the Commission did recommend RS-10 for this property at the last Commission meeting to create larger parcels.

Mr. Harvey stated that the final engineering design for the drainage system has not been done at this point, but enough has been done to determine the drainage needs and impacts. He added that development of this project would not preclude the existing equestrian access to the park.

Sr. Planner Figge stated that the applicant could not have created urban rectangular parcels due to design problems. She stated that the in-fill lots have particular design problems.

Commissioner Wright stated that he wasn't sure if it is the best use of the parcel but it is a viable use and consistent with the zoning and is in accordance with the General Plan.

Vice Chair Monfort called for the vote.

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THE MOTION FAILED BY A VOTE OF 3-3, COMMISSIONERS BELMONTE, MCADAM AND STUDEBAKER VOTING AFFIRMATIVE WITH COMMISSIONER WRIGHT, CROTTS AND MONFORT OPPOSING.

VICE CHAIR MONFORT MOVED APPROVAL OF WHITEHALL PARK VESTING TENTATIVE SUBDIVISION MAP SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, INCLUDING THE FINDINGS FOR THE VARIANCE AND SUBDIVISION DESIGN MODIFICATIONS. COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS FAILED BY A VOTE OF 3-3, COMMISSIONERS MONFORT, WRIGHT AND CROTTS VOTING AFFIRMATIVE WITH COMMISSIONERS STUDEBAKER, BELMONTE AND MCADAM OPPOSING.

Neither motion was approved, therefore, no action was taken on the map application.

8. **Orchard Park Subdivision Vesting Tentative Map - S-94-10 (Shastan Co. Inc.)** - A request to allow a subdivision which would create 40 single family residential lots on 8.9 acres with lot sizes averaging 7,000 square feet on property located on the northwest corner of Alamo and East Avenue, Assessor's Parcel No. 042-070-076, rezoned R-1 Single Family Residential. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA). (Continued from Planning Commission meeting of May 2, 1995.)

Planning Director Sellers reviewed the staff report. He noted that since an Environmental Review was prepared in August, 1994 for a 54 lot subdivision, the development density has been reduced, although the Report still applies. He reminded the Commission of the public hearing which was held on May 15, 1995 at which final action was deferred to this meeting.

Planning Director Sellers stated that the applicant had revised the map to address some of the concerns which were aired at the earlier meeting. These changes included the existing house being removed, sound wall eliminated along Alamo Avenue and the front yards along Alamo will be allowed only to have up to three foot high fencing. Planning Director Sellers stated that the only comment from the earlier meeting which has not been addressed is the proposed homes on Lots 1, 20 and 21 which do not face onto Alamo Avenue as was requested by the neighbors.

Planning Director Sellers referred to the letter given to the Commission which expresses concerns regarding storm water drainage concerns, the direction of the homes on Lots 21 and 22, traffic flow, density, and retaining the Valley Oaks in the existing orchard.

Planning Director Sellers noted that the bikeway which was proposed would provide a direct access between the subdivision and Henshaw Avenue school and park site, minimizing bicycle traffic on Alamo Avenue. Also, as part of the school mitigation for the Henshaw Avenue elementary school, bike paths will be constructed in the area. He stated that another traffic consideration is that the intersection of East and Alamo Avenues is slated, at some time in the future, for a traffic signal.

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Planning Director Sellers stated that staff's recommendation is to adopt the resolution conditionally approving the subdivision tentative vesting map.

The public hearing was opened at 10:45 P.M.

Robert Olsen, 2667 Alamo Avenue, stated that he was enthusiastic to the response of the staff and the developer to the concerns expressed at the May meeting. He added that in the future a light will be needed on East Avenue at the intersection of Guynn before Alamo Avenue.

Bob Star, 2661 Alamo Avenue, stated that there were a number of concerns which were addressed. He noted that he was still concerned with the proposed corner houses on Alamo Avenue. He felt that to create an open environment the houses should face Alamo Avenue. He compared this proposed subdivision with the existing Silverado Subdivision across Alamo Avenue, which has one house face onto Alamo and the other is on a corner which faces both Alamo and Silverado. He stated that he would like a requirement that the homes face Alamo Avenue so that the subdivision would have an open atmosphere. He stated that he wanted to avoid the walled-in appearance which was in the previous proposal.

Jay Halbert, 378 Brookside Drive, the applicant, stated that he had met with most of neighbors and had addressed their concerns. He stated that he has addressed most of the neighbor's concerns with the exception that he does not want homes to have driveways which would go onto Alamo Avenue, which would be a busy street in the future. He added that he had drawn a typical house footprint on the plat for Lot 1. He stated that he feels that the proposed fencing and landscaping will help provide the open atmosphere Mr. Star suggested.

Commissioner McAdam inquired if he expects problems with Aster Way and the way it lines up toward East Avenue and San Antonio.

Mr. Halbert responded that City Public Works thought it was an acceptable proposal as it is an infill project.

Director of Public Works Ross stated that it was an acceptable solution for an infill project and added that parking will be prohibited on Alamo and East Avenues to provide for a left turn lane and a light at East Ave in the future.

Commission Crotts stated that she understood the concern with driveways onto Alamo Avenue. She suggested that the applicant orient the houses toward Alamo Avenue with the driveways onto the side street.

Mr. Halbert responded that consumers like to watch their children play in the driveway and on a quiet street like Aster rather than the busier Alamo. He stated that none of his current floorplans would fit the orientation suggested.

Commissioner Belmonte stated that consumers may like to have the opportunity to have access to drive on the side street and still have the houses open onto Alamo Avenue. He added that it may be a desirable trait, and suggested the applicant look into how achievable it would be.

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Mr. Halbert stated that people do not like their front door facing onto a busy streets and the residents would be looking at a line of cars lined up at the light. He added that the Commission would be dictating where the front doors would be.

Commissioner McAdam stated that she would like to see a connection between the people already there as well as the new neighbors, creating a sense of community. Commission Crotts added that the General Plan states that the front doors should be facing front doors.

Mr. Halbert stated that he is creating a quiet neighborhood which is conducive to children playing in their own front yards. He added that front doors on the subdivision will all face other front doors on the subdivision. He stated that the landscaping may do more for creating a sense of community rather than where the front doors are located.

Commissioner Wright asked Mr. Halbert to address comments of a prior speaker, Mr. Star, who was not in favor of some of the openness plans as the houses are not facing Alamo.

Mr. Halbert responded that the land was zoned for multi-family units with multi-family units already in the area. He stated that he wanted to create a nice transition. He added that there will be fencing and landscaping with a large open area which will help tie in to the neighborhood.

Commissioner McAdam stated that she would like to encourage him to work with the existing neighborhood.

Planning Director Sellers stated that even if the houses were oriented toward Alamo Avenue, from a practical viewpoint, the interaction within the neighborhoods will be internal to the subdivision due to through traffic levels on Alamo Avenue.

Commissioner McAdam stated that she would like to hear Mr. Olsen's opinion.

Mr Olsen stated that he believes this will be a nice transition area with an open minded developer who has done much to meet the requirements of the neighborhood. He complemented the applicant on his work with the neighborhood and the Cussick Neighborhood Council on a compromise. He added that he was reminded that this area had been zoned for multi-family development and feels that this development is better for the neighborhood.

Commissioner McAdam inquired if, in his opinion, the neighbors would accept the lower fences and landscaping as an acceptable substitute for the houses facing onto Alamo Avenue.

Mr. Olsen stated that he does not think the Municipal Code allow fences to go to the corners. He stated that the type of fencing and development is done throughout the neighborhood. He noted that those people directly opposite from those locations may object, as he could not speak for them, but stated he feels it is a good plan.

Mr. Star stated that the developer had done almost everything which the neighborhood asked for. He noted that he would prefer houses as they are suggested to the apartments which the zoning would have allowed.

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He stated that he would not want to live close to the intersection and facing the traffic. Giving that consideration, he stated that the limited fencing and shrubbery is a reasonable comprise.

The public hearing was closed at 11:15 P.M.

Commissioner Belmonte stated that the developer has shown a lot of effort to meet with the neighborhood's concerns and the neighborhood seem to support that. He added that if the neighbors are satisfied with the design and the proposed transition, then the Commission should accept that.

COMMISSIONER BELMONTE MOVED APPROVAL OF THE RESOLUTION APPROVING ORCHARD PARK SUBDIVISION VESTING TENTATIVE MAP, COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED BY A VOTE OF 6-0.

BUSINESS FROM THE FLOOR

Vice Chair Monfort inquired as to the reason the Commission has been noticed for the June 6th Council meeting.

Planning Director Sellers responded that the Commission has been noticed for Council meeting because the Consultant team for the rewriting of zoning ordinance will be meeting with Council at 3:30 P.M. during that meeting.

Vice Chair Monfort inquired if they need to have to have an election for a new Chairperson. He suggested the Commission wait until the appointment of new commissioner which will not occur for 30 days. Planning Director Sellers responded that the Commission may want to elect a Chair Pro Tem. He added that the election of officers will be placed on the next Commission agenda.

Vice Chair Monfort inquired if agricultural buffers can be required to mitigate the conversion of agricultural lands to urban area, perhaps in conjunction with park facility fees.

Planning Director Sellers responded that in adopting the Sphere of Influence, while there were lands within the Sphere which could qualify for agricultural designation, there is a statement of overriding considerations. He stated that the General Plan said there needs to be buffers around the City to prohibit development and preserve agricultural land. He added that the City Attorney's opinion is that there is not an adequate nexus to adopt a fee. He stated that there are other mitigations being looked into because the properties are outside the Sphere and the City.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:25 P.M. to the Adjourned Regular Meeting of June 19, 1995.

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July 10, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
MEETING OF JUNE 19, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Vice Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present, City Attorney Bob Boehm, Planning Director Clif Sellers, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

ELECTION OF OFFICERS

Planning Director Sellers stated that Chair Gary Short had resigned, effective at the last Commission meeting. He described the options available to the Commission at this point, as they are not required to hold election now, but could wait until the seventh member of the Commission is appointed. The options include holding the election for officers at this meeting or retaining Vice Chair Monfort as Chair Pro Tem and electing a new vice chair until the vacant position is filled.

Commissioner McAdam inquired when the position will be filled.

Planning Director Sellers responded that the resignation will be accepted at the Council meeting on June 20 and then the 10 day posting period will begin. He then discussed the Council options at that point. He indicated that a new commissioner should be appointed in approximately one month.

COMMISSIONER BELMONTE NOMINATED VICE CHAIR MONFORT FOR THE CHAIR POSITION.
COMMISSIONER WRIGHT SECONDED THE MOTION.

Planning Director Sellers inquired if there were other nominations.

There being no other nominations, Vice Chair Monfort ruled the nominations closed.

THE VOTE ON THE MOTION FOR COMMISSION MONFORT TO BECOME THE CHAIRPERSON
WAS UNANIMOUS.

Chair Monfort called for nominations for Vice Chair.

COMMISSIONER BELMONTE NOMINATED COMMISSIONER MCADAM FOR THE POSITION OF
VICE CHAIR. COMMISSIONER WRIGHT SECONDED THE MOTION.

There being no other nominations, Chair Monfort ruled the nominations closed.

THE VOTE ON THE MOTION NOMINATING COMMISSIONER MCADAM FOR THE POSITION OF VICE CHAIR WAS UNANIMOUS.

DISCUSSION OF EX PARTE COMMUNICATION

City Attorney Boehm stated that the quasi-judicial matters before the Commission at this meeting are Agenda Items 2, 3 and 7.

Commissioner McAdam stated that she had received a call from Ray Schoenfeld, representing the Cussick Neighborhood Council, who had concerns regarding the setbacks and the footprints provided with the maps in the staff report for Matrix Manor Subdivision. She stated that she had suggested he contact staff to clear up the questions.

Chair Monfort inquired if she meant to pull Item 3 from the Consent Calendar. Commissioner McAdam responded that was what she intended.

CONSENT CALENDAR

1. Minutes of Regular Meeting of May 15, 1995.

Requested Action: Approve with any corrections/revisions required.

2. **Use Permit No. 95-11 (Sorenson/Unocal)** - A request to allow the expansion of a preexisting non-conforming use (an existing gas station) to allow addition of a snack shop, as well as replacement of underground fuel storage tanks and the addition of an above-ground 250 gallon waste oil storage tank, at 890 Mangrove Avenue, Assessor's Parcel No. 003-280-030, in a C-1 Restricted Commercial land use district.

Requested Action: Approve the Use Permit subject to findings and conditions recommended by staff.

City Attorney Boehm noted that for Item No. 2 the request is for an expansion of a use requiring a use permit not an expansion of the a non-conforming use.

Planning Director Sellers added that the granting the Use Permit would make it a conforming use with a Use Permit rather than a non-conforming use.

3. **Final Review of Matrix Manor Vesting Tentative Subdivision Map S-94-14 and Planned Development Use Permit 95-5 (Davidian)** - A request to subdivide 2.3 acres into 14 single family residential lots on property currently zoned County A-R Agriculture Residential and rezoned R-1 Single Family Residential, located between West Lassen and Henshaw Avenues at Autumn Gold Drive (369 West Lassen Avenue) and identified as AP No. 006-360-008 and 010.

Requested Action: Adopt the Planning Commission Resolution making findings and conditionally approving the tentative subdivision map and final development plan for Matrix Manor.

- a. **General Plan Amendment No. 94-4/Rezone No. 94-11 (Hawking-Smith & Smith)** - A proposal to amend the General Plan designation from Office to Community Commercial for a 14.29 acre site located on the north side of E. 20th Street, approximately 500 feet east of Forest Avenue, Assessor's Parcel No. 002-370-028; and rezone the subject site from C-O Commercial Office to C-1 Restricted Commercial to facilitate development of a shopping center. This project is exempt from environmental review pursuant to section 15270 *Projects Which Are Disapproved* of the California Environmental Quality Act (CEQA); however, a draft Initial Study is available for informational purposes.

Requested Action: Continue this time to July 10, 1995.

COMMISSIONER MCADAM MOVED APPROVAL OF CONSENT CALENDAR ITEMS 1, 2 AND A.
COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Final Review of Matrix Manor Vesting Tentative Subdivision Map S-94-14 and Planned Development Use Permit 95-5 (Davidian)** - A request to subdivide 2.3 acres into 14 single family residential lots on property currently zoned County A-R Agriculture Residential and rezoned R-1 Single Family Residential, located between West Lassen and Henshaw Avenues at Autumn Gold Drive (369 West Lassen Avenue) and identified as AP No. 006-360-008 and 010.

Commissioner McAdam pulled this item from the Consent Calendar.

Planning Director Sellers reviewed the staff report. He reminded the Commission of the requests they had made at the previous meeting on this subdivision. He noted that he had spoken with Mr. Schoenfeld, whose concerns related to the building footprints and the amount of open space on those properties. Planning Director Sellers stated that the amount of setbacks was not specified in the subdivision report and should be added to the motion approving this subdivision.

He stated that staff recommendation is to approve this tentative subdivision map and Planned Development Use Permit with the additional language specifying the setbacks. He recommended

that the setbacks for Lots 1 through 4, and 11 through 14 have a minimum rear yard setback of 25 feet and buildings can encroach into the front yard setback except for the garage which is to be setback 20 feet from the back of the sidewalk. Lots 5, 6, 9 and 10 shall have a minimum 20 foot rear yard setback with encroachment into the front yard setback permitted, except for garages maintaining the 20 foot setback.

Commissioner McAdam inquired if the setback requirement is specified in the resolution.

Planning Director Sellers stated that the setbacks are shown on the subdivision map, though the dimensions of the setbacks are not listed. He added that the request of the Cussick Neighborhood Council and staff is to specify those dimensions in the motion.

Commissioner McAdam stated that it is a matter of making sure the motion takes into account all of the setbacks.

Planning Director Sellers restated the proposed setback dimensions.

The public hearing was opened at 7:49 P.M. to which there was no comment.

COMMISSIONER MCADAM MOVED APPROVAL FINAL REVIEW OF MATRIX MANOR VESTING TENTATIVE SUBDIVISION MAP S-94-14 AND PLANNED DEVELOPMENT USE PERMIT 95-5 (DAVIDIAN) AS RECOMMENDED BY STAFF AND SUBJECT TO LOTS 1 THROUGH 4, AND 11 THROUGH 14 SHALL HAVE A MINIMUM REAR YARD SETBACK OF 25 FEET AND CAN ENCROACH INTO THE FRONT YARD SETBACK EXCEPT FOR THE GARAGE WHICH IS TO BE SETBACK 20 FEET FROM THE BACK OF THE SIDEWALK, LOTS 5, 6, 9 AND 10 SHALL HAVE A MINIMUM 20 FOOT REAR YARD SETBACK WITH ENCROACHMENT INTO THE FRONT YARD SETBACK PERMITTED, EXCEPT FOR GARAGES MAINTAINING THE 20 FOOT SETBACK. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0.

REGULAR AGENDA

4. **Various Minor Amendments to General Plan Land Use and Zoning Designations.** The minor amendments will correct errors, oversights and inconsistencies identified since the adoption of the plan and zoning. Minor revisions were made to the amendments following the May 15 Commission meeting. All amendments are addressed by the certified final EIR for the General Plan and urban area zoning adoption and a negative declaration of environmental impact is proposed for this project under the California Environmental Quality Act.

Chair Monfort confirmed that these corrections are attached to the staff report and listed in Attachment A.

Sr. Planner Hayes suggested the Commission look at Items 4 and 5 concurrently. He stated that Attachment A is a list of oversights and inconsistencies with the adopted General Plan and staff

recommends the Commission adopt the resolution recommending Council approval those corrections.

Planning Director Sellers suggested the Commission follow the format which was used at the prior meeting on this topic which was held on May 15, 1995. He suggested the hearing be held open on Attachment A to ensure that those who may be confused will have an option to discuss their concerns if they are not addressed in the discussions for Item 5.

Action on this item was held over for discussion following Item No. 5.

5. **Various Revisions to General Plan Land Use Designations and/or Zoning Designations, GPA/Rezone/Prezone 95-2(a) through (b).** At the time of adoption of the General Plan and zoning of the Chico Urban Area in November 1994, the City Council, at the request of property owners and staff, agreed to further consider the land use and zoning designation for numerous sites. The Commission conducted a public hearing on these requests on May 15 and approved a Motion of Intent for each request and directed staff to prepare and notice environmental review and to make revisions to each request as needed. The requests are forwarded for final Commission recommendation. A negative declaration of environmental impact is proposed for this project under the California Environmental Quality Act. The negative declaration concludes that the requests that would result in changes to the adopted General Plan and zoning would have an insignificant impact if approved.

Sr. Planner Hayes stated that this item is a continuation of the meeting at which the Commission passed a Motion-of-Intent to approve these rezone and/or prezones as amended by the Commission, directed staff to prepare the final recommendations to the Council and to provide further notification of the residents in the effected areas. He added that the environmental impact report which was prepared for the General Plan adequately addressed potential project impacts.

Sr. Planner Hayes noted a correction to the plat for Prezone/Rezone 95-2o, dealing with the Hooker Oak area. He stated that the Commission Recommendation Plat shows some R-1 zoning in the west portion of the area, but with two exceptions, everything north of Hooker Oak should be RS-10.

Sr. Planner Hayes noted that there were public comments received since the distribution of the agenda packets. Those written comments were distributed to the Commission prior to the start of this meeting. He noted that one of these communications was from the applicant who is requesting Item 57 (1350 through 1380 East Avenue) on Attachment A be pulled and considered at the time as the application for rezoning this area. He also noted that there will be additional requests for zoning changes in the next few months.

Sr. Planner Hayes reviewed additional public comments which were received from residents from the California Park area in opposition to those changes proposed for the Yosemite drive area. He also reviewed the public comments which were included with the staff report.

Sr. Planner Hayes noted a petition was presented regarding the East Avenue area east of the freeway and will be included in the next set of revisions for Commission hearing and recommendation.

City Attorney Boehm reminded those in the audience that the Commission will be making recommendations to the Council who will then choose whether or not to adopt those recommendations.

Chair Monfort reviewed the process for this public hearing starting with Attachment A.

95-2a Northeast of the State Highway Route 32 - Yosemite Drive intersection

Sr. Planner Hayes reviewed the request and the Commission*s recommendation.

The public hearing was opened at 8:05 P.M.

Greg Brown, 983 Flying V, addressed the Commission representing the partnership which owns the property. He noted that the plats included in the Commission*s packet were not to scale. He presented the Commission with a plat which he stated was to scale. He stated that he assumes that the 100 foot easement under the 500kv transmission power lines would make the parcel to the east of the power lines undevelopable. He noted that the prior General Plan had designated the area next to State Highway Route 32 R-P Residential Professional. He concluded that it was not good planning to have high density development next to a state highway and near 500 kv transmission lines.

Norm Nielson, 12 Donner Lane, stated that he was representing the California Park Homeowners Association, which is opposed to the request for a zone changes. He stated that their concerns are the maintenance of the original intent and character of the area, as well as the potential traffic impact. He asked that the property remain zoned R-1, R-2 and R-3.

Sam Gromley, 2653 Lakewest Drive, stated that he as against any change in the original planning of the California Park area which would effect building codes, drainage and traffic problems in the area. He stated that the traffic patterns would be increased significantly if there was commercial development. He added that he is also opposed to alleyways.

Sheila Simpson, 4 Princess TJ Court, stated that she is opposed to the proposed rezone and the potential effect on the property values in the area. She added that she was comfortable with the original California Park plan. She stated an additional concern that the dues for the homeowners association would rise if there are high density apartments. The potential rise in dues would be caused by additional liability for the lake and the lack of collection of dues on the high density apartments, and these costs may fall back to the homeowners. She stated that she is also concerned regarding potential traffic impact.

Diana Parks, 384 Brookside Drive, stated that she is opposed to this rezone for all reasons suggested to this point. She added that high density residential is not favorable to those adjacent

areas which are for senior housing. She stated that another concern of hers is the potential impact on the lakes and the environment.

Commissioner Belmonte inquired if those opposed to high density residential were opposed to neighborhood commercial, which would increase traffic and bring those who do not live in the area into the area.

Ms. Parks stated that she owns two homes in that area and had anticipated some commercial in the area such as a service station and/or a convenience store. She stated that she is not sure what type of Commercial development Commissioner Belmonte was inquiring about. She stated that she would not object to a service station, but would object to supermarket.

Cecil Bartolomei, 2645 Lakewest Drive, stated that he agree with much of what had been said regarding no high density and no commercial in the Yosemite Drive area. He stated that he would recommend that everything from Yosemite and above being R-1. He added that he hoped Yosemite will remain a low traveled street.

Sharon Elkins, 2 Princess TJ Court, stated that she is opposed to commercial or high density zoning in that area. She stated that she had investigated the potential development in the area before purchasing a home when she moved to the Chico area. She stated that she would like the neighborhood to remain a safe place without commercial or high density development.

Commissioner McAdam inquired if Ms. Elkins was aware of the medium high density in the area which already exists.

Ms. Elkins stated that she does not want to see any more high density added though she was not opposed to that which exists already.

Commissioner Belmonte stated that he was concerned that the neighborhood does not want medium high density or commercial. He pointed out that the power line corridor could provide open space which was not previously provided in the area.

Ms. Simpson returned to the podium and stated that the bottom line issue to her and many of the audience members is that their belief that this request was made by Mo West.

Chair Monfort reviewed the request.

Ms. Simpson stated that she was reluctant to see Mr. West further jeopardize the area and cost the homeowners more money. She stated that the fact that Mr. West is asking for high density in the area terrifies the neighborhood.

Mr. Brown addressed the Commission to clarify that the past General Plan did not designate the area medium high density residential, but included a commercial designation.

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Sr. Planner Hayes stated that Yosemite Drive was re-aligned before the General Plan revisions were complete. He stated that much of the area which is currently medium high density was previously designated as such and there was a small area which was neighborhood commercial.

Mr. Brown stated that this is not a request by Mr. West, but rather the partnership of owners.

Mr. Bartolomei stated that the General Plan as it was published, advertised the area R-1, which was not to be high density, prior to the development of Sierra Sunrise.

Chair Monfort stated that the area was medium high density residential.

Sr. Planner Hayes stated that the Sierra Sunrise area was rezoned medium high density around 1988.

Mr. Bartolomei re-stated that the General Plan map showed the area as R-1.

Sr. Planner Hayes stated that there were some changes in the General Plan from the newspaper publication. The plan adopted for this area was changed.

Mr. Bartolomei stated that he was not pleased that it did not match what was in newspaper.

The public hearing was closed at 8:30 P.M.

Chair Monfort stated that when the Commission made the recommendations a month ago it was agreed that it was not a good idea to have neighborhood commercial at that intersection, because there was sufficient commercial in the general area.

Commissioner Belmonte stated that the testimony of the area residents should be taken into account as evidence of the existing character of the area.

COMMISSIONER BELMONTE MOVED THAT PROPERTIES IN THE AREA BE DESIGNATED MEDIUM DENSITY RESIDENTIAL AND ZONED R-2 MEDIUM DENSITY RESIDENTIAL.

Commissioner McAdam stated that there is a need to have affordable housing in the Chico area. She stated that the higher density is appropriate for the corridor by State Highway Route 32 and would rather see the Commission recommendation remain. She stated that the buffer of Dead Horse Slough is between the higher density area and the R-1. She added that there is a trade off of the open space at the sphere of influence line or the 500kv transmission line.

Commissioner Belmonte stated that while that makes sense, there are other concerns. He added that the area bordering the high voltage wires, the close proximity of State Highway Route 32 and the safety of the future residents should be considered.

Commissioner Crotts inquired if the Commission is discussing changing the R-3 block to R-2.

Commissioner Belmonte agreed and stated that this would allow for the housing needs in Chico to be accommodated.

COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 4-2 (CHAIR MONFORT AND COMMISSIONER MCADAM OPPOSING.)

Sr. Planner Hayes clarified that the motion was to rezone the Medium Density R-3 to R-2 and extend that along State Highway Route 32 to the sphere of influence line.

95-2b Northeast of the Skyway and Bruce Road Intersection

Sr. Planner Hayes reviewed the request and recommendations.

The public hearing was opened at 8:40 P.M. to which there were no comments.

COMMISSIONER MCADAM MOVED APPROVAL OF THE RECOMMENDATIONS TO RETAIN THE EXISTING ZONING. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2c Notre Dame Boulevard, north of Forest Avenue

Sr. Planner Hayes stated that at the time of the General Plan adoption the area was a redesignated to R-3 and R-2 to reflect the compatibility of surrounding land uses. He stated that it was determined at the time that the existing commercial building located to the south was the appropriate extent of commercial zoning. He noted that there are two parcels north of that line which were inadvertently zoned commercial. He added that all the affected properties are vacant.

The public hearing was opened at 8:43 P.M.

Stephen Gonzales, 434 Broadway, stated that he is in opposition to the proposal. He asked that the Commission keep those properties commercial for several reasons including that the intent of General Plan was to integrate neighborhood friendly commercial projects to cut down on the amount of traffic and the use of motor vehicles. Additionally, the properties are close to the heavily trafficked intersection of Forest and Notre Dame Blvd which would be wise to have a buffer between the high traffic commercial and the high density residential uses. He stated that there have been many discussions over land use when there is high density residential next to high density commercial. He stated that there is an existing R-3 apartment building which has already created a buffer between the commercial and residential areas as the parking lot is adjacent to the north property line of the subject parcels. He noted that there is no shortage of land which is medium high and high density residential in that area, with not much land zoned for neighborhood friendly commercial areas. He encouraged the Commission to allow for commercial development on those sites.

Commissioner Studebaker asked Mr. Gonzales to define what he would like in that area.

Mr. Gonzales stated the he envisioned a coffee shop or restaurant at which the residents in the areas could walk to, or a small store where someone driving home from work could pickup a few things without having to go to a large shopping center. He stated that a retail oriented center with food services would be a benefit to the neighborhood.

Chair Monfort stated the he could include much more than eateries in the C-1.

The public hearing was closed at 8:40 P.M.

Commissioner McAdam stated that she could easily refute that the buffers between Forest Avenue and Notre Dame Blvd. exist, and zoning more Commercial would put the buffer far into the neighborhood. She stated that there is no lack of commercial property in the area and an overabundance of commercial development in the area. She stated that it would be a step backwards to put more Commercial zoning in the area. She noted that the Enloe property, which is close by, has some neighborhood commercial designations.

COMMISSIONERMCADAMMOVEDAPPROVALOFTHERECOMMENDATIONSASDESCRIBED
IN THE STAFF REPORT AND DEPICTED IN THE ATTACHED PLAT. COMMISSIONER
STUDEBAKER SECONDED THE MOTION.

Commissioner Studebaker stated that he agreed with Commissioner McAdam*s comments that there are not many types of additional businesses which could survive in that area given the number of existing businesses.

THE MOTION WAS APPROVED 5-1. (COMMISSIONER WRIGHT DISSENTING.)

95-2d North of Humboldt Road / west of Bruce Road

Sr. Planner Hayes reviewed the Commissions recommendation to return the area to the previous zoning. He stated that the total amount of Commercial designations in the area is approximately seven acres. He noted that a biological survey will be needed in some of those areas prior to development.

The public hearing was opened at 8:55 P.M.

Gaylord Enns, 5 Niagara Way, Pleasant Valley Assembly of God, thanked the Commission for their recommendations. He stated that the remaining concerns are included in the handout to the Commission. He noted that they were not sure they would be able to build a facility at that location due to the toxins in surrounding areas, which changes the character of the possibilities of the uses for the parcels. He stated that he had understood that there are 19 acres, which would make the dimensions in the staff plat incorrect. He stated that he would like to establish zoning as it had previously existed; 9 acres commercial and the remaining high density residential. He stated that two parcels fall under the commercial designations and it would be important to know where that line lies.

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City Attorney Boehm inquired if the property is separate subdivided parcels.

Mr. Enns responded that it is currently all one parcel. He stated that they would have to do a new Environmental Impact Report before the City would consider a parcel division.

Chair Monfort inquired if the Commission could settle this matter. He stated that the question is whether the Commission recommendation is to zone the westerly two pieces medium high density with a resource management overlay, and the rest being designated CC and C-1. He stated that there is the question of where the line between those two should be drawn.

Planning Director Sellers stated that the direction from the Commission was to put the line where it previously was. He stated that precisely where that line is located may not be settled tonight, but staff will continue to look at the history and work with the property owners to re-establish that line. He indicated that the motion should reflect that direction.

Mo West, 2900 California Park Drive, stated that he has the same question regarding the dividing line. He stated that on the zoning map the scale is 1 to 500, which has one-tenth of one inch is 50 feet. He stated that he had given Sr. Planner Hayes the proposed layout of the use of that land for a mini-mart and carwash. He stated that his engineer had determined that the acreage is 3.2 acres, and staff report indicated it is 2.5 acres. He stated that it would be helpful to have final dimensions.

Chair Monfort stated that the Commission would not settle that tonight.

City Attorney Boehm stated that it was unusual that there is more than one zoning on one parcel. He stated that before this issue goes before the Council the division line should be precisely delineated.

Planning Director Sellers stated that it is the intention of staff to have that line determined prior to the recommendations being presented to the Council.

Cecil Bartolomei, stated that it was a logical place for a commercial development as the neighborhood shopping centers should be one mile apart, and this would be one mile from Forest and the first shopping center below Forest Ranch.

The public hearing was closed at 9:05 P.M.

COMMISSIONER BELMONTE MOVED APPROVAL OF THE RECOMMENDATIONS AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT, WITH THE ALLOWANCE FOR THE PROPERTY LINES TO BE SET BACK TO THE LINES IN PLACE PRIOR TO ADOPTION OF THE CURRENT GENERAL PLAN TO ACCOMMODATE THE ZONING SPLIT.

Chair Monfort stated that the past tense is only in regard to where the lines are. He indicated that the staff recommendation on the new General Plan is for a CC zoning designation.

Sr. Planner Hayes stated that the recommendation is to conform to the zoning prior to the adoption of the new General Plan. He indicated that the staff's direction is to find historically where that line was.

COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2e East of The Esplanade and south of Shasta Avenue

Sr. Planner Hayes reviewed the Commission's recommendations from the May 15th meeting.

The public hearing was opened at 9:08 P.M. to which there were no comments.

Commissioner McAdam stated that at the May 15th meeting, the Commission examined the issues thoroughly.

COMMISSIONER MCADAM MOVED APPROVAL OF THE RECOMMENDATIONS AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 5-1. (CHAIR MONFORT DISSENTING.)

95-2f West side of The Esplanade, south of Eaton Road

Sr. Planner Hayes reviewed the request from the property owner and the Commission recommendations.

The public hearing was opened at 9:13 P.M. to which there was no comment.

COMMISSIONER BELMONTE MOVED APPROVAL OF THE RECOMMENDATIONS AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2g Cactus Avenue

Sr. Planner Hayes reviewed the request and the Commission recommendation to retain the existing R-1 zoning. He noted the lack of consistency with the County's Specific Plan for East Avenue and the City's pre-zoning. He stated that the Cactus Avenue area had a large rezoning which made it one acre minimum parcel size. City staff does not believe it would support the professional office designation.

The public hearing was opened at 9:15 P.M. to which there was no comment.

COMMISSIONER CROTTS MOVED TO APPROVE THE RECOMMENDATIONS AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

95-2h Half block west of Locust Street between East 14th and 15th Streets

Sr. Planner Hayes stated that the property owner requested the Commission take a re-look at the area and staff concurred with the property owner.

The public hearing was opened at 9:16 to which there was no comment.

COMMISSIONER CROTTS MOVED TO SUPPORT THE MOTION-OF-INTENT TO RECOMMEND ADOPTION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2i Half block west of Oleander Avenue, between East 7th and 8th Avenues

Sr. Planner Hayes reviewed request and Commission*s recommendation for the zoning for the entire half block. He indicated that the property owner has submitted a letter requesting a continuance.

The public hearing was opened at 9:20 P.M.

Benjamin Bos, 178 E. 7th Avenue, stated that he has operated a business in the location since 1971 and has reduced the traffic density in the area by closing the skating rink in 1979. He noted that the County initially zoned the area R-3, while the City*s previous zoning was R-2 and now is proposed for R-P. He stated that other businesses in the area have been there for a long period of time and all are basically commercial enterprises.

Mr. Bos stated that he had interviewed some of the neighbors who had objected to the commercial density, who indicated that they did not know the businesses were there. He added that 7th Avenue is a busy street which is not conducive to residences. He stated that if a reason to sell the property arises, the R-P zoning would limit the future use. He stated that the parking requirements of an R-P development would obliterate the parcels as they are quite small. Mr. Bos indicated that the current small retail business have little or no constant traffic. He expressed his concern that medical offices generate much more traffic, an average of 25 cars per hour.

Mr. Bos stated his feeling that he is in a 'catch 22*' situation and that commercial is only escape route to maintain value on these properties. He stated that those who objected did not know these businesses existed, and the petitioners reside as far as a block away and were concerned with future construction possibilities.

Ann Bykert-Kauffman, 254 E. 7th Avenue, stated that the area looks like residential areas and that she has no objections to those current businesses. She stated that she would object to what could

go into a C-1 zone. She noted that all of the current commercial development in the area is located on the Esplanade, not on Oleander. She stated that the recommended zoning is an upgrade from what it was, and she would support that upgrade. She stated her concerns that 7th Avenue has traffic but is not as busy as the Esplanade, though she would like traffic to slow down. She asked that if there is R-P zoning, it be done well and not have major parking lots on Oleander. She closed by complimenting an existing medical office building on 7th Avenue which has its parking spaces open onto 7th Avenue.

Ed Holohan, 1636 Laburnum, stated that he finds the staff recommendations agreeable. He stated that he would rather avert a problem later by limiting the zoning now.

The public hearing was closed at 9:30 P.M.

Commissioner McAdam stated that she agreed with residents. She added that the business currently there should be allowed to exist and the proposed RP zoning would be compatible with residential uses to the east.

COMMISSIONER MCADAM MOVED APPROVAL OF REZONE 95-2I RECOMMENDATION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Belmonte clarified that the recommendation being heard tonight was not just made by the staff, but by the Commission following the previous public hearing.

Commissioner Studebaker stated his concern of what could happen if someone purchased all those properties and developed a commercial business in that area, and expressed his support of the motion.

THE MOTION WAS APPROVE 6-0.

95-2j Northeast corner at the Lakewest Drive and Bruce Road intersection

Sr. Planner Hayes reviewed the request and the Commission's recommendation. He stated that the sole interest of the property owners is to ensure the ability to develop a banking facility at that location. He noted that a Planned Development Use Permit is required in order to provide the conditions that opposed any full scale commercial uses on the property. He indicated that there have been additional written comments received from neighborhood residents who are opposed to a banking facility. He noted that financial institutions may be added under R-P in the zoning revisions currently being done.

Chair Monfort confirmed that area has been previously zone R-P.

The public hearing was opened at 9:35 P.M.

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Sam Gromley, 2653 Lakewest Drive, stated that he is opposed to allowing commercial development with a bank at that location. He stated that there is no guarantee a bank would survive, and questioned what would happen to the building if the bank fails. He asked the Commission to keep the zoning R-P. He added his feeling that the corner was poorly designed to begin with.

Commissioner Belmonte informed Mr. Gromley that even if this zoning is to be retained as R-P, with review of land use and zoning ordinance there is a good chance the property could be used for a bank anyway.

Mr. Gromley stated that he does not want a fast food or any other commercial development at that intersection which needs improvement.

Norm Nielsen, California Park Homeowners Association, stated the Association is opposed to the request and recommendation. He stated that their concerns are for maintaining the original planned development of California Park. He noted that they also question the compatibility of the zone request with respect to the traffic impact, access and egress problem on Lakewest. He asked the Commission if this zoning would be fair to the existing homeowners.

Chair Monfort reinforced the possibility of a bank being possible in the future at that location due to the expected zoning changes. He stated that there is a need for a Planned Development at that location in order to look at the intersection problems.

Sr. Planner Hayes noted that the R-P designation is a fairly restrictive type of zoning. He stated that it would allow uses other than office uses, with 25 percent of floor area which would directly serve the offices, which he noted also allows cafes, restaurants and banks.

Commissioner Studebaker stated that by looking at minutes for the May 15th public hearing it appears that people wanted the financial institution.

Sr. Planner Hayes summarized that the issue is that a bank would be acceptable if there were no other commercial type ventures.

The public hearing was closed at 9:45 P.M.

Commissioner McAdam suggested that there was a possibility of PD-RP designation, which would address the homeowners concerns through a Planned Development.

COMMISSIONER MCADAM MOVED APPROVAL OF THE RECOMMENDATION THAT THE AREA DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT HAVE A DESIGNATION OF PD-RP (PLANNED DEVELOPMENT - RESIDENTIAL PROFESSIONAL). COMMISSIONER BELMONTE SECONDED THE MOTION.

Commissioner Wright suggested that PD-RP may be more restrictive on the property than what is being requested.

Sr. Planner Hayes stated that any development would have architectural review which would address the site design but not the access.

Commissioner Belmonte stated that a Planned Development, in this instance, would allow the potential financial institution be maintained, that there not be a drive-through as was discussed at the previous meeting and would allow the intersection to be looked at.

Commissioner Wright reiterated that no one has requested further restrictions, just restoration of the previous zoning.

Commissioner McAdam suggested retaining RP without the Planned Development as a use permit would be needed and Architectural Review Board would be required look at the design.

COMMISSIONER MCADAM RESTATED THE MOTION TO RECOMMEND RETAINING RP (RESIDENTIAL PROFESSIONAL) WITHOUT THE PLANNED DEVELOPMENT. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-0.

Before calling a recess at 9:56 P.M., Chair Monfort inquired if there would be further time constraints on this agenda.

Sr. Planner Hayes stated that the only controversial items remaining on this Regular Agenda item would be that which effects the Hooker Oak area.

Chair Monfort stated that the Commission will get through the agenda at this meeting.

The Commission reconvened at 10:02 P.M.

95-2k North side of Dayton Road, between Deveney Avenue and the railroad

Sr. Planner Hayes reviewed the requested and the Commission recommendations to have no change and retain the low density zoning.

The public hearing was opened at 10:04 P.M. which received no comment.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE RECOMMENDATION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2l Humboldt Road, at Willow Street, Linden Street and Aspen Street.

Sr. Planner Hayes noted this was actually a cleanup item and reviewed the Commission recommendations.

The public hearing was opened at 10:06 P.M. and received no comment.

COMMISSIONER WRIGHT MOTIONED TO ACCEPT THE RECOMMENDATION OF AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 6-0.

95-2m South side of Humboldt Road, between Mill Street and Pine Street

Sr. Planner Hayes reviewed the item, noting that it is also a cleanup item.

The public hearing was opened at 10:07 P.M. and received no comment.

COMMISSIONER CROTTS MOVE APPROVAL OF THE RECOMMENDATION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

95-2n East of The Esplanade, north of East 1st Avenue

Sr. Planner Hayes stated that this item is suggested to be continued as there is a to be a public noticed neighborhood meeting to be held jointly with the County on July 13th.

Chair Monfort inquired if the Commission will be noticed of this meeting.

Sr. Planner Hayes responded that the Commission will receive the public meeting notice.

95-2o Hooker Oak Avenue and Vallombrosa Avenue

Sr. Planner Hayes reviewed the report, noting a correction that the R-1 shown on the Recommendation Plat north of Hooker Oak Avenue should read RS-10 west of Seasons Way.

Commissioner McAdam inquired if the area R-1 east of Seasons Way is to be changed also.

Sr. Planner Hayes stated that it was not to be changed as it is the Capshaw property. He reviewed the RS-10 requested by residents in the neighborhood proposed for RS-20. He stated that Commission direction was for RS-20 south of Hooker Oak Avenue and RS-10 north of Hooker Oak Avenue. He noted that there was an extensive petition prior to the adoption of the General Plan for this zoning.

The public hearing was opened at 10:13 P.M.

Rick Coletti, 2086 Vallombrosa Avenue, stated that he had requested consideration of the zoning in the immediate area of Covell Park Avenue. He indicated that the property was purchased with the intent to split the lot into two lots as it had been in the past, but currently is unable as there is not

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sewer service at this time. He added that the original subdivision plan on that street is what he is seeking. He stated that RS-10 is acceptable.

Chair Monfort inquired on the current size of the lot.

Mr. Coletti responded that it is approximately one-half acre lots. He stated that most parcels around Covell Park are similar in size.

Chair Monfort stated that in a RS-20 designation he would be unable to split the property.

Mr. Coletti stated that the original property owner purchased two parcels which became one. He indicated that he would like to annex, install sewer and split the lot.

Persis Sturges, 2000 Vallombrosa Avenue, stated that she had the same request. She stated that her lot is slightly under an acre with their house on half of it. She added that leach lines make splitting the lot unfeasible but would like to annex, hook up to sewer and split the lot. She stated that a home would be nicer there rather than weeds.

Emily Shepherd, 1991 Hooker Oak Avenue, stated that she is opposed to the proposed rezoning. She indicated her feeling that it is unreasonable to place these restrictions on the property. She would like to have the option to divide lot as it existed as long as they have owned the property, which would not be an option with the RS-20.

JoAnne Savage, 20 Oak Manor Court, stated that a one acre lot could be subdivided with the RS-20. She indicated that one-half acre lots would be acceptable. She gave a brief history of the zoning changes for the area, including signed petitions from 98 percent of property owners who came before the Council opposed to changes in the character of their established neighborhood as stated in the General Plan. She noted that Council has agreed with the low density residential neighborhood in the past. She asked for the Commission's support, as the Council has done in the past, in the matter of the R-10 designation.

Nancy McGill, 1958 Hooker Oak Avenue, agreed with Ms. Savage's comments. She stated that she had met with Sr. Planner Hayes and the Community Development Director to discuss the RS-10 lots. She indicated that she had lived in area 32 years and would hate to see several lots developed with many houses.

The public hearing was closed at 10:25 P.M.

Chair Monfort suggested that the lots with frontage on cul-de-sacs off Vallombrosa remain R-1 with the rest of the cul-de-sacs designated R-20. He noted that RS-10 may be a better representation of what is actually there.

Sr. Planner Hayes stated that the RS-10 would be a current representation of what is currently on Covell Park, while the rest of the area is predominately half acre parcels. He noted that all property owners in the area have been noticed.

Commissioner McAdam expressed her concern that parts of the area should not be zoned differently than the rest as discussed over numerous hearings.

COMMISSIONER MCADAM MOVED APPROVAL OF THE COMMISSION RECOMMENDATION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT, WITH THE CORRECTIONS AS DESCRIBED BY STAFF.

Commissioner Wright stated that he was supportive of the motion, though he did have a concern with the area on Covell Park. He inquired if once sewer is in the area, the residents would be able to request a rezone.

Sr. Planner Hayes replied that the residents can come forward anytime to request a rezone.

Commissioner Crotts stated that it would be difficult to request a rezone as an individual.

Chair Monfort inquired where the nearest sewer main exists and if there was a prospect of sewer main on Vallombrosa in the near future.

Sr. Planner Hayes replied that the properties are at a density now that could support a sewer connection. Planning Director Sellers added that the sewer ends near Juniper.

Chair Monfort stated that if the sewer is extended, more people may want lot splits at that time.

Sr. Planner Hayes responded that it may be a comprehensive way to approach the issue.

COMMISSIONER WRIGHT SECONDED THE MOTION, WHICH WAS APPROVED 6-0.

95-2p West 16th Street

Sr. Planner Hayes reviewed the history of the existing non-conforming use and the previous zoning. He noted that the recommended zoning would permit the parcel to be reviewed concurrently with planning for the Diamond Match property. He stated that it would require approval of development with a specific plan.

The public hearing was opened at 10:36 P.M. and received no comment.

COMMISSIONER BELMONTE MOVE APPROVAL OF THE RECOMMENDATION AS DESCRIBED IN THE STAFF REPORT AND DEPICTED ON THE ATTACHED PLAT. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 6-0.

Commissioner McAdam stated that she liked this compromise.

Attachment A

Chair Monfort stated that Item 57 (1350-1380 East Avenue) on Attachment A will be continued.

Sr. Planner Hayes stated that there are some minor corrections to Attachment A. Item 31 should be removed from OS-2 zoning and RS-20 rezoning. On Item 53, the entire parcel on East Avenue should be zoned R-P.

COMMISSIONER MCADAM MOVED APPROVAL OF RECOMMENDATIONS LISTED ON ATTACHMENT A TO THE STAFF REPORT WITH ITEMS 31 AND ITEM 53 AMENDED AND ITEM 57 TO BE CONTINUED. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 6-0.

6. **Prezone No. 95-1 and General Plan Amendment No. 95-1 (Johnson)** - A request to amend the General Plan designation from Low Density Residential and Office to Manufacturing/Warehousing and to prezone 1.5 acres from County A-R Agricultural Residential and City R-1 Single Family Residential to PD/M-1 Planned Development Limited Manufacturing to facilitate the development of a mini-storage complex with on-site caretaker residence (existing) on property located at 406 Panama Avenue, A. P. No. 006-160-034. A negative declaration of environmental impact is proposed for this project under the California Environmental Quality Act.

Planning Director Sellers reviewed the staff report and the proposal. He noted that the Planned Development Overlay gives the Commission the ability to review any development and use on the site. He stated that the Commission has in the past approved similar requests. He indicated that the concern would be spot zoning because of the limited access and the odd shape of the property. He stated that one letter had been received which expressed concerns regarding illegal materials, strangers in the area and traffic. He added that one letter had been received from the neighboring church which was in support of the request. He noted that in the General Plan it is stated that commercial uses in neighborhood areas are appropriate, if the use is for the neighborhoods.

Commissioner McAdam stated that the plats show a house on the property, she inquired if the storage would be behind it and asked about access to the landlocked parcel to the north.

Planning Director Sellers responded that the storage would be built behind the existing house, which will remain as a caretakers residence. He added that a neighbor has extended their backyard into the other parcel.

The public hearing was opened at 10:44 P.M.

Ladd Johnson, 230 Centennial Avenue, stated that this development would be directly across the street from his other property with a similar business.

Commissioner Studebaker inquired if he had experienced problem with break-ins.

Mr. Johnson estimated that there are on average two problems per year, most of which are from people renting within the facility.

Commissioner Studebaker inquired if Mr. Johnson had experienced problems of graffiti or loitering in the area. He also inquired on the relationship between the business and the nearby school.

Mr. Johnson responded that he had experienced no graffiti or loitering problems. He noted that there are on an average of two entries per day. He added that his business has had no conflicts with the school.

Planning Director Sellers stated that the school and the school district offices had been noticed of this meeting and the request. He noted that no response was received from either the school or the school district on this request.

The public hearing was closed at 10:46 P.M.

COMMISSIONER BELMONTE MOVED TO APPROVE PREZONE NO. 95-1 AND GENERAL PLAN AMENDMENT NO. 95-1 (JOHNSON) PURSUANT TO THE FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL. COMMISSIONER MCADAM SECONDED THE MOTION.

Chair Monfort suggested that in the updated zoning code, this use should be listed as an appropriate use of Commercial in a residential area.

Commissioner McAdam stated that as this property is located near freeway it is an appropriate use.

Commissioner Belmonte stated that the applicant has done a good job maintaining the area and providing security. He stated that the Commission should make the right choice.

Commissioner Studebaker addressed the concerns from the letter which was received objecting to this permit. He stated that the case history supported continuing this type of zoning.

THE MOTION WAS APPROVED 6-0.

7. **Bruce Road Subdivision and Planned Development Use Permit No. 95-3 (Alta Calif. Broadcasting)** - Final review of a planned development use permit to allow residential uses on 11.7 acres zoned R-P Residential-Professional/Business Office, and a subdivision consisting of 48 single family residential lots and a 1.33 acre park site, for property located on the west side of Bruce Road across from Picholine Way, Assessor's Parcel No. 002-180-004. This application includes a request to reduce the minimum lot width for some parcels pursuant to the Planned Development approval.

Planning Director Sellers reviewed the history of the preliminary plan approval. He stated that staff had two concerns. He noted that staff had recommended an alleyway and shared access to minimize the number of driveway cuts. He stated that the applicants were concerned regarding the alleyways. As a result staff recommends duplicating the shared driveways or the option of the alleyways. He noted that if the alley is provided it would allow a second unit to be constructed above a garage.

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Planning Director Sellers stated that the second concern is for Road B, which was discussed by the Commission to be extended northerly and provide creek frontage. He stated that this proposal would reduce the size of the park on the corner and would isolate the park by roads on three sides. He added that the creekside greenway would have a bikepath which would go through to Picholine Way.

Planning Director Sellers stated that staff recommendation is to approve the Planned Development Use Permit with the conditions as stated in the report. He noted that the Public Works Department recommendations includes a bike path through to Forest Avenue, which is not being recommended by Planning staff.

Chair Monfort confirmed that the street running north/south would dead end into a single loaded street, would not become a major thoroughfare.

Planning Director Sellers responded that the Enloe development will, when developed, have a creek crossing and would be the thoroughfare in the area.

Chair Monfort inquired if the area to the north could be developable for a potential subdivision.

Planning Director Sellers responded that it could be developed as the General Plan allows for Planned Development within 300 feet of the creek.

Chair Monfort stated that the Commission had recommended Road B along the creek in order to ensure a front loaded street.

Planning Director Sellers replied that the 300 foot setback was not to preclude development but that to allow this type of development to happen.

Chair Monfort suggested that if they did construct the alley, the property owners could build a granny unit, which would be an enticement. He inquired if that could be more encouraged.

Commissioner McAdam inquired if the possibility of granny units be included as part of the approval. Planning Director Sellers responded that it should be.

The public hearing was opened at 10:56 P.M.

Bill Dinsmore, Rolls Anderson and Rolls, presented a map which shows the possibility of the development of the remaining parcel without extending Road B, which, in turn, adds a half acre to the park area. He added that Alta California may sell the property to someone else to develop. He asked the Commission to soften Condition Nos. 2 and 5 to allow more flexibility.

Commissioner McAdam stated that Condition No. 2 states that garages shall be rear loaded with alley access or from shared driveways. She indicated that this does give some leeway.

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Mr. Dinsmore stated that there are other concerns, namely in the Public Works Report, page 5, regarding bicycle facilities. He inquired if this meant developing a bikeway all the way to Little Chico Creek School or only the segment of the bikeway which is on the property.

Planning Director Sellers stated that the Subdivision Map Act only allows requirements for bicycle paths off site if there are over 200 lots, which does not apply to this case.

Commissioner McAdam stated that the condition in the Public Works report should be rephrased to read that those portions to be connected to the Little Chico Creek Bike Path be completed.

Commissioner Wright inquired as to the type of garage listed in Condition No. 2, if they are to be recessed or have a rear garage.

Planning Director Sellers stated that if there is an alley, then it will require a rear garage, and if it has a shared driveway then it will require a recessed garage. He stated the condition can be re-written to be more clear. He indicated that the passage would be clarified to the satisfaction of the applicant.

The public hearing was closed at 11:04 P.M.

COMMISSIONER BELMONTE MOVED TO APPROVE BRUCE ROAD SUBDIVISION AND PLANNED DEVELOPMENT USE PERMIT NO. 95-3 (ALTA CALIF. BROADCASTING) WITH THE LANGUAGE FOR CONDITION NOS. 2 AND 5 BE CLARIFIED. COMMISSIONER CROTTS SECONDED THE MOTION. THE MOTION WAS APPROVED 6-0.

BUSINESS FROM THE FLOOR

None.

CORRESPONDENCE

8. Letter dated June 9, 1995 from Michael Byrd, Rolls, Anderson & Rolls, asking that the Whitehall Park Vesting Tentative Subdivision Map be rescheduled for first item on the Agenda for the July 10, 1995 meeting.
9. Letter of resignation from Gary Short.
10. Memo from Contract Senior Planner Figge regarding Commission information and training.

Chair Monfort suggested a workshop be conducted after the new commission member is appointed. He added that he has found this information helpful in the past and would be of interest especially to the newer commissioners.

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ADJOURNMENT -

There being no further business, the meeting was adjourned at 11:08 P.M. to the Regular Meeting of July 10, 1995.

July 10, 1995
Date Approved

Clif Sellers
Planning Director

BIDWELL PARK AND PLAYGROUND COMMISSION
MINUTES
Regular Meeting of June 26, 1995
Municipal Center - 421 Main Street - Council Chamber
7:30 p.m.

ROLL CALL

The meeting was called to order by Chair Maureen Kirk at 7:30 P.M. in the Main Chamber of the Chico Municipal Center. Commissioners present: Bryan Doerr, Mary Ann Pella-Donnelly, Luisa Garza, Chuck Sheley, Russell Mills, and Maureen Kirk. Commissioner Tom Barrett was absent. Staff Present: Park Director Rollie Wright, Urban Forester Chris Boza, Assistant City Attorney Lori Barker, and Administrative Secretary Karen Kracht.

CONSENT AGENDA

1. Minutes - Regular meeting of May 31, 1995.
2. Park Permit Application - Calvary on Campus has requested the use of Bidwell Bowl Amphitheater for Sunday Night Concerts in July and August from 6:00 - 8:00 pm. Commission approval is required for events exceeding ten hours total duration.
3. Park Permit Application - Robert Vanderley of TMA Productions has requested the use of Plaza Park on July 29th from 11:00 am until 8:30 pm for a Jazz Festival and Community Trade Fair. Request also includes leaving parking spaces open along Main Street, and permission to provide a commercial curbside barbecue. Commission approval is required for events exceeding ten hours total duration.
4. Park Permit Application - Jason Cassidy and Conrad Nystrom have requested the use of Bidwell Bowl for August 17th - 20th, for Outdoor Rock Concerts from 11:30 am until 4:40 pm each day. Commission approval is required for events which exceed ten hours total duration.
5. Park Permit Application - Tom Hutchinson of the Butte County Sheriffs Search and rescue has requested the use of Upper Bidwell Park for basic rope rescue classes on July 8th from 2:00 pm - 5:00 pm and July 9th, from 9:30 am -

5:30 pm. Commission approval is required for events which exceed ten hours total duration.

This request has been withdrawn.

6. Report on Council Action
 - a. Ban on alcohol in all City Parks
 - b. Authorization to hire a consultant to study Upper Park Road use capacities.
7. Recommendation on One-Mile Pool modifications and water testing.

All items were removed from the Consent Agenda.

ITEMS REMOVED FROM THE CONSENT AGENDA

1. Minutes - Regular meeting of May 31, 1995.

Chair Kirk removed this item from the Consent Agenda in order to make a correction, on page 19, the comment made by Chair Kirk stating appreciation for the League of Women Voters, this should read Phil and Girder Lyden for their donation for Upper Park.

Commissioner Garza added a correction on page 11, the comments attributed to Commissioner Wright abstained should read Commissioner Doerr.

COMMISSIONER SHELEY MOVED APPROVAL OF THE MINUTES FROM MAY 31, 1995. COMMISSIONER PELLA-DONNELLY SECONDED THE MOTION WHICH WAS APPROVED 6-0.

- 2. Park Permit Application - Calvary on Campus has requested the use of Bidwell Bowl Amphitheater for Sunday Night Concerts in July and August from 6:00 - 8:00 pm. Commission approval is required for events exceeding ten hours total duration.**

Commissioner Garza removed this item from the Consent Agenda.

Sam Allen, 94 Lot Road, Durham, stated that he was present to answer any questions the Commission may have.

Commissioner Garza stated that since there are no restroom facilities at the Bidwell Bowl, she questioned the lack of a requirement to provide portable restrooms on the application.

Park Director Wright stated that the procedure the Park Department follows requires that following the Commission approval of an application the staff will place conditions such as the requirement for portable restrooms.

Chair Kirk inquired on the use that was planned for the long meeting date.

Mr. Allen responded that they would be having a morning service that day as the veterans are using the Veterans Hall, the Church's usual meeting place, on that day.

Chair Kirk inquired if they would be having amplified music for the service.

Mr. Allen stated that some of the music has been amplified in the past for services and there have not been any problems. He stated that historically these concerts, and when necessary morning services, have always been through the Calvary on Campus organization to use the Bowl and the University buildings.

Commissioner Mills questioned the Commission's discussion of this item for use of Bidwell Bowl prior to Item No. 10, which is to establish policies on the use of Bidwell Bowl.

Mr. Allen stated that this request is for family concerts. He noted that for advertising reasons it is easier to have all eight weeks listed.

Park Director Wright suggested the Commission table all those items regarding Bidwell Bowl to a point following the item regarding guidelines for uses of Bidwell Bowl.

Commissioner Pella-Donnelly stated that she still had questions regarding restroom availability and would like to see at least one portable restroom available.

Mr. Allen stated he had a later meeting and must leave the building. He inquired if the Commission had any other questions that he could answer at this time.

Chair Kirk stated that staff would inform Mr. Allen of the final decision.

Commissioner Sheley added that this request meets the recommendations at this point for Agenda Item No. 10.

Commissioner Mills expressed his concern that the closest restroom is 100 yards from the Bidwell Bowl.

Park Director Wright responded that for a similar event with 100 people for more than a two hour span, the Park Division have required other such events to have three portable restrooms, one of which would have to be handicapped accessible. He added that he would not have required a portable restroom for an event of this size and duration.

Chair Kirk stated that this item will be tabled until after the discussion on Bidwell Bowl (Agenda Item No. 10).

- 3. Park Permit Application - Robert Vanderley of TMA Productions has requested the use of Plaza Park on July 29th from 11:00 am until 8:30 pm for a Jazz Festival and Community Trade Fair. Request also includes leaving parking spaces open along Main Street, and permission to provide a commercial curbside barbecue. Commission approval is required for events exceeding ten hours total duration.**

Robert Vanderley, P.O. Box 307, Forest Ranch, stated that he was present to answer any questions.

Commissioner Garza stated that she removed this item from the Consent Agenda because of the application stated that 4,000 people were expected and there were no portable restrooms noted on the application. She added that Park Director Wright has informed the Commission that such decisions are made at a later point.

Mr. Vanderley stated that he would like to amend the request to read that the parking spaces on Fifth Street be closed for handicapped access.

Park Director Wright stated that any activities in the areas outside of Plaza Park would have to be approved by the

Community Development Director.

Chair Kirk added that the Downtown Chico Business Association has a previously approved reservation for the Friday Night Concert in the Park the evening before this application, thus the area cannot be reserved for TMA on the evening before the event.

Mr. Vanderley explained that this event is a combination of two activities on the location. He stated that he would like the booths to be placed on the perimeter of the Park along the sidewalk, thus allowing the foot traffic to be on the sidewalk and the view of the gazebo for the music would be unobstructed. He stated he felt it would be a good venue for the trade-fair people.

Chair Kirk inquired if he meant to have a trade fair.

Mr. Vanderley stated that he would like to have business other than just craft vendors, similar to the Chico Expo.

Commissioner Garza stated that she would like Urban Forester Boza opinion on the proposed vendor setup.

Urban Forester Boza stated that he does not see a particular problem as there are methods to correct the potential problems.

Mr. Vanderley stated that he had spoken with a local portable restroom vendor who has reviewed the needs with him.

COMMISSIONER GARZA MOVED APPROVAL OF PARK PERMIT APPLICATION FOR TMA PRODUCTIONS USE OF PLAZA PARK ON JULY 29TH FROM 11:00 AM UNTIL 8:30 PM. COMMISSIONER PELLA-DONNELLY SECONDED THE MOTION THAT WAS APPROVED 6-0.

Mr. Vanderley confirmed that he was to speak with the Community Development Director regarding off street barbecue and handicapped parking.

6. Report on Council Action

- a. Ban on alcohol in all City Parks**
- b. Authorization to hire a consultant to study Upper Park Road use capacities.**

Commissioner Garza stated that she removed this item from the Consent Agenda as she would like to a public review the Council action on the alcohol in all City parks.

Chair Kirk stated that the Council resolution on this item will be voted on July 5.

Commissioner Sheley stated that he would like to have more Council input prior to the conclusion of such items.

7. Recommendation on One-Mile Pool modifications and water testing.

Commissioner Garza stated that she removed this item from the Consent Agenda as she would like a public reading of the report.

Park Director Wright reviewed the report and its recommendations. He stated that two reports have been prepared to study water related issues relating to Big Chico Creek and One Mile Pool. The Swanson Report has recommended City take on a \$400,000 project which includes building a different type of dam, allowing flexibility on the water flow, and a diversion channel which would divert water around the pool allowing for the removal of debris from within the pool rather than the current method. The other recommendation, the Stuart Oakley Report, suggested that due to the nature of the pool it would be wise to expand the existing water testing program extensively, resulting in an \$18,000 testing program recommendation.

Park Director Wright stated that staff recommends that due to current budget constraints the Commission recommend to Council that \$100,000 be budgeted to build the bypass channel and that the other funding for the construction of the bladder dam be requested the following year. He indicated that in addition, staff will look for alternative funding sources for water testing.

Commissioner Sheley inquired on the use, expense and longevity of a bladder dam.

Urban Forester Boza responded that a bladder dam is typically used on creeks to slow the flow and allow water to percolate

into the water table. He listed several locations which have been using this type of dam for some years. He described the dam as having a thick bladder with small ceramic chips on the outer layers to protect the dam from vandals which would result in a projected lifetime of 75-100 years. He added that the cost includes the construction and installation as well as the dam itself.

Commissioner Mills inquired if staff was recommending that the water testing remain status quo.

Park Director Wright stated it would be difficult to justify an additional expense of \$18,000 with the current budget situation. He suggested the proposed testing would be a large step toward additional testing which staff can write a grant for.

Commissioner Mills inquired if the County standard are adequate.

Urban Forester Boza responded that the County standards are high though the State has standards also. He added that the current operating permit with the State does not include that standard at this time. He indicated that before the State adds such requirements or if the current standards will remain acceptable, the State is looking at the next year of the Stuart Oakley report and the current testing requirements.

Commissioner Sheley reviewed the history of the water quality and inquired what the average numbers were for the Creek.

Urban Forester Boza responded that most of the current numbers are 100 to 250 Most Probable Number (MPN). He clarified that the spikes are dependent on what is occurring higher in the creek and the usage of the area.

Commissioner Mills clarified that State requirement is 200 MPN average over a period of days.

Urban Forester Boza stated that the State would require that the City do retest and if the numbers drop down, no additional testing would be required. He added that the Regional Water Quality Control Board is the State agency which may require the testing and at this point in time they have not required such a testing program.

Commissioner Sheley inquired if the average is currently under 500 MPN.

Urban Forester Boza stated that the average has been under 500 MPN, though there have been a few spikes at Bear Hole, One Mile and Five Mile which have reached 500 MPN.

Commissioner Garza stated her belief that these decisions are important to the community. She stated that she felt that the Commission does not have enough information at this time and suggested they hold a public hearing with testimony from experts on the bladder dam and testing process.

Park Director Wright inquired if the public hearing would be regarding water testing and the bladder dam or if can those issues can be dealt with separately. He stated that the Commission needs to make a recommendation on the dam to the Council.

Commissioner Garza stated that she does not have enough information on the effect of the dam on the environment to make a recommendation to Council.

Urban Forester Boza stated that the effects were discussed with the Department of Fish and Game, University representatives, and State representatives. He stated that given the structure that exists at One Mile this would be the best method to deal with the problem as it would allow the fish to continue swimming as well as solve the problem of silt and other settled materials and algae which could be removed without draining farther downstream.

Chair Kirk stated that she has sat on the Task Force and noted that there was extensive discussions which presented this as the best solution. She noted that the Commission can make a recommendation to pursue further funding.

COMMISSIONER SHELEY MOVED TO INSTRUCT STAFF TO SEEKING GRANT FUNDING FOR THE BLADDER DAM PROJECT. (There was no action on this motion.)

Commissioner Doerr stated that the safety of the dam seems to be a question, and inquired if there were problems with the current dam.

Park Director Wright stated that City workers are at risk with the process of opening the dam and repairing it.

Les Guerton, 795 Caprice Way, stated that he had helped found the Big Chico Creek Task Force, who have discussed this issue in vast detail. He stated that he does not feel that bladder dam is necessary. While the main reason for the dam may be safety, he noted that people often play on the current dam and never get hurt. He stated that the bladder would invite people to shoot holes in it. He stated that that the idea for diversion dam is a good idea. He stated that the water testing is important and noted that the golf course may have restrooms which drain into the creek and nearby septic systems may be leaching into the creek. He suggested that there be more portable restrooms in Upper Park to provide an alternative to using the creek for those purposes.

Park Director Wright stated that the Stuart Oakley study indicates strongly that there is no evidence of sewage problems on the creek from either the bathrooms on the golf course or from nearby septic systems.

Thomas Wall stated that the Park Task Force and the Creek Task Force met at the same time and he could not attend both. He noted a decrease in the volume of Chico Creek and stated his feeling that the City was ignorant to divert water into Lindo Channel at this time.

Commissioner Mills inquired if the possible grant money would be suitable for other structures as well as the bladder dam.

Park Director Wright responded that the money could be used for another type of dam structure. He noted that he had met with the Department of Public Works to discuss this structure.

COMMISSIONER MILLS MOVED TO APPROVE STAFF RECOMMENDATIONS.

Commissioner Sheley asked for a review of the recommendations.

Commissioner Mills reviewed the staff recommendations for the Commission to recommend to Council they adopt budget of \$100,000 for a bypass channel and for Staff to seek alternative funding for dam construction. He noted that the recommendation for the water quality issues ask that the current testing levels would remain in place pending

completion of the second study.

Commissioner Pella-Donnelly inquired when the second study will be complete.

Urban Forester Boza stated that as of July 1 funding will be available for the testing to be done in July and again in August. He indicated that the preliminary numbers will be available in July.

COMMISSIONER SHELEY MADE A MOTION TO RECOMMEND TO COUNCIL THEY ADOPT A BUDGET OF \$100,000 FOR A BYPASS CHANNEL, AND DIRECT STAFF SEEK ALTERNATIVE FUNDING FOR DAM CONSTRUCTION. COMMISSIONER GARZA SECONDED THE MOTION WHICH WAS APPROVED 6-0.

Commissioner Mills made a motion to revisit the water quality issue when the results from second water quality study are available. Commissioner Garza seconded the motion which was unanimously approved.

REGULAR AGENDA

8. Discussion by Assemblyman Bernie Richter regarding trees in Bidwell Park.

Assemblyman Richter stated that he appreciated the chance to speak to the Commission. He stated that he has an appreciation for the Park and the trees. He indicated there had been discussion of the future of the walnut orchard at the north-easterly section of the park and he was here to offer some resources for the area.

Assemblyman Richter stated that since his constituency has forestry interests, he was likewise concerned. He indicated that there are forest resource companies which have vast nurseries to replace trees and have made such offers available.

He indicated that he may be able to facilitate some forest resource companies providing the trees and watering system to provide a demonstration forest for the walnut orchard area, though he did not know the acreage of the area. He noted that a demonstration forest would show several different varieties

of conifers that grow in California. He stated that such a forest would allow children in future years to see the types of trees which are of value to this area.

Assemblyman Richter stated that the forestry industry would be interested in donating the forest as a public relations program for the industry. The donation would include trees, planting of the trees and a watering system.

Assemblyman Richter stated that if the Commission would like to pursue a demonstration forest they can contact him, and he will contact the businesses who have suggested donations for such a forest.

Chair Kirk gave an update on the current plans for the orchard, which will keep the old seedlings and allow the walnuts to grow out.

Urban Forester Boza stated that the Cedar Grove area was a State Introduction Garden at it's inception. He noted that many of those trees have aged and died out and suggest that this would be an excellent area to plant a conifers. He stated that the World of Trees, Cedar Grove to the Nature Center, would be a good location for a demonstration forest as it would allow that area to be regenerated.

Commissioner Mills stated that the Nature Center and their educational facilities are adjacent to the World of Trees area and would enhance the location as Urban Forester Boza has stated.

Assemblyman Richter stated that the Commission should let him know the number of trees and what is needed.

9. Discussion on duties of Park Rangers and areas to be patrolled.

Park Director Wright stated that this item is an attempt to get a philosophical discussion from the Commission for the duties of the Rangers. He stated that the areas paroled by the Rangers are Annie's Glen, Bidwell Bowl, Children's Park, Plaza Park, Depot Park and Lindo Channel as well as Bidwell Park. He added that while enforcement is a major portion of their responsibilities, education is a factor as well as

providing public relations for the City, the Park Department and the Commission. He asked the Commission to establish priorities for the Rangers.

Chair Kirk stated that Council feels that most of their time should be spent in Bidwell Park. She suggested having the City Police do the outlying areas and Rangers do the Park.

Commissioner Garza inquired what the hours of Rangers are.

Park Director Wright responded that the Rangers work five eight hours days which overlap each week. He added that parks other than Bidwell Park are in constant patrol range of the Chico Police Department. He noted that there is a fine line in enforcement between tickets and warning and asked the Commission to help draw that line.

Commissioner Sheley stated that the Rangers can make the call on either giving a ticket or warning.

Commissioner Garza stated that she would like to see a strong enforcement on the alcohol policies once they are adopted by the Council.

Commissioner Mills inquired if the Rangers are trained as are the Police. He suggested the Rangers should be available for outreach and public awareness and ready to call Police if there is an enforcement problem. He added that there may be more of a problem with the alcohol issue if the Council does vote the ban in place.

Park Director Wright stated that Rangers do not have the training of the Police Department and thus do not carry a weapon. He added that Rangers have been able to balance the enforcement and warnings in the past at their discretion.

Commissioner Pella-Donnelly inquired if there is a conflict with law enforcement if there is a warning given in regards to the alcohol issue.

Park Director Wright stated that since the Rangers have the authority to give citations there is not a conflict.

Chair Kirk suggested the Rangers spend more time in Bidwell Park and less in other areas. She also stated that the

Rangers should spend time with education in the Parks.

Commissioner Sheley stated that he would like to continue to receive the feedback the Rangers have been giving with the public events as he appreciates those reports.

Commissioner Garza inquired if the Rangers can evaluate those events without attending those areas. This was in regards to situations such as the Bidwell Bowl, which the University police may continue to patrol.

Park Director Wright responded that the Rangers would continue to work with the reservation process.

Commissioner Doerr inquired if the volunteers have a means of communication.

Park Director Wright responded that the Park Watch Volunteers are a wonderful asset and are provided with cellular phones and walkie talkies for communication. He restated that the Commission's direction for the Rangers is to spend the majority of their time in Bidwell Park and with educational activities while still reviewing the public reservations in the parks.

10. Policies on use and fees regarding Bidwell Bowl Amphitheater.

Park Director Wright stated that it has become apparent that the Bidwell Bowl does not fall into the fees and policies which are used for other areas. He noted that the University itself uses the area as part of an adjacent education area. He indicated that amplification of music would be a major concern as the Bowl is in proximity to residential neighborhoods.

Park Director Wright stated that staff would like to see various policies and fees in relation to the Bowl. He indicated that standard park fees would be acceptable, with the exception to waive fees for University use prior to 5:00 P.M. on weekdays. He noted that this waiver was based on the University's location, educational use and the possible continued use of University Police to patrol the area. He stated that there may be a conflict with the public using the

Bowl during University sessions due to proximity. He stated that staff is recommending the Bowl be closed for reservations at 8:00 P.M. primarily for the consideration of the neighbors. Staff is also recommending there be no amplified sound before 5:00 P.M. Monday through Friday and before 12:00 P.M. on Saturday and Sunday.

Commissioner Pella-Donnelly inquired if the Commission should allow amplified music during University sessions.

Chair Kirk stated that she had spoken with University representative who stated that there is no conflict with amplified music being allowed after 5:00 PM during school sessions.

Commissioner Pella-Donnelly stated that Park rules prohibit amplified music being heard 50 feet from the origin point.

Urban Forester Boza stated that it is difficult to determine what the background noise levels are and then to determine the acceptable levels.

Commissioner Mills inquired if the staff had received any complaints regarding amplified music emanating from Bidwell Bowl.

Urban Forester Boza stated that no complaints had been received as of yet.

Chair Kirk stated that Councilmember King resides in the area and has not heard the concert which was held there.

Commissioner Mills questioned how the suggested policies would effect the previously heard application.

Park Director Wright stated that the reason for the weekend 12:00 P.M. start for amplification is that some people sleep in on weekends and it is close to the Bidwell Presbyterian Church.

In relation to Agenda Item No. 2, Commissioner Sheley stated that there is one day of the proposed reservation which has one hour in conflict with the suggested policies. He suggested they be allowed to begin at 9:00 AM. with no amplification allowed prior to 12:00 P.M.

COMMISSIONER MILLS MOVED APPROVAL OF POLICIES AND FEES FOR THE USE OF BIDWELL BOWL ACCEPTING STAFF RECOMMENDATIONS. COMMISSIONER GARZA SECONDED THE MOTION. (No action was taken on this motion.)

Christina Oregon, 315 Legion Avenue, stated that she does hear the concerts and church function that are held in the Bowl. She added that the church function are not a problem. She asked the Commission to keep in mind the area residents are also subject to the Rose Garden Concert Series held on the University campus. She stated that she would like to request a cap on the amplification levels and to see those levels consistently monitored. She implored the Commission not to wait for the neighbors to call the police, rather to monitor the sound levels during the event. She inquired if reservations for the Bowl would be accepted seven days a week. She asked to Commission to consider how many evenings per week would they like to hear music in their yards.

Chair Kirk inquired if the University allowed concerts later than 8:00 P.M.

Ms. Oregon responded the concerts in the past have gone later than 8:00 P.M.

Commissioner Mills encouraged Ms. Oregon to call the Park Department if she feels the music emanating from the Bowl is too loud. He added that it would be arbitrary to establish what should be the volume guidelines.

Ms. Oregon stated that there have been other written complaints.

Commissioner Sheley stated that monitoring sound is difficult, as a level which is acceptable to one person may not be acceptable for another person.

Chair Kirk stated that the Park Department may not have the personnel to be at the Bowl with a decibel meter for each reservation and would need the input of the neighborhood.

Commissioner Doerr stated that frequency is an important issue. He noted that the Commission is not a promoter for the City facilities and Bidwell Bowl does not need to have an event every day of the week.

Commissioner Mills stated that while it seems to be a real popular to have multi-day events, one day events should be encouraged also.

Commissioner Doerr stated that a line has to be drawn for the frequency somewhere.

Park Director Wright stated that the frequency issue is valid and should be added to the Bidwell Bowl guidelines. He suggested that an addition to the guidelines could read "Events with amplified sound should be limited to three per week or one per weekend."

Commissioner Sheley stated that the best time to allow amplification is on weekends rather than weeknights.

Commissioner Mills suggested the Commission establish the guideline three events per week and one per weekend and if there continues to be problem then revisit this issue.

Thomas Wall stated that there seems to be a tendency to legislate and dictate. He suggested the Commission require those holding the events to contact the neighbors and keep track of their decibels to establish what is acceptable to the neighborhood. He felt that this suggestion would allow the Commission to revisit this issue in a public hearing to establish the acceptable levels. He added that the most use of the area and the most freedom is the best.

Commissioner Sheley stated that there would have to have someone officially monitoring the levels for accuracy.

Mr. Wall responded that it is reasonable to have people required to monitor their own event. He added that he would volunteer his time for every single event for a six month trial period which would not effect the neighborhood.

Commissioner Mills stated that the number of days the Bowl is used as well as the volume of the events effects the neighbors.

Mr. Wall stated that the sound level is arbitrary and would be a way to establish the acceptable levels.

Assistant City Attorney Barker stated that the City does have

a decibel meter and two noise ordinances. She noted that the decibel level ordinance is not often used due to difficulty in establishing the ambient noise level in the area. She suggested that if the Commission would like to establish the level of amplification allowable in the area there are other ways to establish the level.

Chair Kirk stated that current Park rules already specify that no loud noise or music be heard 50 feet away.

Commissioner Mills stated that any amplified music can be heard 50 feet away. He suggested that should there be numerous complaints, the Commission had the option to disallow amplification in the area.

Joan Selchau, 117 W. Lincoln Avenue, questioned the City taking over a facility and then saying that it does not have the staff to monitor it. She stated that she believes this is the only City facility which borders directly onto a residential neighborhood. She noted that she can not say what the University has done with the area in the past. She stated that she would like to not have to complain about the sound levels. She added that she would not want the sound to go out of the Bidwell Bowl area. She indicated that on Easter Sunday she was amazed at the sound which coming out the Bidwell Bowl during the Church's preparation for their services. She noted that the neighbors in the area were radical about retaining their neighborhood.

Commissioner Garza stated that One Mile is adjacent to neighborhood, as well as other City facilities.

Chair Kirk added that One Mile does have concert reservations, though the applicants are required to face the speakers away from Wildwood Avenue to lessen the impact on the neighborhood.

Ms. Selchau re-stated her concerns regarding the City taking over property without providing the staffing.

Commissioner Mills stated that those who live in an urban neighborhood have to live with some of the things that go with that.

Ms. Selchau stated that the neighbors can not always control traffic or the helicopter. She indicated that use of the

Bidwell Bowl is controllable and the City can work to keep the noise in bounds.

Chair Kirk suggested that the City regulations will be stricter than University's as the events will end at 8:00 P.M.

Ms. Selchau stated that the City should enforce the noise ordinances in the area, while she was in favor of the 8:00 P.M. conclusion of the amplification.

Commissioner Garza stated that the Mansion Park neighborhood is important to the City and suggested they consider establishing a neighborhood watch group.

Ms. Selchau stated that there seems to be the same group which does the neighborhood watch and other such projects.

Jason Cassidy, 668 E. 4th Street No. 5, inquired on the times which amplified music could be at.

Park Director Wright responded that during the week, while school is in session, it would be allowed to be at 5:00 P.M. on weekdays and 12:00 P.M. on weekends.

Mr. Cassidy stated that he was curious why the hours which amplification are allowed did not change during the summer months.

Park Director Wright responded that the University does have a summer session.

Commissioner Pella-Donnelly stated that the Commission needs to address the frequency of use as they need to be sensitive to all neighbors in all neighborhoods.

COMMISSIONER MILLS MOVED APPROVAL OF THE RECOMMENDATIONS WITH THE ADDITION THAT THERE BE NO MORE THAN THREE EVENTS WITH AMPLIFIED SOUND PER WEEK AND ONE PER ON WEEKEND.

Assistant City Attorney Barker suggested that if a park permit is issued for an amplified event, the rule should omit the 50 foot level.

Commissioner Mills suggested the Commission agendaize noise levels for a different meeting.

HE ADDED TO THE MOTION THAT THE AMPLIFICATION NOT BE UNREASONABLE.

Commissioner Garza stated that without input from that neighborhood, it is assumed the sound would be reasonable.

Chair Kirk inquired if the portable restrooms requirements need to be addressed.

Commissioner Mills stated that restroom facilities are 100 feet away from Bidwell Bowl which is reasonable for small numbers of people.

Commissioner Garza stated that she felt that 100 feet is far away for families and others. She stated that she does not want to see people using the bushes for restrooms. She inquired what the minimum number of people is which would require a portable restroom to be provided.

Park Director Wright responded that there is not a hard fast policy, rather it is a judgement call.

Urban Forester Boza added that the requirement for a portable restroom is based on the anticipated number of people and length of the event.

Commissioner Sheley stated that he would like to keep such decisions with staff.

COMMISSIONER GARZA SECONDED THE MOTION WHICH WAS APPROVED 6-0.

Chair Kirk requested that the requirement be typed for the neighborhood residents to pick up.

Park Director Wright responded that the list of requirements would be available by Friday.

2. Park Permit Application - Calvary on Campus has requested the use of Bidwell Bowl Amphitheater for Sunday Night Concerts in July and August from 6:00 - 8:00 pm.

Commissioner Mills stated that this application falls within the adopted policies.

COMMISSIONER MILLS MOVED APPROVAL OF THE RESERVATION WITH THE EXCEPTION THAT THE ORGANIZATION NOT BE ALLOWED TO HAVE AMPLIFIED SOUND ON A SUNDAY UNTIL AFTER NOON.

Commissioner Pella-Donnelly stated that the application for Agenda Item No. 4 may be in conflict with this application.

Commissioner Mills retracted his motion.

Commissioner Doerr stated that it was unfortunate that the applicant had to leave as he may have agreed to have the service unamplified.

Commissioner Mills stated that to approve this request would prevent anyone else from having amplification during that time period.

Mr. Cassidy stated that the event that he has applied for a reservation for is four days in a row and he would limit the amplification to levels which would not disturb the neighborhood.

Commissioner Garza stated that the number of amplified activities is the concern.

Mr. Cassidy suggested that the level of amplified music at this type of activity would be lower than for other such activities.

Commissioner Pella-Donnelly stated that the Commission assumes that everyone who receives a permit would have music at an acceptable level.

Mr. Cassidy responded that no matter what the type of music it is, once it is amplified it will exceed the 50 foot level every time. He stated that he would arrange to have music quieter for his event.

Commissioner Mills suggested that August 17th through the 19th may be the best time for the events.

Mr. Cassidy responded that he would like to have the permit for the 17th through the 20th, as he has the evenings for those dates already reserved at another location.

COMMISSIONER MILLS MOVED APPROVAL OF THE PARK PERMIT APPLICATION FOR USE OF BIDWELL BOWL BY CALVARY ON CAMPUS FOR SUNDAY EVENINGS IN THE MONTH OF JULY AND APPROVAL OF THE PARK PERMIT FOR THE EVENT ON JULY 16 WITH NO AMPLIFIED SOUND ALLOWED AT THAT TIME.

Commissioner Garza stated that the limiting amplification to three days per week is inappropriate, and asked if the Commission would revisit the issue.

Park Director Wright responded that this is a test period, and this problem may not occur again as it will be known beforehand.

Chair Kirk stated that the Commission may revisit this issue in six months to inquire if the levels and usage are acceptable with the neighborhood.

COMMISSIONER SHELEY SECONDED THE MOTION WHICH WAS APPROVED 6-0.

- 4. Park Permit Application - Jason Cassidy and Conrad Nystrom have requested the use of Bidwell Bowl for August 17th - 20th, for Outdoor Rock Concerts from 11:30 am until 4:40 pm each day. Commission approval is required for events which exceed ten hours total duration.**

COMMISSIONER MILLS MOVED APPROVAL FOR PARK PERMIT WITH AMPLIFIED SOUND FOR AUGUST 17, 18 AND 19.

Mr. Cassidy reminded the Commission that summer session at the University will out by the dates of the requested permit.

Chair Kirk stated that the University is out August 17th and begin again on August 28th.

Commissioner Mills stated that the Commission could make an exception to begin at noon as there are no classes in session at that time.

Mr. Cassidy stated that he would like list of requirements.

Chair Kirk stated that the rules will be sent following this meeting.

Commissioner Mills reminded Mr. Cassidy that the Commission was assuming he would keep the amplification levels as low as he was suggesting.

Commissioner Sheley inquired how the Commission can approve the regulations for Bidwell Bowl then make an exception. Park Director Wright responded that what the Commission approved regarding the use of Bidwell Bowl are guidelines and the Commission may make exceptions.

COMMISSIONER DOERR SECONDED THE MOTION.

Commissioner Sheley confirmed the motion was for August 17, 18 and 19th with amplified sound being allowed.

Mr. Cassidy stated that he would like to have the permit amended to allow setup at 10:30 A.M.

Park Director Wright responded that it would be acceptable for them to setup at 10:30 A.M.

Mr. Cassidy inquired if he would be allowed to have a canopy over the stage area.

Park Director Wright responded that staff can answer that question at a later time.

THE MOTION WAS APPROVED 6-0.

The Commission was in recess from 9:30 - 9:35 P.M. at which time Commissioner Mills left the meeting.

11. Policies and criteria regarding co-sponsorships.

Park Director Wright reviewed the recommendations listed in the staff report, which, he stated, would provide some criteria with which to judge a requests for co-sponsorship. He stated that Recommendation No. 5, should be re-worded to read "Event is provided by the Nature Center which is education or interpretive, and is not funding related."

Chair Kirk added to Recommendation No. 5, that the event be free and open to the public.

Commissioner Garza inquired if co-sponsorship and fee waiver are the same.

Park Director Wright affirmed that they are the same. He added that an organization would need to specifically request co-sponsorship.

Commissioner Pella-Donnelly inquired if Recommendation No. 8 is reasonable if there are a large number of people involved.

Park Director Wright responded that it would not be reasonable to have co-sponsorship if the number of people is large as it would have a major impact to the environment and the staff.

Commissioner Pella-Donnelly asked for examples of when the Commission has granted such co-sponsorships.

Urban Forester Boza responded that Arbor Day is an example as Parks and Preserves Foundation have taken over the event which was originally sponsored by the City.

Assistant City Attorney Barker added that the CARD Easter Egg Hunt has been co-sponsored.

Assistant City Attorney Barker stated that the Commission would want to say which requirements would be mandatory and which would be optional to avoid all non-profit organizations asking for co-sponsorship.

Park Director Wright stated that the guidelines need to be discretionary for the Commission.

Assistant City Attorney Barker agreed with Park Director Wright though she felt the Commission would need to have more specific areas of consideration.

Commissioner Sheley inquired if Assistant City Attorney Barker was suggesting the Commission eliminate one or more statement and say that for co-sponsorship the organization must meet the following criteria.

Assistant City Attorney Barker responded that for co-

sponsoring a organization must meet criteria such as be a non-profit the event must be open the public, the public would be the prime benefactor, and must not put undue demands on the park system, or it can be an educational institution for educational purposes, or if the event is not free the proceeds must go toward the park.

Commissioner Pella-Donnelly stated that they would need to have absolutes.

Assistant City Attorney Barker stated that the Commission should have set criteria to consider and within that criteria the Commission can make an discretionary decision. She stated that the Commission can be straight forward and still have discretionary approval.

Chair Kirk suggested that Recommendation Nos. 1,2,3 and 7 be required to approve co-sponsorship.

Commissioner Doerr stated that Recommendation Nos. 4, 5 and 6 be incorporated into other areas.

Chair Kirk stated that Commissioner Sheley suggested school events be included.

Assistant City Attorney Barker stated that school events may not be open to the public.

Park Director Wright stated that the Commission had asked for a definition of co-sponsorship and that exceptions will happen to that definition.

Chair Kirk suggested the following language be added; "That when co-sponsorship is requested these criteria will be considered."

Commissioner Sheley confirmed that when co-sponsorship is granted the decision will that be consistent with the guidelines and would be discretionary for the Commission's approval.

Assistant City Attorney Barker responded that it would be better than the language which said "based on one or more of the following."

COMMISSIONER SHELEY MOVED TO APPROVE STAFF RECOMMENDATIONS BASED ON THE 1 THROUGH 8 CRITERIA AS A GUIDELINE TO ALLOW THE COMMISSION DISCUSSION ON A CASE BY CASE BASIS.

Commissioner Garza asked that the motion be amended to read Chair Kirk's recommendation.

Commissioner Sheley stated that his motion included that statement.

COMMISSIONER PELLA-DONNELLY SECONDED THE MOTION.

Commissioner Garza remove amendment.

THE MOTION WAS APPROVED 5-0.

12. FORMATION OF NEW PARK ACQUISITION TASK FORCE; APPOINT THREE (3) MEMBERS.

Chair Kirk suggested that the Commission may be able to assign the Trail Safety Committee though it is open to volunteers. She noted that Commissioner Garza had expressed an interest.

Commissioner Pella-Donnelly stated that she would like to be on the Park Acquisition Task Force as soon as Deer Pen Task Force is concluded.

Park Director Wright inquired if Commissioner Mills would be interested.

Chair Kirk responded that Commissioner Mills probably would not be interested as he will have a new baby.

Commissioner Doerr stated that he would like to be on the Task Force.

Chair Kirk - would like to invite representatives from cycling companies and private citizens. She added that David Wyllie and Scott Murphy have stated that they would like to be on the Task Force. She inquired if the Commission's representatives would like to meet prior to a full task force meeting. The representatives answered affirmatively.

Park Director Wright stated that the Task Force will need to

coordinate through the Park Department as there needs to be a noticed meeting open to public attendance.

13. Set a date and time with Parks and Preserves to discuss Bidwell Park Foundation.

Commissioner Sheley inquired on the date of the Commission meeting in July.

Park Director Wright responded that the Commission's next regular meeting is on July 31, the last Monday of the month.

Chair Kirk stated that it would be acceptable to meet one hour before the next regular meeting. She added that the meeting will be open to the public.

14. Recommendation to remove limbs, branches and leaves from fallen trees in Bidwell Park.

Chair Kirk stated that there has been a recommendation to remove limbs, branches and leaves by the Fire Department, Ranger Donahue and staff.

Urban Forester Boza stated that in the past the Commission has discussed the downed trees throughout the Park on several occasions. He noted that current policy is to allow the materials to remain in place. He indicated that there is a tremendous amount of material down in the Park as a result of the winter storms. He added that there a considerable amount of the downed trees which have died out and create a fire hazard. He stated that staff would like to go into those areas which are close to homes and remove some of those branches.

Commissioner Garza stated that the Commission has been waiting for a report to map the number of trees which have fallen.

Urban Forester Boza stated that the second portion of the report has been waiting to see what trees would die and which would survive.

Chair Kirk inquired if this would this include getting rid of

the dead grapevines in the Five Mile area.

Urban Forester Boza responded that the downed trees are the concern and the downed trees will be removed along Wildwood which is an open undeveloped area though there are homes close by, as well as downed trees in other locations to also be removed.

Commissioner Sheley stated that the downed limbs and vines are creating a ladder effect and the burn program is not providing the necessary cleanup and prevention. He added that this is creating a unnatural fire situation.

COMMISSIONER GARZA MOVED TO ALLOW THE STAFF TO MAKE THE DETERMINATION ON REMOVAL OF DOWNED LIMBS AND TREES TO REMOVE THE FIRE HAZARD. COMMISSIONER DOERR SECONDED THE MOTION.

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Commissioner Pella-Donnelly would like to make sure that burn program is not at a stalemate at any point and would like to ensure that the cycle is allowed to continued to remove the fire hazard situation.

Park Director Wright stated that the City has budgeted at a higher level in order to have more burns held.

Commissioner Sheley stated that the City working against itself by using the inmate crew teams to do the controlled burns as they are limited by time and date.

Dan Gibson, 1644 Laurel Street, stated that he agreed with Commissioner Sheley in regards to fire prevention. He indicated that it is sad that Commissioner Sheley stands alone as his insight is accurate. He stated that the cleanup of trees is a feeble effort to managing the fire danger in the Park. He stated that he would hate to see the devastation which could occur. He recommended that the Commission revisit the fire danger in the Park and address it in a more serious manner than has been done in the past.

THE MOTION WHICH WAS APPROVED 5-0.

- 15. Request from Les Guerton to amend agreement to extend days of wagon rides in Upper**

Park Director Wright reviewed the Commission's approval of the experiment of the wagon rides in the park. He noted that the Commission changing the road closures days to Sunday and Monday in August have speared this suggestion. He stated that Staff recommends only allowing Sunday through Thursday wagon rides at this time. He stated that he was still uncomfortable with the wagon competing with cars on Upper Park Road. He noted that he would recommend allowing the wagon rides five days per week and would like to revisit this issue in a few months to determine the public acceptance and safety.

Floyd Green, Ishi Institute, stated that their insurance cost is based on the number of days of operation. He added that the animals need a break, so he would not be opposed to five day/week operation. He noted that his competition, Black Beauty, has stated that he does not need a permit to operate in the Park on the days that the road is open. He indicated that he is not uncomfortable with sharing the road with cars as he has been on trips through Cohasset.

Commissioner Doerr inquired on the width of the wagon.

Mr. Green responded that the wagon is 55 inches wide and it is tall and narrow.

Commissioner Sheley inquired why there have not been wagon rides the two days per week which have been approved.

Mr. Green stated that there is a Council conflict with number of days for road closure. He stated that since the insurance is based on the number of days of operation per week, they did not want to put the money up for the insurance costs if they are not going to be able to make up the money with their business.

Commissioner Sheley inquired if they would need to operate more than the two days to make this effort viable.

Mr. Green stated that could not do make the business viable with only two days per week of operation.

Les Guerton, Ishi Institute, stated that the insurance must be paid in year blocks in advance.

Park Director Wright stated that most insurance allows the

insured to cancel after a period of time.

Mr. Guerton responded that this insurance does not allow cancellation.

Chair Kirk inquired if they had driven the wagons through Upper Park Road on days when it has been open and if they had acquired a place to keep the wagons and horses.

Mr. Green replied that they had not drive through Upper Park as of yet. He added that they had acquired a place to keep the wagons and horses.

Commissioner Pella-Donnelly inquired if the weather would effect their enterprise.

Park Director Wright responded that the agreement states that the Park Director has the ability to restrict the wagon rides during inclement weather.

Park Director Wright stated his concerns that time has past since the applicants were given the two day approval and they still were not in operation. He added that in that time there has been the controversy over the road closure. He questioned granting the applicants a permit allowing more days per week as they have not presented a schedule or have a track history to go on. He stated that the Park roads are not public roads and do require a permit. He stated that his biggest concern is that this permit would be subjecting a lot of vehicles to follow a slow horse-drawn wagon, which may create a safety hazard.

Commissioner Doerr stated that he shared those concerns and added that vehicles passing on the narrow road is a concern. He noted that the Commission has been interested in alternative transportation which would require more than two days per week operation.

Mr. Green responded that they had originally wanted a permit for more than two days per week.

Mr. Wall addressed the Commission stating that since the Ishi Institute was doing rides in Cohasset already they have established experience with the wagon. He noted that he would like to see a pedestrian road built in the new section of the

Upper Park.

Mr. Guerton stated that their problem is that the insurance requires one year cash in advance with no cancellation. He stated that they need the additional days per week to be able to pay for the insurance.

Mr. Green added that the insurance company needs to know the number of potential fares and the number per days allowed per week to establish the cost of the plan.

Commissioner Sheley stated that when this agreement was suggested the applicants seemed to have a plan, which seems to have disintegrated.

Mr. Green responded that insurance companies have balked at their proposal though they now have found an insurance company.

Commissioner Sheley stated that since there is no track record it is hard to approve more days as the two days, which already have approval, have not been used as of this time.

Chair Kirk stated that she would like to talk to the insurance people.

Mr. Guerton stated that the insurance company has spoken with the Risk Manager and have received his approval. He stated that he feels he is in a "Catch 22" situation with the bureaucracy as a major stumbling block.

Mr. Green stated that insurance is the major stumbling block to their operation. He re-stated that he has been functioning with test runs through Cohasset and is comfortable with traffic and the horses.

Commissioner Garza suggested the applicants use their permit in the park on those two approved days and find other ways to use the insurance. She stated that this would establish a track record and later the Commission could look at adding more days.

Mr. Green stated that their funding has stretched to go through the stumbling blocks and could break even at the point of four months of operation for five days per week.

Commissioner Sheley suggested that the two days per week was a compromise.

Mr. Green suggested he use a period of time to run through the park without insurance and without commercial passengers. He indicated that if there were problems the Park Department would be aware of them, and it would allow the Commission to see that this is feasible. He stated that he understands the Commission's concerns. He indicated that he had come into this business expecting to be allowed to operate more than two days per week and with a lower cost for the insurance. He stated that five days per week would be viable, while two days per week would not.

Commissioner Doerr inquired if the wagon rides if the City is at risk with the wagon ride insurance.

Assistant City Attorney Barker stated that if the wagon rides are insured, then the City is covered.

Mr. Green stated that the reason insurance companies rejected this proposal as only he, and his insurance, are responsible if something occurs.

Assistant City Attorney Barker clarified that naming the City as additional insured is standard language for all City projects and contractors.

Commissioner Garza stated that it is unknown if this idea will be successful or not.

Chair Kirk inquired on the cost of the rides.

Mr. Green stated that he does not know the extent of the cost with taking four rides per day.

Mr. Guerton stated that the primary recipient of the insurance was the problem.

Commissioner Pella-Donnelly stated that all Park permits have the parameters identified. She indicated that this proposal has some wagon rides offered on some days and at some cost, which has too many variables for a permit in her opinion.

Mr. Guerton suggested they take their business elsewhere as he

does not know how much of the park they can use, and on how many days.

Commissioner Sheley stated that they were given two specific days on all Upper Park roads, which they have not yet used.

Mr. Guerton responded that they were waiting for the change for more days.

Commissioner Garza confirmed that the number of days the permit allows the activity will effect the cost of the insurance. She stated that she felt uncomfortable with the variables and would need a more concrete proposal to approve this permit.

Mr. Green stated that the Commissions decision will decide the costs involved.

Commissioner Pella-Donnelly stated that she will not be able to agree to this permit if it is not specific.

Mr. Guerton inquired how far they can use the road into the Park.

Commissioner Pella-Donnelly responded that the road is open to the Diversion Dam at this time and they will have to go with the facts as they stand now with the road open to the Diversion Dam and is closed to vehicles two days per week. She re-stated that they need more present more specific plans.

Commissioner Sheley inquired if the Commission is willing to go beyond the two days already in the agreement.

COMMISSIONER SHELEY MOVED TO LET THE ORIGINAL AGREEMENT STAND.
(This motion was never acted on.)

Commissioner Garza inquired if the Sunday and Monday closer is in effect indefinitely.

Park Director Wright stated that the Upper Park Road is closed on Sundays and Mondays indefinitely until the results of the study are complete.

Commissioner Doerr stated that this is an example of an entrepreneur working with the government.

Chair Kirk inquired why the insurance cannot be given for the number of days already permitted.

Mr. Guerton responded that the insurance costs were too prohibitive.

Commissioner Garza stated that if the insurance is too expensive this may not be a viable alternative transportation.

Mr. Green inquired if a \$15 per person for a half day rides would be acceptable.

Commissioner Sheley stated that it may not be acceptable for seniors, handicapped, and would not be the answer for alternative transportation.

Commissioner Pella-Donnelly stated that this proposal is not what her impression of what the wagon rides would serve. She stated that she had thought the rides would serve as a shuttle. She stated that she would not consider taking a family on a three hour wagon ride at \$15 per person. She added that a shuttle would be a service as alternative transportation.

Mr. Green stated that he would be willing to do a shuttle type service.

Commissioner Garza stated that she would like to see the applicant return to the Commission with a more concrete proposal with the insurance costs included. She suggested they bring a chart comparing a five day permit, to three day permit and a two day permit, including routes, costs and fees.

Mr. Green asked for permission to take the wagon on Upper Park Road to establish the times and distances needed for the routes.

Commissioner Pella-Donnelly stated that if the Commission is going to suggest that the wagon as a form of alternative transportation, they need to have a price range for that alternative transportation.

Mr. Guerton questioned what right the Commission has to ask what they charge. He stated that the Chamber of Commerce receives money from the City to bring in tourists, and this

will bring in tourism.

Commissioner Garza restated her request for a proposal.

Chair Kirk inquired if the Commission was willing to permit beyond two days.

Commissioner Garza replied that she would support an extension of days if the applicants bring in the proper information.

Commissioner Pella-Donnelly replied that she would also support an extension, though she noted that the process has gone on for a year and no one has presented an alternative plan. She expressed her concern that the applicants do not appear very organized which has created that concern that the operation will occur on a schedule and happen as planned.

Mr. Green stated that he has had his own business and is very punctual and can be counted on.

Chair Kirk stated that the applicants should come back with specifics for approval. She stated that the applicants have put Commission in an inopportune position as the rides were expected for the road closure test days.

Park Director Wright summarized for the applicant what is expected for them to return to the Commission. He stated that the Upper Park Road is open to Diversion Dam and there may be room past the Dam. He stated that the applicants are to bring back a two, three, and five day schedules showing where the wagon might be stopping, the possible cost and the time of day from start to finish for both rides and horse arrival and exit. He added that the applicants should also check the insurance policy cost for those days.

16. Discussion on trail signage as requested by Commissioner Garza.

Commissioner Garza stated that she would like to see the Trail Safety Committee work on signs on the trails. She noted that there still are a number of bootleg trails which could use signs along the line of "Erosion Control Area, Use trail" which would educate the public on the damage cause by these

bootleg trails.

Commissioner Doerr stated that he would be willing to work with Commissioner Mills and Commissioner Barrett on the Trail Safety Committee regarding these signs.

Chair Kirk suggested that Commissioner Garza could replace Commissioner Barrett on the Committee at this time.

Thomas Wall addressed the Commission again. He commented on a sign that says "Yield to Pedestrians" located in Bidwell Park. He noted that when the sign was requested, it was requested to be in Spanish and English and pictorial. He stated that he would like the sign to be more understandable to more languages. He also noted that he would like to see arrows on North Park Drive showing that it is a one-way road.

Commissioner Garza stated that she will organize a meeting of the Trail Safety Committee.

17. Bidwell Park and Playground Commission Representative Reports:

a. Park Task Force

Park Director Wright stated that the results from the survey was encouraging as there seems to be a strong desire to enhance and support Bidwell Park maintenance. He stated that the Task Force will refine the information specifically on certain costs. He noted that the Task Force will be recommending to Council and to CARD that an advisory ballot measure be put on the March ballot to asking the public if they would support an assessment for park maintenance purposes.

b. Deer Pen Task Force

Commissioner Pella-Donnelly stated that a barbecue has been scheduled for July 16 for a fund raiser to be held at One Mile.

Park Director Wright stated that the recommendations from the Task Force are going to be presented to Council as well as the fund raising efforts by the Task Force.

c. Skateboard Task Force

Park Director Wright stated that he is prepared to recommend to Council to continue with a skateboard facility to be adjacent to a neighborhood park to be placed on Humboldt Road.

Commissioner Garza inquired if there will there be more meetings of the Task Force.

Park Director Wright responded that the Task Force will continue to meet as plans and approvals are made.

Chair Kirk inquired if the skateboard facilities would be able to use redevelopment funds.

Park Director Wright stated that that is being researched as well as the use of neighborhood park funds.

d. Big Chico Creek Stream Task Force

Park Director Wright stated that the Task Force was currently wrestling with their recommendation to Council in regards to their future.

e. Caper Acres

Park Director Wright stated that the plans are 95 percent complete. He noted that they are in the process of soliciting material selections. He indicated that additional fund raising is occurring including a donation from Wednesday pizza sales at Woodstocks Pizza will have a portion of proceeds going to Caper Acres. He added that some blues bands are arranging to have a concert with the funds going to Caper Acres.

f. Park Department Monthly Report

No Comments.

COMMUNICATIONS

18. Letter from David R. Wyllie regarding city projects.

19. Letter from Mayor Michael McGinnis regarding Commission attendance to the work session.
20. Letter from Linda L. Zorn regarding Upper Park Road closure.
21. Letter from Steve Harrison regarding Upper Park Road closure.
22. Letter from Linda Bennett regarding Upper Park Road closure.
23. Letter from Patricia Higgins regarding alcohol in the park.
24. Letter from Jeanne Angle regarding closure of Upper Park.

BUSINESS FROM THE FLOOR

Thomas Wall inquired when Upper Park Road past the Diversion Dam will be open.

Park Director Wright stated that section of the road is currently open. He noted that there had road problems which have been repaired.

Mr. Wall also stated that the subcommittees which are meeting on the same night is in conflict with public meeting rules. He asked that subcommittees meet specifically on separate nights.

Mr. Wall stated that the splitting of Chico Creek began four to five years ago as the water began being diverted into Lindo Channel. He stated that berries and other ecology in the area is being effected. He stated that this area was a flood plane years ago and Lindo Channel didn't necessarily originate before the Creek. He noted that the depth of the swimming holes and the environment is being effected by the diversion of water into Lindo Channel. He stated that he expects there to be higher number of fecal coliform in the Creek with the water being diverted into the Channel. He suggested the Commission come up with another source for water for Lindo Channel rather than removing the water from Chico Creek.

Chair Kirk inquired if Mr. Wall had attended the Stream Task Force meetings.

Mr. Wall stated that he had attended once and was asked not to speak. He stated that it was his impression that the Task Force was not interested in more riparian habitat. He stated that the riparian habitat along Chico Creek needs more water. He stated that Lindo Channel was developed as a intermittent runoff not for year round water distribution.

Commissioner Garza inquired if there is an update on the paint on the road after the walk-a-thon.

Park Director Wright stated that the paint has been removed and a bill has been sent to the organization.

Commissioner Sheley stated that he would like to direct staff to look into the offer for a demonstration forest made by Assemblyman Richter.

Park Director Wright stated that staff will respond to Assemblyman Richter and do what they can to facilitate this donation. He noted that the Commission needs to adjourn to a joint meeting with the Council on July 18th, a regular City Council meeting, for discussion on the skateboard facility and the deer pens.

ADJOURNMENT - Adjourn to July 18, 1995.

COMMISSIONER GARZA MOTIONED ADJOURNMENT AT 11:04 P.M.
COMMISSIONER PELLA-DONNELLY SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

CITY OF CHICO
PLANNING COMMISSION
MEETING OF JULY 10, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chairperson Kirk Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present: Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present: City Attorney Bob Boehm, Director of Public Works Ross, Planning Director Clif Sellers, Senior Planner Pam Figge and Administrative Secretary Karen Kracht.

Chair Monfort welcomed Commissioner Carter back to the Planning Commission.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Belmonte stated that he was present at Architectural Review Board meeting on Wednesday, July 5. He added that Item No. 8 on tonight's Commission Agenda was discussed at the Architectural Review Board meeting, including information pertinent to this meeting.

Chair Monfort stated that he received a telephone call from Jim Stevens, NorthStar Engineering, regarding Item No. 4 prior to receiving his copy of the information packet.

CONSENT CALENDAR

1. Minutes of Regular Meeting of June 5, 1995.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of June 19, 1995.

Requested Action: Approve with any corrections/revisions required.

3. **Use Permit No. 95-15 (Chico Unified School District)** - A request to allow relocation of a 2,160 square foot portable building from 1058 Mangrove Avenue to a permanent foundation site at the Chico Unified School District offices, 1163 East 7th Street, Assessor's Parcel No. 004-412-001, in a P-Q Public-Quasi Public zoning district. This project is Categorically Exempt from environmental review pursuant to section 15303 New Construction or Conversion of Small Structures of CEQA.

Requested Action: Approve the Use Permit subject to findings and conditions recommended by staff.

This item was removed from the Consent Calendar.

4. **Tentative Subdivision Map S-95-3 (Kassebaum)** - A request to allow the subdivision of a 2.7 acre parcel into 20 residential lots zoned R-2 Medium Density Residential ranging in size from 4,000 SF to 8,500 SF on property located on the northwest corner of Baroni Drive and Remington Drive, A.P. #011-050-127. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.

Requested Action: Adopt the Mitigated Negative declaration and the resolution approving the tentative subdivision map for Channel Park Subdivision subject to the conditions set forth in the resolution.

This item was removed from the Consent Calendar.

5. **Bruce Road Subdivision and Planned Development Use Permit No. 95-3 (Alta Calif. Broadcasting)** - Final review of a planned development use permit to allow residential uses on 11.7 acres zoned R-P Residential-Professional/Business Office, and a subdivision consisting of 48 single family residential lots and a 1.33 acre park site, for property located on the west side of Bruce Road across from Picholine Way, Assessor's Parcel No. 002-180-004. This application includes a request to reduce the minimum lot width for some parcels pursuant to the Planned Development approval.

Requested Action: Consistent with the Planning Commission Motion of Intent adopted on June 19, 1995, adopt the resolution approving the tentative subdivision map and Planned Development Use Permit for Bruce Road Subdivision, subject to the conditions set forth in the resolution; and adopt the proposed mitigated negative declaration.

6. **General Plan Amendment No. 94-4/Rezone No. 94-11 (Hawkins-Smith & Smith)** - A proposal to amend the General Plan designation from Office to Community Commercial for a 14.29 acre site located on the north side of E. 20th Street, approximately 500 feet east of Forest Avenue, Assessor's Parcel No. 002-370-028; and rezone the subject site from C-O Commercial Office to C-1 Restricted Commercial to facilitate development of a shopping center. This project is exempt from environmental review pursuant to section 15270 *Projects Which Are Disapproved* of the California Environmental Quality Act (CEQA); however, a draft Initial Study is available for informational purposes.

Requested Action: The applicant has requested a continuance of this item indefinitely. Staff recommends tabling this item until the applicant requests to be re-agendized and the project can be re-noticed.

COMMISSIONER MCADAM MOVED APPROVAL OF ITEM NOS. 1, 2, AND 5 AND CONTINUANCE OF ITEM NO. 6. COMMISSIONER CROTTS SECONDED THE MOTION. COMMISSIONER CARTER ABSTAINED FROM ITEM NOS. 1, 2 AND 5. THE MOTION WAS APPROVED 7-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Use Permit No. 95-15 (Chico Unified School District)** - A request to allow relocation of a 2,160 square foot portable building from 1058 Mangrove Avenue to a permanent foundation site at the Chico Unified School District offices, 1163 East 7th Street, Assessor's Parcel No. 004-412-001, in a P-Q Public-Quasi Public zoning district. This project is Categorically Exempt from environmental review pursuant to section 15303 *New Construction or Conversion of Small Structures* of CEQA.

This item was removed from the Consent Calendar by Suzanne Gibbs.

Sr. Planner Figge reviewed the staff report. She noted that the building has been moved off the previous site and onto the school district grounds. She stated that this project will provide six more parking spaces on the school district grounds as the district will remove an existing temporary building, located on a paved area, to make room for this building. She stated that an agreement has been reached between the school district and the neighbor who had previously protested this Use Permit which reorients the building on the site. She noted that staff recommendation is to approve the Use Permit with necessary findings and the conditions of approval which are listed in the staff report.

Chair Monfort inquired if this building will leave the playing field open and if a parking analysis will be provided. Sr. Planner Figge affirmed that most of the playing field will be left as it is and an analysis will be completed to determine parking needs.

The public hearing was opened at 7:40 P.M.

Suzanne Gibbs, 1162 E. 7th Street, stated that she is concerned regarding the crime activity in the neighborhood, the current parking impaction and the level of lighting. She added that the new building will need more parking than is currently available at the location. She suggested that due to the increased parking there may need to be more trees planted as a mitigation for the impervious surfaces.

Mike Weisenborn, Chico Unified School District, stated that the failure of a bond in the recent past has resulted in the District looking at space alternatives. He added that the new building was donated by Universal Travel and the current building, which is being used for those purposes, will be moved to the Fairview School to provide more classroom space. He indicated that moving the current building and replacing it with the new building will increase the available parking by six spaces.

The public hearing was closed at 7:45 P.M.

COMMISSIONER MCADAM MOVE APPROVAL OF USE PERMIT NO. 95-15 (CHICO UNIFIED SCHOOL DISTRICT). COMMISSIONER CROTTS SECONDED THE MOTION.

City Attorney Boehm inquired if the motion would incorporate the necessary findings.

Commissioner McAdam responded that the motion incorporates the necessary findings and conditions of approval as well, as the revised plat.

THE MOTION WAS APPROVED 7-0.

4. **Tentative Subdivision Map S-95-3 (Kassebaum) - A request to allow the subdivision of a 2.7 acre parcel into 20 residential lots zoned R-2 Medium Density Residential ranging in size from 4,000 SF to 8,500 SF on property located on the northwest corner of Baroni Drive and Remington Drive, A.P. #011-050-127. A mitigated negative declaration is recommended for this project under the California Environmental Quality Act.**

Commissioner McAdam stated that she removed this item from the Consent Calendar due to concerns regarding the unusual layout of the proposed subdivision.

Planning Director Sellers gave a brief background of the proposed subdivision. He noted that it is a 2.7 acre site to be subdivided into a 22 lot subdivision with 7.4 units per acre. He stated that the current owner has acquired the property and looked at other alternatives for the site. He indicated that on a previous version of the tentative map there was a larger cul-de-sac which has been eliminated in the current plan to reduce the amount of paving. The project includes a storm drain detention facility, which can be converted into a

residential use if the Fair Street Storm Drainage Facility is constructed and appropriate fees paid. He noted that this plan will achieve the maximum density with the minimum amount of paved surfaces.

City Attorney Boehm inquired if there is a requirement for a homeowners association. Planning Director Sellers responded an association would be required for the six lots which would be effected by the access easement. He added that he was unsure if it was a condition listed in the resolution.

City Attorney Boehm recommended that the Conditions Covenants and Restrictions (CC and R) providing for maintenance of the private joint use facilities be approved by the City Attorney.

Commissioner Carter questioned if there were any other subdivisions in the area which contain flag lots. Planning Director Sellers responded that these flag lots are similar to the flag lots in Carriage Park. He noted that Chico Creek Estates does not have flag lots as the lots are of much larger size.

Commissioner Carter asked if the access to the flag lots dead end on the property boundary and if consideration was given for through street access. Planning Director Sellers responded that through streets were not an option as the surrounding area is fully developed.

Commissioner McAdam stated that the flag lots end in guest parking, which would have the driveways for the adjacent lots on the south end of those properties.

Commissioner Carter inquired if there would be parkways between the sidewalk and street. Planning Director Sellers responded that they are proposed and required.

Chair Monfort questioned if the building footprints would have the garages toward the rear. Planning Director Sellers responded that the Commission would have to direct that question to the applicant. He noted that the required setbacks for R-2 has a built-in incentive for setback garages. The setbacks for the occupied building space is 15 feet and the garage setback is 20 feet.

Chair Monfort asked if it can be assumed that garages will not be in the front. Planning Director Sellers stated that other than those maps reviewed through the Planned Development process, the building footprints cannot be guaranteed. He added that a condition can be placed on the subdivision which could require certain setbacks.

Commissioner Monfort inquired if the Commission can require the setbacks in this case as rear garages are encouraged in the General Plan. Planning Director Sellers responded that the Commission could place such a condition urged the Commission to use caution when placing such a condition as it might make the property undevelopable. He suggested the condition read "That the occupied portion of the building not exceed the minimum front yard setback for either all or a percentage of the lots."

Commissioner Carter questioned if any consideration was given to redesigning the lots so that second units could be integrated with a more friendly traffic pattern. Planning Director Sellers stated that the applicant could better address that question.

Commissioner Carter inquired on the signalization at East 20th Street which was listed in the Initial Study. Director of Public Works Ross stated that the contract for a traffic signal has been awarded for that intersection.

The public hearing was opened at 7:55 P.M.

Jim Stevens, NorthStar Engineering, stated that he was representing the applicant. He stated that the configuration with the flag lots was proposed because a through street was not feasible with the existing development in the area and the General Plan direction to minimize paving and imperious surfaces. He

added that they were also constrained by the R-2 zoning and the densities required for that zoning. He indicated that as the lots are small and have smaller setbacks, it is natural to use the additional five feet for the garage setback. As for the possibility of granny units, Mr. Stevens stated that in order to create additional units on the site it would require additional parking and the small lots would not have the room for additional parking, while maintaining yard areas.

Chair Monfort inquired if granny units need a 20 foot access. Planning Director Sellers responded that the 20 foot access was only applicable when it would be necessary for vehicle access, if the vehicle access was not needed then a 10 foot access would be adequate.

Mr. Stevens stated that development of granny units would depend on the future purchaser of the property. He added that open space requirements also will preclude development of future units. Mr. Stevens stated that there is a similar parking requirement in the Carriage Park Subdivision and suggested that the guest parking be grass or other pervious surface.

Commissioner Carter commended the applicant and their engineer for the subdivision design, meeting the General Plan density requirements and the reduction of impervious surfaces. He inquired if there are any two story houses planned, especially on Lot 11. He stated that he was concerned that with meeting the density requirements the applicant may not have created a livable neighborhood. He noted that this seems to be a classic example of the type of project which can be reduced in size and the density can be met with the use of granny units.

Mr. Stevens stated that the density of Carriage Park, to the south, is approximately 11 units per acre and Olive Grove Estates, to the west, is five units per acre. He added that this project falls between the two both in location and density. He asked the Commission to remember that across the street from this project is a planned 7.5 acre park, which may be used in lieu of yards. He stated that trade-offs need to be provided in order to increase the density. He added that alleyways would mean more impervious surfaces and in an area which is landlocked, connectivity of alleys would be difficult to achieve.

Commissioner Carter inquired if the applicant has looked into different configurations for Lot 11 in order to give it more street access. Mr. Stevens responded that they had contemplated a common driveway with an adjacent lot.

Commissioner Carter questioned if a common driveway was used, would a recorded easement be necessary. Mr. Stevens replied that it would need a recorded easement.

Commissioner Studebaker inquired on the width of the access road on Lots 4 through 9. Mr. Stevens responded that the width of the access road will be 20 feet. He added that the drainage will be into the public system with a detention facility on private property which the residents will be required to maintain.

The public hearing was closed at 8:10 P.M.

City Attorney Boehm stated that there is a condition in Public Works Report which requires a maintenance agreement, though it states the agreement is to contain no provision requiring the City to maintain the facility if it is adequately maintained. He noted that the provision should be amended to require a maintenance agreement allowing the City maintain the private facility if it is not adequately maintained and charging all costs of that maintenance to the property owners.

Commissioner McAdam stated that this seems to be classic example of conflicts with the General Plan and affordable housing goals and needs. She added that she normally does not like flag lots, but in this case it is not dissimilar to houses off alleyways. She also mentioned the project's proximity to the park and the parkway strips will provide the necessary greenways.

COMMISSIONER MCADAM MOVED APPROVAL OF TENTATIVE SUBDIVISION MAP S-95-3 (KASSEBAUM), SUBJECT TO THE MODIFICATION TO THE PUBLIC WORKS REPORT TO REQUIRE A MAINTENANCE AGREEMENT ALLOWING THE CITY TO MAINTAIN THE PRIVATE FACILITY IF IT IS NOT ADEQUATELY MAINTAINED AND CHARGING ALL COSTS OF THAT MAINTENANCE TO THE PROPERTY OWNERS. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner Carter inquired if joint access for Lots 11 and 12 can be mandated or if another condition could be placed to make Lot 11 more integrated with the neighborhood.

Planning Director Sellers replied that, based on what the Applicant's engineer reported, they have a solution and the Commission may need to put it in required conditions. He suggested that the condition require a common access to Lots 11 and 12, and the fence between Lots 11 and 12 be no farther forward than the front of either house on those lots.

Commissioner Carter stated that he would like to add an amendment to the motion as staff has stated. He added that based on the number of units in the proposal and the manner in which the lots have been placed, he would like to see more creativity in the future and to encourage the developers to look at other aspects of the General Plan when designing future developments.

COMMISSIONER MCADAM ACCEPTED THE AMENDMENT THAT AN ADDITIONAL CONDITION REQUIRING SHARED ACCESS FOR LOTS 11 AND 12 AND THE FENCE BETWEEN LOTS 11 AND 12 BE NO FARTHER FORWARD THAN THE FRONT OF EITHER HOUSE ON THOSE LOTS. COMMISSIONER CARTER SECONDED THE MOTION.

City Attorney Boehm stated that there are several "shoulds" in the General Plan that don't necessarily have to be adhered to and in the case of "shall's" there needs be consistences which must be incorporated in the subdivision, prezones, rezones and the General Plan. He asked that the Commission keep in mind that there are several mandated sections of the General Plan which must be adhered to with certain kinds of approvals.

Planning Director Sellers stated that the General Plan has both goals and implementing policies. He stated that the Commission can provide direction for the goals by implementing the policies. He also noted that some of these goals and policies are advisory and some are mandatory.

Chair Monfort suggested that it be left to the developers discretion as there is nothing to stop the developer from being creative as it stands. He noted that neighborhoods have been built in the Avenues which have worked out.

Commissioner Studebaker inquired that with the concept of the access road the way it is, does staff see problems with emergency access and the way the guest parking is situated. Planning Director Sellers replied that staff does not see it as being a problem as the length is short compared to access the Fire Department require for access. He added that the project has been reviewed by the Fire Department and Police Department.

THE MOTION WAS APPROVED BY A VOTE OF 6-1 (COMMISSIONER BELMONTE DISSENTING).

REGULAR AGENDA

7. **Whitehall Park Vesting Tentative Subdivision Map.** A request to subdivide 7.84 acres into 19 single-family residential lots, and a residual Lot "A" on property currently zoned AR (Agricultural Residential) under Butte County jurisdiction and designated Low Density Residential (7 units to the acre maximum density) in the City of Chico General Plan Land Use Map, located along the east and north sides of Centennial Avenue south of Bidwell Park and identified as Assessor's Parcel Nos. 011-010-063 and 116. A variance to the minimum (80 foot) parcel width for proposed parcels 7, 8 and 9 is also requested.

Commissioner Carter stated he will abstain from this item as the applicant is a client of his. He stated that with City Attorney Boehm's permission, he would like to comment as a resident of the neighborhood and a member of the public.

City Attorney Boehm added that Commissioner Carter can speak as a member of the public who is effected by the development. He added that it would not be appropriate if he was speaking as representing his client.

Sr. Planner Figge reviewed the prior hearing at which the Commission was deadlocked on approval or denial of the map, and the applicant's response to the drainage questions and street design which were concerns of the Commission at the prior hearing. She noted that included in the packet are replacement pages and mitigations for the environmental Initial Study. She stated that staff recommendations regarding this project are included in the report.

Sr. Planner Figge indicated that there was a concern expressed at the previous hearing regarding the bikeway easement on Bidwell Ditch. She noted that there is no formal plan for the bikepath, it is long range planning for future consideration for a bicycle easement from Centennial to Bruce Road. The bike easement did not necessarily follow the drainage easement and could be place at the rear property lines of the existing parcels or it may be found that a bicycle easement in this area is not needed.

The public hearing was opened at 8:26 P.M.

Mike Byrd, Rolls, Anderson and Rolls, stated that he has submitted information regarding drainage and street design, which is included in the Commission's information packets. He proposed to use the parkway strips as a means for filtering the drainage, either by percolation in the soil or detaining it there until the peak flow passes. In regards to the cul-de-sac length, he stated that it is a better design to have a long cul-de-sac rather than creating several flag lots.

Mr. Byrd addressed the issue of drainage and pointed to the existing drainage problems in the area. He noted that the cause of the current problem is the open channel in the area which is undersized and has had no maintenance. Mr. Byrd stated that the long range plan from City's Department of Public Works is to have underground drainage in the area and they would need some means of access to that drainage. He added that currently this plan is a concept without a specific design.

Mr. Byrd addressed the current lot structure in the area, stating that it is mix of parcels of which seven are less than 1/2 acre, nine between 1/2 to 1 acre, and two are two to six acres. He presented letters from other area property owners stating their support for the project. He noted that this area has different uses and the availability of sewer and improvements in the current storm drainage problems may result in development of other parcels in the area.

Commissioner Wright inquired if the number of parcels is lowered if it will reduce the density below the allowed zoning. Mr. Byrd replied that it would.

City Attorney Boehm added that the project proposed is at the minimum density allowable in that zoning area currently.

Sr. Planner Figge added that with the proposed length of the cul-de-sac, the project would allow for the required minimum density to be met.

Joe Goolsby, 96 Centennial, stated that he had read the Environmental Impact Report for the Walnut Park Residential Subdivision (Skinner) and he had concerns regarding the density allowed in the Report. He added that though this is considered a transition zone, it was far under the size of his property and some of his neighbors property. He also expressed concerns for storm drainage problems especially in regards to the January storms.

Chair Monfort stated that the new storm drainage outfall, which addressed the existing drainage problems, will be handled with development of the Skinner subdivision.

Mr. Goolsby responded that he was concerned that the drainage could put his home underwater and allow pollutants to run into the ground. He noted that many of the current homes have wells which would then contain the pollutants. He went on to say that the Mayor has expressed concern regarding higher densities close to Bidwell Park.

Mr. Goolsby was concerned as the water table in the area was eight feet during the month of January and thought it may conflict with public improvements. He inquired if there is a current City study on drainage in the area.

Director of Public Works Ross responded that, in conjunction with the County, Dead Horse Slough is the only study area at this time.

Mr. Goolsby stated that there had been no conclusion to the drainage issues in the past five years.

Sr. Planner Figge stated that Jeff Harvey, the environmental consultant was present to answer any questions.

Mr. Byrd stated that he has heard that the water table went down to six to eight feet during peak winter rains this year. He added that the parkway strip will be where much of the treatment takes place, which should make the drainage quite clean at that point. He indicated that the pipe will be extended into Bidwell Ditch and catch basins would be installed.

Commissioner McAdam asked Mr. Byrd to address the concern that the sewer pipes would be installed too low. Mr. Byrd responded that the five foot depth is the ideal depth to be maintained and inspected by City crews.

Chair Monfort inquired on the probability of no net runoff. Mr. Byrd replied that the proposal follows the set procedure for design of drainage facilities.

Jeff Harvey, Planning Consultant, 7969 Madison Avenue, No. 406, Citrus Heights, stated that regarding the drainage and ponding in the area, the Skinner development is integral to the development of the system. He reviewed the amended mitigations to the Environmental Initial Study. He stated that the drainage from this site as it is now will be resolved with the development of the Skinner property or this project if it were developed prior to the Walnut Park Subdivision. Additionally, he indicated that the pollutants in the first storm carries a tremendous load of the summer buildup of the pollutants on the roadways and further storms do not have many pollutants.

Director of Public Works Ross clarified that since requiring PVC pipes to be used for sewer system problems of infiltration have not existed.

Pete Manarino, 89 Chico Canyon Road, stated that it was his experience when the road from Manzanita through to Chico Canyon Road was completed, it added tremendously to the drainage problems in the area. He indicated that density is a large concern for the existing neighborhood as most of the lots in the area are larger parcels. He noted that many of those who elected to move to the area did so for the rural setting. Regarding the future use of Bidwell Ditch, he noted his concern as it runs through his property and would bisect his septic leech field. Mr. Manarino stated that he is against this subdivision, though he understood the density questions in relation to the General Plan conformity. He expressed his concern that this development could create further problems in the future.

Dennis Scott, 99 Chico Canyon Road, indicated that his concerns for this development surround density and compatibility with the existing area. He agreed with the previous speaker that people purchased there for a semi-rural setting. He also was concerned that this proposed development might impact future development of the larger lots in the area. He noted that a large amount of housing would not be compatible with the rural uses in the area.

Sr. Planner Figge noted that there is a condition in the Planning Commission Resolution that there be CC and R's recognizing that there are agricultural uses in the area, i.e. livestock, and it also requires a note to be placed on the subdivision map and recorded.

Chair Monfort inquired if that would be part of the disclosure statement to the potential buyers.

Sr. Planner Figge replied that there is a code provision, section 19.25, Agricultural Preservation, to record a note on the Subdivision Map and in the CC and R's.

Mr. Byrd added that the notes attached to the Subdivision Map are provided to the realtors to be passed on to the buyers.

City Attorney Boehm noted that this subdivision would require a public report which would be provided to the purchasers in the area. It is up to the purchaser to read the report.

Mr. Manarino stated that surrounding atmosphere changes as density changes. If this project is approved there will be 19 voices, which may lead to more voices on future development. He noted that he would like this project to conform to present neighborhood, rather than to change the atmosphere in the area.

Mr. Byrd commented that larger parcel owners, who have horse facilities and interest in horses in the area, are waning. He noted that such attitude changes lead to changes in the neighborhood.

Sr. Planner Figge stated that Big Chico Creek currently has a problem with fecal coliform, some of which could be caused by the animal population along the creek. She indicated that part of the mitigations for this and the Skinner subdivision will help alleviate that problem.

The public hearing was closed at 9:00 P.M.

Commissioner McAdam noted that she had discussed the pollution issue of the fecal coliform with staff. She added that this development could help the water quality for Big Chico Creek. She stated that there is little argument that Big Chico Creek is a major resource for Chico and fecal coliform is a concern impacting the Creek. She indicated that this is an avenue to that pollution. She stated that she does have concerns regarding length of the cul-de-sac, and peak run off. However, the issue of improving the water quality of the Creek and conforming with the General Plan are very important issues.

COMMISSIONER MCADAM MOVED APPROVAL WHITEHALL PARK VESTING TENTATIVE SUBDIVISION MAP SUBJECT TO THE MITIGATIONS INCLUDED IN THE ENVIRONMENTAL DOCUMENT, THE REVISED MITIGATIONS, THE RECOMMENDED CONDITIONS OF APPROVAL AND REQUIRED FINDINGS FOR MAP AND VARIANCE APPROVAL AS STATED IN THE STAFF REPORT. COMMISSIONER WRIGHT SECONDED THE MOTION.

Sr. Planner Figge noted that on Page 1 of the Subdivision Report, the on-site septic system should read City sewer. She added that the necessary findings are in the staff report.

Commissioner Belmonte opposed approval of the project as he felt that street design and drainage had not been adequately addressed.

THE VOTE ON THE MOTION WAS 5-1-1 (COMMISSIONER BELMONTE IN DISSENT AND COMMISSIONER CARTER ABSTAINING. **COMMISSIONER STUDEBAKER ALSO ABSTAINED.**)

The Commission was in recess from 9:10 P.M. to 9:20 P.M.

8. Use Permit UP-95-17 (Glen Bruno) - A request to allow a drive through service facility associated with the development of a proposed bank on property located on the southeast corner of Forest Avenue and Parkway Village Drive, A.P. No. 002-370-051E in a C-O Commercial Office zoning district. This project is categorically exempt pursuant to Section 15311 of the California Environmental Quality Act.

Planning Director Sellers reviewed staff report which noted that while the property is in an area which allows a bank, the drive-up teller facility at the rear of the site requires a use permit. He noted that the bank also proposes a walk-up ATM in a small plaza area in front of the building. He stated that the issue is the General Plan which encourages the elimination of drive-up windows, specifically for banks and restaurants. He indicated that staff recommends approval with the recommended conditions, as the drive through is low impact and at the rear of the bank.

Chair Monfort stated that if there is a need for the service, then it would be high impact.

Planning Director Sellers noted that existing bank drive up windows are not used by a large number of customers.

Commissioner Carter questioned the traffic flow, as the entry to the drive through teller cuts through a lane of traffic and to the south, sharing the east/west drive, is an office complex.

Commissioner Belmonte stated that this issue came up at the Architectural Review Board (ARB) meeting. He stated that at the ARB meeting he had inquired if it would be more logical to make this a one-way drive, and was told by the architect that City engineers had required this traffic flow.

Commissioner McAdam stated that the traffic pattern may be required to provide access for the office complex. She noted that it would add traffic throughout the parking lot.

Commissioner Belmonte stated that part of what the neighboring office building wanted was access to the Park Village Drive intersection. Planning Director Sellers responded that there is a median on Forest Avenue which prohibits left hand turns onto Forest Avenue from the existing office and access to Park Village Drive was the means to turn left onto Forest Avenue.

The public hearing was opened at 9:28 P.M.

Glen Bruno, 20 Constitution Drive, architect for Butte Community Bank, stated that the original site plan had designed a counter clockwise traffic pattern which was controlled. He stated that at a Development Review Committee meeting a City engineer had required a two way driveway on the back of the property, providing access for the interior property to the south. He added that the bank plan went from a two lane drive-up to a one lane drive-up after identifying the traffic area, landscaping, and other concerns for the drive up. In terms of usage, he estimates that the window will receive 10 to 15 cars per hour. Mr. Bruno noted that some of the bank's competitors are also providing the same type of service. He identified situations and the type of customers who would want this convenience. He also noted that the window would be operated during banking hours only.

Commissioner McAdam inquired why this is necessary as drive-up windows are being phased out.

Commissioner Carter stated that he is still concerned that this would be injurious to the general welfare of the neighborhood, the business, and the traffic. He noted that he felt this Permit, if approved, could create a traffic problem.

Mr. Bruno stated that the temporary easement was in place for the development of the interior lot. He suggested that the traffic flow recommendation may have been placed to allow the interior lot to have access to Forest Avenue.

Planning Director Sellers noted the common access easement along the common property line is to provide access from Forest Avenue. He stated that the office complex has a driveway further south which could provide the interior parcel an exit directly onto Forest Avenue. Mr. Bruno agreed.

Chair Monfort inquired if someone is going south can they make a right hand turn onto Forest Avenue. Mr. Bruno replied that most of the traffic can't be second guessed, but the driveway could be used for that.

Keith Robbins, Butte Community Bank, stated that he was surprised that the double access was required in the back. He noted that they have seen a reduction of drive-up windows for convenience of a bank as 40 percent more time is required by a teller for the bank. He suggested that some banks have replaced their drive through windows with ATMs as a cost savings. He stated that this drive-up is strictly for customer relations and not used in the same fashion as fast food restaurants with lines of people waiting. He added that they would accept one lane for a drive through as it would allow them to provide their service to the community.

The public hearing was closed at 9:40 P.M.

Commissioner Carter stated that he was cognizant of General Plan guiding policy to eliminate drive through windows. He also expressed concern for the traffic pattern.

Commissioner Studebaker added that he would like to continue the item to get more information with the traffic pattern.

Commissioner McAdam stated that the traffic pattern is a major concern for the Use Permit.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO THE NEXT MEETING OF PLANNING COMMISSION TO ALLOW FOR COMMENTS ON THE TRAFFIC PATTERN FROM DIRECTOR OF PUBLIC WORKS ROSS. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner McAdam inquired if the traffic pattern changes would the proponent want to add back the second drive through lane.

Mr. Robbins stated that they would settle for the one lane for competitive reasons. He added that demographically the customer base all will use a drive-up bank at one time or other. He indicated that they would like the opportunity to give their shareholders the opportunity to get their share of the business.

Commissioner Belmonte stated that he was familiar with drive throughs, their problems and the General Plan. He stated that one of the goals of the General Plan is to avoid the proliferation of drive through facilities, which may better serve the community and environment.

Mr. Robbins stated that there are no walking facilities in the area and the only way to get to the business would be to drive there. He felt it would not be setting a precedence to allow drive throughs as the area is easily accessible and the drive through is only one lane.

Commissioner Belmonte replied that the Chico Mall is nearby as well as residential and other developments in the South Chico area. He added that as time goes by, there will be a greater number of pedestrian and bicycle traffic than is currently there. He suggested that the Bank may end up servicing the area better by not having a drive through.

Mr. Robbins stated that in five to ten years they may consider the possibility of more pedestrian traffic, but that is not currently the situation.

The public hearing was re-opened at 9:50 P.M.

Fran Shelton, 3100 Cohasset Road, agreed with Mr. Robbins that it would be a disservice to the bank and their customers not to have the drive-up window. She felt that bank drive-ups have a slow, steady amount of cars.

The public hearing was again closed.

Staff suggested that the Commission proceed with consideration of the matter if the General Plan policy regarding drive through facilities was the major issue. It was the Commission's consensus that the Plan policy was an issue, but they wanted to resolve the potential traffic conflicts as well.

Planning Director Sellers stated that the traffic flow decision came from Development Engineering, and he would ask for written comments on the design from them.

COMMISSIONER CARTER RESTATED HIS MOTION TO CONTINUE, COMMISSIONER STUDEBAKER SECONDED AND PASSED BY A 7-0 VOTE.

Chair Monfort inquired if this item could be placed early on agenda.

9. **Use Permit No. 95-14 (Gilmore) - A request to allow a second automatic teller machine (ATM) next to an existing ATM which includes widening the existing alcove and making the ATM's conform to Americans with Disabilities Act (ADA) standards, at 300 Main Street, Assessor's Parcel No. 004-151-004, in a C-C Central Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).**

Planning Director Sellers reviewed the staff report which notes that the proposal is to allow a second ATM at the existing location in the downtown area, and make the ATMs conform to the Americans with Disabilities Act (ADA) standards. He presented site history that in March, 1990 the Commission denied a similar use permit as there were concerns regarding double parking and litter. He noted that similar comments were received regarding this request, and staff recognized the concerns though they saw some benefit to the citizens. He recommended full Commission discussion.

Chair Monfort confirmed that the Commission was discussing moving the ATM from the back of the building to the current ATM street location and asked if both of the ATMs would be brought up to ADA standards.

Planning Director Sellers replied that ADA standards require either altering the current ATM, or installing another one which is ADA compatible. He noted that in this case, both ATMs would be made ADA compatible.

Commissioner Carter confirmed that Wells Fargo would have to modify the existing ATM to ADA standards regardless of this decision.

The public hearing was opened at 9:55 P.M.

Steve Gilmore, 48 Comanche Court, architect on the project, stated that a complaint had been filed ADA accessibility of the facility and the facility has to be modified as a result of that complaint. He indicated that there is a difference between the situation in 1990 and the present situation. He stated that in 1990 the ATMs were separated by a greater distance, with the bank in residence in the building. He noted that the existing ATM alcove will be widened to accommodate the second ATM and will not be directly on the sidewalk. He also noted that there is a safety concern with the ATM in the rear of the building. As for installing the ATM on the Third Street side of the building was ruled out due to structural difficulties with the building.

Chair Monfort inquired if they would be building a trash receptacle with the ATMs. Commissioner Studebaker noted that there is already a City trash receptacle in that area. Mr. Gilmore stated that there is a receptacle built into the ATM facility.

Commissioner Carter questioned the need for a second unit and asked if Mr. Gilmore could present numbers supporting the decision. Mr. Gilmore responded that he does not know Wells Fargo rationale, other than it will reduce the line-up for ATM use as well as the safety factor.

Commissioner Belmonte asked if both ATMs will be ADA compatible. Mr. Gilmore replied that both ATMs have to comply to ADA standards.

Commissioner Carter inquired where the ATM would be going as the area is not very wide. Mr. Gilmore responded that the masonry wall on the left side of the current ATM will be altered.

Commissioner Carter asked if was the intent to close the one on the west side (rear) of the building regardless of this decision. Mr. Gilmore replied it was his belief that removing the rear ATM is part of the negotiations with a building purchaser.

Fran Shelton, 3100 Cohasset Road, stated that she was representing buyer of building, and that removing the rear ATM is a condition of the sale. She noted that the leased property at the rear of the building, allowing the ATM access, has little time remaining.

Commissioner McAdam confirmed with Ms. Shelton that even though the building will be sold for another use, the ATMs will continue to be used by Wells Fargo.

Commissioner Carter inquired if the Commission was aware that a Wells Fargo ATM will be available on the University campus. Commissioner McAdam clarified that if this permit is approved, there will be a Wells Fargo ATM on campus, two in the downtown and two close to downtown.

Commissioner Studebaker stated that he would move approval for two reasons. The first being that there is a problem with congestion on the sidewalk and this may help alleviate it. The second reason he noted that if there are to be two ATMs off the sidewalk, rather than one being a drive through, it helps achieve the goals of General Plan.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF USE PERMIT NO. 95-14 (GILMORE), WITH THE RECOMMENDED FINDINGS AND CONDITIONS LISTED IN THE STAFF REPORT. COMMISSIONER BELMONTE SECONDED THE MOTION.

Commissioner McAdam stated that she does not have a problem with relocation of the ATM, though she is concerned with the problem of double parking which would increase with the removal of the drive-up. She requested that the City Police Department enforce the double parking regulations.

Commissioner Belmonte agreed with Commissioner McAdam's concern. He suggested that the majority of the machine use will be in evening hours and may shorten the actual transaction time which may help eliminate some of that congestion.

Chair Monfort suggested a one year review of the Permit.

Planning Director Sellers responded that once the money is spent building the ATM, the bank will not want it taken away.

Commissioner Carter stated that some people were insulted that Wells Fargo moved from the downtown area, leaving the ATM and not cleaning up the litter caused by the ATM's users. He noted that City staff has recommended against the permit due to the parking concerns and litter. He felt that a condition should be imposed on the Use Permit requiring Wells Fargo to police the area. He suggested that the condition might be alleviated by the sale of the building, as the buyer may not want the litter outside the building.

Commissioner Carter further stated that the Bank of America has several ATMs in the downtown area and does not have these problems. He suggested a condition of approval requiring Wells Fargo to monitor the ATMs two to three times per day and cleanup any related litter. He added that the ATM on the University campus may reduce the need for the second ATM, though if the conditions could require any cleanup of the ATM area on a regular daily basis, he would be in favor of granting the Permit.

Commissioner McAdam stated that approval of this Permit may improve the current situation.

Commissioner Studebaker indicated concern that access to the ATM at the University is limited due to the school hours, yearly schedule and parking. He noted that he would be willing to amend the motion to include a condition to keep the litter under control. He inquired how can that could be enforced.

Commissioner McAdam suggested that one of the problems at this site is that the building is currently vacant.

Planning Director Sellers noted that the only other walk up facility downtown which is located adjacent to the sidewalk, is the Taco Bell which has a condition for litter cleanup. He added that the condition has been successful. He indicated that the condition may be the price to have this facility with the visibility of downtown Chico.

Commissioner Carter suggested that the condition be imposed to provide at least twice daily clean-up of the litter in the area.

COMMISSIONER CARTER ADDED A FRIENDLY AMENDMENT TO THE MOTION ADDING THE CONDITION THAT WELLS FARGO BE REQUIRED TO CLEAN AND MAINTAIN BOTH ATMS ON THE EAST SIDE OF THE BUILDING THREE TIMES DAILY. COMMISSIONER STUDEBAKER ACCEPTED THE ADDITION.

Commissioner Belmonte inquired if such a condition is enforceable as it may require Wells Fargo to have to employ an outside contractor, and may also require staff time from the City. Commissioner Carter replied that the condition could be phrased to maintain and keep the area litter free on a daily basis. He added that the Use Permit can be revoked if the conditions are not complied with.

Commissioner Studebaker inquired how Taco Bell's condition is enforced. Planning Director Sellers responded that the City has not received any complaints on the Taco Bell window. He added that Wells Fargo can be asked to submit a letter with the building permit application specifying how they intend to comply with that condition.

Chair Monfort clarified that the motion should read APPROVAL OF USE PERMIT NO. 95-14 (GILMORE), WITH THE RECOMMENDED CONDITIONS AND FINDINGS LISTED IN THE STAFF REPORT AND THE ADDED CONDITION FOR THE AREA TO BE MAINTAINED ON A DAILY BASIS IN A LITTER FREE CONDITION.

Planning Director Sellers paraphrased that the Commission finding for approval is on the grounds that the use will not result in a detriment as it provides access, handicapped accessibility, eliminate a drive-up ATM, and could reduce waiting lines and free up sidewalk while the condition requiring maintenance will eliminate a litter problem.

THE MOTION PASSED 7-0.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:20 P.M. to the Adjourned Regular Meeting of July 24, 1995.

September 18, 1995
Date Approved

Clif Sellers
Planning Director

**CHICO PLANNING COMMISSION
MINUTES
ADJOURNED REGULAR MEETING OF JULY 24, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.**

ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center by Chairperson Kirk Monfort. Commissioners present: Barry Belmonte, Jeff Carter, Brenda Crofts, Celia McAdam, Jonathan Studebaker and Michael Wright. Staff present: Associate Civil Engineer Tom Varga, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Crofts stated that she received a phone call from Fran Shelton regarding the Butte Community Bank, Item No. 2. Chair Monfort stated that he also received a telephone call from Ms. Shelton.

Commissioner Studebaker stated that he had spoken with the City Attorney regarding a potential conflict of interest on Item No. 4 as the person representing the group happens to own the property he resides at. He stated that City Attorney Boehm informed him that there was no conflict of interest.

CONSENT CALENDAR -

1. **Rezone No. 95-3 (The FHK Co.)** - A request to rezone approximately 11 acres located at the northeast corner of East and Mariposa Avenues, Assessor's Parcel No. 048-061-(046-050), containing an existing shopping center, from N-C Neighborhood Commercial to C-1 Restricted Commercial. The property is designated Community Commercial in the Chico General Plan. Environmental review is currently being conducted for this project and is pending submittal of additional information. The final environmental determination will be published under separate notice for the required public review period and will be completed prior to final action on the project.

Requested Action: The applicant has requested a continuance of this item until they can submit the necessary environmental information for the environmental review. Staff will agendize this item when the environmental review is complete and the project can be renoticed.

COMMISSIONER MCADAM MOVE APPROVAL OF THE CONSENT CALENDAR, WITH IT'S SUBJECT CONTINUANCE. COMMISSIONER CARTER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

2. **Use Permit UP-95-17 (Glen Bruno)** - A request to allow a drive through service facility associated with the development of a proposed bank on property located on the southeast corner of Forest Avenue and Parkway Village Drive, A.P. No. 002-370-051E in a C-O Commercial Office zoning district. This project is categorically exempt pursuant to Section 15311 of the California Environmental Quality Act.

Sr. Planner Hayes reviewed the results from the last Commission meeting regarding this item and the Commission's concerns encountered at that hearing. He stated that there is now a revised site plan for Commission review which addresses some of the Commission's concerns. He noted that while the issue of drive throughs is part of the General Plan which indicates **consideration for phase out of drive throughs**, it is not a **requirement mandate**. He stated that the Municipal Code update process will include a full discussion of the merits of drive throughs. He suggested the Commission agendize the topic of drive throughs for a workshop.

Associate Civil Engineer Varga reviewed the revised site plan. He stated that the proposed stop sign will reduce the traffic concerns. He added that he has reviewed the proposal with the applicant and City engineers, who have determined that the plan is entirely adequate for safety concerns.

Chair Monfort inquired if the traffic movements were not allowed before.

Associate Civil Engineer Varga responded that the movements have not changed.

The public hearing was opened at 7:40 P.M.

Mike Byrd, Rolls, Anderson and Rolls, reviewed the revised site plan stating that the length of the lane serving the drive-up window was shortened 25 feet to allow room for stopping cars and visibility to improve. He noted that other changes included adding the stop sign and additional landscaping. He suggested not using road stripping and rather use curbing which would eliminate confusion with the traffic so close together.

John Coger, chief financial officer of Butte Community Bank, 672 Pearson Road, Paradise, stated that they had done some investigation work on prior approvals of similar drive-up windows, which were granted with requirements for directional signage, bicycle parking and ADA compatibility. He presented statistics regarding existing banks. He stated that of 13 free standing banks in Chico, 10 have drive-up windows as a part of their business. He added that seven of those windows have been converted to drive-up ATM's. He indicated that a survey of their Paradise office resulted in an average of 90 cars per day, 10 cars per hour, or one car every six minutes. Mr. Coger reminded the Commission that Fosters Freeze drive-up window was approved since the General Plan adoption. He stated that the majority of people who use drive-up windows are those who do not want to go into the bank. He indicated that in order to compete in Chico, they need a drive-up window.

Commissioner Carter inquired how long the bank would need to recoup the investment in opening this **bank drive-up window**.

Mr. Coger stated that it is a convenience factor for their customers and they have not calculated the time to recoup the investment. He stated that they are providing services that customers want and use.

Commissioner Carter stated that the applicant has said that their Paradise facility operates eight and one half hours per day. He inquired as to the hours of operation and time of heaviest use.

Mr. Coger responded that though the window is open from 9:00 A.M. to 5:30 P.M., the busiest times are first thing in the morning, noon and at closing time.

Commissioner Carter stated that the applicant is aware of the General Plan policy for phasing-out drive through windows and inquired if the applicant has any ideas on how the Commission can grant this Use Permit and still phase-out drive through windows.

Mr. Coger indicated that he felt they are not creating much traffic with the facility. He stated that there is not significant foot traffic given the location at this time and when the area is further developed, there may be some foot traffic but they are not anticipating much.

Commissioner Carter inquired if the Bank would be opposed to a sunset **approval provision** on the Use Permit.

Mr. Coger responded that a sunset **approval provision** would create bad feelings since the customers would be used to using a service then have it taken away from the. He indicated that this is one thing small banks can offer as a service which larger banks may not provide.

Commissioner Studebaker inquired as to the percentage of banks who went from tellers to ATMs and does the applicant foresee going to an ATM in the future. He also asked if the percentage of the banks include the new Wells Fargo ATM.

Mr. Coger responded that 70 percent of the banks with drive through windows have converted them to ATM's which does not include the Wells Fargo ATM as they only included existing banks. He added that only certain types of transactions can be done with an ATM and this window is to be a customer service with a live individual.

Dary Martell, 1125 Nord Avenue, stated that he was pleased to see that the General Plan includes the reduction of automobile dependent services and the promotion of bicycle transportation based on community response. He added any business coming into Chico should be willing to work with the community in meeting its needs and plans for the future. He stated that he would like to encourage the Commission's continued implementation of the General Plan.

The public hearing was closed at 7:50 P.M.

Commissioner Belmonte stated that he has no particular dislike for drive throughs as he operates two himself which were approved after they conformed to the guidelines at the time. He indicated that he would have to address current standards if opening a new drive through today, and he would need to address those standards. He gave an overview of the General Plan defining the vision of Chico's future. He stated that he has a sense of responsibility to enforce what the community wants to have happen. He stated that the General Plan specifically states a policy of phasing-out drive throughs. He added that it might be beneficial for the Commission to have the workshop on drive throughs before rendering a decision on this Use Permit.

Commissioner McAdam stated that having a workshop is a bigger issue that just this Use Permit. She added that the direction of the General Plan is for phasing-out drive throughs, not only with new

applications, but existing drive-throughs as well. She commended Commissioner Belmonte for his views.

Commissioner Carter inquired what authority the City has to phase-out existing drive throughs.

Sr. Planner Hayes responded that there is limited amortization of signs and a similar concept might be applied, but it may be that existing drive throughs will be grandfathered in.

Commissioner Belmonte presented the scenario that if this Use Permit is approved and the bank is a success, they might expand to another location. He inquired if the Use Permit goes with the bank or if it stays with the site.

Sr. Planner Hayes responded that as long as the conditions are maintained, the Permit goes with the land.

Commissioner Studebaker stated that staff has stressed that there was no formal standards in place which deal with drive-through windows. He stated that as a Commission, they need to take it upon themselves to implement this policy, which is an on-going process to reduce emissions. He noted that Fosters Freeze was an existing business and there was no other way for them to expand their business.

Commissioner McAdam added that with Fosters Freeze they were able to expand and improve access for that site, with a picnic area, expanded creekside greenway and a change in parking.

Commissioner Studebaker stated that recently the Commission made two ATM's accessible by taking out the drive through ATM that was downtown. He added that to approve this Use Permit would be removing that gain.

Commissioner Wright stated that phasing-out drive throughs is not a General Plan policy, rather it reads that there be "consideration of a phase-out." He stated that currently drive throughs are a use which is allowed throughout the city. He noted that the General Plan does speak to the air pollution issue, and the staff report states that the air pollutants can be mitigated. He stated that he does not see a potential impact as the bank is on a high traffic street. He indicated that half of the surrounding land is committed to commercial development. He stated that those who may eventually reside in the area will not take a walk on a busy four lane street just to go to the bank. Commissioner Belmonte suggested that if the elimination of drive through windows is to be a policy, then businesses may be in a hurry to get permits for drive throughs rather than chance waiting until a policy is in place. He stated that he would like to know how the community feels on this issue.

Commissioner Wright stated that if there was no air pollution mitigation he would not consider approval. He suggested taking each application on a case by case basis until a policy is discussed and in place.

Commissioner Crotts inquired on the effects of landscaping on air pollution mitigation.

Sr. Planner Hayes responded that the Commission has had discussions on smog-eliminating plants in the past. He noted that the more greenery around, the less impact a drive through may have. He noted that any landscaping is positive.

Chair Monfort stated that he was sympathetic to Commissioner Wright and the applicant's claims of there being a four lane street with no residential uses around it as is currently the situation. He suggested a sunset clause to look again at the Use Permit in five years, when the neighborhood has built up around it.

Commissioner McAdam stated that it was not good to abandon the idea of pedestrians in the area. She suggested that if they create a situation which may be pedestrian friendly, it will get people walking in the area. She indicated that she can not support the idea of abandoning pedestrian access because there are not residences there now.

Commissioner Carter stated that the City has no authority to rescind an existing Use Permit if there is no sunset clause. He stated that the Bank may find that they do not need this drive through, or they may find that it is used extensively.

Commissioner Crofts stated that it is not a directive of the General Plan at this point as the General Plan stated 'to consider phasing-out drive throughs.'

Commissioner Carter responded that if the Commission does decide to phase-out drive through facilities, granting this Use Permit without a sunset clause could result in it being grandfathered in.

Commissioner Belmonte suggested continuation of this item until after a workshop on drive throughs has been held.

Sr. Planner Hayes stated that the Commission may ask the applicant if they are willing to continue this item. He suggested that in this case the applicant may not agree.

Chair Monfort noted that any recommendation the Commission may make will have to go to the Council for hearings prior to implementation. He noted that this process may take up to six months.

Commissioner Wright stated that the General Plan is fairly new and cases such as these will continue to come up.

COMMISSIONER CARTER MOVED ACCEPTANCE OF USE PERMIT UP-95-17 (GLEN BRUNO) WITH THE ADDITION OF THE CONDITION THAT THE USE PERMIT WILL TERMINATE ON DECEMBER 31, 1999 UNLESS THE APPLICANT CAN PROVE GOOD CAUSE FOR CONTINUATION OF THE USE PERMIT.

Commissioner Carter stated that the purpose of the sunset clause is to not foreclose implementation of the directive of the General Plan to consider phasing-out drive through uses.

Commissioner Wright ask for the applicant's opinion of the sunset clause.

Mr. Coger responded that the applicant will go to considerable expense to put the facility in with the customer base using the facility, and would not want to eventually close the facility.

Commissioner Carter stated that he would like to withdraw his motion as he was not prepared to forfeit the General Plan.

Mr. Coger clarified that the Commission will look at it again with review of the Use Permit in 1999. He stated that the motion would be acceptable if the Commission will hear this Use Permit again in 1999.

COMMISSIONER CROTTS SECONDED THE MOTION. THE MOTION WAS APPROVED 4-3 (COMMISSIONERS BELMONTE, STUDEBAKER AND MCADAM DISSENTING).

Sr. Planner Hayes inquired if the Commission would be interested in having a workshop regarding drive through windows.

Chair Monfort responded that they would like to have the workshop.

Commissioner Carter stated that he would like to see that all banks and fast food facilities be allowed to participate.

Commissioner McAdam said that would be a good idea as they will be discussing the issues and concerns of the drive in businesses.

Commissioner Crotts added that it would helpful to get their input.

Sr. Planner Hayes suggested that the Commission agendize this workshop at a time separate from a regular meeting to allow for notification of the businesses and full participation.

Commissioner Belmonte requested that the notification include consultants from other cities and that to solicit the opinion of those who have implemented such a ban. He indicated that he knew that San Francisco had such a ban in place.

3. **Use Permit No. 95-16 (Butte Humane Society)** - A request to allow construction and operation of an animal shelter for adoption of animals only (i.e. no quarantined or feral animals) on a 1/2 acre lot located at 281 Humboldt Avenue, Assessor's Parcel No. 004-432-004, in a C-2 General Commercial zoning district.

Sr. Planner Hayes reviewed the staff report. He noted that the Use Permit would include an additional 2400 square feet of outside kennel areas as well as onsite parking. He noted that the Commission had received extensive comments from the Police Department as well as from the applicant in response to those comments. He stated that staff is recommending approval based on the conditions listed in the report.

Chair Monfort stated that the conditions do not include site orientation.

Sr. Planner Hayes responded that it was an oversight.

Chair Monfort questioned why the parking calculations indicate that nine spaces are necessary and the recommendations list 13 spaces.

Commissioner McAdam responded that the additional spaces are needed for the employees.

Chair Monfort inquired why the creekside setback is only 25 foot with a six foot high fence.

Sr. Planner Hayes stated that because the area is an existing developed area and the 100 foot setback only applies for new development areas. He noted that the 25 foot setback has been applied to this part of Little Chico Creek since the adoption of this standard. He noted that the six foot high perimeter fence was probably a cost issue.

Commissioner Carter stated that veterinary hospitals and kennels are allowed within this C-2 district with a Use Permit provided that all operations are entirely within the building. He noted that this use would not be allowed if this were a veterinary hospital.

Sr. Planner Hayes responded that they would have to conduct their business indoors. He noted that the applicant's other facility does have outdoor runs also.

Commissioner Carter inquired what zoning district allows outdoor kennels and runs.

Sr. Planner Hayes stated that it may be limited to rural or industrial zoning districts.

Commissioner Carter inquired if there were documents that needed to be submitted to the City such as a revised site plan to meet Fire Department regulations. He asked if that plan should have been submitted to the Commission.

Sr. Planner Hayes responded that the changes could be handled by the Architectural Review Board, the Commission should primarily address use of the site.

Commissioner McAdam inquired if letters of opposition or comments from the neighbors were received.

Sr. Planner Hayes stated that everything staff has received has been included in the packet or given to the Commission at this evening's meeting.

The public hearing was opened at 8:25 P.M.

Mary McMullen, 1265 E. 7th Street, stated that she has three rentals in the 400 block of Humboldt. She stated that she can not give her opinion on something when she doesn't know what is happening as the notice was vague. She noted that she has heard of plans to put a skateboard park in two blocks away.

Chair Monfort reviewed the Use Permit application.

Geri Lee, president of Butte Humane Society and realtor for this purchase, stated her feeling is that the project will improve the neighborhood as they own the adjacent thrift store and this will help eliminate the homeless problem in the area. She stated that this will be state of the art building with flushing floor drains and a sound control system. She stated that they want the community to be proud of the facility and come there to adopt animals.

Chair Monfort inquired if there will be dogs outside at night or if their barking would be heard across the street at night.

Ms. Lee responded that all animals will be inside the facility at night and the barking will not be heard outside the building.

Commissioner Carter asked if she was familiar with the *Humane Society of United States Guide to Operation of an Animal Shelter*. He quoted from the booklet on site selection that an agency "may want to purchase a site with room for expansion..., failure to plan for expansion room for the next ten years will severely reduce the service life of the facility..." He stated that he does not believe that the proposed site has room for expansion.

Ms. Lee stated that the Humane Society also owns the property next door and could expand toward that area.

Ms. Lee stated that the Butte Humane Society has a ten year contract with the City. She noted that this site would only be for smaller animals, leaving the existing facility for larger animals. She indicated that the heat and air conditioning will prohibit the animals from using the outdoor facility much of the time. She stated that the outdoor facility will allow for ease of cleaning the runs and kennels.

Chair Monfort questioned why veterinary hospitals would not be allowed to have outdoor runs in a C-2 district.

Commissioner Carter inquired how compatible outdoor kennels are for other commercial uses as dogs tend to get loud. He stated that the property is located on the edge of downtown and the City has future goals to improve South Park Avenue, with this site being adjacent to that area.

Commissioner Belmonte inquired if the back part of the adjacent property is where the potential expansion could take place.

Ms. Lee responded that that property would allow for expansion.

Commissioner Wright inquired on the number of drop-off animals at the current facility.

Ms. Lee stated that currently there are 20 drop-off animals per month. She stated that this problem is largely caused by a lack of animal control in the County, which will be corrected in the next year. She added that currently they have to charge to take in animals, and once animal control has returned to the County they may not have to charge.

Velma Starnes, 254 Humboldt, stated that she owns a warehouse across the street from the current facility on Fair Street. She reviewed the existing uses around the current facility. She stated that dogs bark from early morning until 11:00 A.M. on weekends. She added they often see the dropped off animals and have the animals enter their warehouse. She stated that the Humane Society has enough land at the current location to expand. She noted she was never contacted by the Humane Society regarding this issue. Ms. Starnes concluded that she would not want to live across the street from the shelter.

Dale Cloyd, 1265 E. 7th Street, stated that he is opposed to the Use Permit. He expressed concerns regarding noise level and traffic congestion.

Jack Skibo, Boradori Automotive, 287 Humboldt Avenue, stated that he appreciated the applicant's predicament. He stated that he was contacted by the applicant, and has problems he would like to

address. He noted that the vacant lot was previously rented by his business for parking and that they routinely use the lot for up to 20 parked vehicles. He added that if the proposed building is set in the front and there is no obvious parking, people will park in front on the street rather than go to the back. He stated that while locating the building near the front may match the existing buildings, it will add to the parking problem. He noted that their auto repair business is noisy by the nature of their business and dogs may just add to the noise level in the neighborhood. He suggested that a more rural setting would be more compatible for the adoption center.

Carole Cooper, 685 Royce Lane, stated that she was also representing the Butte Humane Society. She clarified that the current facility (Fair Street) is located on property owned by the City and leased to the Humane Society. She noted that the City gave permission a few years ago to expand the Butte Humane Society facility into the City's former animal control offices. The agreement includes the right for the City to use three of the runs, where the City may bring in animals at any time of the day or night. She indicated that many of the dogs which are barking at night are brought in by the City's animal control at night.

Ms. Cooper stated that the existing facility is operated to the best of their ability with the facilities available. She added that the proposed facility has been designed to address all the concerns regarding noise and odor. She indicated that people are judging the new facility based on the existing facility rather than a state-of-the-art facility which is planned. She added that there is no odor because of the type of shelter cleaning.

Ms. Cooper stated that regarding Boradori Automotive they rent the spaces as a convenience. She added that if there is something that can be worked out to address the concerns of the neighbors, the Humane Society would be willing to work with them in the final project design.

Ms. Cooper stated that all problem animals would remain at the Fair Street facility as the new facility would only house adoptable pets. She noted that veterinary businesses have a fast turnover where animals are not kept for a long period of time. She stated that this would be a holding facility, though hopefully for a short period of time. She concluded that the Humane Society is doing this for the community and is dealing with lives of animals which requires cooperation of the public.

Commissioner McAdam inquired if the City's animal control would have access as they do at the Fair Street facility.

Ms. Cooper responded that the City's access would remain only for the facility at the Fair Street location. It would not extend to the new facility.

Commissioner Studebaker inquired how many people the Humane Society expects to staff the new facility.

Ms. Lee responded that approximately five people will be employed at the new facility.

Commissioner Studebaker inquired how much the Humane Society would charge for the animals at the adoption center.

Ms. Lee responded that there is a fee structure for cats and dogs, \$25 per dog and \$20 per cat is the current cost.

Commissioner Studebaker clarified that the charge covers shots and the cost of having an animal in the shelter. He suggested that the proposed facility would be run as a kind of a pet store. He stated that he was attempting to look at this issue in a different context.

Ms. Cooper responded that the adoption center is a business and must be run as a business if they are going to succeed.

Commissioner Studebaker asked if the applicant had planned on having the new facility staffed at night or will the animals be alone at night. He also inquired if there would be someone on call if there is a problem.

Ms. Cooper confirmed that eventually they would like to have the facility staffed 24 hours per day, but that will not occur at this point. She added that someone will be on call whenever the business office is closed.

Steve Personett, 42 Santa Clara Court, stated that he has been a supporter of the Humane Society and noted that he was baffled when he received the public notice of this meeting as he feels it is incompatible with the adjacent neighborhood. He stated that his tenants at 142 Humboldt are concerned with odors, noise and traffic. He asked the Commissioners if they would like this facility across the street from their homes. He stated that this proposal was inappropriate for the neighborhood.

Chair Monfort inquired if Mr. Personett or his tenants would object if the Humane Society can contain the noise.

Mr. Personett responded that he does not feel it would be possible to contain the noise.

Ms. Lee stated that she has been to shelters which have been all indoor shelters and the animals do not bark as much.

Chair Monfort stated that the Humane Society would be subject to City noise ordinance as are other City businesses and residences.

Ms. Lee stated that they have never had a complaint from the neighbors in the current area. She indicated that if noise and odor was a big problem they would not have the support from the community as they do.

Commissioner Studebaker inquired if staff would only be there during business hours.

Ms. Lee stated that staff will be there for several hours before and after business hours.

Phyllis Bond, 533 W. 6th Avenue, stated that she would not mind having a shelter across from her home. She stated that, though she is not affiliated with the Humane Society, this would save animals from euthanasia. She added that this is a progressive idea as people will drop-off and find animals in an area which is nice and away from euthanasia. She stated that it appears that there could be parking problems in the area regardless of how the vacant lot is developed. She concluded that she feels the Humane Society is going to mitigate the noise and odor problems.

Velma Starnes stated that people adopt animals at the current location. She added that if people drop off animals at the proposed location the animals will get hit by traffic and be killed. She suggested the Commissioners sleep a few nights at the current shelter before making a decision.

Ms. Lee stated that she would like to address the issue of drop-off animals. She stated that sometimes they get one per day, but animals are being dropped off all over town at any time as well.

The public hearing was closed at 9:20 P.M.

Commissioner McAdam stated that there is not any question that this is a needed facility with most people aware and in support of the Humane Society efforts. She noted that the concerns are with the compatibility with the neighborhood. She suggested that there may be locations which are more compatible.

COMMISSIONER MCADAM MOVED TO DENY THE REQUEST FOR USE PERMIT NO. 95-16 (BUTTE HUMANE SOCIETY). COMMISSIONER CARTER SECONDED THE MOTION.

Commissioner Belmonte stated that he previously had similar concerns with what may happen with the future of the area. He noted that at this point it has not been decided what will happen with the area. He suggested that a sunset clause be applied, similar to the one on the previous Use Permit, as a condition to review this Use Permit in the future to see if the use creates problems in the area.

Commissioner McAdam responded that such a condition may not be acceptable as the Humane Society would have built a building with a major investment and its loss would be tremendous. She stated that she would like to encourage the Humane Society to find another location. She stated that there were site design problems on the lot based on the narrowness and proximity of the lot to the creek.

Chair Monfort stated that the C-2 zone is for automobile uses and auto service. He indicated that as long as the dogs are in at night and the noise is controlled at night, with the proximity to automobile service, animal noise would be insignificant.

Commissioner Carter stated that with respect for the General Plan, the area is considered part of the Downtown South area. He stated that he could not agree more with Commissioner McAdam that there is a great need for this service. He added that he believes that this is not the type of business to be located in the downtown according to the General Plan.

THE MOTION TO DENY THE USE PERMIT WAS APPROVED 5-2 (COMMISSIONER CROTTS AND CHAIR MONFORT DISSENTING).

The Commission to a recessed from 9:28 P.M. - 9:40 P.M.

4. **Use/Variance Permit No. 95-12 (Alpha Phi/Boyd)** - A request to allow a sorority with eight live-in members to occupy an existing residence; a request to allow a tandem parking arrangement (where one space blocks another) for two required off-street parking spaces; and a request to vary from the City parking requirements by one space (three are required, two spaces are proposed), at 545 W. 8th Street, located at the southeast corner of Hazel and W. 8th Streets, in an R-3 Medium-High Density Residential zoning district. This project

has been determined to be Categorically Exempt from environmental review pursuant to section 15301 Existing Facilities of the California Environmental Quality Act (CEQA).

Sr. Planner Hayes reviewed the staff report. He noted that the structure is a historical building, a four bedroom residence with a converted garage structure which has been converted into an apartment. He stated that the Municipal Code requires a Use Permit in an R-3 district to permit the sorority use. He indicated that the variance is required for the parking as four parking spaces would be required. He noted that the impact of complying with the requirement would cause the elimination of some landscaping in the front of the building and the widening of the curb cut on West 8th Street (State Highway Route 32). He noted that the Commission has, included in their packets, two requests to deny the variance. He stated that staff recommends denial of the variance as, if only three spaces are provided with, it would change the character of the lot. He added that there is no basis for the variance findings and if the parking complies, it would create a neighborhood incompatibility as the lot would be without a landscaped front yard.

Commissioner McAdam inquired if the garage unit was converted without the issuance of the necessary City permits.

Sr. Planner Hayes responded that while the garage unit would meet the requirement for parking, one of the recommended conditions of approval is for the illegally converted unit to be permitted and the fees paid.

Commissioner Studebaker stated that he had asked when the issue of fraternity and sorority houses would be before the Commission which should occur in September.

Sr. Planner Hayes stated that this has been studied by a task force and will the issue will be returning to the Commission as part of the zoning code update.

Chair Monfort indicated that the discussion from the task force would not effect this Use Permit as the area is considered appropriate for sorority/fraternity use.

Commissioner Carter inquired if the Commission could find that the historic building retention is a basis for the variance in terms of extraordinary circumstances.

Sr. Planner Hayes responded that the building was listed on a survey a few years ago as a building of historical significance. He stated that the Commission can consider the historical significance as an extraordinary circumstance.

Commissioner Carter clarified that if the Commission does not grant the variance, it would require the increase of parking by one space, and may possibly interfere with the aesthetic value of the house.

Chair Monfort stated that it would be hard to make all four findings which must be made for the variance. He added that it already looks like a triple wide driveway. He added that in order to get another curb cut, the applicant will have to remove a bush and an older tree which is not in good condition.

Sr. Planner Hayes described commissions alternatives.

The public hearing was opened at 9:50 P.M.

Sandy Boyd, 5 Walnut Circle, president of the house committee for Alpha Phi sorority, stated that they have leased the house. She stated that there is room for three cars in the driveway, though only two cars could get out. She added that to take out curbing to create one more parking space on the lot would take out one space available on the street. She also noted that to do so would impact the historical value of the house. She indicated that due to location and size of the house it was a perfect site for the sorority.

Commissioner Carter stated that the house rules are more exacting than the conditions recommended to be imposed. He clarified that the house rule states that the sorority would not allow large social events.

Denise Boyd, Alpha Phi Sorority advisor, stated that they are not allowed to have a keg due to liability issues. She added that there is a standing rule which states no alcohol at the Alpha Phi house or provided by them at their functions.

Ms. Boyd stated that the same rules apply to most sororities.

Commissioner Studebaker stated that he had noticed that at many sorority houses with tandem parking, parking has extended out onto the sidewalk, which creates a problem for handicapped access on the sidewalks. He added that this will be special problem as this house is located on a State Highway.

Ms. Boyd responded that they have a long tradition here as Alpha Chi and Alpha Phi. She added that she was sure that if parking becomes a problem, it would be added to the house rules.

Commissioner Studebaker stated that it may not be the members parking as such but can be their visitors. He noted that many of those living in the home will have cars, if not all of the residents.

Chair Monfort pointed out the condition of approval stating that at no time shall vehicles obstruct the sidewalk or public right-of-way.

Commissioner Studebaker stated that he also wanted to bring the potential problem to the sorority's attention.

The public hearing was closed at 10:00 P.M.

Commissioner McAdam stated that it seems that the issue is more with the Variance than with the Use Permit. She noted that she does not have a problem with the Permit for the sorority at this location. She stated that parking is the real issue, and suggested if it is feasible to widen the curb cut and minimize the impact on the existing landscaping, everyone could win. She indicated that making the findings for a variance is very tough and requires identification of something unique to the land itself. She noted that there is a possible solution if the curb cut could be widened with minimum impact on the landscaping.

COMMISSIONER MCADAM MOVE APPROVAL OF USE PERMIT NO. 95-12 (ALPHA PHI/BOYD) WITH THE RECOMMENDED CONDITIONS OF APPROVAL, AND DENIAL OF THE VARIANCE. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Carter quoted Finding B. for the variance from the staff report. He stated that many landowners in the area were confronted with similar problems. He noted that this one building, on

this one site, stands alone in the area as a restored historical home. He stated that the unique historical value of this property and the value of this property in its historical shape argues strongly to grant the Variance. He suggested the Commission look to the historical value for Finding B.

Chair Monfort stated that the historical value is important though the building can be used for other uses as well as a sorority.

Commissioner McAdam stated that the home can be used as a single family residence.

Commissioner Carter inquired what would happen to the Use Permit if the property ceases to be used for a sorority.

Sr. Planner Hayes stated that if the use stops for a period of one year, the use permit expires. He added that presumably the applicant is in the process of legalizing the converted area, which could be rented if the Use Permit ceases to exist for any reason.

Commissioner McAdam clarified that the applicant would need a variance if the home was used as either a single family home or a sorority.

Sr. Planner Hayes responded that they have to seek a variance for the legalization of the residence in the back.

THE MOTION WAS APPROVED 7-0.

- 5. Use Permit No. 95-19 (Chico Fun World) - A request to develop an outdoor picnic/recreation area to include a concession area for the sale of beer and wine and a stage for live outdoor music, volleyball and horseshoes within 300 feet of a residential area. located at 2275 Elm Street, Assessor's Parcel No. 005-059-016 & 035, in an M-1 Limited Manufacturing zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301 (Expansion of Existing Facilities) of the California Environmental Quality Act (CEQA).**

Sr. Planner Hayes reviewed the staff report and the numerous communications received by the Planning Division in opposition to the Use Permit. He stated that after having received a substantial amount of testimony on this Use Permit, staff has determined that the environmental determination that this permit was Categorically Exempt was in error. He noted that if the Commission agrees that the Use Permit has merit, they should direct staff to review the environmental concerns, and prepare the necessary environmental documents prior to taking final action on the application.

Sr. Planner Hayes proceeded to list the letters which have been received by the Planning Division since the distribution of the information to the Commission, he noted that all of the letters were in opposition to the Use Permit based on concerns regarding noise and the serving of alcohol. These letters are from: Randi Terhune, dated July 23, 1995; Beverly and John Lasson, 378 E. 23rd Street, dated July 24; Howard Shaffer; Mr. and Mrs. Leroy McKinney, 463 E. 23rd St, dated July 24, John Francis, 375 E. 23rd St., dated July 24; a petition signed by the Ladies Luncheon Club, dated July 24, letter dated July 21 which was signed by seven people residing on Elm and 23rd Streets; letter from Betty Vaerg, 21477 Elm Street, dated July 24; letter from Alfie McCoskey, 2122 Elm Street, dated July 23; letter from Kenneth and Cindy Rice, 2153 Elm Street, dated July 22; letter from the

Butte County Interagency Children's Services Coordinating Council, dated July 24; a petition signed by numerous residents in the Mulberry neighborhood; and a letter from Barbara Smith which was received this evening.

Sr. Planner Hayes noted that new owners of Fun World have taken over the property and are in the process of upgrading the facility. He gave a history of the Use Permit for the facility which began in 1983 when the original permit was granted with many conditions of approval. He stated that some of those conditions have been complied with, while other conditions have not been met, including some building permits which were never approved. He stated that this Use Permit is for the sale of alcohol and live entertainment in a restricted area. He indicated that if this Use Permit is granted, staff is recommending a number of conditions which are listed in the staff report. He again stated that staff is recommending the Commission continue this item until the necessary environmental review has been completed, if the Commission intends to approve the request.

Chair Monfort noted that there seems to be overwhelming opposition on the basis of noise and/or sale of alcoholic beverages.

The public hearing was opened at 10:20 P.M.

Glenda Driver, 2275 Elm Street, stated that she is the Operational Manager for Omnii 2 Regional Foundation, the current owner of Fun World. She described the purpose of the foundation to help disadvantaged youth. She stated Fun World now employs 60 youths who work three months per year, and with Fun World's expansion, 60 to 80 year round jobs could be created.

Ms. Driver reviewed the process they have taken for the expansion to this point. She stated that the first step was to get input from community leaders on what was needed for the area. She indicated that the first suggestion which was used was to move the picnic area which had been a habitat for the homeless, this cleaned up the front entrance to the park. She noted that they used local vendors to develop the picnic area. She stated that they have now paid past City fees and licenses which were owed by the prior owners. She listed several other improvements which have been made to the amusement park.

Ms. Driver stated that as security was an issue to the neighborhood, they should be aware that there are now security personnel on the grounds during the day with two security guards there after hours.

Ms. Driver stated that the Silver Dollar Fairgrounds have concerts which can be heard at the park as well as in the adjacent neighborhood.

She stated that Omnii 2 has a master plan for the park which includes playing fields, go-carts and a skateboard facility. She stated that their focus is on youth, their parents and creating a warm friendly place.

Ms. Driver stated that many amusement parks sell beer and wine, including Disneyland and Marriott's. She stated that this Use Permit was vital for the expansion of Fun World and noted that the alcohol would be served in a controlled environment. She invited the Commission to view the revamped park. She stated that they were unaware of the noise concern to the neighbors as they are adjacent to the Silver Dollar Fairgrounds.

Commissioner McAdam inquired if the representatives from Fun World have directly contacted the neighbors regarding this request.

Ms. Driver responded that she had thought they had as they have spoken with the children of the neighborhood who frequent the park. She stated that they had a test run with live entertainment and alcohol on July 4th to see what would happen, and noted that they were informed by the Police Department that they could not have amplified music after 10:30 P.M. She stated that she was unaware of the neighborhood's hostility toward Fun World.

Commissioner Studebaker commended the applicants for their ideas of hiring youth, the reconstruction of the facility and other ideas. He then expressed his disappointment that they would suggest having a bar.

Ms. Driver responded that all things are good in modesty. She stated that alcohol is not a bad word. She noted they do not want to serve alcohol before 6:00 P.M. and plan to serve the alcohol only after the water slides are closed.

Commissioner Studebaker stated that while they were not talking about a bar, the serving of alcohol does not sound as confined as he would like to see it. He stated that the uses are so mixed together that he can not see the confinement of the alcohol.

Ms. Driver stated that for the test run, those entering the beer garden were given a stamp once their identification was checked, and once the customer went out the gates of the garden they were not allowed on the water rides or most of other facilities, other than the miniature golf course. She stated that a fence separates the picnic area from the water slide area and another fence separates the beer garden from the other areas.

Commissioner Studebaker inquired how many people are allowed in the beer garden area, since the beer garden and the live entertainment will be in the same area and may attract a large number of people.

Ms. Driver responded that they have not had the Fire Marshall there to do the maximum occupancy determination. She stated that they are limited to how many people may be in the amusement park by the number of parking spaces. She indicated that 350 spaces are reserved for Fun World.

Commissioner Belmonte inquired on the actual hours alcohol would be served.

George Hagerty, 2275 Elm Street, General Manager of Fun World, stated that the plan is to open the beer garden after the water slides have closed, at 7:00 P.M. to 7:30 P.M. and will be open until 10:30 P.M. He noted that the only activity available at that time would be the beer garden and the live entertainment. He stated that identification will be checked upon entrance to the garden where only the legal drinking age adults will be allowed.

Commissioner Belmonte noted that the restaurant was also included in the beer garden area.

Mr. Hagerty stated that Fun World was in the process of applying for a catering license, which would allow some food service in the area. He stated that the restaurant itself is in another area.

Commissioner Belmonte inquired if consumption of alcohol off the premises would be allowed.

Mr. Hagerty responded that beer and wine cannot leave the fenced in area and no off-premise alcohol would be allowed.

Commissioner Studebaker inquired if parents, who were there to enjoy the live entertainment, would be able to have their children accompany them into the beer garden area for the entertainment.

Mr. Hagerty replied that no one under legal drinking age would be allowed in the beer garden area. He stated that a cyclone fence would separate those who were drinking from the rest of the park, and parents could watch their children on the playground through the fence.

Chair Monfort reviewed the recommended conditions of approval which contain no mention of hours of alcohol serving.

Mr. Hagerty stated that the State Department of Alcoholic Beverage Control (ABC) informed them that for the type of license they are applying for, they would have to have alcohol available every night.

Brad Story, 1450 Guill Street, suggested that to approve this permit would be creating another "Scotty's Boat Landing" with the same problems. He stated that statistics show that 90 percent of crime is due to alcohol. He added that there is no answer to the problems created when there are a number of people together with alcohol.

Jane Dolan, Butte County Supervisor, stated that she was representing the neighboring area, much of which is in the County. She stated that much of what the applicants have stated is contradictory and disingenuous. She suggested that an example of this is an amusement park for children with a beer garden. She indicated that, if the event on July 4th is the example, there will be problems if this Permit is approved. She stated that a neighbor approached the management of Fun World during the July 4th event to ask that the music volume be turned down and was not able to get the matter satisfactorily resolved without calling the Police Department and filing a noise complaint.

Supervisor Dolan stated that the Mulberry Street tract puts up with a lot of noise intrusion and traffic for all of Chico's recreational needs due to their proximity to both Fun World and the Silver Dollar Fairgrounds. She stated that to add to the use of the landlocked amusement park, the noise and traffic would be detrimental to the adjacent neighborhoods.

Supervisor Dolan noted that the conditions of the existing Use Permit are not adhered to, and inquired if the conditions of this Use Permit would be enforced. She stated that when the original Use Permit was applied for the road improvement standards were tough and the former owners made a bargain with the neighborhood not to use the 23rd Street entrance for delivery trucks and to keep it strictly as an emergency access road. She indicated that the current owners use this access on a regular basis and it is no longer kept locked.

Supervisor Dolan concluded that this proposal and the liquor license is contradictory to the rights of the neighbors and children. Supervisor Dolan implored the Commission for denial of this Use Permit.

Ms. Driver stated that they were aware that there were problems in the area. She stated that the July 4th event was a mistake. She added she feels that they can do the things which have been suggested and planned, and be an asset to the area. She indicated that Fun World does not want to be offensive to the neighborhood and have asked that the delivery trucks not go down 23rd Street.

She stated that they were looking into a wrought iron fence for that entrance in an attempt to keep the vandalism off of their property. She stated that they have tried to purchase the property to the east of their property for expansion to incorporate additional attractions desired by the community.

Commissioner Carter inquired if the applicants have considered the possibility of meeting with the neighbors to discuss the park's master plan and the neighbors concerns.

Ms. Driver replied that they have made many changes to the park and are trying to learn the concerns of their new community. She stated that she would be willing to delay this request in order to meet with the neighbors.

Commissioner Carter asked if she was saying that the applicants would like to meet with neighbors before a decision was made on this Use Permit.

Ms. Driver responded that they would like to meet with the neighbors before a decision is made, allowing them to work effectively with the neighbors and not create additional problems.

Commissioner Studebaker stated that the Commission would like as much information as possible when reaching a decision of this magnitude and to not have the master plan for the site and possible expansion to review does not give the Commission the opportunity to make the most informed decision.

Commissioner McAdam added that it is the Planning Commission's job to look at the big picture of the master plan in order to meet the needs of the neighborhood and the community as a whole.

Ms. Driver suggested that the Commission delay this decision in order that they may present what has been discussed on their master plan. She indicated that the master plan was not given to the Commission as it may be confusing as it is still in draft form. She stated that the park cannot viably function as it stands.

Commissioner Belmonte inquired if she was asking for a continuance. Ms. Driver responded that she was.

Commissioner Belmonte stated that he would have appreciated the applicant stating that they wanted a continuance at the start of the hearing. He suggested that going through all this effort at this time and then to ask for a continuance is disingenuous.

Ms. Driver stated that staff had spoken to them immediately prior to the meeting, suggested a continuance and they had agreed to it. She stated that she had thought a continuance was where this meeting was leading as there needs to be an Environmental Study. She stated that she was not informed that there were negative feelings in the neighborhood.

Commissioner Studebaker stated that the moment she mentioned there was a master plan he felt he had not been given the necessary information to make this decision.

Commissioner McAdam stated that if the applicant does not get the support of, or remove the opposition from the neighborhood, the applicants would not get the Use Permit approved by the Commission.

Commissioner Carter stated that the applicants may have good things to offer the neighborhood and the community. He suggested that they may want to meet with the neighborhood and present the ideas to them first.

Chair Monfort stated that staff had suggested that the hearing be continued for environmental review if the Commission felt the matter had merit. He inquired if this permit was denied by the Commission, how long would the applicant have to wait before bring the idea back to the Commission.

Sr. Planner Hayes responded that the applicant would have to wait one year unless a significantly different Use Permit were applied for.

Commissioner Belmonte inquired if that meant the applicant could amend the request. Sr. Planner Hayes replied that the request would have to be changed significantly to become a different request.

Commissioner Belmonte confirmed that if the Commission denies this Use Permit then the applicant will have to come back with a substantially different Use Permit application to have Commission review prior to one year from this date.

Wanda Story, 1450 Guill Street, stated that the Silver Dollar Fair is only one week per year, and to allow live music at Fun World would be for every weekend, creating an additional intrusion on the lives of the neighbors. She also wanted to remind the Commission of the recent action by the Council regarding banning alcohol in City parks.

Barbara Smith, 558 East 23rd Street, stated that she had gone to Fun World at one time this year to discuss a complaint and was treated rudely. She reviewed the history of Fun World and it's land which was swamp land prior to development. She reminded the Commission that the neighborhood has been before this Commission in the past objecting to the fairground's activities, including a series of concerts and races.

Ms. Smith noted that 23rd Street is a narrow street and the original Use Permit for Fun World stated that no traffic should be on that street. She indicated that there have been serious accidents in the amusement park area and the illegal parking on the 23rd Street access does not allow the emergency access needed. She thought this issue was similar to the 'Graduate Syndrome'. She noted that the college students will want to drink until 2:00 A.M. She stated that there is already dangerous parking and traffic in the area caused by Fun World, which the presence of alcohol will worsen. She stated that alcohol will change the atmosphere of the area.

Cindy Valine, 475 East 23rd Street, stated that she has been afraid of the growth of Fun World since its inception. She noted that live entertainment is enjoyable without alcohol. She stated her concerns regarding traffic and children going to a park where alcohol is allowed. She inquired why the organization which now owns Fun World and is an organization which helps children and substance abuse, would now want to serve alcohol. She noted that alcohol is a substance which is abused regardless of age.

Ken Rice, 2153 Elm Street, stated that he has been to the Commission eight times over the years regarding Fun World. He stated that he sympathized with the new owners as they have bought a long standing mistake. He noted that the assessed value of the neighborhood homes went down after Fun World went in and thus homes in the area will not sell. He stated that he had gone to Fun World on July 4 to ask them to please stop the music and was told it was totally alright with the City that there was music. He noted that the music got louder following his complaint at 10:30 P.M., at

which time he called the Police Department. He stated that the music stopped when the police officers were present and started when the officers left. Mr. Rice stated that he then called the Police Department again to file a noise complaint. He noted that when the officers returned, the officer waited for the band to leave. He stated that he would like a determination on the Use Permit tonight.

Harold Shaffer, 2321 Fair Street, stated that he had lived there for 46 years, prior to the fairground major development. He stated that problems come about when alcohol is served. He stated that since 90 percent of current customers of Fun World are less than 21 years old, the owners of Fun World should cater to those ages.

The public hearing was closed at 11:15 P.M.

Commissioner Belmonte stated that under the circumstances that this request includes a permit to allow alcohol within 300 feet of a residential neighborhood and a large daycare center, and could endanger children, it would be a mistake to approve this Permit. He noted that a different application for a permit could be submitted after the applicants meet with their neighbors.

COMMISSIONER BELMONTE MADE A MOTION TO DENY USE PERMIT NO. 95-19 (CHICO FUN WORLD). COMMISSIONER MCADAM SECONDED THE MOTION.

Commissioner McAdam stated that in order for a Use Permit to succeed for this facility, it would have to have substantial changes in order to satisfy the neighbors. She added that with this in mind, she felt comfortable with bypassing the continuance on this particular application.

Commissioner Studebaker asked if staff knew anything of the master plan. Sr. Planner Hayes responded that staff did not know of the master plan, though he noted that the proponents have indicated at this meeting that the master plan is still being worked on.

THE MOTION DENYING USE PERMIT NO. 95-19 WAS AFFIRMED BY A 7-0 VOTE.

Sr. Planner Hayes stated that the applicant has ten days to file an appeal of this decision to the City Council.

BUSINESS FROM THE FLOOR

Sr. Planner Hayes reminded the Commission that the appeal process needs to be stated after each denial.

Commissioner Studebaker stated that at June 30th meeting with the Council, they had spoken to the issue of incorporating an amendment to the General Plan about a sidewalk rehabilitation program. He requested that staff put something together to be discussed at a future meeting.

Sr. Planner Hayes suggested a simple straight-forward policy statement be added to the General Plan, possibly on the August 7th agenda. He inquired if the Commission would like to entertain a date for a worksession regarding drive through windows.

Commissioner Belmonte stated that he would like staff look at coordinating the information and resources.

Chair Monfort stated that he does not share the preference to have staff do a survey of cities which do not allow drive through windows. He suggested that a public notice be published but not to invite other cities.

Commissioner Belmonte stated that he would like to meet with General Plan Task Force members to determine the intent of the policy.

Commissioner Studebaker stated that he would like to see minutes of such discussion.

Sr. Planner Hayes stated that he doubted that such minutes exist. He indicated that in the overall concept of the plan, this is one of the many policies which suggested such a direction. He stated that it would be up to the Commission to hold an informal workshop.

Commissioner Crofts stated that a public notice would be fine.

Commissioner McAdam stated that the Commission may need to know more of what they are talking about before going full-speed ahead. She suggested soliciting opinions from specific parts of the community instead of a general notice to the community.

Chair Monfort suggested that staff survey other cities to gather ideas of uses in other cities.

Commissioner Belmonte stated that any time after August 7th would be acceptable for the workshop. He stated that he would like to be present for that meeting as he has a vested interest.

Commissioner Crofts inquired if there was a new study on whether air pollution is generated locally.

Commissioner McAdam responded that the County was conducting such a study.

Commissioner Carter suggested that since these are matters to be discussed at a workshop, they suggested it be left until then.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:30 P.M. to the Regular Meeting of August 7, 1995.

August 21, 1995
Date Approved

Clif Sellers
Planning Director

CHICO PLANNING COMMISSION
ADJOURNED MEETING OF AUGUST 7, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order at 7:30 P.M. in the Council Chambers of the Chico Municipal Center by Chairperson Kirk Monfort. Commissioners present: Jeff Carter, Brenda Crotts, Celia McAdam, Jonathan Studebaker and Michael Wright. Commissioner Barry Belmonte was absent. Staff present: Planning Director Clif Sellers.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. **Use Permit No. 95-20 (Steinbach)**. A request to allow the sale of alcohol (beer and wine) in conjunction with a proposed restaurant located within 300 feet of a residential district, located at 118 West East Avenue, Assessor's Parcel No. 006-530-015, in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review pursuant to Section 15061(b)(3) General Rule of the California Environmental Quality Act (CEQA).

Requested Action: Approve the Use Permit subject to the findings and conditions set forth in the staff report.

This item was removed from the Consent Agenda at the request of Commissioner Carter.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. **Use Permit No. 95-20 (Steinbach)**. A request to allow the sale of alcohol (beer and wine) in conjunction with a proposed restaurant located within 300 feet of a residential district, located at 118 West East Avenue, Assessor's Parcel No. 006-530-015, in a C-1 Restricted Commercial zoning district. This project has been determined to be exempt from environmental review pursuant to Section 15061(b)(3) General Rule of the California Environmental Quality Act (CEQA).

Planning Director Sellers gave a brief overview of the application. Commissioner Carter questioned whether or not measures were incorporated into the improvement of the outside dining area to avoid noise impacts on the adjacent studio apartments to the north. Planning Director Sellers indicated that there were no specific improvements depicted on site design drawings or required as recommended conditions of approval to address the potential noise from the outside dining area. Commissioner Carter suggested that landscaping along the north edge of the parcel or dining area could help address potential noise.

The public hearing opened.

Tim Wang, co-applicant, clarified that an existing fence would be extended to enclose the outside dining area's north side and that improvements would include a trellis. The outside dining area would seat approximately 25 patrons. He indicated that required landscaping on the north of the dining area as a condition of approval would be acceptable.

The public hearing closed.

COMMISSIONER CARTER MOVED TO APPROVE USE PERMIT NO. 95-20 SUBJECT TO THE FINDINGS AND CONDITIONS SET FORTH IN THE STAFF REPORT, AND WITH AN ADDITIONAL CONDITION REQUIRING THE INSTALLATION OF LANDSCAPING ALONG THE NORTH SIDE OF THE DINING AREA ADJACENT TO

CHICO PLANNING COMMISSION
Minutes of Regular Meeting of August 7, 1995
Page 2

THE EXTENDED FENCE AND TRELLIS. THE MOTION WAS SECONDED BY COMMISSIONER WRIGHT AND PASSED BY A UNANIMOUS VOTE.

REGULAR AGENDA

2. Schedule work session to discuss expansion of Riley's Bar and Grill, 702 West 5th Street.

Planning Director Sellers reviewed the submitted correspondence indicating that the owners of Riley's Bar and Grill, located on the northwest corner at the intersection of West 5th and Ivy Streets, have requested a work session to discuss the expansion of that business. The Commission agreed to meet at 5:00 p.m. on August 22 at the City Council Chambers to discuss the matter. Following discussion, the Commission agreed to visit the site as well on the same date. Staff was directed to provide notice of the work session to adjacent property owners. Nick Riley, representing the business, indicated that the time was acceptable.

BUSINESS FROM THE FLOOR

None.

OTHER BUSINESS

Planning Director Sellers informed the Commission that the City Council had scheduled a work session to discuss the Hawkins Smith proposal for a commercial rezone and development on the north side of East 20th Street, east of Forest Avenue. The work session is advertised as a joint meeting with the Council and Commission, and Commissioners are invited to attend. The meeting will be held at 4:00 p.m. on August 22, 1995 in the City Council Chambers.

A work session has also been requested by Dean Kassebaum and Jim Stevens (NorthStar Engineering) to discuss subdivision design and General Plan consistency. The Commission agreed to meet a half hour in advance of the regular meeting time on August 21, 1995 to discuss this issue.

Planning Director Sellers informed the Commission of the California Chapter of the America Planning Association annual conference in Santa Barbara, October 1st through 5th, and noted the conflict with a scheduled Commission meeting. Commissioner McAdam indicated that she intended to attend. Commissioner Wright stated that he would be on vacation that week and not attending either the Commissioner meeting or conference. Several other Commissioners stated an interest in attending and indicated that they would contact staff if they wanted to attend. Staff was also directed to consider cancelling the October 2, 1995 meeting if important business to be considered or a quorum was not available.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 7:55 P.M. to the Adjourned Regular Meeting of August 21, 1995.

August 21, 1995
Date Approved

Clif Sellers
Planning Director

CITY OF CHICO
PLANNING COMMISSION
MINUTES
ADJOURNED REGULAR MEETING OF AUGUST 21, 1995
Municipal Center - 421 Main Street
Conference Room No. 2/Council Chambers
7:00 P.M.

ROLL CALL

The work session was called to order at 7:00 P.M. by Chair Kirk Monfort in Conference Room 2 of the Chico Municipal Center, 421 Main Street. Present were Commissioners Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Planning Director Clif Sellers and Senior Planner Tom Hayes.

SPECIAL WORKSHOP MEETING 7:00 P.M. - 7:30 P.M.

1. **Discussion on subdivision design and General Plan consistency.** This workshop was requested by Dean Kassebaum and Jim Stevens from NorthStar Engineering.

Planning Director Sellers explained that the workshop had been requested to discuss General Plan implementation in subdivision design and problems which result from application of some policies. Jim Stevens, NorthStar Engineering, and Dean Kassebaum distributed several drawings depicting alternative designs for the subdivision of a property and described the characteristics of each in relation to the General Plan policies and other considerations. According to Kassebaum, the design that best reflected consistency with the General Plan was infeasible to develop because it was forced to rely on private facilities maintained by a homeowner's association. The costs of the homeowner's association reflected in this design were prohibitive in the competitive real estate market.

The Commission discussed the alternatives at length with a general consensus that the design reflecting General Plan policies was the most desirable, if a method could be found to reduce the costs to the homeowners, possibly through City acceptance of the facilities for maintenance through a district. The Commission also agreed that the "through street" design was the least desirable. The standard cul-de-sac design could be modified to improve bicycle and pedestrian access, thus meeting many of the goals of the General Plan.

Senior Planner Hayes pointed out several components of the General Plan which could readily be incorporated into subdivision design without requiring the formation of a homeowner's association. He also pointed out that it was not intended for every General Plan concept to be incorporated in every subdivision proposal, but rather that goals were established and policies reflected alternative methods of accomplishing these goals.

City Attorney Boehm arrived at 7:25 P.M.

The work session adjourned to the regular meeting at 7:28 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Present were Commissioners Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were City Attorney Bob Boehm, Planning Director Clif Sellers, Senior Planner Tom Hayes and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner McAdam stated she received a phone call from Barbara Vlamis regarding Item No. 5, General Plan Amendment and Prezone No. 95-3, expressing her concerns regarding General Plan amendments so soon after the General Plan was adopted.

CONSENT CALENDAR

2. Minutes of Adjourned Regular Meeting of June 24, 1995.

Requested Action: Approve with any corrections/revisions required.

This item was removed from the Consent Calendar by Commissioner McAdam.

3. Minutes of Regular Meeting of August 7, 1995.

Requested Action: Approve with any corrections/revisions required.

Commissioner Belmonte stated that he would abstain from Item No. 3.

COMMISSIONER CARTER MOVED TO APPROVE ITEM NO. 3, TO WHICH COMMISSIONER MCADAM SECONDED. THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER BELMONTE ABSTAINING.)

ITEMS REMOVED FROM THE CONSENT CALENDAR

Commissioner McAdam removed Item No. 2 from the Consent Calendar. She noted that on the bottom of page 2, the second to last paragraph should read "...recoup the investment in opening the drive-up window," not the bank itself.

Commissioner McAdam also noted her recollection that the comments on pages 18 and 19 were out of order. Administrative Secretary Kracht assured her that the comments were in the order in which they were spoken. Commissioner McAdam retracted the correction.

Commissioner Carter had an additional correction for page 2, second paragraph, citing comments by Sr. Planner Hayes. He noted that the General Plan provided for consideration for phase-out of drive throughs but the question is whether it was a mandate. He clarified that it is not a mandate.

Commissioner Carter also noted that he has given Administrative Secretary Kracht other typographical errors to be corrected.

Commissioner Studebaker stated that on page 11 the vote for Item No. 3 states that Commissioner Crotts and Monfort dissented. He would like it corrected to reflect that Commissioner Studebaker and Monfort dissented.

COMMISSIONER MCADAM MOVED TO APPROVE THE MINUTES OF JULY 24, 1995 WITH THE CORRECTIONS AND REVISIONS AS NOTED. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 7-0.

REGULAR AGENDA

4. **Mission Ranch Tentative Subdivision Map, Phase B and Planned Development Use Permit (Lassen Pacific Development)** - A request to allow 53 single family residential lots with an average lot size of approximately 4,200 square feet, on 8.14 acres bounded by Mission Ranch Boulevard on the north, Lindo Channel on the south, Montecito Avenue on the east, and the Holly Avenue extension on the west, Assessor's Parcel No. 006-150-099, zoned PD/R-2 Planned Development Medium Density Residential. This phase also includes the extension of Mission Ranch Boulevard westerly from its existing terminus. Modifications to required minimum lot size, minimum lot width and setbacks are proposed under the planned development use permit request.

Planning Director Sellers reviewed the staff report and the history of the project. He noted that with the first phase of development, an Initial Study and Negative Declaration completed addressed the whole development, and included extensive mitigations. He added that this is the second phase with additional floor plans to include the General Plan recommendations. He noted that the applicants first discussed this project with the Commission at its meeting of April 17, 1995. He indicated that staff has discussed the four Commission concerns, which are listed in the staff report, with the applicant as a result of that meeting.

Planning Director Sellers noted that there has been a subsequent environmental review addressing the impacts of this particular phase of the development with the resulting mitigations listed as recommended conditions of approval in the staff report. He stated that two Commission approvals are needed for this project, a Planned Development Use Permit, with three mandatory findings, and as a subdivision is an end result, the Commission must make mandatory findings for subdivision development.

Chair Monfort inquired about the traffic control measures, and noted that the report indicates stop signs.

Planning Director Sellers responded that one of the initial Commission discussion items on the project was a concern that Mission Ranch Blvd. will become a major route when connected to Holly Avenue. The Commission had asked the developer to come up with some type of traffic control for intersections and had suggested that traffic circles be explored. He added that staff's discussion with Public Works has concluded that stop signs at intersection of Montecito and Mission Ranch Blvd. and at the future street to be extended southerly behind Orchard Lanes will be sufficient to slow down traffic. He noted that the applicant is also willing to look at other devices to be maintained with a maintenance district.

Chair Monfort indicated that the City's Traffic Committee feels that it is not appropriate to use stop signs as a method of speed control.

Planning Director Sellers responded that it would be appropriate to condition that the stop signs be required as part of the subdivision improvements if the Commission deems them necessary, as well as the alternative for installation of other measures, to avoid problems in the future.

City Attorney Boehm indicated that a modification to the Design Improvement Standards may be necessary and asked Planning Director Sellers to address those modifications. He also discussed the condition relating to the completion of the Holly Avenue bridge (Page 3, Item c.1.b of Public Works report) stating that the developer will contribute his fair share toward the completion of the bridge. He questioned if the recordation of a final map is conditioned on completion of the bridge.

Planning Director Sellers stated that as the condition reads the subdivision map is contingent on the completion of the improvements; however the parcel map contains a contrary provision that Holly Avenue is not necessary for circulation for the subdivision though the subdivision would not be allowed to have access to Holly Avenue until the improvements are completed. The parcel map also provides that the share

of the construction costs be addressed by payment of the street facility fee. He recommended that the conditions regarding Holly Avenue be consistent with those previously imposed on the parcel map.

City Attorney Boehm inquired if the share of cost is more than Street Facility fees.

Planning Director Sellers stated that payment of the Street Facility fee is the fair share toward construction. He recommended that the Public Works report be consistent with the Parcel Map, with the conditions of the dedication of the right of way, pay the share for the bridge through the Street Facility fees, and no access to Holly Avenue until the improvements are completed.

City Attorney Boehm recommended modifying the Department of Public Works report to which Planning Director Sellers agreed.

Planning Director Sellers listed the requested modifications of the Design Criteria and Improvement Standards for this project. He noted that Mission Ranch Blvd. was developed to date with the anticipation of parkway standards. Because the developer moved ahead with improvements before those standards were developed they are not set to current standards. The modification requests that the developer be allowed to continue with the current design throughout Mission Ranch Blvd. He noted that the code does allow modifications when improvements are already in place. The second modification requested is to allow the sidewalk contiguous to the private street within the subdivision. He noted that the basis of the finding for this modification is the quality of small lot design, allowing the houses to be placed closer to the street, achieve General Plan consistency and meet the design requirements.

Chair Monfort inquired about zero lot line. Planning Director Sellers stated that zero lot lines are not proposed, rather a z-lot line configuration to zig-zag between the lots with three feet between the lot line and buildings. This concept minimizes side yards, but allows windows in all exterior walls, rather than fine walls..

City Attorney Boehm asked that the Commission clarify the relationship between this development and Holly Avenue bridge by deleting the reference to fair share, or if they elect to make that connection, this project must complete the bridge if it is not constructed.

The public hearing was opened at 8:06 p.m.

Don Spring, 1013 Lori Drive, stated his concerns regarding the appearance of Holly Avenue after they complete the construction. He stated that there are two blocks of parklike setting facing Holly Avenue, with 100 feet of foliage. As an example, he presented pictures of the backside of the existing homes in Mission Ranch, Phase A which can be seen from the Esplanade. He felt the homes will be aesthetically out of place from the backside along Holly Avenue. He would like to see a buffer zone of one row of low profile homes. He stated that a similar case, Northwood Commons, used a fence with landscaping to help alleviate the problem.

Chair Monfort stated that on the Holly Avenue side of the subdivision there will be a parkway with street trees. Mr. Spring replied that the houses are proposed to be 20 feet off the road which does not allow for much landscaping.

Commissioner McAdam stated that the elevations included in the packet are one story houses. Mr. Spring responded that the one story houses are almost the same elevations as the two story houses, and while they are not unattractive, they stick out from two blocks away.

Planning Director Sellers clarified that of the seven presented plans, three are two story.

John Merz, 178 Terrace Drive, stated that this is a fairly large development which was split into several phases. He reviewed the history of the environmental review and subsequent lawsuit. He stated that there are two items of environmental concern for this phase of the development. The lawsuit settlement provided annual monitoring of air quality at three locations on East Avenue. He would like to see one more monitoring location to be located at the intersection of Mission Ranch Blvd. and the Esplanade. He indicated that this will establish a baseline for pollutants to be tracked over time with future development and activity.

The second item Mr. Merz addressed was in regards to a bike path. He noted the site map shows a circulation pattern. However, currently the north side of East Avenue cannot be accessed by bicycle or pedestrians without going out to the Esplanade or by trespassing through private property. He suggested requiring a bike path along the future alignment of Terra Blanca Drive, though he noted that there could be problems as much of the area is private property. He indicated that he is not aware of any proposals at this time for more commercial development in the area. He stated that non-automobile orientated traffic needs another method to get to East Avenue. He cited a recent example of Carriage Park subdivision with bike path along the future development of Baroni Drive.

Commissioner McAdam inquired if the same access problem would occur by putting a bike path along Terra Blanca Drive, or slightly different alignment.

Mr. Merz responded that the development of a bike path needs to go to East Avenue and the Esplanade not toward the direction of East Avenue and Chico Rehabilitation Hospital. He stated that he has concerns regarding overall development with the total number of people involved with the R-3 zoning in the additional area. He felt the area needs more overall parkway and recreational areas. He noted that the maintenance of a natural greenway will not remain that way if it is the only area dedicated to recreational open space.

Commissioner Wright stated that the development fees are to provide recreational open spaces. Mr. Merz responded that if other services of that nature are in place, it enhances the demand for their property. He added that most apartment complexes have some form of recreational open space within their complex.

Chair Monfort noted that the Environmental Review in the staff report notes that air quality monitoring at key intersections is required.

Planning Director Sellers stated that air quality monitoring exist, with locations along East Avenue, and noted that Mr. Merz is suggesting another monitoring location at Mission Ranch Blvd. and the Esplanade.

Chair Monfort stated that with the monitoring located along East Avenue, there is nothing currently to indicate what is happening along the north/south routes. He stated that the intent of air quality monitoring is to track the congestion in those areas which could get worse with the Mission Ranch development.

David Briggs, 17 Lindo Park Drive, the applicant, stated that he would like to address the subject. He stated that he would not have a problem with the additional monitoring. He noted that they were asked to address traffic speeds and patterns, had extensive discussion with the Department of Public Works. He stated that they had agreed on the installation of stop signs at various intersections, and would have no objections with stop signs at the locations involved.

Chair Monfort inquired if the applicant had discussions with the Department of Public Works regarding traffic circles. Mr. Briggs responded that the Department of Public Works was not enthusiastic about this concept, perhaps because it has not been tried extensively locally.

With regard to the view from back of the houses, Mr. Briggs stated that the houses were designed to be utilized back to back from the center of the subdivision. He noted that one of the two story plans has a step down design with a single story in the back. He stated that the proposed parkway strips will have the

houses setback 15 to 20 feet, with addition of sidewalk and setbacks, the houses will be setback at least 34 feet from the curbs. He noted that as they own the property directly across the property line for an additional 40 to 50 feet, there will not be a house within 140 feet from back of future homes on Mr. Springs property. He stated that the proposed landscaping for the parkway strips have four rows of trees. He felt that a buffering effect will be created with the landscaping and a mixture of houses will eliminate those concerns over a period of time.

Mr. Briggs addressed the bike path concerns. He reviewed the idea for Terra Blanca Blvd. and noted they would be unenthusiastic for a bicycle trail through that area, as there would be a safety hazard with the amount of traffic on East Avenue, with no controls, and an almond huller and agriculture operation in the area. He stated that the property on East Avenue is zoned Commercial and will be eventually developed which will include a stop sign at Terra Blanca Blvd. creating a safe situation. He added that as the parcels are developed there will be access to East Avenue and East Avenue will also be improved. He felt uncomfortable with an uncontrolled bike trail at that location until those improvements are constructed.

Commissioner McAdam expressed that the safety of the bike path to East Avenue may not be different when East Avenue is improved. She added that she would speculate that a stop light would not be placed so close to the intersection of the Esplanade and East Avenue. She added that she would like to have Department of Public Works input on the bike path intersection.

Mr. Briggs suggested that as soon as Les Schwab builds their store on East Avenue, which will be developed in the near future, there may be a condition for a stop light in the area as those exiting the tire store will not be able to make a left hand turn without it.

Regarding park facilities, Mr. Briggs noted that there is a proposed five acre park south of Lindo Channel which residents will have access to via Holly Bridge. He added that if the R-3 area can be developed, it is likely that recreational facilities will be included in the design of those projects. He stated that they have built a road from Mission Ranch to access the creekside greenway at extensive cost to allow for access by the residents and the public. He indicated that there will be additional recreational facilities incorporated with the additional development of the project.

Commissioner Carter stated that the floor plans indicate some recessed garages will be offered. He inquired if the choice to use those plans would be market driven.

Mr. Briggs responded that their experience to date showed that recessed garages have received a reasonable degree of marketability and he believes they will be equally distributed. As the street scene is important to market, he indicated that they have developed a street scene which has been well received. He stated that the subdivider will control what type of home goes on each lot, as it is their intention to improve the streetscape by distributing plans throughout subdivision, though it is market driven to some extent.

Commissioner Carter quoted from the Commission minutes of April 17, 1995 with Mr. Briggs stating that they build 20 percent of the project.

Mr. Briggs stated that they preferred to build-to-order to allow for customization by the purchaser, though they have been building some houses for inventory which was intended for 20 percent and in actual practice is approximately 12 percent. He stated that their belief is that it is important to maintain variation, leaving adequate room for landscaping and how the homes fit together on a z-lot configuration. He added it is the developers intent to give diversity to the subdivision though design, color selection and landscaping.

Commissioner Carter suggested that since the developer may build 20 percent of the homes, they should be required to build some of the units with the recessed garages to encourage their selection by purchasers.

Mr. Briggs stated that they have built three of those style homes for model homes. He indicated that they also suggested additional extras with the configuration will contribute to the homes. He also indicated that there was not a problem with the additional homes.

Mr. Spring, a previous speaker, stated that at one point there is a 100 foot buffer zone. He asked the Commission to imagine several thousand people per day driving down Holly Avenue in the future. He implored the Commission to consider the view from the street.

The public hearing was closed at 8:50 P.M.

Chair Monfort stated that according to the applicant, there is no problem with requiring an air quality monitoring station at the intersection of Mission Ranch Blvd. and the Esplanade.

Planning Director Sellers responded that there would not be a monitoring station, but rather an annual evaluation of the pollutants at that location with a report. He stated that the evaluation will be based on the collection of air samples once per year and determine the baseline pollutants for the location.

Chair Monfort stated that while the bike path has merits, a method would have to be found to get the people to the corner or East Avenue safely.

Commissioner McAdam indicated her concern is that the situation will not be getting any better when Terra Blanca is put through. She suggested a compromise would be to put the path on the Montecito alignment with a traffic light or other control as this would increase the distance to the intersection of East Avenue and the Esplanade. She indicated that the Commission should not can make engineering decisions without more input from the Department of Public Works.

Commissioner Carter complimented the applicant for designing windows on the rear of houses backing onto a road as the General Plan encourages windows on the street. He stated that he would like to see the applicant build some of the model houses with recessed garages, as the General Plan suggests these where appropriate. He felt this would be an appropriate place. He stated that he would like to see one half the houses built by the applicant have recessed garages.

Chair Monfort indicated that there is something to be said for a large number of designs making the area more interesting.

Commissioner Carter replied that there are 81 lots in subdivision and the number of homes by the applicant would be 12 percent, or six percent with recessed garages. The less desirable lots are the ones applicants build on, which will not be in one strip, and would not create repetition of the same design.

Commissioner Wright stated that he does not like mandating and would rather ask for a good faith effort to build some of the homes with recessed garages.

Commissioner Carter responded that mandates in land use planning are well settled in the law. He added that he is asking the Commission to mandate the design elements of the General Plan be applied.

Commissioner Wright stated that it would not be right to mandate what the General Plan suggests when it may not be what people want. He indicated that a developer offering floor plans with recessed garages is a good mechanism to find out if people like recessed garages.

Commissioner Carter stated that these are homes to create an inventory, not to meet market demand, to have a sample of the homes available.

Commissioner McAdam stated that with 53 houses in the development, 12 percent is five houses, of which half of those would be mandated to have recessed garages. She stated that to mandate them is a moot point as three of the floor plans to be built as sample homes have recessed garages. She felt that while it is too small a number to mandate, it is the principle of encouraging General Plan conformity and implementation.

Commissioner Carter noted that there are a number of deviations to General Plan policies as this is Phase 2 of a development begun prior to the new General Plan. He indicated that there is a line between good faith and mandates. He stated that he was asking that 6 percent of 81 homes be devoted to the recessed garages. He withdrew the recommendation for this condition as the Commission was not desirous of it.

Commissioner McAdam re-stated that in this case a mandate is a moot point, though at some time in the future, conditions of that nature may be appropriate.

Chair Monfort inquired if the applicant will have one of each model built.

Mr. Briggs replied that two are being built now and one will be built in the future.

Commissioner Carter verified with Mr. Briggs that the model homes with the recessed garages were being built in Phase A.

Chair Monfort inquired if the Commission desired a condition for windows to be placed in the rear of the homes facing the driveway. Commissioner Carter affirmed.

Commissioner Crotts stated that she would like to see a bike path. She inquired on the status of the improvements in the area between from Chico Rehabilitation Hospital and Albertson's.

Planning Director Sellers stated that staff did not support the bike path at this time, but felt that the matter should be further reviewed with additional applications. Currently, there is no way for bicycles and pedestrians to safely cross East Avenue mid block, such as the Albertson's driveway. In the future, the path may be appropriate as East Avenue is further improved and signalized. He also noted that any path would be temporary and replaced with streets with width for bicycle lanes.

Commissioner McAdam agreed that they may be creating a safety hazard with people coming out on a busy street with no feasible way to get across the street.

The Commission concurred that this would not be the time to encourage a bike path being built through the area.

In response to Commission questions about the Holly Avenue bridge, the Planning Director recommended that the Public Works Subdivision Report be modified to delete requirements for construction of Holly Avenue beyond the project limits and requirements for payments of "fair share" costs. The portions of the report referencing these requirements, as well as the requirement for bridge completion prior to Mission Ranch Blvd. connection, were identified for Commission reference.

COMMISSIONER MCADAM MOVED APPROVAL OF RESOLUTION 95-19 WITH THE FINDINGS AND CONDITIONS OF APPROVAL LISTED, AS WELL AS THE FOLLOWING CONDITIONS: (1) WINDOWS FACING ADJACENT PUBLIC STREETS, (2) THE ENCOURAGEMENT OF RECESSED GARAGES, (3) THE DELETIONS IN THE SUBDIVISION REPORT AS NOTED BY STAFF, AND (4) THE AIR QUALITY SAMPLING TO BE TAKEN YEARLY AT THE INTERSECTION OF MISSION RANCH BLVD. AND THE ESPLANE. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED UNANIMOUSLY.

The Commission was in recessed from 9:10 to 9:25 P.M.

5. **General Plan Amendment and Prezone No. 95-3 (McCrea/Timmons/Sloan/Malmquist) - A request to amend the General Plan designation from Low Density Residential to Community Commercial for a 1/2 block located on the east side of Magnolia Avenue between W. 10th and W. 11th Avenues (nine parcels in total), and a request to change the rezoning designation from City R-1 Single Family Residential to City PD/C-1 Planned Development Restricted Commercial to facilitate a use permit for an automotive restoration and repair shop at 114 W. 10th Avenue, and possible future commercial uses on the remaining parcels.**

Sr. Planner Hayes reviewed the staff report and noted that staff was not asking for a final recommendation at this meeting, rather for a motion-of-intent or to be given a direction in which the Commission would like to proceed. He stated that the initial request was made by a property owner, Mr. Timmons, in order to expand his automotive business across the alley. He indicated that the area currently consists of a mix of uses, commercial uses on the west side toward the Esplanade and a variety of residential uses in all other directions. He noted that the entire area is in the County, with substandard infrastructure, with no sidewalk or storm drainage.

Chair Monfort inquired where the nearest adjacent City property was located.

Sr. Planner Hayes responded that the nearest City jurisdiction is on the Esplanade. He explained that the reason staff is asking the Commission to look at the half block was to provide consistency and to improve infrastructure in the area in regards to storm drainage and sanitary sewer. He described the area as currently being zoned R-1 in the County and prezoned R-1 by the General Plan with commercial designations along the Esplanade.

Sr. Planner Hayes added that a number of issues were raised by staff including noise, access, lighting and other impacts a commercial use might have on the half block and adjacent properties. As the subject properties have separate ownerships, the ability to have some control over the half block is another concern. He noted that staff has been unable to complete an environmental review due to the difficulty of having nine separate ownerships, though all the property owners have indicated some interest in going forward with the commercial zoning. He stated that the Commission has several alternatives available, listed in the staff report, and asked that the Commission provide direction for staff, including the direction to proceed with the environmental review.

Chair Monfort inquired how staff established the number of additional units which could be allowed. Sr. Planner Hayes responded that the one undeveloped lot could accommodate up to six units.

Chair Monfort inquired on the outcome of the County/City joint neighborhood meeting for the Avenues.

Sr. Planner Hayes responded that approximately eighty people participated in the meeting mid-June. He stated that the prevailing sentiment was for the area east of the Esplanade to be zoned R-1, which is the recommendation which will be carried back to the Commission and Council at the next meeting on the subject, with the County and the area residents notified of those meeting dates.

Commissioner Studebaker noted his concerns that some County residents seem to resist any rezoning by the City.

The public hearing was opened at 9:35 P.M.

Bruce McCrea, 80 Mimosa Lane, stated that Mr. Timmons has been in business at an adjacent Esplanade location for 10 years and would like to expand across the alley. He noted that four of the nine property owners have gathered together for this request. He indicated that the current nitrate problem in the area has been a detriment to the property values which could be improved by extending sanitary sewer to the area, eliminating at least one septic system and opening the way for removal of others. He reviewed the nearest sewer locations, being one-half block away in two directions. Mr. McCrea noted that Mr. Timmons has previously paved the alley and will do improvements such as curb, gutter and sidewalks. He urged the Commission to recommend to staff that the area be rezoned R-2 with Commercial on the one parcel.

Chair Monfort inquired if the land that the Commercial would expand to would entail the destruction of one house. He expressed his concern that the block currently has good housing stock and the R-2 may encourage more apartments to be built in their stead.

Mr. McCrea responded that one house would be removed for the Commercial building. He expressed that the applicants' goal is to follow proper procedure, though the County would allow the development of the commercial business.

Richard Munkes, representing Chico Nut Company, 2020 The Esplanade, noted that there is an existing tank at the house which should be removed with this proposal. He stated that Mr. McCrea had suggested that all business activities be done inside. He suggested the removal of the tank and that all business activities be done inside be conditions placed on the zoning. He also suggested the Commission encourage landscaping be imposed as a requirement.

The public hearing was closed at 9:45 P.M.

Chair Monfort stated that in order to get improvements into the area, and allow some development on the vacant lot, R-2 would be acceptable. He noted that unless there is lot consolidation, there is not much expansion room to do R-2 development.

Commissioner McAdam stated that while she doesn't have problem with rezoning the area R-2, she cautioned the Commission to be careful changing the General Plan without careful consideration. She added that they were treading on dangerous ground on making General Plan amendments so soon after adopting General Plan.

Chair Monfort responded that this area has been identified for additional consideration. He noted that this could be a way not to make an area worse and could possibly improve the neighborhood.

Commissioner McAdam stated that this is near some service and commercial areas, and suggested rezoning the area Planned Development/C-1 on the Timmons property.

City Attorney Boehm reviewed the permitted uses in the C-1 zoning, which include automotive restoration, auto parts store and automotive repair as incident to a parts store. He added that C-2 does allow automotive repair businesses.

Sr. Planner Hayes noted that this use would be allowed with a Use Permit.

City Attorney Boehm stated that automotive restoration, the use proposed by Mr. Timmons, would be comparable with an automotive repair shop, which is permitted in a C-2 district. He recommended that if this use is what is to be authorized, the Commission rezone the area C-2.

Chair Monfort stated that the intent is not to rezone the whole area C-1, but noted that they may consider rezoning C-2 on the one lot.

Commissioner Belmonte complimented the applicant for his efforts to maintain the area over the years and providing the alley improvements. He felt that the Commission should recognize those efforts and accommodate Mr. Timmons' request.

Commissioner McAdam stated that the Use Permit goes with the property not with the owner and noted that future owners of the property may not keep up the area as the current owner has. She stated that she is disinclined to allow any commercial on the other side of the alley, particularly C-2, which may not be compatible with the remaining neighborhood.

Chair Monfort inquired why staff suggested Planned Development zoning. Sr. Planner Hayes responded that the designation would allow for conditioned development of the parcel.

Chair Monfort suggested that a Planned Development designation may provide the control on the development which would solve Commissioner McAdam's concerns.

Commissioner Wright stated that he would support PD-C-2 zoning for Mr. Timmons parcel and prezone the rest R-2, which would allow for improvements to be made in the neighborhood. He noted that he understands Commissioner McAdam's concerns and agreed that a Planned Development designation may allow the controls to prevent conflicts.

Commissioner Crotts stated that the Planned Development designation will ensure that future development will comply with the Commission's direction.

Commissioner Carter stated, given that the property is in the County, the residents could have gone to another jurisdiction to have judgement on the area. He stated that he would like to see further exploration of the alternative to allow for Mr. Timmons lot to be zoned PD/C-2 and R-2 for the rest of the area. He again added that he was mindful that the desires of property owners could be directed to the County which would not allow for any City control.

Commissioner McAdam inquired if the rest of the neighborhood was noticed of this request. Commissioner Carter responded that staff had noted that most of the neighborhood is not owner occupied and therefore may not have received notice of this meeting. He added that if this issue is to be discussed further, posted notices may be necessary.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO A FUTURE MEETING WITH NOTICE PROVIDED TO THE NEIGHBORING PROPERTY OWNERS AND OCCUPANTS AND ZONING AS DISCUSSED BY THE COMMISSION TO BE CONSIDERED.

Commissioner McAdam inquired if a motion was needed.

Sr. Planner Hayes stated that no motion is necessary if it is the intent of the Commission to move forward with the PD/C-1 or C-2 and R-2 with the notification of the neighborhood.

Commissioner McAdam stated that a motion of intent is too strong a direction at this point and would rather explore the issues with environmental review and notification.

Chair Monfort directed staff to focus on the alternative listed in the staff report to redesignate the Timmons' property to Community Commercial and prezone PD/C-1 Planned Development/Restricted Commercial and the remainder of the parcels from Low Density Residential designation and R-1 Single Family Residential zoning to Medium Density Residential designation and R-2 Medium Density Residential zoning.

BUSINESS FROM THE FLOOR

Planning Director Sellers stated that the Commission was scheduled to have a joint meeting with the Council on August 22nd. He noted that the applicant has asked that the meeting be canceled. He stated that the Commission would have a worksession on August 22nd at 5:00 P.M. regarding the possible expansion of Riley's. He added that the Commission has been invited to tour the area to determine the impact of the area.

Commissioner Studebaker stated that he would like an update on the sidewalk General Plan amendment. Sr. Planner Hayes stated that staff was moving forward to include the item on the next set of follow-up General Plan amendments. He noted that the first set of Commission recommendations still have to be approved by the Council. He added that staff would like to have the amendments, corrections and changes grouped together.

ADJOURNMENT

Adjourned to the Meeting on August 22, 1995 at 5:00 P.M. and the Regular Meeting of September 18, 1995 at 10:00 P.M.

September 18, 1995
Date Approved

Clif Sellers
Planning Director

CITY OF CHICO
PLANNING COMMISSION
MEETING OF ADJOURNED REGULAR MEETING OF
AUGUST 22, 1995

ROLL CALL

The work session was called to order at 5:00 P.M. by Chair Kirk Monfort in Conference Room No. 2 of the Chico Municipal Center, 421 Main Street. Present were Commissioners Jeff Carter, Brenda Crotts, Kirk Monfort, Jonathan Studebaker and Michael Wright. Commissioners Celia McAdam and Barry Belmonte were absent. Staff present was Planning Director Clif Sellers.

REGULAR AGENDA

Work Session to discuss the proposed expansion of the Riley's Bar and Grill - West 5th Street and Ivy Street.

Planning Director Sellers explained that the workshop had been requested by the owners/operators of Riley's Bar and Grill to discuss expansion of that business. He also noted that notice of the work session had been mailed to all property owners within one block of the site.

Nick Andrews and Kevin Riley discussed the history of the business and their past efforts to expand the facility. They described the business as serving the neighborhood and the difficulty with meeting off street parking requirements. The expansion would occupy the entire ground floor of the existing building, increasing seating by 45 persons. Planning Director Sellers stated that the expansion would require a minimum of eleven additional parking spaces, less the number assigned to the residential unit which would be eliminated. After Commission discussion generally supporting the expansion if it could meet requirements and not adversely affect the neighborhood, the Commission visited the site.

After viewing the site, the Commission suggested that the owners look at parking lot design and on-street parking, as well as discuss the proposal with the City Police Department, before submitting a formal application. Again, the Commission indicated general support for the proposed expansion.

ADJOURNMENT -

The work session was adjourned at 6:42 P.M.

September 18, 1995
Date Approved

Clif Sellers
Planning Director

PLANNING COMMISSION
MEETING OF SEPTEMBER 18, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Present were Commissioners Barry Belmonte, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Commissioner Jeff Carter was absent. Staff present were Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. Minutes of Regular Meeting of October 3, 1994.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of July 10, 1995.

Requested Action: Approve with any corrections/revisions required.

3. Minutes of Adjourned Regular Meeting of August 21, 1995.

Requested Action: Approve with any corrections/revisions required.

4. Minutes of Adjourned Regular Meeting of August 22, 1995.

Requested Action: Approve with any corrections/revisions required.

5. Amendment to Chapter 19.43 and Chapter 19.44 of the Chico Municipal Code - RHD RESIDENTIAL HIGH DENSITY and R-P RESIDENTIAL-PROFESSIONAL/BUSINESS OFFICE which proposes to add group care facilities and health care facilities as uses permitted subject to use permit in both zoning districts, and define group care homes in the R-P district under uses permitted subject to use permit as those licensed by the state serving 7 to 12 persons. This project is exempt from environmental review pursuant to section 15061 (b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of amendment to Title 19 Land Use Regulation of the Chico Municipal Code.

6. Amendment to Chapter 19.52 of the Chico Municipal Code - C-1 RESTRICTED COMMERCIAL ZONING DISTRICT which proposes to include "Motor vehicle repair garages, except trucks" among the uses permitted subject to use permit in this zoning district. This is exempt from environmental review pursuant to section 15061 (b)(3) General Rule of CEQA.

Requested Action: Recommend City Council adoption of amendment to Title 19 Land Use Regulation of the Chico Municipal Code.

Commissioners Belmonte, Studebaker and Wright abstained from Item No. 1 as they had not been appointed to the Commission at that time. Commissioner Belmonte also abstained from Item No. 4 as he was absent from the meeting.

Commissioner Studebaker removed Item No. 2 from the Consent Calendar.

COMMISSIONER MCADAM MOVED APPROVAL OF THE CONSENT CALENDAR, LESS ITEM NO. 2. COMMISSIONER CROTTS SECONDED THE MOTION WHICH PASSED 6-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes of Adjourned Regular Meeting of July 10, 1995.

Requested Action: Approve with any corrections/revisions required.

Commissioner Studebaker stated that Item No. 7 (Whitehall subdivision) had a recorded vote of 5-1-1 with Commissioner Carter abstaining. He asked that the record reflect that he also abstained.

Planning Director Sellers stated that staff would verify with the video tape that the minutes accurately reflect the vote.

Commissioner Studebaker replied that the change to abstention was stated as the Commission started to break and the tape may not reflect that change.

Planning Director Sellers stated that the correction would be made to the minutes.

COMMISSIONER STUDEBAKER MOVED APPROVAL OF THE MINUTES FROM JULY 10, 1995 WITH THE AMENDMENT OF HIS ABSTENTION FROM THE VOTE FOR ITEM NO. 7. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 6-0.

REGULAR AGENDA

7. Heritage Oaks Planned Development and Vesting Tentative Subdivision Map (Epick) - A 43 lot single family residential subdivision located on 7.9 acres on the north side of Springfield Drive, 150 feet east of Christopher Alan Lane, which was approved by the City of Chico Planning Commission on January 9, 1995. A request to modify the conditions of approval as follows:

- a. To substitute a floor plan with a recessed garage for the approved floor plan which specifies a garage at the rear of the parcel on eleven (11) lots.
- b. To permit the installation of sidewalk contiguous to the curb along 100 +/- feet of the entrance road, north of Springfield Drive, allowing a landscape buffer for existing single family residences.
- c. To locate street side yard fencing five feet from the property line, rather than 10 feet, increasing the size of the rearyard, for six corner lots.

A mitigated negative declaration was previously adopted for this project.

Planning Director Sellers reviewed the project and the requested revisions. He noted that the project was considered by the Commission on several occasions and approved as a Planned Development and Tentative Subdivision Map in January 1995. He indicated that the developer changed during the approval process, with the current developer requesting that these changes be made.

He stated that there are three requested changes, two of which are not controversial. The first of these requests (Item 7.b.) is to permit the installation of sidewalks contiguous to the curb along the entrance north of Springfield Drive. This would provide a better transition to Springfield Drive, a landscaping buffer and privacy for the neighboring backyard. Planning Director Sellers indicated that the second request (Item 7.c.) is for rear yard fencing to be allowed five feet from the property line, rather than 10 feet, which would provide more space for to the corner lot rearyards.

The third request (Item 7.a), Planning Director Sellers noted, is to substitute one floor plan with a recessed garage for the approved floor plan which specifies a garage on the rear portion of the parcel on eleven lots. He stated that staff has administratively allowed the elimination of the rear garage floor plan from four lots to decrease overcovering within the drip lines of the trees which are to be preserved. He indicated that the applicant at this time would like to eliminate that floor plan from the eleven other lots. He noted that the General Plan encourages rear garages and this was a consideration in the project approval.

He stated that staff recommended approving Items B and C, but felt it would be appropriate for the Commission to discuss Item A. Planning Director Sellers reviewed various alternatives available for Commission action.

Chair Monfort inquired if the four units, which were administratively approved for modification, were those which had a shared driveway, as shown in Exhibits 1 and 3.

Planning Director Sellers responded that those lots do not share a driveway. He noted that lots in question are Lots 4, 6, 7 and 22 which have single service driveways and Lots 4, 6 and 7 have driveways which would have had an impact on the tree root system. He added that Lots 13 and 14 could have a shared driveway. He stated that the shared driveway was some concern to the applicant, though the overcovering of the lot is also a consideration.

Planning Director Sellers stated that the applicant submitted a letter detailing the reasons for the requests.

The public hearing was opened at 7:51 P.M.

Pete Giampaoli, Epick Homes, the applicant, stated that there are three sections to this request. He detailed why he agreed with Planning Director Sellers's reasoning and recommendations regarding the requests for sidewalk and fence placement modifications.

Mr. Giampaoli stated that the third request is to substitute a floor plan with a recessed garage for the floor plan with a rear garage for eleven selected lots. He noted that he was not requesting a General Plan change. He stressed that he was requesting changes to one floor plan to one which reflects a different concept in the General Plan. He stated that the choice is between two already approved concepts in General Plan, rear garages and setback garages.

Mr. Giampaoli noted that all 43 lots in the subdivision accommodate the recessed garages with the house portions extending five to eight feet in front of the garages. He gave a history of the project, pointing out that this was the first project approved following the adoption of the current General Plan.

He stated that the rear garage and driveway would reduce the amount of landscaping in the backyard. He expressed his concern that this may encourage children to play in the driveway, creating a safety hazard. He was also concerned that a resident would have to back up 60 to 70 feet, as there would not be sufficient room on the narrow lot for a turn-around location.

Mr. Giampaoli stated that there are 211 guidelines and suggestions listed in the General Plan which have become a balancing act to follow. He stated that they have spent much time and money researching and attempting to comply with the General Plan. He then reviewed his letter to the Commission, dated August 23, 1995, which was included in the packet and quoted sections from the General Plan.

Chair Monfort confirmed that Mr. Giampaoli is arguing that they have done much to meet the General Plan guidelines. Chair Monfort stated that the Commission had read Mr. Giampaoli's submissions.

Chair Monfort stated that those illustrations of the General Plan were not prescriptions or requirements, rather suggested ideas. He expressed concern that with the approval of the Planned Development, the Commission had wanted some of the garages in the back. He noted that a past applicant on another project had stressed the variance of visual images to avoid the rear garages. He inquired how the applicant proposed to vary the streetscape.

Mr. Giampaoli responded that there would be more than ample variation in the frontscape of the project. This would be achieved through the use of three different color schemes on three different floor plans with three different elevations. He added that there would be more variety to the visual setting by varying the closeness of the houses to the street. He stressed that in order to stay in their proposed price range, they have to limit the amount of customizing to the homes.

Chair Monfort stated that an applicant for a similar project had suggested that the rear garage was an attribute as it created a courtyard effect. He inquired about the safety hazard Mr. Giampaoli referred to.

Mr. Giampaoli responded that they have researched similar projects and have found that there is a problem. The rear garage creates small back yard, having lost 38 percent of the lot area for landscaping, and children end up playing in the driveway. He noted that rear garages would work better with a wider lot allowing the garage facing the side rather than the front. He indicated marketability was a major concern.

Chair Monfort confirmed, with Mr. Giampaoli that there would be variation in the garage doors as well as windows in the garages.

Commissioner McAdam clarified that the main reason for this request is safety concerns because people have to back out of their driveway which may have children using it as a play area. Mr. Giampaoli stated that it is a liability issue as well and added that safety is also a concern when the garage is separated from the house as people will be walking from the garage to the house in the dark and in the rain.

Chair Monfort confirmed that decreasing the useability and landscaping of the backyard is also an issue. He inquired if the applicant had considered a Z-lot line. Mr. Giampaoli responded that they had surveyed people who live in an area with Z-lot lines and found that it was not favorable.

The public hearing was closed at 9:20 P.M.

Chair Monfort stated that while he understood Mr. Giampaoli's arguments, he was concerned with visual impact.

Commissioner McAdam stated that the elevations depict the garages as a big part of the streetscape, though she felt the garages may be more than the 17 percent of the front elevation area. In terms of balancing the guidelines of the General Plan, she stated that when the Commission first considered this project in January they was pleased with the rear garages. She stated that she not convinced they should be dismissed out of hand.

Commissioner Wright responded that the garages are not being dismissed out of hand, but rather are an attempt to avoid having the limited open space dedicated to driveway. He noted that usable landscaped area is wanted by the public. In terms of varying the streetscape, he stated that with the meandering-type streets, differences in yards, landscaping and elevations, he does not see the problem with the request.

Commissioner Belmonte stated that the flavor of the discussions in January was one of compromise. He felt that to continue comprising the compromises may not accomplish the goals of the General Plan. He agreed with the need for visual diversity, landscaping and safety. He noted that he has seen rear garages

on small lots and it has worked. He stated that he would like to see the applicant do as much as possible with the compromises discussed and adopted in January.

Commissioner Belmonte inquired if the larger lots had rear garage designs to create more of the mix. Mr. Giampaoli responded that much of that could be done through customizing, but the more they do, the more the cost for the home goes up.

Chair Monfort inquired if it was decided which of the three elevations will go on which lot. Mr. Giampaoli replied that they have a plot plan already.

Planning Director Sellers stated that a Planned Development requirement is to specify what the mix is or to have a plan which specifies which house is to be on which lot. He noted that Exhibit 6 is the plot plan.

Chair Monfort stated that while he understands that there were many compromises made in January, if these are mixed floor plans, the windows in the garages will break the impact and help provide visual variety. He added that small lots with the garages in the back does create a lot less open space.

Commissioner Belmonte wondered what would have happened if Exhibit 6 had been provided for the discussions in January. He added that marketability is important through a mix in the garage setbacks. He felt that there is a "cookie cutter" impression given by the plot plan. He suggested a compromise for the developer to avoid eliminating the rear garages.

COMMISSIONER BELMONTE MOVED FOR THE DEVELOPER TO LOOK AT TRYING TO RETAIN REAR GARAGES AND MAINTAIN A MIX AND AVOID TOTAL ELIMINATION OF REAR GARAGES.

Commissioner McAdam inquired how the motion would be able to relate to the provided resolution.

Planning Director Sellers stated that the Resolution included in the packet was the Resolution which approved the development. He suggested that the motion have a number or percentage of rear garages included.

Commissioner Wright stated that the motion was too vague. He suggested that some things may change after the preliminary plans are approved and the Commission should be amenable to those necessary changes. He noted that safety issues are a concern.

Commissioner Belmonte stated that this argument raises a flag. If this is a valid argument to avoid rear garages it may make that goal for rear garages unattainable. He added that there may be the opportunity to have some rear garages. He stated that he was open to discussion to establish a number and still maintain the previous agreement.

Commissioner Stuebaker expressed his concern that establishing a number of rear garages to be built would be mandating rather than encouraging.

Commissioner McAdam encouraged the Commission to go with what was initially approved as the Commission felt it was a viable plan and the rear garages are appropriate. She stated that she was not inclined to reduce the rear garages any further than necessary.

Chair Monfort recommended dividing the three issues into different motions.

COMMISSIONER MCADAM MOVED APPROVAL OF ITEM 7.B. , TO PERMIT THE INSTALLATION OF SIDEWALK CONTIGUOUS TO THE CURB ALONG 100 +/- FEET OF THE ENTRANCE ROAD, NORTH OF SPRINGFIELD DRIVE, AND 7.C., TO LOCATE STREET SIDE YARD FENCING FIVE FEET FROM THE PROPERTY LINE. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 6-0.

PLANNING COMMISSION

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COMMISSIONER MCADAM MOVED TO DENY 7.A., THE REQUEST TO CHANGE THE LOT CONFIGURATION ON THE 11 PARCELS IN TERMS OF REAR GARAGES. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH PASSED 4-2 (CHAIR MONFORT AND COMMISSIONER WRIGHT DISSENTING).

8. **General Plan Amendment and Prezone No. 95-3 (McCrea/Timmons/Sloan/Malmquist)** - A request to amend the General Plan designation from Low Density Residential to Community Commercial and change the pre zoning designation from R-1 Single Family Residential to PD/C-1 Planned Development Restricted Commercial for a parcel identified as 114 W. 10th Avenue, Assessor's Parcel No. 003-601-010; and a request to amend the General Plan designation from Low Density Residential to Medium Density Residential and change the pre zoning designation from R-1 Single Family Residential to R-2 Medium Density Residential for the remaining parcels within a half block area located on the east side of Magnolia Avenue between W. 10th and W. 11th Avenues. The entire subject area is currently in the County and zoned County R-1 Single Family Residential. A negative declaration is recommended for this project under the California Environmental Quality Act.

Planning Director Sellers reviewed the staff report and the discussions of the Commission at the August 18th meeting. Staff recommendation is for the Commission to recommend Council adoption of the amendment.

The public hearing was opened at 8:41 P.M. to which there was no comment.

COMMISSIONER BELMONTE MOVED TO FORWARD THE RECOMMENDATION TO THE COUNCIL AS STATED BY STAFF. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

9. **Use Permit No. 95-21 (Small)** - A request to allow a fraternity house with 14 full time residents and the provision of live amplified outdoor music four times per year on Fridays from 3:00 P.M. to 11:00 P.M. on property located at 1020 West Second Street, Assessor's Parcel No. 004-032-004 in a C-2 General Commercial District. A negative declaration is recommended for this project under the California Environmental Quality Act.

Planning Director Sellers reviewed the staff report and the additional comments received by staff since the report was published. He noted that the property was constructed for the Tau Kappa Epsilon (TKE) fraternity in the 1980's, and after relocating to another site, they now wish to re-establish residency on the property.

He stated that staff is concerned that findings to allow the Commission to approve the outdoor events cannot be established due to the parking, safety and impact on the neighborhood. He added that staff does not recommend approval of the outdoor events. Staff initially recommended approval of the fraternity use, but due to the additional information received since the report was published, staff recommends full commission discussion.

Planning Director Sellers noted that a standard condition of use permits is that all other State and local Code provisions are to be met, which includes all regulations regarding alcohol use and sale. He stated that this facility has had a history of legal problems and the fraternity is already operating at this location without the use permit. He added that the recommended conditions of approval do not include allowing the live entertainment and additional conditions would be needed if the Commission wished to approve the request.

Chair Monfort inquired on the status of the Subcommittee regarding fraternity and sororities.

Planning Director Sellers reported that the Subcommittee had made recommendations for establishing an educational component made up of City representatives and a set of standards which would not require a use permit, rather the organizations must abide by those standards and the regulations of the Municipal Code. He stated that those recommendations have not been finalized at this time though they will be included with the landuse regulations update to be presented to the Commission in the coming months.

Chair Monfort verified that the Subcommittee recommended that use permits would not be necessary for Greek organizations, and would be governed by the civil codes. Planning Director Sellers replied that City representatives would meet regularly with the fraternities to inform them of the civil codes and problems.

Chair Monfort inquired if this use permit would be necessary under those recommendations.

Planning Director Sellers responded that the permit would still be necessary as the property is zoned for Commercial. He stated that Residentially zoned property would be controlled by those Code, while Commercially zoned property is not necessarily governed by those same regulations. He reminded the Commission that there is a noise problem to be addressed as well as the lack of significant parking.

Commissioner Studebaker asked if this hearing is a result of the letters, enclosed in the packet, from the City's code enforcement officer, Fred Andre.

Planning Director Sellers replied that the use permit is necessary for the fraternity to operate as such at the proposed location, and noted that this hearing is to allow full background information to be presented. He added that a neighbor has presented photographs, as well as a cassette tape recording of a loud party.

The public hearing was opened at 8:53 P.M.

Robert Small, 1096 Columbus Avenue, Apt. D, president of TKE fraternity, asked the Commission to allow public events. He stated that without a professionally prepared plan for the public events, he cannot present enough data for this hearing. He addressed the reported Code violations. He stated that after the fraternity vacated their former residence, they had a large sign with their Greek letters leaning on a fence, which was removed after they were made aware it was a violation. He added that they have no control over sororities hanging banners. As for the alcohol related problem, he stated that the party on August 25th was not a TKE sponsored event, and a member was arrested for distributing alcohol to minors and has been suspended from the fraternity for the semester.

Mr. Small stated that the organization had moved from their former residence as the landlord did not comply with the terms of the lease. He noted that some of the Police Report listed violations and complaints which stemmed from events which the fraternity did not have control over. He added that though the Police Department noted several violations and complaints, he noted that they have favorable relations with the Department. He stated that the organization would like the use permit as the house will add strength and unity to the chapter and allow the fraternity to reach its goals for the year.

Commissioner McAdam inquired why the fraternity moved from this property originally. Mr. Small replied that the move was due to financial difficulties. He added that the fraternity had a membership of 150, which then dropped to approximately 15, and has been in the process of reestablishing the strength of the fraternity.

Commissioner McAdam stated that the fraternity has an extensive history of problems with this particular property as well as a long and consistent history of problems regardless of the location. She inquired how the fraternity proposes to address that issue.

Mr. Small stated that the fraternity had 110 members when they existed in the house. The current fraternity is a new group of thirty-five members. He noted that for the last three months there were only two fraternity members living in the house and the remaining rooms were rented out to others. He stated that the noise complaints were made prior to the fraternity moving in.

Commissioner McAdam asked how the fraternity intended to prevent future complaints. Mr. Small responded that they propose a quiet time from Sunday through Thursday from 9:00 P.M. to 11:00 A.M. and midnight on weekends. He noted that noise complaints have occurred when residents were greeting each other from the parking area and their second floor balcony.

Commissioner Studebaker inquired on the status of the fraternity's relationship with the University. Mr. Small responded that they are trying to re-establish a relationship with the University as it has broken away in the last year. Commissioner Studebaker asked if the fraternity is in good standing in the IntraFraternity Council.

Mr. Small stated that the alcohol violation has put their standing in jeopardy and that they are currently addressing the problem.

Commissioner Studebaker stated that he needed to know how the organization intended to get along with their neighbors and specifics on the enforcement of the proposed quiet hours. Mr. Small replied that the Police Department has suggested that members of the fraternity jointly meet with their neighbors and the Community Outreach Division of the Police Department to discuss the problems, and hopefully come up with some type of solution. Commissioner Studebaker verified with Mr. Small that no date has been set for that discussion and strongly encouraged that meeting.

Commissioner McAdam also encouraged this meeting, stating that it would be strongly in the organizations favor to get things together with their neighbors before asking for a final decision. She stated that with the history of the organization and the current problems with the alcohol violation, they would need strong and demonstrable atonements with the neighbors to show that the permit would not be a detriment to the area. She suggested that Mr. Small ask for a continuance.

Mr. Small noted that there is a communication problem with the neighbors and a need for a third party to be in on the discussions. He asked for a continuance to allow time for the meeting to take place.

Commissioner Belmonte added his encouragement for the organization to work with the Police Department and the neighbors. He noted that the record reflects one set of neighbors not several neighbors necessary for an agreement.

Commissioner Studebaker stated that when he read the packet and staff report he noted that the information was heavily one-sided and that he would like to see information in the next report which reflects some material from the fraternity.

Mr. Small asked for a time frame for the continuance. Planning Director Sellers responded that October 9th is the next meeting.

Darrell Smith, 130 Cedar Street, stated that TKE fraternity moved in next door in 1983 and began a series of drunken parties and fighting which went on for nine years. He indicated that he had been told then that the parties would end at 11:00 P.M. He stated that after 11:00 P.M. he would complain about the noise and would be told that drunks were in the house and they could not be moved, and the bands stopped at midnight.

Mr. Smith went on to say that he has lived in his home at 130 Cedar Street for 43 years and that they have raised five children in the home. He noted that they have had problems since the fraternity house was built. He presented a history of the problems with the TKE fraternity which included the disruption of their lives at any hour of the day or night, noise, public urination and trespassing among other violations. He added that having the fraternity next door has been detrimental to his families health. He stated that there are some good people in the fraternity who tried to encourage others to treat the Smiths respectfully, but they have been overwhelmed.

Mr. Smith stated that the house at 1020 W. 2nd Street is on a 50 foot wide lot, with little parking for fraternity functions. He noted that cars park in his driveway, block his driveway and park illegally elsewhere in the area.

Mr. Smith felt that the fraternity lifestyle is not compatible with a normal lifestyle of families. He noted that having a fraternity in the area has already run off the other neighbors. He stated that the current owner of the building is not interested in the neighbors or improving the property as he is planning on selling the property. He concluded that while there are polite gentlemen living on the premises, the problem is often with their guests and other fraternity members who do not reside at the home.

Chris Alvarez, house manager for TKE fraternity at 1020 W. 2nd Street, noted that he moved into the house on August 20th. He felt that he is on good relations with Mr. Smith, though he added that Mr. Smith does not have good relationship with the fraternity. While he said that he can understand Mr. Smith's opinions, he noted that the fraternity has changed dramatically in size and asked that the current fraternity not be judged by past fraternity problems. He stated that he does not want to see the downfall of the fraternity again. He added that the quietest members of the fraternity have been moved to the side of the house toward Mr. Smith's residence in an attempt to reduce the noise for the Smiths. He stated that the number of complaints has diminished since he became the house manager. He felt that as house manager he can help control the members as well as ensure that Mr. Smith is kept aware of any planned social gatherings.

Commissioner Belmonte noted that Mr. Small has been living there for a long time and inquired if they had considered moving to another location.

Mr. Alvarez replied they have chosen that house for its location and size. He reiterated that the fraternity has changed as they are now more serious toward school work and the organization's contributions to the community.

Commissioner Belmonte stated that unless Mr. Smith can tell the Commission that his family has reached an agreement with the fraternity, he cannot justify putting him through another eight years of torture. He added that while the current members may be responsible, there is no guarantee that the next group will be; this is a concern as the use permit stays with the property and not with the current members of the fraternity.

Mr. Alvarez asked the Commission for a fighting chance, and not to prosecute them for the old group of members. He felt that things are being blown out of proportion.

Commissioner Belmonte stated that a sense of responsibility by the fraternity has to be demonstrated and Mr. Smith must feel that the promises are honorable for the Commission to be able to approve the use permit.

Mr. Alvarez expressed his conviction that Mr. Small has his mind made up and will not compromise or give this group a chance.

Commissioner McAdam stated that they need to start right now, and show Mr. Smith what the group can do now. She agreed that the organization is starting from a deficit position as a result of the actions of the previous organization. She stated that the group has a chance, and suggested that they make the most of it.

Commissioner Studebaker stated that as a member of the fraternity they have to accept its past, make the most of it and change it for the future and the future members. He added that the only way the Commission can be fair to the fraternity is for the fraternity to show them first. He stated that from his own personal history he had a negative experience with a Greek organization and he related it to not looking into the history of the organization. He stated that the fraternity members would have to take responsibility for every person who comes to the house at any time of day or night. He suggested that this presents an opportunity for this fraternity to improve its image as well as the image of other Greek organizations who may come to the Commission in the future for a use permit. He stated that he would like to see detailed specifics on how the fraternity intends on keeping its agreement with Mr. Smith in the future.

Mr. Smith stated that the fraternity may change just for the next few weeks and revert to its previous behavior following the Commission action. He noted that the complaints for the fraternity on Rio Chico Way were not just related to the landlord.

The public hearing was closed at 9:35 P.M.

Chair Monfort inquired when the fraternity could reapply for a use permit if this one is denied. Planning Director Sellers responded that the Code states that the applicants cannot come back within one year for

the same use permit request, but the Commission can specify a shorter time period on the denial. He noted a third alternative for the Commission to grant a use permit for a fixed period of time, which does not require a revocation proceeding, thus avoiding that process to terminate the permit.

COMMISSIONER MCADAM MOVED TO CONTINUE USE PERMIT NO. 95-21 TO THE OCTOBER 9TH MEETING. COMMISSIONER CROTTS SECONDED THE MOTION WHICH PASSED UNANIMOUSLY.

The Commission was in recess from 9:30 - 9:45 P.M.

10. **Use Permit No. 95-23 (La Hacienda)** - A request to allow live entertainment and the serving of alcohol within 300 feet of a residential zoning district, in conjunction with the addition of a 4,287 square foot banquet facility to an existing restaurant located at 2641 The Esplanade, Assessor's Parcel No. 006-530-004, 005, and 006, in a C-1 Restricted Commercial zoning district. Categorically Exempt pursuant to section 15301 (e)(2) Existing Facilities of CEQA.

Planning Director Sellers reviewed the proposal to build an additional banquet room and covered patio. He stated that the property has been in use as a restaurant for an extended period of time. The banquet facility will include live entertainment and the consumption of alcohol. He noted that additional parking must meet Code and landscaping requirements. He added that the proposal will be reviewed by the Architectural Review Board (ARB) to explore the extent of the landscaping possible without diminishing the number of parking spaces. He also reviewed the necessary findings listed in the report, which staff believes can be made. He stated that the Police Department did review the proposal and was generally supportive, though they had some recommendations which have been included in the recommended conditions of approval. He summarized the conditions of approval listed in the staff report.

Chair Monfort verified that the applicant is providing 48 parking spaces and to ask for more landscaping may reduce parking below that necessary to comply with existing requirements. Planning Director Sellers replied that the property was initially developed in the County which does not have parking requirements and the existing parking may not meet current City standards.

The public hearing was opened at 9:56 P.M.

John Anderson, 125 West 3rd Street, architect for the project, stated that he was available to answer any questions.

Chair Monfort inquired if any exit will face west toward the rear of the property, adjacent to the trailer park. Mr. Anderson replied that the service parts of the facility are toward the west of the building, the exit door goes to the north with the main entranceway on the east end of the building near the patio.

Chair Monfort inquired if the applicant would object to the removal of some of the parking spaces in the front and increasing the landscaping south of the new addition. Mr. Anderson responded that the applicant would be amenable to discussing the matter.

Chair Monfort asked if the fence to the West was made of wood. Mr. Anderson answered that it was made of wood and noted that staff had suggested a masonry fence. He stated that the amplified sound would be inside the building and the patio would have unamplified music. He remarked that the restaurant has been there many years (this is the fourth remodel that he has been involved with) and no complaints from neighbors have been received.

Planning Director Sellers stated that staff had notified every resident of the mobile home park and no comments have been received from them.

The public hearing was closed at 10:00 P.M.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 95-23 (LA HACIENDA) INCORPORATING THE NECESSARY FINDINGS AND CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT. COMMISSIONER BELMONTE SECONDED THE MOTION.

Chair Monfort asked that a friendly amendment be added for the ARB to look at the feasibility of increasing the patio to the south. Commissioner McAdam accepted the amendment.

THE AMENDED MOTION PASSED 6-0.

11. **Use Permit No. 95-26 (McNeely)** - A request to legalize an existing use (a gasoline service station without a use permit) to allow a remodel of the existing building to accommodate a 24 hour mini-market, and discontinue auto repair service, located at 1354 Longfellow Avenue, Assessor's Parcel No. 045-371-028, in an N-C Neighborhood Commercial zoning district. Categorically Exempt pursuant to section 15301 (a) Existing Facilities of CEQA.

Planning Director Sellers reviewed the staff report. He explained that the use permit will legalize a current non-conforming use, which could continue without the use permit, as well as allow 24 hour operation. Staff recommends approval. He added that staff did receive two letters and at least one phone call expressing concerns regarding the alley behind the parcel, the hours of operation, and the loss of the service section.

Commissioner Wright confirmed that the only use permit issue is the hours of operation as the use permit is not required for gas sales because it is a pre-existing use.

The public hearing was opened at 10:07 P.M.

Verner McNeely, 3257 Canyon Oaks Terrace, presented pictures of the area and suggested that the characteristics of the property would be significantly altered by the proposed changes which he felt would be more pleasing to the eye. He added that he did not find out until this meeting that he did not need a use permit to operate without the 24 hour use. He stated that the 24 hour use is desired as In Motion Fitness, across the street, is open 24 hours as well as the oil companies he contracts with require 24 hour operation. He then reviewed possible scenarios for those who would use the 24 hour access.

Chair Monfort inquired about alcohol sales. Mr. McNeely responded that they are in the process of applying for a beer and wine sale license, but are not interested in a hard liquor license.

Chair Monfort asked the applicant to address the neighbors' concern regarding a vagrancy problem. Mr. McNeely pointed out that a block and one half away is a competing business, which sells alcohol and closes at approximately midnight. He also noted that alcohol sales are illegal after 2 A.M., and it is illegal to sell alcohol to an intoxicated person.

Chair Monfort confirmed that the applicant wanted to provide 24 hour service, as the oil dealers required it.

Commissioner Belmonte stated that the area needs improvement and this proposal may be an improvement. He inquired if the applicant would be enhancing the safety of the alley at the rear of the property possibly by installing lighting in the back. Mr. McNeely responded that the property will be well lit. He added that the 24 hour operation at both his business and In Motion Fitness will encourage people to be in the area and hopefully increase police presence, thus reducing the privacy for illegal activities. He stated that the landlords who own the alley may be convinced to put lighting back in so as to not light the neighboring homes.

Commissioner Studebaker asked how Mr. McNeely intended to deal with a possible loitering problem. Mr. McNeely stated that he intends to hire employees of different ages, both seniors and younger people, with

the hopes that younger generation will learn from the senior employees. He added that if loitering does become a problem, he will take steps to prevent it.

Commissioner Belmonte questioned if it were not for the oil companies demand, would the applicant still want a 24 hour business. Mr. McNeely responded that he would like a 24 business regardless, though if it is not financially viable, he would reduce the hours.

Commissioner McAdam inquired what he would do if it is not economically feasible to keep the store open 24 hours per day. Mr. McNeely responded that since it is a condition of doing business with the oil companies, it is a chance he takes.

John Merz, 178 Terrace Drive, stated that he recently moved to the area and has concerns about the impact this permit can have on the area. He listed his concerns regarding the hours of operation, lighting, increased activity in the area, the potential for loitering, and public safety issues in terms of liquor sales. He suggested this permit could be denied if the finding regarding community welfare and neighborhood protection is of concern. He noted that In Motion Fitness, though a 24 facility, is not used heavily between 11:00 P.M. and 5:00 A.M. Mr. Merz stated that the glare from lighting already existing in the area is a problem.

Mr. Merz stated that the applicant does have responsibility toward his clientele. He noted that the Safeway location on East Avenue is close, and that there is more commercial development slated for the East Avenue area. He felt that this permit would be putting at risk some of the things that the neighborhood appreciates. He added that there are already two convenience/liquor stores in the area, as well as another gas stations in the area. He noted that while GasCo may not reopen, it is already setup as a mini-mart. He summarized that his primary concerns are on the hours of operation and suggested the applicant err on the side of caution rather than scaling back the hours of operation in the future.

Commissioner McAdam inquired that since the concern is regarding the 24 hour nature of the facility, is the concern for the gas operation or the mini mart. Mr. Merz replied that part of the problem is how the area will develop. He suggested that a location closer to the freeway may be a better location for a mini-mart/gas station.

Commissioner McAdam asked if this was the only gas station in the area operating currently. Mr. Merz responded that after 10 P.M. it will be, as the other close competitors close at that time. He suggested the pumps at Finigans Jug may not be in operation much longer. He stated if things do not work out, Mr. McNeely had stated that he will scale down. Mr. Merz questioned how that would reflect on his contract with the oil companies.

Larry Featherston, Ingram & Shelton Realtors, 3100 Cohasset Road, stated that he represents the seller and the future operator. He stated that this is the only service station in the area which has double wall tanks. He noted that the 24 hour operation is the main idea with which this business has been established. He suggested that if an East 1st Avenue and the freeway location was acceptable to major oil companies, they would have been developed. He added that this station will serve the freeway to Hooker Oak Avenue, in addition to the clientele which has already been established. He reminded the Commission that they have already endorsed the neighborhood commercial concept.

Mr. Featherston stated that this is a logical location, with a logical expansion of the present use. He suggested that not everybody works 9:00 A.M. to 5:00 P.M. As for the alley, he indicated that it formerly was lighted, though not shielded, and he does not know the history of why they were removed. He felt that those services to be provided by the applicant would be used.

George Sipple, 823 Acile Lane, stated that he operates the station at that location currently and is moving the repair shop to a larger facility. He added that mini-marts seem to be the wave of the future. He stated that Mr. McNeely will have no control over the alley as the office building is owned by another person. He noted that the station has been a BP for six years, during which time corporate BP bought the parent

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company of the former GasCo, whose status is being evaluated. He added that Mr. McNeely is a professional businessman.

Commissioner Belmonte stated that even though the property is not directly related to the alley, operating a business and having extended hours gives the business opportunity to police the area around it. He expressed concerns regarding the area around it as activities such as vandalism and theft have picked up. He questioned if having the applicants business open 24 hours will bring more of that element.

Mr. McNeely stated that he is a community minded individual. He felt that this would be his community as it would be his major customers. He noted that if there is a problem with the alley, the only way to address it would be to meet with the property owners and establish a plan to solve that. While he can not afford private security to police the alley, perhaps with the other property owners it could be done.

Commissioner Studebaker inquired if, at Mr. McNeely's previous gas station, he employed older people late at night. Mr. McNeely responded that having older people working with younger people will allow the younger to learn from the older person. He noted that older people are better equipped to deal with problems with their life's experience.

Commissioner Studebaker asked how many people would be working between midnight and 6:00 A.M. Mr. McNeely replied that one person would be working between those hours, 12 to 15 people total employed at the location.

Michelle Barnhart, 1171 Palmetto, stated that she has lived in the neighborhood for 12 years and likes to go to smaller stores in the area.

The public hearing was closed at 10:50 P.M.

Commissioner Studebaker inquired if staff received comments from the Police Department. Planning Director Sellers replied that none had been received.

Chair Monfort stated that while there are a number of issues, it could cut both ways as it may attract vagrancy but may have people there at all times to keep an eye on the area.

Commissioner McAdam stated that as a neighborhood store, the occupancy in the area late at night may be an advantage. She added that the concerns will have to be balanced. She felt that Mr. McNeely wants to be a good neighbor and will want to remain on the good side of the neighbors as they are his customers.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 95-26 (MCNEELY) AND COMMISSIONER WRIGHT SECONDED. THE MOTION PASSED 6-0.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 10:48 P.M. to October 9, 1995.

October 9, 1995
Date Approved

Clif Sellers
Planning Director

**CHICO PLANNING COMMISSION
MINUTES
ADJOURNED REGULAR MEETING OF OCTOBER 9, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

City Attorney Boehm introduced Assistant City Attorney Barker and explained that she will be attending the Planning Commission meetings as he will now attend Park Commission meetings.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner Carter stated that he had toured the property sites involved in tonight's discussion. While at the Tau Kappa Epsilon (TKE) fraternity he stated that he had general discussions with Mr. Small, president of the fraternity and Paul Boos, who owns a neighboring business. At the site for Item No. 4, he spoke with David Killbourne, a Cussick Avenue resident.

Chair Monfort spoke with Rick Reese on the California State University campus who informed him that the InterFraternity Council had placed the TKE fraternity on probation.

CONSENT CALENDAR

1. Minutes of Regular Meeting of September 18, 1995.

Requested Action: Approve with any corrections/revisions required.

2. Use Permit No. 95-22 (Rhodes/Morgan) - A pre-annexation use permit request to allow construction and operation of an outpatient medical clinic and cosmetic surgery center consisting of a 9,300 square foot building containing two operating rooms, waiting rooms, recovery rooms, etc., and a 2,000 square foot pad site for future office development, on 1.02 acres located at 852 Manzanita Court, Assessor's Parcel No. 006-240-038 and 039, rezoned R-P Residential-Professional/Business Office zoning district and pending annexation to the City of Chico.

Requested Action: Continue this item to the October 23, 1995 meeting.

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3. **Amendment to Chapter 19.22 entitled "Architectural Review" of Title 19 Land Use Regulation of the Chico Municipal Code** - An amendment to add a new section - Section 19.22.105 to be entitled "Landscaping - Facade Remodel" which provides for landscape improvements for facade remodels which will not add additional area to an existing structure. The landscape improvement cost will be based on a percentage of the total cost of the facade remodel.

Requested Action: Recommend City Council adoption of the proposed Title 19 Land Use Regulation amendment.

Commissioner Wright pulled Item No. 3 from the Consent Calendar.

Commissioner Carter stated that he will abstain from Item No. 1 due to his absence from that meeting.

COMMISSIONER MCADAM MOVED APPROVAL OF ITEM NOS. 1 AND 2. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH PASSED 7-0, WITH COMMISSIONER CARTER ABSTAINING FROM ITEM NO. 1.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **Amendment to Chapter 19.22 entitled "Architectural Review" of Title 19 Land Use Regulation of the Chico Municipal Code**

Commissioner Wright removed this item from the Consent Calendar to ask what constitutes a facade remodel. Planning Director Sellers explained that a facade remodel is a substantial change to the exterior of a building.

Commissioner Wright questioned how staff will classify a remodel as substantial or not. Planning Director Sellers responded that minor changes are handled administratively, while significant changes to the appearance of a building are referred to the Architectural Review Board (ARB). He added that as the Municipal Code now stands, the ARB is left to negotiate for additional improvements to bring the landscaping into full or partial compliance with current standards. He noted that the Code amendment will make the dollar estimate for the remodel proportionate to the maximum landscape improvement required.

Commissioner Wright inquired what could be accomplished with the minimum amount, \$600.00, listed on the proposed sliding scale. Planning Director Sellers replied that a tree well or other small landscaping could be installed and begin to bring the area up to current standards.

Commissioner Wright asked what would be required in the downtown or other areas where there is not the room for landscape improvements. Planning Director Sellers stated that the amendment will set the maximum amount which could be required, not a minimum amount. In areas such as the downtown, it is possible that no landscaping would be required.

Commissioner Carter confirmed that the ARB can currently impose landscaping as a condition of approval and that this amendment will establish a maximum limit to what can be required.

Planning Director Sellers added that this will provide a level of equity for different developments and that it is City policy to bring properties up to current standards whenever feasible.

Commissioner Carter inquired if there have been problems with the ARB process. Planning Director Sellers responded that there have not been any problems, but the ARB and City Council wanted to formally establish the policy and requirements.

Commissioner Wright stated that he reads the language in the proposed amendment to require that properties, which met Code when developed, to make additional improvements with a remodel because Code standards change over time. Planning Director Sellers suggested an example of a 30 year old building may need to make significant changes to bring up to current Code as landscape standards did not exist at the time the building was

constructed. He added that a building which has been built in the past five years, during which time there have not been significant changes to the landscape standards, may not require much additional landscaping, if any.

Commissioner Carter inquired how the figures for the amounts were arrived at. Planning Director Sellers stated that it was based on two percent of total improvement costs. Commissioner Wright clarified that is a six percent to two percent sliding scale.

The public hearing was opened at 7:45 P.M. to which there was no comment.

COMMISSIONER MCADAM MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO APPROVE AMENDMENT TO CHAPTER 19.22 ENTITLED "ARCHITECTURAL REVIEW" OF TITLE 19 LAND USE REGULATION OF THE CHICO MUNICIPAL CODE. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

4. **Use Permit No. 95-21 (Small)** - A request to allow a fraternity house with 14 full time residents and the provision of live amplified outdoor music four times per year on Fridays from 3:00 P.M. to 11:00 P.M. on property located at 1020 West Second Street, A.P. #004-032-004 in a C-2 General Commercial District. A negative declaration is recommended for this project under the California Environmental Quality Act.

This item was continued from the September 18, 1995 meeting.

Planning Director Sellers reviewed the staff report and the discussions from the previous hearing. He noted that staff had initially recommended denial for the outdoor fund raising events and did not take a position on the Use Permit for the fraternity. He noted that an extensive log of complaints were provided by a neighbor, as well as photographs and a audio tape. Two additional letters have been provided to the Commission as well as a lengthy report from Tau Kappa Epsilon (TKE). He stated that the Commission offered the fraternity the opportunity to meet with the neighbor, with the meeting to be mediated by the Police Department. He informed the Commission that the meeting did not take place as the neighbor was not willing to meet with either the Police Department or the fraternity. Planning Director Sellers reminded the Commission that they must make affirmative findings to approve the permit for the fraternity and entertainment and would need to establish conditions to regulate the entertainment as it was not addressed by the staff recommended conditions of approval.

The Commission took a recess to read the new material provided by the fraternity from 7:50 P.M. to 7:54 P.M.

Robert Small, 1096 Columbus Avenue, Apt. D, president of Tau Kappa Epsilon fraternity, reviewed the report provided by the fraternity. He outlined their proposed community events. He noted that they have tried to mediate with Mr. Smith, their neighbor, to no avail as Mr. Smith was not willing to meet with the fraternity or the Police Department representatives. In addressing noise complaints, he stated that since the last Commission meeting, no noise complaints were reported to the Police Department and attributed the reduced complaints to the new set of house rules directed at noise control.

Mr. Small explained that the fraternity members went door to door in the surrounding neighborhood collecting comments. He stated that every response was positive from everyone at both the residences and commercial properties. He pointed out that one response was received from an elderly woman living in the area who noted that she has never had a complaint regarding the college students.

Mr. Small reviewed some problems the fraternity had in the past at their former residence which resulted in what he described as "hate mail" (one letter which discussed gun incidences and fights). He felt the letter was referring to an incident which occurred two years ago when a competing fraternity caused a disturbance following a party at which time the TKE fraternity phoned the Police Department. He added that following that event, in retaliation, a member of the competing fraternity brought a firearm to the TKE residence. He stated that the fraternity had no control over these incidents.

Mr. Small noted that this house was built as a fraternity house and is not completely surrounded by residences. He felt they have proven they can behave appropriately and can make a positive difference to the community.

Chair Monfort confirmed the status of the TKE fraternity in the InterFraternity Council (IFC). Mr. Small stated that there was a problem with miscommunication between the fraternity and the IFC during the Fall Rush period. He confirmed that they have been placed on probation for the semester.

Chair Monfort asked what the result of probation is with the IFC. Mr. Small stated that they are still a member of the IFC. IFC probation excludes them from socials with other organizations, Greek Week functions, and Rush Kickoff. He added that the fraternity will still be allowed to participate in community events, notably a function this weekend which involves all the fraternities and sororities in an effort to combat gang activities.

Commissioner Carter inquired how long Mr. Small has been a member of the TKE fraternity. Mr. Small responded that he pledged in the Spring, 1994 semester and has been a member since that time.

Commissioner Carter asked if Mr. Small was aware if the fraternity has been subject to any other probation or discipline in the last five years. Mr. Small responded that he was not aware of any other disciplinary problems in that time period.

Commissioner Carter verified that Mr. Small had read the comments in the staff report and asked if the fraternity would have any problems with the recommended conditions of approval or with the house noise control rules being included as a condition of approval. Mr. Small responded that the disturbances reported by the Police Department in the staff report were misleading as the fraternity members have responded to the Police when they were asked to. He added that besides getting caught at a bad moment with couches on the porch, the previous Use Permit conditions regarding the parking and garbage enclosures at their former location were not met due to their landlord at that time. Mr. Small indicated that other than that, there have been no problems with those conditions in the past and the fraternity would not object to them now. He added that they would have no problem with the house rules being part of the conditions of the Use Permit.

Commissioner Studebaker asked Mr. Small to explain the Rush process. Mr. Small explained that for Rush Week, which ran from September 11 through 16th this semester, anyone is invited to attend as it is a chance for fraternity members to meet the rushees. He went on to say that bids are extended at the end of Rush Week as a formal invitation for the rushees to join the fraternity. He added that the bids are submitted to a house where no members other than those specified can be near. He stated that a member of their fraternity dropped off two rushees which resulted in the fraternity being placed on probation by the IFC.

Commissioner Studebaker verified that because of the IFC probation the fraternity can not participate in social events, or have social events at their house. He added that when the fraternity is taken off probation and they have functions at house, he has three main concerns. The first of these is when the TKE's have a social with lots of people, public urination has been a problem. The second concern was litter control. The last concern was what would happen if the Police are called to the residence.

Mr. Small responded that the house is a dorm style house with several restrooms, each with two full size toilets and two urinals. He indicated that if the event would have more people than could be adequately serviced by those restrooms, they would rent portable restrooms. In addressing the litter concern, Mr. Small stated that they would clean up directly after the event that evening. He noted that they are required to have the litter cleaned up by 8:00 A.M. the next morning, but they would clean up the night of the event in order to take care of it as fast as possible. He added that for a large event, the TKE fraternity would go through the process of having extra

restrooms, garbage collection and security available. In addressing disciplinary concerns, Mr. Small reviewed their discipline policy which includes house work hours for the first incident. Following incidents have increasingly harsher penalties including a fine and possible suspension from activities of the fraternity for a semester. He assured the Commission they would discipline the members.

Mr. Darrell Smith, 130 Cedar Street, stated that the noise has been reduced since the last Commission meeting. He noted that on Saturday they were being noisy and when he went to ask them to turn it down, the house was messy. He stated that the fraternity will be loud and will have litter. He also complained that Mr. Smallen, the owner of the property, has not replaced the fence, which has been down since last winter.

Commissioner McAdam asked why he declined to be involved with mediation. Mr. Smith responded that he felt the fraternity would be the same as they were in the last location. He stated that he did not made up the logs or other reported activities and will do whatever he can to avoid living next to that again.

Commissioner Carter asked if Mr. Smith had read the recommended conditions of approval and reminded him that no conditions were presently in effect. Mr. Smith stated that the previous time the fraternity lived at the location there were conditions on their Permit which were not enforced.

Commissioner Carter stated that, with the Use Permit, the Commission can impose conditions which end in revocation proceedings if they are not followed. Mr. Smith stated that the Commission has stated in the past that Use Permits are difficult to revoke. He noted that other students may not object to living next to a fraternity. He added that the noise is often caused by those visiting the fraternity, not the members themselves.

Chris Alvarez, house manager for the TKE fraternity at 1020 W. 2nd Street, stated that they have been very quiet since the last meeting. He added that all the complaints filed were prior to the fraternity moving into the residence. He noted that he understands Mr. Smith's feelings, which are a result of past fraternity actions, and stated that they have done everything they can to prevent those actions from recurring. He felt that all student housing will have complaints which will pile up over time. He also felt the fraternity has shown what they can do. He informed the Commission that Mr. Smith's complaint regarding the noise on Saturday afternoon was a television.

Chair Monfort asked what would happen to the house if the Permit is denied. Mr. Alvarez responded that they have 13 signed leases, so they will be in residence until August 15, 1996.

Chair Monfort inquired if there would still be a house manager if there were no fraternity allowed at that address. Mr. Alvarez responded that there would be one to take care of general maintenance and rent collection. He described the basement area as a place to have functions and noted they have taken measures to ensure that noise cannot get out of the basement area. He added that surrounding neighbors, other than Mr. Smith, have not voiced objection to the Permit.

Commissioner Studebaker stated that he appreciated the behavior of the last three weeks and noted his hope that it continues. He asked who enforces the house rules. Mr. Alvarez replied that it is his responsibility, as house manager, to bring the situation to the Membership Quality Board if it continues after he speaks with the member responsible. He stated that the membership is monitored through the fraternity officers and the older members.

Commissioner McAdam stated that the fraternity has been asking the Commission to look at their current record and not previous actions. She pointed out the fraternity is currently on probation from IFC and is under scrutiny from the University for an alcohol violation. She added that the fraternity has been trying to show themselves as being victimized, which she felt makes the Commission skeptical.

Mr. Alvarez stated that some situations have been blown out of proportion. He noted that the group can only be controlled so much, and noise will occur though they will take every measure to make sure that it will not offend or cause any one to object.

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Sean Gallegos, 1055 E. Lassen #14, stated that he was president of TKE while they resided at the Rio Chico Way residence. He reviewed the history of the Use Permit at that location. He noted that a neighbor had then objected to a fraternity there at all, not necessarily their fraternity. He added that the former party atmosphere is not there now as they are well regulated by IFC, their national foundation, the University and their own internal structure. He also noted that when they first moved into the Rio Chico house, the Commission at that time recognized that they were responsible individuals and they were allowed to have a Use Permit.

Mr. Gallegos explained that before prior social events, they passed out phone lists to the neighbors to help avoid problems. He noted that these numbers reached cordless or cellular phones held by members during the event. He indicated that the new house is in a commercial zone. He stated that the 'Greek' system is embattled in this community and the nation as they are being judged by the actions of fraternities in general 10 years ago. He added that they carry \$2 million in liability insurance because of those previous actions. He asked the Commission to recognize that the college community is here to stay, and the community must learn to co-exist.

Commissioner Wright asked Mr. Gallegos to address the fact that the fraternity was noticed by the City several times that they were in violation of the Use Permit at the Rio Chico location, as the fraternity did not live up to the conditions of the Use Permit.

Mr. Gallegos responded that there were two items which were in conflict with their lease and their landlord in regard to their Use Permit conditions. He noted that the landlord did not live up to their agreement in which he would provide the materials for the striping and the garbage enclosure. This resulted in their having to move from that residence. He added that if the fraternity had the cash revenue, they would have stayed at that location and provided the improvements.

Commissioner Wright questioned why, in regards to the current Use Permit, the fraternity moved onto the property and did not apply for the Use Permit until the City notified them that they needed a Use Permit. Mr. Gallegos stated that he was not aware of the circumstances and suggested the Commission direct the question to current fraternity president.

Commissioner Studebaker reminded the fraternity that the agreement for a Use Permit is between the fraternity and the City, not between the City and the landlord. Mr. Gallegos stated that the landlord raised the rent when he found that they were a fraternity. He explained that the Use Permit conditions were incorporated into their lease and an oral agreement between their landlord and the fraternity. He added that at the hearing for that Use Permit, the landlord had told the Commission that he would work with the fraternity.

Shannon Victory, 226 Cedar Street, Apt. A, stated that he was the resident manager at 1020 W. 2nd Street from 1994 through August, 1995. He added that they did not have any problems with Mr. Smith until he found out that it could become a TKE fraternity house again. He noted that during that time period there were two members of the fraternity, and eight non-members, living in the house over the summer. He indicated that the Police had been called to the residence in the middle of the afternoon due to noise complaints from Mr. Smith. Mr. Victory stated that he was the one who had to work with the Police Department, and after he got tired of dealing with the issues, he asked Mr. Smith to call him rather than the Police. Mr. Smith did for a few times, after which he reverted to directly calling the Police.

Mary Redding, office manager for Dan Mar Realty, P.O. Box 944, stated that her company manages the building at 1020 W. 2nd Street. She indicated that they began their contract with the building owner during the period that eviction proceedings were beginning with the prior TKE fraternity. Due to that process, she stated that Dan Mar Realty and the owner have been resistant to renting the building to another fraternity. She noted that it has been used as a rooming house for the past several years, during which time Mr. Smith has filed complaints against most residents of the house. She felt that this group of TKE members is working hard to improve their image. She indicated that 14 members have already signed year leases for rooms in the house.

Ms. Redding stated that while she understands Mr. Smith's position, the property is in a C-2 zone and was originally built as a fraternity house. She noted that the area is a college area and has commercial businesses.

She felt that Mr. Smith needs to have a single family residence next door, but that is not what is in the area. She described one example on a Sunday afternoon when Mr. Smith called her on a noise complaint for four people, not TKE member or other fraternity members, who were playing basketball.

Ms. Redding stated that before considering this group of TKE members as tenants, she phoned their former landlord, Mr. Cheal, as well as other tenants of Mr. Cheal. Mr. Cheal, while not giving the fraternity a good reference, had offered to extend their lease one year. The other tenants of Mr. Cheal indicated similar complaints about his business practices. She felt that the TKE house on Rio Chico was in better repair and tidier than other homes in the area. She indicated that she had spoken with Police Officers who told her that many recorded incidents were called by the TKE's themselves on the instruction of the Police Department.

In regards to the request to allow live entertainment events, Commissioner Studebaker stated that the parking on Mr. Smith's property, noise and litter are concerns. He asked if any of those concerns are addressed in the leases. Ms. Redding responded that individual leases are currently with individual lessees which is an agreement to care for the leased room inside the building. She added that if this Use Permit is issued, there will also be a blanket lease agreement which will bind the TKE Fraternity to the house itself, with its individual officers to be held individually and jointly responsible for any problems. She explained that the landowner, Mr. Smallen, had no way to collect in the past from the previous fraternity as there was no one person to collect from.

Commissioner Studebaker inquired if there are conditions relating to the outside of the premises. Ms. Redding stated that any time fourteen people live in any one house, there will be noise, trash, parking problems and neighbor complaints. She indicated that if the fraternity can do the things they say they are trying to do, they will reduce the problem. She added that the realty company does charge tenants to clean up if they do not clean it up, and does get results.

Commissioner Studebaker stated that he is looking to the property manager for reassurance as there is a concern regarding absentee ownership.

Ms. Redding stated that Mr. Smallen, the owner of the property, lives in Chico and is at the meeting. She indicated that the fraternity members will be held to the current year leases, and the realty company and Mr. Smallen have agreed that they will not put up with any problems as Mr. Smallen had lost money with the previous group.

The public hearing was closed at 9:00 P.M.

Commissioner McAdam stated that she was not happy with granting the Use Permit. She stated that while the group may have had things happen to them in the past, they may have caused some of it. Any Use Permit will result in regulation. No regulation will cause Mr. Smith more problems than exist at this time. She suggested a six month Use Permit which expires at the end of that six months as opposed to resulting in revocation proceedings. She stated that she was skeptical, and noted that while the last three weeks have been an improvement, it is not significant compared against last ten years. She stated that a six month Use Permit will require them to reapply in six months and add the house rules as a condition of approval.

Planning Director Sellers stated that a six month permit will end in April, and suggested to have the Permit period to end in seven months, as it will be the end of the spring semester.

Commissioner Wright inquired what would happen to a group which has functions without a Permit. The public hearing was re-opened at 9:04 P.M.

Mr. Smith inquired if the Permit would include the provision for live music.

Commissioner McAdam responded that it would not.

The public hearing was closed at 9:05 P.M.

In response to Commissioner Wright's question, Assistant City Attorney Barker stated that a fraternity, acting without a Use Permit at a site, can be cited under the Municipal Code for not complying with City zoning ordinances which is an infraction. She added that the City could bring it as a civil matter, in which the City can get an injunction to prohibit them from acting as a fraternity at a particular location. She stated the problem is getting enough proof they are acting as a fraternity at that specific location, as it is not illegal for members of a fraternity to occupy a residence.

Commissioner Wright stated he is concerned as the TKE Fraternity is already on probation and as a result of that probation they can not do anything which can cause problems in their neighborhood as it would be harmful to their status. He stated that he is against the Use Permit.

Chair Monfort stated that the Greek fraternity system is trying to change their image. He indicated that he wanted to support the IFC and their attempts to clean up their system. He agreed with Commissioner McAdam that some regulation would be better than none.

COMMISSIONER MCADAM MOVED TO DENY THE REQUEST TO ALLOW LIVE ENTERTAINMENT EVENTS AND TO APPROVE USE PERMIT 95-21 (SMALL/TAU KAPPA EPSILON) 1020 W. 2ND STREET, MAKING THE FINDINGS LISTED IN THE STAFF REPORT AND SUBJECT TO THE RECOMMENDED CONDITION OF APPROVAL, WITH THE INCLUSION OF THE HOUSE RULES.

Planning Director Sellers stated that the motion must verbalize the basis of the findings.

COMMISSIONER MCADAM STATED THAT THE FINDINGS ARE THAT AS A MATTER OF RIGHT, FOURTEEN INDIVIDUALS CAN OCCUPY THE PROPERTY AND THE CONDITIONS OF APPROVAL CAN MITIGATE SOME OF THE IMPACTS OF THE USE SO THAT THE USE PERMIT WILL NOT BE DETRIMENTAL OR INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THOSE RESIDING OR WORKING IN THE NEIGHBORHOOD. SHE ADDED THAT THE PERMIT WILL EXPIRE IN SEVEN MONTHS.

Planning Director Sellers reminded the Commission and the applicants that the expiration date does not preclude revocation proceedings, if necessary.

Chair Monfort suggested an amendment to the motion with the recommended Condition No. 14 be changed to delete everything after the comma. The condition would read: "No live bands, or other amplified sound shall be permitted outside the structure."

Commissioner Carter called the Commission's attention to the Police Department memorandum dated September 6, 1995, which suggested additional conditions. He suggested that those recommended Condition Nos. 2, 4 and 5 be included in the motion. He stated that Condition No. 2 has better wording than the Condition No. 14 in the staff report. He added that the quarterly meeting suggested in the Police Department Recommendation No. 5 should be changed to monthly meetings due to the suggested length of this permit.

Chair Monfort stated that the meetings may not work as the significant neighbor did not attend the meeting that the Commission previously suggested.

Planning Director Sellers suggested that if any party wishes to have those monthly meetings, they can be called. In the absence of an agreement to meet little can be gained from such meetings.

Commissioner McAdam stated that does not preclude the City, Police Department or Fraternity member to calling such a meeting if problems exist.

Commissioner McAdam stated that she will include all those conditions in the motion.

Commissioner Carter proposed the modification of staff recommended Conditions of Approval Nos. 3, 4 and 9. The staff report states that all will be complied with prior to occupancy. He asked that a time frame be provided as the fraternity is already in occupancy.

Planning Director Sellers responded that 30 days would be appropriate for Conditions Nos. 3 and 4. He added that the information for Condition No. 9 should be provided at the time the Use Permit is signed.

Commissioner Carter suggested that the time frames recommended by the Planning Director be added to those conditions. As for Condition No. 11, he proposed that in addition to City Officials and the Police Department being provided a list of representatives and their phone numbers, the list also be provided to adjoining property owners. He added that for the setback between Mr. Smith's residence and the site, he would suggest landscaping with noise controlling plants, but in light of time limit on the permit he would not address that issue at this time.

Commissioner Studebaker stated that he had two additional conditions to suggest. The first being a condition that if there is an event with more than 100 people, portable restrooms be required. The second is that a litter pick-up program be required. Commissioner Carter stated that Condition No. 10 already covers litter pick-up. Commissioner Studebaker responded that such a condition would emphasize the need.

THE MOTION, WITH ALL AMENDMENTS ACCEPTED, IS TO DENY THE REQUEST TO ALLOW LIVE ENTERTAINMENT EVENTS AND TO APPROVE USE PERMIT 95-21 FOR A FRATERNITY (SMALL/TAU KAPPA EPSILON) AT 1020 W. 2ND STREET, FOR A SEVEN MONTH PERIOD, MAKING THE FINDING THAT AS A MATTER OF RIGHT, FOURTEEN INDIVIDUALS CAN OCCUPY THE PROPERTY AND THE CONDITIONS OF APPROVAL CAN MITIGATE SOME OF THE IMPACTS OF THE USE SO THAT THE USE PERMIT WILL NOT BE DETRIMENTAL OR INJURIOUS TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THOSE RESIDING OR WORKING IN THE NEIGHBORHOOD, AND SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL WITH THE FOLLOWING CHANGES: CONDITION NOS. 3 AND 4 TO HAVE 30 DAY TO COMPLY; CONDITION NO. 9 BE COMPLIED WITH AT THE TIME OF APPLICANT SIGNATURE OF THE PERMIT; CONDITION NO. 11 ADDING THE ADJACENT PROPERTY OWNERS TO THOSE WHO SHALL RECEIVE THE LIST; CONDITION NO. 14 BE DELETED (WITH CONDITION NO. 2 FROM THE POLICE RECOMMENDATION IMPOSED INSTEAD). ADDITIONAL CONDITIONS BE PLACED AS FOLLOWS: THE INCLUSION OF THE FRATERNITY HOUSE RULES; POLICE DEPARTMENT RECOMMENDED CONDITIONS OF APPROVAL BE INCLUDED, WITH THE CHANGE IN CONDITION NO. 5 THAT THE MEETING TO BE HELD MONTHLY IF REQUESTED BY ANY PARTY; IF THERE IS AN EVENT WITH MORE THAN 100 PEOPLE, PORTABLE RESTROOMS BE REQUIRED; AND A LITTER PICK-UP PROGRAM BE REQUIRED.

COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 6-1 (COMMISSIONER WRIGHT DISSENTING).

The Commission was in recess from 9:15 P.M. to 9:25 P.M.

5. **General Plan Amendment No. 95-4/Prezone No. 95-5 (Leete)** - A proposal to amend the General Plan designation from Medium Density Residential to Office and change the prezone designation from City R-2 Medium Density Residential to R-P Residential-Professional/Business Office, for a 3.18 acre site located at the southwest corner of W. East Avenue and Cussick Avenue, Assessor's Parcel No. 042-070-195. The property is currently in the County and zoned County R-P.

Planning Director Sellers reviewed the staff report and described the surrounding uses. He stated that the General Plan set forth a variety of land uses and included a Housing Element. The Housing Element stated the amount of land needed for various densities and expressed concern that there might not be enough multi-family residential. He indicated staff's concern that there is a need to establish a reason to alter the General Plan and there are not compelling reasons to make those changes. He added that the neighbors felt there were enough compelling reasons to alter the Plan. He stated that a Mitigated Negative Declaration was prepared, as well as a Traffic Study, which indicated that traffic was not a concern as Office Use would generate a higher volume of

traffic but that traffic would be spread out throughout the day. He noted a number of additional letters and phone calls received today by the staff were in favor of the change.

Chair Monfort inquired what density was the adjacent development, Pebblewood Pines. Planning Director Sellers responded that it is Low Density Residential.

Chair Monfort questioned if there are current design elements which would restrict the impact on the neighborhood. Planning Director Sellers replied that there are two policies which would affect the design of the property. These factors involve noise impacts and structural design.

Chair Monfort stated that Community Design Element suggests that there not be a wall around the development.

Commissioner Carter questioned the statement that R-P would generate more traffic than R-2. Planning Director Sellers responded that approximately 450 additional trips per day will be generated.

Commissioner Carter asked if there were other applications in the area or for this property. Planning Director Sellers replied that there were not. He added that approval of this application would not lock them into development as they have currently suggested rather than would be held to the R-P standards for any development.

Commissioner Wright inquired what other R-P is in the area. Planning Director Sellers stated that there is available R-P in the area near Blue Shield and Albertson's on East Avenue.

Chair Monfort noted that there were substantial comments received in favor of this proposal. He asked if there was anyone in opposition in the audience to which no one responded. The public hearing was opened at 9:35 P.M.

Wes Gilbert, 55 Independence Circle, stated that he was speaking on behalf of the developer. He stated that he would like to take the staff report a step further. He indicated that the property owners have met with the neighbors and have worked with the neighbors in developing this proposal. He added that he felt the proposal had 100 percent support in the neighborhood.

Mr. Gilbert stated that in addition to the Traffic Study, an Air Quality Assessment was done. That study indicated that this proposal did not reach the threshold of significant impact established for the area. He added that a noise study was also done which found that a sound wall would be needed to allow development of the property for R-2 use and would create a walled streetscape on East Avenue.

Mr. Gilbert referred to the Municipal Code definition of R-P zoning and felt this location met those criteria. He added that based on the staff report and environmental documentation, they felt the proposal is consistent with the City's policies in the area. He noted that the Traffic Study showed an increase in the level of traffic but will not increase traffic delays during peak times by more than a fraction of a second. He added that this is one of the last vacant pieces of land in the area which would result in no sequential zoning requests in the area being requested as the area is already built out.

Chair Monfort inquired on this proposal effect on the adjacent Cussick area. Mr. Gilbert stated that the Cussick area is residential and would remain so.

Commissioner Carter wondered where the common theme in the correspondence regarding a bermed wall came from. Mr. Gilbert stated that there is a reference in the Noise Assessment Study that a bermed wall would be needed along East Avenue to reduce noise levels.

Planning Director Sellers stated that the Noise Assessment report was filed in conjunction with an earlier application on the property, not with the current proposal, but remained applicable.

Commissioner Carter asked if the Noise Assessment report is current , and if so, how can the recommendations in that report be valid with Pebblewood Pines across the street without any of those mitigations in place. Planning Director Sellers responded that the report was based on projected traffic volumes, and there have been no significant changes in those projections. He noted that Pebblewood Pines was a County development and, as such, he does not know the problems with the development.

Commissioner McAdam stated that the General Plan stated that the R-2 housing zoned for does not meet the anticipated growth need, while there is an abundance of R-P Residential Professional.

Mr. Gilbert disagreed that there is an abundance of R-P. He added that there is a lot of residential land to be developed and there is nothing stopping the other R-P property from being developed as Residential. He asked if there is a public benefit in creating a stucco corridor, or sound barrier on East Avenue. He indicated that the applicant would not object to a Planned Development designation being added, to provide the Commission the confidence that the property will be developed in accordance with the proposal.

Commissioner Studebaker inquired how the use would compliment the neighborhood. Mr. Gilbert stated that given the Pebblewood Pines and other development in the area, the single story professional development would be more complimentary than a two-story housing complex in the single story neighborhood.

Chair Monfort stated that there is an apartment complex on the parcel to the west of the site under consideration. Mr. Gilbert indicated that the apartment complex was developed within the County and would not meet City standards at this time. He added that the apartment complex is on a lot the same depth as the proposed project.

Commissioner Carter reviewed the Noise Assessment Study, completed by Albert J. Beck, Ph.D., on October 4, 1993, done for a single family project and which made recommendations based on the single family project. He asked if those recommendations are the only recommendations which can be made.

Mr. Gilbert stated that he would have to defer to a noise expert for the best assessment.

Commissioner Carter asked for staff comments on the report. Planning Director Sellers stated that the Noise Study accurately reflects the noise concerns for the area. He added that the recommendations are those most commonly implemented for noise attenuation.

Commissioner Carter stated that the staff report says there is no compelling reason to alter the General Plan. He indicated the noise report demonstrates a compelling reason which the Commission may want to take into account.

Mr. Gilbert stated that any residential development within 300 feet of East Avenue will have to have noise addressed.

Commissioner Carter stated that neighbors have based their concerns on the possibility of a wall being built on East Avenue. He felt the neighbors may be basing their opinions on information which may not be appropriate.

Mr. Gilbert stated that he does not know what the neighbors are basing their opinions on as he did not meet with them. He added that a masonry wall is a common approach to dealing with noise problems and may be the only option available due to the size and depth of the lot.

David Cook, 2349 Cussick Avenue, stated that it is not accurate to say that the Noise Study was not for this project as it is for this site. He felt it is appropriate to use it. He added that an increase in traffic could occur at certain times of the day and traffic at other times may be less. He added that he supports this project.

Commissioner Carter stated that one compelling reason to approve this prezone is whether or not dealing with the noise on East Avenue will result in a wall, which was a recommendation. He inquired if Mr. Cook felt there are no other options. Mr. Cook felt that East Avenue creates noise which is heard at their residence, 400 feet

from East Avenue. He added that if given a choice between the wall being built and another alternative, he would not want the wall.

Phyllis Dilts, 47 Pebblewood Pines, stated that there are compelling reasons to allow this prezone. She felt that professional businesses will have ingress and egress during daylight hours. She added that another compelling reason is that housing on that site would create a safety hazard with children and pets near a busy street. She added that this will help reduce multi-family dwellings near a major arterial, and that Residential Professional can be a good use to the area. She stated that Pebblewood Pines has been in existence for 17 years and does have a noise and dust problem. Masonry walls provide the necessary noise control as well as provide privacy. She indicated that Pebblewood Pines is currently looking into landscaping and other means of noise control.

Commissioner Carter asked if she had any suggestions for other R-2 zones. Ms. Dilts suggested areas near the Sears property, and further west toward Nord Avenue where there is building occurring. She asked that Residential Professional be allowed along East Avenue with the residences behind it.

David Favor, 2352 Alamo, stated that he was not asked for his support on this issue. He acknowledged that much staff and Commission time and effort have gone into the General Plan. He felt that the Plan has to be a living document as needs for the future cannot be judged with certainty. He felt that this proposal will enhance their neighborhood and the East Avenue streetscape. He noted that when Pebblewood Pines was planned, traffic volumes on East Avenue were much lower.

Rod Dilts, 47 Pebblewood Pines, stated that he is on the board of Pebblewood Pines Homeowners Association. He stated that there is vacant R-2 property to the east of Pebblewood Pines. He felt that this proposal would provide a beautiful entrance and reduce the projected amount of traffic.

Chair Monfort asked if the lot were deeper, could there be R-2 setbacks so a wall was not needed, would the Pebblewood Pines Homeowners have a problem with that. Mr. Dilts stated that the area already has apartments which create additional traffic.

Chair Monfort stated that the need for R-2 may increase in the next 20 years. Mr. Dilts responded that as a land owner in the area, the current proposal would be a nice addition to the area and will keep the traffic flow down. He suggested that there is plenty of property in the North Chico area which is or could be designated R-2.

Commissioner Carter asked if another R-2 project could deal with the noise, would Mr. Dilts have a problem with that. Mr. Dilts replied that is a big question as there is not another plan. He stated that they have noise problems in their area currently that have yet to be addressed and more R-2 development would increase that problem.

Linda Leete, 1849 Arroyo Canyon Lane, felt there was misinformation presented. She stated that a Traffic Study and Noise Study were required for R-2 development on the parcel two years ago. She stated that the City was then negotiating what had to be done to develop the parcel. The City had asked that a median be placed down East Avenue which made the project unaffordable. She added that the current proposed design was created working with the City and the neighborhood.

Planning Director Sellers clarified that the Traffic Study and Noise Study would not be different if it were done today. He indicated that those recommendations made in the Study are not the only alternatives, but are the most common.

Ms. Leete stated that Pebblewood Pines was developed years ago and would not be allowed by the City's Design Criteria at this time. She added that the Pines had to be annexed and put on sewer prior to development of this property. She noted that the property depth will be further decreased as the City has required a dedication of a right of way to allow for room for a right turn lane. She pointed out that this is a major commercial thoroughfare. She indicated that the public benefit is for the neighbors, the people who would live there, and aesthetics of the area.

Robert Radcliffe, 2351 Cussick Avenue, stated that he lives next to development previously proposed by the Leete's in the area. He stated that he is in favor of this prezone based on aesthetics and what could be built in

the area. He felt that the intent of the developer is to blend the aesthetics into the surroundings rather than maximizing profits. He stated that the possible ramification of an R-2 development would be noise as well as aesthetics. He suggested the Commission consider the aesthetic impacts of two-story apartments rather than the single-story R-P development suggested. He added that he would like to see a Planned Development designation added to hold the developer to the project as has been suggested. He noted that the surrounding area has already been built out. He stated that hindsight would have the property with more of a setback than has been provided. He stated that if an apartment complex goes through, the residents would have more traffic and noise. He implored the Commission to adopt a recommendation that this GPA/Prezone be adopted.

The public hearing was closed at 10:20 P.M.

Chair Monfort asked if the Air Quality Study looked at the intersection of Holly and East Avenue. Mr. Gilbert responded that it did look at the intersection under both proposed buildouts.

Planning Director Sellers stated that the Air Quality Study analyzed the impacts from this project, not potential impacts on the project site from adjacent pollution generated by traffic.

Chair Monfort stated that he was interested in the Air Quality for the residents living on East Avenue, especially at intersections.

Commissioner Carter reviewed the staff report analysis. He agreed with Mr. Radcliffe that the Commission should have looked at development of both the front and back parcels together, rather than separately. He stated his concern is that there be a compelling reason. He indicated that if staff concurred with the recommendations of the Noise Study, he would agree that there is a compelling reason. He added that he is hesitant to agree to this recommendation as there is not a specific proposal or an alternative being presented. As a result the Commission may be missing some information on which to base this decision.

The public hearing was re-opened at 10:24 P.M.

Chloe Cook, 2349 Cussick Avenue, stated that if the quality of life of the people who would live there is not a compelling reason, then the carbon monoxide at the intersection, and the potential traffic on East Avenue should be compelling reasons.

Commissioner McAdam stated that the Commission is looking at the entire community, not only the specific area. She added that this Commission is looking at the future and where people could live.

Commissioner Carter stated that safety on East Avenue is a concern as there is evidence that traffic will increase with this proposal. He noted that there are condominiums to the east and apartments to the west of this parcel.

Ms. Cook suggested that if this area is going to be developed further, it should be done in a way that is safe for people to live. She noted that this is a shallow lot at a busy intersection and would not give people a safe place to live. She implored the Commission to design places for people to live, not to just exist.

Mr. Gilbert stated that the R-P zoning would allow 22 units with a Use Permit. He indicated that the developer has no problem with a 14 unit limitation.

Commissioner Wright verified with Mr. Gilbert that the applicant is willing to accept a recommended designation of PD R-P.

The public hearing was closed at 10:27 P.M.

Commissioner Wright stated that with a setback or barrier which would be needed to attenuate noise, there would be little room between buildings and the development may be unattractive. Ultimately it would not be an attractive place for people to live.

Chair Monfort stated that a development on Bruce Road has walls as mitigation for sound and noted other cases where sound walls have been approved by the Commission.

Planning Director Sellers stated that the draft General Plan contained a provision prohibiting sound walls. This provision was amended in the final adopted plan to generally discourage such walls, but when necessary allow them with appropriate setbacks and landscaping. As sound walls have been implemented, landscaping has been installed and when walls have better blended into the landscape scheme of the areas. He indicated that this lot is narrow and could conflict with other sections of the Plan, to build close to the street and to have buildings relate to the pedestrian scene. In addressing the Noise Study, he stated that while there are other alternatives for noise attenuation, the ones in the report are the most practicable and proven methods.

Chair Monfort was concerned regarding the amount of R-2 land available for development. He pointed out that the Avenues had been designated R-2, which now may be changed to R-1.

Planning Director Sellers stated that the change does not make a significant difference in the land inventory. He suggested that multi-family development occurs on larger parcels, rather than infill parcels.

Chair Monfort noted that it is not in the General Plan to have zoning tradeoffs. With the removal of one R-2 designation a trade-off should occur to create another site for R-2 development. This is not in the Plan but may be needed.

Planning Director Sellers stated that the Plan contains an annual report which includes a section addressing annual land absorption. The land absorption analysis will show the land development densities and adjust long term projections appropriately. Though the Plan does not require that land uses be maintained in the current balance, it does require the land use to be looked at on a regular basis.

Chair Monfort stated that the General Plan has two contradictory pulls. One to have relatively high density residential with access to transit. The other to provide decent living conditions, and putting residential along major arterials may not accomplish that goal.

Commissioner Carter stated that, having heard everything, the Commission faces an either/or situation in which not all of the necessary information has been provided for review. He felt that the decision tonight is based on only part of the necessary data. He indicated that based on what Planning Director Sellers said about the Noise Study's recommendation, he is satisfied that there are substantial reasons to grant this request. He expressed his concern that this may be opening the door for other requests for General Plan changes.

Chair Monfort responded that each request will depend on a compelling reason for granting the request.

Commissioner McAdam stated that what is a compelling reason in one case may not be compelling in another.

Commissioner Wright pointed out that it is up to the majority of the Commission to establish if there is a compelling reason to grant a request.

Ms. Leete stated that when the property was purchased, the General Plan showed the split zoning on the property. She stated that it is difficult to please the City, the neighbors and be beneficial to the community. She stated that it is not reasonable to take R-1 zoning out to East Avenue. She noted that they had a difficult time getting the City's approval on the development of the R-1 parcel and the R-2 requirements have not changed other than that the City has withdraw the requirement for a median to be placed on East Avenue.

Commissioner Wright suggested that a Planned Development overlay be placed on the project.

Commissioner Carter stated that the Commission is voting on a zoning amendment to the General Plan and not on a project. He asked how the Commission can tie it to a specific project and what opportunity the Commission will have to review the project. Planning Director Sellers stated that without a Planned Development designation being placed on the zoning, the Commission may not see a particular project for this site.

Commissioner Carter inquired if there was another way for the Commission to approve the entire project tonight. Planning Director Sellers replied that it would be possible to have a zoning agreement established which would include the General Plan amendment, zoning and the development standards for the parcel. He added that staff would be reluctant to recommend such an agreement.

Commissioner Carter asked if it would be possible to consider the General Plan amendment and zoning change and consider a Planned Development application at same time. Planning Director Sellers responded that the Commission could table this application and ask the applicant to submit a Planned Development application and return the entire project to the Commission at a later date.

Commissioner Carter stated that the risk the applicant would face would be for the Council not to approve the request. Planning Director Sellers also pointed out that the applicant's cost to develop the necessary information for a Planned Development application, without knowing if the Council will approve the General Plan Amendment, could be prohibitive.

Ms. Dilts stated that Cussick Avenue as it exists now will deadend at Lindo Channel, and the new Holly Avenue will have the bridge, and will result in three streets intersecting at that point and intersecting East Avenue. She felt that traffic safety with daytime traffic, rather than nighttime traffic, will be increased. She stated that Medium High Density Residential traffic, at that location, would increase the amount of peak hour traffic at that intersection.

COMMISSIONER WRIGHT MOVED APPROVAL RECOMMENDING COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT 95-4/PREZONE 95-5 (LEETE) WITH THE PD R-P PLANNED DEVELOPMENT RESIDENTIAL PROFESSIONAL. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner McAdam stated that she will vote against the motion, as the City went through the General Plan process less than one year ago and it would not be in the overall best interest of the City to remove land from potential housing stock from our future.

Commissioner Crotts stated that the size of the lot is not conducive for housing, especially along East Avenue as it expands to four lanes. She added that if the road is expanded, a row of trees will be taken out and remove a future buffer. She suggested the Commission look at each piece of land separately.

THE MOTION WAS APPROVED BY A 4-3 VOTE. (COMMISSIONERS STUDEBAKER, BELMONTE AND COMMISSIONER MCADAM DISSENTING.)

COMMUNICATIONS

6. Memo from Planning Director regarding zoning regulations of fraternities, sororities and residential social organizations.

Planning Director Sellers reviewed the memo. He added that staff had further reviewed the memo and suggested a Commission Subcommittee meeting and to return with the recommendation for a hearing before the Commission next month. He added that Commissioner Studebaker had contacted him and asked to be on the Subcommittee.

Chair Monfort suggested the Subcommittee meet next week and that Commissioner Studebaker be on the Subcommittee.

Planning Director Sellers stated that Scott Gruendl, a former Commissioner, had asked to be included also.

BUSINESS FROM THE FLOOR

Planning Director Sellers stated that Commissioner Carter had asked that an item be agendized for the next meeting to review items from the California Chapter of the American Planning Association Conference, which he and Commissioner McAdam attended. Planning Director Sellers added that Commissioner Carter also requested that a work session be scheduled to discuss General Plan Implementation policies prior to a joint meeting with Council. He suggested it be an afternoon meeting. The matter will be agendized for further discussion at the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 P.M. to the Adjourned Regular Meeting of October 23, 1995.

October 23, 1995
Date Approved

Clif Sellers
Planning Director

**PLANNING COMMISSION
MINUTES
ADJOURNED REGULAR MEETING OF OCTOBER 23, 1995
Municipal Center - 421 Main Street - Council Chambers
6:30 P.M.**

ROLL CALL

The workshop was called to order at 6:35 P.M. Commissioners present were Barry Belmonte, Brenda Crotts, Jeff Carter, Celia McAdam, Michael Wright and Chair Kirk Monfort. Commissioner Studebaker arrived at 6:40 P.M. Staff present were Assistant City Attorney Lori Barker, Sr. Planner Tom Hayes, Planning Director Clif Sellers, and Administrative Secretary Karen Kracht.

SPECIAL WORKSHOP MEETING

1. **DISCUSSION ON DRIVE-THROUGH FACILITIES** - A workshop to discuss the merits and/or impacts of drive-through facilities, a discussion of possible regulations and/or restrictions on drive-through uses and review of General Plan policies relating to drive-through facilities.

Sr. Planner Hayes reviewed the staff report. He indicated that the Open Space, Air Quality element of the General Plan stated that the City should consider phasing out drive-through facilities. He noted that encouraging alternative transportation has been a key issue in Chico for many years. Fosters Freeze and Butte Community Bank have received use permits for drive-through facilities from the Commission since the adoption of the Plan. He added that during the public hearings for both permits, the Commission directed staff to research drive-through facilities and return with a recommendation regarding their continued use.

He indicated that studies on drive-through facilities are limited, and those which have been done were initiated by those with an interest in retaining drive-through facilities. The studies were prepared by consultants specializing in environmental issues and air quality issues. He noted that these studies use air quality modeling techniques, which can be variable. Sr. Planner Hayes went on to say that the two studies reached similar conclusions that it is difficult to show that drive-through facilities have a greater adverse effect on air quality than an equal number of cold starts.

Sr. Planner Hayes stated that the pollution issue comes down to a vehicle cold start versus an idling auto. He noted that the effect of a cold start is worse after 22 minutes when compared to a starter period, due to the condensation effect in the catalytic converter. He added that if drive-through facilities can get a car through in 11 minutes or less, the emission level is less than or equal to a cold start.

Sr. Planner Hayes stated every city contacted by staff did not prohibit drive-through facilities. He pointed out that Davis, a bicycle friendly community, has reversed its position to now allow drive-through facilities, though they have significant development standards placed on such facilities.

He stated that the reasons for regulating drive-through facilities are air quality, noise generation, aesthetics, traffic and pedestrian safety and congestion. The General Plan took a very brave step to establish a Level of Service D for the City of Chico and as a result will experience additional traffic congestion in the future. Sr. Planner Hayes stated that drive-through facilities can be a negative factor in terms of traffic safety and congestion, and cited the example of the Chico Mall with drive-through facilities close to the primary entrance and the traffic congestion that results at peak use times.

Sr. Planner Hayes noted that the City now allows drive-through facilities in C-1 and C-2 zoning districts with Use Permits, while they are currently prohibited in the Central Commercial (downtown) and N-C Neighborhood Commercial zoned areas. He added that staff noticed that drive-throughs were not addressed in of certain zoning areas. He suggested that the Commission may look at controlling drive-through facilities through development standards, rather than prohibiting them.

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Sr. Planner Hayes concluded that the staff recommends the Commission direct staff to develop design and development standards, to be incorporated into the development code. He added that it is not necessary to remove the language from the General Plan, and that leaving it in would allow for annual reviews along with the rest of the Plan.

Chair Monfort stated that it may be better not to turn-off cars and go into the restaurants if the primary consideration is emissions from cold starts. He noted that the General Plan suggests limiting the number of drive-throughs as a means to prevent a 'car culture' in which people do not leave their vehicles. He felt that the Commission must deal with drive-through facilities in relation to a car culture. He added that the recommendation for design standards does not accomplish much other than to adjust the visual impacts. He inquired if there are any studies available which address a car culture.

Sr. Planner Hayes responded that the only two cities which effectively banned drive-throughs were Sausalito and Carmel, which did so for the purposes of keeping their ambience for tourism purposes. He noted that the City of Davis had instituted a ban, though there was so much political pressure that they have returned to allowing drive-through facilities.

Chair Monfort suggested allowing drive-throughs along main routes where people would normally be traveling in cars anyway rather than in locations encouraging people to drive to the facilities.

Sr. Planner Hayes stated that some communities restrict drive-throughs in areas where air quality issues were extreme.

Commissioner McAdam inquired about the traffic generated by a restaurant with a drive-through as opposed to one without a drive-through. She stated that the studies which have been presented are based on the same number of cars. She felt that the traffic generation rates are higher for restaurants with drive-throughs than for those without.

Sr. Planner Hayes agreed, stating that the National Engineers Handbook lists drive-through as a high traffic generator. He also questioned if the presence of a drive-through creates the need for people to go to the drive-through.

Commissioner Belmonte noted that he will be abstaining due to a conflict of interest.

Commissioner Carter stated that the General Plan has other issues which conflict with drive-through facilities, including air quality and neighborhood designs. He asked if staff would address what zones should allow drive-through facilities and what zones would not in the development code update. He expressed concerns that the General Plan is perceived as being negative. He inquired if any cities have developed standards which were designed to discourage drive-through facilities or provided incentives to not have drive-through facilities.

Sr. Planner Hayes stated that staff did not find anything that was not regulatory, though he noted that staff had not asked about incentives which may have affected the answers. He added that staff could look into the incentive approach.

Chair Monfort asked that staff review where drive-through facilities are currently allowed. Sr. Planner Hayes listed the zones as being C-1 Restricted Commercial and C-2 Commercial Services, and added that NC Neighborhood Commercial and CC Central Commercial do not allow drive-through facilities. He indicated that the City has taken steps on East Avenue to not allow drive-through facilities in R-P Residential-Professional Office zones. Some commercially zoned properties in the area also prohibit drive-throughs to reduce traffic congestion and safety problems. Sr. Planner Hayes noted that as for financial institutions, drive-through facilities could be allowed in C-O Commercial Office and R-P Residential Professional/Office zones with a use permit.

Chair Monfort asked if any study had been done in regards to street classifications suitable for drive-throughs, as these businesses would be interested in being on a major arterial or collector.

Commissioner Studebaker expressed concern that the General Plan should not be changed until the history of how the drive-through policy was arrived at has been explored. He inquired what the General Plan Task Force based the

policy on. Sr. Planner Hayes responded that this recommendation was put in as part of a discussion of the dependency on autos in Chico. He noted that phasing out drive-through facilities was seen as a means of reducing the amount of automobile dependency. The Task Force knew that the community would be subject to a high amount of traffic if nothing was done. He added that air quality was an issue though it has not been fully researched.

Commissioner Studebaker said that he felt that it was obvious that the strong language in the Plan was arrived at by a significant group of people, and stated that he would like more information on the basis of the policy. Chair Monfort responded that the concern on auto dependency was based on air quality, the possibility of four lane highways splitting neighborhoods, community aesthetics and expense to the City to maintain expansive roads. Sr. Planner Hayes added that there has been some discussion implying that the General Plan does not like cars, but was, in actuality, a means to continue to have the community be a livable community and to maintain that quality of life. He noted that the General Plan Task Force reached the conclusion that to attempt to maintain a more livable community, the community must become less automobile orientated.

Chair Monfort stated that since traffic and clean air are contradictory results, the General Plan Task Force realized that the community can not satisfy both, therefore the community must choose between the two.

Commissioner Studebaker verified that the language in the General Plan was a conclusion based on surveys and the input of the Task Force. Sr. Planner Hayes stated that as part of the General Plan process, the Task Force did two community wide interviews, at the beginning of the process and at the Community Design stage, and both supported the reduction of auto orientation. He added that the City also did the Chico 20/20 statements and had a number of public hearings as part of the General Plan process.

The public hearing was opened at 7:10 P.M.

Kent Woodell, 22634 2nd Street, Suite 207, Hayward CA, stated that he has property in the area with development potential as a fast food restaurant. He presented the Commission with a letter detailing 14 comments and recommendations regarding drive-through facilities. He commended the Commission and the number of interested people in the audience. Mr. Woodell stressed that instead of development standards, drive-through development should be given guidelines to be applied on a site specific basis, stating that drive-through facilities should be able to be approved even if it does not meet the design criteria as long as the issues are mitigated or 50 percent of business is done through the drive-through. He suggested that if a person is inclined to have fast food, and the restaurant is on a high traffic street, the placement of the facility may reduce an additional traffic trip. He reviewed a business, Caffino, a drive-through coffee and danish pastry restaurant chain currently growing throughout the Bay Area, which does not require much space and has two drive-through lanes. He felt that the 11 minute allotted period is too long, as a well-laid out facility would process vehicles on a faster basis.

Commissioner McAdam noted that the standards listed were examples from other cities not necessarily ones being recommended. Mr. Woodell stated that he felt that if the facility were set up properly, the business could get a car through every 20 seconds, or an average of six cars per minute.

Mr. Woodell stated that the property configuration may be less desirable and still be developable for a drive-through and reiterated his request for site specific development standards rather than rigid criteria.

Tom Guarino, Chamber of Commerce, stated that the Chamber of Commerce supports the goals of clean air and the General Plan. He felt that providing incentives for business to work with the City should be pursued. He added that if the Commission believes that there is a need for specific criteria, he suggested formation of a task force and volunteered to help with such an effort even though he is moving to San Leandro.

Carlton Lowen, 1856 Bidwell Avenue, stated that he was a real estate broker representing the Food for Less shopping center, Safeway Marketplace, Fred Meyer property, and other commercial properties. He stated that it is important to keep shopping centers healthy, and fast food restaurants are often the anchors for the shopping centers. He added that common sense is important for any development standards, and that the criteria should be site specific. He listed current facilities which have pad sites available for drive-through facilities. He suggested that when site plans come before staff, Commission and Council, the circulation, shading and traffic impact be looked

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at regarding a compromise. He stated that the rent differential can be up to 50 percent more for a pad, which must rely on the financial stability of a fast food restaurant. Mr. Lowen noted that neighborhood centers typically have dry cleaners and grocery stores. He felt that the reality is people do not have time to get on their bikes to go shopping, and thus grocery and drug store anchored centers do not get much bike traffic. He also volunteered to serve on a panel to discuss the issues.

Chair Monfort inquired if it would be reasonable for regulation to allow drive-throughs only at shopping centers which already have a large amount of traffic. Mr. Lowen asked that the Commission involve the owners of the shopping centers to help solve the problem and be involved in the process.

Commissioner Carter stated that the purpose of this workshop is to get input from the owners. He added that there will most likely be at least one more workshop on the subject. He felt it was a misconception that the General Plan Task Force was not representative of the community, as it had 41 members who were well representative of the community. Mr. Lowen asked the Commission to use common sense when establishing these guidelines for drive-through facilities.

Gene Belmonte, 217 Idyllwild, gave a history of the McDonald restaurants in Chico. He stated that when the first McDonald's opened in Chico 35 percent, now 60 percent, of business was generated by drive-throughs. He noted that customers are asking why drive-throughs are an issue. He felt that convenience is a major concern in our community and suggested the Commission ask the public what they want.

Chair Monfort stated that it is inconvenient to have emphysema or asthma. He indicated that people will get there in their cars. He added that if this community is going to do something about air pollution, people must get out of their cars.

Mr. Belmonte stated that the issue is a standard of living, and car pooling would be a great advantage. He stressed that McDonald's is in favor of doing something to help the community. He suggested that drive-through facilities are a small piece of the pie and a convenience people do not want to do without.

Commissioner McAdam stated that she takes issue with the statement that drive-throughs are not a part of the problem. She indicated that the issue is getting people out of their cars to do things that a car is not necessarily a part of. She stated that it also addresses the overall attitude of people going to drive-throughs areas and not talking to others. She added that the General Plan invites people to develop a sense of community.

Mr. Belmonte stated that he had spoken with a woman who walked into his restaurant stated that if drive-through were not allowed, she would not go into his restaurant again. Most of the time when she uses the drive-through it is because she does not want to get her children out of the car.

Commissioner Studebaker stated that he takes exception to the statement that ~~the~~all handicapped use the drive-through facilities. He stated that there are a number of disabled people who do not have cars. He pointed out that some fast food facilities have walk-up windows which provide access to another segment of the community. He suggested that walk-up windows may be appropriate in areas where drive-through facilities are not feasible. He noted that he was at a McDonald's this summer where it took 20 minutes to get through the drive-through. He inquired if the local McDonald's have any walk-up windows.

Mr. Belmonte stated that they have a walk-up lobby in one store, and noted that his disabled father doesn't always like getting out of his vehicle, so he uses drive-through facilities.

Susan Christensen, 2237 Danbury Way, stated that she was speaking as a citizen who wants to keep the quality of life in the area and to prevent increased traffic. She stated that the type of lifestyle which encourages drive-through usage does not encourage community. She inquired if staff had contacted San Luis Obispo, which she thought had a drive-through ban. Sr. Planner Hayes responded that they do allow drive-through facilities in some areas, though they have strict standards. Ms. Christensen asked if the Commission supports the General Plan how can they get Council to support it.

Norm Roberts, 621 Pomona Avenue, #13, stated that he frequents drive-through restaurants. He stated that drive-through facilities are there for the convenience of the people and without that convenience many will not stop there. He added that he often does not have the time to go into restaurants and still do his business.

Jeff Farrar, 391 Brookside Drive, agreed with the Commission that there are areas where drive-throughs should not be allowed. On the other hand, he felt that there are places in Chico where drive-throughs would be appropriate. He suggested that the impact on Chico would be felt in several areas if drive-throughs were banned. The first impact would be in the overall sales tax revenue for the City. He added that retail development would take a 180 degree turn and may not exist for a period of time. He noted that pads are the developers incentive to provide a shopping center for the community and pad development relies on drive-through facilities. As a result of a drive-through ban, he felt that Chico's tax base would be affected. Mr. Farrar stated that the four pads at the East Avenue Marketplace are vacant because drive-throughs are not allowed at that location.

Sr. Planner Hayes clarified that the East Avenue Marketplace is zoned N-C in which drive-throughs are not permitted.

Mr. Farrar further stated that he was a member of the General Plan Task Force and he does not recall the issue of discouraging drive-throughs being mentioned. He felt that the wording placed in the General Plan should be re-analyzed. He suggested that if there were a survey to ban drive-throughs, there would be overwhelming voice against banning drive-throughs. He noted that in regards to the East Avenue Marketplace, because there is not a drive-through facility there, people go farther down toward Cohasset to use drive-through facilities, where there is already traffic congestion.

Jennifer Winkelman, 1115 W. Sacramento, #54, a senior at CSUC, stated that class schedules often do not meet banking hours. She stated that she uses drive-through banking at night for safety reasons. She asked if the Commission does not want to promote a car dependent society, why did the City build a parking structure.

Ted Deehr, 1200 Harvard Court, Roseville, stated that he is the real estate manager for Wendy's in California. He stated that whether the City builds a two or eight lane road is dependent on the demand of the marketplace at the time and the City must build the facility to support the load. He stated that drive-throughs have become in-vogue as the pace of people has quickened. With that life style change, drive-throughs have become a necessity. He added that he would like to see more of these workshops. He noted that competition sets the marketplace and makes drive-through facilities worthwhile. He felt that drive-through facilities will not be necessary once the lifestyle has worked its way away from them. He added that instituting a drive-through ban will create a negative impact on the business community, and the tax base.

The public hearing was closed at 7:50 P.M.

Commissioner Carter stated that he would like to see another workshop with staff preparing the recommendations as set forth in the report, and allow time for staff to speak with those who have addressed the Commission.

Chair Monfort suggested that staff consult and arrive at some specific recommendations for the Commission to consider at a public hearing.

Commissioner Carter stated that he does not feel that this meeting has been addressed in a workshop manner, but rather as a public hearing, and suggested the Commission hold a future workshop in one of the conference rooms.

Planning Director Sellers responded that the expected attendance, which has been achieved, and the fact that the workshop is being followed by a regular meeting, were the reasons to hold the workshop in the Council Chambers. He suggested that the Commission look at proposed regulations for drive-through facilities separately, but as part of the overall development code revisions to be considered early next year.

Commissioner Studebaker stated that he does not have enough information to make any recommendations on the subject at this time.

Planning Director Sellers confirmed that the Commission is directing staff to prepare recommendations for drive-through development regulations and to continue to consult with concerned citizens and other cities.

The work session adjourned to the regular meeting at 7:50 P.M.

The Commission was in recess from 7:50 P.M. to 8:05 P.M.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

2. Minutes of Regular Meeting of October 9, 1995.

Requested Action: Approve with any corrections/revisions required.

3. **Use Permit No. 95-17 (Bradley)** - A request to exceed the 15 foot maximum height limitation for an accessory building by seven feet for a total height of 22 feet, to facilitate construction of a new two-story building with ground floor storage and a studio above, located at 1245 Arcadian Avenue, at the southwest corner of W. 3rd and Arcadian Avenues. (Note: the existing garage will be removed and required parking will be provided in the driveway). This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15303 (e) New Construction of the California Environmental Quality Act.

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

4. **Use Permit No. 95-22 (Rhodes/Morgan)** - A pre-annexation use permit request to allow construction and operation of an outpatient medical clinic and cosmetic surgery center consisting of a 9,300 square foot building containing two operating rooms, waiting rooms, recovery rooms, etc., and a 2,000 square foot pad site for future office development, on 1.02 acres located at 852 Manzanita Court, Assessor's Parcel No. 006-240-038 and 039, rezoned R-P Residential-Professional/Business Office zoning district and pending annexation to the City of Chico.

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

5. **Use Permit No. 95-25 (Townsend/Yparraguirre)** - A request to allow a 13,500 square foot, 40 bed residential care facility for the elderly located on Ilahee Lane, 200 feet north of East Avenue, Assessor's Parcel No. 042-420-091 & 092, in an R-P Residential Professional zoning district.

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

6. **Use Permit No. 95-29 (SanPaolo)** - A request to allow a 1,200 square foot pet store in a suite of an existing shopping center, identified as 1354 East Avenue, Suite N, located at the northeast corner of East

and Mariposa Avenues in an N-C Neighborhood Commercial zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15301 Existing Facilities of CEQA.

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

Commissioner Carter removed Item Nos. 3 and 6 from the Consent Calendar.

COMMISSIONER MCADAM MOVED APPROVAL OF ITEM NOS. 2, 4 AND 5. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

3. Use Permit No. 95-17 (Bradley)

Commissioner Carter inquired if staff had received any objections or comments from the neighbors since the new structure will be five feet from the westerly boundary line. Planning Director Sellers replied that staff has not had any comments from the neighbors.

COMMISSIONER CARTER MOVE APPROVAL OF USE PERMIT NO. 95-17 (BRADLEY). COMMISSIONER MCADAM SECONDED THE MOTION.

At the request of the applicant, the public hearing was opened.

Todd Bradley, 1245 Arcadian Avenue, the applicant, stated that he had spoken with Mr. Brown, the neighbor on the west side, prior to the meeting and stated that he had requested that no window be placed on that side as well as no outside staircase.

Chair Monfort asked that the stipulations, that no window or outside staircase be placed on the side of the building, be added as conditions of approval.

Commissioner Carter approved the amendment.

THE MOTION, AS AMENDED, WAS APPROVED 7-0.

6. Use Permit No. 95-29 (SanPaolo)

Commissioner Carter noted that the staff report indicates that there will be no cats or dogs for sale at the proposed pet store, though it is not listed as a condition in the Use Permit.

Planning Director Sellers responded that staff did not want to restrict the use in the future, though the applicants at this time do not intend to sell cats or dogs.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 95-29 (SANPAOLO). COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner Studebaker verified that the applicants do not plan to have dogs & cats for sale.

THE MOTION WAS APPROVED 7-0.

REGULAR AGENDA

7. **Sunrise Court Tentative Subdivision Map and Planned Development Use Permit No. 95-4 (Reager)** - A 20-lot single family residential planned development/subdivision with average lot sizes of 3,200 square feet and including a landscaped mini-park and a public bicycle path from the south terminus of Ricky Court to East 21st Street, located on 2.1 acres located at the southeast corner of Ricky Court and East 20th Street in an R-2 Medium Density Residential zoning district. A Mitigated Negative Declaration of Impact is proposed pursuant to the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He noted that in March of this year the Commission gave tentative approval to the project and the final Planned Development and subdivision map are before the Commission at this time. He described the project as including twenty detached single family residences and a mini-park play area which will also be used as part of the storm water management plan for the subdivision. He added that the original subdivision, which created this parcel, also included a bike path requirement which will pass through the southerly portion of this project.

Planning Director Sellers stated that the project includes a masonry wall along 20th Street, not only for sound attenuation, but also to provide privacy in the rear and side yard areas for three houses. He noted that the Commission was concerned about the proximity of the wall to the street in regards to the street trees. He felt that those concerns were addressed as the wall will now be placed farther from the street with landscaping on 20th Street. He added that the middle portion of the wall will be open to allow for pedestrian and bicycle traffic to the interior of the subdivision.

Chair Monfort inquired what will be the setback from the curb on 20th Street to the masonry wall. Planning Director Sellers responded that the setback will be roughly 15 feet.

Planning Director Sellers noted that the other concerns that the Commission had previously expressed were addressed in the staff report. He indicated that staff has not recommended that there be speed bumps on the interior street. Also, the Environmental Review was provided with the original plan and has been included as an addendum for this meeting. He discussed the mitigation measures which are listed in the staff report.

Planning Director Sellers stated that the project addresses numerous goals in the General Plan and those sections are listed in the staff report. He noted that the project is one of the first since the adoption of the Plan to meet the R-2 zoning density and provide common areas. Staff believes that the opening in the wall along East 20th Street to provide access as well as the landscaping around the wall, allowed the masonry wall to meet the requirements in the General Plan. In addition, the project will be reserved for low and moderate income households, helping meet the General Plan Housing Element's major goal of providing affordable housing.

Planning Director Sellers stated that to approve a Planned Development project, the Commission must make the necessary findings, which are listed in the staff report. He noted that while the proposal is consistent with the General Plan, the garages are in the front of the buildings. While the garages are in the front, the building elevations with a emphasis on the strong entrance and multi-story construction, the visibility of the garage is reduced. Staff analysis recommends Commission approval.

Planning Director Sellers stated that the interior private street, as addressed in the hearing in March was the subject of several conditions of approval. He stated that since the information packets for this meeting were distributed, the Fire Department has agreed to a revised design for the street to consist of a four foot sidewalk, a sixteen foot paved area and a curb on the other side and restricted to one way traffic. He noted that this design will provide all pedestrian access on the curbed side of the street.

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Commissioner Carter asked if planter strips will be required. Planning Director Sellers replied that they would not be.

Chair Monfort inquired about street trees. Planning Director Sellers stated that every yard will have a street tree, as well as the 20th Street frontage.

Chair Monfort confirmed that there be four feet of raised sidewalk and sixteen feet of paved street with a vertical curb. Planning Director Sellers stated that rolled curbs may be allowed. He added that the Fire Department feels that with the one-way street, the emergency vehicle access requirements will be met.

Chair Monfort stated that street trees can canopy the sixteen foot street. Commissioner McAdam stated that the sixteen foot street will eliminate the need for speed bumps.

Planning Director Sellers stated that staff recommended approval with the conditions of approval, with the additional modification of the street as approved by the Fire Department. He added that staff also recommends an additional condition that the applicant be allowed to abandon the existing bicycle path easement and create a new bicycle path easement to retain a significant oak tree which may have to be removed with the current bike path. He noted that there are existing storm drain facilities which may prevent that bike path from being changed.

Commissioner Studebaker, with regard to Condition of Approval No. 8, inquired if the City has a mechanism to ensure that the homes are sold to low income households. Planning Director Sellers stated that the City does have measures in place. Assistant City Attorney Barker stated that the City is making a loan to purchase part of the land and site improvements on the property. She added that the loan has the condition which restricts the sale of the property to low and moderate income housing.

Chair Monfort asked if equities go up, does the property still remain with low and moderate income households. Assistant City Attorney Barker stated that the City does not retain the covenant on the property for single family homes following the original sale.

Commissioner Carter asked if Condition No. 8 would be reworded to reflect those loan requirements.

Assistant City Attorney Barker suggested the condition be worded "The homes shall be sold and maintained for low and moderate income households in accordance with the City and Redevelopment Agency loans."

Commissioner Wright felt that this Condition would then be redundant.

Commissioner Carter inquired if there were any thoughts to put the mini-park as a buffer on the north side toward 20th Street. Planning Director Sellers stated that it was placed in proximity to the bike path on the interior of the facility and to be available to the residents. He added that the park has a dual purpose of providing a storm drainage facility.

Commissioner Carter stated that there are no masonry walls in the projects to the east and the west. He stated that the masonry wall will be somewhat out of sync with the neighboring development. Planning Director Sellers stated that the wall is 10 feet behind the street trees and 4 feet behind the sidewalk, thus providing ample landscaping to blend the wall in with the surrounding areas.

Chair Monfort inquired what would happen if there are graffiti problems before the vine takes over. Planning Director Sellers responded that other landscape options could restrict access to the wall.

Commissioner McAdam asked what about the project requires the sound mitigation. Planning Director Sellers replied that sound attenuation is a consideration, but the primary reason for the wall is to provide private back yards.

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He added that all of the units are two-story so the wall will have minimal advantage for sound attenuation for the second story.

Commissioner McAdam suggested that the wall does not need to be masonry. Planning Director Sellers stated that the masonry wall is to be done for maintenance purposes and to provide privacy and additional security.

The public hearing was opened at 8:40 P.M.

Skip Reager, 5 Anna Court, stated that the masonry wall was planned at his request to separate the houses from 20th Street and added that he does not like wood fences.

Commissioner Carter inquired what consideration was given to placing the mini-park on the 20th Street side. Mr. Reager stated that the a park location makes use of an odd shaped portion of the lot, and the engineering for the storm drainage required this location.

Chair Monfort stated that there is a condition that garages are not to be used for storage. In order to keep the garages free for vehicle use, he suggested windows to help break up the facade and let other homeowners know what the garage is being use for. Mr. Reager stated that he had no thoughts on the suggestion other than cost, which will be passed on to the consumer.

Chair Monfort inquired on the cost of the homeowners association. Mr. Reager responded the cost will \$50.00 to \$60.00 per month to maintain the mini-park and the front yard landscaping.

The public hearing was closed at 8:45 P.M.

COMMISSIONER MCADAM MOVED APPROVAL OF PLANNED DEVELOPMENT USE PERMIT NO. 95-4 (REAGER) AND PLANNING COMMISSION RESOLUTION 95-20, APPROVING THE FINAL DEVELOPMENT PLAN AND TENTATIVE SUBDIVISION MAP, MAKING THE FINDINGS AS SHOWN IN THE STAFF REPORT, SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL, WITH THE ADDED CONDITIONS AS FOLLOWS: (1) ALLOWING THE SUBSTITUTION OF THE BIKE PATH; (2) THE STREET TO CONSIST OF A FOUR FOOT SIDEWALK, A SIXTEEN FOOT PAVED AREA AND A CURB ON THE OTHER SIDE AND RESTRICTED TO ONE WAY TRAFFIC. COMMISSIONER CARTER SECONDED THE MOTION.

Commissioner Carter asked that Condition No. 8 wording be changed to read "The homes shall be sold and maintained for low and moderate income households in accordance with loan agreements and redevelopment agency."

Chair Monfort inquired if Condition No. 5 could be amended to specify that windows are added to the garage doors, to ensure that the garages are not used for storage purposes.

Commissioner McAdam stated that she would like to encourage the ~~ventilation~~ **fenestration**, but not to have it required as the costs have not been established.

Chair Monfort stated that "~~ventilation~~ **fenestration** be provided if there is not any significant cost difference" be added to Condition No. 5.

COMMISSIONER MCADAM APPROVED THE AMENDMENTS ALTERING CONDITIONS NO. 5 AND 8. THE MOTION WAS APPROVED 7-0.

8. **Use Permit No. 95-28 (Riley/Andrew)** - A request to expand the existing bar and grill by 800 square feet and to allow a portion of the required off street parking to be located on a contiguous parcel for the property at 702 West Fifth Street, Assessor's Parcel No. 004-125-001,003& 004, in an N-C Neighborhood Commercial zoning district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Expansion of Existing Facilities) of the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the proposal, the staff report and the findings and the recommended conditions of approval. He stated that the Use Permit is required on the basis of three characteristics, the sale of alcohol with 300 feet of a residential district, to remain open after 11 P.M. in a residential district, and the provision of required off-street parking on a contiguous parcel. He reviewed the Commission work session which included a field review of the site. He gave a history of the applications for Use Permits for the property, noting that in 1989 the applicants made a similar proposal which was approved, though the applicants could not meet the parking requirements and the Permit expired. He added that the applicants have acquired the property to the west and have expanded the parking lot to that area, which meets the current parking requirements as well as those which would be created by this proposed addition. However the parking lot addition did not include landscaping, which is the reason for landscaping to be listed in the recommend conditions of approval.

Chair Monfort stated that during the field review there were comments regarding changing the parking lot signage. Planning Director Sellers stated that there was no handicapped parking marked, as well as other parking related problems.

Commissioner Carter stated that the workshop had included substantial discussion that the reason for this permit was to provide substantial expansion of the food service. He felt that the proposed plat includes a larger bar area and the same size kitchen area.

Commissioner Carter inquired if the dumpster is to be placed on the north side of the building and suggested that the existing residents will be smelling the dumpster. Planning Director Sellers stated that there may be a window for those residences overlooking the dumpster area, but the entrances are on the west side of the building. He added that there is a small fourplex on the site currently. Commissioner Carter stated that the dumpster is being placed near the only residential use on the site.

Commissioner Carter asked if lighting was needed in addition to shading in the parking lot. Planning Director Sellers stated that additional lighting is not a requirement, though there was a light there. He stated that lighting is a security factor.

Commissioner Carter questioned the compact parking along the western edge of the property. Planning Director Sellers stated that the Engineering Department standards require the area be dedicated and marked for compact cars in order to meet the parking requirements.

Commissioner Belmonte inquired if this project will require architectural review as a facade remodel with landscape upgrade. Planning Director Sellers stated that a code provision for facade remodel was proposed and recommended by the Commission for Council approval. He added that Council has not yet seen this recommendation and thus it does not affect this project. However, the Architectural Review Board retains the ability to require landscape upgrades.

Commissioner Belmonte verified that the parking lot is subject to shade requirements.

Chair Monfort stated that the parking spots in front of the building along 5th Street were not marked, though they were posted for one hour parking. Commissioner Carter added that there is unlimited parking on the north side of the street and limited parking on the east side. Planning Director Sellers reviewed the street parking in the area and noted that staff had recommended that the applicant speak to the Traffic Committee to restrict that parking.

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The public hearing was opened at 9:00 P.M.

Kevin Riley and Nick Andrew, the applicants, approached the podium.

Commissioner McAdam stated that the remodel plat does not distinguish between the square footage for the bar and restaurant. She stated that at the work session, the Commission was told that the primary purpose of the remodel was to expand the restaurant facilities. She inquired when the restaurant service area will close.

Mr. Andrew stated that they want to equip the kitchen area with better equipment, thus have the small area more efficient, and food service will end at 10:00 P.M.

Commissioner Carter verified that the size of the kitchen area does not need to be modified. Mr. Andrew replied that the equipment will be changed, though the room does not necessarily need to be changed.

Commissioner Carter stated that by viewing the plat, the design appears to be expanding the bar area. Mr. Andrew stated that their plan is to expand the use of the bar area to the restaurant and to create a "Friday's" type atmosphere.

Commissioner Carter stated that "Friday's" has a full service kitchen, and asked if Riley's will also have one. Mr. Riley stated that the kitchen will be open until 10:00 P.M., though it could be open later. He noted that the plat is misleading and the remodel is not as big of an expansion, as it will increase seating to 45 people.

Commissioner Carter expressed concerns about the proposed dumpster location. Mr. Riley suggested an alternate location along the north edge of the parking lot.

Commissioner Carter inquired if there will be an increase in the parking lot lighting. Mr. Riley replied that the same lighting will exist. He noted though, that the Police Department had suggested additional lighting and they would consider that.

Commissioner McAdam questioned what the percentage of their business was generated by food sales and to what percentage was generated by alcohol sales. Mr. Andrew responded that they expected have 60 percent of their business generated through food sales following this remodel.

Chair Monfort inquired why they intended to cease food sales at 10:00 P.M. Mr. Andrew replied that there is no demand for food sales after 10:00 P.M.

Commissioner Carter stated that the area is saturated with bars and that he would like to ensure that this expansion was a necessity to expand food sales. Mr. Riley responded that it is their intent to complete this expansion in order to provide an expanded food service. He added that he does not know how to guarantee that there will be an increase in food service other than to present their record with Franky's. Mr. Andrew stated that food sales could be provided up until closing hour in order to address concerns of the Commission.

Chair Monfort suggested that the specials be surrounding food not alcohol.

Commissioner Carter suggested that a smaller bar area will allow for more tables and help reduce the percentage of alcohol sales.

Mr. Riley stated that if they provide more seating, they will need to expand the parking, which is already impacted. Planning Director Sellers agreed.

Commissioner Studebaker suggested that food be provided until 10:30 P.M.

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Planning Director Sellers stated that the recommended conditions do not address food service.

Commissioner Carter asked if there was a time constraint on this project. Mr. Andrew stated that the only time constraint is that they plan to do the construction during the December and January University break.

Commissioner Carter suggested the applicants meet with staff to discuss the issues.

Commissioner Wright stated that he does not see a constraint of changing the interior plan to reduce the bar area and increase table seating. He felt that those using the bar area would simply start using the seating area.

Commissioner Carter stated that if it looks like a restaurant, it will induce people to use the property as a restaurant. He also questioned trading housing for a bar.

Commissioner Wright stated that the question is atmosphere and what people are going to use it for. He noted that Franky's is an establishment which has full service liquor sales and is used as a restaurant, and run by the same owners.

Commissioner Studebaker stated that at the work session he noticed that a lot of the tables are set high. He inquired if some will be at lower elevations. Mr. Riley stated that they have been discussing installing some booths which will be lower.

Commissioner Studebaker asked if there was currently someone living in the housing unit. Mr. Andrew stated that the unit will not be removed until the current tenant has relocated. He stressed that they will not evict the tenant.

Commissioner Belmonte stated that the applicants have done a good job in the past and have shown good faith effort.

Chair Monfort stated that Use Permits go with the property. He suggested that a condition be placed that food be available to a certain hour.

Commissioner Carter stated that he is concerned with the attention to alcohol problems and the number of bars in the area. He felt that it would be a good faith effort to not have an expanded bar. Mr. Andrew stated that the bar area is not as big as it looks on the plat. He added that they have met with Alcoholic Beverage Control (ABC), who were supportive on the effort to expand. He noted that storage is being added for the kitchen by this expansion.

Commissioner Belmonte felt that in the limited amount of space and with the right equipment they should not have a problem increasing the amount of food products. He also felt that it is a matter of good faith that the applicants will be changing the atmosphere from a bar to a restaurant.

Mr. Riley stated that they want to bring food into the area rather than the bar atmosphere which exists now. He added that upgrading the atmosphere is the intention of the expansion.

The public hearing was closed at 9:25 P.M.

COMMISSIONER CROTTS MOVED TO APPROVE USE PERMIT 95-28 SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT, WITH THE ADDITION THAT THE FOOD SERVICE IS AVAILABLE UNTIL 10:30 P.M..

Commissioner Carter inquired if the Use Permit for the property now is for a drinking establishment. Planning Director Sellers stated that the original Permit was for a restaurant with beer and wine sales. He added that there is no condition on any prior Permit regarding food sales and service.

Commissioner Carter asked if such a condition could be placed in the event that the current owner sells the property. Planning Director Sellers suggested requiring recordation of the Use Permit so there be required notice to a potential buyer. He added that the expired Permit did have a condition requiring food sales.

Commissioner Carter stated that it was not the hours of food service which was of concern, rather that food sales be a condition.

Mr. Riley clarified that the ABC license they have requires food sales.

Commissioner Carter presented two amendments to the motion. The first being that Condition No. 6, suggest the applicants relocate the garbage to the north side of the parking area as to not create a nuisance for the tenants. The second amendment would add to Condition No. 5 that additional lighting be provided in the parking area.

Planning Director Sellers suggested that the addition to Condition No. 5 be that "in consultation with the Police Department to create a lighting scheme to be approved by the ARB."

COMMISSIONER CROTTS ACCEPTED AMENDMENTS. THE MOTION WAS APPROVED 7-0.

9. Report from California Chapter of the American Planning Association annual conference by Commissioners Carter and McAdam and Sr. Planner Hayes.

Planning Director Sellers noted that Commissioner Carter had comments regarding the California Chapter of the APA (CCAPA) annual conference. He added that Commissioner McAdam was also at the conference and may have additional comments.

Commissioner McAdam stated that CCAPA gave the City of Chico an award of merit for the General Plan in recognition of small jurisdiction planning; specifically for the public participation element of the General Plan.

Planning Director Sellers added that it was the third award the City has received for the General Plan process. The other awards were from the North Section of APA and the Ahwahnee award. He noted that there were special considerations of the City encouraging public participation.

Commissioner Carter stated that he will put his comments in writing regarding the conference. He added that he would like to be on the agenda for an upcoming council meeting for Sr. Planner Hayes and the attending Commissioners to present the award to the Council. Planning Director Sellers suggested the Commission present all three awards to the Council at the upcoming joint meeting for the annual review of the General Plan.

10. Discussion on General Plan Implementation and annual review work session schedule.

Planning Director Sellers stated that the General Plan requires annual reports for the Council. The original staff intent was to have the presentation at a joint City Council and Planning Commission meeting. He added that since the Commission would not have the opportunity at that time to include any recommendation to the Council, at Commissioner Carter's suggestion, the report will be presented to the Commission first to allow the Commission to include any suggestions and recommendations with the Annual Report when it is presented at a joint meeting with Council. He noted that this would be a service to the Council to allow the discussion to focus on the issues. He indicated that the joint meeting will be held in late November, possibly early December.

BUSINESS FROM THE FLOOR

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Chair Monfort recommended the book 'Geography of Nowhere.'

ADJOURNMENT

The meeting was adjourned at 9:38 P.M. to the Regular Meeting of November 6, 1995.

November 6, 1995
Date Approved

Clif Sellers
Planning Director

**PLANNING COMMISSION
MINUTES
REGULAR MEETING OF NOVEMBER 6, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.**

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, and Michael Wright. Commissioner Jonathan Studebaker arrived shortly. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

None.

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of October 23, 1995.

Requested Action: Approve with any corrections/revisions required.

Chair Monfort pulled this item from the Consent Calendar.

2. Use Permit No. 95-30 (Subud California at Butte County) - A request to allow religious assembly and associated uses in addition to the existing use for jazzercise classes in a 2,160 square foot building with non-conforming parking, located at 574 East 12th Street, Assessor's Parcel No. 005-151-030, in an RD-1 Low Density Residential zoning district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15303 (Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

Requested Action - Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

Commissioner McAdam pulled this item from the Consent Calendar.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of October 23, 1995.

Chair Monfort stated that the word "veneration" should be "fenestration" on page 12 and page 13.

Commissioner Studebaker made a correction to Page 5, changing the phrase "the handicapped" to "all handicapped."

COMMISSIONER CARTER MOVED APPROVAL OF THE MINUTES OF THE ADJOURNED REGULAR MEETING OF OCTOBER 23, 1995. COMMISSIONER MCADAM SECONDED THE MOTION WHICH WAS APPROVED 7-0.

2. Use Permit No. 95-30 (Subud California at Butte County)

Commissioner McAdam stated that she removed this item from the Consent Calendar to ask if there is any kind of limit to how large the organization may get under this Use Permit.

Planning Director Sellers stated that the building has a maximum occupancy of occupancy of 49, and a recommended condition of the use permit requires compliance with the occupancy standards.

Commissioner McAdam inquired about the non-conforming parking as stated in the staff report. Planning Director Sellers stated that it was close to being conforming. He added that staff was supportive of the request under the assumption that greater occupancy of the building may lead to better maintenance of the area.

Chair Monfort stated that the applicant of the previous Use Permit did not install the landscaping required. Planning Director Sellers indicated that most of the landscaping was installed, but not maintained.

Commissioner Carter stated that the prior Use Permit is still in place for the jazzercise use. He inquired who would be responsible for that Use Permit's conditions. Planning Director Sellers responded that the condition would be enforced for both applicants.

Commissioner Carter stated that there was a condition on the previous Use Permit to plant a shade tree in the parking lot, which has not been done.

The public hearing was opened at 7:40 P.M.

Rochanah Weissinger, 11 Trieste Way, stated that she was the realtor for the building. She indicated that Dance America had purchased the building and were the applicants for the previous Use Permit. She added that they planted all the required landscaping but the shade tree. She noted that the property has gone through foreclosure and is now under new ownership, resulting in this application.

The public hearing was closed at 7:41 P.M.

COMMISSIONER MCADAM MOVED APPROVAL OF USE PERMIT NO. 95-30 (SUBUD CALIFORNIA AT BUTTE COUNTY) SUBJECT TO THE FINDING AND CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

- 3. Variance No. 95-2 (Thompson)** - A request to vary from the six foot height limitation for residential fencing for property located at 597 E. 4th Street, Assessor's Parcel No. 004-183-006, at the southwest corner of Pine Street and East 4th Street, to allow 7 foot high fencing along the Pine Street side yard property line; 8 foot high fencing along a portion of

the interior side yard property line; and 8 foot high fencing with sliding gates along the rear property line. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15303 (e) (New Construction) of the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report. He noted that privacy would be provided by the seven foot side fence for the recessed residential unit located in the basement area. He indicated that there have been two similar variances previously approved in the neighborhood as well as other use permits authorizing six foot fence encroachments into side yards. Staff recommends approval of the seven foot street-side fencing, though they did not support the eight foot high rear yard and side yard fencing. He explained that with the eight foot fence and gate, parking may be blocked and there are no compelling reasons to grant the request. He reviewed the findings in the staff report which only apply to the seven foot fence along Pine Street and recommended that the variance be subject to the conditions listed in the staff report. He pointed out that concerns regarding sight distances do not apply as there is a garage at the corner with the fence extending between the house and garage.

Chair Monfort inquired about the fence panels for the gate. Planning Director Sellers stated that the fence panel would slide open to allow access to the parking area.

The public hearing was opened at 7:50 P.M.

Gary Thompson, 597 E. 4th Street, stated that the gate structure would consist of two six foot by seven foot four inch high panels which would provide security and privacy. He added that seven foot high fence along Pine Street would also provide security and privacy. He felt that the extraordinary circumstances were that they are required to provide a three car parking area and under those circumstances would like to have privacy and still have access to the parking spaces.

Chair Monfort asked if the gate could be accomplished with a six foot high fence and a gate on rollers. Mr. Thompson replied that it could be done that way.

The public hearing was closed at 7:52 P.M.

Commissioner McAdam stated that there are two different arguments for this variance. She reviewed the staff report stating that several variances have been granted in the area for taller fencing. On the other hand, if this is occurring regularly then it is not an extraordinary circumstance and she suggested a change the Development Code instead of granting several variances.

Planning Director Sellers stated that the extraordinary circumstances in that area apply to the Fourth Street / Pine Street intersection because of traffic and circulation patterns; the finding applied to all four corners at the intersection and is therefore not widespread. He listed the other variances granted in the neighborhood. He noted that the Development Code may be changed to allow seven foot high fencing, particularly in the older neighborhoods.

Commissioner Carter inquired about the Development Code update allowing seven foot fencing in older neighborhoods and whether that provision would be applied throughout the City or just along major streets. Planning Director Sellers stated that there have been a series of administrative permits allowing increased fence heights which do not have sight distance problems along major streets. He added that staff is not far enough along in the Code update to define what would be allowed.

Commissioner Carter inquired about the precedence of allowing the higher fencing in the older neighborhoods. Planning Director Sellers replied that many people have looked into the possibility of higher fencing, but once it is established that a variance would be required, the inquiries are not pursued.

Commissioner Carter asked if the fencing along the back of this property may be a barrier to the parking. Planning Director Sellers responded that if the parking is isolated from ready access, it is less likely to be used. He explained that the sliding panel may also discourage the use of the parking space.

Commissioner Carter asked about the timeline for the Code update. Planning Director Sellers stated that it is at least six months from being at a point for public hearings.

Chair Monfort asked about the series of variances in the area. Planning Director Sellers answered that once traffic gets through the intersection it disperses throughout the neighborhood on various streets.

COMMISSIONER MCADAM MOVED APPROVAL OF VARIANCE 95-2 (THOMPSON) FOR THE SEVEN FOOT FENCING ALONG PINE STREET MAKING THE REQUIRED FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL, BUT DENIAL OF THE EIGHT FOOT FENCING ON THE REAR AND INTERIOR PROPERTY LINES. COMMISSIONER CROTTS SECONDED THE MOTION.

Commissioner McAdam inquired if the variance would still apply after the Development Code is changed. Planning Director Sellers answered that if the Code is changed so that this fencing complies with the code, the variance would no longer be necessary.

Commissioner Carter confirmed that if the Code is updated and the applicant would like a seven foot side fence, there would be no need for a variance. Planning Director Sellers stated that the variance would not then be needed if the previously discussed Code changes are adopted.

The public hearing was re-opened at 7:58 P.M.

Mr. Thompson stated that there have been several instances of vandalism, trespassing and other violations on the property. He stated that the proposed fencing would provide security and privacy for the residents. He reviewed the proposal and the type of gate fencing, which would allow three cars to park in the area. He added that a rolling fence gate six feet high would not have the benefit of noise attenuation, and may cause some mobility problems. He asked the Commission to help find a solution.

Commissioner McAdam inquired if the proposal is for a six foot fence with an eight foot high pole above it. Mr. Thompson responded that he would like to fill the gap between the fence and the top of the pole with solid material, thus providing additional privacy.

Chair Monfort suggested planting shrubbery behind the fence.

Staff indicated a willingness to work with the applicant to come up with a workable solution within the existing fence height limit.

The public hearing closed at 8:17 P.M.

THE MOTION OF COMMISSIONER MCADAM WAS ADOPTED BY A 7-0 VOTE.

BUSINESS FROM THE FLOOR

Planning Director Sellers congratulated Commissioner McAdam on her recent certification by the American Institute of Certified Planners.

It was noted that due to a lack of business, no meeting would be held on November 20, 1995.

ADJOURNMENT

The meeting was adjourned at 8:25 P.M. to the Regular Meeting of December 4, 1995.

December 4, 1995
Date Approved

Clif Sellers
Planning Director

PLANNING COMMISSION
MEETING OF DECEMBER 4, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crotts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Tom Hayes, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

There were no Ex Parte communications.

Commissioner Wright noted that he would be abstaining from Item No. 4.

CONSENT CALENDAR

1. Minutes of Adjourned Regular Meeting of November 6, 1995.

Requested Action: Approve with any corrections/revisions required.

2. Minutes of Adjourned Regular Meeting of September 26, 1994.

Requested Action: Approve with any corrections/revisions required.

3. **Report of Fraternity, Sorority and Residential Social Organizations Subcommittee** (Commissioners Crotts, Monfort and Studebaker).

Requested Action: Acknowledge receipt of report and set for public hearing on February 5, 1996.

Chair Monfort pulled Item No. 3 from the Consent Calendar.

Commissioner Carter stated that he would be abstaining from Item No. 2 as he was not on the Commission at that time. Commissioners Studebaker and Belmonte also indicated that they would be abstaining from Item No. 2.

Commissioner McAdam inquired why the minutes from 1994 were on the Agenda. Planning Director Sellers explained that two sets of minutes were inadvertently lost and had to be pieced together from files and memorandums to Council. This will complete the update.

COMMISSIONER MCADAM MOVE TO APPROVE ITEM NOS. 1 AND 2. COMMISSIONER CROTTS SECONDED THE MOTION WHICH WAS APPROVED 7-0 AND 4-0 RESPECTIVELY, WITH COMMISSIONERS CARTER, STUDEBAKER AND BELMONTE ABSTAINING FROM ITEM NO. 2.

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Report of Fraternity, Sorority and Residential Social Organizations Subcommittee

Planning Director Sellers stated that the item will not have much public input at this meeting and suggested the Commission postpone discussion until further in the agenda.

REGULAR AGENDA

4. **Appeal of Administrative Use Permit No. 95-21 (Colgan)** - A request to legalize an existing non-conforming fence exceeding three feet in height within the front yard setback area located at 86 Artesia Drive, Assessor's Parcel No. 048-670-004 in a R-1 Single Family Residential land use district. This project has been determined to be Categorically Exempt from environmental review pursuant to Section 15303 (e) (New and Existing Small Structures) of the California Environmental Quality Act (CEQA).

Planning Director Sellers reviewed the staff report and the applicable Municipal Code requirements. He explained that the applicant built the fence into the public right-of-way (within eight feet of the sidewalk) and it is over three feet in height, in violation of Code. The applicant applied for the Use Permit in order to comply with the Code after complaints were received by the City. Planning Director Sellers indicated that he gave the initial approval of the Administrative Use Permit, which required the removal of the fence in the right of way. He stated that several neighbors have appealed the decision approving the Administrative Use Permit, requiring consideration by the Planning Commission.

Planning Director Sellers added that Director of Public Works Ross had overruled the decision requiring the fence to be moved out of the right-of-way, as allowed under the Code. He indicated staff feels that there are some problems with the proximity of the fence to the sidewalk, and recommends that the Commission deny the appeal and approve the Use Permit, but require the portion of the fence in the right-of-way to be three feet high. He added that the required findings are listed in the staff report as well as the recommended conditions of approval. He noted that the applicants have submitted additional information which has been provided to the Commission at this meeting.

Commissioner Carter inquired if the property line setback of eight feet is normal for neighborhoods. Planning Director Sellers stated that it is a standard setback for that neighborhood, as well as most recent subdivisions.

Commissioner Carter stated that he had driven through the neighborhood and noted that there are several fences in the area which come close to the sidewalk. He inquired if any other complaints have been received, and if this was the only such fence on Artesia Drive. Planning Director Sellers replied that no complaints regarding other fences in the neighborhood have been received by the Planning Division.

The public hearing was opened at 7:40 P.M.

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Ken Colgan, 752 Brookwood Way, the applicant, reviewed the letter received by the Commission at this meeting and asked that the original photographs included in the letter be circulated to the Commissioners. The home is a residential care facility, and the house must seem like a single family home including a front yard. Mr. Colgan added that he does not feel the fence is a danger for sight distances as a driver could see through the fence. He indicated that they have felt some prejudice from the neighbors toward the residential care home. He noted that he patterned this fence to a similar fence located four houses away, which exceeds the three feet height limit and encroaches into the right-of-way. He pointed out that many government agencies control the residential home business in regards to the health, safety and welfare of the home residents.

Commissioner Carter inquired if there were any problems associated with viewing the utility meters. Mr. Colgan replied that there have not been any problems maintaining the meters.

Chair Monfort noted that daycare facilities are exempt from some local control, and inquired if there are similar restrictions associated with residential care facilities. Planning Director Sellers responded that the State has regulations that exempts residential care facilities with six or fewer residents from additional controls imposed by local governments, and specifies that they must be treated as single family homes. This request is before the Commission because of the fence, which is subject to regulation as if it were part of a single family residence.

Chair Monfort inquired if the State protects the residential care use and provides for certain provisions which the City can use that might prohibit the use. Planning Director Sellers responded that residential care homes can only be treated as a single family residence in regards to the use. He added that the City cannot disallow something for a residential care home that would be **disallowed** for a single family residence.

Commissioner Carter clarified that the Commission is discussing the fence as it extends past the property line. Planning Director Sellers stated that the issue is the entire front yard fence, as it has been built above the allowable height as well as into the right of way. He reviewed the staff recommendation to allow the fence to remain at the existing height within the property line and to allow the fence to remain in the right-of-way but lowered to three feet in height to address sight distance concerns.

Commissioner Carter stated that, in the pictures provided by Mr. Colgan, some of the pictures depict six foot fencing for rear or side yards and some of the fencing may be in the setbacks.

Mr. Colgan stated that some of their clients go to day programs and one of the clients has a tendency to jump three foot fencing; thus, safety is the concern prompting the fence.

Commissioner Studebaker inquired about the comments from the neighbors. Mr. Colgan stated that he has received compliments from a neighbor about the fence. He stated that the house was converted to a group home and four neighbors have expressed that they do not like having a group home in the neighborhood.

Chair Monfort suggested the applicant use landscaping such as climbing roses or pyracantha instead of higher fencing. Mr. Colgan stated that there are hedges all over town which are over three feet high and impact sight distances. He added that landscape fencing was not desirable at that location.

Chair Monfort confirmed with Planning Director Sellers that landscaping is allowed in the right-of-way. Planning Director Sellers stated that the City actively enforces the height requirements when it becomes a hazard or there is a complaint.

Chair Monfort inquired if the permit would still be required if the fence is four and one-half feet high on the property line. Planning Director Sellers stated that it would still need a Use Permit as there is a restriction on front yard fencing being over three feet in height.

Vicky Colgan, 752 Brookwood Way, stated that there have been problems with the neighborhood, including her car being towed and other problems. She added that they have not had any problems in the neighborhoods of their other group homes. She stated that they have tried to be good neighbors.

The public hearing was closed at 7:58 P.M.

Chair Monfort stated that the attitudes in the neighborhood about the care home should not influence this decision.

Commissioner Carter stated that beyond unfairness in the neighborhood setting, if the Commission enforces the rules on this property it may have to enforce the same rules on the entire neighborhood. He expressed concern regarding the health and safety of the residents if the Commission does not concur with the staff recommendations.

COMMISSIONER MCADAM MOVED FOR DENIAL OF THE APPEAL OF ADMINISTRATIVE USE PERMIT 95-21 (COLGAN) AND APPROVE THE USE PERMIT WITH THE REQUIREMENT THAT THE FENCE IN THE RIGHT OF WAY NOT EXCEED THREE FEET. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner Studebaker expressed concern that those appealing this Use Permit did not attend this hearing regarding the appeal. He advised that he would like to see less of this type of action in the future.

THE MOTION WAS APPROVED 6-0-1 (COMMISSIONER WRIGHT ABSTAINING).

3. Report of Fraternity, Sorority and Residential Social Organizations Subcommittee

Planning Director Sellers reviewed the report and the history of the Fraternity, Sorority and Residential Social Organization Subcommittee which began initially in 1981 and was revived in 1993. He noted that the past Subcommittee was prepared to recommend to the Commission that an overlay district be created which would allow residential social organizations, subject to a stringent set of standards similar to a use permit. Several organizations were opposed to that approach. At the time the Commission decided not to go forward with that proposal and the Subcommittee found that the organizations felt the permit gave them the right to do anything they wanted within the guidelines of the permit and/or extra rules imposed.

Planning Director Sellers reviewed the current recommendations of the Subcommittee. This proposal is that recognized social organizations would be allowed uses and able to promote events through temporary banners, parking standards would be reduced, fund raising events would be subject to coordination and be allowed with certain restrictions and establishing a neighborhood advisory council. He noted that subjecting fund raising events to conditions may be beyond the Commission's control. He stated that staff is requesting a public hearing be set for this subject on February 5, as the University will be back in session.

Chair Monfort stated that some organizations were interpreting additional regulations as prohibitive, and that whatever was not forbidden was permitted. He added that the current

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enforcement of various use permit conditions differing for each organization is difficult at best. He noted that the proposal would eliminate the variety of difference regulations for each organization.

Commissioner Crofts noted that the community meetings would help the organization members feel more a part of the community.

Chair Monfort stated that this report was done with the assistance of the Community Outreach arm of the Police Department.

Commissioner Studebaker stated that this proposal would set a uniform standard with everyone under the same rules. He felt that the creation of the neighborhood advisory council is an important part of the proposal. He added that students often feel that they are transients and not part of this community. This plan will help the students feel that Chico is their home, and will create an environment where the social organization members are members of this community and are treated as adults.

Commissioner Wright stated that the organizations want to be treated as every other citizen. He inquired why the organizations would need incentives such as reduced parking requirements. He noted that private property owners would still be under the same restrictions while the social organization next door would not be, due to those incentives.

Chair Monfort stated that a concern for the Commission to address is what will be the area. He noted that the Commission has in the past recognized that there are some areas which could be destroyed by enforcing the normal parking requirements. He felt that any multi-family development in the areas in question would merit consideration to vary the parking requirements.

Commissioner Wright questions why incentives are necessary if the organizations want to be treated as everyone else, when everyone else isn't given the same incentives.

Commissioner Carter inquired what the boundaries for the overlay zone would be and when will they be established. Planning Director Sellers responded that the Subcommittee was concerned that, if the Commission defines the boundaries, the focus of discussion may be on the area, rather than the proposal. He added that if the Commission determines that the idea has merit, the area for the overlay zone would be discussed.

Commissioner McAdam ~~stated that the Subcommittee would like~~ suggested the Commission to establish a basic agreement on the concept before it regards territory.

Chair Monfort agreed with Commissioner McAdam that the boundaries should be established after the premise is agreed on. He added that the organizations have kept raising issues regarding prejudice; they feel that when they do things ordinary citizens do they get in trouble for it. He noted that fund raisers, big parties and wedding receptions held in back yards can all create the same atmosphere.

Commissioner McAdam stated that in the general populace these types of gatherings are very infrequent, while a social organization may have these types of events on a regular basis.

Commissioner Carter stated that the proposal is relying on the neighborhood to establish an advisory council. He questioned why then the Commission was not defining the neighborhoods involved.

Chair Monfort stated that the Police Department would initiate the neighborhood meetings.

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Commissioner Carter stated that the standards which would be set for the overlay zone would need the input of the neighborhood affected. He added that to move forward with the public hearing, without that overlay zone defined, may be putting too many steps in the process.

Planning Director Sellers stated that staff would reagendaize this item for a January meeting for the Commission to establish which direction to take. He suggested the Commission could broadly define the area involved and still reach a consensus if the proposal has merit. He noted that staff does have concerns regarding the proposal which will also need to be discussed.

5. **General Plan Annual Review** - The Planning Division staff has assembled a draft Annual Review of the General Plan. The City is undertaking the Annual Review of the General Plan in compliance with State Planning Law and local policy. Information presented in the Annual Review is consistent with State Law and includes an analysis of development activity from 1992 to the present, an update of land availability, an assessment of the City's policies relative to housing affordability, an evaluation of Plan implementation to date and a discussion of policy issues raised since adoption of the Plan. The Commission should recommend modifications and/or additions to the Annual Review information and further make recommendations regarding future Plan implementation priorities for Council consideration.

Chair Monfort stated that he will ask for a Motion to Continue to next meeting following public comment, to allow the Commission to review the document further.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO THE DECEMBER 18, 1995 MEETING. COMMISSIONER WRIGHT SECONDED THE MOTION.

Commissioner McAdam inquired what the purpose of a continuance was.

Sr. Planner Hayes stated that in preparing the information, staff would like to make amendments as needed, prepare additional documents to be available as loan copies, provide notification to General Plan Task Force members and to use the next meeting as the primary meeting to have a full discussion on the subject and to provide the Commission time to review the report to make its recommendations for Council.

Commissioner Studebaker stated that he has reviewed the information and inquired specifically where the sidewalk program he had requested was listed. Sr. Planner Hayes responded that the Commission can make suggestions and recommendations for amendments to the General Plan. He added that the discussion for the December 18th meeting would provide for Commission recommendations for Council. Specifically, Commissioner Studebaker suggested that the General Plan be amended to include a policy that the City introduce a program to repair and construct sidewalks in conjunction with its routine maintenance of City streets.

Sr. Planner Hayes presented a brief overview of the document. He explained that State law requires an annual review of the General Plan: the General Plan itself has requirements for one year and five year reviews, intended to maintain the Plan in a state of currency. He added that a review of progress toward meeting the City's Fair Share Housing Allocation is also included.

Chair Monfort inquired if the charts in Section III would be revised. Sr. Planner Milam replied that there were limitations on the computer time allotted to prepare the graphs and added that the graphs will be altered. Sr. Planner Hayes noted that staff does intend to clean up and refine some of the information in the packets prior to the next meeting.

Commissioner McAdam questioned the figures in Section III, page 1 (Land Capacity) for industrially designed lands.

Sr. Planner Hayes stated that the general purpose of the document is to provide a general status of Plan implementation and to have the Commission provide staff with direction. He noted that Section IV, the Implementation Schedule, provides the status of the programs which staff has been working on during the year and the policy issues which have been raised in that time. He added that the attachments include the full matrix of implementing policies. Many of those policies will be implemented through the Development Code update which is being developed and will

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have a public input and hearing process. Other policies will be implemented through the Resource Monitoring Program which will provide measurable indicators on the progress of the General Plan and give the community an opportunity to evaluate the Plan.

Commissioner Carter inquired as to the date for the joint meeting with the Council to review this report. Sr. Planner Hayes replied that the meeting is tentatively scheduled for January 1996. He added that the joint meeting will give the Commission an opportunity to have a dialog with the Council on planning issues and work programs.

Chair Monfort inquired if the Commission review of this report prior to the joint meeting with Council was the initial intent. Planning Director Sellers responded that Commissioner Carter had asked that the Commission review this document prior to the joint meetings with Council to provide an opportunity for review and to formulate recommendations.

Commissioner Carter stated that this document should have wide public review and he encouraged public attendance at the December 18th meeting.

Chair Monfort stated that there are a number of issues which require the Commission to review the document.

Commissioner Carter stated that the magnitude of the discussion at the December 18th meeting will assist the Commission in determining if the document is complete as well as provide an opportunity for the Commission to make comments and recommendations to the Council.

The public hearing was opened at 8:50 P.M.

Mark Radabaugh, P.O. Box 3524, noted that he has spoken with staff regarding the document. He encouraged staff to have a display advertisement for the public hearing. He noted that an annual review of capital projects for General Plan compliance is also required by State law and the General Plan.

Chair Monfort inquired when that review would be completed and when the budget process would begin. Planning Director Sellers replied that the budget process is beginning for the 1996-1997 budget year. Chair Monfort stated that the Commission has not historically been invited to review the budget, thus any concerns the Commission had should be addressed at the joint meeting with Council.

Mr. Radabaugh commended the City for going through the annual review process as he knows of no other city in the north state area which has. He had several suggestions for future meetings on the subject including: an overhead projector be used as a tool for the discussion, whether updating the Master Environmental Assessment should be included, and looking at the budget needs of implementation items. He suggested the Commission and Council consider a surtax on sewer fees to maintain the General Plan. He felt that the sewer plant expansion, which the Council is currently reviewing, could spur growth as a secondary impact caused by the expansion of the plant. He suggested the Commission plan on discussing this item at a meeting in January.

Commissioner Carter restated the direction to staff to publish a display advertisement for the next meeting.

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Vince Phaelan, 3010 North Avenue, inquired when the public review copies will be available. He commended the Commission and staff for presenting the meetings in a clear way. Planning Director Sellers stated that public review copies have been available at the Planning Division office and added that when the revisions are complete, copies of those revisions would also be available.

The public hearing was closed at 8:55 P.M.

THE VOTE TO APPROVE COMMISSIONER CARTER'S PREVIOUS MOTION TO CONTINUE THIS ITEM TO THE DECEMBER 18 MEETING WAS UNANIMOUS.

COMMUNICATIONS

6. **Final Report - Downtown Chico Market Analysis and Recommendations from the Downtown Task Force** - This report is for Commission information only. Copies have also been provided to the City Council and Task Force members.

Chair Monfort suggested the Commission read the report as downtown issues sometimes come before the Commission.

Commissioner Carter stated that some of the recommendations could be applied on a community wide basis. He asked for an update from staff on the implementation of the recommendations.

Planning Director Sellers reviewed the history of the Downtown Task Force which was formed at the request of the Council. He added that most of the recommendations are supported by the Task Force and staff members. He felt that many of the recommendations would be implemented by Council, though some may be given to the Commission for further input.

Commissioner Carter stated that the report included a suggestion that the downtown land use survey be updated annually. He noted that the Commission may be considering additional requests for retail space downtown **and elsewhere in the community** in the near future and would like to have an inventory of the retail space at that time.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT -

There being no further business, the meeting was adjourned at 9:00 P.M. to the Adjourned Regular meeting of December 18, 1995.

January 8, 1996
Date Approved

Clif Sellers
Planning Director

PLANNING COMMISSION
MEETING OF DECEMBER 18, 1995
Municipal Center - 421 Main Street - Council Chambers
7:30 P.M.

ROLL CALL

The meeting was called to order by Chair Monfort at 7:30 P.M. in the Council Chambers of the Chico Municipal Center. Commissioners present were Barry Belmonte, Jeff Carter, Brenda Crofts, Celia McAdam, Kirk Monfort, Jonathan Studebaker and Michael Wright. Staff present were Assistant City Attorney Lori Barker, Planning Director Clif Sellers, Senior Planner Tom Hayes, Senior Planner Ken Milam and Administrative Secretary Karen Kracht.

DISCUSSION OF EX PARTE COMMUNICATION (IF APPLICABLE)

Commissioner McAdam stated that she had been contacted by Ed McLaughlin of Chico Velo and Barbara Vlamis of Butte Environmental Council regarding Agenda Item No. 3,. Both people discussed their concerns about the Mitigated Negative Declaration and felt it was inadequate.

Commissioner Carter stated that he had been contacted by Mark Radabaugh with similar concerns.

Commissioner Studebaker stated that Ed McLaughlin had also contacted him regarding the same matter.

Chair Monfort stated that he had also been contacted by Ed McLaughlin, Scott Murphy and Barbara Vlamis, all of whom had concerns about the impacts of the proposal for Agenda Item No. 3.

Chair Monfort stated that the agenda will be reordered to hear Item No. 4 before Item No. 3.

CONSENT CALENDAR

- 1. Use Permit to Allow a 24 hour Television Broadcast Station and Studio to Operate in an Existing Building. Use Permit No. 95-31 (Sainte Ltd.)** - A request to operate a Television broadcast station and studio on a 24 hour basis within an existing facility on property located at 300 Main Street, Assessor's Parcel No. 004-512-004 and 005 in a C-C Central Commercial zoning district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Quality Act (CEQA).

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

Commissioner McAdam pulled Item No. 1 from the Consent Calendar.

- 2. Use Permit to Allow an Automotive Sales and Service Business. Use Permit No. 95-32 (Eagle Motors)** - A request to operate a motor vehicle sales and service business within an existing facility on property located at 1334 Park Avenue, Assessor's Parcel NO. 005-172-002 and portion of 003 in a MUTC/C-2 Mixed Use Transit Corridor/General Commercial

zoning district. This project has been determined to be Exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Requested Action: Approve the Use Permit subject to the findings and conditions as set forth in the staff report.

Commissioner Carter pulled Item No. 2 from the Consent Calendar.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. **Use Permit to Allow a 24 hour Television Broadcast Station and Studio to Operate in an Existing Building. Use Permit No. 95-31 (Sainte Ltd.)**

Commissioner McAdam stated that she pulled this item to express concern as the proposal is not in keeping with the Downtown Task Force recommendations. She felt that a bank, which the building was originally constructed as, was a retail facility. She expressed concern as the Downtown Task Force had recommended that the first floor of the buildings in the downtown area be reserved for commercial uses. She felt that the arguments for this Use Permit were incomplete as they include the removal of a drive through ATM, which has already been removed as a condition of a previous Use Permit, and the removal of the large non-conforming sign. She felt both those benefits from the conversion of the use from commercial to office have already occurred.

Planning Director Sellers reviewed the Use Permit application which proposes to use the building for the full operation of a television station including sales offices, broadcast facility and studios. He indicated that staff felt that there are no problems with aesthetics of the satellite dishes as only a small portion of the dishes will be visible from the ground level. Planning Director Sellers agreed that the Downtown Task Force had recommended that retail uses be established on the first floor of buildings downtown. He noted that the downstairs portion has not attracted a retail business in the past year and a half the building has been vacant. He additionally noted that currently the City cannot enforce the removal of the sign or the clean-up of the parking area. He noted that the only other interest shown in the building in the past few years has been for a nightclub/bar facility, currently prohibited by a moratorium on this use in the Downtown area.

Commissioner Carter inquired if there were any facade changes or landscaping changes planned. He felt that the parking lots appear to be health and safety concerns, both with traffic ingress and egress and the parking lot at Main and 4th Streets flooded during the last rain storm. He asked what limits the Commission faced in requiring site improvements with granting the Use Permit. Planning Director Sellers responded that because the facility is in the Downtown Parking District they are not required to provide parking, thus the Commission is limited in regards to what they can require in the way of parking and parking lot improvements unless it is specifically related to the use of the facility.

Commissioner Carter verified that since this is in the Downtown Parking District there is no nexus and the Use Permit can be granted without any parking on the site. Planning Director Sellers clarified that a limited nexus might be established if the proposal would include extensive use of the parking lots as part of the television station operation.

Commissioner Carter asked if the applicant had plans for use of the parking lots. Planning Director Sellers replied that there is a current lease on one of the parking lots, and the applicant has given no indication of changing the use of the parking areas.

Commissioner Carter verified that the visual impact of the satellite dishes was determined only from ground level and was not studied from other locations at varying elevations. Planning Director Sellers stated that the visual impact was analyzed from the ground level, but it will be visible from higher elevations. He added that the existing television station in the area, KCPM Channel 24, was required to install the masonry wall to lessen the impact for their satellite antennae.

Commissioner McAdam inquired why this site was chosen rather than another out of the downtown area. Planning Director Sellers suggested that the applicant could better answer that question. He added that they were looking for a newer building, desired a central location and wanted an building with an open floor plan they could easily remodel for their uses.

Commissioner Carter asked if staff had received any comment from Downtown Chico Business Association (DCBA) or members of the Downtown Task Force. Planning Director Sellers replied that no comments have been received by the Planning Division, though the DCBA had received a copy of the report.

Chair Monfort inquired if the facade remodel ordinance which the Commission had recommended for Council approval would be applicable and could be used for landscape requirements. Planning Director Sellers stated that Council has not adopted that proposal which, when a facade remodel is proposed, it would base the amount of landscaping required on the cost of that proposal. In this case, a facade remodel has not been proposed.

Chair Monfort opened the public hearing and asked if there was anyone in the audience to address this item. There was not and the hearing was closed.

Chair Monfort stated that he was a member of the Downtown Task Force, and that the task force had concerns with this building and a few others in the area which could not be reasonably used for retail. He felt it would be better to have the building occupied than to have it left vacant.

Commissioner McAdam expressed a concern that the issue was put on Consent Calendar in light of the Downtown Task Force recommendations.

Commissioner Carter stated that he had no objection to the intended use of the building, so long as parking lot improvements could be required to be improved in order to alleviate the health and safety problems. He suggested that parking lot improvements could be offered as a trade to help alleviate the view of the satellite dishes. He inquired if satellite dishes could be included as a facade remodel.

Planning Director Sellers reviewed the nexus limitations which require a relationship between the condition being imposed and the approval requested. He presented an illustration suggesting if this proposal included approving a studio which would require parking, parking condition could be considered.

Commissioner Carter asked if, using the existing station currently downtown as an example, improvements could be considered. Planning Director Sellers responded that if either of the parking lots is to be used as storage for large vehicles, then it would be appropriate to have landscaping and

other improvements required to address those considerations. Otherwise, unless there is a heavy amount of traffic generated by the use, it would be unreasonable to make such a requirement.

Commissioner Wright confirmed that it would be hard to sustain the nexus using the example of a retail business being established on that parcel, when a use permit would not be required. He stated that the example would be inconsistent with City policies.

Planning Director Sellers stated that there are many allowed uses which could have more impacts, however that does not relieve the City of the ability to adequately address this use and establish a nexus for conditions.

Chair Monfort clarified that there are uses by right, but this use requires a permit.

Commissioner McAdam felt that a retail use of the property would enhance the direction of strengthening the downtown as a retail area.

Commissioner Wright stated that having the building in use with 25 employees is a benefit, as the building has not been able to attract a retail business.

Commissioner Carter felt that no one would dispute that the use of the building would be a benefit. He added that the necessary health, safety and welfare finding could not be made for the parking areas with the information currently available.

COMMISSIONER CARTER MOVED TO CONTINUE THIS ITEM TO THE JANUARY 8, 1996 REGULAR MEETING IN ORDER FOR MORE INFORMATION TO BE PROVIDED FROM THE APPLICANT INCLUDING THE INTENDED USE OF THE PARKING LOTS. COMMISSIONER BELMONTE SECONDED THE MOTION WHICH WAS APPROVED 5-2 (COMMISSIONER WRIGHT AND CHAIR MONFORT DISSENTING).

2. Use Permit to Allow an Automotive Sales and Service Business. Use Permit No. 95-32 (Eagle Motors)

Commissioner Carter stated that he pulled this item from the Consent Calendar to ask if a Mixed Use Transit Corridor (MUTC) zoning designation would be appropriate.

Planning Director Sellers reviewed the staff report. He stated that the site was developed in the late 1940's for automobile orientated uses and had been used for a school and office for about two years. It is now vacant. He added that the service portion of the building was left intake during the office use. He indicated that the existing facility is consistent with auto and service orientated uses. He noted that the underlying zoning for the property was C-2, General Commercial prior to the General Plan adoption. The intent of the Mixed Use Transit Corridor is to establish or re-establish a commercial corridor for retail uses, when in combination with high density residential. He indicated that while staff felt the proposal is not consistent with that concept, staff is more concerned with the impact Wittmeier Chevrolet/Geo moving from Park Avenue will have on the area by leaving a large vacancy.

Chair Monfort stated that given state of Park Avenue, it is important to keep a business in there.

COMMISSIONER CARTER MOVED APPROVAL OF USE PERMIT NO. 95-32 (EAGLE MOTORS). COMMISSIONER WRIGHT SECONDED THE MOTION WHICH WAS APPROVED 7-0.

REGULAR AGENDA

3. Parcel Maps Nos. 95-1 and 95-2 (Fogarty/Fogarty Investments)

Chair Monfort stated that the Commission will discuss this item following the discussion of the General Plan Annual Review, Item No. 4 of this agenda.

- 4. General Plan Annual Review** - The Planning Division staff has assembled a draft Annual Review of the General Plan. The City is undertaking the Annual Review of the General Plan in compliance with State Planning Law and local policy. Information presented in the Annual Review is consistent with State Law and includes an analysis of development activity from 1992 to the present, an update of land availability, an assessment of the City's policies relative to housing affordability, an evaluation of Plan implementation to date and a discussion of policy issues raised since adoption of the Plan. The Commission should recommend modifications and/or additions to the Annual Review information and further make recommendations regarding future Plan implementation priorities for Council consideration. (This item was continued from the December 4, 1995 meeting.)

Chair Monfort reminded the Commission that there will be a joint meeting with the Council regarding this report sometime in January. Planning Director Sellers added that the date for that joint meeting has not yet been set.

Chair Monfort reviewed Commissioner Carter's suggestion that the Commission have time to formulate its own recommendations prior to the joint meeting with Council. He added that another public hearing will be held at the Council level.

Planning Director Sellers stated that the General Plan calls for annual and five year reviews of the Plan to provide information to the Council, Commission and to the community on the status of the implementation and other pertinent issues. The purpose of this report is to show if implementation of the General Plan is proceeding, if trends of development have affected the ability to implement the Plan, or if there are other needs to be addressed. He explained that the previous General Plan from 1974 was not treated as a living document and was referred to in rare instances. This Plan is intended to be a living document.

Sr. Planner Hayes reviewed the Annual Report, both for intent and compliance with the State statutes. He stated that the report includes a section on General Plan amendments during 1995, development activity, progress toward meeting affordable housing goals, and implementation status. He added that for the Commission review, staff was looking for identification of any corrections or inaccuracies, any implementation recommendations other than those already made by staff as well as any further clarification of policy issues.

He called the Commissions attention to Table 1 - Summary of 1995 General Plan Land Use Amendments. He stated that the tendency of the past year was to reduce residential capacity and to increase non-residential capacity. He noted that the baseline of data used for the Plan was part

of the Master Environmental Impact Report in 1992. He indicated that in order for the City to meet the needs of low income housing, most development approved has been for the low income housing. Housing which has been constructed is consistent with the trend line which is to be expected over a 20-30 year period. He reviewed the development and available acreage for each of the land use zoning designations.

Sr. Planner Hayes reviewed the State requirements for an annual review of the Housing Element: Table 3 is a summary of what the City has been able to accomplish in the way of providing housing for low and very low income households. He added that if the City cannot maintain an adequate supply of affordable housing, people will overpay for rent (more than 30 to 35 percent of their gross income), or people will choose to live in an outlying community where housing rents are more affordable.

Commissioner Wright inquired if this takes into account the housing subsidy programs. Sr. Planner Hayes replied that it does not take into account housing subsidies, rather it reflects the type of new housing put on the ground. The Department of Housing and Community Development (HCD) have been criticized for having overly limited criteria, and with the new laws the City will be able to count the housing rehabilitations. Also, this report does not account for housing which is being provided in the low to moderate income range. He noted that in the future anything which is subsidized or restricted to certain housing incomes can be counted.

Chair Monfort stated that Figure B - Low Density Residential shows that the Low Density Residential land is being used quickly. Sr. Planner Hayes stated that the single family residential development has been strong in the area in recent years. Planning Director Sellers added that Low Density Residential development has been the most active in the past several years. He noted that the General Plan states that attempts should be made to maintain housing affordability to the median income level.

Commissioner McAdam inquired if the City is reaching the goal of an average density of seven units per acre. Sr. Planner Hayes stated that staff did not feel that they had enough development in one year to be able to establish that at this time. He estimated that the average density for the limited period since Plan adoption is roughly four units per acre at this time. He added that by the five year review there will be enough units built to establish a realistic estimate for density. He noted that utilization of the Medium and Medium High Density Residential densities need to occur to achieve the seven units per acre objective. Planning Director Sellers stated that five to six units per acre is a 25 percent increase over densities historically developed in the Low Density range.

Commissioner Wright asked about the permit and fee figures, which show an 11 percent increase over a four year period. Sr. Planner Hayes stated that staff will review and clarify the figures. Chair Monfort stated that the increase would have been smaller if the assessed value had not decreased.

Sr. Planner Hayes stated that the Subdivision and Development Code update and the Design Review Manual are an integral part of the implementation as 150 of the policies in the General Plan relate to this task. He added that public hearings for the documents will hopefully be held next May as the staff is currently working on the project. Commissioner Carter asked if the Code update will include foothill development standards. Sr. Planner Hayes replied that it will include foothill development standards within the design guidelines integrated in the zoning code.

Commissioner Carter inquired if the updated Code will include diagrams and pictures. Sr. Planner Hayes responded that a design firm is currently working on the graphics, diagrams and pictures, which will be included in the Code update.

Sr. Planner Hayes stated that the Habitat and Resource Conservation Plan (HRCP) is not stipulated specifically in the General Plan. However, a consultant is working on the HRCP and it will implement many of the Open Space Element biological resource goals. He noted that the City has funded these projects. For the Subdivision and Development Code update, \$100,000 has been budgeted and the HRCP has been budgeted at \$200,000. Planning Director Sellers added that the Environmental Protection Agency has contributed \$35,000 for the work program of the HRCP.

Commissioner Carter inquired on the source of the City funding. Planning Director Sellers stated that HRCP is part of the Greater Chico Redevelopment Agency and is funded through the RDA. He added that the Development Code is funded through Community Development funds.

Chair Monfort inquired on time frames for these documents to be in place. Planning Director Sellers stated that the Subdivision and Development Code will be completed by the end of 1996 and the HRCP is scheduled to be completed in 18 to 24 months. He added that that one of the major points in the HRCP work program is a high level of community participation. In large part, the time frame for preparation of this document reflects the need to facilitate that participation.

Commissioner Carter inquired what staff is doing in place of the HRCP as the plan is being developed. Planning Director Sellers responded that staff is conducting independent reviews of each project and applying General Plan policies to each project. Commissioner McAdam stated that the same would then be true regarding the Subdivision and Development Code, which is an interpretive process. Planning Director Sellers stated that while it is interpretive it does become more focused as the process continues with the Commission and Council providing policy direction.

Sr. Planner Hayes added that there will be some interpretation, especially when there are competing policies.

Sr. Planner Hayes stated that staff is in the process of hiring a consultant to assist with the Sphere of Influence and Urban Area Services Plan. He noted that this plan is now required by LAFCo. He added that staff is also in the process of expanding the Sphere of Influence to conform to the expanded boundary established in the General Plan.

As for greenbelt feasibility, Sr. Planner Hayes noted that the City is at a point where there is a need to establish if community commitment exists to create and fund a greenbelt. He added that the Council and Commission should discuss which direction the City should progress, such as the purchasing of a greenbelt. He stated that there probably would be a need for community wide support financially for such a project.

Commissioner Carter inquired about budgeting for these projects. Sr. Planner Hayes noted that the Sphere of Influence is budgeted at \$75,000 in part through Community Development Fees, and the greenbelt is currently unfunded.

Sr. Planner Hayes stated that the Storm Water Management Master Plan/Alternative Storm Drainage Systems ordinance is attempting to incorporate alternative systems. He noted that staff is continuing revision of the plan in-house, which is expected to be completed tentatively by May for additional review. Planning Director Sellers added that the City is requiring consideration of

alternative storm drainage since the Chico Urban Area Sanitary Sewer System and Environmental Impact Report was adopted. That Report also addressed a Master Storm Drain Plan, which has not been implemented due to potential environmental impacts which could not be adequately mitigated. He noted that this project is not specially funded and staff time is charged to storm water drainage impact fees.

Sr. Planner Hayes stated that staff is proposing to incorporate best management practices into several documents now being prepared (Subdivision and Development Code, HRCP and Storm Water Ordinance).

Sr. Planner Hayes stated that the Geographic Information System (GIS), which is an important project as an information base, is being worked on by the City and CSUC. He described it as a mapping system based on parcel maps. The preliminary mapping will be available in January, but it is a long term project to incorporate all relevant data. Through this project, staff will be able to provide much better information to the Commission and public in the future. Commissioner Carter inquired on the budget for this project. Planning Director Sellers stated that there is no specific budget for the GIS, rather it is coming out of funds as areas are affected. Planning Director Sellers added that part of the funding may come from the County which will also use the parcel base maps. He noted that a good GIS system will address the whole City and funding will come from development fees, sewer fees and other funds as it addresses a wide variety of issues.

The Residential Street Standards Update has been adopted for reduced street widths.

Chair Monfort inquired if those standards are flexible enough to allow for retrofit of neighborhoods. Sr. Planner Hayes stated that in a retrofit situation staff will look at traffic calming solutions, utilities and other existing improvements and infrastructure.

Commissioner Studebaker stated that, in terms of budgeting, he would like to see language drafted for a sidewalk retrofit program in the City. He added that this request should be part of this document. Sr. Planner Hayes stated that it is a recommendation the Commission could make to the Council.

Commissioner Carter inquired if it is just staff and consultants working on the Subdivision and Development Code. Planning Director Sellers responded that the consultants have met with some community groups. Due to the complexity of the document, the consultant is delivering the update in four sections for review. He stated that there will be additional meetings as each section is prepared for input. Staff is concerned that, as with the General Plan, the updated document will be best read when it is together and comprehensive so it can be seen as a complete document; thus, there will be several non-hearing meetings prior to the hearing stage to discuss the draft.

Planning Director Sellers stated that the General Plan provides much direction for Subdivision and Development Code and has been the base of the document. Commissioner Carter inquired if there will be residential street sections. Planning Director Sellers replied that that has already been completed in-house.

Sr. Planner Hayes reviewed the General Plan implementation matrix, which is included in the report as a reference.

Commissioner Carter noted that there are certain areas which he felt should be included in the Subdivision Development Code update, specifically neighborhood development. Planning Director Sellers indicated that general guidelines would be appropriate in the Development Code, though it may be overwhelming to include all the areas in a Development Code update.

Commissioner Carter confirmed that the Development Code/Design Review Manual will be a separate comprehensive document, rather than included with the on-line City code. Planning Director Sellers stated that the document will be included in the Code and available as a separate handout. It will contain separate subdivision standards, zoning standards and description of what is required for development. He added that staff and the consultant are trying to avoid jargon and legalese so everyone can understand the document.

Sr. Planner Hayes stated that the issues raised during this past year included drive through facilities. He noted that the Commission directed staff, following a workshop, to look at incorporating development standards for drive through facilities. Commissioner Carter stated that the workshop also included looking at what zoning districts should allow a drive-through facility. Commissioner McAdam noted that the zoning was to be considered in terms of neighborhood compatibility zoning.

Sr. Planner Hayes stated that the General Plan currently includes the Downtown Core zoning designation. He noted that the Downtown Task Force recommendations called for office use above the first floor with retail on the first floor. He added that there are areas along the periphery which are currently developed with office uses and under the General Plan office use would not be allowed in those areas. Staff is suggesting allowing offices in conjunction with the residential along Wall and Salem Streets adjacent to the Downtown retail core. He added that a mix of uses may be appropriate for the area.

Commissioner Studebaker stated that a neighborhood market would benefit the area, especially with the introduction of Campbell Commons. He added that such a market would be supported and should be encouraged.

Commissioner Carter stated that neighborhood cores are not being discussed and suggested that they be addressed. Sr. Planner Hayes stated that neighborhood cores will be addressed in the Development Code and several have been identified in specific locations. He added that when development is proposed in an area, consistency with neighborhood cores will be considered. Commissioner McAdam noted that neighborhood cores are a long term goal, and stated that she felt comfortable as long as the goal is still there.

Sr. Planner Hayes noted that the issues of arterial noise and residential development have been shown to have competing objectives. The General Plan stated that housing, especially multi-family, should be placed along transit corridors. There is a need to mitigate the noise for such housing, which may include wall-type structures.

Commissioner Carter stated that it is a much broader problem, such as R-2 on 10 acres which was diminished to 3 acres. He stated that piecemeal development may be contrary to the General Plan. Planning Director Sellers stated that the lot depth of the lot in question is common for what is existing along East Avenue. He added that more creative designs to address noise need to be considered. He added that consideration also needs to be given to what the impacts really are and what design standards can be used to mitigate the impacts.

Commissioner McAdam stated that she would prefer to see an easing of the noise standards rather than end up with a walled city effect. Planning Director Sellers stated that through design a project can help mitigate the noise.

Chair Monfort suggested that a reasonable course is to take a look at building design.

Sr. Planner Hayes stated that the Resource Monitoring Program will include developing indicators which can be used to monitor water quality, air quality, and other resources. Staff will proceed with the development of a technical advisory group to help develop the list of resources. He noted that other cities have established such systems to try to establish relative health of the community.

Chair Monfort inquired if the Resource Monitoring Program would be combined with the HRCP, annual review and other resources. Planning Director Sellers stated that the program would give an objective report on the quality of community resources, and will become part of the Annual Report once the program is developed. Chair Monfort noted his surprise that the Monitoring Program was not already developed. Planning Director Sellers replied that this program was not one of the highest implementation priorities, but is crucial to the on-going implementation of the General Plan.

Chair Monfort recommended the Resource Monitoring Program be moved up on the budget priority list. Planning Director Sellers stated that the Program has no budget at this point, and it will take Commission and Council recommendations to establish the budget request. Commissioner Carter inquired where the funds would come from. Planning Director Sellers replied that a variety of funding sources will be used, reflecting the issues to be addressed.

Sr. Planner Hayes stated that another issue which arose this past year was the Ring Transportation issue, dealing with the interior transportation loop and the Mixed-Use Transit Corridor concept, as well as design issues along those corridors.

Planning Director Sellers addressed Commissioner Carter's comments and questions regarding funding sources, pointing out that the timing of the Annual Report ties into the budget cycle for the coming fiscal year allowing for implementation priorities to be established and funded.

Commissioner Carter inquired on the cost estimate for neighborhood planning. Sr. Planner Hayes stated that there needs to be clarification of what is meant by neighborhood planning as this term can be broadly interpreted before cost estimates can be established. He stated that the current task is to define the neighborhood criteria, to determine the type of neighborhood planning process to follow and what it involves. He added that typically neighborhood plans are done by staff and would take a number of years to develop plans for several neighborhoods. Planning Director Sellers stated that the fiscal cost of preparing the type of plan is not monetary as much as staff time to develop and assist the neighborhood in plan preparation.

Chair Monfort stated that following a brief recess, he would like to have the Commission make any corrections to the report and list recommendations to Council. Then he would open the item for public hearing.

Commissioner Carter suggested that the public comments be received first and the Commission concurred.

The Commission was in recess from 9:30 P.M. to 9:40 P.M.

The public hearing was opened at 9:40 P.M.

Barbara Vlamis, Butte Environmental Council, stated that she had a number of concerns. The first concern is the continued building in southeast Chico and the warehouses being built. She stated that she was distressed by the comment that there is significant commercial acreage available. She added that superstores ship their profits out of town and import people for high paying jobs. She referred to an article which was attached to her written comments. She stated that the City is coping with the developments which are moving through the pipeline prior to the HRCP being approved, with staff looking at each project on a case by case basis and not on the full long-term basis. She indicated that the Storm Water Management Master Plan needs to have a community workshop for both the Commission and Council as it is important to cover all the environmental issues. She suggested there be written interim standards before the Habitat and Resource Conservation Plan is in place. She stated that she felt the project by project analysis is inadequate and not adhering to the General Plan.

Elizabeth Deveraux, 596 Honey Run Road, stated that all of the figures being presented in the Annual Report would indicate a 15-20 year general plan. She stated that she felt that the build-out was set for a 25-30 year general plan. She inquired if the projected 2 to 2.5 percent development by year has been doubled. She suggested a prototype development be completed to demonstrate the kind of development recommended by the General Plan, including widening street areas to provide pedestrian friendly areas. She added that the City may consider providing incentives for such a development. She noted her alarm on the time frames for the implementation. She indicated that the organization of the Subdivision codes could be broken down to smaller documents which may help those with specific development needs. She added that she would like to see the development of neighborhood standards in the near future.

John Luvaas, 190 E. Sacramento Avenue, stated that he was concerned regarding the lifespan of the General Plan. He stated that the General Plan specifics 15 to 20 years. Commissioner McAdam stated that it was a concern at the time the Plan was adopted that because it is a resource based plan, the life may be as short as 10 years.

Mr. Luvaas stated that he felt the community does not know that the City is planning for a population increase to 135,000 plus in 10 years. He added that the City is quickly running out of R-1 land and acreage was deleted from R-1, which would not leave opportunity for single family development. He noted that the Plan intentionally allowed for extra commercial and industrial land, and expressed concern that if more commercial is being added by taking it from residential designations it does not allow for adequate places to live. People will have to look at other areas outside the Sphere of Influence to provide residences. He stated that he has heard talk of an initiative for a growth cap. He expressed his hope that the Commission will stress to Council the importance of maintaining the residential land.

Mr. Luvaas stated that he is also concerned about time frames for the HRCP, indicating that he would like to see the plan adopted sooner as the City is continuing to see developments proposed in resource management areas with no resource management required. He suggested that the

Commission consider recommending interim steps pending adoption of the HRCP, or that there be a hold on development in any resource management area until the HRCP is adopted.

As for Neighborhood Planning, Mr. Luvaas stated that the reason neighbors come in to oppose a project is because they do not understand how the project will fit in the neighborhood. He urged a 1996 implementation to develop a comprehensive program for the neighborhood plans. He suggested that there are a few areas which would be appropriate for a Mixed Use Neighborhood Core. He stated that these will not happen on an individual basis, and only will happen if the City takes a proactive stance and recommends uses for those properties.

Mark Radabaugh, 90 Mill Street, suggested that the introduction to the Annual Report should relate to the eight major themes in the General Plan. Mr. Radabaugh offered suggestions relating to each section of the Draft Annual Report. Regarding Section 2, he stated that Table 1 should be clarified and the impacts discussed. The vacant land figures in Section 3, prior to 1992 approval, should be clarified. He requested this item be continued to the January 8, 1996 meeting. He stated that Section 4 the Housing and Community Development (HCD) housing numbers in relation to the Butte County Association of Governments (BCAG) figures were confusing and asked that an explanation be added to the report. He added that budget issues are important and he was concerned that there was no real budget discussion in the Report.

Mr. Radabaugh listed several items which he did not feel had the necessary discussion in the Report. These included: the Water Pollution Control Plant Environmental Impact Report and Expansion, the Nitrate Action Plan and a Greenbelt Feasibility Study. He agreed with the previous speakers in regard to neighborhood planning. He stated that neighborhood centers. He also suggested that the City's capital improvement programs be combined in the General Plan implementation section. He inquired how the Master Environmental Assessment (MEA) is going to be maintained, what are the issues in the MEA, and when will there be a public airing of an update to the MEA.

The public hearing was closed at 10:20 P.M.

Chair Monfort inquired if the Commission had any changes or clarifications to be made. Commissioner Carter asked that the item be continued to the January 8th meeting to allow the Commission to organize their thoughts. He stated that the General Plan is an effective living document, and as such the annual reviews need to be also. He stated that he felt there are difficulties as the Report is written now which does not go element by element, rather issue by issue. The purpose of an annual review is to see how far the City has come on element by element implementation.

Chair Monfort stated that he felt the element by element review is covered by the Implementation Schedule.

Commissioner Carter stated that the matrix does cover the elements, but added his concern that there are many areas in which no comment has been made. He indicated that the Report does not have to go over each issue. He noted that the General Plan Task Force had intended the Community Design to be the driving force of the General Plan. He expressed concern that the issues brought up by staff do not directly relate to community design, while the public comment did.

He added that the Commission should be deciding those issues. He suggested that the first review with the Annual Report, if done properly, will set the standards for future reviews.

Commissioner McAdam stated that community design is driving the Report. She added that the Subdivision and Development Codes will take a large step toward implementation of community design policies. In terms of neighborhoods, she indicated that specific guidelines for neighborhoods are not to be expected at a one year point into the General Plan. She reminded the Commission that this is a one year document. She noted that the issues in relation to resource management are a concern. She added that the Commission is continuing to get project proposals, with no firm guidelines other than the policies in the General Plan. She concluded that the HRCP and Subdivision and Development guidelines need to be a top priority.

Commissioner Carter stated that the General Plan is resource driven and as such the life of the Plan will be determined by the extent of the resources available. He agreed that the HRCP should be a priority. He added that the budget is important and the Commission should know where the money is coming from.

Commissioner McAdam stated that the Report's purpose is to see where the City is, what has been done, and establishes some idea of how far the City has come. She added that as a Commission, there must be a commitment to the Plan and where it is going.

Chair Monfort agreed with Commissioner McAdam. He stated that the Report points out that the Commission does not have the basic tools in place to enforce the Plan, and now must decide how to proceed until those high priority tools are completed.

Commissioner Carter asked that the Report contain the identification of key issues in each element of the General Plan and where the City stands with those issues. He suggested that the introduction section have a narrative form listing the elements and what has been accomplished in the past year. He gave the example of neighborhood cores and how it has been explained.

Chair Monfort noted that the General Plan Task Force seemed to have set that issue aside.

Commissioner Carter stated that Neighborhood Design Guidelines should be part of the Annual Report. He added that the Commission and Council need to know how much money is needed to meet both the primary and subsidiary issues.

Chair Monfort stated that the Commission can only suggest to the Council what the priorities ought to be. He added that they can make recommendations and categorize them, but it is up to the Council for the final decision.

Commissioner McAdam stated that arguing dollar amounts is up to the Council. Commissioner Carter argued that the Commission must consider the dollar amounts when making the recommendations to the Council.

Planning Director Sellers stated that the Council may view issues differently, thus the monetary amounts will be different. He added that the Commission does have influence on planning matters and the Council balances those recommendations with other issues in the City.

Commissioner Belmonte stated that fiscal responsibility does need to be considered. He indicated that the City is in a transition period before the implementation policies are established. He noted that some of the issues that have come to the Commission have been reversed by the Council. The Commission has a chance to look at the future. He stated that he is In favor of added public input and that fiscal responsibility should be considered. He stated that he felt that staff has done a good job given the time allowed. He suggested that there be interim guidelines developed while the HRCP is being completed.

Commissioner Carter asked if anything can be added or amended in the Annual Review. Sr. Planner Hayes responded that there have been many changes suggested tonight, and staff will need direction on further changes.

Commissioner Carter stated that the Subdivision and Development Code update and the HRCP are the top priorities and the Commission should recommend that the Council expend the money necessary to complete these projects. He agreed with Commissioner Belmonte's suggestion that there be interim guidelines while the HRCP is completed. In terms of the next year priorities for staff, he stated that he would like to see staff begin to identify what neighborhood plan preparation would entail, as well as neighborhood centers and what can be done to facilitate those.

COMMISSIONER CARTER MADE A MOTION TO RECOMMEND TO COUNCIL THAT THE SUBDIVISION AND DEVELOPMENT CODE UPDATE AND THE HRCP ARE TO BE TOP PRIORITIES AND FUNDED AS NECESSARY.

Planning Director Sellers noted that both are currently funded. He stated that there have been some conflicts with the amount budgeted and the contract elements. He added that to have the broadest public participation as possible equates to an increase in time to allow for public input, which has been included in the proposed time frame.

Commissioner Carter suggested that interim guidelines be developed pending completion of the HRCP, to be done through either staff or a task force. Chair Monfort inquired if the guidelines should be for resource management areas or the entire area. Commissioner Carter replied that there is a commitment to start right away for the resource management areas. He also recommended that work on the neighborhood design criteria and neighborhood centers should begin internally.

Chair Monfort stated that staff can develop a program on how to develop such a process. Planning Director Sellers stated that the definition of the neighborhood needs to be established as the first step.

Commissioner Studebaker inquired if the Commission should consider forming a Subcommittee.

Commissioner Carter stated that staff should start going into the neighborhoods with workshops. He suggested that many people identify neighborhoods by what elementary school they are in. He further suggested the Commission recommend that the Implementation Schedule for 1995-1996 be completed, and 1996-1997 be budgeted for, include establishing viewshed standards.

Commissioner McAdam reviewed Commissioner Carter's suggestion regarding neighborhood planning, to come up with a program on how to start neighborhood planning. Commissioner Carter

stated that it should be staff driven with no additional revenues to start the neighborhood planning. Planning Director Sellers stated that there are external resources available as well.

Commissioner Carter added that this should be a user friendly document as the last part of his motion.

COMMISSION CARTER MADE A MOTION TO RECOMMEND TO COUNCIL THAT (1) THE SUBDIVISION AND DEVELOPMENT CODE UPDATE AND THE HRCP ARE TO BE TOP PRIORITIES AND FUNDED AS NECESSARY, (2) THAT INTERIM GUIDELINES BE DEVELOPED PENDING COMPLETION OF THE HRCP, TO BE DONE THROUGH EITHER STAFF OR A TASK FORCE, (3) THAT STAFF SHOULD START GOING INTO THE NEIGHBORHOODS WITH WORKSHOPS, (4) THAT THE IMPLEMENTATION SCHEDULE FOR 1995-1996 BE COMPLETED, AND IN 1996-1997 FUNDS BUDGETED FOR ESTABLISHING VIEWSHED STANDARDS. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

COMMISSIONER STUDEBAKER REQUESTED THAT LANGUAGE FOR A SIDEWALK RETROFIT PROGRAM BE ADDED TO THE MOTION. COMMISSIONER CARTER ACCEPTED THE AMENDMENT.

Chair Monfort inquired if the Commission wished to add to the priority list a mitigation monitoring and reporting program for Council funding. Planning Director Sellers stated that such a program was included in the Implementation Schedule.

Commissioner Carter asked if there was a General Plan Monitoring Program. Sr. Planner Hayes stated that in order to implement a General Plan Monitoring Program, staff would have to implement the Open Space Element of the General Plan, which includes the HRCP and of Resource Management Areas.

Planning Director Sellers clarified that the HRCP covers only the biological resources in the area, pointing out that monitoring would address other resources such as air and water quality, and public facilities.

Chair Monfort stated that a General Plan Monitoring Program should be going on concurrently with the development of the HRCP. Commissioner Carter suggested that it be moved up on the priority list.

Commissioner Carter inquired if this meetings suggestions can be included in a revised draft of the Report to be approved by the Commission at the January 8th meeting, with another public notice to allow for additional public input. He stated that he felt that more public input at the Commission level will allow for more complete recommendations. Planning Director Sellers stated that the ability to get another draft will be influenced by the date the Council sets for the joint meeting.

COMMISSION CARTER MADE THE ADDITIONAL MOTION THAT THIS ITEM BE CONTINUED TO THE JANUARY 8, 1996 REGULAR MEETING TO REVIEW THE REVISED DRAFT ANNUAL REPORT .

THE VOTE ON THE FIRST MOTION WAS UNANIMOUS.

Commissioner Carter stated that regarding drive through facilities, the Commission was waiting for staff to get back the Development Standards prior to holding another workshop.

Chair Monfort stated that he wanted to support allowing offices along with residential in the Downtown Core. Commissioner Carter suggested the Commission receive input from the DCBA and the neighborhood.

Planning Director Sellers stated that there needs to be agreement as to the extent of the neighborhood to form the workshops, as the workshop is a result of Commission and Council concurrence. He added that the issues are important enough for discussion prior to being formalized. Commissioner Carter directed staff to schedule workshops as soon as possible.

COMMISSIONER CARTER MOTIONED THAT IF THE JOINT MEETING WITH COUNCIL REGARDING THE ANNUAL REPORT IS SCHEDULED LATE ENOUGH IN JANUARY, THIS ITEM WILL BE CONTINUED TO JANUARY 8, 1996 AND THE COMMISSION BE PROVIDED WITH UPDATE OF THE REPORT PRIOR TO THAT MEETING. COMMISSIONER STUDEBAKER SECONDED THE MOTION.

Commissioner McAdam stated that when the Commission is looking at this on January 8th, they should realize that this will be brought before the Council and more public review will be given. She recommended the Commission try not to go over the same territory over and over again. She stated that she felt that the need for testimony will be minimized at the January 8th meeting.

THE VOTE ON THE PREVIOUS MOTION WAS 7-0.

3. **Parcel Maps Nos. 95-1 and 95-2 (Fogarty/Fogarty Investments)**- A request for approval of two adjacent parcel maps on property described as approximately 325 acres zone R-1 Single Family Residential, R-2 Medium Density Residential, R-3 Medium-High Density Residential, and RS-20 Suburban Residential (20,000 square foot minimum lot size), located east of Bruce Road between State Highway 32 and Humboldt Road, and including a portion of Dead Horse Slough, Assessor's Parcel Nos. 011-030-089, 090 and 112. The subject property is proposed to be divided as follows: 1) on the western portion of the property, one parcel map is proposed to modify the boundaries of two existing parcels and to create a third parcel. The resulting three parcels would be approximately 23.4, 40.5 and 42.9 acres in size; and 2) on the eastern portion of the project site, a second parcel map is proposed to divide an existing parcel totaling approximately 218 acres into five parcels (four parcels and a remainder parcel). These parcels would range in size from 20.0 to 81.7 acres. A Mitigated Negative Declaration of Environmental Impact is proposed for this project pursuant to the California Environmental Quality Act (CEQA).

Sr. Planner Milam reviewed the proposal which is to adopt a Mitigated Negative Declaration and approve two separate parcel maps, for adjacent parcels held in two separate legal ownerships. The subdivider has proposed to split the properties, currently three parcels, into eight different parcels. As portions of Parcel 2 are known to have contaminated soils, this parcel map will isolate the contaminated area, as well as areas which have vernal pools from parcels suitable for future approval. As for Resource Management planning, the General Plan policies suggests a comprehensive plan on the whole project. He added that future projects on these parcels may be proposed with impacts which must be addressed separately. He noted that the tree preservation plan included in the Initial Study requires that 80 percent of Blue Oaks be maintained. He indicated

that further mapping of some of the species will need to be done including 15 acres of Bidwells knotweed, Veiny Monardella and vernal pool habitat.

Commissioner Carter inquired if staff is certain the applicants are two separate entities. Planning Director Sellers stated that the applicants maintain that the parcel maps are submitted by separate entities. He added that City Attorney Boehm has recommended that the Commission not take action on these Parcel Maps that until he can resolve that issue.

Commissioner Carter asked if it is better to review a comprehensive solution or this piecemeal approval from a policy stand point. Sr. Planner Milam responded that from the developer's point of view this approach was more practical. Planning Director Sellers added that from the City standpoint, the staff dealt with the comprehensive planning as a two phased approval. He noted that the Negative Declaration is relies heavily on the requirements for comprehensive solutions being maintained for any future project, which will be more difficult to enforce if there are eight different owners rather than two.

Commissioner McAdam inquired why the Commission was not looking at a Specific Plan and an Environmental Impact Report. Planning Director Sellers replied that the project subdividers are insistent that there are no future projects planned at this time and this proposal is to achieve specific goals, namely financing and segregation of problem areas from developable land.

Chair Monfort inquired if, in order to follow the policies of the General Plan and approve this project, a specific water management plan, comprehensive circulation plan, and resource plan would be required. He noted that this would essentially require the project to have an Environmental Impact Report. Sr. Planner Milam responded that any proposal for future development of the proposed parcels will need to have an Environmental Impact Report.

The public hearing was opened at 11:15 P.M.

Jim Mann, Rural Consulting Associates, 55 Independence Cr., #101, representing the applicants, stated that many jurisdictions would have considered this request as merely changing the property lines. He noted that the property has a main sewer trunkline extending halfway into the land. He added that in order to develop the area it would be necessary to remediate and cleanup the old City burn dump. Mr. Mann reviewed the current zoning designation of the property.

Mr. Mann stated that the applicants were not requesting approval of any subdivision maps at this time, rather two parcel maps. He reviewed the property divisions requested. He stated that they have had two biologists on the site to investigate any biological resources the property may hold, and noted that until after the first rains it was not known precisely where all the vernal pools are located. He indicated that the parcels maps are driven by the owners financial needs. He noted that there are materials from the old City burn dump throughout the property which have caused Parcel 3a, 1 and 3 to be given border zone determination by the State Department of Toxic Substance Control. He stated that there are mitigations on the entire property creating stewardships on the land.

Mr. Mann added that they are reviewiing the proposed parcel map conditions and request a continuance to the January 8, 1996 Commission meeting. He stated that they received the staff

report on Friday morning and would like to have an engineer review the proposed conditions. He reviewed a letter from Mr. Kelley asking for more time to review the proposal.

Commissioner McAdam inquired what the financial benefit of subdividing the property would be. Mr. Mann replied that the applicant will be able to apply for loans on the non-contaminated parcels once they are separated from the remaining parcels.

Chair Monfort inquired if financing would be available with the parcel division to undertake the studies necessary to address impacts resulting from development of the property. Mr. Mann responded that \$75,000 to date has been spent on the studies on the property. He stressed that they have to separate future developable parcels from the contaminated parcels.

Commissioner Carter confirmed that the applicants would like to continue the public hearing to January 8th. Mr. Mann replied that they would like the hearing to be continued, but also would like to hear public comment at this meeting to allow for the applicant to respond to public concern.

Tom Fogarty, 1023 Neptune Drive, Yuba City, one of the applicants, stated that written comments would be appreciated to allow for their review and preparation of responses. He indicated that part of the property is owned by a profit sharing plan and as such must be held separately from the rest. He noted that the proposal allows for the land with toxic substances to be separated. He added that the Department of Toxic Substance Control is willing to grant clearance to develop the parcels which are clean. He indicated that the proposed parcels will be smaller, more manageable parcels. This will allow for loans to be made on specific parcels by individuals and keep it separate from the profit sharing plan investment. He stated that he felt it would be a stop gap measure in the event that they are unsuccessful in getting the dump area cleaned up. He stated that the timetables for the cleanup have not materialized though the land owners have contributed to the process. He added that the City has a loan from the Integrated Waste Management Board to clean up the dump.

Chair Monfort inquired if the applicants cannot do a comprehensive plan for the whole area at this time, could it be done once the toxic property. Mr. Fogarty responded that some of the areas require special planning. He noted that the cost of putting infrastructure on the parcel is above \$8 million. He indicated that a Specific Plan would commit vast amounts of money to establish the infrastructure. He suggested that there was possibly a 20 year build-out on the property.

Chair Monfort asked if once the contaminated soils are segregated onto a separate parcel would development proposals would be submitted. Mr. Fogarty stated that there are still many reports and studies which need to be concluded before development can occur.

Commissioner McAdam stated that there are a number of concerns which need to be addressed. She added that the Commission will have to address those concerns. She inquired if there was a way to address the financial concerns of the applicant and address the public concerns. She stated that she felt that people are concerned with the future, the obliteration of sensitive habitat, development impacts and other issues. Mr. Fogarty stated that they have done research on the biotics in the area. He stated that they are asking for a parcel map, thus approaching everything slowly to allow them to plan the projects properly. He noted that at this time they do not have the money to do all that is necessary for full development proposals.

Commissioner McAdam stated that the Commission does not want to create situations which make it impossible to achieve General Plan goals and implement the zoning for an area.

Chair Monfort reviewed the staff recommendation for a negative declaration and comprehensive planning. He suggested the Commission consider a further condition to require a full Environmental Impact Report. He added that compliance with all the mitigations listed in the Initial Study for "future project" may equal a full Environmental Impact Report.

Mr. Mann stated that they would like to have the parcel maps approved and if an Environmental Impact Report is deemed necessary, they will complete one. He indicated that this area has been studied extensively. He clarified that when the applicants are proposing a tentative subdivision map, they will be willing to do an Environmental Impact Report. He noted that there have been a lot of mitigations already placed on the parcels' development.

Chair Monfort reiterated that much of what is being required for "future projects" will amount to a full Environmental Impact Report. Mr. Fogarty stated that he will take it under advisement. He suggested that they could master plan the property once the parcel maps have been approved, though a master plan without a border zone clearance cannot be developed.

Commissioner Carter stated that approval of the parcel map is subject to CEQA. As such, the Mitigated Negative Declaration is insufficient to bring the project to acceptable levels of impact mitigation and an EIR should be required.

Scott Murphy, P.O. Box 3051, stated that he felt that several questions in the Initial Study have been answered inadequately. He listed several points which he felt needed clarification. The first of these corrections he listed was Page 6, Section 3, he stated that given the number of units which have the potential to be built on the parcels there is significant impact. Another correction Mr. Murphy felt should be made was on Page 16, Section C. Questions 1 and 2 should be answered 'maybe' because by using Dead Horse Slough a significant flooding problem in Little Chico Creek could be created, and Question 2 in that section should be answered 'yes.' Mr. Murphy continued with Page 19, Section E.1 which he felt should be answered 'yes,' as there would be visual corridor impacts. On Page 23, he stated that questions 4 through 6 should be answered 'yes,' as the project would be unlikely to get access to SHR 32 and thus could not avoid destroying the historic wagon ruts. He added that question 5 in the same section should be 'yes,' as the area is very close to the urban area. Mr. Murphy discussed that for recreation values, such as a typical bicycle ride on Humboldt Road would be impacted. He indicated that on Page 31, Section K.4. major improvements would be necessary to keep Chapmantown from flooding. He noted that these are deferred impacts and he stated that he felt that this Initial Study did not deal with these issues. The final comment Mr. Murphy had was regarding Page 32 - Sections 3.1-3, and stated that CEQA requires that if there is significant public controversy the project would require an Environmental Impact Report.

Patrick Kelly, 900 East 19th Street, stated that he was confused by the Initial Study. He suggested that Page 21, Section F.2, should not be marked 'no' as it will be developed in the future, creating traffic problems and will be part of a large project. He indicated that it would not be possible to evaluate the cumulative impacts of the entire project as it is not known what the final project is proposed to be. He stated that he felt if this proposal is approved it will create a paper maze with

this document referring to other documents. As for the area which is contaminated, Mr. Kelly stated that if it can be cleaned up it would be a good place to develop but it is currently a hazard and an eyesore. He stated that the contaminated area as it is now marked, goes beyond the first power line not as depicted on the plat enclosed in the staff report.

Mr. Mann returned to the podium and explained that the Johnson burn dump is surrounded by the property in question, though it is not included. He noted that the fences extend beyond the contamination line as required by law. Mr. Fogarty stated that the fences mark the southern boundary of the developable property.

Mr. Kelly questioned the potential traffic problem which would be created by future development. Mr. Fogarty responded that Potter Road will be extended to the area. Mr. Mann offered to take Mr. Kelly out to the site to show him the proposed property lines.

Rick Toffenelli, 16 Dana Point Road, stated that he provided copies of several pages of the history of the Humboldt Wagon Road, which ran 600 miles to Idaho to serve the silver mines. He asked that the Commission save Old Humboldt Road at any cost. He noted that it would be unfair to ask the developers not to use the roads, but he stated that he would hope that this would serve as a precedence to preserve the historic road.

John Merz, 178 Terrace Drive, stated that the cover of the staff report describes the area as the Oak Valley Parcel Map, which suggests that it is a project. He suggested that this is an approach to develop the property and provide financing with a give and take situation with the City. He indicated the mandatory findings of significance all should be 'yes,' except for possibly No. 4. The third mandatory finding states that cumulative impact includes "future development of the site...". He suggested that this finding should reflect the impacts regarding airshed factors as one of fifteen future projects. Several reports need to be completed before development is approved. At a minimum, a tiering process, including an Environmental Impact Report, specific plan, and more should be required. He indicated his feeling that the Initial Study is incomplete. He suggested the developer find another approach and continue to explore potential impacts in more depth.

Mr. Fogarty stated that he would like to see Mr. Merz's comments in writing.

Mr. Merz replied that he is responding to an inadequate process and inadequate documents. He noted that he would like to make comments both in writing and in person if this item is to be continued. He indicated that this proposal seems to be motivated by financing and estate planning, which is private financing, not a public process.

Mr. Fogarty stated that they have followed staff's direction. He stressed that he would like to see Mr. Merz's comments in writing.

Jon Luvaas, stated that this project is a General Plan issue and an environmental issue. He stated that he felt it was unfortunate that staff has chosen this route. He stated that when the owner of a large parcel uses a two step plan, breaking it into several smaller parcels, they then develop it after it without comprehensive City review. He added that the only reason the General Plan Task Force went along with residential zoning for this area was that they understood that it was under single

ownership. He indicated that if this property is broken apart it could circumvent the General Plan in regards to comprehensive solutions for circulation, traffic, environmental and other concerns.

Chair Monfort stated that even with the proposed mitigations in the Negative Declaration, comprehensive plans need to be prepared.

Mr. Luvaas stated that once the property has been split up, it could be sold and all the current applicants intentions become a moot point as parcels will become landlocked and separately controlled. He felt that politically it would become impossible to control comprehensive planning over the long term.

The public hearing was closed at 12:20 P.M.

COMMISSIONER McADAM MOVED TO CONTINUE THIS ITEM TO THE JANUARY 8, 1996 MEETING IN ACCORDANCE WITH CITY ATTORNEY BOEHM REQUEST AND TO PURSUE THE ENVIRONMENTAL IMPACT REPORT ISSUE IN GREATER DEPTH. COMMISSIONER CROTTS SECONDED THE MOTION.

Chair Monfort suggested the Commission consider requiring a full Environmental Impact Report at this time.

Commissioner McAdam stated that due to City Attorney Boehm's concern regarding the property ownerships, to continue this time to January would allow time for those issues to be resolved.

THE MOTION WAS APPROVED 7-0 .

4. General Plan Annual Review

This item was previously discussed at the discretion of the Commission.

5. Fraternity, Sorority and Residential Social Organization Zoning Issues

Planning Director Sellers suggested that the Commission direct the Subcommittee meet to discuss and identify the boundaries and that notice be provided to interested parties as well as published for a February 5, 1996 Commission hearing.

COMMISSIONER CARTER MOVED TO DIRECT THE SUBCOMMITTEE ESTABLISH THE BOUNDARIES FOR AN OVERLAY ZONE AND THAT A HEARING DATE BE SET AND NOTICED FOR FEBRUARY 5, 1996. COMMISSIONER STUDEBAKER SECONDED THE MOTION WHICH WAS APPROVED 7-0.

BUSINESS FROM THE FLOOR

None.

OTHER BUSINESS

Planning Director Sellers congratulated Chair Monfort for the recognition of being the outstanding faculty member at California State University, Chico.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:25 A.M. to the Regular Meeting of January 8, 1995.

February 5, 1996
Date Approved

CLIF SELLERS
Planning Director